M Hood / rm / S0503

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 41/415/18

In the matter between:

THE SOUTH AFRICAN ARMS AND AMMUNITION DEALER'S ASSOCIATION

Applicant

And

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA
2018 -06- 15
REGISTRAR'S CLERK
GRIFFIER VAN DIE HOE HOF VAN SUID AFRIKA GAUTENG AFDELING, PRETORIA

THE MINISTER OF POLICE 1st Respondent

THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES GENERAL K J SITHOLE (IN HIS CAPACITY AS REGISTRAR OF FIREARMS) 2nd Respondent

MR ABRAHAM MONGWE N.O. CHAIRMAN APPEAL BOARD (AS CONTEMPLATED BY SECTION 128 OF THE FIREARMS CONTROL ACT 60 OF 2000) 3rd Respondent

THE FIREARMS APPEAL BOARD 4th Respondent

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA 5th Respondent

INDEX TO PLEADINGS

Certified a true copy of the original filed in this office
Gesertifiseer 'n ware afskrif van die oorspronklike, gelisseer in hierdie kantoor
REGISTRAR OF THE HIGH COURT
GRIFFIER VAN DIE HOOGGEREGSHOF

No.	Description	Page No.
1.	**Notice of Motion**	1-6
2.	**Founding Affidavit of**	7-55
3.	Annexure "A": Resolution	56
4.	Annexure "B": Constitution of Applicant	57-61

5.	Annexure "C1-C10": Minutes of Meetings between Applicant and Respondents	62-109
6.	Annexure "D": Court Order, Mr Justice Prinsloo (33656/2009)	110
7.	Annexure "E": Judgment, Mr Justice Prinsloo (33656/2009)	111-137
8.	Annexure "F": Judgment, Mr Justice Bam (26438/2010)	138-170
9.	Annexure "G": Judgment, Mrs Justice Tolmay (21177/2016)	171-204
10.	Annexure "H": Judgment, Mr Justice Davis (85810/2017)	172-213
11.	Annexure "I": Press Release, then Minister Mthethwa, 02-11-2010	214-220
12.	Annexure "J": Brigadier Bothma Letters of Suspension	221-222
13.	Annexure "K": Confirmatory Affidavit – Martin John Hood	223-224
14.	Annexure "L": Public Protector's Report, 2007	225-227
15.	Annexure "M": Media Excerpt 21-10-2014 re: IT Contractor	228-230
16.	Annexure "N": Parliamentary Monitoring Group Report 19-08-2014	231-240
17.	Annexure "O": Parliamentary Monitoring Group Report 13-06-2015	241-259
18.	Annexure "P": Summary of Outcome: Firearm Summit 2015	260-272
19.	Annexure "Q": Media Excerpt "Way Off Target"	273-277
20.	Annexure "R": Media Excerpt: The Citizen, 24-09-2014	278
21.	Annexure "S": Warrant of Arrest: Petra Diamonds (40034/2013)	279-280
22.	Annexure "T": Warrant of Arrest: Classic Arms (78495/2015)	281
23.	Annexure "U": Press Release, Police Portfolio Committee, 16-05-2018	282-283
24.	Annexure "V": Import Permit: Bernhard Agencies (PI6332704)	284-301
25.	Annexure "W": Firearm Licence	302
26.	Annexure "X": Firearm Licence	303
27.	Annexure "Y": Firearm Licence, 9.3 x 74R FabArm	304
28.	Annexure "Z": SAPS Print-Out on individual	305-308
29.	Annexure "AA": Excerpt Firearms Control Act and Regulations	309-315
30.	Annexure "BB": Letter to Portfolio Committee, 16-01-2018	316-317
31.	Annexure "CC": Acknowledgment of Receipt, 18-01-2018	318
32.	Annexure "DD": Handwritten Comment, Colonel Motau	319-320

33.	Annexure "EE": Notice of Motion and Founding Affidavit: Adelin Pop, Case Number 69983/17	321-334
34.	Annexure "FF": Letter from MJ Hood re: 9,3x74 FabArm	335-338
35.	Annexure "GG": SAP350(a) and (b)	339-342
36.	Annexure "HH": E-mail from Colonel Wepener, 11-05-2018	343
37.	Annexure "II": E-mail from They Leyden, 06-06-2018	344
38.	Annexure "JJ": Confirmatory Affidavit: Soutar	345-346
39.	Annexure "KK": Confirmatory Affidavit: Bernhard	347-348
40.	Annexure "LL": Minutes of Portfolio Committee Meeting, 01-09-2017	349-367
41.	Annexure "MM": Report by then Secretary of Police, Renata Fourie, 16-07-2015	368-390
42.	Annexure "NN": Presentation by Appeal Board to Portfolio Committee, 17-05-2016	391-402
43.	Annexure "OO1-20": Examples of Refusal Letters	403-442
44.	Annexure "PP": Letter from Head: Central Firearms Registry, 21-09-2010	443
45.	Annexure "QQ": From MJ Hood to Brigadier Bothma and Others, 01-10-2010	444-445
46.	Annexure "RR": Minutes of Original Task Team Meeting	446-454
47.	Annexure "SS": Minutes of Meeting, 24-11-2017	455-465
48.	Annexure "TT": Amnesty Police, 15-03-2015	466-484
49.	Annexure "UU": Latest Proposed Amnesty	485-486
50.	Annexure "VV": Letter addressed to Portfolio Committee re Latest Proposed Amnesty	487-491

DATED at WOODMEAD ON THIS THE 14th DAY OF JUNE 2018

M J HOOD & ASSOCIATES
Attorneys for Applicant
Molon Labe House, Unit 10
Woodview Office Park
1 Humber Street, Woodmead
Rivonia
Tel 011 234-7520/1

Ref: M Hood / rm /S0503
C/O DOCEX
General Post Office Building
271 Madiba Street
Church Square
Pretoria
Urgent contact details:
Martin Hood
Cell: 082 553 9252
Email: martin@mjhood.co.za

TO: THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
PRETORIA

AND TO: **THE MINISTER OF POLICE**
FIRST RESPONDENT
C/O THE STATE ATTORNEY,
SALU BUILDING
255 SCHOEMAN STREET,
CNR ANDRIES STREET
PRETORIA

PER SHERIFF

AND TO: **THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES**
SECOND RESPONDENT
7TH FLOOR, WACHTHUIS
231 PRETORIUS STREET
PRETORIA

PER SHERIFF

AND TO: **MR ABRAHAM MONGE N.O.**
CHAIRMAN OF THE APPEAL BOARD
THIRD RESPONDENT
VERITAS BUILDING
VOLKSTEM AVENUE
PRETORIA

PER SHERIFF

AND TO: **FIREARMS APPEAL BOARD**
FOURTH RESPONDENT
VERITAS BUILDING

VOLKSTEM AVENUE
PRETORIA

PER SHERIFF

AND TO: **THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**
FIFTH RESPONDENT
UNION BUILDINGS
GOVERNMENT AVENUE
PRETORIA

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 41415/18

In the matter between:

THE SOUTH AFRICAN ARMS AND AMMUNITION DEALER'S ASSOCIATION Applicant

And

THE MINISTER OF POLICE 1st Respondent

THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES GENERAL K J SITHOLE (IN HIS CAPACITY AS REGISTRAR OF FIREARMS) 2nd Respondent

MR ABRAHAM MONGWE N.O. CHAIRMAN APPEAL BOARD (AS CONTEMPLATED BY SECTION 128 OF THE FIREARMS CONTROL ACT 60 OF 2000) 3rd Respondent

THE FIREARMS APPEAL BOARD 4th Respondent

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA 5th Respondent

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that application shall be made to the above Honourable Court on Monday, the 15th of October **2018** at 10h00 or so soon as counsel may be heard in this matter for an order in the following terms:

Certified a true copy of the original, filed in this office

Gesertifiseer 'n ware afskrif van die oorspronklike, gelasseer in hierdie kantoor.

REGISTRAR OF THE HIGH COURT
GRIFFIER VAN DIE HOOGGEREGSHOF

2

1. Ordering the Respondents to comply with Section 39(6) as read with Regulations 38, 39 and 40 of the Firearms Control Act 60 of 2000 within a period of 3 months from date of an order granted to this effect by the above Honourable Court and to generally institute electronic connectivity as contemplated by the provisions of the Firearms Control Act 60 of 2000.

2. For an order ordering the Second and Third Respondents to process SAP350 (Dealer Stock Returns), as contemplated by Regulation 39 of the Firearms Control Act Regulation 60 of 2000 within **7 (seven)** days of submission of such returns by a firearm dealer and to update the licencing database (known as the EFRS) with such information within **7 (seven)** days of receipt hereof.

3. For an order ordering the Second, Third and Fourth Respondents to disclose their licencing policies, consideration criteria and internal procedures utilised for the receipt of, and assessment of all firearm licence applications including individual firearm applications, import and export permits, in transit permits and any other permit contemplated by the Firearms Control Act as issued by the Second and Third Respondents.

4. For an order compelling the Second and Third Respondents to process and record all information submitted on an SAP350(a) or SAP350(b) form submitted by a firearm dealer if such information has been contained in a firearm dealer's register that has been inspected and approved by the South African Police Services prior to the date of issue of this Notice of Motion and to load such information on the EFRS as contained in the SAPS350(a) or (b) form even if such information is not on the EFRS.

5. For an interdict interdicting and restraining servants of the First and Second Respondents from arresting any licenced firearm dealer, who

3

has submitted information to the South African Police Services in terms of an SAP350(a) or (b) prior to this Notice of Motion if such information conflicts with, or is not contained in the Central Firearms Registry's database, pending implementation of the relief set out in prayer 5 above.

6. For an order interdicting and restraining the Second and Third Respondents from refusing licences in terms of Section 15, 16, 16A and/or 17 of the Firearms Control Act on the basis of:

> *"Insufficient motivation to convince the Registrar of the need for the rifle; Applicant failed to substantiate why rifles already registered on Applicant's name cannot address the need; alternatively, Applicant failed to convince the Registrar on reasonable grounds why firearms already registered in his name cannot address the need."* or any part of this paragraph.

7. For an order interdicting the First and Second Respondents from refusing licences on the basis of any similar reason requiring an Applicant for a Section 15, 16, 16A and/or 17 firearm to prove "need" or refusing an application based upon an Applicant being in possession of a licenced firearm of a similar calibre.

8. For an interdict interdicting the First and Second Respondents from utilising the pre-printed reasons for refusal attached as Annexure **"OO1-20"** as grounds to refusing an application.

9. For an order ordering the First and Second Respondents to consider each licence application on its own merits and to provide reasons that comply with the Promotion of Administrative Justice Act linked to the actual application for a firearm licence.

4

10. For an order compelling the Fourth Respondent to disclose the criteria and procedure that it utilises in considering an Appeal.

11. For an order compelling the Fourth Respondent to conduct its proceedings publically, alternatively:

12. For an order compelling the Third Respondent, if requested by an Appellant, to allow oral arguments to be made to the Third and Fourth Respondents, unless the Fourth Respondent provides comprehensive written reasons why such oral representations will not be allowed and ordering that the Third and Fourth Respondents maintain a proper record of such proceedings.

13. For an order ordering the First Respondent to establish a Commission of Enquiry into the South African Police Services: Central Firearms Registry for:

    a. the policies and procedures of, and the skills and competence of the Central Firearms Registry, as contemplated in terms of Section 84(2)(f) of Act 108 of 1996.

    b. Ordering that such commission of enquiry be chaired by a Judge of the High Court.

14. Further and alternative relief in respect of any of the above prayers.

15. Costs of suit on attorney and client scale.

BE PLEASED TO TAKE FURTHER NOTICE that the Founding Affidavit and the annexures thereto of **JONATHAN FOUCHÉ** will be used in support of this application.

5

TAKE FURTHER NOTE that the Applicant appoints the address of its attorneys of record below as address where all correspondence and process will be received in this matter.

TAKE FURTHER NOTE that should you intend to oppose this matter, you must give the Applicants' attorneys within 15 (fifteen) days of receipt of the Notice of Motion and Founding Affidavit notice thereof in writing, and further that your Notice must contain an address as specified in Rule 6(5)(b) where you will accept Notices and service of all documents in this matter, and within 15 (fifteen) days after such notice of your intention to oppose has been given, deliver an Answering Affidavit, if any.

Should no Notice of Intention to Oppose be given, this application will be made on the date allocated on the front of this Notice of Motion at 10h00 or so soon thereafter as Counsel may be heard.

KINDLY ENROL THE MATTER ACCORDINGLY.

DATED at WOODMEAD ON THIS THE 14th DAY OF JUNE 2018

M J HOOD & ASSOCIATES
Attorneys for Applicant
Molon Labe House, Unit 10
Woodview Office Park
1 Humber Street, Woodmead
Rivonia
Tel 011 234-7520/1
Ref: M Hood / rm /S0503
C/O DOCEX
General Post Office Building
271 Madiba Street
Church Square
Pretoria
Urgent contact details:
Martin Hood
Cell: 082 553 9252
Email: martin@mjhood.co.za

6

TO: THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
PRETORIA

AND TO: **THE MINISTER OF POLICE**
FIRST RESPONDENT
C/O THE STATE ATTORNEY,
SALU BUILDING
255 SCHOEMAN STREET,
CNR ANDRIES STREET
PRETORIA

PER SHERIFF

AND TO: **THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES**
SECOND RESPONDENT
7TH FLOOR, WACHTHUIS
231 PRETORIUS STREET
PRETORIA

PER SHERIFF

AND TO: **MR ABRAHAM MONGE N.O.**
CHAIRMAN OF THE APPEAL BOARD
THIRD RESPONDENT
VERITAS BUILDING
VOLKSTEM AVENUE
PRETORIA

PER SHERIFF

AND TO: **FIREARMS APPEAL BOARD**
FOURTH RESPONDENT
VERITAS BUILDING
VOLKSTEM AVENUE
PRETORIA

PER SHERIFF

AND TO: **THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**
FIFTH RESPONDENT
UNION BUILDINGS
GOVERNMENT AVENUE
PRETORIA

7

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 41415/18

In the matter between:

THE SOUTH AFRICAN ARMS AND AMMUNITION DEALER'S ASSOCIATION Applicant

And

THE MINISTER OF POLICE 1st Respondent

THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES GENERAL K J SITHOLE (IN HIS CAPACITY AS REGISTRAR OF FIREARMS) 2nd Respondent

MR ABRAHAM MONGWE N.O. CHAIRMAN APPEAL BOARD (AS CONTEMPLATED BY SECTION 128 OF THE FIREARMS CONTROL ACT 60 OF 2000) 3rd Respondent

THE FIREARMS APPEAL BOARD 4th Respondent

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA 5th Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

JONATHAN FOUCHÉ

do hereby make oath and state that :-

8

1 The facts to which I attest are within my personal knowledge and are to the best of my knowledge and belief both true and correct.

2 I am the Chairman of the Applicant and I am accordingly duly authorised to depose to this affidavit by virtue of the Resolution of the Committee of the Applicant attached hereto as Annexure **"A"**.

THE APPLICANT

3 The Applicant is an Association with a Constitution as per Annexure **"B"** hereto.

4 The Association is the recognised and legitimate representative of licenced firearm dealers in the Republic of South Africa, and as such has a vested and lawful interest in the administration of and licencing of firearms.

5 The Applicant has been recognised as the legitimate representative of licenced firearm dealers in previous litigation against the Respondents.

6 The Association is recognised as the legitimate representative of firearm dealers by virtue of the fact that it has interacted on a regular basis with the Portfolio Committee on Police and with various individuals and units of the Respondents in respect of firearm matters at the invitation of servants of Second and Third Respondents.

7 The Applicant has held individual and group meetings with the Second, Third and Fourth Respondents which have been minuted in respect of individual meetings from approximately 2005 until the last one that took place in September 2015. There was a hiatus until the next meeting of 2 October 2017. The meeting of 2 October 2017 with General Jaco Bothma was the first after a long period, and was

9

followed by another with Mamotheti, Bopape and others on 6 March 2018. Although these meetings are called "consultations" nothing has resulted therefrom.

8 I attach a select list of Minutes as Annexures **"C1"** to **"C10"** to demonstrate that the same problems have occurred in the administration of the Central Firearms Registry from the inception of the Firearms Control Act until date hereof.

9 I will amplify upon these problems below.

10 The Applicant thus submits it has *locus standi* to bring this application and by virtue of the provisions of Section 39(6) of the Firearms Control Act 60 of 2000 and Section 38 of the Constitution of the Republic of South Africa.

THE RESPONDENTS

11 The First Respondent is the Minister of Police and Member of Cabinet responsible for the South African Police Services and who reports to the President of the Republic of South Africa. He has a direct and material interest in this matter with his head office situated at 7th Floor, Wachthuis Building, 231 Pretoria Street, Pretoria, Gauteng and c/o State Attorney, 8th Floor SALU Building, Cnr Thabo Sehume and Francis Baard Streets, Pretoria, Gauteng.

12 The Second Respondent is the National Commissioner of the South African Police Services, General K J Sithole situated at 7th Floor Wachthuis Building, 231 Pretorius Street, Pretoria and is cited in his capacity as the Registrar of Firearms as set out in Section 123 of the Firearms Control Act and who is responsible for the day-to-day operations of the South African Police Services.

13 The Third Respondent is Mr Abraham Mongwe N.O. Chairman of the Appeal Board as contemplated by Section 128 of the Firearms Control Act 60 of 2000.

14 The Fourth Respondent is the Appeal Board established in terms of Section 128 of the Firearms Control Act situated at Veritas Building, Volkstem Avenue, Pretoria.

15 The Fifth Respondent is The President of the Republic of South Africa situated at Union Buildings, Government Avenue, Pretoria.

BACKGROUND

16 This application is premised upon the chaotic state of affairs that exists in firearms administration.

17 The Firearms Control Act was introduced on 1 July 2004.

18 An application by the South African Gun Owners and others to interdict the implementation of the Firearms Control Act based upon a lack of readiness by the Respondents was dismissed with costs immediately prior to the implementation of the Act.

19 The cornerstone of the SAGA application was quite simply that the South African Police Services were not prepared and had inadequate systems capable of dealing with the requirements of the Firearms Control Act.

20 Subsequent events have proven this to be correct.

21 In the period 2004 to 2009, firearm licences were to be renewed in terms of the transitional provisions of the Firearms Control Act.

22 Massive backlogs and delays resulted from a lack of preparedness on

11

the part of the Central Firearms Registry and this culminated in a High Court application by the South African Hunters and Game Conservation Association which resulted in the issue of an interim Court Order by Mr Justice Prinsloo on 26 June 2009, as per the attachment as Annexure **"D"** hereto. This interim order remains in force and created two parallel licencing systems in South Africa, one of which is based upon the repealed Arms and Ammunition Act 75 of 1969.

23 I attach a copy of Justice Prinsloo's Judgment as Annexure **"E"** hereto.

24 Mr Justice Prinsloo at the time of his Judgment made a number of adverse comments against the Central Firearms Registry.

25 This is not the only negative judicial comment about the functioning of the Central Firearms Registry.

26 In this respect I attach the following Judgments:

26.1 Mr Justice Bam in the matter of Spear Security Group and Others as Annexure **"F"**.

26.2 Judgment of the Honourable Mrs Justice Tolmay in the matter of the South African Game Hunters and Game Conservation Association as Annexure **"G"**.

26.3 Judgment of Mr Justice Davis in the matter of Fidelity ADT (Pty) Limited and Others v the Second and Third Respondents as Annexure **"H"**.

27 In addition to this, the Government of the Republic of South Africa and its representatives have acknowledged problems within the Central Firearms Registry.

12

28 The starting point is the press release of the then Minister of Police, Mr Nathi Mthethwa on 2 November 2010.

29 I attach a copy of this as Annexure **"I"** hereto.

30 In this press release, the then Minister stated amongst other statements that:

> *"It is crystal clear that significant problems still exist with regard to the smooth implementation and administration of this Act."*

31 The Minister then went on to highlight that a task team had been set up under the auspices of the Secretary of Police who had then prepared a Report into the Central Firearms Registry.

32 This Report has never been made public.

33 There is another Report of the Secretary of Police which I will deal with below that has also not been made public in full.

34 The Minister then went on to state:

> *"However the backlogs in renewal applications coupled with irregularities in the issuing of firearm licenses under the Act, raises serious questions regarding the integrity of the new database system."*

35 As I will demonstrate hereunder, the integrity of the system remains severely impaired and threatens proper control over firearms and:

> *"As a result of the backlogs and inefficiencies in the processing of the firearms, the Department has been*

13

subjected to significant litigation and court applications (more so cases brought against the Minister and the National Commissioner).

To a large degree, our review indicates that the majority of cases brought against the Department appear to relate to issues of administration which in essence, could have been avoided had people tasked with managing these process acted effectively."

36 The press release is extremely long, and contains headings such as:

36.1 Lack of effective communication within CFR;

36.2 Lackluster IT systems;

36.3 Urgent management changes at CFR; and so forth.

37 As a consequence of this investigation, the then Minister of Police suspended the Head of the Central Firearms Registry, Brigadier J J Bothma in terms of a Letter of Suspension dated 10 December 2010 attached hereto as Annexure **"J"**.

38 The then Divisional Commissioner acting under the auspices of the Minister alleged that there was serious misconduct by the said Brigadier Bothma, *inter alia* as follows:

38.1 A serious backlog in licencing applications.

38.2 Licencing favouritism.

38.3 A failure to put in place processing of applications in a rational transparent and non-arbitrary manner.

38.4 Corruption.

39 Ironically and for reasons best known to the Respondents, the same Brigadier who was removed from his position was reinstated in a more senior position as a Major General in 2016 as Head of Firearms Liquor and Second-Hand Goods, in overall control of the Central Firearms Registry.

40 On 25 June 2010 the then Secretary of Police, Ms Jenni Irish-Qhobosheane instituted under the auspices of the Minister of Police an enquiry into the functioning of the Central Firearms Registry.

41 Initially the enquiry into the functioning of the Central Firearms Registry was premised upon corruption from firearm dealers and trainers.

42 Various organisations made written and verbal representations to the two advocates appointed to conduct the enquiry, as well as the then Chairman of the Applicant, Mr Andrew Soutar, whose Confirmatory Affidavit is attached as Annexure **"JJ"** below.

43 For reasons best known to the Respondents, the outcome of this enquiry and its full written Report have never been made public.

44 The Report itself was the subject of litigation in the South African Hunters and Game Conservation Association legal challenge to the Constitutionality of Sections 24 and 28 of the Constitution, but this relief was abandoned prior to the hearing of the application.

45 The Report itself has been raised several times to the Parliamentary Portfolio Committee on Police by representatives of the Applicant, including the Applicant's attorney of record, Mr Martin John Hood whose Confirmatory Affidavit is attached as Annexure **"K"**, as recently

15

as the 1st September 2017.

46 I respectfully submit that the Respondents cannot claim ignorance in respect of this Report, but its contents remain a closely guarded secret for reasons best known to the Respondents.

47 As early as 2007, the then Public Protector raised the issues about proper administrative justice and the lack thereof within the Central Firearms Registry and I refer to an excerpt from the Public Protector's 2007 Report as Annexure **"L"** in confirmation of this. These recommendations, particularly the last recommendation on how to obtain a licence have not been complied with by the Respondents.

48 The police's information technology system is completely ineffective and inefficient.

49 Electronic connectivity (which is part of the Applicant's relief in this application) is non-existent although this is meant to be a cornerstone of the Firearms Control Act and the ability of the Act to properly control firearms.

50 I attach an excerpt as Annexure **"M"** dated 21 October 2014 which is a news organisation report that dealt with the cancellation of the Waymark Infotech IT contractor.

51 This contract cost R412 000 000.00 for development of firearms control system which has never been implemented. This should be read in conjunction with the then Minister's statements concerning "lackluster IT systems."

52 The Central Firearms Registry has been the subject of a great deal of adverse press comment and criticism and debate at the Portfolio Committee on Police.

16

53 I attach as Annexure **"N"** a Parliamentary Monitoring Group Report dated 19 August 2014 to the Portfolio Committee on Police.

54 The then Lieutenant General Sithole (now National Commissioner and Third Respondent) refers to:

> *"the lack of office space and storage facilities, (which) resulted in insufficient storage space and limited human resources capacities to manage the large volume of files that have to be created and filed properly."*

55 Furthermore the report states:

> *"Lieutenant General Sithole spoke about human capital, noting there was a lack of DFO training, inconsistent multitasking of DFO's, improper control of firearms handed in at police stations, shortage of human, physical and logistic resources. There was a shortage of personnel to conduct compliance inspections at dealers, gunsmiths and manufacturers and there was a lack of resources, specifically, computers, printers, fax machines, vehicles and stationery such as photocopying paper and toner."*

56 Reference is made to a new strategy to be implemented and Major General Phillip Jacobs of SAPS Legal Services states that: *"He believed the commission of inquiry on Firearms Dealers was finalising its report for submission."*

57 This is the Report that has never been made public. I attach as Annexure **"O"** a Parliamentary Monitoring Group Report dated 03 June 2015 which was a progress Report on the Central Firearms Registry and inputs given by Gun Free South Africa and the

17

Applicant's attorneys, M J Hood and Associates.

58 Reference is made in this Report to "the CFR's action plan."

59 This Report makes reference to: *"Presentation from a number of stakeholders. Each of them expressed concern at current processes which are not only unwieldy but marked by a lack of clarity, policies and regulation."*

60 A firearm summit was held in 2015 under the auspices of the Portfolio Committee on Police.

61 A summary of the outcome is attached as Annexure **"P"** hereto.

62 One aspect where both pro and anti-firearms organisations are *ad idem* is the chaotic state of the Central Firearms Registry.

63 By way of example, I refer to the Report quoting Adele Kirsten of Gun Free South Africa "Way off Target" – South Africa who was quoted as saying in Annexure **"Q"**:

> *"Our call is that there's a mess at the CFR. The system's not working and we need to get to the bottom of that."*

64 I attach a Press Report dated 24 September 2014 as Annexure **"R"** it the Citizen that quotes the Portfolio Committee on Police finding that the Central Firearms Registry *"is in an appalling state."*

65 The most recent judicial comment on the state of the administration of the Act has been made by the Constitutional Court in case number CCT17/17 where Mr Justice Froneman in the unanimous decision stated:

> *"While the apparent problems in the administration of the Act are cause for legitimate concern, it is not relevant to a*

18

proper interpretation of the impugned provisions of the Act."

66 This application must be viewed, it is respectfully submitted in terms of this comment by the Constitutional Court.

67 Furthermore, because the Constitutional Court took an extremely strict and narrow approach to firearm ownership and the consequences of the lapsing of a licence, it is respectfully submitted that just as much as there is a very strong onus on firearm owners to comply with the Act, that such an onus should similarly be imposed upon the First and Second Respondents.

68 In amplification thereof, if a person disposes of their firearm, before the licence lapses, but due to the bad administration and tardiness of the First and Second Respondents' servants, the processing of such disposal only takes place after cancellation of the licence, unless the First and Second Respondents are held accountable and compelled to act timeously, the firearm owner, whilst acting lawfully will be prejudiced inasmuch as they will be forced to surrender their firearm.

69 This state of affairs continues to the date of filing of this application and is indeed worsening.

70 The Respondents have failed to address the relicencing issue (which is the subject of a Constitutional Court challenge heard in February 2018) and have embarked by way of example on unilateral administrative actions where firearms that are on expired licences are blocked on the system and are transferred out of the firearms owner's name into a Government Department.

71 Since 2010, there have been four Ministers of Police, *inter alia*:

19

71.1 Nathi Mthethwa

71.2 Nkosinathi Nihleko

71.3 Fikile Mbalula

71.4 Bheki Cele

72 There have been three National Commissioners, one of whom was dismissed from her post.

73 In addition to this, there have been several acting Commissioners of Police who are deemed to be Head of the Central Firearms Registry by virtue of Section 123 of the Act, and one of whom is Major General Phalane, who is currently facing charges of corruption.

74 There have been five Heads of the Central Firearms Registry, *inter alia*:

74.1 Brigadier Bothma.

74.2 Brigadier Lebisi.

74.3 Brigadier Matshene.

74.4 Brigadier Bopape.

74.5 Brigadier Mabule.

75 There has been a complete lack of continuity in the administration of the Central Firearms Registry which in some respect contributed to the chaotic state of affairs.

76 The chaotic state of affairs, including a failure to comply with Court Orders, has resulted in a multitude of Court Orders granted against the Central Firearms Registry and its officers, including two Warrants of Arrest for the Minister of Police.

77 I attach the Warrant of Arrest in the matter of Petra Diamonds as Annexure **"S"** and Classic Arms as Annexure **"T"**.

78 The latter Court Order has been drawn to the attention of the Second Respondent and the Portfolio Committee on Police, but with no response.

79 Should the Respondents choose to dispute the Court Orders against the Second, Third and Fourth Respondents, further individual Court Orders will be made available to the above Honourable Court. Annexure "N" dated 19 August 2011 refers to 95 court orders made against the South African Police Services as at that date.

80 It is the Applicant's view point that the state of affairs in the Central Firearms Registry, which is the repository of information relating to the registration, recordal and transfer of firearms has reached such a chaotic state of decay that this application has become necessary.

81 The Police Portfolio Committee Chairperson, Francois Beukman on Wednesday 16 May 2018 issued a release via the Parliamentary communication services, a copy of which is attached hereto as Annexure **"U"**.

82 This document states as *inter alia,* that it is necessary to:

> *"5. Conduct a full-scale review of the Firearms Registry turn-around strategy and a forensic audit of high-risk areas in the licencing of firearms, as well as permits and authorisations."* Be undertaken.

83 He went on to state that:

> *"The Portfolio Committee is also of the view that the long-awaited Firearms Amendment Bill should be tabled as soon as possible."*

 21

84 The latest Firearms Control Act Amendment Bill was initially proposed in 2015. This document is extremely voluminous and is not attached to this application to avoid prolixity. A copy will be made available if necessary.

85 Because of the comprehensive nature of these amendments and after a period of comment, the Bill was withdrawn, because the South African Police Services formed the opinion that further amendments would be necessary.

86 Bearing in mind that the full part of the 2006 amendments (which would be made available if necessary) has not yet been implemented, the ongoing need to substantially amend the Act points towards substantial and fundamental failings in the Act as it is currently drafted.

87 The Firearms Control Act Amendment Bill, in conjunction with the fact that 2006 amendments have not yet been promulgated calls into question the entire effectiveness of the Firearms Control Act.

88 The Applicant and its members is one of the pivotal role players in the proper control of firearms.

89 Notwithstanding this, the failure to implement electronic connectivity as mandated by Section 39 of the Firearms Control Act 14 years after the implementation of the Firearms Control Act has led to a breakdown of control over firearms.

90 An example of the breakdown in the IT systems is as follows.

91 One of the members of the Applicant, Bernhard Agencies imported approximately a thousand Glock pistols into the Republic of South Africa in terms of the import permit as Annexure **"V"** hereto.

22

92 Once the firearm sold and a licence issued to the purchaser, it must be removed from the name of the firearm dealer who has the firearm, because two different people cannot be in possession of a firearm at the same time.

93 The majority of these pistols were sold and licenced on self-defence licences which are valid for a period of five years.

94 When licence holders began to apply to relicence these firearms (in other words they already had an existing licence physically in their possession) they were told by the South African Police Services that the firearms were not licenced in their name (notwithstanding that they physically had a licence) but these firearms were on the name of the importer, Bernhard Agencies.

95 I attach by way of example, Brendon Gary Jacobs' licence as Annexure **"W"**.

96 Another example is attached as Annexure **"X"**.

97 This particular situation has been the subject matter of an ongoing legal dispute between Bernhard Agencies and the Central Firearms Registry. The complaint commenced in 2014 and is ongoing.

98 The Applicant's attorney of record has a licence for a 9,3x74R FabArm rifle as per Annexure **"Y"** hereto, but this does not appear on his name as per the police printout as Annexure **"Z"**. The licence was issued on 16 January 2013 and the printout is dated 1 February 2018.

99 The Applicant's concern is that should the Respondents not be ordered to address the problems within the Central Firearms Registry as a matter of haste, then control over legal firearms will further diminish

23

leading to a breakdown in such controls.

100 At this juncture, the Applicant wishes to stress that the purpose of this application is to enhance the control of legal firearms in South Africa and to compel the Respondents to carry out their Constitutional and legal duties to properly and effectively control firearms in the Republic of South Africa.

101 The Respondents, as a result of the history set out above, appear to be unable or unwilling to comply with that responsibility, despite numerous requests.

102 A breakdown in the control of firearms, including legal firearms is not beneficial to, nor in the best interest of society.

ELECTRONIC CONNECTIVITY

103 The second relief sought by the Applicant is in essence simply an order compelling the Respondents to comply with the provisions of the Firearms Control Act 60 of 2000.

104 The Firearms Control Act was promulgated on 1 July 2004 and the Respondents have had a period of approximately 14 years to implement the provisions of Section 39(6) as read with Section 40 of the Firearms Control Act, and Regulation 37(5)(b) as read with Regulation 39 and Regulation 40 of the Firearms Control Act.

105 These parts of the Act and Regulations are attached as Annexure **"AA"** hereto.

106 In essence the Act and Regulations have, since its inception, required that there be what is termed "electronic connectivity" between firearm dealers and the Central Firearms Registry.

107 This is a basic and fundamental principle of the Firearms Control Act and is an essential part of the proper control of the licencing of, transfer of and stock holding of firearms within a firearm dealer environment that has to be controlled and exercised by the Second Respondent.

108 It will be argued at the hearing of this matter that the Second Respondent's failure to implement proper "electronic connectivity" has led to a failure of the Firearms Control Act and that if not implemented timeously and urgently, the continued loss of control by the Respondents over firearms in general will result in a complete loss of control and the failure of the Firearms Control Act.

109 The Respondents acknowledged the importance of "electronic connectivity" prior to the implementation of the Firearms Control Act.

110 The Respondents initiated a number of workshops that took place at the offices of Armscor during the drafting of the Act in Pretoria and other locations in South Africa. One was convened by one Colonel Rosa Le Roux, who was then stationed at the Central Firearms Registry, and representatives of the State Information Technology Agency, that took place at Armscor.

111 I refer to the Confirmatory Affidavit of the Applicant's attorney as Annexure "K" above who confirms this.

112 Various initiatives have taken place since then on an ad hoc and irregular basis to try and implement electronic connectivity without success.

