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Your reference/U verwysing: THE NATIONAL COMMISSIONER
DIE NASIONALE KOMMISSARIS

My reference/My verwysing: 27/5/2/1 over 42/1/2/1(5) PRETORIA

Enquiries/Navrae: Lieutenant General Masemola 0001

Tel: 012 393 4480

All Provincial Commissioners
SOUTH AFRICAN POLICE SERVICE

**INSTRUCTIONS RELATING TO PROCESSING FIREARMS FOR WHICH LICENCES TERMINATED
IN TERMS OF SECTION 28(1)(a) OF THE FIREARMS CONTROL ACT, 2000 (ACT NO 60 OF 2000)**

1. On 7 June 2018 the Constitutional Court gave judgment in the abovementioned matter and set aside the finding of the Gauteng Division Pretoria High Court that sections 24 and 28 of the Act are unconstitutional. Consequently the validity of the two sections have been confirmed.
2. The Constitutional Court held that **“the gun-owner knows that he must either apply in time for renewal or dispose of the firearm before expiry. If he does not, he will be guilty of an offence. He knows what is expected of him before expiry of the licence and is provided with legislative means to fulfil that expectation. He also knows what will happen to him if he does not do so”**.
3. It follows therefore that persons who have failed to renew their licences as provided for in terms of section 24 will, in accordance with the provisions of section 28 read with section 3 of the Act, be in unlawful possession of the firearm(s), from the date on which the period of validity of the licence(s) expired.
4. There are currently approximately 436 366 licenses that terminated in terms of section 28(1)(a) of the Firearms Control Act, 2000 (Act No 60 of 2000) as a result of failure to renew same as contemplated in section 24 of the Firearms Control Act, 2000 (Act No 60 of 2000).
5. The Constitutional Court does not expect the SAPS to prosecute licence holders whose licences have expired and not renewed if they voluntarily surrender their firearm(s) at the police station. The firearm licence holders whose licences terminated in terms of section 28 (1)(a) are to surrender their firearm(s) to police stations. Instruction relating to the confiscation of illegal firearm(s) in this regard will be communicated soon.

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6. In order to ensure the efficient administration and processing the firearms contemplated in paragraph 5 above, the respective Provincial Commissioners are instructed to:
- 6.1 Urgently conduct risk assessment at all police stations and identify those vulnerable from the security perspective for exclusion from the process of receiving firearms. The Western Cape, KwaZulu-Natal and Mpumalanga provinces should exclude the following stations already identified Belville South, Isipingo and Kanyamazane respectively.
- 6.2 Identify centralised storage and police stations or facilities to receive, process and store the expected volume of firearms, taking into account the geographical distribution of police stations and security.
- 6.3 Ensure optimal capacitation of the above mentioned facilities with the trained Designated Firearm Officers, including recalling members and officials who have been trained and placed outside the firearm environment.
- 6.4 Provide the identified police stations and or facilities with the necessary resources such as IT and stationery.
7. All firearms must be received during office hours (Mondays to Fridays from 07:30 to 16:00). It **must** be emphasised that all surrendered firearms should undergo IBIS testing to determine whether it might have been involved in crimes.
8. Your respective offices must report progress as per paragraphs 6 above on or before **22 June 2018** and be forwarded to Major General MJ Mamotheti or Lieutenant Colonel MG Malatji at MamothetiMJ@saps.gov.za/ MalatjiMG@saps.gov.za.
9. The attached Annexure outline in detail the procedures to be followed in the processing and receiving of firearms, and must be read with the process flow circulated as per letter dated 11 June 2018.



**NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
KJ SITOLE (SOEG)**

GENERAL

**NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
KJ SITOLE (SOEG)**

Date: