



Pretoria

***Wapen en Ammunisie Vereniging
Arms and Ammunition Association***

Submission Of New License & Competency Applications

By: Hubert Wentzel

Tuesday, 23rd February 2016

Dear Network Member,

SAGA recently (12 Feb 2016) commented on the Acting National Commissioner of Police's instructions regarding the renewal of firearm licenses and the surrender of firearms, the licenses of which had expired by the time application is made for renewal. At more or less the same time the Head of the Central Firearms Register (CFR), Brig. Mabule, issued a directive to all DFOs that as from 8 February 2016 there was a prohibition on the so-called "double submission of both competency (SAPS 517) and firearm license (SAPS 271) applications". He instructed that a competency certificate must first be approved where after the application for the new license (SAPS 271) could be accepted and captured for processing. Reference to SAPS 271 means that the instruction is applicable to applications for NEW licenses and not renewals. However, some DFOs have interpreted the instruction to be applicable to both new applications and renewals and this has, once again, led to some confusion. Members (and other firearm owners) are rightly perturbed about these instructions that more often than not are not correct.

Section 10A of the Firearms Control Act, No. 60 of 2000 (FCA) clearly provides that "(1) Any holder of a competency certificate contemplated in subsection (2) and section 9 (1) and who wishes to renew the competency certificate must apply in the prescribed form to the Registrar for its renewal together with an application for the renewal of the licence to which the competency certificate relates". In the case of a single firearm owner who needs to renew his/her section 13 license (self-defence) "at least 90 days before the date of expiry of the licence", he/she also needs to renew his/her competency certificate at the same time. There is accordingly no impediment to submitting both the application for renewal of the license and for the competency certificate simultaneously.

Since section 6 (2) of the FCA provides that "Subject to section 7, no licence may be issued to a person who is not in possession of the relevant competency certificate", no application for a new license may be approved unless the applicant is in possession of a competency certificate. A strict interpretation of this provision means that the applicant must have taken possession of the competency certificate before applying for a new license. However, whether this provision ought to be strictly interpreted is open for debate. The intention of the legislation is clearly that no license may be issued to a person unless such person is competent to possess a firearm. Whether or not they have received the competency certificate seems immaterial, as long as it could be proven that it has been issued, and although he/she would then not have possession of it to copy it for license application purposes, this information could easily be verified by the DFO.

In the meantime, members must accordingly first obtain the relevant competency certificate where after an application can be made for a new license. This matter will be discussed with the Head of the CFR and if there are any changes in the procedure members will be informed without delay.

Members are advised to keep a record (in a safe place) of the expiry dates of their firearm licenses and the date by which application must be made for their renewal and thus ensure that they do not fail to renew in time. Unlike drivers' and vehicle licenses (for which the failure to renew in time could mean a fine and penalty) and passports (failure of which would prevent legal travel abroad), the failure to renew a firearm license in time could mean the surrender and forfeiture to the state of the particular firearm.

SAGA promotes the responsible and safe possession firearms by all law-abiding citizens who wish to own firearms for lawful purposes.

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