113 On the last occasion a meeting was held on Friday 12 January 2018 by the servants of the Respondents, to which the Applicant was not invited. This was apparently to test the proposal on electronic connectivity, but nothing further has transpired. It was facilitated by

25

Safari and Outdoor who is a member of the Applicant.

114 I refer to a letter addressed to the Portfolio Committee on Police that deals specifically with electronic connectivity dated 16 January 2018 as Annexure **"BB"** hereto. The Applicant has since then met with the Head of FLASH (Firearms, Liquor and Second-Hand Goods) who undertook to provide feedback on connectivity on 6 March 2018. To date, no feedback has been provided.

115 Applicant's representatives, myself included, had a meeting with one Major General Bothma on 23 October 2017 to discuss electronic connectivity. This is the very same person who was suspended in 2010 for failing to implement the Act.

116 Major General Bothma specifically blamed firearm dealers for inaccuracies in the database without, I have to stress, any justification therefor. He has since retired from the South African Police Services.

117 Inaccuracies in the database have substantially increased as a result of the actions of, *inter alia,* Major General Bothma.

118 I will deal with the issue of processing of SAP350s hereunder.

119 The letter attached as Annexure "BB" above is merely to provide evidence of the importance of electronic connectivity and the neglect thereof by the Respondents.

120 This letter was acknowledged on 18 January 2018 by the Portfolio Committee as Annexure **"CC"** hereto.

121 A number of examples in my respectful submission will amply demonstrate the chaotic state of affairs of the Respondents.

122 The first is that of Bernhard Agencies, code of body 0100309, a licenced firearm dealer.

26

123 I refer to Annexure "V" which contains a list of approximately 1040 firearms that were imported by Bernhard Agencies in 2013 in terms of Import Permit No. PI6332704.

124 All of these firearms have been sold by this firearm dealer (who is a wholesaler) to other firearm dealers who in turn sold these firearms to their clients.

125 Their clients have been granted licences for these firearms and Bernhard Agencies no longer has any of these firearms in its stock, nor does Bernhard Agencies have any interest therein.

126 Due to reasons best known to the Respondents, particularly the Second Respondent, the Respondents simply have transferred all of these firearms back onto the dealer stock of Bernhard Agencies in a unilateral and administratively unfair manner and without advising Bernhard Agencies. In doing so, they ignored the SAP350 submissions of Bernhard Agencies stating that they did not have these firearms in their possession. These documents were submitted on a weekly basis since the importation of such firearms.

127 Numerous persons have attempted to relicence firearms that they had been issued licences for (because they expire after five years) and they have been unable to submit licence renewal applications, because although they had a licence for the firearm (and therefore the records of the Central Firearms Registry should reflect the Applicants as the owners) the records of the Central Firearms Registry reflected Bernhard Agencies as the owner/possessor although they do not possess these firearms. The firearms had been lawfully and properly transferred to other firearm dealers.

128 The Respondents have documented this with representatives of the Respondent and I refer to the handwritten comment of Colonel L

Motau as read with paragraph 124, case number 69983/17 issued out of the above Honourable Court. These pleadings will be made available if placed in dispute by the Respondents. I attach his comment as Annexure **"DD"**.

129 The next example is that of Adelin Pop as Annexure **"EE"** under case number 69983/17.

130 Mr Pop, who is a senior banking official, disposed of a firearm in 1998 that was taken off his name, put back on his name and he has applied for a court order removing it from his name.

131 The response of the South African Police Services has been to advise him to file a false statement so that they can reflect the firearm as lost or stolen as opposed to sold, as it was. The request was made by one Colonel Casper Wepener and is currently the subject matter of another application in the above Honourable Court, case number 69983/17.

132 The third is an example of that of the Applicant's attorney of record.

133 I refer to the letter addressed by the Applicant's attorney as Annexure **"FF"** hereto where he is in possession of a licence to possess a firearm, *inter alia*, 9,3x74 FabArm rifle, serial number 5E6801 but which firearm is not reflected on his name in the records of the Central Firearms Registry.

134 It is simply inexplicable that a licence can be issued to an individual, yet that firearm is not reflected as being in that person's name, unless there is a fundamental problem with the records of the Central Firearms Registry.

135 It is the Applicant's viewpoint, that if proper electronic connectivity existed, there would be mechanisms in place to allow the correction of

28

this information in a simple and straightforward manner, and/or to identify any discrepancies in the information recorded by the dealer and the information held by the Second Respondent.

136 At present, the Respondents insist that their records are correct and that any correction is the responsibility of the Applicant's members and they, the Respondents, put in place various onerous requirements such as the submitting of SAP521(g) Notification of Incorrect Information forms, gunsmith certificates and other arbitrary and inconsistent requirements that are burdensome and onerous on the Applicant's members. This notwithstanding, it is an extremely serious criminal offence to provide incorrect information while the Respondents make mistakes and create false information without penalty or recourse.

137 Regulation 38 requires that firearm dealers must have a link to the database of the Second Respondent:

> *"by way of software and an electronic network connectivity that is compatible with the infrastructure and standards of the South African Police Service.*

138 Regulation 38(2) goes on to state:

> *"A dealer must establish an online electronic connectivity which links the registers prescribed in regulation 37 to the central dealer's database and which must provide for a daily electronic online transfer of data regarding business related to firearms and ammunition for the previous day as recorded in the prescribed registers."*

139 It is clear in my respectful submission that the concept of electronic connectivity is a cornerstone of the Act and is premised upon a dealer providing up-to-date information to the Second Respondent to enable

29

the Second Respondent to immediately identify any data discrepancies. This system is not in place.

PRAYER TWO: SAP 350 DEALER STOCK RETURN DOCUMENTS

140 The Applicant's second relief is electronic connectivity, because it leads into the third relief that the Applicant seeks and that is the proper and timeous processing of SAP350s.

141 I attach an example of the SAP350 (a) and (b) as set out in Government Gazette 26156 of 26 March 2004 (Annexure **"GG"**).

142 As such, this Government Gazette is part of the Regulations.

143 This is more commonly known as the "dealer stock return."

144 The purpose of a "dealer stock return" is to tell the Central Firearms Registry on a regular basis what firearms a dealer has in its possession and what firearms a dealer has taken into its possession and what firearms it has transferred out of its possession to another dealer.

145 It is important to note that these returns are notification of the movement of firearms, and not what the dealer has in its possession or where a licence has been issued and that firearm has been handed over to the licence holder and is no longer in the possession of the dealers.

146 If properly administered, the records of the Central Firearms Registry will be accurate to within a few days and will provide much greater control over possession of and movement of firearms and ammunition between licenced dealers. It would also allow for, for example, Crime Intelligence to map purchasing patterns of firearms and ammunition.

30

147 This was clearly contemplated by the legislation, because Regulation 38(2) states as follows:

> *"A dealer must establish an online electronic connectivity which links the registers prescribed in regulation 37 to the central dealer's database and which must provide for a daily electronic online transfer of data regarding business related to firearms and ammunition for the previous business day as recorded in the prescribed registers."*

148 This has clearly not happened. Dealers are computerised, but there is no link to the Central Firearms Registry as required by law.

149 On the rear of the SAP350 forms is a section entitled *Acknowledegment of Receipt"* and immediately thereunder is a section entitled *"Particulars of Firearms(s) That Could Not Be Registered"* along with a section *"Remarks"*.

150 To the best of my knowledge and those licence dealers that have attached Confirmatory Affidavits hereto, *inter alia*, Andrew Soutar and Nicky Bernhard, this has never been done by the Respondents.

151 Mr Andrew Soutar has been a licenced dealer in firearms for a period in excess of 30 years.

152 Since the inception of the Firearms Control Act, the Central Firearms Registry has not properly processed SAP350s and the information contained therein.

153 This means that the records of the Central Firearms Registry are always outdated. The movement and possession of firearms is inaccurate.

154 A stop gap or quick fix solution to this was implemented in

approximately 2006 where when a firearm was sold to an individual Applicant i.e. it was to be transferred out of stock into a potential Applicant's name, the dealer issued a duplicate SAP350(a) which was then processed by the Designated Firearm Officer and the firearm records of the South African Police Services were then updated when the application for the firearm was submitted to them, at the appropriate police station.

155 A practical example as follows illustrates this.

156 If for example Classic Arms (Pty) Limited, code of body 2988 imports a firearm, that firearm is imported on an import permit with what is known as a "PI" number (PI stands for permanent import).

157 What should happen is that upon delivery of the firearms to South Africa a copy of the import permit is sent to the Central Firearms Registry and because only the importer can take possession of the firearms (Classic Arms in this case) the records of the Central Firearms Registry should be updated to show that Classic Arms (Pty) Limited now has possession of these firearms and they are transferred into the dealer's register of that dealer. The dealer's register is a physical or electronic register located at the licenced premises to record, stock on hand, firearms received or transferred or handed to licence holders.

158 If Classic Arms is a wholesaler or if it sells an individual firearm to another dealer, the SAP350 of Classic Arms should be processed to show that this firearm has been transferred to another dealer (for example Bernhard Agencies).

159 In turn Bernhard Agencies would submit an SAP350 stating that Bernhard Agencies has that firearm in its possession.

160 If these SAP350s were properly processed, then within a few days of

32

the transaction, the South African Police Services would know that Classic Arms imported the firearm, took possession of it and transferred it to Bernhard Agencies, because the information from both licenced dealers would complement each other. In other words the records of the South African Police Services would "balance" and the precise location of the firearm would be known to the First and Second Respondents.

161 This simply does not happen and in many cases the firearm remains on the permanent import permit of Classic Arms. An example of this was a Heckler and Koch G3 rifle .308 calibre, serial number 031907 that was imported in 2013, but when an application was lodged on 2 February 2018 for a licence for this firearm it still remained on the permanent import permit and not on the dealer stock of Classic Arms. Documentation in support of this fact will be made available if disputed by the Respondents. This is an application that was lodged by the Applicant's attorney of record whose Confirmatory Affidavit is attached as Annexure K above.

162 If Bernhard Agencies sells the firearm to an individual purchaser, when that purchaser submits an application, the dealer or possessor (Bernhard Agencies) issues an SAP350 stating that the firearm is in a dealer's possession and the Designated Firearm Officer processes it and transfers the firearm from the permanent import permit of Classic Arms onto Bernhard Agencies.

163 This system, although a stop gap, worked well and at least allowed the transfer and licencing of firearms.

164 Major General Bothma who was the Head of the Second Respondent stopped this practice on or about October 2017. The Applicant does not know why this was done. There was no discussion or communication about this.

33

165 As a consequence of the stopping of this practice, applicants for firearm licences are frequently turned away by Designated Firearm Officers, because they cannot process the application and register it onto the system, because the possessor of the firearm i.e. the seller (for example Bernhard Agencies) is not reflected as the possessor of the firearm, on the system of the Respondents.

166 This is purely a fault of the Respondents and has nothing to do with the firearm dealers who have timeously submitted the SAP350 returns.

167 The most recent example of the failure by servants of the First and Second Respondents to defeat the proper implementation of and the aims and objectives of the Firearms Control Act are as follows.

168 Approximately one year ago, the South African Police Services implemented a number of changes to various of their internal administrative procedures including particularly the codes allocated to a particular calibre.

169 A calibre is an integral part of the identification of a firearm and must appear on the licence in order to permit the licence holder to purchase ammunition only of the calibre stated on the licence.

170 These changes, which are done without consultation with the industry resulted in a need to rectify a great deal of information on the SAPS computer system.

171 SAPS initially adopted a pragmatic approach where they set up an email address, *inter alia*, "EFRSdatapurification@saps .gov.za."

172 I attach as Annexure **"HH"** an email from Colonel CJ Wepener dated 11 May 2018, wherein Colonel Wepener confirms the email address

34

and that certain documents needed to be directly submitted to this email address in order to update records and to assist licence applicants.

173 I attach as Annexure **"II"** an email from Thea Leyden, the Safe Administrator for Safari and Outdoor Rivonia which is part of the outdoor group which is the largest importer and retailer of firearms in South Africa.

174 She states that, as at the beginning of the week commencing 11 June, submissions cannot be made directly to the Central Firearms Registry and that Colonel Wepener and his assistant can no longer talk to the public.

175 This decision was taken without any consultation or notification to interested parties, and is the latest, prime example of how something is stopped when it begins to work within the Central Firearm Registry.

176 I refer to the Confirmatory Affidavits of, *inter alia*, the following dealers.

176.1 Andrew Soutar of Classic Arms (Annexure **"JJ"**).

176.2 Nicky Bernhard of Bernhard Agencies (Annexure **"KK"**).

177 The Applicant seeks an order compelling the Respondents to process SAP350s within one week of submission thereof.

178 The Applicant bases its request for such an order on the contents of Regulation 39 which states where a person is not linked electronically (and where an exemption has been granted) a dealer should submit this information within seven days after the end of any particular

week. 35

179 There is no reason why the Respondents cannot be ordered to comply with the time limit that a firearm dealer has to comply with.

180 Incidentally, the Applicant is not aware of any exemptions issued by the Registrar from electronic connectivity as contemplated by Regulation 39.

181 The Applicant has prepared spreadsheets, detailing failures of the Respondents to process SAP350s.

182 These spreadsheets are historical i.e. since the preparation of these spreadsheets some of the firearms may have been processed and transferred by the Respondents.

183 The purpose of this spreadsheet is to simply illustrate the extent of the problem.

184 All of the supporting documents will be made available to the above Honourable Court. They have not been attached to this application to avoid prolixity.

POLICIES AND PROCEDURE

185 The Respondents do not have licencing guidelines alternatively if they do, they have not made these guidelines, policies and procedures available to firearm licence applicants.

186 The Applicant's attorney of record whose Confirmatory Affidavit is attached hereto as Annexure "K" above has been advised by Major General Bothma that they will not make their documentation available, because the Respondents are of the view that all that the

36

potential firearm licence applicants would have to do is to comply with these requirements and the Respondents would be compelled to issue a firearm licence.

187 In doing so, Major General Bothma (and others) have fundamentally ignored Section 33 Constitutional rights to fair administrative action and the provisions of the Promotion of Administrative Justice Act.

188 Part of the relief that the Applicant seeks in respect of the setting aside of a specific reason for refusal will be used as an illustration of this hereunder.

189 In support of this relief, I refer to the Minutes of the Portfolio Committee meeting on Police that took place on 1 September 2017 as Annexure **"LL"** and representatives of the Applicant were present at this meeting and in fact provided input in the meeting. Under the Section: Central Firearms Registry: the following is stated.

"The turnaround strategy revolved around five pillars. The strategic objectives included:

- *To enhance work performance in order to improve service delivery.*
- *To enhance services rendered through improved capacity.*
- *To optimise data integrity through system development purification.*
- *To improve sustainable communication in stakeholder engagement.*
- *To develop and to maintain sound corporate governance."*

190 All of these points illustrate the issues that the Applicant has with the Respondents.

191 The Applicant's attorneys of record placed on record, *inter alia*, the following:

> *"The reason for the refusal of a licence for a firearm was another example of how the policy was wrong and not disclosed. The reason was "refused: possession of machine guns prohibited Section 32(1)". Section 32(1) actually refer to the Old Arms and Ammunition Act 75 of 1969 which was repealed in 2004. So you have a senior officer who is refusing a firearm licence based on legislation that was repealed thirteen years ago. That simply could not be. It questions the competence of the Deciding Officer and the internal guidelines used. There had been a change in policy all of the time, a policy all of the time, a policy that was not disclosed and a policy that was not an outcome of consultation with the industry."*

192 The Minutes go on to record:

> *"The Hunters Forum and SAAADA (the Applicant) had communicated to the Committee that they were no longer prepared to communicate with SAPS due to complete lack of communication and/or consultation from SAPS and a breakdown in trust. The Dealer's Association been asking the same questions to the CFR for up to ten years without answers, and the last time a meeting between the Dealer's Association and the CFR took place was in September 2015. The Dealers were an important component in the Act and 13 years into the Act there was*

still no electronic connectivity. This meant that there was a lack of control and no means to speedily rectify data issues. It was inexplicable as to why the police had not done it. They have offers from private organisations to assist and they have not taken it up."

193 The Minutes in fact constituted a litany of complaints against the Respondents for failure to consult, disclose policies and to constructively engage the industry.

194 I refer the above Honourable Court to the second last page of the Minutes which states as follows:

"The fact that comprehensive reasons would be made (available) from 1 August begs the question how were decisions made before the 1st of August this year. Lieutenant General Masemola had said that they would develop criteria for decision making, which also beg the question of how they had been making decisions before without those criteria."

195 This was a statement made to the Portfolio Committee by Applicant's attorney of record.

196 This clearly shows that the South African Police Services, it is respectfully submitted, have agreed that they should have criteria for decision making, and it follows that the Applicant is entitled to such criteria, policies and processes.

197 If the Respondents do not have such criteria, policies and procedures, it will be argued at the hearing of this matter that all decisions to refuse firearm licences are therefore going to be called into question, because they have been made inconsistently and without proper

39

consideration.

FURTHER PROCESSING OF SAP350'S ON INFORMATION CONTAINED IN DEALER'S REGISTER

198 When the Firearms Control Act was implemented in July 2004, it completely changed the firearm legislative environment.

199 The South African Police Services took approximately six years to come to grips with and to partially comply with its requirements.

200 Firearm applications took as long as four years to be processed and the Central Firearms Registry developed massive backlogs to the extent that the Minister of Police was forced to "recall" the Head of the Central Firearms Registry, Brigadier Bothma in terms of a Press Statement dated 02 November 2010. This Press Statement also refers to a number of court cases initiated as a result of administrative inefficiency. A copy of this Press Statement is attached as Annexure "I" above.

201 As a result of the administrative incapacity of the Central Firearms Registry the number of licenced firearm dealers shrunk from approximately 720 as at the implementation of the Firearms Control Act to approximately 220 by that time. This number has subsequently increased.

202 I refer to the Report by the then Secretary of Police, Ms Renata Fourie dated 16 July 2015 as Annexure **"MM"** who stated that *"Licenced firearm dealers was reduced by 90% between 2000 and 2006."*

203 Dealers closed on a regular basis and the South African Police Services on a local level often asked other firearm dealers to take over the stock of these firearm dealers, because they did not have the capacity to store and process these applications.

204 At the same time i.e. from 2004 to 2009, the relicencing process commenced and many people decided that they either had surplus firearms or that they did not want to continue to own firearms because of the onerous provisions of the Firearms Control Act and many tens, if not hundreds of thousands of firearms were handed to firearm dealers to process and cancel the licences and to resell such firearms.

205 At that time, firearms had very little value because of the number of firearms put up for sale in the market and dealers in essence ended up with massive numbers of stock that could not be sold.

206 When a dealer closed shop and transferred firearms to another dealer, often records were incomplete, lost, or the dealer had not kept the requisite records (such as a copy of the original licence, the owner's identification number and contact details) and as a result of this when firearms are moved from one dealer to another, the records of the original dealer who took the firearm were not moved over alternatively were out of date or alternatively did not have the requisite information.

207 For example, in terms of the Arms and Ammunition Act a number of permits could have been issued either in terms of Section 32 of the Arms and Ammunition Act or what is known as an SAP316 "curiosity and relic permit."

208 Often the South African Police Services have asked for originals of these permits, when the originals do not exist or were not handed to the dealer that has possession of the firearm when he took transfer. It was therefore impossible to comply with such a request.

209 It is doubtful that many of these firearms were actually registered on the South African Police database to begin with and that was the

41

reason why permits were issued, because at the time, the Arms and Ammunition Act permits were not computerised.

210 Many dealers therefore took firearms from other dealers in good faith and signed those firearms into their register and recorded them on the assumption that such firearms were licenced and legal.

211 The dealers in essence performed a public service of taking control of these firearms because they had proper safekeeping facilities, as opposed to these firearms being abandoned and potentially falling into the wrong hands.

212 It follows that many firearms are in the possession of a dealer, but the dealer cannot explain the full past history of the firearm. While the last transfer of how these firearms came into its possession is clear, who the original license holder was, what other intermediary dealers have been involved, is often not documented. However, the existence of these firearms has always been disclosed to the Respondents via the dealer's register and through SAPS350's.

213 The Applicant has attempted to engage the First and Second Respondents on an ongoing basis since approximately 2005, specifically in respect of such firearms.

214 This problem has been well-known to the Respondents' representatives, because it has been minuted in meetings of the Applicant and Respondents and it has been a continually raised and unresolved issue.

215 I refer to copies of the Minutes of Meetings between the Applicant and the Second and Third Respondents' representatives as Annexure "C" hereto with the appropriate sections highlighted.

216 At no stage have licenced dealers, to the best of my knowledge,

attempted to conceal the existence of any of these firearms and it has sought a means to legalise the dealer's possession of these firearms.

217 There have been for example, ad hoc and occasional attempts to assist members of the Applicant, for example by the filing of an affidavit explaining the circumstances when the firearm was transferred onto that dealer's stock register. Predominantly, however, these firearms have remained in essence undocumented other than the fact that the dealer has disclosed that they are in its possession.

218 On many occasions the dealer's records have been inspected and approved by the South African Police Services.

219 A second, related issue is firearms that were handed to dealers for safekeeping.

220 The Regulations clearly allow a dealer to maintain a safekeeping register and I refer the above Honourable Court to Regulation 37(3)(a) which states, *inter alia,* as follows:

> *"(3) (a) A dealer must keep a register comprising of a set of books or computer printouts known as "the Firearms Safe Custody Register" regarding all firearms that the dealer receives and holds on behalf of a holder of a licence, authorisation or permit for the purpose of the safe custody or transfer of the firearms."*

221 Many firearms were transferred to dealers in the circumstances set out above, and other legitimate circumstances, and documented in the safekeeping registers.

222 In addition to this, many dealers have had firearms in their possession for extensive periods of time (often longer than ten years) where they can no longer contact the licence holder quite possibly because such

43

licence holder has died, has emigrated or has simply abandoned any interest in the firearms and has not updated their contact details.

223 Consequently many of the Applicant's members, and dealers who are not members of the Applicant have these firearms in their possession which they have held in good faith and which they have disclosed to the South African Police Services, but which they cannot do anything with.

224 They cannot hand these firearms back to their original owners, because they either do not know who the owners are or cannot contact them. In many instances those firearms could not be handed back if the licence had expired.

225 These safekeeping firearms remain in limbo whilst firearm dealers incur costs in respect of storing them through the space they have taken up and in cost of insuring them.

226 If the Respondents are compelled to place these firearms onto the database of the Central Firearms Register and to allocate them to the dealer that has possession of them, there will be greater control over firearms because the Respondents will now know who has possession of the firearm and the records of the Respondents will be updated, and the dealer, as owner will be responsible for such firearm.

227 The reason why the Applicant has requested that only firearms entered onto a register before a specific cut-off date be the subject of this order is as follows.

228 Firstly the Applicant, like the Respondents does not seek the legalisation of any unlawful or illegal firearm. The Applicant seeks a solution to firearms in the stock of firearm dealers' or in their safekeeping possession who have legitimately such firearms in their possession and who have fully disclosed the whereabouts of those

44

firearms to the South African Police Services, but cannot do anything with them, because they are simply in a safekeeping register. This would include firearms that do not appear on the Second Respondent's register, because of inaccurate data of the Second Respondent.

229 Regulation 37 clearly sets out the requirements of a register that a dealer must keep and most importantly, the date of receipt of the firearm must be recorded as well as the details of the firearm and Regulation 37(5)(a) requires that all registers must be numbered in sequence and each page must be signed by Designated Firearm Officer.

230 What this means is that retrospective entries will be readily identifiable and it will therefore not be possible for a dealer, to "take advantage" of an order issued by the above Honourable Court in terms of this specific prayer and to backdate an illegal or unlicenced firearm into their register in order to legitimise it.

231 In other words, only firearms that have been disclosed in a *bona fide,* documented way prior to the issue of this application should be the subject of this part of the court order to avoid acts of dishonesty by dealers to try and legitimate firearms *ex post facto*.

232 I refer to the Confirmatory Affidavit of Andrew Soutar attached above as Annexure **"JJ"**, the director of and shareholder of Classic Arms (Pty) Limited.

233 He was the Chairman of the Applicant during the time period that the Applicant met with the Second, Third and Fourth Respondents' representatives and who raised the issue of firearms in the possession of dealers without proper paperwork during the period 2005.

REASONS FOR REFUSAL 45

234 There is a complete lack of capacity and capability within the Central Firearms Registry to properly assess firearm licence applications.

235 This has been recognised by the Appeal Board, the Fourth Respondent, who has drawn to the attention of the Portfolio Committee on Police on a number of occasions that refusals are taking place that should not take place and that such refusals are unreasonable and capricious.

236 I refer to the Report by the Third and Fourth Respondents to the Portfolio Committee on Police dated 17 May 2016 attached as Annexure **"NN"** hereto.

237 It is for this reason that the Respondents' representatives in the Central Firearms Registry are forced to rely upon a predetermined list of reasons to refuse licence applications.

238 Officers in the Central Firearms Registry are not capable of assessing applications individually based upon the requirements of the Act and this results in arbitrary and capricious refusals on mass scale, because of a lack of skills and competence.

239 I attach a series of examples as Annexure **"OO1-20"** of the refusal of self-loading firearms.

240 These reasons are all similar, and make reference either to "need" which is not a requirement of a Section 16 licence or a "lack of motivation."

241 However, the very same Respondents have consistently refused to disclose what information needs to be provided for a firearm licence application.

46

242 By way of example, I attach as Annexure **"PP"** a letter dated 21 September 2010 from the then Head of the Central Firearms Registry who states as follows:

> *"In terms of the firearms control legislation, an applicant must submit a duly completed application form and the required information together with any required supporting documentation for each application lodged at the office of the relevant Designated Firearms Officer.*
>
> *Each application is considered on its own merits and circumstances hence the importance that each application form must be duly completed and must be accompanied with the required information including the motivation together with any required supporting documentation.*
>
> *The above is regarded as of a self-explanatory nature and need no further deliberations."* [my emphasis]

243 This was in response to a communication from the Applicant's attorneys dated 10 September 2010 requesting a breakdown of what documentation needed to be supplied for a licence application.

244 The response of Brigadier Bothma was termed "deliberately vague and evasive."

245 I attach a letter dated 1 October 2010 addressed to the said Brigadier as well as the then Minister of Police and the then Secretary of Police as Annexure **"QQ"**.

246 None of these three responded to this communication and the situation remains the same 8 years later. Firearm licence Applicants do not know what information should be submitted and the

47

Respondents' representatives steadfastly refused to disclose such information and in turn refuse licences in an arbitrary and capricious manner.

247 What is most interesting, however, is that in terms of the *"Firearms Control Legislation"* (presumably the Firearms Control Act) all information required is set out in the SAP271 form and there is no reference in the Act to "required supporting documentation."

FIREARMS APPEAL BOARD

248 If a firearm licence, permit or authorisation is refused, an internal appeal lies to the Firearms Appeal Board established in terms of Section 128 of the Firearms Control Act.

249 The conduct of Appeals is regulated by Regulation 91 of the Firearms Control Act.

250 Regulation 90(7) of the Firearms Control Act states as follows:

> *"(7) The Chairperson shall determine the times when the Appeal Board shall meet and the procedure to be followed at meetings."*

251 The chairperson has not disclosed the procedure or guidelines in terms of which Appeals are dealt with and it is respectfully submitted by the Applicant that the Appeal Board acts in a cloak of secrecy behind closed doors and without any public scrutiny.

252 This is an issue that has been raised on numerous occasions with all of the Respondents.

253 The most recent occasion when it was publically raised was at the Parliamentary hearings on 1 September 2017. I refer to the Minutes

of the Portfolio Committee which states as follows: 48

> *"The Appeal Board was not blameless. Besides the constitutional requirements, the regulations for the Appeal Board stipulate that "the Chairperson shall determine the times when the Appeal Board shall meet and the procedure to be followed at meetings". Yet not one person as far as he was aware had ever been allowed to participate, look at, to hear or monitor the board in proceedings, even if the person was the subject matter in those proceedings. One could not have an Appeal Board operating behind closed doors without transparency, without scrutiny or without being monitored. These examples demonstrated why the system was failing. The police did not want to subject their system to scrutiny, and were not prepared to admit their mistakes. Until they were prepared to do both those things, the situation was not going to improve."*

254 And further in the minutes the following was recorded:

> *"Mr Patrick Mongwe, Director and Chairperson: Firearms Appeal Board, responded to Mr Hood, who had quoted the Firearms Control Act (FCA), and said that Mr Hood had not quoted the entire Act. Mr Hood had indicated that he was not happy with how the Firearms Appeal Board conducted itself, in that it was conducting its proceeding in secrecy and did not allow members to give oral presentations at proceedings. His response was that the procedure of how the Appeal Board conducted itself was laid down in the Act, and the Act provided that the procedure should be determined by the Chairperson. That*

49

was the law, and it was not something they had made up themselves. On the issue as to whether members of the public could give oral evidence in Appeal Board proceedings, regulation 91, sub-section 8 of the FCA states that the Chairperson shall have the discretion to call for oral evidence when it was deemed necessary. Therefore, it was not an open session like a normal court of law."

255 This demonstrates that Mr Mongwe, current Chairman of the Appeal Board and the Fourth Respondent does not understand that he and his Board is subject to the provisions of the Promotion of Administrative Justice Act.

256 His statement *"therefore it is not an open session like a normal court of law"* is fundamentally flawed.

257 All Organs and Departments of State are required to conduct their business in a manner that is consistent with the Promotion of Administrative Justice Act.

258 The preamble to PAJA states:

"Whereas Section 33(1)and(2) of the Constitution provides that everyone has the right to administrative action that is lawful, reasonable and procedurally fair..."

And it goes on to state:

"AND IN ORDER TO:

**promote an efficient administration of good governance; and*

50

**create a culture of accountability, openness and transparency in the public administration or in the exercise of a public power or the performance of a public function by giving effect to the right to just administrative action."*

259 It is trite that the decision on a firearm Appeal is an administrative action and therefor the following provisions of PAJA must apply.

260 PAJA defines an administrator as an Organ of State or any natural juristic person taking administrative action, which clearly encompasses the functions of the Firearms Appeal Board.

261 Section 3(1) of PAJA states: *"Administrative action which materially and adversely affects the rights or legitimate expectations of any person must be procedurally fair"* and subsection (2)(b)(ii) states *"that a reasonable opportunity must be allowed to make representations."* Subsections 3(b) and (c) provide that a person may present and dispute information and arguments and may appear in person at the Tribunal hearing.

262 There is no exemption in the Act for the Third and Fourth Respondents as contemplated by Subsection 3(3).

263 It is my respectful submission that Section 195(1)(d)(e)(f) and (g) of the Constitution are also applicable to the conduct of the Appeal Board.

264 They are, *inter alia*:

> *"d. Services must be provided impartially, fairly, equitably and without bias.*

51

e. *People's needs must be responded to, and the public must be encouraged to participate in policy-making.*

f. *Public administration must be accountable.*

g. *Transparency must be fostered by providing the public with timely, accessible and accurate information."*

265 The conduct of the Appeal Board, in the manner that it currently conducts itself, is completely inconsistent with PAJA, Section 33 and Section 195 of the Constitution.

HOW THIS APPLICATION CAME ABOUT: FAILURE TO CONSULT

266 It is the Applicant's desire, as a representative of responsible corporate citizens that whilst it endorses legal ownership of firearms, such ownership and possession of firearms be properly regulated and documented in a manner that provides for effective control over possession of firearms.

267 The Applicant, and other related bodies such as the Confederation of African Hunting Associations of South Africa, the Hunters Forum and Gun Owners of South Africa have all attempted on an ongoing basis to consult with and to constructively engage with the Respondents and their representatives.

268 I believe it has been adequately set forth in particularly the Parliamentary monitoring group minutes that this process has spectacularly failed.

269 I would, however, like to give some further examples.

52

270 In 2016 a task team was set up and divided into three groups consisting of representatives of Second, Third and Fourth Respondents and various firearm rights organisations.

271 The task team was set up with the purpose of confronting the problems and dealing with them in an effective manner.

272 I attach as Annexure **"RR"** the Minutes of the original meeting and the objectives derived therefrom.

273 This process stalled and has died.

274 A meeting took place on 24 November 2017 with one General Masemola and representatives of the Applicant and the Applicant amongst others.

275 A copy of these Minutes are attached as Annexure **"SS"**. The arbiter of the meeting, the Secretariat of Police, did not even bother to attend the meeting.

276 Six months later, no follow up meeting has taken place and no actions items have been attended to.

277 There is a simple failure to communicate anything effectively from the Central Firearms Registry to stakeholders.

278 In fact, the Applicant as well as other firearm owning organisations are not even recognised as stakeholders by the South African Police Services.

279 I attach as Annexure **"TT"** an Amnesty Policy document dated 15 March 2017 that identified stakeholders, but excluded all firearm organisations.

53

280 Two further examples suffice to demonstrate the complete lack of consultation and communication.

280.1 The first is the unilateral change in the manner in which SAP350's could be submitted to the Designated Firearm Officer at station level detailed above in this application, as from approximately October 2017.

280.2 The second is a more recent development relating to the printing of firearm licences.

281 From the inception of the Firearms Control Act until early 2018, the Central Firearms Registry was responsible for the printing of its own licences.

282 This process was transferred to the Government Printer at the beginning of February 2018.

283 This has resulted in numerous delays, because the process was not properly thought through or implemented.

284 At no point, however, has the Central Firearms Registry advised stakeholders of this change or that there will be problems and delays.

285 This has resulted in a massive degree of frustration from licence holders who have been granted licences, but have waited up to six months for their licences to be printed.

286 I also attach as Annexure **"UU"** the latest proposed amnesty notice as presented to the Portfolio Committee on Police.

287 This amnesty does not, however, provide any relief to dealers, because dealers do not become the individual licence holder of a firearm.

54

288 I attach as Annexure **"VV"** a letter addressed to the Portfolio Committee on Police in this regard, complaining that the amnesty excludes firearms held by a dealer.

289 This has not been responded to.

WHY COMMISSION OF ENQUIRY IS NECESSARY

290 I believe that the facts set out above, justify the appointment of a commission of enquiry.

291 The Applicant seeks the appointment of a Judge or a retired Judge to chair the commission of enquiry, because the Applicant is of the view that the South African Police Services will not cooperate in any other form of enquiry unless they can be compelled to do so by way of the issue of subpoenas and under the threat of criminal prosecution for failure to comply.

