THE BLACK POWDER SHOOTING UNION OF SOUTH AFRICA

Formerly The Historical Firearms Shooting Union Founded in 1958

Affiliated to:

MUZZLE LOADERS' ASSOCIATION INTERNATIONAL COMMITTEE
MUZZLE LOADERS' ASSOCIATION OF GREAT BRITAIN
WORLD LONG RANGE HISTORICAL RIFLE SHOOTING ASSOCIATION
SOUTH AFRICAN BISLEY UNION (SABU)

9 June 2009

NEWSFLASH 13 OF 2009

Dear BPSU Members,

The following article was published Die Beeld, 5 June 2009.

See also below the document circulated by the SAPS.

Kind Regards

MERWE VAN RENSBURG
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Beeld
Jou wêreld, Jou koerant

05 JUNE 2009

Dié wat wapens wil skenk, kry nou jaar lange permit

Jun 04 2009 10:22:15:803PM - (SA)

Jóhann Thormählen

Net 'n maand voordat die nuwe vuurwapenwet in werking tree, het die polisie wapenwetgewing gewysig.

Vuurwapeneienaars wat hul wapens privaat wil verkoop of skenk, kan nou 'n tydelike permit kry en die wapens hou totdat 'n nuwe aansoeker (aan wie die eienaar die wapens wil skenk of verkoop) se lisensie goedgekeur is.

Luidens 'n direktief wat op 28 Mei deur die polisie uitgereik is, kan vuurwapeneienaars, wat wapens volgens die ou wet besit, aansoek doen om 'n tydelike permit van 12 maande terwyl 'n nuwe aansoeker (aan wie die eienaar die wapens wil skenk of verkoop) op 'n lisensie wag.

Die nuwe wapenwet tree op 1 Julie in werking en aansoeke vir dié permitte en die ontvangers se vuurwapenlisensies moet voor dán gedoen word.

Vroeër is berig die polisie bepaal dat vuurwapeneienaars wat hul wapens privaat wil verkoop of skenk dit nog moet inlewer as die nuwe aansoeker (aan wie die eienaar die wapens wil skenk of verkoop) se lisensie nog nie teen teen 30 Junie goedgekeur is nie.

Die nuwe direktief bepaal 'n aansoeker om 'n tydelike permit moet nog aan bergingsregulasies soos 'n standaard-kluis voldoen.

Die permit verleen net goedkeuring vir vuurwapenberging.

Verkopers of skenkers hoef nie 'n bewys van goedkeuring van die nodige toetse en opleiding te toon wanneer daar om 'n permit aansoek gedoen word nie, omdat die wapen net tydelik geberg word.

Aansoeke om dié permit kan by die polisie se provinsiale kantoor goedgekeur word.

Luidens die direktief moet alle polisiekantore verseker vuurwapeneienaars is ingelig oor wetgewing en weet waar om hul wapens en ammunisie in te lewer.

SUID-AFRIKAANSE POLISIEDIENS SOUTH AFRICAN POLICE SERVICE

Privaatsak / Private Bag X 540

Verwysing Reference	27/3/5 over 42/1/2
Navrae Enquiries	Div Comm AH Lamoer Dir JJ Bothma
Telefoon Telephone	(012) 353-6268
Faksnommer Fax number	(012) 353-6269

The Divisional Commissioner
DIVISION: VISIBLE POLICING
PRETORIA
0001

2009-05-28

A. All Provincial Commissioners

B. All Divisional Commissioners

C. All Heads
HEAD OFFICE

D. All Commanders
SAPS COLLEGES AND TRAINING CENTRES

E. All Section Heads
HEAD OFFICE

F. ALL DEPUTY NATIONAL COMMISSIONERS

G. The Chief of Staff
MINISTRY SECRETARIAT FOR SAFETY AND SECURITY

H. The Secretariat
NATIONAL SECRETARIAT FOR SAFETY AND SECURITY

RE: IMPLEMENTATION OF THE FIREARMS CONTROL LEGISLATION IN SOUTH AFRICA: TRANSITIONAL PROVISIONS

A1. This office's circular with reference number 27/5/2 dated 2009-03-16, bears reference on this matter.

2. In terms of item 1(1) (Existing licence to possess an arm) of Schedule 1 (Transitional Provisions) of the Firearms Control Act, 2000 (Act No. 60 of 2000) a holder of a licence to possess an arm in terms of the previous Act Arms and Ammunition Act, 1969 (Act No. 75 of 1969) as amended, must dispose of his/her firearm if such firearm owner did not renew such licence, permit or authorization.

3. A firearm owner has various options to dispose of such a firearm inclusive of surrendering the firearm to the South African Police Service for the necessary destruction or hand the firearm to the South African Police Service for the purpose of deactivation. A firearm owner who sold his/her firearm has also the right to hand the firearm to the South African Police Service until the licence application has been decided upon.

4. In order to effectively facilitate the latter process (after submissions have been received from the accredited hunters associations as well as the accredited collectors associations), it was decided to revisit the processes pertaining to individuals who's application for such firearm licence is still pending and has not been issued by 30 June 2009 or disposed of their firearms via selling it to another person or legal entity such as a security service provider (excluding licenced firearms dealers).

