

MJ Hood & Associates

A T T O R N E Y S

27 January 2021

Our Ref: M Hood / rm / MM045283

**THE HONOURABLE MINISTER OF POLICE
MR BHEKE CELE**

PER EMAIL: GaehlerSMK@saps.gov.za

and

PER EMAIL: PhokaneN@saps.gov.za

and

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and

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and

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and

COURTESY COPY TO:

**THE NATIONAL COMMISSIONER
LIEUTENANT GENERAL KHEHLA JOHN SITHOLE
IN CAPACITY AS REGISTRAR OF FIREARMS
IN TERMS OF SECTION 123 OF THE FIREARMS CONTROL ACT**

PER EMAIL: sitolek@saps.gov.za

Partner: Martin John Hood *BA LLB*
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Fidelity Fund Certificate Number: 04035/2020

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and

**LIEUTENANT GENERAL NS MKHWANAZI
DIVISIONAL COMMISSIONER: OPERATIONAL RESPONSE
SERVICES**

PER EMAIL: Mkhwanzini@saps.gov.za

Dear Sir / Madam

RE: FAILURE OF 2020/2021 AMNESTY

1. This communication is addressed all to you jointly to merely record for future use the manner in which the South African Police Services have dealt with the 2020/2021 amnesty declared in Government Gazette No. 43576 commencing on 1 August 2020.
2. Your gatekeeper in the Central Firearms Registry, Brigadier Mabule stubbornly refuses to allow general firearm issues to be brought to your attention. In all the court cases the writer has brought against the Central Firearms Registry, Brigadier Mabule has purported to act on behalf of both the National Commissioner and yourself, in circumstances where the conduct as alleged in the court papers of neglect, mismanagement and even dishonesty emanates from the very office that acts as the gatekeeper and stops matters being escalated to yourself.
3. The writer would appreciate a response but it would seem that the Ministry as well as the National Commissioner's office and its subordinate officers are intent on ignoring the concerns of legal firearm owners.

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4. Please note the purpose of this communication, however, (and it is to be distributed publically) is to give the public access to information concerning the failure of the amnesty in order to prevent their successful prosecution if they are charged with any criminal offence relating to the purported unlawful possession of a firearm, after the amnesty expires.

BACKGROUND

5. In 2017 in the South African Hunters and Game Conservation Association court case in the Constitutional Court (case number 177/17) a document from the National Commissioner was placed before the Constitutional Court saying as at that stage there were approximately 450 000 expired firearm licences.
6. Prior to this decision and due to reasons best known to your subordinates, firearms with expired licences were blocked on the system and prevented firearm owners from applying to renew their licences late. This step was taken notwithstanding that the South African Police Services had previously allowed late applications on expired licences.
7. Furthermore you are reminded of the 2009 court order (granted on 29 June 2009) preserving Arms and Ammunition Act 75 of 1969 "green licences". We thus have two parallel systems of licencing in this country where those people in possession of green licences who did not convert are somewhat ironically in a better position than those people who did convert to Firearm Control Act licences and who, through failings in the legislation and a failure of the South African Police Services to properly implement the legislation (which will be amplified upon below) find themselves in a disadvantaged position because they are criminalised should their licence lapse and are forced to relinquish property that is constitutionally protected by

Section 25 of the Constitution. Green licences paradoxically, do not need to be renewed.

8. You are also aware of the 2018 case of the South African Arms and Ammunition Dealer's Association that has sought to compel the South African Police Services to implement electronic connectivity which was a requirement of the Act when it commenced in 2004 but has not yet been implemented due to the failed Waymark tender and subsequent wastage of R400 Million. Notwithstanding a court order being granted compelling the implementation of the system of Electronic Connectivity, the Ministry and the National Commissioner have not complied with the court order and the time frames originally made part of the order. The writer as attorney of record in that matter has received two requests for extensions of the submission of information in 2021 alone. From this conduct of the National Commissioner's office, it is apparent that the agreed time lines sanctioned by a court and made an order of court will not be complied with by those authorities responsible for the regulation of firearm licencing and possession.
9. It is somewhat ironic yet again, that firearm licence holders are held strictly to time limits as set out in the Firearms Control Act yet the National Commissioner (as Registrar of Firearms) continuously and dismally fails to meet either court sanctioned time lines or the constitutional requirement of "reasonableness" in administrative action.
10. Notwithstanding the 2011 SAIDSA court order attached hereto as Annexure "A" (which was taken by consent by the then Minister and National Commissioner) the South African Police Services have unilaterally and in conflict with that court order moved the time period for the processing of licencing of firearms from 90 working days to 120 working days. Notwithstanding this unilateral decision (again to be emphasised in conflict with the court order) the South

African Police Services are failing dismally to even meet this amended time line.

11. The first amnesty that ended on 31 May 2020 had a condition that it was only applicable to people who had an expired licence because the applicant for amnesty had to prove ownership of that firearm. Although this condition was in conflict with the provisions of Section 139 of the Firearms Control Act, it was not at that stage legally challenged.
12. When the second amnesty, which commenced on 1 August 2020, was promulgated, that condition was removed, no doubt because you were advised it was an unlawful condition.
13. However, it was only through the granting of an order in the North Gauteng High Court under case number 54506/2020 in the matter of Brendon George Sternberg on 11 November 2020, attached hereto as Annexure **"B"**, were the South African Police Services compelled to actually comply with Section 139 of the Firearms Control Act and to accept applications from anyone who wanted to surrender a firearm.
14. Pursuant to this, a directive was issued on behalf of the National Commissioner on 8 December 2020 attached as Annexure **"C"** instructing members of the South African Police Services to comply with the Sternberg court order.
15. Again as is typical within the structure of the South African Police Services, this was not properly communicated down to station level and this resulted in an application to compel compliance with such court order being served by the South African Arms and Ammunition Dealer's Association under case number 63511/20. Pursuant to this, a further directive was issued on 2 November 2020 attached as Annexure **"D"** given further directions to the South African Police Services to allow applications to be made by anyone surrendering a

firearm. This was backdated to 2 November 2020 because it was issued after the Sternberg order of 11 November 2020.

16. It is perhaps apposite to record at this stage, that the processes for amnesty as well as the directives have never been publicised to the public or firearm organisations, and their distribution has only been limited to the South African Police Services, and has, on a number of occasions been marked "confidential". One can only draw the conclusion that the South African Police Services do not want to communicate with the public and to advise them how to use the amnesty.
17. It is apposite to note at this point, that there has been no consultation in respect of firearm matters in general between the head of the Central Firearms Registry, Brigadier Mabule, and Major General Mamotheti who is head of FLASH, since 2017 and this precipitated the 2018 court application (which is still ongoing) by the South African Arms and Ammunition Dealer's Association.
18. In December 2020, the South African Arms and Ammunition Dealer's Association obtained a court order as Annexure "E" compelling the South African Police Services to accept applications from firearm dealers to surrender firearms and transfer them onto their dealer stock. A directive was issued to this effect on 17 December 2020 as Annexure "F" (in terms of the court order but without consultation with the applicant) and commences with the comment "*the guidelines regarding the above subject matter, with reference 27/5/21, dated 2020-07-31, 2020-11-02 (sic) and 2020-12-08, respectively, bears reference.*"
19. Put simply, as at 17 December 2020 the South African Police Services had been compelled to issue three directives to explain to members of the South African Police Services on how to implement the

amnesty. It is important to note that the amnesty commenced on 1 August 2020 and ends on 31 January 2021.

20. However, that was not the end of the National Commissioner's legal woes because a further court order was issued compelling the National Commissioner to correct his instructions concerning the submission of documentation, to permit dealers to apply for licences, and this was only issued on Monday 18 January 2021 attached as Annexure "G". Its distribution was again limited to police officers.
21. Furthermore, and on 31 December 2020 the National Commissioner also deemed it appropriate to issue a directive relating to airguns.
22. The National Commissioner in his directive indicated (incorrectly in the writer's view but that is another matter) that any device greater than 5.6mm bore diameter (.22 calibre) with a muzzle energy of 8 or more joules is a firearm. Up until that point, airguns contravening this directive have been imported without licencing them because of uncertainty relating to the definition of airgun. The National Commissioner's directive of 31 December 2020 has finally indicated what in the National Commissioner's opinion constitutes an airgun that requires a firearm licence.
23. The directive states in paragraph 17 that: *"Designated Firearms Officers must note that "big bore" airguns may be handed in during the Firearms Amnesty period."*
24. Put simply again, the National Commissioner by stroke of pen has created yet another class of illegal firearms and thus has broadened the already extensive pool of "illegal" firearms, leaving one month for this directive to be implemented and acted upon.
25. During January 2021 the writer was advised by a large number of persons that they had been turned away by designated firearm officers in the Western Cape who were not aware of the Sternberg

court order and/or who were advised that they could not hand in a firearm amnesty applications because they were illegally in possession of a firearm. This of course is illogical because the purpose of an amnesty is to allow a person illegally in possession of a firearm to surrender it.

26. However the confusion was finally addressed in a communication from Colonel Van Lill, addressed to the writer on 22 January 2021 attached as Annexure "H". Colonel Van Lill who is the provincial designated firearm officer for the Western Cape indicated in his communication as follows:

"A circular has been sent to all stations that they may not refuse accepting any firearm or application under the amnesty.

All stations have also been sensitized (sic) of the provisions of section 120 (10)(a) of the Firearms Control Act 2000 and that case dockets must be opened for any contraventions of the same."

27. Again put simply, the provision of the Firearms Control Act criminalises someone giving possession of a firearm to somebody else. It is inappropriate in the context of the amnesty because it acts as a disincentive because potential applicants now perceive that persons involved in the chain of handing in of unlicensed firearms are now going to be criminally investigated and charged if anyone at any point gave possession of a firearm to someone who is not entitled to possess it. The threat of investigation and criminalisation during an amnesty is completely and utterly contrary to the fundamental and basic concept of an amnesty that it beggars belief that such a directive could be issued.

