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GOVERNMENT NOTICE

DEPARTMENT OF POLICE

No. 1071 **10 November 2009**

ESTABLISHMENT BY THE MINISTER OF POLICE OF GUIDELINES FOR COMPENSATION UNDER SECTION 137(5) OF THE FIREARMS CONTROL ACT, 2000 (ACT NO. 60 OF 2000)

1. I, Emmanuel Nkosinathi Mthethwa, Minister of Police, hereby, with the approval of the Minister of Finance, establishes under section 137(5) of the Firearms Control Act, 2000 (Act No. 60 of 2000), the following guidelines for compensation of persons whose firearms have been surrendered or forfeited, other than those referred to in sections 134, 135 and 136 of the Act.

2. These guidelines are not applicable to firearms which have been voluntary surrendered for destruction to the South African Police Service in the period between 1 July 2004 and 30 June 2009-
   (a) by the lawful owners of such firearms, in accordance with Regulation 94 of the Firearms Control Regulations, 2004; and
   (b) by virtue of a choice made by the person involved to have the firearm destroyed and not to sell, donate or otherwise dispose of the firearm involved.

3. These guidelines shall apply to firearms referred to in section 149(3) of the Firearms Control Act, 2000. Notwithstanding paragraph 2 above, I hereby determine that if the Registrar decides that a particular firearm needs to be kept by the South African Police Service for forensic- and other training, research or heritage reasons; and will therefore not be destroyed, that the owner whose firearm was voluntarily surrendered for destruction must be compensated in accordance with these guidelines. In such a case the Registrar must notify the person concerned of the intention not to destroy the firearm and provide the person with the prescribed application form for

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compensation. Any application for compensation pursuant to a notification by the Registrar, as referred to in this paragraph, must be submitted to the Registrar within 30 working days from the date of notification by the Registrar.

4. I will appoint a Panel of at least three independent valuators. The Registrar must have the firearms in respect of applications where the applicant is not satisfied with the flat rate valuated by the Panel. Such applicant for compensation shall be entitled to compensation in accordance with the valuation determined by the Panel, subject to the maximum amount of compensation determined in these guidelines for the relevant category of firearm. The costs incurred to obtain such valuation must be deducted from the compensation payable to the applicant.

5. Taking into account the –
   (a) Financial constraints on the State and its ability to meet actual and anticipated claims for compensation; and
   (b) interests of persons who have applied or may in future apply for compensation,

6. I hereby determine that the flat rate and the maximum amount of compensation paid in respect of a particular firearm may not exceed the following:
   (a) In the case of a handgun (pistol or revolver) – R 600.00;
   (b) in the case of a rifle (combination, single shot, semi-automatic/fully automatic); shotgun (combination, single shot, semi-automatic or automatic), or of any other firearm not mentioned above – Flat rate – R 1 200.00.

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7. The maximum amount of compensation which may be paid in respect of any firearm, irrespective of an evaluation by the Panel, shall be the following:

   (a) In the case of a handgun (pistol or revolver) – R 1 000.00;

   (b) in the case of a rifle (combination, single shot, semi-automatic/fully automatic); shotgun (combination, single shot, semi-automatic or fully automatic), or of any other firearm not mentioned above – R 2 000.00.

8. In the case where compensation is to be paid, such payment must be effected from the allocated budget of the Department of Police.

9. The payment must be effected within 90 (ninety) working days from the date of determination by the Registrar of the amount of compensation, or within the same period after an appeal has been upheld.

I approve of these guidelines.

P GORDHAN
MINISTER OF FINANCE

Approved and signed on this 30th day of October 2009.

E N MTHETHWA
MINISTER OF POLICE