5. A legal firearm owner (seller/donor) who possesses a firearm licence, permit or authorisation issued in terms of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), as amended, will have the following two options:

5.1 **OPTION 1**

5.1.1 In case where a firearm owner sells or donates the firearm to another person or legal entity such as security service providers (excluding licenced firearms dealers), or in the case where a person inherited a firearm and the application for such firearm licence is pending and has not been issued by 30 June 2009, the firearm and ammunition associated with the application together with the firearm licence, permit or authorisation and a copy of the acknowledgement of receipt may be handed in by the seller, donor or executor before or on 30 June 2009 to the nearest police station, preferably the police station nearest to the Firearm Registration Centre or police station where the application for the firearm licence has been processed.

5.1.2 Such firearms must be kept in the SAPS 13 store at the respective police station until a final decision has been made on the application.

5.1.3 In the case where the firearm licence application was approved by the Firearms Consideration Committee (Central Firearms Register), the firearm together with the newly issued firearm licence must be handed over to the applicant who was successful.

5.1.4 In the case where the firearm licence application has been refused, an applicant has the right to appeal in terms of section 133 of the Firearms Control Act, 2000 (Act No. 60 of 2000). After the appeal was concluded and where the appeal was successful, the firearm together with the newly issued firearm licence must be handed over to the applicant who has successfully appealed against the decision of the Register.

5.1.5 In the case where the appeal was not upheld (unsuccessful), the previous owner, who legally possessed the firearm in terms of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969) must be informed in writing that the firearm is forfeited to the State and disposed of in the prescribed manner. The SAPS 522(b) form (Forfeiture of firearm item(s)) must be completed in full by the Designated Firearms Officer and the reason for the forfeiture must be clearly stipulated as: "The firearm is forfeited to the State due to the unsuccessful application to possess a licenced firearm". The completed SAPS 522(b) form must be forwarded

to the respective applicant informing him/her that the firearm is forfeited to the State.

5.2 **OPTION 2**

5.2.1 The legal owner (seller/donor) may apply for a temporary authorisation in terms of section 21 of the Firearms Control Control Act, 2000 (Act No. 60 of 2000) to possess the particular firearm whilst the buyer's/ receiver of the firearm's application for the firearm licence is still pending.

5.2.2 The application for the temporary authorisation must comply with the provisions as contained in section 21 of the Firearms Control Act, 2000 (Act No. 60 of 2000) read with regulation 13, 23 and 24 of the Firearms Control Regulations, 2004.

5.2.3 The temporary authorisation is regarded as a form of possession of the firearm whilst the application for a licence is still pending and therefore the temporary authorisation must not be endorsed that the firearm may be used for any purposes.

5.2.4 It will however not be required from the seller/donor to provide documentary proof of having successfully undergone the prescribed training and testing contemplated in section 9(q) and (r) of the Firearms Control Act, 2000 (Act No 60. of 2000) prior to the issuing of the temporary authorisation or an affidavit stating his/her training and experience in the handling of firearms due to the fact that the firearm will merely be kept until a final decision was made on the firearm licence application.

5.2.5 A functionary holding an equal or higher rank than Senior Superintendent, attached to the office of the Provincial Commander: Firearms, Liquor and Second-Hand Goods Control within the respective provinces, will be responsible to consider such applications.

5.2.6 Each application must be considered on it's own merits and circumstances. The temporary authorization may only be issued for a period of twelve (12) months. During the approval/refusal of the temporary authorization on the Enhanced Firearm Registration System (function 6.1.5) the following wording must be added to the Special Conditions, namely "Transitional Period".

5.2.7 The respective buyer/recipient of the firearm must apply for the firearm licence for the particular firearm before 1 July 2009 and the seller/donor must also apply for the temporary authorisation before 1 July 2009.

5.2.8 In the case where the firearm licence application has been refused, an applicant has the right to appeal in terms of section 133 of the Firearms Control Act, 2000 (Act No. 60 of 2000).

5.2.9 In the case where the appeal was not upheld (unsuccessful), the seller/donor, who legally possessed the firearm in terms of the previous Act must immediately hand the firearm in at the nearest police station. The SAPS 522(b) form (Forfeiture of firearm item(s)) must be completed in full by the Designated Firearms Officer and the reason for the forfeiture must be clearly stipulated as: "The firearm is forfeited to the State due to the unsuccessful application to possess a licenced firearm".

6. It is of utmost importance that the respective provincial offices must keep record of all temporary authorisations issued. A consolidated report containing the details of all temporary authorisations issued, must be forwarded to the Section Head:

Firearms, Liquor and Second-Hand Goods Control, Division: Visible Policing at fax (012) 353 6269 or e-mail bothmaj@saps.org.za not later than **21 July 2009**.

7. It is important that your respective offices conclude a massive communication drive within your province in order to ensure that firearm owners are well informed regarding their responsibilities in terms of the Firearms Control legislation as well as the places where they may surrender their firearms and ammunition within the province.

8. Your co-operation and commitment to vigorously address the proliferation of firearms in South Africa through effective implementation of the provisions of the Firearms Control legislation is highly appreciated.

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Signed DIVISIONAL COMMISSIONER

DIVISION: VISIBLE POLICING

AH LAMOER

Date: _____