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28. What is of concern, however, quite simply is that Colonel Van Lill indicated personally to the writer that this directive had been sanctioned by Brigadier Bopape in the Central Firearms Register and the South African Police Services Legal Services.
29. If that is indeed correct, then it seems that Colonel Van Lill may have shown the hand of SAPS prematurely in that disclosing that an investigation of part or all persons involved in the chain of possession would be investigated for illegality should at best have been disclosed by the South African Police Services after closure of the amnesty.
30. As it stands, many people have handed in firearms in contravention of Section 120 (10) (a) in the belief that they were entitled to be part of the chain of legal possession to ultimately hand in a firearm for amnesty.
31. The writer, and the broader firearm community regard Colonel Van Lill's directive as in bad faith, and completely contrary to the spirit and intent of Section 139 of the Firearms Control Act 60 of 2000.
32. There are two possible conclusions that can be drawn from Colonel Van Lill's conduct.
- 31.1 He prematurely disclosed the intent of the South African Police Services and that this will be applied *ex post facto* through all provinces or;
- 31.2 The Western Cape Province is acting independently of the other provinces which means then that Colonel Van Lill's instruction is arbitrary and capricious and is therefore unlawful.

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33. The amnesty was effective from 1 August 2020, as late as the 22 January 2021 senior members of the South African Police Services were still issuing directives on how the amnesty was to be interpreted and implemented.
 34. Assuming that these instructions reached designated firearm officers on the same day that the writer received the communication, dated 22 January 2021, that left less than two weeks for persons to be able to use the amnesty according to the latest conditions established by the South African Police Services out of a total of six months of the amnesty.
 35. The writer has not mentioned the impact of Covid, and will not do so save and except to note that Covid has resulted in the closure of a great number of police stations at various times and the booking off sick of designated amnesty officers. The writer has documented examples of what police stations were closed and when. Such closures are an ongoing problem.
 36. The implementation of the amnesty, has been plagued by such Covid delays, court cases, inconsistent application of the law or procedures, a complete lack of communication, capricious decisions and actions, a failure to implement the amnesty timeously and effectively, and a complete and utter lack of resources to cope with what the amnesty requires.
 37. The writer has documented examples of where people have been turned away from police stations because a designated firearm officer is taking a limited number of amnesty applications a day, and in doing so has turned persons away who needed to submit renewals of licences or competencies thus effecting other fundamental parts of the Firearms Control Act. These licence renewals and competency renewals remain subject to the time periods set out in the Firearms Control Act.

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38. The trust deficit between the firearm owning, if not the broader public, resulted in the lacklustre response to the first amnesty, combined with a complete failure by the South African Police Services to advertise the amnesty in a positive or effective way. Only a fraction of the number of firearms on expired licences were surrendered in terms of the first amnesty and all indications are that a slightly higher number only will be handed in terms of the second amnesty.
39. This means, as a result of the contents of this communication, the amnesty has been a dismal failure, almost entirely as a consequence of actions or lack thereof by the National Commissioner and members of the South African Police Services.

Yours faithfully



M J HOOD & ASSOCIATES

Email: martin@mjhood.co.za

Encl.

"A"

IN THE NORTH GAUTENG HIGH COURT, PRETORIA

(REPUBLIC OF SOUTH AFRICA)

15 April 2011
Judge Van der Merwe, DJP

Case No: 828/2011

In the matter between:

SOUTH AFRICAN INTRUDER
DETECTION SERVICES ASSOCIATION

First Applicant

CHUBB ELECTRONIC SECURITY AND
30 OTHER PRIVATE SECURITY COMPANIES

2ND to 31st Applicant

MG ADENDORPH AND
1 446 OTHER SECURITY OFFICERS

32nd to 1445th Applicant

and

HEAD OF THE OFFICE OF THE
CENTRAL FIREARMS REGISTER

First Respondent

FIREARMS APPEAL BOARD

Second Respondent

NATIONAL COMMISSIONER OF THE
SOUTH AFRICAN POLICE SERVICES

Third Respondent

MINISTER OF POLICE

Fourth Respondent

SECRETARY OF POLICE
(JENNI IRISH QHOBOSHEANE N.O.)

Fifth Respondent

~~PROPOSED DRAFT ORDER~~

HAVING HEARD counsel(s) for the parties, having read the documents filed and by agreement between the parties, the following order is granted:

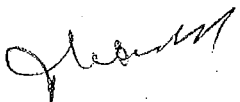
1. (i) A declaration is issued that:
 - (a) the failure and/or conduct on the part of the First and/or Second Respondent amounts to non-compliance with Section 9 of the FCA;
 - (b) the failure and/or conduct falls short of the minimum standards for just and reasonable administrative action required by PAJA;
 - (c) the individual Applicants and indeed all people who have applied for competency certificates, are entitled to have their competency certificates issues and/or their application processes within 4 months in order to comply with reasonable administration action.

(ii) It is directed that:-

- (a) the First and/or Second Respondents issue the 32nd to 1146th Applicant and the Fidelity employees listed in Schedule FG1 with the competency certificates that they have applied for within 30 days unless they do not meet the requirements set forth in Section 9 of the FCA;
- (b) the specific Applicants who do not meet the requirements of Section 9 in the FCA be given, within 30 days, case-specific reasons for their non-compliance with Section 9 of the FCA.

- 2. Respondents are ordered to pay the costs of the application, such costs to include the costs consequent upon the employment of two Counsel.

BY THE COURT



REGISTRAR

"B"

K
Schiff
11-11-2020

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

ON THIS 11TH DAY OF NOVEMBER 2020
BEFORE MADAM JUSTICE VAN DER SCHYFF

CASE NO: 54506 / 2020

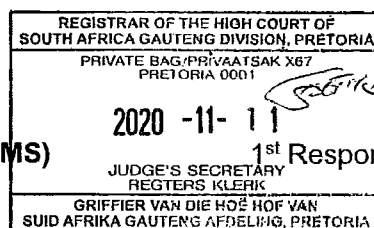
In the matter between:

BRENDON GEORGE STERNBERG

Applicant

And

**THE NATIONAL COMMISSIONER OF THE
SOUTH AFRICAN POLICE SERVICES
GENERAL K J SITHOLE
(IN HIS CAPACITY AS REGISTRAR OF FIREARMS)**



1st Respondent

**THE MINISTER OF THE SOUTH AFRICA
POLICE SERVICES**

2nd Respondent

**MAJOR GENERAL MAMOTHETI
(IN HER CAPACITY AS HEAD OF THE FIREARMS,
LIQUOR AND SECOND-HAND GOODS CONTROL
DEPARTMENT "FLASH")**

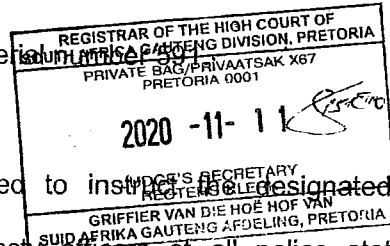
3rd Respondent

ORDER

AFTER HAVING HEARD Counsel for the Applicant and having read the papers filed
of record an order is granted in the following terms: -

1. The Respondents are ordered jointly and severally to:
 - 2.1 Receive and process amnesty applications from, and applications to
licence those firearms to, Brendon George Sternberg for the following
firearms:

- 2.1.1 .20 BR Shotgun, serial number 99931 Perazzi.
- 2.1.2 .300 Win Mag rifle, serial number 9/89507 Blaser.
- 2.1.3 .375 H&H Mag rifle, serial number 9/72894 Blaser.
- 2.1.4 500 Nitro Express, serial number 9/89507



2.2 The Respondents, are ordered to instruct the designated firearm officers and designated amnesty officers at all police stations, as follows:

- 2.2.1 That they are to accept amnesty applications from any person who physically surrenders a firearm at a police station within the validity period of the amnesty declared on 31 July 2020 in terms of section 139 of the Firearms Control Act, Act 60 of 2000;
- 2.2.2 That they are to receive and process new licence applications for such firearms;
- 2.2.3 That the South African Police Services shall not be entitled to refuse to accept amnesty applications on the basis that:
 - 2.2.3.1 The person surrendering the firearm cannot prove ownership of such firearm;

2.2.3.2 The firearm is not registered on the EFRS or any other firearm recording system of the South African Police Services;

2.2.3.3 That it is a deceased estate firearm where the licence expired in the name of the licence holder prior to the death of the licence holder;

2.2.3.4 For any reason that is contrary to the provisions of Section 139 (4) (a) of the Firearms Control Act 60 of 2000.

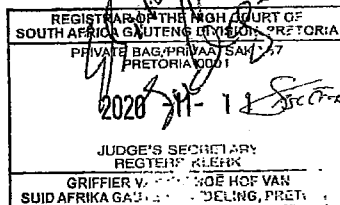
2. No order for costs is granted.

BY ORDER

REGISTRAR

Adv M Snyman SC
Counsel for Applicant
082 571 2797

MJ HOOD & ASSOCIATES ATTORNEYS
Applicants Attorneys
+27 11 234 7520



" C "

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Private Bag X540, PRETORIA, 0001

Verwysing Reference	: 27/52/1
Navrae Enquiries	: Major General MJ Mamotheli : Brigadier (Dr) LS Bopape
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**DIVISIONAL COMMISSIONER
VISIBLE POLICING
HEAD OFFICE**

**All Provincial Commissioners
SOUTH AFRICAN POLICE SERVICE**

**ADDITIONAL AMNESTY GUIDELINES: 2020/2021 FIREARM AMNESTY:
SURRENDERING OF FIREARMS, AMMUNITION AND/OR FIREARM PARTS BY
A PERSON/ INSTITUTION IN UNLAWFUL POSSESSION THEREOF**

1. In view of the order granted by the High Court of South Africa, Gauteng Division, Pretoria on 11 November 2020, under case number 54506/2020, all Designated Firearms Officials and Designated Amnesty Officials at all police stations are instructed to immediately adhere to the following:
 - 1.1 Accept amnesty applications from any person who physically surrenders a firearm at a police station within the validity period of the amnesty declared on 31 July 2020 in terms of section 139 of the Firearms Control Act, Act 60 of 2000;
 - 1.2 Receive and process new licence applications for such firearms; and
 - 1.3 Accept amnesty applications on the basis that:
 - 1.3.1 The person surrendering the firearm cannot prove ownership of such firearm;
 - 1.3.2 The firearm is not registered on the Enhanced Firearm Registration System (EFRS) or any other firearm recording system of the South African Police Services;
 - 1.3.3 A deceased estate firearm where the licence expired in the name of the licence holder prior to the death of the licence holder; and
 - 1.3.4 Any reason that is contrary to the provisions of Section 139 (4) (a) of the Firearms Control Act 60 of 2000.
2. Any Designated Firearms Officials, Designated Amnesty Officials or any other police official who fails to comply with the content of the above, will be subjected to departmental proceedings.

**ADDITIONAL AMNESTY GUIDELINES: 2020/2021 FIREARM AMNESTY:
SURRENDERING OF FIREARMS, AMMUNITION AND/OR FIREARM PARTS BY
A PERSON/ INSTITUTION IN UNLAWFUL POSSESSION THEREOF**

3. This Directive/Instruction must be immediately disseminated to all Station Commanders, Designated Firearms Officials and Designated Amnesty Officials for necessary compliance.
4. Your co-operation in this regard will be highly appreciated.



**LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: OPERATIONAL RESPONSE SERVICES
NS MKHWANAZI**

Date: 2020-12-08

CONFIDENTIAL

G.P.-3, 002-0222

SAPS 21

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Private Bag X540, PRETORIA, 0001

Verwysing	
Reference	: 27/5/21
Navrae	: Major General MJ Mamothetl
Enquiries	: Brigadier LS Bopape
Telefoon	: 012 393 9077
Telephone	: 012 393 9075
Faksnommer	
Fax number	: 012 393 9302
E-pos	: MamothetlMJ@saps.gov.za
Email	: BopapeLS@saps.gov.za

DIVISIONAL COMMISSIONER
VISIBLE POLICING
HEAD OFFICE

All Provincial Commissioners
SOUTH AFRICAN POLICE SERVICE

**AMENDED GUIDELINES: 2020/2021 FIREARM AMNESTY: SURRENDERING OF
FIREARMS, AMMUNITION AND/OR FIREARM PARTS BY A PERSON/INSTITUTION
IN UNLAWFUL POSSESSION THEREOF**

1. This office communiqué with reference 27/5/21 dated 2020-07-31, is attached as per annexure "A" for ease of reference.
2. In order to ensure maximum participation in the 2020/2021 firearm amnesty, paragraph 2.8 of the mentioned guideline in paragraph 1 above is hereby amended to read "An application contemplated by section 139(4)(a) of the said Act, shall also apply to illegal firearms where documentary proof of previous ownerships cannot be produced".
3. This means that all applications for firearm licences in respect of surrendered firearms in compliance with the current amnesty must be accepted and processed.
4. These amendment to the guidelines must urgently be brought to the attention of all Stations Commanders for compliance.
5. Your cooperation in this regard will be appreciated.


LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: VISIBLE POLICING
MD SEMPE (SOEG)

Date: 2020-11-02

CONFIDENTIAL

"E"
"X"
13/1/2021

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

13 JANUARY 2021 BEFORE THE HONOURABLE JUSTICE DAVIS

CASE NO: 63276/2020

In the matter between:

**SOUTH AFRICAN ARMS AND AMMUNITION
DEALER'S ASSOCIATION**

Applicant

and

THE MINISTER OF POLICE

First Respondent

**THE NATIONAL COMMISSIONER OF THE
SOUTH AFRICAN POLICE SERVICES**

Second Respondent

BRIGADIER L M MABULE

Third Respondent

COURT ORDER

Having read and considered the papers filed on record and having heard Counsel, the following order is hereby granted:

1. The undertaking by the Respondents to disseminate a directive clarifying the amnesty application status of the SAPS 350(a) forms required in the directive with ref no 27/5/2/1 issued on 17 December 2020, by close of business on Monday 18 January 2021, is noted.

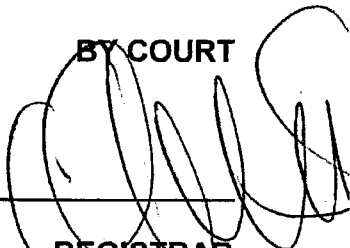
2. Each party to pay its own costs.

Private Bag X67, Pretoria 0001

	2021 -01- 14	
GD-PRET-007		

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

BY COURT


REGISTRAR


13/1/2021

"F"

CONFIDENTIAL

G.P.-S. 002-0222

SAPS 21

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Private Bag X540, PRETORIA, 0001

Verwysing Reference	: 27/5/2/1
Navrae Enquiries	: Major General MJ Mamotheti : Brigadier LJ Mabula
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Faksnommer Fax number	: 012 393 9302
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DIVISIONAL COMMISSIONER
VISIBLE POLICING
HEAD OFFICE

All Provincial Commissioners
SOUTH AFRICAN POLICE SERVICE

**FURTHER ADDITIONAL GUIDELINES: 2020/2021 FIREARM AMNESTY:
SURRENDERING OF FIREARMS, AMMUNITION AND/OR FIREARM PARTS BY
ENTITIES (FIREARM DEALERS AND OTHERS) IN UNLAWFUL POSSESSION
THEREOF**

1. The guidelines regarding the above subject matter, with reference 27/5/2/1, dated 2020-07-31, 2020-11-02 and 2020-12-08, respectively, bears reference.
2. Processes outlined in the guidelines already issued (paragraph 1 *supra*) must still be complied with during the entire process of the physical surrendering of the firearms by an entity (such as firearm dealer) to the Designated Amnesty Official or the Community Service Centre Commander.
3. The following further additional processes and procedures must be implemented in the event a licenced firearm dealer or other entities surrenders a firearm/s during the amnesty period and elects to submit an application for the possession of such a firearm.

