

SAGA MEDIA STATEMENT: Change to Firearms Amnesty

15 January 2020

Following the declaration of the firearms amnesty by the Minister of Police from 1 December 2019 until 31 May 2020, the National Hunting and Sport Shooting Association (NHSA or Natshoot) decided to contest the validity of the amnesty declaration, and, since only 14 days were granted during which a person who surrendered a firearm with an expired licence could apply for a new licence for such firearm, they further contended that the matter was considered urgent.

At yesterday's hearing in the North Gauteng High Court, the matter was settled out of court. NHSA agreed to withdraw the application and not to bring further action against the Minister regarding the amnesty, whilst the Minister (through his police officers and the State Attorney) agreed that an applicant for a firearm licence, whose competency certificate has lapsed, could simultaneously apply for a fresh competency certificate. This agreement by the police resulted in a change to their internal policy, which previously stated that an applicant for a firearm licence needed to be in possession of a valid competency certificate prior to applying for a licence. The parties further agreed to pay their own legal costs.

The Minister stated that: "When the amnesty period lapses in May, rest assured the law will be tough on those who persist on carrying guns that are not licenced."

SAGA has already pointed out that both the amnesty notice and the amnesty process were flawed. For instance, although the amnesty kicked in on 1 December 2019, the notice was purportedly signed on 28 August 2019; and, although the amnesty was approved by parliament, the notice never was. However, since NHSA has now withdrawn their litigation, we must accept that the flawed process and notice are condoned.

The only "protection" people with expired firearm licences currently have is the temporary interdict that GOSA obtained against the police. The police were granted permission to appeal this decision on the interdict to the Supreme Court of Appeal, however, they need to apply for condonation for the late submission of documents, and, even if granted, it is uncertain when the appeal will be heard. Should the appeal be upheld and the interdict set aside only after the amnesty has come to an end, people in possession of firearms with expired licences may find themselves in a serious predicament in that they may be arrested and charged for being in possession of unlicenced firearms.

People in possession of unwanted firearms with a licence under the old Act or in terms of the FCA with current and valid licences, have no problem since these could at any time be transferred to a licenced arms dealer.

SAGA advises that those who have failed to renew their firearm licences and wish to surrender a firearm with an expired licence with a view to applying for a fresh licence, must surrender the firearm and ammunition to any Designated Amnesty Official at a police station (excluding those mentioned in the amended annexure to the amnesty declaration), and immediately give notice of your intention to apply for a licence. Then within 14 days of the surrender of the firearm, you must apply for the competency and licence with the Designated Firearms Officer at the police district in which your home or business is situated.

SAGA further advises those who take advantage of the amnesty to make copies of all documents filled out and submitted; to obtain a receipt for the firearm(s) and ammunition; and to carefully photograph the firearm(s) and ammunition.

SAGA remains concerned about security measures at police stations and the regular theft, and loss of, firearms and ammunition from the police.

SAGA promotes a safe environment in which all people can live in peace and harmony and where law-abiding citizens can exercise all their rights and freedoms. However, because of the high rate of criminality in South Africa, free and responsible citizens have the right to defend themselves and others against all unlawful and violent attacks and to be armed if they choose to do so.