292 It is my respectful submission that the Applicant has made out a proper and appropriate case for the relief as set out in the Notice of Motion to which this affidavit is attached and I accordingly pray that such relief be granted with costs.

DEPONENT

The Deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to before me at Cape Town on this the 14th day of June **2018**, the regulations of Government Gazette Notice No R1258 of 21 July 1972, as amended, and Government Gazette Notice No R1648 of 19 August 1977, as amended, having been complied with.

55

COMMISSIONER OF OATHS

FULL NAMES: Matsokele Vincent Mahafa

DESIGNATION: Constable

ADDRESS: 114 Bowling Ave
Gallo Manor.

SOUTH AFRICAN POLICE SERVICE
CLIENT SERVICE CENTRE
GALLO MANOR
14 JUN 2018
KLIENTE DIENSSENTRUM
GALLO MANOR
SUID-AFRIKAANSE POLISIEDIENS

"A" 56

RESOLUTION

RESOLVED by the Committee duly empowered at a special general meeting of the SOUTH AFRICAN ARMS AND AMMUNITION DEALER'S ASSOCIATION - Registration Number _____held at Woodmead on the 14th day of June 2018:

THAT:

Have mandated JONATHAN FOUCHÉ to Chairman to sign all such affidavits and undertake all such necessary acts as may be reasonably necessary for the institution of legal proceedings against the President of the Republic of South Africa and Others as per the Notice of Motion attached to the Resolution.

NIKOLAUS PHILIP KARL BERNHARD

STEFAN FRANZ DOMINIC PILLER

ANDREW SOUTAR

THE SOUTH AFRICAN ARMS & AMMUNITION DEALERS ASSOCIATION - CONSTITUTION

ADOPTED AT THE FIRST ANNUAL GENERAL MEETING 24 NOVEMBER 1977

(AMENDED - 4 NOVEMBER 1982, 6 NOVEMBER 1989, 18 NOVEMBER 1991, 20 NOVEMBER 1996, 10 NOVEMBER 1997 and at a special general meeting on Tuesday 30th September 2014)

1. **NAME**

The name of the Association shall be "**SOUTH AFRICAN ARMS AND AMMUNITION DEALERS ASSOCIATION**".

2. **HEAD QUARTERS**

The Head Office of the Association shall be situate at such place as may be decided upon from time to time by the Association in General Meeting.

3. **OBJECTS**

The objects of the Association shall be:

3.1 To promote, encourage and protect the interests of members and the trade in general, and to deal with each and all such matters as may affect the common interests of members of the trade in general.

3.2 To create and maintain a spirit of co-operation and mutual goodwill between members and to adopt measures to discourage unlawful, dishonest and undesirable practices.

3.3 To promote, encourage, support or oppose any proposed legislative or other measures affecting the interests of the Association or its members.

3.4 To join or become a member of any federated body or co-operate with any such body or other association whose objects are wholly or in part similar to those of this Association.

3.5 To do or perform all other acts, deeds, things or functions as may be incidental to the attainment of the above objects or any of them; and with a view to giving effect to the foregoing, the Association shall: exist in its own right, separately from its members; be entitled to sue and be sued in its own name; to purchase or otherwise acquire, take on lease or in exchange, hold, sell, deal with, dispose of or otherwise alienate, mortgage or pledge property movable or immovable (be able to own property and other possessions); to lend, invest or otherwise deal with the moneys and assets of the Association, to raise, borrow and/or secure the payment of money on security of the Assets of the Association; to open and operate Banking, Building Society and other accounts; to guarantee the performance of contracts.

3.6 Funds for investment may only be invested with registered Financial Institutions as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984, and in securities listed on a licensed stock exchange as defined in the Stock Exchanges Control Act, 1985 (Act no. 1 of 1985).

4 **MEMBERSHIP**

4.1 The **Members** of the Association shall be the persons, partnerships or companies or societies who are signatories to this Constitution or who may hereinafter be elected to membership in terms of this Constitution.

4.2 Each individual, Company, Partnership or Society shall have only one vote irrespective of the number of branches or licences held.

4.3 Each application for election as member shall be forwarded to the Secretary/Treasurer who shall place the application before the Executive Committee for decision. If the application is refused the applicant shall be entitled to appeal at the next Annual General Meeting and such meeting may hear any representations made by the applicant and may thereafter reverse the decisions of the Executive Committee.

4.4 The Association shall continue to exist even when it's membership changes and there are different office bearers.

5 **MEETINGS**

5.1. **The Annual General Meeting** of the Association shall be held as soon as may be convenient after the close of each financial year on the 31st August. One month prior to the date and time set for the meeting the Secretary shall send out advance notice to all members calling for proposals for the Agenda and nominations for 6 (six) Committee members. Such proposals and nominations must be received by the Secretary at least ten clear days before the meeting.

Thereafter the Committee shall give three weeks' notice of the time and place of the meeting and of the business to be done thereat. Decisions shall only be made on items published on the Agenda and items brought up under General shall be for discussion only. Only in the event of none or insufficient nominations for Committee members being made shall nominations from the floor at the meeting be permitted.

5.1.1 The **business** of an Annual General Meeting shall be:

5.1.1a To consider the duly audited accounts of the Association and the report of the Committee on such accounts and on the operations and activities of the Association during the previous year;

5.1.2b To elect the Committee for the ensuing year;

5.1.3c Such other business as may be done at an Annual General Meeting in terms of this Constitution;

5.1.4d Such other business for which notice shall have been given to the Committee and received by it 10 days prior to the Annual General Meeting.

5.2 **Further General Meetings** of the Association, which shall be known as **Special General Meetings**, may be held at such time and place as the Committee may decide, provided that upon receipt of a written request from not fewer than ten members, the Committee shall call a Special General Meeting to take place as soon as may be convenient after three weeks have elapsed from the date of receipt of such request. Such request shall state clearly the object of such meeting and no other business may be transacted thereat.

5.3 Not less than ten per cent of the members in good standing of the Association, present personally or by proxy, shall form a quorum at all General Meetings of the Association. If within fifteen minutes from the time appointed for the Meeting a quorum is not present, the Meeting shall stand adjourned to the following day, at the same time and place, or if that day be a Sunday or Public Holiday, to the next succeeding day other than a Sunday or Public Holiday, and if at such adjourned Meeting the quorum is not present within fifteen minutes from the time appointed for the meeting, the members present shall be a quorum.

5.4 Minutes shall be kept of the proceedings of all General Meetings and the Minutes shall be kept at the Association's Office and shall be accessible to any member of the Association.

5.5 Every member present in person or by proxy shall have one vote and where a member is a company, partnership or society, the vote of such member may be exercised only by the duly appointed representative of such member.

5.6 The Chairman shall preside at all meetings, but in his absence the meeting may elect an ad hoc Chairman from the members present. The procedure at all Meetings shall be regulated by the Chairman whose ruling shall be final and he shall have the power, with the consent of the Meeting, to adjourn the Meeting from time to time and from place to place, but no business shall be transacted at any adjourned Meeting other than the business unfinished at the Meeting from which the adjournment took place.

5.7 Questions arising for decision at Meetings shall be decided by a majority vote by a show of hands on motion, duly seconded or by ballot should the Meeting so decide. In the case of an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.

5.8 No member shall be regarded as in good standing nor have the right to vote, nor be entitled to any of the benefits of membership if and so long as any subscriptions or other moneys due by such member to the Association are unpaid.

5.9 A member may be represented at any Meeting at which he is entitled to be present and vote by proxy duly executed by him in writing in favour of any other member who is entitled to be present and vote at such Meeting. All proxies shall be lodged with the Secretary/Treasurer at least 7 clear days before the date set for the Meeting.

5.10 The Chairman shall have the power to invite any person or persons he deems desirable to attend any General Meeting.

6 **ELECTRONIC VOTE BY MEMBERS**

Notwithstanding the provisions of Clause 5 hereof, the Chairman of the Executive Committee shall, if he in his absolute discretion deems it necessary or if requested thereto in writing by not less than ten members in good standing, for a decision to be made by electronic vote on a particular matter full details of which matter are to be supplied simultaneously with the request for a decision by such vote.

6.1 Immediately despatch a notice to all members pointing out the full facts of the matter.
6.2 Request every member to vote in writing for or against such proposal.
6.3 Notify members that votes for or against the proposal must be received by the Secretary within 10 days of despatch of the notice to members, failing which such vote will be invalid and will not be taken into account.
6.4 Notify members that if 25 (twenty five) members object to the matter being decided by electronic vote or if less than 25 (twenty five) members in good standing vote for or against the proposal, that the proposal will then be placed on the agenda of the next General Meeting or alternatively the Annual General Meeting of the Association for a decision at such meeting.
6.5 Notify members that if more than 25 (twenty-five) members of good standing exercise their votes, the proposal will be decided by a majority of votes.
6.6 All members are to be notified of the outcome of any such votes.

7 EXECUTIVE COMMITTEE

7.1 The management of the affairs of the Association shall be vested in an Executive Committee (hereinafter called the Committee) consisting of a Chairman and five other members of the Association who shall be elected at a General Meeting of the Association.
7.1.1 The Committee elected at the Annual General Meeting will meet as soon as possible thereafter in order to elect a Chairperson from their assembly. The member so elected shall remain in office until a new Chairperson is elected by the Committee.
7.2 A Secretary/Treasurer shall be appointed by the Committee to act in an ex officio capacity on the Committee. The Secretary/Treasurer need not necessarily be a member of the Association.
7.3 Each member of the Committee including the Chairman but excluding the Secretary/Treasurer shall be entitled to one vote. In the event of a deadlock the Chairman of the Meeting shall have a casting vote.
7.4 Three weeks' notice of a Committee Meeting shall be sent to members by the Secretary on the instruction of the Chairman and a quorum for such meeting shall be three members of the committee. Should the Chairman not be present at the time and date set for the meeting, then the members forming the quorum shall be permitted to elect a Chairman from those present.
7.5 The Committee shall have the power to co-opt additional members to the Committee and/or form separate sub committees for a specific purpose.
7.6 The office of a member of the Committee shall ipso facto be vacated:
7.6.1 On expiration of his membership of the Association (or that of the Company or partnership he represents); **or**
7.6.2 On resigning by notice in writing to the Secretary; **or**
7.6.3 On his, or the Company or partnership he represents, ceasing to be in good financial standing with the Association. **or**
7.6.4 On the individual, or the Company or partnership he represents, no longer holding a valid Arms and Ammunition dealers licence.

8 POWERS OF EXECUTIVE COMMITTEE

The Committee shall have power to exercise all such powers of the Association as are allowed by the Constitution and without prejudice to such powers, the Committee shall have the following powers:
8.1 To engage and dismiss such servants as it deems necessary and fix their salaries and define their duties;
8.2 To authorise Bank Accounts to be opened in the name of the Association and to appoint members of the Committee to operate said accounts.
8.3 To sue or defend in the name of the Association and to authorise the Chairman and Secretary/Treasurer or in the case of either or both of them being absent, any other member or members of the Committee, to sign any powers of attorney or other documents required for legal proceedings by or against the Association.

9 EXPULSIONS

9.1 The Committee may expel from membership of the Association any member who:

9.1.1 Is more than three months in arrears with his subscription or other moneys due to the Association;

9.1.2 In the opinion of the Committee has committed any breach of the Constitution of the Association or any subsisting amendment thereof or any resolution of the Association passed in General Meeting;

9.1.3 In the opinion of the Committee has by his conduct rendered himself unfit to remain a member of the Association.

9.2 If the Committee wish to expel a member then the said member shall be notified of their intention in writing and can appeal against the expulsion either in person or in writing. If the expulsion is not withdrawn by the Committee then the member can appeal to the members of the Association at the next Annual General Meeting. Notice of his intention to appeal must be given in terms of Clause 5(a).

9.3 A member shall be entitled to call witnesses in support of his case when attending a meeting of the Committee or a General Meeting in terms of sub-clause (9.2) above as the case may be.

9.4 The expulsion of a member shall become effective from the date on which the decision of the Committee or, in the event of an appeal, from the date on which the decision of the General Meeting is notified to him. A member who is expelled from membership shall have no claim on the funds of the Association and such decision shall be final and binding and no action shall lie at the instance of any expelled member or its representative against the Association, the Committee, the members or their servants or agents by reason of such expulsion for any review, damages or other relief whatsoever.

9.5 When a member is expelled from the Association, the Secretary/Treasurer shall advise all members of the Association of the fact that such a person or Company or partnership is no longer a member.

10 ELECTRONIC VOTE BY COMMITTEE

Notwithstanding any provisions to the contrary, the Chairman of the Executive Committee shall, if requested thereto in writing, by not less than two members of the Committee, for a decision to be made by electronic vote on a particular matter, full details of which matter are to be supplied simultaneously with the request for a decision by electronic vote:

10.1 immediately despatch a notice to all Committee members pointing out the full facts of the matter;

10.2 request every Committee member to vote in writing for or against such proposal;

10.3 Notify Committee members that votes for or against the proposal must be received by the Chairman within ten days of despatch of the notice to Committee members, failing which such vote will be invalid and will not be taken into account;

10.4 Notify Committee members that if two Committee members object to the matter being decided by electronic vote or if less than three Committee members vote for or against the proposal, then it is to be placed on the agenda for the next meeting of the Executive Committee;

10.5 Notify Committee members that if three or more Committee members exercise their votes, then the proposal is to be decided by a majority of votes.

10.6 In the event of a deadlock the Chairman of the Committee will have a casting vote.

10.7 Members of the Committee are to be notified of the outcome of any such vote.

11 SUBSCRIPTIONS

11.1 The financial year of the Association shall commence on the 1st day of September of each year and terminate on the 31st day or August of each succeeding year.

11.2 The amount of the Entrance fee and Annual Subscription shall be payable in advance and shall be determined by the Committee not later than the 31st day of August in each year, for the period of twelve months commencing on the 1st day of September following.

11.3 No further levy may be imposed without a resolution of the Association in General Meeting.

11.4 All subscriptions, entrance fees or levies shall become payable immediately upon written notification thereof to members.

12 PROFITS

12.1 The Association will not carry on any profit making activities; or participate in any business, profession or occupation carried on by any of its members, or provide any financial assistance,

premises, continuous services, or facilities to its members for the purpose of carrying on any business, profession or occupation by them.

12.2 The income and property of the Association shall be applied solely towards the promotion of the objects of the Association and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, profit, bonus or in any other manner to the members of the Association. Provided however, that any payment in respect of remuneration to any officer or servant of the Association and the reimbursement of expenses incurred for and on behalf of the Association shall not be regarded as a contravention of this Clause.

12.3 Members or office bearers of the organisation do not have rights over things that belong to the organisation.

13 NOTICES

Every member shall register with the Secretary/Treasurer, an e-mail address in the Republic to which all notices shall be sent and except where otherwise provided herein, notices may be served upon any member either personally or by sending them via electronic mail, to such member at his supplied e-mail address. Should a member fail to register his address he shall be deemed to have waived his right to receive notices.

14 INDEMNIFICATION AND LIABILITY OF MEMBERS

The liability of members is limited to the amount unpaid on their subscription or other moneys due to the Association. Each Committee member, paid official and Employee of the Association shall be indemnified by the Association against costs, losses and expenses he may incur as a result of his carrying out the instructions of the Association, or in the performance of his legitimate official duty to the Association.

15 AMENDMENTS / PROCEDURE FOR CHANGING THE CONSTITUTION

This constitution may be amended, altered, added to, repealed or substituted by a resolution, and the resolution has to be agreed upon and passed by not less than 2/3 of the members (the quorum) who are present in person, or by proxy at the annual general meeting or special general meeting, and entitled to vote at such a meeting.
Details of such changes are to be set out in a written notice, which must go out not less than fourteen (14) days before such meeting, at which the changes to the constitution are going to be proposed. The notice must indicate the proposed changes to the constitution that will be discussed at the meeting. Any such amendments will be submitted to the Commissioner for Inland Revenue.

16 WINDING UP

If it is found that the Association is not fulfilling the objects for which it has been created or if for any reason it is considered necessary to dissolve the Association, then a Special General Meeting shall be called to declare the Association dissolved. The Association may close down if at least two-thirds of the members present and voting at a meeting convened for the purpose of considering such matter, are in favour of closing down. The Committee shall act as Liquidators of the Association and after defraying all expenses of winding-up and dissolution the remaining assets shall be given or transferred to an organisation with similar aims and objectives to those of the Association, and which is itself exempt from Income Tax in terms of Section 10 (1) (cB) (i)(ff).

"C1"

62

SOUTH AFRICAN ARMS & AMMUNITION DEALERS ASSOCIATION

SUID AFRIKAANSE WAPEN EN AMMUNISIE HANDELAARS VERENIGING

Secretary J. Howard
Sekretaris Tel: (011) 680-7223
Fax: 088 011 680 7223
E-mail: saada@mweb.co.za

Postal Address: PO BOX 90756
Pos Adres: BERTSHAM
2013

Chairman A. Soutar
Voorsitter Tel (013) 656-2923
Fax (013) 656-1835
E-mail: andrew@classicarms.co.za

MINUTES OF THE SAPS / DEALER MEETING HELD ON 10-9-2013 AT THE MG CAR CLUB, PRETORIA

Present: SAPS
Brig Solucotho / Col Kibido / Col. Ndukula / Col. Tuge / Col. Ndzamela / Lt. Col. Mokoto / Col. Rascher / Lt. Col. Van der Walt / Col. Dolo / Lt. Col. Morkel

Present: Dealers
SAAADA / Classic Arms / Arms for Africa / L.A. Arms / Inyathe Sporting Supplies / NSN Guns + Ammo / M.J. van Wyk Wapensmid / Formalito (Pty) Limited / WACS / Kuvhima / Hot Power Wapens / Acapulco Sports + Guns / Limpopo / Rescomp / JJ Wapens / Safari + Outdoor / Slingervel / Zimbi Books / Truvelo Manufacturing / MRS Techniques / Jagters Mecca / SA Hunt Training / The Powder Keg / Nicholas Yale / Ken Gillie / Blue Air Sea and Land Logistics / Centurion Indoor Shooting Range

Apologies: SAPS
Lt. General Motiba – SAPS Divisional Commissioner

Apologies: Dealers
Bloemfontein Custom Rifles / Buck Sales / BW Laubscher / Komani Gun Cellar / Pongola Gunshop / Harold J Drinn / SA Trading + Technical / Magnum Arms / National Cartridge Company / Acquila Arms

Mr. Andrew Soutar – Chairman SAAADA opened the meeting at 10:00am by welcoming Brig. Solucotho (Acting Head: CFR), his team, and Firearms Dealers.

Brig. Solucotho thanked Mr. Soutar, and apologized for the absence of Lt. General Motiba. He further indicated that where he and his team did not have answers to the various items raised on the agenda, they would revert to SAAADA in due course, or alternatively convene a further feedback meeting. He asked that the meeting not be a "naming and shaming" session, but rather for everyone to work together. Brig. Solucotho informed everyone present that if DFO's and Provincial offices can't answer queries, only then can Dealers approach CFR.

The various members representing CFR and SAPS Compliance then introduced themselves.

The following points were raised per the Agenda:

1. Proposed Amendments to Dealer Registers.
   Feedback on proposed simplified registers.
   Mr. Soutar asked if there had been any progress on the matter. Brig. Solucotho asked if we could deal with the issue at a later stage.

2. Communication issues;
   A] Meetings SAPS/Dealers.

Dealers concerned about lack of regular meetings.

The firearms control act makes provision for regular interaction and meetings between CFR and Dealers. There is no schedule of meetings, and the Dealers would like regular quarterly meetings. A number of requests for meetings have been made over the past 6 months, and this is the first response we have received to the requests. Mr. Soutar suggested that it would not necessarily be a meeting with all Dealers attending, but rather the Committee with SAPS / CFR, and feedback could be provided to the Dealers. Matters could then be resolved before they become issues.

Brig. Solucotho was not aware of the provision in the act for regular meetings, and asked his colleagues if it was possible to have quarterly meetings. He advised his colleagues that if they commit to quarterly meetings, they must stick to the arrangement. Following a discussion between CFR/SAPS officials, it appeared that there was some concern regarding the agenda for the current meeting, and that a more user-friendly agenda should be adopted. Mr. Soutar advised that the current agenda was of urgent issues the Dealers would like addressed

A debate ensued whereby a dealer advised that a year ago we requested the same things and nothing had been done. Mr. Soutar advised that that is the reason why we would want a commitment for quarterly meetings, and that should things go smoothly, the quarterly meetings could be reduced to half yearly if necessary.

Following much debate, it was finally agreed that quarterly meetings would take place.

B] <u>Establishing contact with CFR staff</u> remains an ongoing area of concern. Very little response to telephone calls or e-mails, by both dealers and DFO's.

Mr. Soutar went so far as to suggest that he has no idea why there are telephones at CFR if they are not being answered.

Brig. Solucotho asked his colleagues what the arrangement is at present regarding the allegation. Col. Ndukula advised that there is a call centre for applicants, and that they were not supposed to interact with anyone, unless there are serious issues, like an application that is older than 90 days. It was suggested by the floor that the call centre has no value to Dealers.

Questions regarding Import and Export permits were raised, and whom to contact regarding errors / mislaid paperwork etc.

Brig. Solucotho advised that the meeting was not following the agenda, and he would prefer if it followed the agenda.

Mr. Soutar advised that it was part of the concerns raised that dealers were struggling to establish contact with CFR.

C] <u>Unclear chain of command</u>. Lack of organogram & contact details.
Mr. Soutar suggested that an organogram once again be supplied by CFR, as well as a SAPS station list, as there was confusion regarding the division between Gauteng North and Gauteng South. It was agreed that this would be forwarded to SAAADA, who would in turn distribute to all Dealers. It was further agreed that should a name on the organogram change, a new organogram would be distributed, and only the numbers of the Col's would be distributed.

D] <u>Documentation mislaid/lost</u>.
Brig. Solucotho advised that the posting of the licence applications by DFO's created a huge problem at CFR, with everyone blaming each other for lost applications. He advised that the system as it is now, whereby applications are taken to CFR by provincial, is a far better system, with checks and balances in place whereby receipt of applications are signed for.

Mr. Soutar advised that the system just does not work, as it's not efficient as applications are taking weeks to reach CFR.

Brig. Solucotho advised that he had noted Mr. Soutar's concerns, and would advise the outcome at the next meeting.

E] DFO offices taking days off & not accepting applications. Brig. Solucotho advised that if the commanding officer of the Police station had made those rules, there is nothing that can be done about it, and the community would have to become aware of the restrictions. He has taken note of the concerns, took notes of the offending police stations, and advised that he would advise the outcome at the next meeting.

F] Communication routes.
Posting rather than e-mail. Outdated & inefficient.
Provincial office routing. Dealers concerned about unnecessary delays and lack of any added-value in routing paperwork through Provincial offices.
Brig. Solucotho advised that it was agreed that there are challenges regarding communication at station and provincial office level. These quarterly meetings will hi-light these problems.

3. Service delivery issues.

A] SAP 350 & SAP 534 processing delays and lack of processing. Applications are being bounced back months after being submitted, due to SAP350 and 534 having been submitted, but not being processed at CFR level, and this is an ongoing matter.

Col. Ndukula agreed that this is an ongoing complaint, as CFR complains that Dealers are not submitting returns, and Dealers complain that the returns are not being processed. This should be rectified once the organogram has been sent to all dealers with fax numbers and email to submit returns. It will merely be a matter of a phone call or email to the relevant Col in charge for the problem to be rectified.

A number of Dealers from the floor highlighted various issues of DFO's demanding copies of SAP 350's without checking the system, the security behind handing members of the public copies of confidential paperwork, and some DFO's even demanding copies of 350's from the importer of the firearm.

Mr. Soutar asked Brig. Solucotho if he could look into this serious matter. Brig. Solucotho advised that he had noted the concerns, he further advised that 350 returns were for the CFR and not at DFO level.

Cnl. Dolo advised that copies of the SAP350's were only asked for if the firearm is not registered on the system when the SAP271 was submitted.

Mr. Soutar asked if correspondence could be sent to all DFO's advising them that only if a firearm is not registered on the system, only then can they ask Dealers for copies thereof.

B] Import/Export permit delays. Permits outstanding without any form of feedback.
Cnl. Ndukula advised that they are not supposed to engage with anyone regarding permits, and that there is a team at CFR dealing with permits, and if anyone has any problem, to contact the office of the section head on 012 353 6104 – and speak to the secretary in the office (Lizzie). There was some confusion as to what the email address is. This is the office for temp permits, temp authorizations and section 21's, including permanent imports. It was asked who we contact if the permit has disappeared, as well as if that office deals with semi automatic applications.

Mr. Soutar advised that in the past 2 months very few Import / Export permits had been issued, and that internationally this does not bode well for South African industry, and foreign customers & suppliers are not concerned what internal problems we, or CFR might be facing. This is definitely

going to create a knock-on effect where dealers don't have the stock to supply demand, and there has already been talk of laying staff off because of lack of stock.

Brig. Solucotho then asked Col. Kibido what the turnaround time on a permit is. She responded by saying 7 days, if application was made within the stipulated 21 days. Brig. Solucotho asked if his colleagues are sure it's 21 days to which Col. Ndukula responded that it is 21 days, but if everything is in order, it could be less than 21 days. Dealers responded by saying that some of them were waiting since February for an import permit.

The question was once again asked if it's the same office handling applications for automatic as well as semi-automatic weapons. The response was a definite yes.

The floor asked for clarity on the 21 day turnaround time, and if that time was included in the delivery by the DFO to provincial and from provincial to CFR, issuing of the permit by CFR, returning it to provincial, from provincial to DFO, to Dealer. Brig. Solucotho admitted that this could be a problem and a challenge, and suggested that he would send a directive to all DFO's and province offices that all applications must be forwarded to CFR within the 21 day limit.

The floor asked why the permits can no longer be printed at local level, since the permit is already issued. The system worked when this was allowed.

It was advised by the floor that nothing is consistent - that in Gauteng import / export permits must go from the DFO via provincial to CFR. In Natal the process can go via a courier to CFR, and in Cape Town they are dealt with at local level. 3 different rules for 3 different provinces.

Following confusion regarding permanent / temporary import / export permits, Brig. Solucotho asked for a 5 minute break to confer with his colleagues.

Cnl. Kibido advised that applications for Import / Export permits must be made 21 days before expected import / export. Once the permit reaches her office, it must be finalized within 7 days.

SAPS decided that dealers are not allowed in the offices of CFR, as they are a distraction, and it would be better if a courier is sent directly to CFR to deliver and collect at Veritas Building, 272 Volkstem Avenue, Pretoria. Brig. Solucotho advised that DFO's at station level, as well as the provincial offices will be advised of the new instruction in writing.

The question was then asked if this was for permanent as well as temporary permits, and Brig. Solucotho advised that this instruction is only for temporary permits. Permanent Import / Export permits would take 90 days, per section 77 (1) of the act, which states that it constitutes a licence. Note; A post meeting examination of the regulations revealed that both permanent & temporary permits are to be dealt with in 21 days, rather than 90 days.

A great deal of confusion was felt regarding the temporary / permanent permits, and Brig. Solucotho advised that he would liaise with his superiors as to the ruling on the time taken to issue permits.

Mr. Soutar advised that temporary permits are a very small element of the industry, and it's the issuing of permanent permits which are a huge concern for all Dealers who import.

C] <u>The lack of an export scrutiny meeting calendar</u> – Dealers have not been forwarded a copy of the calendar and request that this be done.

D] <u>License printing delays</u>.
It would appear that in some instances where a customer has been advised via SMS that his licence has been approved, it takes up to 3 months for the actual licence to be printed and sent to the relevant station, which as anyone can imagine, is extremely frustrating for the Dealer and the Customer.

Col. Rascher gave a lengthy explanation of various areas / outlying police stations, and the delays in obtaining licences from the province where they are printed and the travelling / delivery thereof. Some provinces don't even print licences.

Lt. Col van der Walt reiterated that a firearm can only be given to a customer on the strength of a licence card, and not on a printout of approval of a licence. This same issue had been addressed and intensely debated at the meeting at the AGM. SAPS is of the opinion that it is against the law to give a customer his firearm if they can't produce the white licence card, and all DFO's instructed that they can't print an approval of a licence and tell the customer they can collect the firearm on the strength of a printout with an official stamp thereon. Agreed that the debate on the validity of this would be held over to a more suitable occasion.

E] Problems in obtaining SAP 271/534's and other forms. Ongoing problem country-wide. The concern is that it's stationery which the Police should supply, and always have supplied in the past.

Brig. Solucotho was dismayed and shocked that CFR / SAPS were incapable of producing any stationery for Dealers. He advised that he had taken note of the situation. He was further advised that even if the various station commanders had the means to print the stationery, invariably either they had no paper, or the printer had no ink.

F] Time taken / excessive delays to process gunsmith requests for barrel changes, building of custom rifles & also deactivation requests.

Col. Ndukula advised that upon receipt of a complete application, they approve it, but most of the applications are not complete. The floor advised that all documentation / letters required are submitted, but it may be a suggestion to give the DFO's guidelines on what is required, as it appears that most police stations differ on what is required. The Col. Advised that guidelines would be given to all DFO's on the requirements, and Mr. Soutar asked that the Dealers receive a copy of the guidelines, so that everyone remains on the same page.
The floor asked for a timeframe on issues such as this. Brig. Solucotho advised that all applications get finalized in 90 days.

4. E-connectivity progress;

Mr. Soutar advised that e-connectivity was a cornerstone to the Firearms Control Act working. Now, 9 years down the line, we are no closer to obtaining this, and we need to get this function up and running. With e-connectivity, many of the problems raised in this meeting could have been avoided, and would no longer have to be raised meeting after meeting. It is a request in the meeting that the SAPS/CFR members present at the meeting, raise the issue with whoever is controlling the budgets and impress upon them, the urgency in getting this matter finalized.

Col. Ndukula advised that they did try and do something about e-connectivity, but that the project never materialized. And along the way it failed. They would take-up the request with their principals, and agreed that e-connectivity would solve a multitude of problems.

Mr. Soutar requested that the involvement of the Dealers is critical, and that there are a number of tried and tested programs which could be used in this regard.

JJ Wapens advised that they have spent many man hours writing a very good program, which can be used from retail shop level up to CFR level, and requested a meeting with CFR to give them a presentation on what has been implemented.

5. Integrity/accuracy of CFR data-base.

There are significant irregularities between Dealer registers and CFR registers. An exercise is required to reconcile these two. The matter has been addressed with the Secretariat, with Police

Legal Services, Col. Ndukula is aware of it, and we feel that this matter requires a dedicated meeting of its own, but the matter will not go away. Mr. Soutar wants to note particular reference to DFO's who arrive at Dealers to do an inspection, with CFR registers, which they want to tie-up to Dealers stock. Dealers cannot be held accountable for CFR registers, but at some stage, this needs to be addressed. The question of a SAPS/Dealer protocol for inspections also needs to be discussed at a future date.

6. Amendments to FCA & regulations-timetable?

Mr. Soutar advised that a number of dates have been put forward to parliament, but nothing has come of this, and clarification is required. Multiple amendments to FCA 60 of 2000 have not yet been implemented and this creates stakeholder uncertainty and confusion.

Brig. Solucotho asked Mr. Soutar what he was referring to – Mr. Soutar advised that multiple amndments to the act and the regulations have not been promulgated as yet.

Col. Ndukula advised that all she is aware of is amendments which were proposed in 2006, and she is not aware of other amendments, which were probably before her time.

Brig. Solucotho suggested that he has noted item 6 of the Agenda, and will advise further at the next meeting, following referral to legal services.

7. Further questions asked by the floor

- PFTC certificates and the relevant seta certificates required. Clarity needed on correct certificates. SAPS to revert to dealers.
- Rejected section 21 applications – Brig. Solucotho advised that every application is decided on merit.
- Firearms purchased from Dave Sheer are under scrutiny, which appears unfair. Brig. Solucatho advised that he is aware of this.
- Tremendous problems with the renewal of Dealers Licences. Col. Ndukula advised that application must be made 90 days in advance.

As SAPS / CFR members were scheduled for another meeting at 3pm, the meeting closed at 12:30.

SAAADA to advise CFCR of proposed date for follow-up meeting.

"C2"

SOUTH AFRICAN ARMS & AMMUNITION DEALERS ASSOCIATION

SUID AFRIKAANSE WAPEN EN AMMUNISIE HANDELAARS VERENIGING

68

Secretary J. Howard
Sekretaris Tel: (011) 680-7223
Fax: 088 011 680 7223
E-mail: saada@mweb.co.za

Postal Address: PO BOX 90756
Pos Adres: BERTSHAM
2013

Chairman A. Soutar
Voorsitter Tel (013) 656-2923
Fax (013) 656-1835
E-mail: res1@classicarms.co.za

MINUTES OF THE SAPS / DEALER MEETING HELD ON 23-10-2013 AT THE MG CAR CLUB, PRETORIA

Present: SAPS
Col Kibido / Col. Rascher / Lt. Col. Van der Walt / Col. Dolo / Col. Sikhakane/ Maj. Mokoena/Col. Mdzimela/ Lt. Col. Mpungose

Present: Dealers Committe
Andrew Soutar, Nadine Prior, Franco Resca, Johannes Coertze

1. Review of minutes of meeting held on 10-9-2013

Item B, para 4 should read "applications for manual as well as semi-automatic weapons", rather than "automatic as well as semi-automatic weapons".
Lt. Co. van Der Walt had a further correction which he would note later. Rest of minutes in order.

2. Matters arising from minutes.

Proposed simplifications to dealer registers. Lt. Col. Van Der Walt advised the meeting that SAPS did not prescribe a register format. Registers had however to contain the information required in the regulations; Reg. 37.1 for arms, 37,2 for ammo & reg. 37,3 for safe-keeping.

Communication issues;

A] Meetings SAPS/Dealers.

The importance of regular meetings was stressed once again. Provisional date of 11th February put forward for following meeting.

B] Establishing contact with CFR staff and

C] Unclear chain of command. Lack of organogram & contact details.

SAPS were thanked for the organogram provided, but advised that it was already out of date and contained no contact details. Col. Kibido undertook to update it and provide telephone numbers and e-mail addresses for responsible staff.

D] Documentation mislaid/lost & communication routes.

Nadine Prior provided the meeting with three recent months of e-mail "read receipts" of SAP 350 The meeting was advised that the processing of 350's & SAP 534 forms was now receiving attention. Meeting advised that this remains an ongoing area of significant concern to dealers and

that the lack of SAP 350 & 534 processing seriously affects both the integrity of the CFR database and efficiency of license processing.
SAPS was advised that there were still stations that were refusing to accept license applications for firearms that were not on dealer codes, despite the fact that SAP 350 forms were included with the applications. Dealers were advised to notify Provincial Commanders of stations involved so that the matter could be taken up with DFO's.
Import/Export permit applications can be delivered to CFR by couriers and processed permits collected by couriers from CFR. Dealers asked when SAPS can be expected to return to the electronic issue of permits at local station, given that we are living in an electronic age and that the system was designed to issue electronic copies.
Dealers requested that they be notified by e-mail when import/export permits are approved. This would save time and unnecessary calls to & from CFR.

3. Service delivery issues.

A] SAP 350 & SAP 534 processing delays and lack of processing. Ongoing area of significant concern to dealers. This frequently results in customer frustration and cancelled sales. Dealers have been advised to consider bringing damages claims against SAPS if there are not significant improvements.
SAP 350 forms relating to imports & exports can be forwarded to; lusengaj@saps.gov.za
SAPS has a 7 working day time period for processing SAP 350 forms.
Dealers requested to forward SAP 350s on a regular basis and not just at month-end, thus smoothing the workload for CFR staff.

B] Import/Export permit delays. Permits outstanding without any form of feedback.
Those present at the meeting were pleased to report significant improvements in import/export permit turn-around periods.

C] The lack of an export scrutiny meeting calendar – Dealers advised that scrutiny meetings are held on a monthly basis and that there is no longer an annual scrutiny calendar drafted.

D] License printing delays.
Ongoing problem. There is also a concern that very few stations notify applicants that their licenses have been approved and received at stations and licenses can remain at DFO offices for months before collection.

E] Problems in obtaining SAP 271/534's and other forms.
Ongoing problem country-wide. DFO's are no longer carrying stock of stationery from the Government printer and either expect dealers to print their own stationery or are printing in small and costly runs.

F] Time taken / excessive delays to process gunsmith requests for barrel changes, building of custom rifles & also deactivation requests.
Dealers still awaiting procedural guidelines on application process.

4. E-connectivity progress;

Meeting advised that Government will need to appoint a new contractor for the e-connectivity process and this could still take a considerable period of time.

5. Integrity/accuracy of CFR data-base.

Meeting agreed that this subject needs to be the subject of a dedicated meeting with Brig. Lebesi.
Long outstanding problem which is getting worse rather than improving.

6. Amendments to FCA & regulations-timetable?

No feedback received from SAPS legal services yet.

7. Other matters.

Dealers requested to ensure that their customers signed any additional motivational forms that might be included with an application .

Proposed date for follow-up meeting is 11th February 2014..

SAAADA MEETING WITH CFR 20 FEBRUARY 2014

PRESENT FROM SAAADA: ANDY SOUTAR, JOHANNES COERTZE, STEFANO PILLER, JEFF SMALE, NADINE PRIOR, MARTIN HOOD

PRESENT FROM CFR: COL. RASCHER, MAJ. DLAMINI, COL. KIBIDO, COL. NDAKULA, COL. SIKHAKANE

REVIEW OF MINUTES FROM MEETING ON 23/10/2013.

COMMUNICATION ISSUES – COL. SIKHAKANE SAID DEALERS MUST ONLY COMMUNICATE WITH REGION COMMANDERS, NOT WITH CFR STAFF.

DOCUMENTATION MISLAID/LOST – COL. NDAKULA SAID 350 AND 534 FORMS MUST BE SUBMITTED TO DFO AND ALSO EMAILED TO REGION COMMANDERS. THIS SHOULD ALLEVIATE THE PROBLEM OF 350s NOT BEING RECEIVED BY CFR. QUERIES SHOULD ALSO BE ADDRESSED TO REGION COMMANDERS.

STEFANO – CORRECTIONS TO PERMITS ARE TAKING A VERY LONG TIME, IE. FROM 10-15 DAYS.
COL. KIBIDO SAID THAT FOLLOW UP EMAILS MUST BE SENT TO HER OR COL. SIKHAKANE AFTER 3 DAYS AND THEY WILL FOLLOW UP.

IF DFO IS IGNORANT OF REGULATIONS THIS MUST BE REPORTED TO REGION COMMANDERS.

MARTIN PROPOSED THAT COMMUNIQUES FROM CFR TO DFOs RELATING TO PROCEDURES ALSO BE SENT TO DEALERS ASSOCIATION.
COL. NDAKULA WILL INVESTIGATE.

STEFANO – CERTAIN DEALERS HAVE BEEN ASKED TO RESUBMIT CORRECTIONS TO PERMITS AS ENTIRELY NEW PERMIT APPLICATIONS.
MARTIN SAID IT IS CORRECT THAT IT SHOULD BE DONE LIKE THIS, BUT STEFANO SAID IT TAKES TOO LONG.
MARTIN SAID A NEW PERMIT FOR ONLY THE CORRECTIONS SHOULD BE ISSUED, INSTEAD OF CANCELLING THE OLD PERMIT AND ISSUING A NEW ONE FOR ALL THE ITEMS.
ANDY REQUESTED THAT CFR ATTEND TO CORRECTIONS OF PERMITS AS A MATTER OF URGENCY.

REQUESTS FOR EXTENSIONS TO PERMITS MUST BE ISSUED NO LESS THAN 7 DAYS BEFORE EXPIRY DATE.

COL NDAKULA CONFIRMED THAT EXPORT SCRUTINY COMMITTEE MEETINGS ARE TAKING PLACE MONTHLY.

LICENSE PRINTING DELAYS ARE STILL BEING EXPERIENCED. SOME PROVINCIAL OFFICES ONLY COLLECT ONCE A MONTH.

ANDY RAISED THE POINT THAT ERRORS ON LICENSE CARDS ARE INCREASING.
COL. NDAKULA AND CO SAID A DEALER IS NOT ALLOWED TO RELEASE A FIREARM TO A CUSTOMER IF THE LICENSE HAS INCORRECT DETAILS.

THERE IS STILL A PROBLEM GETTING OFFICICAL FROMS FROM POLICE STATIONS. CFR SEEMED SURPRISED AND SAID THAT PROVINCES MUST REQUEST STATIONERY FROM GOVT SUPPLIER AND THEY SHOULD GET IT.

ANDY SAID THAT GUNSMITHS WHO ASSEMBLE FIREARMS HAVE BEEN TOLD THAT THEY CANNOT ISSUE 271 FORMS FOR THEM. COL NDAKULA SAID THIS IS BECAUSE A GUNSMITH IS NOT A DEALER. ANYD EXPLAINED THAT THE GUNSMITH IS ASSEMBLING FIREARMS, NOT MANUFACTURING THEM.
MARTIN SAID GUNSMITHS MUST BE ABLE TO SELL FIREARMS.
COL. NDAKULA WILL INVESTIGATE AND GET BACK TO ANDY ON THIS.

E-CONNECTIVITY: CFR HAS NOTHING TO REPORT ON THIS. ANDY OFFERED THEM AN EXPERIENCED CONSULTANT.

INTEGRITY OF CFR DATABASE: ANDY RAISED CONCERN THAT THE SITUATION IS DETRIORATING FURTHER. CFR SEEMS RELUCTANT TO DEAL WITH THIS AND COL. NDAKULA BELIEVES THAT IF ALL 350 FORMS ARE SENT TO REGION COMMANDERS IN FUTURE THE SITUATION SHOULD IMPROVE. THIS DOES NOT ADDRESS THE BACKLOG.

NADINE ASKED IF DEALERS CAN SUBMIT REPORTS AS WELL AS GUNSMITHS.
COL. NDAKULA WILL INVESTIGATE.

DFOs ARE MAKING UP THEIR OWN RULES ABOUT WHAT IS REQUIRED FOR A FIREARM APPLICATION. COL NDAKULA SAID DFOs ARE ONLY REQUIRED TO CHECK THAT THE APPLICATION IS COMPLETE AND CORRECT. MARTIN SAID THAT DFOs SHOULD ACCEPT ALL APPLICATIONS, IRRESPECTIVE OF WHETHER THEY ARE COMPLETE AND CORRECT, BUT CFR IS CONCERNED THAT THIS WILL LEAD TO MORE LICENSE REFUSALS.

DFOs ARE NOT ACCEPTING APPLICATIONS WHEN FIREARMS ARE NOT ON DEALER'S CODE AND ARE DEMANDING CORRESPONDING 350s AND IMPORT PERMITS.
COL NDAKULA IS OF THE OPINION THAT THIS WILL BE AVOIDED BY DEALERS SUBMITTING 350s TO REGION CMMMANDERS BY EMAIL.

ANDY ASKED ABOUT GOVT DEPT 85. IT IS FOR "GHOST WEAPONS" (WEAPONS THAT DON'T EXIST)

GUNS IN DEALERS POSSESSSION THAT NEED TO BE TRANSFERRED TO DEALER'S CODES: DEALERS USED TO BE ABLE TO SUBMIT A 534 AND AFFIDAVIT BUT THIS WAS FOR A LIMITED TIME PERIOD. NADINE ASKED IF THIS CAN BE DONE NOW.
COL NDAKULA SAID THE DECISION MUST BE TAKEN AT A HIGHER LEVEL IN CFR AND SHE WILL INVESTIGATE.

OCCASIONAL HUNTERS ARE BEING REFUSED PERMITS – COL. NDAKULA SAYS THIS IS BECAUSE OF INCOMPLETE MOTIVATIONS.

NEXT MEETING SCHEDULED FOR TUESDAY 6TH MAY.

IMPORT PERMITS – FOLLOW UP WITH COL. SIKHAKANE OR COL KIBIDO.
sikhakane@saps.gov.za
KibidoSibongile@saps.gov.za

"C4"

SOUTH AFRICAN ARMS & AMMUNITION DEALERS ASSOCIATION

SUID AFRIKAANSE WAPEN EN AMMUNISIE HANDELAARS VERENIGING

Secretary J. Howard
Sekretaris Tel: (011) 680-7223
Fax: 088 011 680 7223
E-mail: saada@mweb.co.za

Postal Address: PO BOX 90756
Pos Adres: BERTSHAM
2013

Chairman A. Soutar
Voorsitter Tel (013) 656-2923
Fax (013) 656-1835
E-mail: andrew@classicarms.co.za

MINUTES OF SAPS / SAAADA MEETING HELD ON 3RD JUNE 2014 AT THE MG CAR CLUB PRETORIA – 10:30AM

The meeting commenced with a brief round-table introduction and welcome from the Chairman of SAAADA, Mr. Andrew Soutar

Present SAAADA: A. Soutar / J van Lierde / R. Naude / L. Coetzer / M. Hood / M + K Gillie / J. Smale / W. Schoonbee / P. Vd Walt / R. Stockbridge / S. Piller L. Buck

Present SAPS: Brig Matshene / Col Motau / Col Ndukula / Col Dolo / Col Sikhakhane / Col Kibido / Lt Col Morkel / Lt Col Moyaba / Maj Mokoena / Maj Mangaye

Review of Minutes of meeting held on 20th February 2014. Approved with amendments to the spelling of some names.

1. Matters arising from the minutes, forming part of the main Agenda:

2. Communication issues being a major problem. Brigadier Matshene advised that she would be supplying names, e-mail addresses and telephone numbers of the regional representatives, together with an organogram and a list of government departments, (in order that Dealers learn the status of a firearm in relation to the number of the relevant government department.) Mr. Soutar requested that the list be kept up-to-date. Brigadier requested SAAADA supply details of their regional representatives.

   - A further issue is the loss / mislaying of paperwork at station level. Mr. Soutar suggested that copies of correspondence get stamped and signed at station level, and copies thereof then e-mailed to regional commanders. Brigadier agreed, and suggested that documents get copied to herself as well. This being SAP 350's / 534's etc.

   - The ongoing issue of the use of couriers to deliver documentation to CFR was once again raised, and the expense of this, together with some Dealers delivering their paperwork without the use of couriers. Col. Kibido mentioned that in certain urgent circumstances allowances have been made for delivery of documents by Dealers. Mr. Soutar asked that CFR give thought to changing the rule, although Brigadier Matshene advised that the matter was an internal control measure, the decision taken by the General. Mr. Soutar

advised that he could see no difference between a courier, or a Dealer delivering documentation to reception at CFR.

3. Service Delivery issues

- Import / Export permits and corrections to import permits. Mr Soutar advised that an agreement was reached at the last meeting for a simple procedure to correct 1 or 2 numbers on incorrect import permits, but the feed-back he is getting is that this has not been accepted. Errors are not being corrected quickly. Brigadier Matshene advised that she had omitted to inform the chair that CFR have centralized the permit issue, and that Col. Kibido and Col. Sikhakhane are the task team leaders, together with the Commanders. Brigadier Matshene agreed that the system needs to be streamlined, and issues other than small changes need to be discussed at length, so that everyone concerned knows what the parameters are. Col Kibido agreed that small changes can be made to permits, but issues other than small changes need to be discussed internally, and SAAADA will be advised at the next meeting of their decision.

- Licence printing delays remain an ongoing problem. Clients are under the impression that they are entitled to take delivery of their firearms on presentation of a printout of the licence. Brigadier Matshene advised that CFR realize that there is a problem, which is being addressed. She suggested that changing the wording of the SMS advising the client that the licence has been issued, is a possibility. The floor advised that errors are being made on actual licences. Brigadier Matshene suggested that an e-mail be sent to the area Commander responsible, with a request for rectification, and the problem should be sorted-out within two weeks.

- Stationery supply -The problem of the supply of stationery remains an ongoing problem. Brigadier Matshene firstly suggested that documents be downloaded off the SAPS website, but this is not acceptable to Dealers, as the cost is prohibitive, she then promised to look into the matter, together with Colonel Morkel and ensure that logistics print and supply all stations with sufficient stationery.

4. Legislation interpretation concerns

Gunsmith / client licensing procedures, and the issue of Forms 271. This matter is at a critical level, as Gunsmiths cannot make a living while the issue is under consideration. Mr. Soutar asked if SAPS legal services had provided an answer as promised at the last meeting. Brigadier Matshene requested the matter to be held over to the next meeting, as CFR want more time to finalize the matter, and are still waiting for an answer from Police legal services. Mr. Soutar requested a timeframe from the Brigadier, which she was unable to provide. Following a long discussion, Mr. Hood advised the floor that he would communicate directly with General Phillip Jacobs, ask him to investigate the matter, and copy Brigadier Matshene.

5. E-Connectivity.

Brigadier Matshene advised that this is still on hold. Mr. Soutar pointed out that it can only improve matters within CFR, save money in the long run, and the Act requires e-connectivity. SARS and Home Affairs are now very efficient, and he could see CFR being as efficient once electronically connected.

6. Integrity / accuracy of CFR database

- Mr. Soutar raised concern that paperwork is not being processed. Various data crashes, and information on Dealers' registers and CFR database not being the same. Colonel Kibido advised that the system is wonderful, but the people capturing the data are ill-informed, incompetent and are capturing the data incorrectly. CFR staff require extensive training on a continuous basis. Mr. Soutar advised that he is not questioning the technology of the system, but rather questioning the information that is being generated by the system, and problems arising because the system is not being updated on a regular basis, together with the non processing of information. Mr. Hood suggested that although training is necessary, the top priority remains that the SAP350's need to be processed – just as a start – process the paperwork and all the other communication issues will start tailing off.

- Mr. Soutar then once again raised the 13 year old problem of firearms contained on dealer registers, but not on the CFR register. The firearms being on Dealer registers legally, but never taken onto CFR register. A procedure was agreed a number of years ago to marry the two, which was working, but then overturned. The matter was discussed with SAPS legal services as well as Parliamentary Portfolio committee, and both parties seemed to indicate that it's a CFR matter, but nobody within CFR has been willing to take the decision. Colonel Kibido said it is Colonel Ndukula's responsibility to respond on the matter.

  Colonel Kibido asked Mr. Soutar how he would go about sorting the matter out, to which Mr. Soutar responded that it must be as simplistic as possible, with a copy of the Dealer's register entry page, any corresponding paperwork and an affidavit. At present, there is no control over these firearms, and the matter needs to be finalized before certain on these firearms get into the wrong hands.

  Colonel Kibido said that a decision can't be made today, but Brigadier Matshene said a start needs to be made somewhere.

  Mr. Soutar suggested that the task be handled in 3 phases: (1) Identify what Dealers have on their registers that is not on the CFR system. Phase (2) Get the firearms onto the system by way of the above suggestion, and Phase (3) remove muzzleloaders off the system – i.e. remove the "ghost guns". It was further suggested by Mr. Soutar that a working group be formed with CFR once the matter had been discussed with legal services. Brigadier Matshene indicated that Compliance section be involved as well.

Colonel Ndukula said that Compliance should sort the matter out, or the audit list provided to Dealers by CFR should be used by the DFO's when conducting inspections. If this was the case, then these guns would be picked-up by the DFO's. Colonel Ndukula was informed that if the SAP350's were not being processed, then the audit list would not be accurate.

- Mr. Hood asked for a timeframe on the regulations and amendments, to which Colonel Kibido responded that nobody could answer the question.

Time being a constraint, the meeting closed at 12:30pm.

A follow-up meeting will be arranged between Mr. Soutar and Brigadier Matshene for early September.

SOUTH AFRICAN ARMS & AMMUNITION DEALERS ASSOCIATION

SUID AFRIKAANSE WAPEN EN AMMUNISIE HANDELAARS VERENIGING

"C5"

Secretary J. Howard
Sekretaris Tel: (011) 680-7223
Fax: 088 011 680 7223
E-mail: saada@mweb.co.za

Postal Address: PO BOX 90756
Pos Adres: BERTSHAM
2013

77

Chairman A. Soutar
Voorsitter Tel (013) 656-2923
Fax (013) 656-1835
E-mail: andrew@classicarms.co.za

MINUTES OF SAPS / SAAADA MEETING HELD ON 30th SEPTEMBER 2014 AT THE MG CAR CLUB PRETORIA – 11:00AM

Present SAAADA: A. Soutar / L. Wentzel / J. Coertze / B. Sutherland / L. Coetzer / D. MacArthur / C. MacArthur / F. Resca / N. Prior / M. Hood / R. Stockbridge / C. Nadas / K. Gillie / P. Van Rhijn

Present SAPS: Brig Matshene / Col Ndukula / Col Dolo / Col Kibido / Lt Col Moyaba / M. Guze / S. Tipanyegam / Col Sikhakhane / Lt Col Semono / Maj Dlamini / M. Maluleke

Maj. Dlamini and Maluleke were introduced to the floor by Brig. Matshene.

Apologies: C. Montgomery / C. Evans / T. Thompson

1. Review of Minutes of meeting held on 3rd June 2014.

2. Matters arising from the minutes of the meeting of 3rd June 2014.

   - Communication issues remain a major problem. Mr. Soutar thanked Brigadier Matshene for the list of e-mail addresses and telephone numbers of the regional representatives, and requested that the list be kept up-to-date.

   - A further issue is the loss / mislaying of paperwork at station level. Mr. Soutar advised that this remains an on-going problem, knows that it's a problem at station level, but two Dealers have contacted the Association in the last month, and advised that paperwork has been lying at station level for 2 years. Brigadier Matshene reiterated that such complaints be addressed directly to herself, and further advised that visits to stations are taking place by CFR, to address and monitor such issues.

   - The ongoing issue of the use of couriers to deliver documentation to CFR was once again raised, and the expense of this. Brigadier Matshene advised that the matter was an internal control measure, and the position remains the same, whereby only couriers can deliver documents. Mr. Soutar suggested that actual access to CFR is not required by Dealers, but merely to drop-off documentation at reception.

   - Service Delivery issues, namely Import / Export permits and corrections to import permits. The Association has received complaints of Export Permits submitted in January, that have still not been processed. A further problem is where export permits are being issued, but not being correct. Further examples of unhappiness by Dealers can be provided if necessary. Mr Soutar advised that an agreement was reached at the 20th February 2014

meeting for a simple procedure to correct 1 or 2 numbers on incorrect import permits, but the feed-back he is getting is that this is not being done. Following a lengthy discussion, Brigadier Matshene suggested that specific problems be directly referred to herself. It was further pointed out that Cnl. Kibido and Cnl. Sikhakhane were team leaders, and authorized to change permits where necessary.

- Licence printing delays seem to have improved, for which Mr. Soutar thanked the Brigadier and her staff.

- Stationery supply -The problem of the supply of stationery remains ongoing. Brigadier Matshene advised that she is addressing the problem and asked that the matter be held over to the next meeting.

- Legislation interpretation concerns. Gunsmiths, and their inability to issue SAPS 271 forms. Agreement could not be reached between the parties, and although Mr. Hood had discussed the matter with General Phillip Jacobs, he had still not received a response. Brigadier Matshene suggested that she arrange a follow-up meeting between Mr. Soutar, Mr. Hood, herself, and General Jacobs. Mr. Soutar requested the meeting to be held as soon as possible, considering the severity of the matter.

- E-Connectivity. Mr. Soutar asked Brigadier Matshene if she had any feedback, and if funds had been allocated. The Brigadier advised that this is still on hold, and agreed that it can only improve matters within CFR, save money in the long run, and the Act requires e-connectivity, but that CSIR is now performing an investigation into e-connectivity, and she is waiting for their response. Mr. Soutar reminded the Brigadier that this formed a foundation stone in the act.

- Integrity / accuracy of CFR database. Mr. Soutar asked Brigadier Matshene for suggestions to take to the Portfolio Committee on how to fix problems regarding the inaccuracy of the CFR database. Mr. Hood advised that everyone is aware of what problems exist, but nobody wants to compromise the CFR and make the situation uncomfortable for everyone.

  Brigadier Matshene responded by saying that SAAADA can and must discuss whatever they like with the Portfolio Committee. Mr. Soutar advised that what SAAADA would like to see is a joint approach in terms of solving the problem, and that we make suggestions / proposals jointly, to an agreed agenda, in order to solve the problem once and for all.

  SAAADA have a long outstanding problem of firearms being legally in their possession, and in their registers, but never taken onto the SAPS / CFR database. A lengthy explanation of many reasons why and how this transpires was made by both Mr. Soutar and Mr. Hood. Following this long discussion, Colonel Ndukula agreed that in fact firearms could be added to the CFR database, and that all that remains to be resolved is the requirement / mechanism for CFR to in fact do this. It was finally agreed that a sub-committee be formed, the first meeting to take place in early November, to establish the way forward. The sub-committee will be made up of 2 SAAADA members, and 2 CFR members. Brigadier Matshene to arrange the meeting.

Those being the matters arising from the minutes of the previous meeting, proposed and seconded by Mr. Gillie and Mrs. Prior.

3. Communication Matters:

(a)Establishing contact with CFR staff remains an ongoing area of concern. There is very little response to telephone calls or e-mails by both Dealers and DFO's. Brigadier Matshene requested that if the problem persists, she must be e-mailed immediately, and she would solve the problem.

(b)Brigadier Matshene advised that she would e-mail updated organograms and contact details in the event of changes.

(c)Mislaid / lost documentation – Brigadier Matshene advised that if CFR requests further copies, the relevant Dealer must send copies thereof to the relevant regional representative as well as herself.

4. Service Delivery issues and legislative interpretation issues:

(a)Mr. Soutar requested that when a SAP350 is being processed at CFR, and a problem is found, that the Dealer is notified directly, be made aware of the problem, and immediate action can be taken for the incorrect information to be rectified. Brigadier Matshene agreed to this.

(b)Import / Export permit delays – this matter had been covered in the minutes.

(c)SAP 271 / 534 from Government stores – this matter had been covered in the minutes.

(d)Time taken to process gunsmith requests for barrel changes and deactivation requests. Brigadier Matshene requested that this information be e-mailed directly to her for follow-up.

(e)Status of SAP 25 (old licences) and SAP 85 (unknown owner) problems. Mr. Soutar asked Brigadier Matshene what the status is on these issues, as she was going to look into the matter and revert to Mr. Soutar. Brigadier Matshene advised Mr. Soutar that she would e-mail her response to SAAADA.

(f)Status on Gunsmiths issuing SAP271 forms – this matter had been covered in the minutes.

(g)DFO's refusing to accept SAP 271's if firearm not on Dealer code. It appears that in some instances Dealers are making blatant mistakes, which obviously the DFO can return the application to the Dealer, but Mr. Soutar pointed out specific instances where the SAP350 is attached to an application, the relevant firearm is not reflected on the Dealers code, (possibly still reflected on the importers code) and the DFO is sending the applicant back to the Dealer. Following a lengthy discussion, it was confirmed that the accepted practice in the past, and going forward, is to attach a copy of the relevant SAP350 to the application, and that the DFO can't make a decision on applications. If Dealers are forwarding all SAP350's to their relevant regional representative, the matter of firearms not being on their Dealers' code should be addressed by that regional representative, and should the problem persist, an e-mail is to be sent to Brigadier Matshene, who will address the problem.

(h)Delays in issuing Dealer licences, together with (I) SAPS not accepting licence renewal applications prior to 90 days before expiry. This matter being unreasonable, it was suggested that the matter in each instance be forwarded to the regional commander. Brigadier Matshene asked that such long outstanding issues be directed to herself for rectifying.

(i)CFR informing dealers of changes to procedures / policies. Brigadier Matshene informed SAAADA that it would be informed of any changes in procedures / policies, one being the suspension in trade between South Africa, and the countries of Israel and Taiwan, (arms boycott) and exports / imports to / from Lesotho are on hold.

Mr. Soutar further requested a mechanism for Black Powder revolvers, which were de-regulated, and then re-regulated, to be re-entered back onto the system. Brigadier Matshene advised that she would hand the matter to legal services for their input.

Colonel Ndukula requested that Dealers who close down inform CFR of their intention to do so. SAAADA undertook to inform Dealers of this request. At her request, Mrs. Howard was promised a list of licenced Dealers presently on CFR database.

5. E-Connectivity progress: This matter had been covered in the minutes.

6. Integrity / accuracy of CFR database: This matter had been covered in the minutes.

Time being a constraint, the meeting closed at 1:00pm without Agenda items 4.(j) (DFO requirement for training and competency certificates), and 4.(k) (DFO's insisting on SAP 250 + B forms being dealt with).

MINUTES OF MEETING HELD BETWEEN SAPS / CFR AND SAAADA (SA ARMS DEALERS ASSOCIATION) ON TUESDAY 5TH JULY 2016 - 540 PRETORIUS STREET, PRETORIA AT 12:30PM

"C6"

1. PRESENT:

   SAPS/CFR: Lt. Gen. Masemola; Lt. Gen. Masiye; Maj. Gen. Bothma; Brig. Mabule; Cnl. Terblanche (minutes)

   SAAADA: A. Soutar (Vice Chair); E. Combrink; F. Resca; R. Stockbridge; M. Piller; J. Howard (minutes)

2. The Minutes of the meeting held on 30th September 2014 were circulated.

Lt. Gen. Masemola welcomed all present, Mr. Soutar thanked Lt. Gen Masemola for agreeing to the meeting, which is long-outstanding, since the last meeting was held nearly two years ago. SAAADA have struggled to arrange this meeting, as previously we had meetings on a quarterly basis, where problems were ironed-out.

Maj. Gen. Bothma agreed that regular meetings should take place with all entities, not only the Dealers Association, to the extent where Dealers who are not Members of the Association should also be invited to various stakeholder meetings.

Mrs. Howard requested an updated list of Licenced Dealers, which Maj. Gen. Bothma agreed to supply.

Mr. Stockbridge suggested that an actual working-group be set-up in order for the Act to be implemented correctly, and in order for various problems to be ironed-out. He further asked at what stage the implementation of the electronic system was, being part of the Act.

Mr. Combrink said he has been in contact with a Company who can implement the electronic system, and requested that they set-up a meeting for them to put forward their proposal. Lt. Gen. Masemola suggested that it will cost nothing to listen to the proposal. Mr. Combrink to arrange the meeting.

Before commencing with the items on the Agenda, Gen. Masiya explained that the meeting could not deal with any issues contained in the court application. Lt. Gen. Masemola agreed to touch on some of the issues contained in the Agenda. Mr. Soutar responded that no court issues are featured in the Agenda, and the meeting could follow along the lines of making everyone aware of the issues at hand.

3. Service Delivery Issues

   - SAP350 and SAP534 – lack of processing. The processing of SAP350's and SAP534's is critical to the trade, and SAPS need to keep control of this processing. It has been an issue raised at every meeting for the past 10 years, and is ongoing.

   - Import and Export permits are now being sent back via Provincial, with subsequent delays.

     Mr. Combrink asked for contract numbers which the trade could contact in the event of problems. Brig. Mabule suggested CFR enquiries be contacted. Mrs. Piller raised the issue of the signing-off of permits.

General Bothma said the issue needs to be addressed with systems and proposals in place, and would not encourage e-mail addresses being used, as the e-mail will be locked down within hours.

General Bothma said he would look into the delegation of powers for signing-off permits, to avoid delays.

- Register inaccuracies / lost items. Mr. Soutar said firearms were merely disappearing from the register. He's not sure if it's a maintenance issue, but significant problems are being faced. Also too many customers, having sold their firearms (where they have been taken off their names), only to appear back on their names a year later. Dealers understand there could be difficulties with the system, but someone needs to resolve the issue, and also there are still a significant number of firearms out there on dealers stock, but no record of them on the CFR system. There must be a legitimate way of Dealers being able to get these firearms onto the CFR register.

  Mr. Stockbridge said there are numerous instances where the majority of exported and destroyed guns remain on Dealer stock.

- Organogram. These were available to Dealers in previous years. At present there is no organogram available. Mr. Soutar said he thought it worked well, helped SAPS as well, and hopes to get it re-instated. Lt. Gen. Masemola suggested that by providing such a document could initiate bad practices like bribes.

- Mislaying of paperwork. Mr. Soutar stressed that e-connectivity was the foundation of the act, and would lighten the load

- Licence printing delays and the supply of stationery. Licence printing delays crop up all too frequently. Is it not possible that SAPS keep a back-up supply of paper, printer cartridges etc? The public become difficult with Dealers, and it's embarrasing for all concerned. Lt. Gen. Masemola said he had taken note of the issue, and Brig. Mabule said he is aware of the delays, and will ensure they are addressed. The issue of stationery supplies was also addressed by Mr. Soutar. Brig. Mabule agreed that the quality of the stationery was also a matter of concern and would be addressed.

[redacted]Proofing of firearms. Mr. Soutar said he understood that the problem has now been resolved by doing away with the Bureaux of Standards, but DFO's are still not up-to-date. Brig. Mabule said the letter addressing this issue is waiting for signature. Mr. Combrink mentioned that the letter issued by CFR to authorise the barrel replacement and custom rifle still contains the paragraph that instructs the gunsmith to provide the Proof Certificate to the DFO, and should be removed.

5. Dealers holding guns on expired licences. Mr. Soutar suggested this might be a sensitive issue, although it's a problem where Dealers store firearms for people they can no longer get hold of, the owner of the firearm is deceased, they have immigrated without a future address, and the licence has expired. A mechanism is necessary to get these firearms onto Dealer stock. Brig. Mabule suggested that such firearms need to be forfeited to the state.

Mrs. Howard said she had numerous requests from Dealers; where the owner of the firearm entered into an agreement to pay storage fees, which are now not paid, and therefore the dealer is now not only out of pocket, but must forfeit the firearm to the state. The man hours and paperwork involved is huge, and warrants compensation by the sale of the firearm.

Maj. Gen. Bothma suggested there should have been an agreement entered into between the owner and the Dealer whereby the Dealer sells the firearm within a certain period of time. He thought it was a civil matter.

6. Custom rifle applications: 7. SAP 531 alterations and 8. Processing of SAPS 521G forms. Mr. Combrink raised all the above issues and said there were huge admin problems, not only experienced by himself, but experienced by all Gunsmiths. The fact that these applications are not captured on the SAPS System makes it impossible for any person or DFO to lodge an enquiry as to the progress of these forms and whether corrections have been completed on the SAPS System. The printing of new licences after processing of the SAPS 521G forms also takes very long and enquiries to this process is impossible. Mr. Combrink asked information as to the correct channels where these forms can be effectively submitted and enquiries can be made. Brig. Mabule asked Mr. Combrink to e-mail him all the paperwork.

9. Although not on the agenda, Mr. Soutar questioned the licencing of percussion revolvers. Do SAPS have a system to get these firearms onto the register / system? He requested that Maj. Gen. Bothma look into the matter. Maj. Gen. Bothma said he had placed the issue on record, and said many items in the 2006 Amendments were never implemented and were placed on hold.

10. Although not on the agenda, Mr. Stockbridge pointed-out that a customer of his had a firearm de-activated 9 years ago, and although the local DFO had received numerous copies of the paperwork, the paperwork was never completed. It appears its' a delay with the Ibis testing. Mr. Soutar said many of the firearms had been waiting to be Ibis tested for such a considerable time that they had been sent for destruction by SAPS. The issue needs to be resolved as a matter of urgency.

11. Mrs. Piller asked that the correction procedure on Import / Export permits be addressed so as to simplify the correction procedure.

With no further matters for discussion, the meeting closed at 2:00pm.

"C7"

84

MINUTES OF MEETING HELD BETWEEN SAPS (SOUTH AFRICAN POLICE SERVICES) / CFR (CENTRAL FIREARMS REGISTRY) AND SAAADA (SA ARMS DEALERS ASSOCIATION) ON WEDNESDAY 26TH OCTOBER 2016 AT 2ND FLOOR, CONFERENCE CENTRE, SUNCARDIA BUILDING, STANZA BOPAPE STREET, PRETORIA - 12:00 NOON

Preamble to the commencement of the meeting, as this was not an Agenda item:

Brig. Mabule asked where SAAADA's Terms of Reference were. SAAADA responded by admitting that they have no knowledge of Terms of Reference, and asked what that meant. Brig. Mabule responded by admitting that it's a framework, or engagement strategy for meetings. Mr Soutar said it was mentioned at the previous meeting held on 5th July 2016, but that the Dealers' Association had received nothing in this regard.

Brig. Mabule asked that a note be made to follow-up on the Terms of Reference. Mr Soutar further noted that this was mentioned by Maj. Gen. Bothma in an e-mail to the Association on Saturday 22nd October, but only to say that it had to be drawn-up.

Brig. Mabule further requested that two items be added to the Agenda. 1) The list of Dealers, and 2) SAAADA's Constitution.

Brig. Mabule then welcomed everyone to the meeting, this being the 1st meeting following the meeting of 5th July.

1. Registration:
   Present: Brig. LJ Mabule; Mr A Soutar; Mr N Bernhard; Mr F Resca; Cnl. RS Chabangu; Cnl. RM Mosiane
   Apologies:Mr S Piller; Mr E Combrink. It is to be noted that Maj. Gen. Bothma was not in attendance, no apology had been received, although the meeting had been arranged through him directly.

2. Review of minutes of meeting held on 5th July 2016.
   Brig. Mabule requested a correction to the minutes: Licence Printing Delays. The minutes were incorrect in that Brig. Mabule did not agree that he said the quality of the stationery was also a matter of concern, and would be addressed. He agreed to: It being an issue of the quality of the licence card.

   Following this correction, the minutes were accepted by Mr A Soutar and seconded by Mr F Resca.

   2.3 In the preamble to the previous meeting Agenda, Maj. Gen. Bothma agreed that regular meetings should take place with all entities, not only the Dealers' Association, but also invite Dealers who are not Members of the Association. Mr. Resca raised this by way of a query, which Gen. Bothma could not answer, since he was not present. Mr. Resca asked how this would work; as does SAPS not recognise the Dealers' Association as the entity which represents all Dealers? The Association has been in existence for 40 years, is the only Association who looks to the well-being of its members, liaison with SAPS and from a practical point of view, how can Dealers who are not members of the association be invited, as they are situated all over South Africa. How then would other bodies, like The Hunters Association, arrange such meetings, as every hunter in South Africa who is not a member of the Hunters Association, would have to be invited as well?

   Brig. Mabule said he could not agree, nor disagree. The principle at stake is that SAAADA does not represent all Dealers, and should SAPS / CFR and SAAADA reach an agreement, how does the agreement get extended to Dealers who are not members of the Association, if they are not invited. Furthermore, at some point after drafting the Memorandum of Agreement, if the non members don't form part of the agreement, how can they then get bound to an agreement?

Brig. Mabule asked if all Dealers were Members of the SA Arms and Ammunition Dealers' Association. Mr. Soutar responded in the negative, firstly as the Association is not privy to the list of all Dealers, (in order to invite them to join) and secondly, he would liken us to SA Hunters. There are approximately 200,000 hunters in South Africa, but not all are members of the SA Hunters Association. The Dealers Association is the only body representing the Dealers, have been around for 40 years, as SA Hunters is the only body representing the hunters.

Brig Mabule suggested that the Dealers' Association finds itself in an awkward position in that they are not an accredited association in terms of the Act. Dealers are not obliged to join the Association, and can trade without being a member. However, other associations are accredited. He further suggested that since Maj. Gen. Bothma was not in attendance, he would have to update everyone regarding MOU, and therefore the issue would be on hold until this could be communicated to the Dealers Association, of which a draft would be forwarded.

Mr Soutar said that in reality, the non-members would not participate in any case. Those who are not members of the Association won't participate, and the Membership reflects the serious Dealers and not too much time should be spent on this issue. There was also no provision in the FCA for accrediting Dealers.

Mr Bernhard indicated that this is a voluntary Association, nobody could be forced to join, and it's everyone's choice, and not an act of the law. The Association is registered in terms of Dealers having to be registered with SAPS, and we wish to form a dialog between ourselves, SAPS and Dealers, and it's almost impossible that a Gunshop in Kathu could be here representing themselves.

Mrs. Howard informed Brig. Mabule that the Dealers who are members, as well as those who are not members are all kept within the loop of what's happening in the industry. Nobody is separated because they are not members. If anyone, be it a member or non member has problems, the Association assists them all.

Brig. Mabule thought this very interesting, and asked Mrs. Howard how she did this.

Mrs. Howard responded by saying she has various electronic mechanisms in place where she can communicate with members, non-members, location members, and a decision is reached prior to sending information as to who will receive such information.

Brig. Mabule said that since Maj. Gen. Bothma was not in attendance, the issue will be raised with the MOU, and hopefully going forward will cater the needs of everyone.

Mr Soutar asked if he could voice the disappointment of SAAADA that the General was not in attendance; did not have the courtesy to notify us, as there are a number of issues on which we would require his authority, and there was no warning to the Association that he would not be in attendance.

Mr Resca said that our position at the meeting is to work with SAPS, and not against them. We wish to work within the law, whether or not we like it, how it gets policed, and we all need to work

together to move forward, and everyone will be a lot happier and get more done if we all work together. Some of the items in the Agenda have been raised for up to 12 years when we had quarterly meeting with SAPS, and some of those issues have not been resolved to today, and we are here to resolve those issues, and would like to communicate in an open, transparent platform.

Brig. Mabule: We are taking notes of your concerns. Something unprecedented arose, and it's unfortunate that he could not give us fore-warning of this, but all is not lost. We shall proceed.

2.4 Brig. Mabule noted that another point the General agreed to was a list of licenced Dealers.

Mr Soutar: Yes, but the General later informed us that the information was confidential, and would not supply the list of licenced dealers. We would like to disagree.

Mr. Bernhard: We are open in terms of the Dealers Association. It comes across that there's this barrier of secrecy where we try to assist each other, as in the list – we want to see if it's valid on our side, and on your side, and it will be used to assist each other. The Dealers are the link between SAPS and the public, and we are viewed as being evil minded, but we are not, and want to work with SAPS, and this is an example where this is not confidential.

Mrs. Howard: SAPS don't send regular e-mails to all dealers in South Africa, so the only way they get information is from her, not from SAPS. Her take on wanting the list is to keep the Dealers up-to-date with what's happening in the industry, as SAPS don't keep the Dealers updated. Literally 1 e-mail to her from SAPS, and the entire industry would receive the information, whereas SAPS don't actually liaise with the Dealers, do they?
Brig. Mabule: – yes, we do – in forums.
Mrs. Howard: please elaborate.
Brig. Mabule: it's purely on the shoulders of the region commanders at CFR, who deal with Provinces and Dealers, so in that sense, yes; we are convinced that we liaise with Dealers. The last Dealer forum was approximately 4 years ago.

2.5 Mr Soutar reminded all that Mr Stockbridge had previously requested that a working group be set-up. He believed there would be significant benefits as there are a lot of things not happening, or happening in the wrong fashion, which don't need to be dealt with at this level, and would strongly support a working / operational problems group.

2.6 Electronic linkage. Brig. Mabule indicated that it was his responsibility in Compliance. What he has started doing, i.e. inspections at Dealers with the view of making sure of linkage. He said there were a lot of Dealers, and the exercise would take some time. He asked for input from those present.
Mr Soutar said that he was involved with the act from the drafting and pre-drafting stages and the whole act was based on electronic connectivity. He said he has sympathy for the police working at the moment, because there are complexities of an electronic system, which SAPS are having to do manually. SAPS have had problems with service providers in terms of this, but the question is; when will this electronic connectivity take place? 12 years into the act, and it's no closer, and there have been requests for the Dealers' association to apply for a court order compelling SAPS / CFR to establish that connection, and that's one of the options, as the system is not working. Mr. Soutar gave various examples of huge discrepancies between Dealer registers and SAPS register, and

suggested that everyone agrees that the CFR list is totally different to what's actually happening, and not because of ill-doings, but because of the system not working, due to poor control over SAPS inputs.

Brig. Mabule again asked what advice the Dealers Association can give him in expediting the Audit and getting the Dealers linked to the TMS. (Technology Management System). He further indicated that the registrar had been split in two. CFR and Firearms Compliance, and some of those responsibilities now lie with him. The audits are being conducted first, and not all Dealers will be linked to the system at the same time, as they anticipate teething problems, and corrections will be done by CFR and not TMS.

Mr Resca said the timing of the audit must be close to when the electronic system is ready to go.

Mr. Soutar said he would be concerned about the present approach, as CFR and Dealer registers will be corrected at a point in time, but the problems within CFR in terms of data capture are still happening, and he agreed with Mr Resca that the Dealer corrections be made in conjunction with CFR and then go straight onto the electronic system without delay.

Brig. Mabule said he would make a note of SAAADA's concerns, would relate the concerns to TMS, but is not sure what the position will be.

3. Service Delivery issues

3.1 SAP 350 / 534 lack of processing

Cnl. Chebangu brought everyone up-to-date as to the processing of the SAP350's and 534's. Cnl. Mosiane advised all concerned that the processing of these documents is underway without problems, and that most Dealers are now using the two e-mail addresses. Mrs. Howard advised that it was the Dealers' Association who notified the Dealers to e-mail rather than fax the documents, and those dealers who are not sending via e-mail are the ones which she does not have on an up-to-date list. There are, of course, Dealers who do not have e-mail connectivity.

A problem has arisen where Dealers and sometimes even the public are sending e-mails to the office for the processing of SAP350's and 534's. Mrs. Howard advised that it's due to Dealers being frustrated as there is no other phone number or e-mail address to send queries to – it's used as a last resort. Dealers are complaining as there's no response from sending e-mails to the enquiries @saps address. Brig. Mabule said he could vouch for the address, that there is a response, as there is an acknowledgement of receipt of the complaint – he guarantees it is working, but another e-mail address can also be used – cfrenquiries@saps.gov.za – that is for all general enquiries, but whichever address is used, it's registered and acted upon. Mrs. Howard is to re-send the e-mail addresses to the trade, but instruct them not to burden the Cnl. With too much info. Nicky Bernhard thought a specific e-mail address – like 350@saps might alleviate the problem of other, general e-mails being sent to the address.

3.3 Communication issues. Most of them were dealt with previously, although Mrs. Howard said that she used to receive an organogram – it worked very well, showed Brig. Mabule a copy of one, to which he asked if we don't get copies anymore. Mrs. Howard indicated that the process had stopped a number of years ago.

Brig. Mabule said that line of communication should be open. Many issues could be dealt with there, and dealers now don't know who their representatives are.
Mr. Soutar said in instances where the representative has been in place for a long period of time, yes, the Dealer would know his representative.
Brig. Mabule said that on that note, there had been re-structuring in FLASH. A new structure will be implemented, and definitely re-structuring will take place where he is as well, and at the next meeting, we would see how far the re-structuring has progressed, and maybe we can re-visit the issue. It is the call of the Gnl. and The Cnl.

3.4 Register inaccuracies / problems
Mr. Soutar again indicated that it might be better if a working group look at the matter. A number of firearms have been disappearing off the system. Expensive orders are cancelled, and they have had irrefutable proof that firearms have disappeared. The situation is unacceptable, and we need to find a way of correcting the issue, as it would cause considerable embarrassment for SAPS if someone went public with this information, and it's happening a lot more frequently – there are possibly maintenance problems with the register, but it's happening with alarming frequency.

Brig. Mabule – said he would like to be open and frank, that there are two court matters currently pending, and when he looks at these issues that are raised, they form part and parcel of both cases. Mr. Soutar said he did not believe they fall part of that process, but asked if the matter could be looked into, and everyone needs to take note of the issue; that it's serious.

Mr. Bernard related a matter whereby he had huge issues after licences were issued; an Import Permit was put back onto his name. Brig. Mabule told Mr. Bernhard to forward all the paperwork to Cnl. Chabangu, in order for the matter to be rectified.

Mr. Soutar asked Brig. Mabule who these concerns could be addressed to. Brig. Mabule said Cnl. Chabangu is now in a temporary position at CFR, and the issues could be raised with him. Mrs. Howard asked that if Cnl. Chabangu is transferred, she gets notified, in order to notify the trade that he is no longer available to assist with problems.

3.9 Stationery supply
Mr. Bernard advised that the new SAPS emblem on Dealers' Licences is very bright, and once printed, the Dealer name is no longer visible. He requested that it either be printed in black and white, or tone the colour down. Brig. Mabule said it would be discussed with TMS.

4. Proofing of Firearms
Mr. Soutar asked Brig. Mabule if he had put the instruction out to the DFO's, as they were still not up-to-date in that the Bureaux of Standards had been done away with. Brig. Mabule asked his Assistant to please remind him if the letter for signature had in fact been signed, to advise all DFO's.

5. Dealers holding guns on expired licences.
Mr. Soutar indicated that he did not expect to receive an answer on the issue, as it's subject to court, and would be happy to leave the issue until the court outcome.

6. Custom rifle applications. As Mr. Combrink had excused himself from the meeting, Mrs. Howard is to inform Mr. Combrink that he must liaise with the two Cnl's in that regard.

7. Licencing of percussion revolvers. Mr. Soutar asked if CFR have a system yet for getting these revolvers back onto the register. Percussion revolvers were de-regulated and taken off the system and sold without licences, which was not required. They were then re-regulated when the amendments were brought in. How do we now get them onto the system? Brig. Mabule indicated that he's not privy to feedback from Maj. Gen. Bothma, and asked that this be held over for the next meeting, when hopefully the General will be available. Regarding the Ibis testing, Cnl. Chabangu said he cannot comment, and will give feedback at the next meeting, even if to just verify the process.

In the same vein, the issue of actions needs to be raised, as Dealers were advised in 2004, when actions were not licenced under the old act, the new FCA of 2000 they became licenced items. Dealers were advised to put them into their registers ex stock at June 2004 when the act came in, and submit SAP350's for them. For a significant period of time, CFR could not process those 350's because there was no calibre to the action. There are a significant number of Dealers who have complied, but where the actions are still not registered.

Brig. Mabule requested that Mr. Soutar give detailed background regarding these actions, so that at the next meeting, the discussion can again be raised for answers to be provided. Mr. Soutar is to send the information to Cnl. Chabangu, and cc Brig. Mabule.

The matters arising from the previous meeting having been dealt with, the meeting could now continue with the Agenda items. As many if the items had been covered in the minutes, brief discussions were held regarding:

- The mislaying of SAP534's and 350's, and it is now hoped that now there is a plan going forward, and the paperwork is being forwarded electronically, that an improvement will be seen. Brig. Mabule will communicate directly with those Dealers not sending electronic paperwork.
- Lack of decision making remains a problem. It is understood why, due to a change of personnel, but it's a growing concern. Brig. Mabule asked if it's a lack of decision making across the board, to which Mr. Soutar responded that it remains across the board.
- Movie Gun renewals. Following a brief discussion regarding the non-licencing of some Movie Guns, whereby Mr. Bernhard reiterated that the movie industry brings in foreign revenue which the Department of Trade and Industry tries to attract, but it's an issue with CFR's system and a burocratic challenge that needs to be addressed. Mrs. Howard is to ask Hire Arms to forward all the necessary paperwork to Cnl. Chabangu, who would expedite the matter with urgency.

5. General

Brig. Mabule requested that the two items he requested to be raised under 'General' at the start of the meeting, be removed.

- Mr. Bernhard asked how HMC's (Hand machine carbines) get registered on the system if it's a 9mm. Following a brief discussion, Brig. Mabule agreed that this needs to be addressed, and would discuss the matter with TMS.
- Mr. Bernhard asked about the validity of a digital Dealer register. Mr. Soutar advised that there is provision for electronic registers in the act, which requires printouts to be done at various intervals. Brig. Mabule agreed that digital registers are acceptable, but in conjunction with physical registers as back-up.

With no further matters to discuss, Brig. Mabule thanked all concerned, and closed the meeting at 2PM.

MINUTES OF MEETING HELD BETWEEN SAAADA / SAPS AT 2ND FLOOR BOARDROOM, SUNCARDIA : 23RD OCTOBER 2017: 14:00

1. PRESENT: Lt. Cnl. CJ Wepener: Flash; Brig L.S. Bopape: CFR; Cnl. D.R. Ndukula: CFR; Capt. W.J. Croukamp: CFR; Lt. Col. Malatsi : F/A Compliance; Capt. M.F. Malulete: Flash. Mr. A.J. Soutar: SAAADA; Mr. J. Fouche: SAAADA; Mr. M.J. Hood: SAAADA; Mrs. J. Howard: SAAADA.

   Although Maj. Gen. Bothma attended and Chaired the meeting, he omitted to sign the attendance register.

   Apologies: Brig. Mabule: SAPS; Mr. S. Piller: SAAADA

   Maj Gen Bothma asked if there were any objections if Brig / Dr Bopape opened the meeting with a prayer, and apologised for Brig. Mabule's absence, as he had chaired the previous meeting.

   All attendees introduced themselves.

2. The minutes of the previous meeting were taken as read and adopted by those present at the previous meeting.

3. Service Delivery Issues: Major register inaccuracies. The problem is worsening and not improving. Data crashes, failure to process documents, muzzle loaders still reflecting on dealer codes. Registration of C+B revolvers and actions not yet in place. Failure to comply with FCA since 2004.

   Mr. Soutar indicated that the problems are getting worse rather than improving. Regularly having situations where there are data crashes taking place, licences are reverting back to 1 or 2 owners previously. The average dealer has 10 to 15% of his stock which does not reflect on the central registry. Also 10 to 15 % of stock where licences have gone out but still reflecting on his stock. No doubt come about because of data crashes, and non processing of documentation. It's a long term problem and we have addressed it a number of times in the past. We are not making any progress. Related: Muzzle Loaders still on dealer codes, registration of cap and ball revolvers and actions.

   Major General Bothma said he could see there are service delivery issues per the Agenda, but we need to unpack the situation, and feels it necessary to mention that there has been no system crash, and if there is a dealer who feels there was a system crash, he wants specifics, in order to help the dealer. Please be very precise and mention exactly who.

   Mr. Soutar indicated that he can provide a number of examples. It's a persistent pattern and he can always forward examples.

Major General Bothma said he wants examples, and everything must go through the CFR enquiry desk. He asked if we could agree that the information will be submitted to the CFR

enquiry desk and copy to himself. Not 350 issues, but problems. SAAADA cannot make general statements.

Mr. Hood. Thanked Cnl. Wepener for his direct / proper communication regarding the calibre codes, and asked how we get back to communicating with each other in a positive way.

Major General Bothma reiterated that he wants facts on the table, not general issues. Wants specifics from Dealers on when the computer crashed.

Mr. Soutar – we have raised these matters for 12 years, and would like a commitment from all present that we have some plan of action on how to deal with it. Again, Major General Bothma said he wants specifics, but Mr. Soutar said we have raised these issues in the past on numerous occasions and there has been no progress.

Mr. Hood suggested we send minutes of all the meetings so that Major General Bothma can see the issues go back to past meetings. We would like to know the processes to follow for specific problem areas.

Major General Bothma said that we first need to ascertain what the problems are and has gone through the minutes of the previous meeting and there were no specifics to start with.

Mr. Hood said we could be specific - where submissions of information at police stations where changes need to be made to SAPS records and could supply all the necessary information. Submissions of SAP 521G or change of circumstance, and everything goes into a black hole. SAAADA wants to know what SASPS / CFR are supposed to do – that's the biggest complaint – firearms not on SAPS system and / or 350's not being processed. We need guidelines on how to proceed when faced with such problems.

Major General Bothma said he can only give feedback if there's specifics. Mention specific police stations.

Mr. Soutar explained that it's not a specific dealer problem, but a problem experienced by all Dealers.

Major General Bothma repeated that he wants specifics.

Mr. Hood said, so that will be step 1. Specifics on Major register inaccuracies / problems. Problem worsening, not improving, data crashes, failure to process documents.

The issue of muzzleloaders still reflecting on dealer codes. Major General Bothma to send SAAADA the process to follow to de-register muzzleloaders and air rifles.

Mr. Soutar asked how the re-registration of cap and ball revolvers can take place, and this has been outstanding since 2010 /11. He indicated that no police station knows how to licence them.

Major General Bothma wants examples of how many we are speaking about.

Mr. Soutar said it's not about how many there are, but Dealers need a system in place, as there must be more than 2000 which have been imported, but are not on the system. It was eventually agreed that the completion of a Form 521G, together with a firearms inspection report, which is to be sent to Col. Wepener.

The issue of actions then needed to be addressed. If the action has a serial number, a Form 521G needs to be completed and sent to Col. Wepener, if there is no serial number, the Dealer needs to apply for a WR number. Mr Hood explained that in the past actions were not licenceable parts, and many members of the public are in possession of actions which are not on the system. Major General Bothma asked if we could agree to disagree and wait for an amnesty. Major General Bothma decided that since no process is / has ever been in place on how to legitimize actions in private individual hands, the issue needs to be discussed and addressed.

Mr. Soutar then raised Gunsmithing alterations – unsuccessful communication in attempting to find-out what needs to be done regarding gunsmithing alterations and a great deal of ignorance in the police force on procedures to follow. Example: 100 FN rifles waiting to be re-barrelled – they are struggling to get approval to re-barrel since July 2016. Interesting that the act / regulations does not require approval on this. Section 59 A and B apply to custom built firearms must be notified before commencement . The information we got we need to apply for approval before commencement of the work. So, the issue is : must this be done before or after; and the second issue; what is the procedure and who do we contact?

Major General Bothma –asked if it's only Classic Arms experiencing this problem. Mr. Soutar responded that it's not only his Dealership, but also a complaint of most of the dealers.

Major General Bothma asked Mr. Soutar to provide a list of dealers experiencing these problems.

Mr. Soutar said he has proof of requesting this information, and brought the proof with him. He supplied dates and times, and advised that he had received absolutely no response, and this goes back to the issue of communication – or the lack of communication as raised in the Agenda.

Mr. Soutar furthermore said that Col. Wepener is the first senior officer who has responded to customer queries in the past 10 to 12 years. Defining silence from everyone else, and he feels he is being wasted in the position he is in at present and he would be better off on register corrections, which is a far more serious issue.

Major General Bothma said he would take note of that, but that it's important he can only address the problem if he has the cause. Everyone must note the chain of communication.

Mr. Soutar said that having spent some time in the military, he is familiar with the chain of command and would only approach Major General Bothma if he has received no joy or response from the appropriate level.

- Mr. Soutar said that the processing of 350's has improved, but there are still people experiencing problems, but generally have improved. However, a dedicated e-mail address is required for SAP534's as they take 5 to 6 months at times.

  Major General Bothma said that Dealers are sending 350's to both e-mail addresses. Per regulations, the sap 350's must be sent weekly on the prescribed forms, and send only once. (Mrs. Howard to advise Dealers to only send the SAP350's once). Major General Bothma thought it's probably better to close arms control 2 and only have arms control 1 e-mail address.

  Mrs. Howard said that dealers advise they send to the 1 specific e-mail address, so dealers re-send the sap 350's and send to the alternative e-mail address if the firearms are not processed on time – what's a reasonable amount of time to get the paperwork processed?

  Major General Bothma offered to remove one e-mail address from sap350's and dedicate that e-mail address to sap 534's.

  Mr. Hood said that DFO's can't capture SAP350's, and DFO can't process applications even if the 350 is attached to the application.

  Major General Bothma agreed that DFO's can't capture 350's and can't capture the applications.

  Mr. Hood agreed, but how does the problem now get fixed? How do we get the firearm onto the dealers name?

  Mr. Fouche explained how sometimes some of the sap350's would be processed, and others not, or sometimes it's all processed, and then reversed / rejected. A clear problem in the processing of the 350's and a customer sitting at his DFO with no means to process his application.

  Cnl. Ndakula said that if dealers send their returns as they are supposed to send them, then there won't be problems, and showed an example of a pile of paperwork not completed on SAP letterhead.

  Mr. Hood said she must charge the dealer for not submitting paperwork correctly.

  Cnl. Ndkula said it's the dealers problem as they are not submitting the correct paperwork.

  Mrs. Howard offered to contact the relevant dealer, and assist by telling that dealer to complete paperwork on the prescribed form.

  Mr. Hood asked if SAPS / CFR could contact the dealers by sending a directive, or advising the Dealers to complete paperwork on prescribed forms.

  Major General Bothma thanked everyone and said they would address it.

- Calibre change approval issues. Mr. Soutar asked if a bulk form can be created as his dealership has 5,000 corrections.

  Col Wepener said it's easier if there's a problem when addressing them one at a time – must be one e-mail at a time, dealing with 1 specific correction.

  Major General Bothma said they wwould look into speeding it up.

- Import export permits. Mr. Soutar said in the past he knew when scruitiny dates were, as they had deadlines. NCACC have not submitted dates or a schedule. Experiencing excessive delays.

  Col. / Dr. Bopape advised that it's theThursday of 2nd week of the month. 14 days before it's closing date.

  Mr. Soutar said there is a court order requiring SAPS to process those applications in a specified time period and they are failing to reach the terms of that court order.

  Major General Bothma asked if he could please get a copy of that court order. Mr. Soutar said he would provide it.

- Communication issues. There is no response via e-mails, or telephone, or official court papers to queries – everything is totally ignored and treated with distain. It's the worst it's ever been.

  Col. Bopape said that Dealers must use the official CFR enquiry address. He went to great length to explain how weekly communication meetings are held to ensure that all queries are finalised.

  Mr. Soutar said he must disagree. It's just not happening.

  Major General Bothma asked if Mr. Soutar would please send examples, to which Mr. Soutar responded that he had brought all his examples. Major General asked Mr. Soutar to please e-mail them to him. Mr. Soutar said he had sent the information to CFR enquiry with copies to Major General Bothma. All the correspondence goes back to May and June, with no resolution. Major General Bothma replied that maybe something happened, like system crashes, and asked that Mr. Soutar provide the paperwork again.

  Mr. Hood said he does not want to tell SAPS how to do their jobs. If you only want enquiries to be addressed through one portal, then issue a directive. Problem is highlighted when nobody has been issued with a directive on where to send queries. Requirements need to be made clear to everybody.

  Major General Bothma said he would provide the e-mail address for the SAP 534's and will re-send the CFR enquiry e-mail address. He offered to provide all the necessary e-mail addresses for SAAADA to notify the Dealers.

Mr. Hood said Major General Bothma needs to put everything into written communication explaining how everything must be done. Need to publicise directives.

Major General Bothma said he would supply SAAADA with an organogram.

- Mislaying of paperwork. Customer complaints of paperwork / applications going missing.

  Major General Bothma asked that proof be provided.

  Mr. Hood said he has with him proof of two examples – 1 a dealer and was not satisfactorily dealt-with, and it's fully documented. Firearms were sold to public and years later all the firearms were changed back into the wholesalers name. 2. Missing paperwork by security Co, and advised that Major General Bothma had been personally addressed on both of the issues.

  Major General Bothma asked that Mr. Hood provide that proof.

- Licence printing delays: 3,6,9 month delays, and the Dealer gets the flack.

  Major General Bothma said that Dealers must get the customer to immediately contact CFR enqiry, as the licence should be printed 14 days after the sms notification. Busy with government printing works to rectify the matter.

- Stationery supply : Dealers have to print their own stationery.

  Major General Bothma said he had taken note thereof.

4. Other general matters for discussion.
   - Mr. Fouche: He has feedback from customers that Competency certificates are expiring. They don't expire, as long as you have a valid firearms licence. Licence applications are not being processed by DFO's as they say the competency certificates are expired.

     Major General Bothma said to get the Customer to go to their local DFO who will look into the circumstances, and if they don't know, then send an e-mail to CFR enquiry.

     Mr. Hood advised that DFO's don't know anything about the validity of competency certificates. DFO's are telling everyone to re-apply for competency.

     Major General Bothma offered to amend and then re-send the original circular to DFO's.

   - Mr. Hood: A Dealer applied for a licence to trade in Arms and Ammunition. DFO Completed the prescribed forms stating his approval thereof. CFR refused the licence stating the safes were not of the correct standard. That goes to show that the staff at CFR don't know what they are doing.

Major General Bothma advised that everyone is welcome to appeal if they are not happy with the outcome of an application.

Mr. Hood agreed, but this clearly states that everything is according to the regulations, and then someone at CFR decides otherwise. That is clearly a waste of everyone's time to have to appeal under such unreasonable circumstances

- Mr. Hood : Communication: A lot of the issues of dis-satisfaction by not communicating. E-connectivity is cornerstone of arms control. Everyone will experience all these paper based problems without e-connectivity.

  Major General Bothma: 30 Oct going to do testing on the (user acceptance testing). Are on the ball and satisfied with the feedback, and that's the current status of e-connectivity.

  Mr. Hood asked when will it be implemented, and Major General Bothma replied that it must be tested first. Mr. Soutar said he would be extremely pleased to see the introduction of e-connectivity.

- Mr. Fouche: Firearms on dealer stock where paperwork is missing in the chain. Old dealers who have closed down. Firearms in stock which we can't do anything with. Can't recover missing docs. How are we going to clear backlog and go forward?

  Major General Bothma said they have worked one on one with a specific dealer, and resolved the problems. All Dealers to contact Cnl. Ndukula to sort-out, but must also supply examples.

  Mr. Fouche said there must be an understandable procedure in place to rectify the problem, otherwise CFR will be inundated.

- Major General Bothma: last point. Dealers to send database of dealers, together with the SAAADA constitution.

  Mrs. Howard said she would like to have used the SAAADA information together with SAPS / CFR information which she received. Unfortunately the SAPS / CFR list was totally un-useable, and SAAADA obtained no relevant information there-from. Would like to meet somewhere in the middle where we can have the correct information on both sides. We need to work together , and she was waiting for an up-to-date list of dealers on the SAPS / CFR database, which she did not receive.

  Mrs. Howard advised Major General Bothma that she had previously provided SAPS / CFR with an e-mailed copy of the SAAADA constitution.

Major General Bothma thanked all for meeting – closed at 3:40pm.

NATIONAL FIREARMS STAKEHOLDER ENGAGEMENT FORUM: MINUTES
VENUE: SAPS TRAINING ACADEMY, PRETORIA WEST
2017-11-24 AT 10:00

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

1. **Welcome and opening**

   Lieutenant General SF Masemola welcomed everybody present.

2. **Attendance:**

   As per attendance list.

3. **Apologies:**

   Civilian Secretariat of Police- Mr. Mogatusi.

4. **Adoption of minutes**

   No minutes were adopted. It was the first engagement meeting under the chairpersonship of Lieutenant General Masemola.

DRAFT

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

5. Matters for discussion:

	Agenda Points	
NO.	**TOPIC**	**DISCUSSION**
5.1	**Purpose of the meeting**	Lieutenant General Masemola (the Chairperson) explained the purpose of the meeting as follows: As a strategic forum with advice from various entities, however not taking decisions that are above the law, and to engage the Stakeholders within the firearm fraternity pertaining to achievement of the purpose of the Firearm Control Act, 60 of 2000. He further emphasize the content of Section 2: Purpose of the Firearm Control Act , 60 of 2000 : ❖ Enhance the Constitutional rights to life and bodily integrity. ❖ Prevent the proliferation of illegally possessed firearms and, by providing for the removal of those firearms from the society and improving control over legally possessed firearms, to prevent crime involving the use of firearms; ❖ Enable the state to remove illegally possessed firearms from society, to control the supply, possession, safe storage, transfer and use of firearms and to detect and punish the negligent or criminal use of firearms;

DRAFT

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

		❖ Establish a comprehensive and effective system of firearms control and management; and ❖ Ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms. The Chairperson concluded by saying that the discussions and engagement must be structured to establish the National Firearms Stakeholder Engagement Forum which will address matters of principle and provide strategic direction pertaining to the purpose of the Firearms Control Act. It must be viewed as a national forum between the South African Police Service (SAPS) and individual Accredited Associations, Organisations, and any other interest groups.
6.2	**Discussions on rules of engagement**	• The Chairperson indicated as a point of departure that parties should engage in good faith and that the Forum will not take over the duties of the National Commissioner of Police (Registrar) or the Minister of Police. • Brigadier Mabule indicated that meeting needs to be guided by rules of engagement. After deliberations, the meeting proposed that the proposed rules of engagement should be integrated into the terms of reference. • Mr. M Hood raised a point of order and mentioned that the association he was representing will not allow him to sign the attendance register with the secrecy declaration. He cannot participate in engagement unless the attendance register is amended. Advocate J Welch added that Stakeholders present represent their associations and they have the duty to report back to their members. He further mentioned that they do not want to feel threatened by the secrecy declaration. The Chairperson ruled that the attendance list will be attended to and will be rectified.

99

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

- Brigadier Mabule continue to provide some proposed indicators pertaining to rules of engagement which can guide the forum during deliberations , such as :
  - ❖ Principles of engagement
  - ❖ Respect, integrity and ethical conduct
  - ❖ Participation of all stakeholders
  - ❖ Transparency (key of engagement)
  - ❖ Focus on point of discussion (bearing in mind of the time)
  - ❖ Language (English should be used)
- After deliberations, the meeting proposed that the proposed rules of engagement should be integrated into a terms of reference for the forum.
- Mr C Webb wanted to know what prompted the South African Police Service (SAPS) to hold the stakeholders engagement meeting. He further asked what was the thinking and expectation of the SAPS when planning the engagement meeting.
- The Chairperson indicated that his understanding is that there were meetings in the past where disagreements were encountered in certain aspects. He further mentioned that the meeting will attempt to address these identified disagreements.

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

- The Chairperson also stated that during a presentation at the Portfolio Committee on Police it was agreed that there should be a meeting between the SAPS and stakeholders within the firearms environment. Mr. M Hood indicated that he was present during the presentation at the Portfolio Committee and that the Chairperson offered to hold the stakeholders engagement meeting to address matters of concern.

- The Chairperson indicated that the intention is that the forum address generic matters of concern on strategic level and that individual operational matters be addressed on provincial or police station level.

- Adv. J Welch stated that he was involved in the drafting of the Firearms Control legislation therefore it will be fair towards the stakeholders and to all citizen of the country to be consulted on the drafting of the Firearm Control Amendment Bill.

- Mr. Oxley also raised a concern that they were not given the opportunity to participate in the drafting of the Firearm Control Amendment Bill.

- The Chairperson indicated that drafting of the Firearm Control Amendment Bill falls within the ambit of the Secretariat of Police. He further stated that Secretariat of Police was invited to the meeting but is not present to respond on the concern raised.

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

- Mr M Hood indicated that the Constitution of the Republic of South Africa provides that members of the public should participate in the drafting of legislation. Adv. Welch mentioned that the intention of drafting the amendment bills by the Secretariat of Police is to side line the stakeholders. He further stated that it becomes difficult for SAPS and other Stakeholders to engage without a neutral body.