3.1 FIREARMS ON THE FIREARMS STOCK REGISTER

3.1.1 In respect of firearms surrendered that appears on the dealer's Firearms Stock Register, the following process applies:

- In the event a licenced firearm dealer indicates that he/she intends applying for the transfer of the firearm to the Firearms Stock Register of the dealership, the responsible person of the licenced dealer must complete Surrendering form (SAPS 522 (a)) and the Amnesty form (SAPS 548 form) and must indicate on the amnesty form that he/she intends to submit an application to transfer the specific firearm to the Firearms Stock Register of the dealership.

CONFIDENTIAL

**FURTHER ADDITIONAL GUIDELINES: 2020/2021 FIREARM AMNESTY:
SURRENDERING OF FIREARMS, AMMUNITION AND/OR FIREARM PARTS BY
ENTITIES (FIREARM DEALERS AND OTHERS) IN UNLAWFUL POSSESSION
THEREOF**

- The registered responsible person must within the stipulated period of fourteen (14) days after the firearm has been surrendered, submit the following documentation to the relevant Designated Firearms Officer:
 - (a) certified copy of a valid dealer's licence, or documentary proof of the timeous submission of the renewal of the dealer's licence.
 - (b) A certified copy of the identity document of the registered responsible person who surrender the firearm.
 - (c) A newly completed SAPS 350 (a) form (Dealer's return: stock received) for each and every firearm surrendered.
 - (d) A fully completed SAPS 534 form (Transfer of firearm ownership duly signed by the registered owner/ appointed executor/ curator, etc. whichever is applicable) for each and every firearm surrendered.
 - (e) A comprehensive statement under oath or affirmation by the registered responsible person must accompany each and every SAPS 350(a), which must contain details of the origin of the surrendered firearm inclusive of documentary proof, i.e. a copy of the licence, permit or authorisation or any other evidence or information to substantiate the origin and existence of the firearm.
 - (f) In the event that the details of the firearm as described on any licence, permit or authorisation in possession of the responsible person is incorrect, it must be addressed in the aforesaid statement and submitted with a completed SAPS 521(a) together with a certificate issued by an independent licensed gunsmith, annexed to the statement.
- 4. In respect of firearms surrendered that is in the safe custody of the dealer, the following process applies:
 - 4.1 In the event the licenced firearm dealer indicates that he/she intends applying for the transfer of the firearm to the Firearms Stock Register of the dealership, the registered responsible person of the licenced dealer must complete Surrendering form (SAPS 522 (a)) and the Amnesty form (SAPS 548 form) and must indicate on the amnesty form that he/she intends to submit an application to transfer the specific firearm to the Firearms Stock Register of the dealership.
 - 4.2 The registered responsible person must within the stipulated period of fourteen (14) days after the firearm has been surrendered, submit the following documentation to the relevant Designated Firearms Officer:
 - (a) A certified copy of a valid dealer's licence, or documentary proof of the timeous submission of the renewal of the dealer's licence.

FURTHER ADDITIONAL GUIDELINES: 2020/2021 FIREARM AMNESTY: SURRENDERING OF FIREARMS, AMMUNITION AND/OR FIREARM PARTS BY ENTITIES (FIREARM DEALERS AND OTHERS) IN UNLAWFUL POSSESSION THEREOF

- (b) A certified copy of the identity document of a registered responsible person who surrenders the firearm.
 - (c) A fully completed SAPS 534 form (Transfer of firearm ownership duly signed by the registered owner/ appointed executor/ curator, etc., whichever is applicable) for each and every firearm surrendered.
 - (d) A comprehensive statement under oath or affirmation by the registered responsible person must accompany each and every SAPS 534 form, which must contain the following information:
 - (i) date of receipt of the firearm;
 - (ii) full names, surname, identity number or registration number of the juristic entity, as the case may be, and physical address of the person from whom the firearm was acquired;
 - (iii) make, type and calibre of the firearm, as well as every manufacturer's serial number or additional identification mark contemplated in section 23 (4) of the Firearms Control Act 50 of 2000, that is reflected on the firearm;
 - (iv) number and date of issue of the existing licence, authorisation or permit, as the case may be, and signature of the person from whom the firearm was acquired and appears on the Firearms Safe Custody Register, if any;
 - (v) a copy of the dealer's Firearms Safe Custody Register that reflects entry of the relevant firearm therein;
 - (vi) In the event that the detail of the firearm as described on any licence, permit or authorisation in possession of the responsible person is incorrect, it must be addressed in the aforesaid statement and submitted with a completed SAPS 521(g) together with a certificate issued by an independent licensed gunsmith, annexed to the statement.
5. The details of the above firearm surrendered by the licenced firearm dealer must be registered/transferred to the following State Department with code number: 44, on the Enhance Firearm Registration System (EFRS):
6. The following documents must be forwarded to the Provincial FLASH office. The Provincial FLASH office must after performing quality check on all documents forward same to the Central Firearms Register:
- 6.1 All fully completed SAPS 350(a) forms;
- 6.2 All SAPS 534 forms duly signed by the registered owner/ appointed executor/ curator, etc. whichever is applicable and information mentioned in paragraphs 4.2 and 5.2 above;

