



Pretoria

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

RENEWAL OF FIREARM LICENCES: FIREARMS CONTROL ACT, 2000 (ACT NO 60 OF 2000)

By: Hubert Wentzel

Wednesday, 15th March 2017

The purpose of the Firearms Control Act, 2000 (Act no 60 of 2000) is to establish a comprehensive and effective firearm control system that will enhance the management and enforcement of the legislation.

In a recently reported case, a man was found guilty in a magistrate's court for failing to renew his licence in time, as contemplated in the Firearms Control Act, 2000. He was sentenced to two years' imprisonment or a fine of R10 000,00.

In terms of **section 24** of the Firearms Control Act, 2000, a person who has been issued with a licence to possess a firearm, is obliged to renew this licence at least **90 days before its expiry date**.

Section 27 of the Firearms Control Act, 2000, provides for the period of validity of each type of licence and permit that is issued. These dates are also reflected on the licence cards, as issued by the South African Police Service (SAPS). However, in terms of **section 28** of the Firearms Control Act, 2000, a firearm licence terminates on the expiry of the relevant period contemplated in **section 27** of the Firearms Control Act, 2000, unless it is renewed in terms of **section 24** of the Firearms Control Act, 2000.

The firearm owner has the option of selling, donating or deactivating the firearm, which must be concluded before the relevant expiry date. If an application for the renewal has been lodged before the licence has expired, the existing licence remains valid until the application has been decided.

In a circular with reference number 27/5/2/1, dated 2016-02-03 (Renewal of firearm licences in terms of section 24 of the Firearms Control Act, 2000, the following directives were given:

'8. In the case where a person wants to renew or apply for a licence, but the validity of the licence has already expired, the person must be informed that he/she is not in lawful possession of the firearm anymore and that the firearm must be surrendered to the nearest police station.

9. When a firearm in respect of which the licence has expired, is voluntarily surrendered, the owner will not be prosecuted.'

It is clear that provisions were made for persons who failed to renew their firearm licences, to voluntarily surrender these firearm(s) and/or ammunition to the nearest police station, following which prosecution will not be instituted against the person.

This position prevails and, therefore, persons who voluntarily surrender their firearms at police stations, must not be charged for the illegal possession thereof.

However, if a police official discovers during his or her day-to-day policing activities or operations that a person is in possession of a firearm, but failed to renew his or her licence, meaning that they did not apply for the renewal of the firearm licence, the police official may institute criminal proceedings against the person for the illegal possession of a firearm in terms of **section 3** of the Firearms Control Act, 2000, as follows: *'Section 3: No person may possess a firearm unless he or she holds a licence, permit or authorisation issued in terms of this Act for that firearm'*.

The Registrar of Firearms (National Commissioner) is ultimately responsible for the implementation of the Firearms Control Act, 2000, which includes administrative steps that are reasonable, fair and lawful.

This information must immediately be distributed to all officers and members of the SAPS for compliance purposes.

Any enquiries may be directed to:

Major General JJ Bothma at 082 779 8728

o

Brigadier Mabule at 082 778 9542.

-

INTERNAL COMMUNICATION

CORPORATE COMMUNICATION AND LAISON

2.11. Cabinet was briefed on the Minister of Police's intention to declare an amnesty in terms of the Firearms Control Act, 2000 (Act No 60 of 2000), for a period of six months to maximise the participation of the community, and will commence on 1 April 2017 and end on 30 September 2017.

The amnesty will reduce the circulation of illegally possessed firearms which will in turn result in the reduction of contact crimes.

The amnesty will focus on the following holders of firearms and/or ammunition in South Africa:

- a) Persons in possession of illegal firearms and/or ammunition in circulation, including those involved in one or more criminal activities; and
- b) Persons who inherited firearms and/ or ammunition and failed to comply with the provisions of the Firearms Controls Act.