- The Chairperson indicated that he will take it upon himself to invite the Secretariat of Police to attend and chair the future stakeholders engagement meetings so that they can act as the neutral entity between the SAPS and stakeholders.

- Mr M Hood emphasized the involvement of the Secretariat of Police indicating that they (Secretariat of Police) conducted research on some key issues that is of concern to the stakeholders.

- Mr. C Webb stated that SAPS and stakeholders have a common purpose in responsible firearm ownership and legal use of firearms. He further indicated that stakeholders have a role to play in formation, implementation and drafting of legislation. He further mentioned that there must be dialogue between SAPS and firearm owners in order to have a clear understanding regarding the future implementation of the Firearm Control Amendment Bill. He further mentioned that stakeholders should be involved in resolving certain issues regarding the firearm legislation.

- Brigadier L Mabule mentioned that the intention is to structure the stakeholder engagement in order to function at National and Provincial levels. He further highlighted that SAPS does play a role in the drafting of the Firearm Control Amendment Bill equal to stakeholders. He emphasized that the drafting of the Firearm Control Amendment Bill lies with the Secretariat

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

		of Police. • Mr M Hood suggested that the Forum should focus on policies, processes and principles in order to move forward. • Mr C Webb mentioned that they experience problems where provinces use different processes when coming to the implementation of the Firearm Control legislation. • Mr J Welch said that it was his belief that manufactures, gunsmith, dealers and firearm owners in general can play an important role in the reduction of illegal use of firearms. • Major General J Bothma indicated that the terms of reference will give a clear direction for the establishment of the Forum. He also mentioned that not all stakeholders are presented and it must be taken into consideration to invite them to future stakeholder meetings, however it must be noted that it is the first meeting. • The Chairperson indicated that the SAPS will attend to all inconsistency regarding the directives that are circulated to the provinces. He stressed that there must be uniformity in all circulars cascaded to provinces. • Mr M Hood mentioned that there is no direct communication between SAPS and stakeholders, they rely on some police officers who think stakeholders should know about certain directives.
	Further discussions	• The Chairperson proposed that there must be a small team formed by members of SAPS and stakeholders who will be responsible for the drafting of the Terms of Reference.

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

		• Adv. J Welch indicated that they attended a meeting with Brigadier Mabule where it was agreed that Terms of Reference should be drafted. He also stated that the inputs were made and it was supposed to be sent to SAPS Legal Services for implementation. • It was agreed that the draft Terms of Reference and minutes of the meeting will be disseminated to all stakeholders on or before 1st of December 2017. • The meeting agreed that all inputs should be forwarded to Brigadier J Slabbert (SAPS Legal Services) on or before the 08th of January 2018. • Mr M Hood wanted to know who will be responsible for arranging future meetings. The chairperson indicated that his office will engage the office of the Secretariat of Police to arrange the next meeting. • Mr M Hood suggested that National Prosecuting Authority, Shipping Industry, Security Fraternity and Director of Arms Control should be invited to form part of the next meeting.
7.	**Way forward**	• The office of the Chairperson will engage with the Secretariat of Police to arrange the next meeting. • All unresolved issues to be brought up in the next meeting with Secretariat of Police. • The draft Terms of Reference to be distributed on or about the 1st of December 2017, feedback to SAPS Legal Services on or about 08th of January 2018, SAPS Legal Services to consolidate feedback and to present during the next meeting.

DRAFT

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

		• Draft Minutes of the meeting to be distributed on or about the 1st of December 2017 , feedback to be forwarded to the Secretary , Capt Maluleke on or about the 15th of January 2018 , consolidated minutes to be presented during the next meeting .
8.	General	• Secretariat of Police will notify stakeholders regarding date, time and venue of the next meeting.

DRAFT

"C10"

106

Minutes of Meeting
SAAADA and SAPS-CFR

2018-03-06

ATTENDEES:

Maj Gen MJ Mamotheti – Head of FLASH
Brig LS Bopape – Head of CFR
Col DR Ndukula – CFR
Col PN Sikhakhane – CFR
Lt Col CJ Wepener – CFR
Jonathan Fouché – SAAADA Chairman
Andrew Soutar – SAAADA Committee
Nicky Bernhard – SAAADA Committee
Guy Stockbridge – SAAADA Committee
Martin Hood – SAAADA Committee (legal advisor)

INTRODUCTION:

At the outset the attendees agreed that the purpose of the meeting was to address operational issues of general interest and importance, and that all of us prefer working together as partners to resolve issues.

Jonathan presented some background of SAAADA's interactions with CFR over many years, and hoped for improved relations and actual problem solving under Gen Mamotheti's leadership (head of FLASH since 1 Feb 2018 after Gen Bothma retired on 31 Jan).

AGENDA ITEMS:

5. Outstanding correspondence of December 2017
    a. While still unanswered the parties agreed that the main issues would be covered by the agenda that SAAADA had proposed.

6. Communication with CFR
    a. Organogram of CFR Staff
        i. SAAADA requested the organogram, having received one over many years.
        ii. CFR will not supply this since it leads to poor communication and information flow within CFR..
        iii. All communications should be directed through CFR's enquiries desk, so that matters can be monitored centrally. Urgent matters should be copied to Gen Mamotheti and to Brig Bopape.
            1. SAAADA regrets the change to a process that had worked relatively well over many years and is concerned that the new approach leads to non-accountability within CFR and also places an unnecessarily large workload on the shoulders of Gen Mamotheti and to Brig Bopape.
    b. Lines of communication with CFR staff
        i. SAAADA requested that CFR should share decisions with role players rather than attempt to unilaterally implement these. It would be even better to involve stakeholders like SAAADA in formulating these new decisions.

ii. SAAADA can help spread information and new ways of working (such as that licenses are now printed by the Government Printers).
    1. CFR admitted that they could have communicated this change better to the public.
    2. There have been some challenges during the transition, but these should be resolved by mid-April.
        a. New license approvals are automatically redirected to the Government Printer, but older approvals need to be manually collated, reformatted and then redirected. This resulted in a backlog
    3. The licenses printed by the Government Printer is the same as the licenses previously printed by CFR.
    4. CFR plans to use SAPS Corporate Communications to apprise the public of the situation

iii. The CFR phone system was upgraded 2 weeks ago (mid-Feb) so may have contributed to difficulties contacting CFR.
    1. SAAADA members should please advise the SAAADA office of any further difficulties with the phone system so that SAAADA can advise Gen Mamotheti directly.

iv. Due to the frustration of CFR staff not answering telephone calls, after further discussion on the state of communications between SAAADA and CFR, all parties agreed that queries and complaints should be in writing (email) rather than by phone.
    1. This 'paper trail' would enhance service delivery.
    2. CFR will consider setting up an organogram of email addresses that allow issues to be escalated (according to appropriate functionality) from general to specific.
        a. CFR to provide feedback at the end of March 2018
    3. In the meantime, queries should be escalated to Brig Bopape.

c. Accountability of CFR staff
    i. SAAADA advised the new head of FLASH that lines of communication were abysmal – effectively non-existent, at best very poor, especially at senior level. Some officers were blatantly not following instruction from above.

d. Both SAAADA and CFR agreed to regular and more frequent future meetings.

7. SAP350 fiasco, including SAP534's
    a. CFR advised that they had caught up all the backlog of the SAP350 issues and re-iterated that dealers must submit returns weekly.
    b. SAAADA strongly disagreed that the SAP350 backlog had been caught up. To illustrate the broad ongoing problem SAAADA presented some examples of the thousands of SAP350 issues they have compiled over the past few months.
    c. Col Ndukula described some of the problems they experience with dealer returns, most of which SAAADA strongly disagreed with.
    d. CFR will prepare a directive to dealers that clearly lays out what is required for all dealer returns and send it to SAAAADA for comment & input.
        i. CFR will send the draft directive to SAAADA by end March
        ii. SAAADA will respond within 2 weeks of receiving the draft directive.
    e. Gen Mamotheti requested time to investigate the ongoing SAP350 fiasco.
        i. Response to SAAADA by end March.
    f. If only as an interim measure, SAAADA urged CFR to return to the old procedure whereby the SAP 350 'paper-trail' could be submitted with SAP 271 license applications and caught up by the DFO.

8. EFRS Database inaccuracy
    a. SAAADA presented one concise, well documented example of the extreme inaccuracies and lack of integrity within the CFR database (related to dealer stock).
    b. At the next meeting CFR will supply the following information as a first step toward ascertaining the scope of the problem:
        i. How many firearms are on the EFRS database?
        ii. How many firearms are on dealer stock?
    c. CFR will investigate possible ways to improve the accuracy of information in the EFRS database.
        i. As an interim solution, specific problems related to inaccuracy of any dealer stock should be sent via email to Col Sikhakhane, and CC Brig Bopape.

9. Electronic connectivity
    a. SAAADA objected that the Association was not consulted or part of January's presentation, and emphasised the need to be included in dealer issues.
    b. CFR is still working on the system, and currently awaiting feedback from TMS (Technical Management Systems) on the way forward.
    c. CFR will include a presentation on the electronic connectivity during the next SAAADA-CFR meeting.

10. Policies and procedures
    a. Policies and procedures remain absent and, as required by the Constitution and the PAJA, need to be made available to SAAADA (and other stakeholders),
        i. Since irrational license refusals are an increasing problem, those policies relating to requirements for license applications are especially urgent.
        ii. During a previous Parliamentary Portfolio Committee (PPC) meeting, SAPS offered to share these with stakeholders.
            1. Martin Hood will send a copy of those PMG minutes to Gen Mamotheti.
    b. Gen Mamotheti will consult with SAPS Legal Services regarding the release of these policies and procedures, and provide SAAADA with feedback every 2 weeks.
    c. SAAADA should be consulted as part of drafting directives, policies and procedures, to help CFR understand and evaluate their impact on the Trade, and to promote efficient implementation.
    d. The procedure for firearm alterations is a big problem, with long delays that are negatively impacting on dealer's reputations and causing financial strain.
        i. SAAADA advised that the CFR officer responsible for firearm alterations is simply not doing his job and is ignoring direct instructions from other senior officers, including instructions from the former commanding officer of FLASH (Maj Gen Bothma).
    e. Despite assurances in 2017 that registering actions would be simple, this is not so.
        i. After much discussion the meeting concluded that a dedicated work session should be held as soon as possible to
            1. generate a common understanding of various terms in the legislation (action, barrel, frame, receiver, semi-auto rifle vs. carbine, etc), and
            2. conceive a procedure to register 'actions' on the EFRS.
        ii. Jonathan Fouché will ASAP propose a work session date and scope of the discussion to CFR.
    f. Cap and Ball revolvers can be registered onto dealer stock by simply sending a completed SAP 521(g) and a firearm inspection report to Col Wepener.
        i. CFR needs to create a procedure / directive on how dealers should sell Cap and Ball revolvers, with appropriate licensing.

11. Dealers have significant stock that does not appear on the EFRS database, including where the paper trail has been lost.
    a. SAAADA presented examples where firearms previously licensed by the CFR have now simply disappeared off the system and no longer exist as far as CFR records are concerned. SAAADA suggested these are due to CFR 'data-crashes'.
    b. This long-term problem remains unaddressed.
    c. SAAADA proposed a once-off 'stock take' or 'audit' to align actual dealer stock with the EFRS
    d. How to move forward remains unclear, but SAAADA is willing and keen to discuss specific proposals and share ideas.

12. Amnesty
    a. SAAADA emphasised that the Association was not consulted on the scope of the amnesty, even though they were part of the initial discussions regarding procedures and personnel.
    b. CFR advised that it is too late to change the terms of the already approved amnesty and proposed that SAAADA should approach the PPC directly on this matter.
    c. As with previous amnesties, problems with dealer stock cannot be addressed.

13. SAPS plan to operationalise the amendment of section 42 of Act 60 of 2000
    a. Gen Mamotheti will discuss this with SAPS Legal Services and provide feedback at the next meeting.

14. Following a discussion with Col Ndukula after the meeting had formally closed, SAAADA will formally request authorisation for dealers to be able to take client firearms out of the country on a temporary export – import permit.
    a. Dealers may legally be in possession of these firearms, especially once booked into the 'safe-keeping' or 'repair' register.
    b. Col Ndukula will take this request to SAPS Legal Services.

NEXT MEETING:

SAAADA and CFR will meet again on Thursday, 12 April 2018 (TBC)
The SAAADA secretary will liaise with Gen Mamotheti's office to finalise arrangements

CFR CONTACT DETAILS:

Maj Gen MJ Mamotheti – Head of FLASH (MamothetiJ@saps.gov.za)
Brig LS Bopape – Head of CFR (BopapeLS@saps.gov.za)
Col DR Ndukula – CFR (NdukulaD@saps.gov.za)
Col PN Sikhakhane – CFR (SikhakhaneP@saps.gov.za)
Lt Col CJ Wepener – CFR (WepenerCJ@saps.gov.za)

CASE NO: 33656/2009

IN THE HIGH COURT OF SOUTH AFRICA
(NORTH GAUTENG HIGH COURT, PRETORIA)

PRETORIA 26 JUNE 2009

BEFORE THE HONOURABLE MR JUSTICE POSWA

In the matter between:

THE SOUTH AFRICAN HUNTERS AND GAME CONSERVATION ASSOCIATION — APPLICANT

AND

THE MINISTER OF SAFETY AND SECURITY — RESPONDENT

HAVING HEARD counsel(s) for the party(ies) and having read the documents filed of record

IT IS ORDERED

1. THAT all firearm licences contemplated in sub-item 1 of item 1of schedule of the firearms control Act, Act 6 of 2000 shall be deemed to be lawful and valid pending final adjudication of the main application ;

2. THAT this order shall operate as an interim order, with immediate effect, pending final adjudication of the main application relating to this case.

3. THAT the costs of this application will be costs in the main application.

REGISTRAR OF THE HIGH COURT
PRIVATE BAG/PRIVAATSAK X67
2009 -06- 29
PRETORIA 0001
GRIFFIER VAN DIE NOORD GAUTENG HOË HOF, PRETORIA

BY THE COURT

REGISTRAR

☐ Att: Nell
HIGH COURT TYPIST: J Maphopha

"E"

111

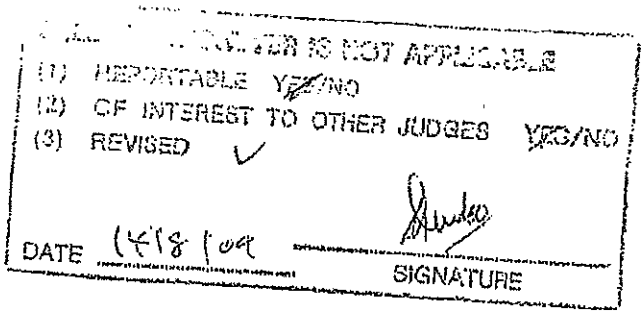
LOM Business Solutions t/a Set LK Transcribers/pj

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH GAUTENG HIGH COURT, PRETORIA)

CASE NO: 33656/09

DATE: 2009-06-26



In the matter between:

S A HUNTERS A.O. Applicant

and

MINISTER OF SAFETY AND SECURITY Respondent

JUDGMENT

PRINSLOO, J: This opposed urgent application came before me in this urgent court. Argument was presented by counsel on Tuesday and Wednesday. I reserved judgment until this morning, Friday.

Given the demands of the urgent court it was not logistically possible to prepare a lengthy and reasoned judgment. Mr Bergenthuin SC assisted by Mr Diamond appeared for the applicant. Mr Ellis SC appeared for the Respondent. At the commencement of the proceedings

before me Mr Wessels SC applied, on the strength of a written substantive application, for the intervention of the South African Professional Hunters Association as a joint applicant in the main application to which I shall refer hereunder. The application to intervene was granted on an unopposed basis.

At the same time Mr Wessels also applied for the National Arms and Ammunition Collectors Confederation of South Africa to take part in the proceedings before me in this urgent application as ***amicus curiae***. For this purpose he filed an affidavit by the chairman of the said Collectors Federation. This request to take part as ***amicus curiae*** was also granted without objection from any of the parties.

Both the party which has now intervened and the *amicus curiae* support the application which came before me. The main application was launched earlier this month simultaneously with the urgent application that came before me. In essence, the main application is aimed at challenging the constitutionality, or lack thereof, of certain portions of the Firearms Control Act, no.60 of 2000 which I shall call "the New Act" and more particularly the transitional arrangements to be found in Schedule I thereof. The New Act came into operation on 1 July 2004 and replaced the previous Arms and Ammunition Act, no. 75 of 1969, to which I shall refer as "the 1969 Act".

The relief claimed in the main application is directed at Schedule I of the Firearms Control Act, no. 60 of 2000, or the New Act, in its totality. The exposition in the founding affidavit to the main application clearly illustrates that section 1 and section 11 of Schedule I of the New Act is of

particular importance to members of the applicant and the application for the declaration of Schedule I to be unconstitutional is primarily directed at section 1 and section 11. I add that in the text itself these sections of the Schedule are referred to as item 1, item 11 and so on. For illustrative purposes it is convenient to quote extracts from items 1 and 11 of Schedule I of the New Act.

"1. Existing licence to possess an arm – (1) subject to subitem (2) and item 11, any licence which was issued in terms of the previous Act and which was valid immediately before the date of the commencement of this Act, remains valid for a period of five years from the date on which this Act comes into operation, unless such licence is terminated, cancelled or surrendered in terms of this Act.

(2)(a) The holder of a licence to possess an arm contemplated in sub-item (1) must, before the end of the period contemplated in that sub-item, in a lawful manner dispose of any firearms in his or her possession in excess of the number that he or she may lawfully possess in terms of this Act.

(b) For the purpose of paragraph (a) section 31(2) does not apply.

(3) Any firearm not disposed of as contemplated in sub-item (2) may be forfeited to the State and must be disposed of in the prescribed manner"

I also quote extracts from item 11:

"11. Renewal of Licence -

(1)(a) The holder of a licence, permit, certificate or authorisation contemplated in item 1, 2, 3, 4, 4 A or 5 must apply for the

corresponding licence, permit, certificate or authorisation in terms of this Act within the period determined by the Minister by notice in the Gazette.

(b) Different periods may be determined in terms of paragraph (a) in respect of -

(i) different licences, permits, certificates or authorisations; and

(ii) holders whose surnames start with different letters of the alphabet or whose dates of birth fall in different months.

(c) The period contemplated in paragraph (a) must end before the end of the relevant period contemplated in item 1(1) and may not exceed the period contemplated in item 2, 3, 4, 4 A or 5.

(d) If an application for the renewal of a licence, permit, certificate or authorisation has been lodged within the period provided for in this section, the licence, permit, certificate or authorisation remains valid until the application is decided.

(4) Any holder of a licence, permit, certificate or authorisation who fails to apply for the renewal of his or her licence, permit, certificate or authorisation before the end of the period determined by the Minister in terms of sub-item (1) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year or to both a fine and such imprisonment"

In terms of Schedule 4 of the New Act conviction of a contravention of

Section 3 attracts a penalty of a maximum period of imprisonment of 15 years. It is necessary to quote the provisions of Section 3 of the New Act:

> *"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 five year period of validity of licences held in terms of the 1969 Act expires in four days' time namely on Tuesday 30 June 2009. This is subject to the provisions of item 11 of Schedule I supra to the effect that the licences of licence holders in terms of the 1969 Act remain valid until the applications for renewal which were lodged as prescribed by item 11(1) are decided.

rom the aforegoing it follows that the holder of a valid firearm licence or licences issued in terms of the 1969 Act who have not applied for renewal of the licences or disposed of his or her firearm as prescribed will be in possession of an unlicenced firearm by 1 July 2004. They will be acting in contravention of section 3 of the Act and liable to prosecution. In addition,their failure to apply for renewal as intended by Item 11 of Schedule 1 will also render them guilty of an offence and on conviction liable to a fine or imprisonment as I have described.

According to the answering affidavit filed by the respondent in opposition to the urgent application,the official statistics show that 1,668,489 persons that are alive possessed firearms in terms of the 1969 Act. A total of 680 158 applied for the renewal of their firearm licences, permits or authorities. The deadline for renewal applications already expired on 31 March 2009. This means, according to the respondent,that

some 988 331 persons who held valid licences under the 1969 Act have not applied for renewal of their licences under the New Act. Some of them may well have selected other options provided for in the transitional provisions of the New Act. They include de-activated firearms, selling of firearms to licenced dealers, selling or donating firearms to other individuals or legal entities, permanent exportation or voluntary handing in of firearms to the South African Police Service for destruction.

It was nevertheless common cause during argument before me that a great number of valid licence holders under the 1969 Act, perhaps even as many as 900 000,although the figure could be less, for the reasons mentioned, will be criminalised next week when the five year period referred to comes to an end. They will be liable to prosecution, and upon conviction could be sentenced to lengthy periods of imprisonment, as described.

The head of the Central Firearms Register, who deposed to the opposing affidavit of the respondent, declared in a television interview that such prosecutions are on the cards. In the course of his argument, Mr Bergenthuin also pointed out that the group that stands to be criminalised next week is not confined to the 1969 licence holders who failed to apply for renewal. It also includes those who applied for renewal but had their applications turned down. There is no provision in the New Act or regulations, so it was pointed out, to cater for the position of an unsuccessful applicant for renewal. Once a renewal application has been refused and the subsequent appeal turned down, the unsuccessful previous licence holder will also be in unlawful possession of the firearm

and open to prosecution.

Counsel before me made sporadic references to section 21 of the New Act which provides for temporary authorisation to possess a firearm. The possession and use of such a firearm is subject to conditions imposed by a delegated official known as the Registrar. This is not a solution to the difficulties faced by those who stand to lose their licences as I have described. Such section 21 permits must in any event be applied for by next Tuesday, 30 June. It is in my view fair to say that the authorities do not have the capacity to process hundreds of thousands of such applications even in the unlikely event of such applications being made in the time that remains.

Mr Bergenthuin also pointed out that in terms of regulation 23(2)(a), promulgated under the New Act, an application for a temporary permit must be lodged at least seven days before the intended date on which the possession of the firearm will take place so that the period has in any event expired.

Mr Ellis, in reply, pointed out that the Registrar may exempt an applicant from complying with regulation 23(2)(a) by implementing the provisions of regulation 23(2)(c). For obvious reasons measures such as these can have little or no effect on the massive problem at hand. In the founding affidavit to the main application, which was attached as part of the founding papers of the urgent application and to which the respondent offered no reply, the applicant makes compelling submissions as to the complete lack of capacity on the part of the police or authorities designated in terms of the New Act to deal with the overwhelming

logistical demands flowing from the implementation of the New Act.

As part of the structure of the New Act, licence applicants are also required to obtain competency certificates as intended by the provisions of chapter 5 of the New Act and more specifically section 9 thereof. For the sake of illustration, I quote the following extracts from the as yet uncontroverted evidence of the applicant as set out in the founding affidavit to the main application. Reference to the "Control Act" are references to the New Act.

"9.1 *The applicant had been in discussion with officials of the respondent for a time period of plus-minus nine years. During this period the applicant became well acquainted with the structures, procedures, systems and staff currently dealing with firearm administration in the Republic of South Africa.*

9.2 *I have no hesitation whatsoever to declare that the respondent does not have the capacity to deal with the flood of renewal and new licence applications within a reasonable time period, reasonable being generally accepted both nationally in terms of South African public administration and also internationally. In this regard the following statistics are important.*

9.2.1 *As previously mentioned plus-minus four million firearm licences were issued in terms of the 1969 Act representing in the vicinity of two million firearm holders.*

9.2.2 *Up until the date of this application plus-minus 700 000 people applied for competency certificates in terms of section 9 of the Control Act. It is important to note that this number of 700 000 includes completely new applications in terms of the Control Act. Even if one assumes for the purpose of the argument that all applications for competency certificates are applications from existing 1969 Act firearm owners, it is clear that 1.3 million firearm owners have not yet applied for competency certificates.*

9.2.3 *The applicant can testify to the fact that many elderly people and people in rural areas still do not realise the implications of the Control Act and the implications of the transitional arrangements in terms of the Control Act. The respondent relied solely on notices in the Government Gazette as well as public notifications in government and police station offices and to a lesser extent media coverage to inform the public in general of firearm ownership changes and the need to apply for renewal of licences. In terms of the 1969 Act a full data base of firearm owners and addresses had to be maintained and it would have been prudent in accordance with proper administration for the*

respondent to notify these firearm owners of the changes in firearm ownership. (In terms of regulation 32(1) of the 1969 Act each firearm owner had to notify the Registrar of its change of address in an event of an address change by such a firearm owner).

9.3 A substantial number of applications for competency certificates and licence applications (both renewal and new licences) have not been processed or considered yet. Although the applicant does not have specific figures in this regard very specific figures should be available to the respondent and the applicant hereby invites the respondent to state unequivocally how many competency certificates have been issued to individual firearm owners (excluding of course certificates to arm dealers and gunsmiths). In this regard the applicant does have two sources of information from which preliminary conclusions can be drawn:

9.3.1 Firstly a questionnaire on the webpage of the applicant does contain significant information. Certain questions were posed to members of the applicant requesting members of the applicant to give an indication as to when they applied for competency certificates and the duration of the consideration period. The Honourable Court will note that a significant number of very old

applications are still outstanding with a number of them dating back to 2005. What is clear though is that many applications were lodged two, three and four years ago and still are not decided. This is an indication that the respondent does not have the capacity to finalise these applications even within the time period envisaged by Schedule I of the Control Act.

9.3.2 *Secondly, some of our members and some of the full time officials of the applicant had discussions with various individuals who are well acquainted with the new licencing process. Apart from this, political parties posed certain questions in parliament with regard to the state of licence applications over the past five years. The applicant was able to collate the following picture with regard to applications having been lodged for competency certificates in terms of the Control Act. Since the system of competency certificates as described above is central to the administration of firearm ownership in South Africa under the Control Act, the implications of these statistics are significant. The following table gives a summary of the number of applications lodged in the various provinces as well as the number of applications that were granted or*

refused. From this it is possible to calculate the number of applicatins outstanding, in other words not having been processed yet".

I only quote the last results in this table. In round figures the results of all the calculations and tables and figures are that 724 860 applications for competency certificates were lodged; 370 390 were approved; 3 640 were refused and 350 830 are pending. The conclusion to be drawn from the above is inescapable. .

"Of all applications for competency certificates lodged over the past five years (the period from which the Control Act came into operation) only 52% of all applications have been considered (that is either approved or refused). A full 48% have not been considered yet (this is approximately 350 830 divided by 724 860). This paints a picture of a hopelessly overburdened administration. During the preceding five years of firearm control administration, the current administration was only able to process one out of two applications. It stands to reason consequently that it would take the Registrar another five years to consider only existing applications and the situation would be further compounded by new applications being lodged for new firearms. It is submitted that the figures given above do not include the batch of the last period ending on 31 March 2009 for people whose birthdays fall between 1 October and 31 December. In this regard it is important to note that the approximately 350 000 holders of competency certificates will have to start to apply for the renewal

of their competency certificates as from the end of 2009, being five years after the first certificates were issued. This means that the Registrar will have to cope not only with five years of 'arrear' competency certificate still under consideration but also 350 000 new renewal applications pushing up the total burden of certificates that have to be considered in the next five years to 700 000. In the preceding five years the Registrar was unable to deal with 700 000 such applications and it is a foregone conclusion that the Registrar will be unable to deal with 700 000 in the next five years"

Against this background I turn to the relief sought in the main application. This relief is summarised in the following terms in the main founding affidavit:

"This is an application aimed at the following relief:

4.1 A declaratory order that Schedule I being the transitional arrangements of the Firearms Control Act 2000 (Act 60 of 2000) (hereinafter referred to as "The Control Act") be declared unconstitutional.

4.2 An order that all firearm licences issued in terms of the Arms and Ammunition Act of 1969 (Act 75 of 1969) (hereinafter referred to as "The 1969 Act") be declared valid pending finalisation of the action to be taken by the respondent to rectify the transitional arrangements of the Control Act.

4.3 That respondent be ordered to rectify Schedule I of the Control Act within 18 months of the date of this order.

4.4 In the alternative to the above a prayer that certain words be read into the current Schedule I of the Control Act"

On behalf of the applicant it was argued before me that the latter has good prospects of obtaining the relief set out in the main application. For purposes of this urgent application for interim relief it is neither necessary nor practicable to decide the legal arguments raised in this regard by the applicants. See for example *TONY RAHME MARKETING AGENCIES v GREATER JOHANNESBURG TRANSITIONAL METRO COUNCIL* 1997 (4) SA 213 (WLD) 215J-216D.

10 The main application is aimed at challenging the constitutionality of portions of the New Act which tend to infringe the rights of the licence holders entrenched by the Constitution, Act 108 of 1996 (hereinafter referred to as "The Constitution").

The assessment of the constitutionality of laws tending to infringe rights entrenched by the constitution comprises a two-stage approach:

1. An applicant or claimant must first show that a particular right has been impaired upon;
2. If an entrenched right is limited by a law the relevant official of state has a burden to justify the limitation.

20 For the limitation of a fundamental right to be rational, there has to be an evident and logical relationship between the limitation on the one hand and the compelling important purpose which the limitation is supposed to serve. See *SOUTH AFRICAN NATIONAL DEFENCE UNION v MINISTER OF DEFENCE AND ANOTHER* 1999 (4) SA 469 (CC) at paras 18 and 32.

In the main application it is argued that one such right which is impaired under the New Act is the right not to be prosecuted for the possession of firearms legally acquired. After 30 June 2009 firearm owners in possession of firearm licences in terms of the 1969 Act who had not applied for renewal of such licences will be in possession of firearms not licenced in terms of the Act and exposed to prosecution in terms of section 3 of the Act which, as I pointed out, carries a maximum prison sentence on conviction of 15 years.

At the date when the licence holder obtained possession of the firearm the possession was legal in terms of legislation controlling the possession of firearms at the time. The abovementioned exposure to prosecution is in conflict with the fundamental right of the licence holders not to be convicted for acts or omissions which were not a crime at the date when possession of the firearm was obtained, so counsel for the applicant argued, and pointed out in their heads of argument.

The respondent did not even attempt to prove, as it should have done, that the limitation of the right entrenched in section 35(3)(l) of the Constitution is justifiable within the context of section 36 of the Constitution. The wording of section 35(3)(l) reads as follows:

> *"That every accused person has a right to a fair trial which includes the right not to be convicted for an act or omission that was not an offence under either national or international law at the time it was committed or omitted"*

Mr Ellis argued that these provisions do not apply to the present situation because the "act or omission" involved was not the possession of the

firearm under the old 1969 dispensation but the failure to apply for renewal under the new dispensation. With this submission I cannot agree. The comparison in my view falls to be drawn between the rights enjoyed under the 1969 dispensation and the limitations experienced under the new dispensation.

Another impaired right listed in the main application involves the termination of the ownership of the firearm. Licence holders in terms of the 1969 Act who have not applied for the renewal of licences will have to dispose of their firearms by no later than 30 June 2009. Section 25(1) of the Constitution stipulates *"no one may be deprived of property except in terms of law of general application and no law may permit arbitrary deprivation of property"*.

It was argued on behalf of the applicant that to determine whether the Act arbitrarily deprives firearm owners of their firearms, it must be established *"whether or not the legislative measures bear a rational relationship to the legislative goal they are intended to achieve. They are arbitrary where they bear no such relationship"*. In this regard I was referred by counsel for the applicant to *LEBOWA MINERAL TRUST BENEFICIARIES FORUM v PRESIDENT OF THE RSA 2002 (1) BCLR 23 (T) 29.*

It was pointed out by counsel on behalf of the applicant that the respondent failed to establish that the deprivation of the firearms is justifiable within the context of section 36 of the Constitution. The respondent further failed to prove a rational relationship between the deprivation of firearms and the goal that the Act intends to serve.

In the premises, so it was argued by counsel for the applicant, the curtailment of ownership of licence holders in terms of the 1969 Act is unreasonable and unconstitutional. I add that the applicant points out in the founding affidavit to the urgent application that the respondent is still to quote any statistics that show that private firearm ownership by persons having acquired the firearms legally has contributed in any significant way whatsoever to the proliferation of illegal firearms in South Africa.

Another prominent constitutional challenge mounted in the main application flows from the right to lawful, reasonable and procedurally fair administrative action as intended by the provisions of section 33 of the Constitution. In this regard it was submitted on behalf of the applicant that the respondent does not have resources to implement the administration necessary to finalise the renewal of firearm applications and new firearm applications within reasonable periods taking into account the time limits stipulated in Schedule I of the Act.

The legislature should have taken into account the available administrative facilities and should not have designed a transitional arrangement which cannot be implemented by the officials of the respondent. The lack of administrative facilities appears to be uncontested on the papers.

I was reminded that the applicant pointed out in its papers that the officials of the respondents committed unlawful public administration by employing procedures which are *ultra vires* the empowering legislation. This was also not contested. I do not propose dwelling on those details.

It was submitted by counsel for the applicant that fundamental

rights entrenched in the Constitution may not be deprived or curtailed by way of administrative conduct. See *AUGUST AND ANOTHER v ELECTRAL COMMISSION AND OTHERS 1999 (3) SA 1 (CC) 33.* The legislature, by enacting Schedule I of the New Act, opened the gate for unlawful and unreasonable administrative action. It is therefore not merely a question of having the unlawful and unreasonable administrative act set aside but the cause of such unlawful and unreasonable administrative action should be removed.

Therefore, so the argument goes, Schedule I of the Act stands to be declared unconstitutional.

Counsel for the applicant also made compelling submissions about the constitutional and legal imperatives applicable when it comes to the limitation of fundamental rights and the provisions of section 36 of the Constitution. In order to establish the compellingly important purpose justifying the limitation of a fundamental right it is permissible to take guidance from the preamble of the relevant law of general application, so it was argued. The preamble of the New Act, reads as follows:

> *"Preamble.*
>
> *Whereas every person has the right to life and the right to security of the person which includes among other things to be free from all forms of violence from either public or private sources and whereas the adequate protection of such rights is fundamental to the wellbeing and social and economic development of every person and whereas the increased availability and abuse of firearms and ammunition has contributed significantly to the high*

levels of violent crime in our society and whereas the Constitution places a duty on the state to respect, protect, promote and fulfil the rights in the Bill of Rights, be it therefore enacted by Parliament of the Republic of South Africa as follows..."

