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DIVISION: VISIBLE POLICING

COMPONENT: FIREARMS, LIQUOR AND SECOND-HAND GOODS CONTROL

HEAD OFFICE

PRETORIA

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2010-01-08

TO WHOM IT MAY CONCERN

GUIDELINES: PROCEDURE TO PROCESS A FIREARM LICENCE APPLICATION IN TERMS OF SECTION 139 (AMNESTY) OF THE FIREARMS CONTROL ACT 60 OF 2000

1. INTRODUCTION

1.1 The Minister of Police has by means of a publication in the Government Gazette, declared an Amnesty for a period of 90 (ninety) days commencing from 11 January 2010 to 11 April 2010.

1.2 The Amnesty is to allow any person who is in unlawful possession of firearms, ammunition and/or firearm parts the opportunity to surrender such firearms, ammunition and/or firearm parts to the South African Police Service without fear of being prosecuted for the unlawful possession of the firearms, ammunition and/or firearm parts in contravention of the Act.

1.3 It is emphasized that the Amnesty concerns only the unlawful possession of firearms, ammunition and/or firearm parts. The amnesty do not apply to any other offence, for example, aggravated robbery committed using the firearm and/or ammunition and the perpetrators of such crimes must still be prosecuted.

1.5 In terms of Section 139 (4) (a) of the Act a person who surrenders an illegal firearm in compliance with the notice published in the Government Gazette may apply in terms of the Act for a licence in respect of that firearm. The person who applies for a firearm licence in terms of this section is subject to complying with the provisions of the Act applicable to the licencing of a firearm.

2. The Act provide for different categories for which a person may possess a firearm as well as the limitation on the number of firearms that a person may legally possess in South Africa.

3. All applications for a firearm licence to possess a firearm is subject to the provision that the applicant must be in possession of a valid competency certificate issued in terms of the Act.

4. A firearm for which a licence is applied for in terms of paragraph 1.5 supra is regarded as a firearm with no legal licence, permit or authorisation issued in terms of the Act or the provisions of the repealed Arms and Ammunition Act, 1969 (Act No. 75 of 1969), as amended.

5. It is required of the person who applies for a firearm licence as mentioned in paragraph 1.5 supra to physically hand the firearm to the Designated Amnesty Officer and lodge an application for the firearm licence within 14 days of the handing in of the firearm. It is important to note that only the person who physically surrendered the firearm to the South African Police Service may apply for a licence to possess the particular firearm. Therefore it is not allowed that a third person apply on behalf of the person who surrendered the firearm.

6. The application for the firearm licence must be submitted to the relevant Designated Firearms Officer responsible for the area wherein the applicant ordinarily reside. The content of national circular 27/5/7 dated 2009-12-17 must be complied with in regards to the procedure applicable to the declared amnesty.

7. All such applicants must comply with the following requirements in addition to the requirements of regulation 14 of the Firearms Control Regulations, 2004:

7.1 Provide a certified copy of her/his competency certificate (if already issued). (Applicant must show her/his original competency certificate to the Designated Firearms Officer).

7.2 Where the applicant do not possess a competency certificate, she/he must apply for a competency certificate in accordance with the provisions of the Act. Such applicant must undergo the prescribed training and practical test regarding the safe and efficient handling of a firearm as well as the prescribed test on the knowledge of the Act.

7.3 Provide a certified copy of the Amnesty form on which the applicant has indicated her/his intention to apply for the specific firearm licence. The application for a firearm licence may only be accepted by the Designated Firearms Officer if it is in compliance with the period of fourteen 14 days as publicized in Government Gazette number 32738 dated 25 November 2009.

7.4 The applicant for amnesty must, when surrendering the firearm or ammunition, notify the relevant Designated Firearms Officer in writing if he/she intends to apply for a licence to possess the firearm or ammunition, as contemplated in section 139 (4) (a) of the Act and lodge the application within fourteen days from the date on which the firearm and ammunition was surrendered.

7.5 Provide a comprehensive motivation (preferably in the form of a statement under

oath or affirmation).

7.6 Provide a certified copy of the legal firearm licence, permit or authorisation applicable to the specific firearm (if applicable).

8. RESPONSIBILITIES OF THE DESIGNATED FIREARMS OFFICER

8.1 The relevant Designated Firearms Officer must:

8.1.1 Process the application which will include the obtaining of a full set of fingerprints of the applicant;

8.1.2 Verify the content of the application form (SAPS 271) as well as the supporting documentation.

8.1.3 Issue an acknowledgement of receipt (SAPS 523) to the applicant if the application is duly completed and accompanied by all the required information and documentation and after the identity of the applicant has been verified.

8.1.4 Clearly mark the first page of the SAPS 271 form and on the top right corner with the words: “AMNESTY 2010". The endorsement must be made in red ink and acknowledged with a full signature of the Designated Firearms Officer.

8.1.5 Ensure that a copy of the completed Amnesty form is attached to the SAPS 271 form.

8.1.6 Determine the origin of the firearm on function 8.1.2.4. Process the transfer of the firearm to State Department 21 on function 8.4.1.6.

8.1.7 Capture the application (SAPS 271) on the Enhanced Firearms Register System.

8.1.8 Inform the relevant police official of the SAPS 13 store where the firearm has been surrendered that an application for a firearm licence has been received for the particular firearm.

8.1.9 Forward the respective application and supporting documents to the provincial office concerned for further processing and finalization.

9. The above must be construed as general requirements when processing an application to obtain a firearm licence in terms of the Amnesty.