**FURTHER ADDITIONAL GUIDELINES: 2020/2021 FIREARM AMNESTY:
SURRENDERING OF FIREARMS, AMMUNITION AND/OR FIREARM PARTS BY
ENTITIES (FIREARM DEALERS AND OTHERS) IN UNLAWFUL POSSESSION
THEREOF**

- 6.3 Proof of IBIS Testing (Not Ballistic Reports) for each firearm; and
- 6.4 A certificate issued by an Independent licensed gunsmith wherever necessary.
- 7. Please be advised that no SAPS 350(a) form must be submitted through the e-Connectivity Solution as all transfers of such firearms will be processed at the Central Firearms Register.
- 8. The contents of these guidelines must urgently be brought to the attention of Station Commanders and Designated Firearm Officers.



**LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: OPERATIONAL RESPONSE SERVICES
NS MKWANAZI**

Date: 2020-12-17

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G.P.-S. 002-0222

SAPS 21

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

Private Bag X540, PRETORIA, 0001

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Reference	: 27/5/2/1
Navrae	: Major General MJ Mamotheti
Enquiries	: Brigadier LJ Mabule
Telefoon	: 012 393 9077
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**DIVISIONAL COMMISSIONER
VISIBLE POLICING
HEAD OFFICE**

All Provincial Commissioners
SOUTH AFRICAN POLICE SERVICE

**AMENDED FURTHER ADDITIONAL GUIDELINES: 2020/2021 FIREARM AMNESTY:
SURRENDERING OF FIREARMS, AMMUNITION AND/OR FIREARM PARTS BY
ENTITIES (FIREARM DEALERS AND OTHERS) IN UNLAWFUL POSSESSION
THEREOF**

1. The guidelines regarding the above subject matter, with reference 27/5/2/1, dated 2020-07-31, 2020-11-02, 2020-12-08 and 2020-12-17, respectively, bears reference.
2. Processes outlined in the guidelines already issued (paragraph 1 *supra*) must still be complied with during the entire process of the physical surrendering of the firearms by an entity (such as firearm dealer) to the Designated Amnesty Official (DAO)/ Designated Firearms Officer (DFO) or the Community Service Centre Commander.
3. The following further additional processes and procedures must be implemented in the event a licenced firearm dealer or other entities surrenders a firearm/s during the amnesty period and elects to submit an application for the possession of such a firearm.

3.1 FIREARMS ON THE FIREARMS STOCK REGISTER

3.1.1 In respect of firearms surrendered that appears on the dealer's Firearms Stock Register, the following process applies:

- In the event a licenced firearm dealer indicates that he/she intends applying for the transfer of the firearm to the Firearms Stock Register of the dealership, the responsible person of the licenced dealer must complete Surrendering form (SAPS 522 (a)) and the Amnesty form (SAPS 548 form) and must indicate on

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AMENDED FURTHER ADDITIONAL GUIDELINES: 2020/2021 FIREARM AMNESTY: SURRENDERING OF FIREARMS, AMMUNITION AND/OR FIREARM PARTS BY ENTITIES (FIREARM DEALERS AND OTHERS) IN UNLAWFUL POSSESSION THEREOF

the amnesty form that he/she intends to submit an application to transfer the specific firearm to the Firearms Stock Register of the dealership.

- The registered responsible person must within the stipulated period of fourteen (14) days after the firearm has been surrendered, submit the following documentation to the relevant DAO/ DFO:
 - (a) A certified copy of a valid dealer's licence, or documentary proof of the timeous submission of the renewal of the dealer's licence.
 - (b) A certified copy of the Identity document of the registered responsible person who surrender the firearm.
 - (c) A newly completed SAPS 350(a) form (Dealer's return: stock received) for each and every firearm surrendered, whereupon the DAO/DFO must endorse the newly completed SAPS 350(a) form in red ink with the words "**PROVISIONAL: AMNESTY APPLICATION**". Where a SAPS 350 (b) form is also submitted, such form must be accepted and signed by the DAO/DFO as acknowledgement of receipt of a firearm.
 - (d) A fully completed SAPS 534 form (Transfer of firearm ownership duly signed by the registered owner/ appointed executor/ curator, etc. whichever is applicable) for each and every firearm surrendered.
 - (e) A comprehensive statement under oath or affirmation by the registered responsible person must accompany each and every newly completed SAPS 350(a), which must contain details of the origin of the surrendered firearm inclusive of documentary proof, i.e. a copy of the licence, permit or authorisation or any other evidence or information to substantiate the origin and existence of the firearm.
 - (f) In the event that the details of the firearm as described on any licence, permit or authorisation in possession of the responsible person is incorrect, it must be addressed in the aforesaid statement and submitted with a completed SAPS 521(g) together with a certificate issued by an independent licensed gunsmith, annexed to the statement.