It was submitted in the light hereof that the control of *"increased availability and the abuse of firearms and ammunition"* which play a role in high levels of crime in South African society is the *"compelling important purpose"* which may justify limitations of entrenched rights in terms of the Act. It was pointed out, correctly in my view, on behalf of the applicant that the deponent of the answering affidavit on behalf of the respondent however indicated that the purpose of the Act according to him and hence the *"compelling important purpose"* for limitations in terms of the Act is the *"obsolete and unreliable"* state of the Central Firearm Register in terms of the 1969 Act. It was submitted that the respondent has a duty and an obligation to establish factual material to justify the limitations of firearm owners' rights.

The respondent must further establish that rational and evident relationships between the purpose on the one hand and the means employed by the limitations on the other hand exist in the instances of the limitation of the mentioned three rights.

It was pointed out on behalf of the applicant that the schedule only deals with previously lawful licensed firearms. The respondent is therefore burdened to provide factual material from which a conclusion can be drawn that the existence of lawful licensed firearms under the 1969 Act contribute in a statistical significant way to *"the increased*

130

availability and abuse of firearms".

The respondent was invited in the founding papers to put such evidence before the court, but failed to do so. The respondent furthermore failed to put any evidence before the court that may be of assistance to justify the limitations. In these circumstances it was submitted by counsel for the applicant that where the infringement of firearm owners' rights cannot be disputed, the only inference that can be made is that the limitations are not justifiable within the context of section 36 of the Constitution.

In my view the applicant has established a strong *prima facie* case in respect of the main application. I make this remark after due consideration of diligent efforts and reasoned arguments advanced by Mr Ellis on behalf of the respondent. In the time at my disposal, and not in an effort to make light of the submissions by Mr Ellis, I do not propose dwelling on the detail of those submissions.

This brings me to the urgent application for interim relief now before me. Before dealing with the application as such it is necessary to make two preliminary remarks. In the first place the question of urgency was placed in dispute by the respondent in the opposing affidavit. In the arguments before me the issue was not pertinently raised, and in my view rightly so. The matter is clearly urgent and of national importance. The deadline is around the corner. The applicant and other concerned role players have been in constant touch with the authorities over a long period. Some of their important representations went unanswered. They have not been dragging their heels. The constitutional rights of hundreds

131

of thousands of validly licensed firearm owners under the 1969 Act are at stake. Inasmuch as it may still be necessary, I hold that a proper case for urgency has been made out.

In the second place the *locus standi* of the applicant to bring this application was challenged by the respondent in his opposing affidavit. The applicant relied *inter alia* on the provisions of section 38 of the Constitution. At the commencement of the proceedings I was informed that the objection relating to *locus standi* had been abandoned.

The applicant applies to preserve the present position relating to firearm licences issued in terms of the 1969 Act pending finalisation of the main application.

The aim of the relief claimed is to preserve the proprietary right or ownership of licence holders in their firearms pending finalisation of the main application. The relief asked for originally in the notice of motion of the urgent application was to declare firearm licences issued in terms of the 1969 Act to be lawful and valid pending final adjudication of the main application.

It was submitted by counsel for the applicant that in view of the fact that Schedule I of the Act will remain valid and enforceable until declared unconstitutional, the correct relief to be granted to the applicant appears to be an order in terms of which firearm licences issued in terms of the 1969 Act will be deemed to be lawful and valid pending final adjudication of the main application.

With this in mind Mr. Bergenthuin at the outset applied for, and was granted, an appropriate amendment of the notice of motion. The

application for an amendment was not opposed. In my view this development also puts paid to an argument advanced by Mr Ellis that the relief cannot be granted because it will amount to an amendment of an Act of Parliament with specific reference to the five year period mentioned in item 1 of Schedule I of the New Act. The amended prayer, if granted, will not bring about such a result as contended for by Mr Ellis.

The effect of such an order will be similar to an interim interdict granted against the respondent to prevent the respondent from enforcing measures or taking action following upon the invalidity of licences mentioned in section 1(1) of the Schedule pending finalisation of the main application.

The question arises whether such interim relief can be granted under circumstances such as the present. In *PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA v UNITED DEMOCRATIC MOVEMENT 2003 (1) SA 472 (CC)* the following was stated by the Constitutional Court at 486A-E:

> "32. *From the aforegoing, we would hold that –*
>
> *(a) it is not necessary in this case to decide whether a High Court has jurisdiction to grant interim relief the effect of which is to suspend the operation of national or provincial legislation;*
>
> *(b) A High Court has jurisdiction to grant interim relief designed to maintain the status quo or to prevent a violation of a constitutional right where legislation that is alleged to be unconstitutional in itself, or*

through action it is reasonably feared might cause irreparable harm of a serious nature;

(c) *Such interim relief should only be granted where it is strictly necessary in the interest of justice. That is the constitutional standard provided in sections 80(3), and 122(3) of the Constitution and should also apply in cases such as those presently under consideration;*

(d) *In determining the interest of justice, the Court must balance the interests of the person seeking interim relief against the interests of others who might be affected by the grant of such relief;*

(e) *The interim relief should be strictly tailored to interfere as little as possible with the operation of the legislation and all the more so where the legislation relates to an amendment of the Constitution"*

The last mentioned passage is not applicable to the present case.

In my view these guiding principles find direct application in the present case. The interests of those who may be affected by the interim relief, if there are such persons, in my view are far outweighed by the interests of those seeking the interim relief. The interim relief, if granted, will also not materially affect the operation of the New Act. Quite apart from these guidelines from the Constitutional Court, it is also appropriate in my view to bear in mind that at common law this Court has an inherent

jurisdiction to grant *pendente lite* relief to avoid injustice and hardship. See *AIROADEXPRESS v CHAIRMAN LOCAL ROAD TRANSPORTATION BOARD, DURBAN AND OTHERS 1986 (2) SA 663 (A) 676A-D.* I quote some of the closing remarks of the learned Judge of Appeal at 676C:

> *"The decision in that case is based on the existence of a 'general power' or, put differently, an inherent jurisdiction to grant pendente lite relief to avoid injustice and hardship. An inherent power of this kind is a salutary power which should be jealously preserved and even extended where exceptional circumstances are present and where, but for the exercise of such power, a litigant would be remediless, as is the case here"*

I therefore conclude that interim relief such as presently asked for by the applicant can competently be granted in an appropriate case. What remains is to consider whether the applicant has made out a case for interim relief by meeting the prescribed trite requirements. The applicant and its members have established, in my view, at least a *prima facie* right as required. They have a right not to have their fundamental constitutional rights unfairly encroached upon. This includes the right to have their property protected and not to be prosecuted and perhaps imprisoned in a manner that flies in the face of the provisions of the Constitution. For the reasons illustrated, the applicant and its members have a real apprehension of irreparable harm if the interim relief is not granted.

As to the question of the balance of convenience, some compelling submissions were made on behalf of the applicant. The

argument goes as follows: The applicant must persuade the court that the balance of convenience is in favour of the applicant. The concept of a balance of convenience was explained as follows in *ERIKSEN MOTORS (WELKOM) LTD v PROTEA MOTORS, WARRENTON AND ANOTHER 1973 (3) SA 685 (A) 691-D:*

> *In exercising its discretion the Court weighs, inter alia, the prejudice to the applicant, if the interdict is withheld, against the prejudice to the respondent if it is granted. This is sometimes called the balance of convenience. The foregoing considerations are not individually decisive, but are interrelated. For example, the stronger the applicant's prospects of success the less his need to rely on prejudice to himself. Conversely, the more the element of 'some doubt', the greater the need for the other factors to favour him. The Court considers the affidavits as a whole and the inter= relation of the foregoing considerations, according to the facts and probabilities"*

It was then further argued on the question of balance of convenience, and correctly so, that the only prejudice mentioned on behalf of the respondent is legal uncertainty as to the date of commencement of the Act. Counsel for the applicant submitted that there will only be legal uncertainty if police officers across the country will not timeously be informed of the order made in the urgent application. The *status quo* will be preserved and the firearm licences issued in terms of the 1969 Act will simply be deemed to be valid.

The respondent and the respondent's representatives will be

allowed enough time to inform not only police officers but also the public in general of the situation. This will also be the position should the relief in terms of the main application be granted.

Against this background I was reminded that the threat of criminal prosecution of licence holders together with the deprivation of ownership of such licence holders must be weighed. It was submitted that there can be no question that the interests of the licence holders by far outweigh the interests of the respondent. I find myself in agreement with these submissions.

I was reminded that it should be kept in mind that the respondent and the respondent's officials have primarily been the cause of uncertainty relating to the implementation of the Act. On behalf of the *amicus curiae* Mr Wessels emphasised the hardships that are likely to result from the looming criminalisation of hundreds of thousands of licence holders under the 1969 Act. Prosecution and conviction results in a criminal record for the offender. Some of the resultant negative effects of this include travel limitations and the inability to successfully apply for work. Professional hunters will be prejudiced in their business. Security firms will not employ the convicted person who will in any event not have a firearm licence to do the work. The previous conviction may even adversely affect the prospects of obtaining a licence at a later stage. Inasmuch as it may have been necessary for the applicants to show that they do not have an alternative remedy at their disposal it is patently obvious, in my view, that they do not.

In all the circumstances I have come to the conclusion that a

proper case has been made out for interim relief and that this application ought to be upheld, I make the following order:

ORDER

1. It is ordered that all firearm licences contemplated in sub-item 1 of Item 1 of Schedule I of the Firearms Control Act, 2000 (Act 60 2000) shall be deemed to be lawful and valid pending final adjudication of the main application;
2. This order shall operate as an interim order with immediate effect pending final adjudication of the main application relating to this case;
3. The costs of this application will be costs in the main application.

---o0o---

"F"

138

IN THE HIGH COURT OF SOUTH AFRICA /ES

(NORTH GAUTENG HIGH COURT, PRETORIA)

CASE NO: 26438/2010

DATE:

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: ~~YES~~/NO.

(2) OF INTEREST TO OTHER JUDGES: ~~YES~~/NO.

(3) REVISED. ✓

14-06-2010
DATE

SIGNATURE

IN THE MATTER BETWEEN

SPEAR SECURITY GROUP (PTY) LTD t/a SPECIALISED SERVICES GROUP	FIRST APPLICANT
SERVEST (PTY) LTD t/a GREMICK SECURITY (a division of Servest)	SECOND APPLICANT
ARCFYRE (PTY) LTD	THIRD APPLICANT
UNIT 14 SECURITY SERVICES CC	FOURTH APPLICANT
SECURITY INDUSTRY ALLIANCE	FIFTH APPLICANT
AND	
BRIGADIER J BOTHMA, N.O.	FIRST RESPONDENT
THE FIREARMS APPEAL BOARD	SECOND RESPONDENT
THE NATIONAL COMMISSIONER SOUTH AFRICAN POLICE SERVICES	THIRD RESPONDENT

139

THE MINISTER OF POLICE — FOURTH RESPONDENT

THE SECRETARY OF POLICE – JENNI IRISH QHOBOSHEANE — FIFTH RESPONDENT

JUDGMENT

BAM, AJ

[1] Firearms, be it the spoken or printed word, in our country, immediately draws the attention and raises the eyebrows of all and sundry. The abuse of firearms is of the utmost concern of the government, the SAPS and so on down the line including the individual, whether citizen or foreigner. The reason for everyone's concern is obvious. Many crimes in our country are currently committed by criminals wielding and using firearms randomly.

[2] Primarily it is the unenviable but undeniable duty of the SAPS to maintain law and order, but to do so, is no mean feat. It appears from the papers in this matter that certain departments of the SAPD are on the probabilities overburdened and overloaded with responsibilities they are entrusted with, including the combating of crime.

[3] It seems to be common cause that the Firearms Control Act, Act 60 of 2000, ("the Act"), and the Firearms Control Regulations ("the regulations") introduced a host of new regulations and conditions to be complied with, *inter alia*, when applications are lodged for the issuing of firearm licences.

[4] Provision is made in the relevant act for the business venture of security service providers as defined in section 1 of the Private Security Industry Regulation Act, 2001, Act 56 of 2001 and cf section 1 "Definitions" of the Act. Provision is further made in section 20(2)(a) of the Act for the issuing of a licence to possess a firearm to security service providers for business purposes.

[5] The first four applicants in this application are security service providers. It is undisputed that the said applicants regarding the application to possess firearms for business purposes comply with all the required conditions in the Act and regulations as well as Act 56 of 2001 (*supra*). It is also common cause that the four applicants have in their employ a vast number of security officers as defined in section 1 of the Act.

[6] The main aim of security service providers is to render a service to the general public regarding personal safety, as well as, *inter alia*, for example to certain financial institutions pertaining to transport and safekeeping of money. In rendering the services as aforesaid, the security service providers, to my mind, render some assistance to the SAPS in their endeavours to combat violent crime and to protect the man on the street.

[7] It is further common cause that the first to fourth respondents also have certain other features in common to wit:

1. they render security services of a wide variety to the general public, certain individuals, financial institutions, etc;
2. the business ventures of the applicants have recently escalated for various reasons to such proportions that the applicants, without being in possession of the necessary number of firearms, which, on the papers, are a vast number, will not be able to render the security services in terms of the provisions of contracts they are parties to and any other contract they intend to enter into.

[8] Mainly as a result of the oncoming 2010 Soccer World Cup events which are to take place in the country, it is common cause that safety of the general public, as well as other safety issues, are presently of major concern to both the applicants and the first to fourth respondents.

[9] The first respondent, in his official capacity, is in terms of the Act empowered to regulate and issue licences for the possession of firearms.

[10] The second respondent is the Firearms Appeal Board established by section 128 of the Act, empowered to deal with appeals against decisions of first respondent.

[11] The fifth applicant and the fourth and fifth respondents did not play any role in this application.

[12] The basis for the first to fourth applicants' application mainly turns around the averment of the applicants that the first respondent did not, in accordance with the provisions of the Act and regulations, within a reasonable time, decide to issue or refuse applications for firearm licences in general as well as applications referred to as "section 21 authorisations" lodged by the four applicants. The respondents oppose the application.

[13] The relief sought by the applicants are as follows:

"1. That in terms of section 7(2)(c) of the Promotion of Administrative Justice Act, Act 3 of 2000, (hereinafter referred to as 'PAJA'), an order declaring that such exceptional circumstances exist that it exempts the applicants from exhausting the internal administrative remedy;

2. that the first respondent is ordered to issue section 21 authorisations to the applicants for a period of not less than one year for the firearms set out in annexure 'A1 to A4', annexed to the notice of motion;

3. that such authorisation be issued within 48 hours;

4. that the conditions as listed in annexure 'B' to the notice of motion, together with such further conditions as ordered by the honourable court be applicable in respect of the firearms so issued;

5. that the first, second and third respondents pay the costs of the applications jointly and severally, the one paying the other to be absolved."

[14] The respondents seek in their counter-application basically in the form of a declarator, an order as follows:

"2. that any applicant who intends to apply for a licence to possess a firearm for business purposes, as provided for in section 20 of the Firearms Control Act, Act 60 of 2000, or who has already applied for a licence to possess a firearm for business purposes, is not allowed to apply for a temporary authorisation to possess a firearm for business purposes as contemplated in section 21 of the Firearms Control Act, 60 of 2000;

alternatively to prayer 2 above:

3. an order declaring that any application for temporary authorisation to possess a firearm for business purposes as contemplated in section 21 of the Firearms Control Act, 60 of 2000, may only be issued subject to each and every condition contained in regulation 21 of the Firearms Control Regulations;

4. an order declaring that each and every temporary authorisation issued to an applicant for business purposes prior to this order, be endorsed by the first respondent to reflect each and every condition

as provided for in regulation 21 of the Firearms Control Regulations;

5. that any temporary authorisation issued to an applicant for business purposes be valid for a period of 3 (three) months, to be reviewed (*sic*) by the first respondent;

6. that the applicants pay the costs of the application jointly and severally, the one paying the other to be absolved ..."

[15] It was common cause between the parties that the relief sought both in terms of the main application and the counter-application should be dealt with on an urgent basis. In this regard I wish to remark that it is for this court to decide whether the application is urgent or not, and not for the parties. In practice no party can go beyond submitting that an application is urgent. However, upon reading of the papers I am satisfied that the application is indeed urgent and I have ruled accordingly.

[16] I have overruled the respondents' application that the counter-claim of the respondents should be heard before the application of the applicants. Accordingly I have issued the order that the applications of both parties should be dealt with simultaneously. The reasons for my aforesaid ruling are already on record. I have further ruled that the points *in limine* raised by the parties regarding non-joinder and misjoinder should also be dealt with during the hearing of the main- and counter-claims.

The facts

[17] The applicants (first to fourth) are mainly aggrieved because of, as they aver, the first respondent's failure to make a decision regarding their respective applications for section 21 licences, within a reasonable time. I will hereunder refer to the detail of each applicant's complaints, where it differs. In the meantime, however, pertaining to the first applicant's complaints, the first respondent, after the lodging of this application, indeed considered, and refused, the first applicant's application for the temporary authorisation of licences in terms of section 21 of the Act.

[18] Section 21 of the Act authorises the temporary authorisation of firearm licences. The interpretation of this section is in the centre of the disputes between the parties. The applicants contend that the first respondent is obliged, in terms of the provisions of the section, to authorise the temporary licences applied for by the first to fourth applicants *in casu*. The respondents insist that the said section in their interpretation does not provide for the authorisation of a temporary licence to any person who has already applied for, or who intends to apply for a firearm licence in terms of the provisions of section 20 of the Act.

[19] The respondents accordingly (prayer 2) in their counter-application indeed seek relief, as referred to above, that this court should make an order, in the form of a declaratory order, reflecting the respondents' submission in that regard.

[20] I deem it apposite to quote the two sections, 20 and 21 in this judgment:

"20. **Licence to possess firearm for business purposes. –**

(1) (a) A firearm in respect of which a licence may be used in terms of this section is any firearm other than a prohibited firearm.

(b) Despite paragraph (a), a licence in respect of a prohibited firearm may be issued to a person contemplated in subsection (2)(c) but such person may only provide a prohibited firearm for using theatrical, film or television productions and then only if the prior written approval of the Registrar has been obtained and on such conditions as the Registrar may impose.

(2) The Registrar may issue a licence in terms of this section to-

(a) a security service provider;

(b) a person who is accredited to provide training in the use of firearms;

(c) a person who is accredited to provide firearms for use in theatrical, film or television productions;

(d) a person who is accredited as a game ranger;

(e) a person who is accredited to conduct business in hunting; or

(f) any person who is accredited to use firearms for such other business purpose as the Registrar may determine.

(3) A licence issued in terms of this section must specify the business purpose in respect of which it is issued.

(4) A firearm in respect of which a licence was issued in terms of this section may only be used as specified in the licence.

(5) (a) The holder of a licence issued in terms of this section may only provide a firearm for use by another person subject to such conditions as may be prescribed.

(b) A security service provider which holds a licence to possess a firearm for business use may only provide a firearm to a security officer in its service who holds a competency certificate.

(6) Every holder of a licence issued in terms of this section must-

(a) keep a register of all firearms in his possession containing such information as may be prescribed; and

(b) store and transport the firearm as may be prescribed.

(7) The holder of a licence issued in terms of this Act must, at the request of a police official, produce for inspection-

(a) any firearm and ammunition in his possession or under his control; and

(b) every licence issued in terms of this section.

21. **Temporary authorisation to possess firearm. –**

(1) The Registrar may issue a temporary authorisation to possess a firearm to any person, including a non-citizen –

(a) for such period as the Registrar may determine; and

(b) subject to such conditions as may be prescribed and imposed by the Registrar.

(2) The Registrar may at any time withdraw an authorisation if any condition contemplated in subsection (1)(b) is not complied with.

(3) The office of the Central Firearms Register must keep a record containing such information as may be prescribed in respect of all authorisations issued in terms of this section.

(4) The Registrar must submit an annual report to the Minister containing such information as may be prescribed in respect of all authorisations issued in terms of this section.

(5) A firearm in respect of which an authorisation has been issued in terms of this section may be used only-

(a) if the Registrar by endorsement on the authorisation permits such use; and

(b) in accordance with such conditions as may be prescribed and imposed by the Registrar.

(6) A firearm in respect of which an authorisation has been issued in terms of this section may be disposed of only with

the written consent of the Registrar subject to such conditions as he or she may impose."

[21] I have already ruled that this application is urgent. The applicants motivated their contention for the urgency of this application by referring to their need for the firearms in order to comply with the provisions of security service contracts they have already entered into and such contracts they intend to enter into. It was undisputed that the applicants' motivation in this regard was largely incited and inspired by the oncoming soccer events.

Interpretation of section 21

[22]
- To my mind section 21 provides for a temporary licence in circumstances where licences are needed by any individual or juristic person for a short or relatively short period of time.
- In a recent decision the Supreme Court of Appeal again emphasised what approach is needed in interpreting a statute. See *Fish Hoek Primary School v GW* 2010(2) All SA 124 (SCA) at par [6] page 127, where PONNAN JA remarked as follows:

> "The 'cardinal rule of construction of a statute' as STRATFORD JA put it in *Bhyat v Commissioner of Immigration*: '... is to endeavour to arrive at the intention of the law giver from the language employed, in the enactment ... in construing a provision of an Act of Parliament the plain meaning of the

150

language must be adopted unless it leads to some absurdity inconsistency, hardship or anomaly which from a consideration of the enactment as a whole a court of law is satisfied that the legislature could not have intended.'"

- In determining what the intention of the legislature was, the usual rules of interpretation apply. *In casu*, however, the court had to determine more specifically what exactly the plain meaning of the language used was.

[23] Mr Rip SC, appearing for the applicants with Mr Snyman, submitted that a temporary authorisation for a firearm licence in terms of this section, does not disqualify or exclude any category of individual or corporate body. I agree with Mr Rip.

[24] To my mind the legislature could have had no other intention but to provide for the lawful possession of a firearm where the issuance of a permanent licence is not required, eg foreigners for hunting or sport activities or where for some or other reason a delay in issuing the permanent licence may occur, for whatever the reason, including compliance with requirements such as the possession of a valid identity document, the acquisition of a competency certificate, etc, and in circumstances, as *in casu*, where the applicant is in urgent need of a firearm(s), for lawful purposes. The "urgency and need" in any application should be dealt with on its own merits.

151

[25] Mr Rip pointed out, what is common cause, that the first respondent in two matters which were recently dealt with in this division where the applicants were security service providers and the first respondent cited as first respondent in both cases, entered into a settlement agreement with the applicants, which were subsequently made orders of court. The circumstances, according to Mr Rip SC, in both cases are materially the same as in this case. The aforesaid settlement agreements entailed that the applicants in those cases were granted authorisation for the temporary possession of firearm licences in circumstances where the security service provider applicants were already licensed firearm owners in terms of the provisions of section 20 of the Act (and they were in urgent need of the licences on the same basis as the applicants in this case). See in this regard the unreported case of *Fidelity Security Services v Director J J Bothma and 3 Others* North Gauteng High Court case no 9096/2010 dated 10 March 2010 as well as the case of *SBV Services (Pty) Ltd v Brigadier Bothma NO and Others* (reference not available). These settlements, Mr Rip SC argued, are directly in conflict with the respondents' present attitude and interpretation of the provisions of section 21 of the Act; in accordance with which the first respondent now refuses to grant temporary authorisations to the applicants. Mr Rip SC further submitted that the first respondent is absolutely wrong with the present interpretation.

[26] In developing her argument regarding the present interpretation of section 21 of the Act that no provision is in fact made in the section for persons who have already obtained licences in terms of section 20, Ms Ellis, appearing for the

respondents, submitted that the first respondent, in settling the aforementioned matters, which act is an administrative act in terms of PAJA, acted "irregularly" and that the settlement and subsequent court orders were "unlawful". It was therefore submitted that this court in granting prayer 2 of the counter-application, the declarator, would ensure that the effect of the said two cases would be that both the settlements and subsequent court orders would become null and void. In other words the granting of prayer 2 would have the effect that the court orders in the settled cases would be substituted by the declarator and that the contents of prayer 2 of the counter-application would henceforth be enforceable and become "law". The fact that the applicants in the mentioned cases were not before this court Ms Ellis submitted that there would be no prejudice to either of the parties. Especially pertaining to the applicant SBV Services (Pty) Ltd Ms Ellis informed the court that permanent licences have now been issued substituting the temporary licences issued in terms of section 21 of the Act. The order of this court in that regard would in practice have no effect on the company SBV Services, at all.

[27] The argument further entailed that the first respondent, in entering into the two settlement agreements, mistakenly conceded that the provisions of section 21 of the Act included authorisation of temporary licences to licence holders in terms of the provisions of section 20.

[28] • It was further contended on behalf of the respondents that the first

respondent was entitled in law to rectify his "irregular" administrative settling of the said two matters by approaching a court for a declaratory order in a manner and process adopted by first respondent in this case. I was referred to certain authorities in support of the aforesaid submission of which I mention a few: *Pepcor Retirement Fund & Another v Financial Service Board & Another* 2003 6 SA 38 (SCA); *Rajah v Rajah (Pty) Ltd & Others* 1961 4 SA 403 (AD) and *Trans Air (Pty) Ltd v National Transport Commissioner* 1977 3 SA 785 (AD).

- The principle emanating from the aforesaid decisions, with respect, is clear. Whenever an administrative officer empowered to make an administrative decision subsequently discovers that the decision is wrong and bad in law, the said administrative officer is entitled to apply to a court for the rescission of the "irregular" decision.
- Whether the first respondent's "settling" of the two matters were indeed an administrative act is to my mind not clear at all, I am not persuaded that the said "decisions" of first respondent fit the definition of administrative action as envisaged by PAJA. See in this regard *Ntshangase v MEC: Finance Kwa-Zulu Natal and Another* 2010 (2) All SA 150 (SCA). The administrative act in this matter comprises the settlement of a matter before court involving the interpretation of a statutory provision. I do not deem such "action" an administrative action which is reviewable as contended by the respondents.

154

[29] Although I may be wrong in the aforesaid regard, to my mind the following issues, however, militate against the respondents' application for a declaratory order in their counter-application:

(a) The "irregular" settlement agreements resulted in orders of court. This court has no jurisdiction to review the orders of the other courts; this court is also not a court of appeal.

(b) The alleged irregular settling of the said matters emanated from the first respondent's (now changed) unilateral interpretation of section 21 of the Act. (I do in any event not agree with the respondents' present interpretation to which I will again refer to herein below.)

(c) The applicants in the said two matters were not cited or joined to these proceedings before court; their rights would surely be affected and they have the fundamental right to be heard.

[30] The applicants, not surprisingly, took a point *in limine* of misjoinder and submitted that the respondents should have joined Fidelity Security Services (Pty) Ltd and the SBV Services (Pty) Ltd (the applicants in the aforesaid settled matters), as well as other parties who may be affected by such a declaratory order.

[31] The applicants in this matter based their arguments regarding the point *in limine*, non-joinder, on the issues mentioned in the paragraph above.

[32] The authorities referred to by Ms Ellis, quoted above, with due respect, do not support the respondents' argument, the main problem being that this court is not empowered to interfere with the court orders of another court.

[33] It therefore follows that the applicants should succeed with their point *in limine* of non-joinder of the interested parties, and that the respondents' counter-application, prayer 2 thereof, should fail.

[34] The applicants, one corroborating the other, furnished overwhelming evidential material proving that the first respondent, for reasons that are not clear, nor properly explained by the respondents, failed to consider and decide to grant or refuse applications for firearm licences, within a reasonable time. Proof of delays of up to two years is part of the papers. The said delays caused many an applicant for the licencing of firearms to resort to other remedies. Mr Rip SC referred me to the judgment in the *Fidelity Security Service v Director J J Bothma & Others (supra)* where PRINSLOO J, as far as it concerns the delay in the office of the first respondent regarding the issuing of firearm licences for extended periods of time up to two years, made several disturbing remarks about the cause of the delay. I have read the decision of my brother PRINSLOO J. It is clear from his remarks that he was very much perturbed by the unexplained reasons for the delay in issuing or considering applications of licences in the office of the first respondent. To say the least, I am amazed that applications for firearm licences were delayed in the office of the first respondent for periods of time up to two

years. No reasonable explanation for the said delays was advanced by the first respondent in this regard. To my mind these delays are totally unacceptable. I will say more about this situation in the offices of the first respondent herein below.

[35] Provision is made in the Act for appeals against decisions of the first respondent to the Firearms Appeal Board, the second respondent. No provision is, however, made in the Act for an appeal against the first respondent's failure to make a decision within reasonable time, which failure is termed by the applicants as "deemed refusals". In this regard, it is the second respondent's contention not to have jurisdiction.

[36] The applicants in relying on the provisions of the Promotion of Administrative Justice Act, Act 3 of 2000 ("PAJA"), submitted that exceptional circumstances, provided for in section 7(2)(b) exist in this matter, entitling applicants not to follow the internal remedy of appeal to second respondent as provided for in the Act. This was conceded by respondents pertaining to the second, third and fourth applicants. No such concession was made by the respondents in regard to the first applicant due to the fact that the first respondent has, in the meantime, made decisions regarding the section 21 temporary authorisation applications by the first applicant.

[37] In arguing the applicants' right to approach the court directly, instead of following the internal (appeal) remedy, Mr Rip SC submitted as follows:

> "The exceptional circumstances the applicants rely upon are twofold, namely:-
>
> - that the administrative capacity of the second respondent to deal with appeals against refusals by the first respondent of section 21 authorisations is so chaotic and impinged that a decision cannot be expected within a reasonable time, at the very least not before eight months or more. By such time, the period within which the firearms would be required has greatly passed and the applications would almost have become irrelevant.
> - Secondly, that the second respondent has indicated by way of appeals that have served before it previously in respect of deemed refusals that it does not consider itself to have jurisdiction to hear such appeals because according to them, since there is no mention of a deemed refusal in the Firearms Control Act, such a deemed refusal can therefore not be appealed against.
> - Furthermore, Mr Mongwe, the chairman of the second respondent has already in the affidavits filed by him on behalf of the second respondent clearly shown and stated that he does not believe that any of the applicants are entitled to receive temporary authorisations and that he agrees wholeheartedly with the refusal of the first respondent be deemed or otherwise do not grant section 21

authorisations to the applicants. In such circumstances, it is clear that it is not open or possible for the court to follow a process whereby the applicants are expected to appeal to an appeal authority that was already sided with the principal administrator and clearly would be biased and have already made a decision on that matter."

[38] I am in agreement with Mr Rip SC, and, after having considered all the facts, and in view of the concession made by the respondents in this regard pertaining to second, third and fourth respondents, I am of the opinion that the applicants are indeed entitled to approach this court directly on the basis of the existence of exceptional circumstances required in terms of section 7(2)(b) of PAJA.

[39] I am not persuaded that the first respondent's decision regarding the application for the section 21 authorisations lodged by the first applicant, dated 30 April 2010, avails the first respondent regarding the issue of exceptional circumstances discussed above, as provided in PAJA. As remarked above the refusal of the application of the first applicant by the first respondent occurred after the first applicant had already signed the founding affidavit and launched this application.

[40] In so far as the grounds given by first respondent for the refusal of the section 21 authorisations lodged by the first applicant, Mr Rip submitted that the said reasons are without any foundation. In this regard he submitted as follows:

159

"• Whilst the respondents received a notification on assignment of the new responsible person for juristic person, the SAPS 521E form and registered same on 29 July 2009, the first respondent now claims that because according to information received from the Private Security Industry Regulatory Authority that the responsible person is not linked to the company that on such basis the application is for some or other unexplained reason not good. Nowhere in the Act or regulations can it be found that there is any requirement that the responsible person be linked to the company. In any event, the first applicant denies that he is not linked to the company and states that this is an irrelevant consideration. In all other respects, the first respondent has dealt with the first applicant on the basis that the deponent, Winkler, is the responsible person. In fact the first respondent continued issuing firearm licences to the first applicant subsequent to the date of appointment as Winkler, as the responsible person as appears from their own affidavit. On what basis Winkler can be good enough to be the responsible person for the issuing of firearm licences by the first respondent, but now suddenly is not good enough for the purposes of issuing section 21 temporary authorisations is not understood in fact or in law.

It is submitted that this reason is not rationally or legally connected to the decision and cannot stand.

160

- The second reason given is that the specific period has not been stated. It is clear that the period that was requested was that the authorisation be from date of issue for a period of twenty four months. The period is easily determinable and quite clear. The problem is that one cannot apply for a specific period due to the administrative incompetence and incapacity of the first respondent.
- The next reason given is that details regarding the particularity of the specific security officers will be issued with a specific firearm and the document to prove that the security officers has successfully undergone the prescribed training and testing, is not being given.

  It is clearly impossible to ever give such information. Security companies work with a myriad of security officers, whom regularly change employment. The applicants are restricted as to whom they can give firearms on the basis of whom can be registered as security officers under strict regulations applicable to such persons. Clearly and obviously at all times, as the first respondent is well aware, only security officers whom are properly registered as security officers can ever be placed in possession of a firearm and all of those persons can only be registered as security officers when they have complied with all the required training applicable to their position and the firearm which they are in

possession of. Again such reasoning is irrational and cannot be connected to the decision.

The next reason given is that no documentary proof is being given as to whom a security service will be rendered by the first applicant, namely a certified copy of a contract or contracts. Such is not a requirement of the Act in the first instance. Furthermore, it has been clearly indicated that due to the upsurge in crime and the situation around the Fifa World Cup 2010 that numerous opportunities has arisen where security services are required and that the applicants are approached for security services on a constant basis. It is not possible to enter into a contract when one does not have the firearms available in order to service such contract. The first respondent wants to place the cart before the horses. It is clear that such is an unreasonable request and reason given for the refusal of the authorisation, is not rationally connected to its decision and capricious and arbitrary.

The next reason is the alleged fact that one can apply in terms of section 20 for a firearm licence. It has been shown categorically that these applications have taken years to be dealt with and there are many outstanding licences. In this regard, the court is referred to the numerous judgments that had been filed of record in the present matter wherein the chaos and the delays in the administration of firearm licence applications had been clearly set

out. In particular the judgment of PRINSLOO J in the *Fidelity* matter is referred to.

