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THE NATIONAL COMMISSIONER
DIE NASIONALE KOMMISSARIS
PRETORIA
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- A. The National Head
DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
- B. **ALL DIVISIONAL COMMISSIONERS**
- C. **ALL REGIONAL COMMISSIONERS**
- D. **ALL PROVINCIAL COMMISSIONERS**
- E. The Head
CORPORATE COMMUNICATION
- F. All Heads
HEAD OFFICE
- G. All Section Heads
HEAD OFFICE
- H. All Commanders
SAPS ACADEMY AND TRAINING CENTRES
- I. **ALL DEPUTY NATIONAL COMMISSIONERS**
- J. The Chief of Staff
MINISTER OF POLICE

LEGAL DEVELOPMENTS IN RESPECT OF THE POSSESSION OF FIREARMS

1. The situation relating to firearms which are still licensed under the provisions of the repealed Arms and Ammunition Act, 1969, and firearms licensed under the Firearms Control Act, 2000, which licenses have not been renewed, have created uncertainty due to litigation which have been instituted against the South African

LEGAL DEVELOPMENTS IN RESPECT OF THE POSSESSION OF FIREARMS

Police Service in respect thereof. Although the matters are still to be finalised, it is deemed necessary to bring to your attention the latest developments, which have taken place.

2. When determining the lawfulness or otherwise of the possession of firearms it is essential to not only keep in mind the relevant provisions of the Firearms Control Act, 2000, but also to take note of the following developments which have taken place-

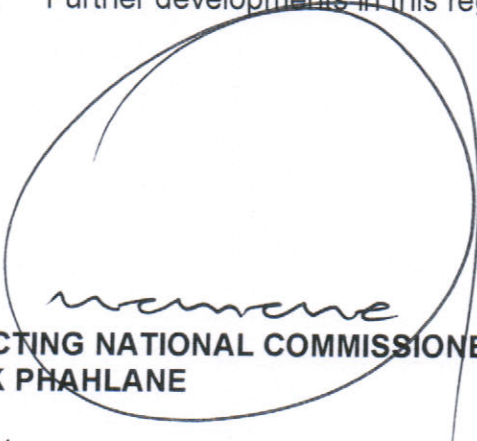
- Firstly, cognisance must be taken of the interim court order made in the SA Hunters application which has the effect that the persons who held licenses in terms of the repealed Arms and Ammunition Act, 1969 and failed to apply for the renewal of their licenses in terms of the Firearms Control Act, 2000 in accordance with the transitional provisions set out in Schedule 1 of the Firearms Control Act, 2000 remain in lawful possession thereof pending finalisation of the court application. The court application has to date not been finalised and accordingly the interim order remains valid with the result that persons who are in possession of firearms which were lawfully licensed in terms of the Arms and Ammunition Act, 1969, are in lawful possession thereof.
- Secondly, it must be borne in mind that the National Director of Public Prosecutions has indicated that where persons have failed to renew their licenses as required by section 24 of the Firearms Control Act, he /she will not be prosecuted if he/she surrenders the firearm in question. A court application based on the interim order in the SA Hunters matter and which has the effect that such persons will not be in illegal possession of their firearms, is presently pending before court and will be heard during April 2017.
- The Minister of Police has recently in terms of section 139 of the Firearms Control Act, 2000 presented a draft Notice declaring an amnesty for illegally possessed firearms to Parliament for approval. This will be considered when Parliament reconvenes during May 2013.

3. For the reasons set out above, and more particularly the proposed amnesty which is *inter alia* aimed at addressing the licensing issues, operations specifically

LEGAL DEVELOPMENTS IN RESPECT OF THE POSESSION OF FIREARMS

focusing on these areas should not, until further notice, be undertaken as this will impact on a matter before Parliament which still has to be debated.

4. Further developments in this regard will be reported.



**LIEUTENANT GENERAL
ACTING NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
JK PHAHLANE**

Date: 2017-05-08

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