3.1.2 In respect of firearms surrendered that is in the safe custody of the dealer, the following process applies:

- In the event the licenced firearm dealer indicates that he/she intends applying for the transfer of the firearm to the Firearms Stock Register of the dealership, the registered responsible person of the licenced dealer must complete Surrendering form (SAPS 522 (a)) and the Amnesty form (SAPS 548 form) and must indicate on the amnesty form that he/she intends to submit an application to transfer the specific firearm to the Firearms Stock Register of the dealership.

AMENDED FURTHER ADDITIONAL GUIDELINES: 2020/2021 FIREARM AMNESTY: SURRENDERING OF FIREARMS, AMMUNITION AND/OR FIREARM PARTS BY ENTITIES (FIREARM DEALERS AND OTHERS) IN UNLAWFUL POSSESSION THEREOF

- The **registered responsible person** must within the stipulated period of fourteen (14) days after the firearm has been surrendered, submit the following documentation to the relevant DFO:
 - (a) A certified copy of a valid dealer's licence, or documentary proof of the timeous submission of the renewal of the dealer's licence.
 - (b) A certified copy of the identity document of a **registered responsible person** who surrenders the firearm.
 - (c) A fully completed **SAPS 534 form** (Transfer of firearm ownership duly signed by the registered owner/ appointed executor/ curator, etc., whichever is applicable) for **each and every firearm** surrendered.
 - (d) A comprehensive statement under oath or affirmation by the **registered responsible person** must accompany each and every SAPS 534 form, which must contain the following information:
 - (i) date of receipt of the firearm;
 - (ii) full names, surname, identity number or registration number of the juristic entity, as the case may be, and physical address of the person from whom the firearm was acquired;
 - (iii) make, type and calibre of the firearm, as well as every manufacturer's serial number or additional identification mark contemplated in section 23 (4) of the Firearms Control Act 60 of 2000, that is reflected on the firearm;
 - (iv) number and date of issue of the existing licence, authorisation or permit, as the case may be, and signature of the person from whom the firearm was acquired and appears on the Firearms Safe Custody Register, if any;
 - (v) a copy of the dealer's Firearms Safe Custody Register that reflects entry of the relevant firearm therein;
 - (vi) In the event that the detail of the firearm as described on any licence, permit or authorisation in possession of the responsible person is incorrect, it must be addressed in the aforesaid statement and submitted with **a completed SAPS 521(g) together with a certificate issued by an independent licensed gunsmith**, annexed to the statement.
4. The details of firearms surrendered by the licenced firearm dealer must be registered/transferred to State Department with code number: 44, on the Enhance Firearm Registration System (EFRS).

AMENDED FURTHER ADDITIONAL GUIDELINES: 2020/2021 FIREARM AMNESTY: SURRENDERING OF FIREARMS, AMMUNITION AND/OR FIREARM PARTS BY ENTITIES (FIREARM DEALERS AND OTHERS) IN UNLAWFUL POSSESSION THEREOF

5. The following documents must be forwarded to the Provincial FLASH office. The Provincial FLASH office must, after performing quality checks on all documents, forward same to the Central Firearms Register:
 - 5.1 All newly completed SAPS 350(a) forms marked in red: "PROVISIONAL: AMNESTY APPLICATION".
 - 5.2 All SAPS 534 forms duly signed by the registered owner/ appointed executor/ curator, etc. whichever is applicable and information mentioned in paragraphs 3 above;
 - 5.3 Proof of IBIS Testing (Not Ballistic Reports) for each firearm; and
 - 5.4 A certificate issued by an independent licensed gunsmith wherever necessary.
6. Please be advised that no SAPS 350(a) form must be submitted through the e-Connectivity Solution, as all transfers of such firearms will be processed at the Central Firearms Register.
7. Where an application for transfer of a firearm is approved at the Central Firearms Register, the relevant firearm will be transferred to the Institution's code. The newly completed SAPS 350 (a) form submitted in that regard will be endorsed at Central Firearms Register with the words "TRANSFER APPROVED: AMNESTY 2020/2021" and returned back to the station where the application for transfer was lodged.
8. The DAO/DFO must, at the instance of a successful application for transfer, hand over the firearm as well as the SAPS 350(a) form, endorsed as aforesaid, to the applicant.
9. The contents of these guidelines must urgently be brought to the attention of Station Commanders and Designated Firearm Officers.



**DIVISIONAL COMMISSIONER: OPERATIONAL RESPONSE SERVICES
NS MKHWANAZI**

Date: 2021-01-18

"H"

From: WC:FLASH Commander and MIO [<mailto:VanLillJ@saps.gov.za>]
Sent: Friday, 22 January 2021 12:59
To: Rizwaana Mohamed <rizwaana@mjhood.co.za>
Subject: FW: OUR REF: MM045284 - SAFE CITIZEN CAMPAIGN

Dear Mr Hood

Receipt of your correspondence 8th January 2021 is acknowledged.

A circular has been sent to all stations that they may not refuse accepting any firearm or application under the amnesty.

All stations have also been sensitized of the provisions of section 120 (10)(a) of the Firearms Control Act 2000 and that case dockets must be opened for any contraventions of the same.

Regards,

South African Police
Service



Back to Basics
Towards a Safer Tomorrow

Colonel J Van Lill

PROVINCIAL COMMANDER: FLASH
| Firearms, Liquor and Second Hand Goods
WESTERN CAPE

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