- The last reason is given that the applicants have not provided comprehensive motivation inclusive of substantive documentary proof attached thereto, which must contain all the necessary elements to substantiate the purpose for which the firearms are required. It is quite clear that the purpose for which the firearm is required is for the providing of security services. The applicants also all filed substantial motivations with their applications, which are annexed to the papers and wherein their business practice and needs and actions are clearly set out. The first respondent is well aware of the activities of the applicants and the first applicant in particular, in that it has granted firearm licences to these parties in the past and knows very well what the business of the applicants are and what the purpose of the firearm is. Again, this reason is without any rational connection to the decision, is arbitrary and capricious and without any merit.
- What is, however, clear when one reads the counter-application and the affidavits filed by the first respondent in the present application is that the first respondent is not going to issue and does not intend issuing any section 21 temporary authorisations. The reasons that had been given in this letter or in his letter of refusal dated 30 April 2010 are merely straws that had been

grasped at to try and justify the overall policy that he has put in place to refuse all section 21 temporary authorisations to security service providers.

- When one considers the above approach, then it is clear that the first respondent's decision is reviewable, stands to be set aside and that the court must place its own decision in the place of the first respondent.
- In respect of the second, third and fourth respondents no reasons have been given considering that we are dealing with a deemed refusal, but it is with respect clear that such section 21 temporary authorisations will not be granted by the first respondent in light of the policy and actions that I have set out and described above."

[41] Having had regard to all the evidence in this application, and counter-application, and after having considered all the submissions made by counsel for the respondents, I am of the opinion that Mr Rip SC is correct and justified in making the aforesaid submissions.

[42] The first respondent refused the first applicant's section 21 applications. In this regard Mr Mongwe, chairman of the second applicant, as pointed out by Mr Rip SC, has already, in his capacity as chairman of the second respondent, associated with first respondent's considerations for having refused the

applications, in remarking that the applicants should not be entitled to the granting of the applications. I agree with Mr Rip SC in this regard.

[43] I am accordingly of the opinion that the applicants succeeded in proving that they are entitled to approach this court for the relief sought.

[44] I deem it relevant to record that nowhere in the papers could I find any indication that the applicants, for some or other unknown reason or hidden agenda, intended to work against the respondents or the SAPS in general or to obstruct or hinder the SAPS in the performance of their duties or interfere with the SAPS in any way. It is unescapable, to my mind, to find that the applicants at all relevant times intended to assist the SAPS in some or other way in the combating and prevention of serious crimes.

[45] I appreciate that the respondents, specifically the first respondent, are concerned about the random licensing of firearms, the control of firearms, the safekeeping thereof and *per se* the risk of any person being in unlawful possession of a firearm. After all it remains the SAPS's responsibility to control all licensed firearms. I am, however, convinced that the evidential material adduced by the applicants, which I accept, should allay the respondents' fears in that regard as far as the applicants are concerned.

[46] Annexure "A" to the notice of motion regarding the first to fourth applicants' list of firearms which they have applied for authorisations in terms of section 21, as it appears on the court file, seemed to be incomplete, in that the fourth respondent's list was apparently misfiled. However, in view of the reference to the said firearms in the founding application and annexures of the fourth applicant, which were not disputed by the respondents, there should be no question that the respondents are in fact in possession of the said list. I considered it expedient to require the parties, without appearing in court, to furnish me with the said list, for incorporation in annexure "A". It now forms part of annexure "A". (This was supplied to my secretary by the fourth respondent's attorneys of record.)

[47] • Regarding the conditions referred to in annexure "B" to the notice of motion, it is clear that it overlaps with the conditions referred to in regulation 21 of the Regulations. After having compared and considered both I prefer the more eloquent wording of the regulation and intend to make the order accordingly. The conditions I have in mind are therefore reflected in annexure "B". I did not deem it necessary to add any further conditions to it. I deliberately excluded the condition reflected in regulation 21 and section 21 of the Act regarding the qualification of the competency certificate in view of the fact that it would, in the circumstances, be nothing more but a time consuming exercise to obtain such a certificate in that the conditions reflected in annexure "B" do

provide for, temporarily, every material safety and control issue pertaining to the firearms in question.

- Accordingly respondents' alternative prayer to prayer 2 should also be dismissed. Any application for a competency certificate would in itself have frustrated this application.

[48]
- I am satisfied that the applicants have, on the probabilities, proved that all security officers in their employment would comply, as far as their training, competency, security, etc are concerned, with the conditions in that regard, as required by the Act and Regulations.
- In comparison with what is commonly known about crimes committed with unlawful firearms, and dealing in unlawful firearms, it appears that the SAPS does not have a clean record. The respondents in this matter did not furnish proof of any incident where the unlawful use of firearms was involved and connected to the applicants, in rebuttal of the applicants' contention in that regard. On the probabilities it appears that the safe keeping of and control over firearms by the applicants are of a high standard.

[49] Regarding the period of time to be attached to the issuing of the temporary authorisation of the licences in terms of section 21 of the Act I am of the opinion that a period of six months should suffice. This could also be an incentive to the first respondent to avoid delays in the consideration of permanent licences,

167

substituting the temporary licences, if applied for. In this regard, I again remark, in passing, that the delays in the offices of the first respondent pertaining to the considerations of applications for firearm licences, are of concern. This case before me is but one of a series of cases in which courts of this division have made findings and passed remarks in that regard, criticising the situation. However, the continuing situation has apparently not been satisfactorily addressed.

[50] I am not convinced, nor inclined, to order the endorsement of licences in terms of the fourth prayer of the respondents' counter-application. I see no reason why the first respondent cannot *mero motu* endorse any new licence, excluding the licences in question in this case, by attaching to the licence any applicable condition. The first respondent does not need a court order to do this.

[51] Regarding costs, it was submitted by Mr Rip SC that the second respondent should also be ordered to pay the costs of the first and third respondents. This submission is based on the fact that the second respondent, in the words of Mr Mongwe, the chairman of the Appeal Board, associated itself with the first respondent's approach regarding the refusal of the section 21 authority for licences for the possession of a firearm, applied for by the first applicant, to wit that applicants are not entitled to such licences.

[52] Regarding the involvement of the fifth applicant as well as the fourth and fifth respondents I was not requested by the parties to make any order.

[53] I have considered whether the differences in the founding affidavits of the applicants are material or not. To my mind the differences regarding detail of the applicants' respective versions are of no concern. What they do have in common, and that is relevant and material, are the complaints lodged at the respondents, mainly the first respondent, for not considering the applications for the issuing of firearm licences timeously and for refusing to, in the circumstances, issue temporary licences in terms of the provisions of section 21 of the Act.

[54] I wish to record that I do appreciate the contribution by counsel for the parties in the form of proper and thorough heads of argument furnished to me as well as their oral argument in court.

Therefore my finding is as follows:

A. The applicants succeed with the main application and the following orders are made:

1. The applicants' point *in limine*, regarding the non-joinder by the respondents of other parties whose interests are at stake [including Fidelity Security Service (Pty) Ltd; see *Fidelity Security Services v Director Bothma & Others* North Gauteng High Court case no 9096/2010 dated 10 March 2010 re a settlement order] is upheld.

2. In terms of section 7(2)(c) of the Promotion Administrative Justice Act, Act 3 of 2000, it is declared that such exceptional circumstances exist that it exempts the applicants from exhausting the internal administrative remedies provided for in the Firearms Control Act, Act 60 of 2000 and the Firearms Control Regulations pertaining to the section 21 authorisations referred to in paragraph 3 hereinbelow.

3. That the first respondent issues authorisations provided for in section 21 of the Firearms Control Act, Act 60 of 2000 to the first, second, third and fourth applicants respectively as reflected in annexure "A" hereto.

4. That the period of validity of the authorisations mentioned in paragraph 3 above, which period should appear on the respective authorisations, should be six months to be calculated as from the day of authorisation.

5. That the aforesaid authorisations be issued before 12:00 on Tuesday 8 June 2010.

6. That the conditions listed in annexure "B" to this order are applicable to the section 21 authorisations referred to in 3 above.

7. That the first, second and third respondents pay the costs of the application including the costs of two counsel jointly and severally the one paying the other to be absolved.

B. 1. The respondents' point *in limine* regarding misjoinder of the second respondent is dismissed.

2. The respondents' counter-claim is dismissed.

3. That the first, second and third respondents are ordered to pay the costs, consequent upon the employment of two counsel, jointly and severally the one paying the other to be absolved.



A J BAM
ACTING JUDGE OF THE NORTH GAUTENG HIGH COURT

26438-2010

HEARD ON:
FOR THE APPLICANTS:
INSTRUCTED BY:
FOR THE RESPONDENTS:
INSTRUCTED BY:

"G"

171

IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

Case number: 21177/2016

Date:

DELETE WHICHEVER IS NOT APPLICABLE
(1) REPORTABLE: YES/~~NO~~
(2) OF INTEREST TO OTHERS JUDGES: YES/~~NO~~
(3) REVISED

4-7-2017 .....
DATE SIGNATURE

In the matter between:

THE SOUTH AFRICAN HUNTERS AND GAME CONSERVATION ASSOCIATION **APPLICANT**

AND

MINISTER OF SAFETY AND SECURITY OF THE REPUBLIC OF SOUTH AFRICA **RESPONDENT**

JUDGMENT

TOLMAY, J:

INTRODUCTION

[1] The Applicant, the South African Hunters and Game Conservation Association (SA Hunters) brought an application against the Respondent, the Minister of Safety and Security ("the Minister"), initially seeking a wide variety of orders, but at the hearing indicated that the relief sought would be limited to the declaration of unconstitutionality of sections 24 and 28 of the Firearms Control Act. Act 60 of 2000 (the Act).

[2] Two *amici curiae* joined the proceedings, Gun Free South Africa, a non-profit organisation, whose aim is to reduce gun violence in South Africa and the SAGA Trust (South African Gun Owners Association) (SAGA) who claims to represent all firearm owners within the Republic of South Africa.

BACKGROUND

[3] It is appropriate to set out some background in order to better understand the context of the present dispute between the parties.

[4] Prior to 1994 firearm control took place *inter alia* in terms of the Arms and Ammunition Act, Act 75 of 1969 (the 1969 Act). Post 1994 the Act was promulgated, it came into operation on three different dates, some sections came into operation on 1 June 2001, some on 1 July 2003

and the remaining provisions during May 2004. The 1969 Act was repealed by section 153 of the Act and ceased to operate as from 1 July 2004.

[5] The Act provides for a transitional regime to migrate the regulation of firearm ownership, from the regime created by the 1969 Act, to the regime created by the Act. Provision is made for a system of automatic periodic relicensing of firearms.[1] Schedule 1 of the Act provides for a five year transitional period, during which licenses obtained under the 1969 Act remained valid until 30 June 2009. The Applicant filed an application during June 2009 in this Court, in which it sought an order that certain provisions of Schedule 1 of the Act be declared unconstitutional together with related relief. The Applicant simultaneously applied, and was granted an *interim* order on 29 June 2009 preserving the status of the 1969 Act licenses, pending the finalisation of the main application. This order is still valid and the main application was never finalised. The reason for the failure to finalise the main application seems to be that, after the initial litigation the parties apparently started negotiations and this led to the publication of a Draft Firearm Control Amendment Bill on 3 March 2015 (the Bill) The Bill, SA Hunters states, addresses the Applicants' concerns as well as the constitutional challenges, including those presently before Court. Despite an indication by the Minister that the Bill would be introduced in Parliament by September 2016, it did not happen. One can safely

[1] Sections 24, 27 and 28 of the Act

assume that, but for the failure to introduce the Bill to Parliament, this application would not have seen the light of day. Due to the failure to introduce the Bill, and the chaos and uncertainty that reigns pertaining to various aspects related to firearm administration, this application was brought. It is rather unfortunate that the Court is forced to entertain a matter, which could have been resolved by introducing the proposed Bill and the legislature dealing with it according to its processes. In the light of the fact that the Bill addresses the concerns of SA Hunters, it points to an acknowledgment by the Minister that the Act poses serious problems and should be amended. The parties, in the light of the concession by SA Hunters, even agree on the content of the Bill. In the light of that, the Minister's opposition to this application is rather perplexing.

[6] The papers attest to a narrative of a chaotic and dysfunctional system of licencing and administration of firearms. It would seem that despite various meetings, workshops and summits, since at least 2010, very little was achieved to ensure a properly functioning system. This sorry state of affairs was acknowledged by the then Minister of Police, who during March 2015 admitted that the Central Firearms Registry (CFR) was "dysfunctional and in constant decay".

[7] A plethora of affidavits were filed by SA Hunters in this application, these affidavits attest to the uncertainty and lack of clarity on how the legislation should be implemented and illustrate that those charged

with administering the legislation simply do not know how to go about it, resulting in highly inconsistent outcomes. The affidavits illustrate that different branches of the police in different parts of the country are issued with different directives and some are contradictory. The directives are then withdrawn when complaints are lodged, leaving firearm owners in a state of confusion about their obligations in terms of the legislation. SA Hunters argues that this illustrates the inherent problem, namely that the regime lacks clarity and is irrational and arbitrary. A perusal of the papers reveals that the Minister has no factual rebuttal of the facts that illustrate the aforegoing allegations. It can be accepted that chaos reigns in firearm licensing and administration. This state of affairs is highly unsatisfactory and results in a dysfunctional system of firearm licencing and control.

[8] These and similar problems are also illustrated and reiterated in two other applications that I had to hear the day after this application, the one was **Fidelity Security Services V Minister of Police & Others,** case no: 45537/16 and **SAADA v Minister of Police and Others**, case no: 17205/16. The same issue pertaining to the constitutionality of sections 24 and 28 arose in these matters. The facts in these cases also illustrate the insurmountable problems and dysfunctionality that reigns in firearm administration. The parties in these matters agreed to postpone the applications, pending this judgment. The outcome of this case will determine whether any further litigation is necessary.

[9] It would seem that due to an acknowledgement of the persisting problems an attempt was made to address the infirmities that the legislation gave rise to. On 11 February 2016, the then Acting National Commissioner of the South African Police, Lieutenant General J K Phalane issued a directive, this directive in relevant part reads as follows:

"***RENEWAL OF FIREARMS LICENCES IN TERMS OF SECTION 24 OF THE FIREARMS CONTROL ACT, 2000 (ACT 60 OF 2000)***

3. ***Section 24 provides that: "The holder of a licence issued in terms of this Chapter who wishes to renew the licence must at least 90 days before the date of expiry of the licence apply to the Registrar for its renewal"***

4. ***Applications for renewal of firearm licences must be lodged at least 90 days before the expiry of the license. Applications for renewal may, however be considered if the application is lodged in less than 90 days, in which case reasons for the later application must be provided on the application form.***

5. ***Licences for which renewal applications have been lodged as per paragraph 4 above will remain valid until the application has been decided upon.***

6. ***The above scenario applies only to persons who possess licences issued under the firearms Control Act, 2000 (Act 60 of 2000).***

7. .....

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 anymore in lawful possession of the firearm and that the firearm must be surrendered to the nearest police station.***

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

10. ***The contents of this directive must be brought to the attention of all DFO's for compliance."***

[10] The intention of this directive was to assist and clarify the existing uncertainty and the idea was clearly that, if there was an application that didn't comply with the time periods set out in section 24, it would be entertained. As long as there is a reason provided for the delay. This well-intended directive however poses some insurmountable problems, as the Act does not provide for such a procedure.

[11] Due to the fact that SA Hunters in the end limited the relief sought to the declaration of unconstitutionality of section 24 and 28 I will only deal with the facts and legal principles that are relevant to this issue.

THE LEGISLATIVE FRAMEWORK

[12] In order to understand the constitutional challenge of the relevant sections of the Act one needs to consider section24 and 28 within the broader context of the Act.

[13] The appropriate starting point will be to determine the purpose of the Act. The Act starts of by stating that the Acts seeks to establish a comprehensive and an effective system of firearm control.

[14] In section 2 the purpose of the Act is set out and reads as follows:

"Purpose of Act. – The purpose of this Act is to –

(a) enhance the constitutional rights to life and bodily integrity;

(b) prevent the proliferation of illegally possessed firearms and, by providing for the removal of those firearms from society and by improving control over legally possessed firearms, to prevent crime involving the use of firearms;

(c) enable the State to remove illegally possessed firearms from society, to control the supply, possession safe storage, transfer and use of firearms and to detect and punish the negligent or criminal use of firearms;

(d) establish a comprehensive and effective system of firearm control and management; and

(e) ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms."

[15] There is no question that firearms are hazardous objects and that possession and ownership must be strictly controlled. A failure to comply with the Act exposes the public to potential harm, especially in a society like ours where violence is rife. In the context of this matter sec 2(d), which points to the need of a comprehensive and effective system of firearm control and section 2(e), which deals with efficient monitoring and enforcement of legislation pertaining to the control of firearms, require specific emphasis. It is specifically in this regard, it was argued, that the defective administration and implementation of the Act fails to comply with the purpose of the Act.

[16] In order to ensure proper control no one is allowed to possess a firearm, unless such a person holds the required licence. Section 3 of the Act provides for a general prohibition and reads as follows:

"General prohibition in respect of firearms and muzzle loading firearms. – (1) No person may possess a firearm unless he or she holds for that firearm –

(a) a licence, permit or authorisation issued in terms of this Act; or

(b) a licence, permit, authorisation or registration certificate contemplated in item 1, 2, 3, 4, 4A or 5 of Schedule 1.

(2) No person may possess a muzzle loading firearm unless he or she has been issued with the relevant competency certificate."

[17] If one fails to comply with the provisions of the Act and does not possess a valid licence section 120(a) states that you will be guilty of

an offence. Section 121 states that any person convicted of a contravention, of, or failure to, comply with the Act, may be sentenced to a fine or to imprisonment for a period not exceeding the period mentioned in Column 2 of Schedule 4, which provides that someone who is found guilty of such a contravention is exposed to a term of imprisonment of 15 years.

[18] Under the Act a firearm licence has a limited lifespan. Section 27 of the Act sets out the period of validity of a firearm licence or permit. The periods vary depending on the type of licence. In respect of licences for self-defence the prescribed period is 5 years and in respect of hunting 10 years. The scheme of this Act is to put in place a period of finite licences, and this is one of the central features that distinguishes this Act from its predecessor, which made provision for licences in perpetuity. In the light of this, having procured a licence it has a limited lifespan and a person who wishes to renew the licence, must in terms of section 24, apply at least 90 days before the date of expiry to the Registrar for a renewal.

[19] Section 24 of the Act reads as follows:

"*(1) The holder of a licence issued in terms of this Chapter who wishes to renew the licence must at least 90 days before the date of expiry of the licence apply to the Registrar for its renewal.*

(2) The application must be—

(a) accompanied by such information as may be prescribed; and

(b) delivered to the Designated Firearms Officer responsible for the area in which the applicant ordinarily resides or in which the applicant's business is, as the case may be.

(3) No application for the renewal of a licence may be granted unless the applicant shows that he or she has continued to comply with the requirements for the licence in terms of this Act.

(4) If an application for the renewal of a licence has been lodged within the period provided for in subsection (1), the licence remains valid until the application is decided." (Court's emphasis)

[20] It is clear that the consequence of non-compliance with section 3 is severe. Therefore it is important that there must be a method by which one can bring oneself within the requirements of legality, if one for one reason or the other, fails to do so. It is in this regard that SA Hunter's argued that the problems with section 24 and 28 arise, as it is extremely difficult, if not impossible, to meet the requirements of legality once one fails to comply with the 90 day time limit contained in section 24.

[21] The difficulty that arises, and which causes confusion is that, if a person fails to apply for a renewal at least 90 days before expiry there is no provision in the Act that permits one, after the guillotine has dropped, to bring oneself back within the parameters of the law. This then leads to the result that one is in unlawful possession of a firearm, with no means to rectify the position, as will be illustrated by an

analysis of the provisions of the Act. One may be tempted to argue that people can avoid this situation by merely applying within the prescribed period, but this maybe an oversimplification of the problem, as there may be justifiable reasons for a person's inability to comply with the time limit.

[22] To illustrate the discrepancies and difficulties that arise one must look at the provisions of section 28 which deals with the different classes of termination of firearm licences and reads as follows:

"(1) A licence issued in terms of this Chapter terminates—

(a) upon the expiry of the relevant period contemplated in section 27, unless renewed in terms of section 24;

(b) if surrendered by the holder of the licence to the Registrar;

(c) if the holder of the licence becomes or is declared unfit to possess a firearm in terms of section 102 or 103; or

(d) if it is cancelled in terms of this Act.

(2) The Registrar may, by notice in writing, cancel a licence issued in terms of this Chapter if the holder of the licence—

(a) no longer qualifies to hold the licence; or

(b) has contravened or failed to comply with any provision of this Act or any condition specified in the licence.

(3) A notice contemplated in subsection (2) may only be issued if the Registrar has—

(a) given the holder of the licence 30 days' notice in writing to submit written representations as to why the licence should not be cancelled; and

(b) duly considered any representations received and all the facts pertaining to the matter.

(4) (a) If a notice contemplated in subsection (2) is issued, the former holder of the licence must dispose of the firearm in question through a dealer or in such manner as the Registrar may determine.

(b) The disposal must take place within 60 days after receipt of the notice.

(5) If the firearm is not disposed of within 60 days, it must be forfeited to the State and the former holder of the licence must surrender it immediately at such place and in such manner as the Registrar may determine.

(6) Any period contemplated in this section may be extended by the Registrar on good cause shown."

[23] It would seem that section 28 of the Act provides for four different classes of termination. Section 28(1)(a) provides for instances where the periods set out in section 27 expires, unless it is renewed in terms of section 24. Section 28(1)(b) seems to be uncontroversial as it points to instances where a licence holder voluntarily surrenders his/her licence to the Registrar and needs no further discussion. Section 28(c) refers to instances where a person is declared unfit to possess a firearm in terms of section 102 and 103 of the Act. Section 28(1)(d)

deals with a situation where a licence is cancelled in terms of the Act. What is noteworthy is that section 28(2), (3) and (4) sets out a process which must be followed, before a notice of cancellation can be issued. A similar process is however glaringly absent when a licence expires due to effluxion of time.

[24] Section 102 deals with instances where a person is declared unfit by the Registrar to possess a firearm, on the ground of information that a person poses a threat to him/herself or others, or has failed to take the prescribed steps for safe keeping of a firearm, or has provided information required in terms of the Act which is false or misleading.

[25] Section 103 deals with instances where a person is, due to the commission of an offence, declared to be unfit to possess a firearm by a Court.

[26] In section 102 and 103 provisions are made to ensure due process for termination of the licence. A declaration by the Registrar under section 102(1) may only be issued if the Registrar complies with the conditions set out in section 102(2) which reads as follows:

"*A declaration under subsection (1) may only be issued if the Registrar-*

(a) by notice in writing delivered by hand to the person, has called upon the person to appear before the Registrar at a time and place

determined therein in order to advance reasons as to why that person should not be declared unfit to possess a firearm;

(b) has given that person a reasonable opportunity to advance reasons as to why the declaration should not be issued;

(c) had duly considered the matter;

(d) is satisfied that the person is unfit as contemplated in subsection (1); and

(e) does not rely solely on the same facts relating to a conviction in respect of which a court has made a determination in terms of section 103(1) or (2) that the person is not unfit to possess a firearm."

[27] Section 104 proceeds to deal with the effect of a declaration of unfitness envisaged in section 102 and 103, and provides for due process and procedure for disposal of firearms in those instances, and specifically provides in section 104(3) that such a person may dispose of the firearm through a dealer or in such a manner as the Registrar may determine. This section also provides for a time limit wherein the firearms must be disposed of, if that is not done, the firearm will be forfeited to the State.

[28] The crucial discrepancy in the existing legislation is that people who stand to lose their licences through cancellation, a declaration by the Registrar or a Court that they are unfit to possess a firearm are granted certain procedures to ensure due process. No similar

provisions exist, if the licence expires due to the effluxion of time. Such people are not granted due process nor any manner in which they can bring themselves back within a scheme of legality, nor is there any clarity as to how they should surrender the now unlicensed firearm.

[29] The proposed amendment Bill ironically addresses in section 10 the problems presented by the existing legislature. The proposed amendment of section 24 reads as follows:

"*10. Section 24 of the principal Act is amended by –*

(a) The substitution for subsection (4) of the following subsection:

(4) If an application for the renewal of a licence has been lodged ***[within the period provided for in subsection (1),]*** *before the expiry of that licence, the licence remains valid until the application is decided.";*

(b) the insertion of the following subsection:

(5) If an application for the renewal of a licence is not made within the period provided for in subsection (1), therefore when the date of expiry of the licence is less than 90 days from the date of application for renewal, an administrative fine, as provided for in section 122 must be considered to be imposed, taking into account any explanation which the applicant may have presented in the application form for renewal of the licence.

(6) The fact that an application for the renewal of a licence is made in less than 90 days before expiry thereof and

that an administrative fine has been imposed does not disqualify the applicant from the renewal of the licence.

[30] According to SA Hunters this amendment will address the defects in section 24.

THE CONSTITUTIONAL CHALLENGE

[31] In the light of the statutory analysis set out above it was argued that the regime of renewal that has been put in place is not defensible on grounds of rationality, clarity or non-arbitrariness. It was argued that the way that the sections operate additionally impacts on the right to equality and also on property rights.

[32] The argument on behalf of the Minister was that the constitutional challenges pertaining to rationality, clarity, equality and property rights were not adequately specified and identified on the papers, and that as a consequence it could not be entertained and that the Court should limit its consideration to the challenges as they were raised on the papers[2]. A holistic reading of the papers illustrate, often by way of example, what the consequences and difficulties with the Act are, as it presently stands and it can't be convincingly argued that the Minister was caught unawares by the arguments raised by SA Hunters, even if it was maybe not as clearly stated as one would have hoped

[2] Prince v President of the Cape Law society 2001(2) SA 388 see par 22

[33] The constitutional challenges that were raised can be identified as follows:

(a) The lack of clarity pertaining to how a firearm owner, who failed to comply with the 90 day time limit set out in section 24 can rectify the situation and bring himself/herself back under a scheme of legality;

(b) The absence of due process pertaining to a section 24 transgression in comparison with the other classes of termination of licences;

(c) The uncertainty about how one should deal with a firearm if your licence expires due to effluxion of time, with specific reference to how, when and where one can surrender it; and

(d) The fact that no provision is made for surrender for value.

[34] SA Hunters bemoans the fact that section 24 has arbitrary, harsh and irrational consequences, as was illustrated by the aforementioned analysis of the relevant sections. It concedes that, as a general guideline, the period of 90 days provided for in section 24 does make sense, but the fact that it does not take account of the possibility that someone may fail to comply with the 90 day period, and does not make provision for a mechanism to enable a person to bring him/herself back under a scheme of legality, leads to harsh and unfair consequences. This is in stark contrast with terminations envisaged in section 28 read with sections 102 and 103 of the Act.

[35] A further problem is that, as was illustrated above, the Act does not create mechanisms, as in the other instances mentioned, for surrender and forfeiture, nor for realising value when a licence terminates through effluxion of time. This it was argued does not meet the basic test of coherence and rationality.

[36] In **Law Society of South Africa v The Minister of Transport and Another**[3] the rationality test was described as follows:

"A convenient starting point in evaluating these submissions is to restate, albeit tersely, the rationality standard that may be culled from the decisions of this court. The constitutional requirement of rationality is an incident of the rule of law, which in turn is a founding value of our Constitution. The rule of law requires that all public power must be sourced in law. This means that state actors exercise public power within the formal bounds of the law. Thus, when making laws, the legislature is constrained to act rationally. It may not act capriciously or arbitrarily. It must only act to achieve a legitimate government purpose. Thus, there must be a rational nexus between the legislative scheme and the pursuit of a legitimate government purpose. The requirement is meant 'to promote the need for governmental action to relate to a defensible vision of the public good' and 'to enhance the coherence and integrity' of legislative measures. (Court's emphasis).

[3] 2011(1) SA 400 (CC) par 32

A decision whether a legislative provision or scheme is rationally related to a given governmental object entails an objective enquiry. The test is objective because:

"Otherwise a decision that, viewed objectively, is in fact irrational, might pass muster simply because the person who took it mistakenly and in good faith believed it to be rational. Such a conclusion would place form above substance and undermine an important constitutional principle." (Court's emphasis).

[37] Closely linked to the rationality issue is the challenge of vagueness. It is not clear what should be done once found oneself on the wrong side of the law, it was argued. In **Affordable Medicines Trust v The Minister of Health**[4] the Court dealt with the doctrine of vagueness and said the following in this regard:

"*The challenge to sub- regulation 18(5)*

[108] .... The doctrine of vagueness is one of the principles of common law that was developed by courts to regulate the exercise of public power. As pointed out previously, the exercise of public power is now regulated by the Constitution which is the supreme law. The doctrine of vagueness is founded on the rule of law, which, as pointed out earlier, is a foundational value of our constitutional democracy. It requires that laws must be written in a clear and accessible manner. What is required is reasonable certainty and not perfect lucidity. The doctrine of vagueness does not require absolute certainty of laws. The

[4] 2005[6] BCLR p 529 par 108 p 563 - 564

law must indicate with reasonable certainty to those who are bound by it what is required of them so that they may regulate their conduct accordingly. The doctrine of vagueness must recognise the role of government to further legitimate social and economic objectives. And should not be used unduly to impede or prevent the furtherance of such objectives. (Court's emphasis).

[109] Where, as here, it is contended that the regulation under consideration is vague for uncertainty, the court must first construe the regulation applying the normal rules of construction including those required by constitutional adjudication. The ultimate question is whether so construed, the regulation indicates with reasonable certainty to those who are bound by it what is required of them. (Court's emphasis).

[38] A perusal of the papers in this application, as well as the other two applications, to which I have already referred, illustrate the confusion pertaining to how the scheme works. This is also illustrated by the directive that was sent out by the then acting Police Commissioner in an attempt to clarify the position. It is further confirmed by the disputed allegations about conflicting directives emanating from different parts of the country, which leads to confusion and uncertainty. Even more concerning is the fact that there is no clarity or certainty pertaining to what one should do when the 90 day guillotine has dropped. There is no procedure to rectify the situation, nor any procedure that could be followed.

[39] It was argued on behalf of Gun Free South Africa, that one can strike down legislation under the doctrine of void for vagueness only in extreme circumstances and according to Mr Chaskalson (SC) this has only been done once in **South African Liquor Traders Association v Chairperson Gauteng Liquor Board**[5].

[40] In this instance the existing scheme and the legislative framework is both irrational and vague. I fail to see any rational nexus between the legislative scheme and the pursuit of a legitimate government purpose that could explain the discrepancies in procedure and outcome set out above. The mere fact that no proper procedure is set out to bring oneself back under a scheme of legality, nor provide for a procedure to surrender a firearm for value or otherwise, points to irrationality and vagueness. In my view these circumstances may very well be so extreme that it may lead to a striking down on the basis of vagueness alone. But this I do not have to do, as the vagueness argument is supported by the rationality argument and together they lead to a conclusion that the legislation is unconstitutional on the basis of lack of rationality and clarity.

[41] A further constitutional challenge was based on the equality provision set out in section 9 of the Constitution. The argument of firearm

[5] 2009(1) SA 656

owners was that the fact that different classes of termination are dealt with in vastly different ways points to a transgression of section 9.[6]

[42] Mr Unterhalter (SC) argued that there is a further equality challenge that should be considered, and that it is the requirement of equal protection under the law, which is also an important feature of the equality rights set out in the Bill of Rights and which was illustrated in **State v Mtuli**[7] and **Van Der Walt v Met Cash**[8].

[43] In my view there is merit in the argument that the equality provisions are violated, for the reasons set out above and which points toi unequal treatment.[9]. The other argument pertaining to equal protection under the law, may not be applicable in this instance as the courts do provide assistance and access to parties, the problem here is centred in the shortcomings in the Act and not, I think, because of a lack of equal protection under the law. The mere fact that SA Hunters could launch this application in Court and could utilize legal remedies to attempt to address their concerns illustrate the point.

[44] The last argument was that there also exists a challenge to sec 25 of the Constitution, which guarantees one's right to property and prohibits the arbitrary deprivation of property. Section 25 states that property

[6] See Harksen v Lane NO and Others 1998(1) SA 300 (CC) par 54
[7] 1996(1) SA 1207 (CC) par 18
[8] 2002(4) SA 317 par 24
[9] Harksen, supra, par 24

may only be expropriated under certain circumstances and when certain requirements are met, which is set out in section 25(2). Section 25(3) goes further and set out how the compensation for such property should be calculated. This argument arose because of the obligation to surrender a firearm under certain circumstances and the fact that one is not allowed to possess a firearm without a valid licence.

[45] I must state categorically that any right to the possession of a firearm must be considered with due regard to the legitimate limitations to such property rights as set out in the Act. A firearm may only be possessed if all the requirements of the Act are met and as far as property rights are limited because of that, such limitations are justifiable.

[46] SA Hunter's case is that the uncertainty and lack of proper procedure pertaining to the surrender of a firearm, together with the fact that if surrendered, there does not seem to be provision to surrender it for value, creates the possible violation of property rights. I refer back to the analysis of the Act earlier in the judgment, where the discrepancies and uncertainties were dealt with.

[47] The deprivation of a firearm in the absence of proper procedures constitutes a violation of the owner's property rights. The approach to be followed in terms of section 25 of the Constitution pertaining to

property rights was set out in **First National Bank v Minister of Finance**[10]**:**

"The conclusion reached on the meaning of arbitrary in section 25 [100] Having regard to what has gone before, it is concluded that a deprivation of property is "arbitrary" as meant by section 25 when the "law" referred to in section 25(1) does not provide sufficient reason for the particular deprivation in question or is procedurally unfair. Sufficient reason is to be established as follows:

(a) It is to be determined by evaluating the relationship between means employed, namely the deprivation in question, and ends sought to be achieved, namely the purpose of the law in question

(b) .....

[48] It was argued by the Minister that there is no such threat to any property rights as:

(i) the firearm can be sold to someone who is entitled to possess it or a dealer;

(ii) the firearm can be surrendered to the police;

(iii) it can be left with the police for safekeeping until a new licence is obtained; or

(iv) you can hand it over to a dealer for safekeeping.

[49] The Minister's argument does not seem to be legally sound as there is no provision in the Act or regulations that provides for the above. No dealer can sell or keep an unlicensed firearm. To the contrary

[10] 2002(4) SA 768 (CC) par 100 p 810 -811

regulation 37 provides as follows pertaining to registers that dealers should keep:

"*37(1) A dealer must keep a register as contemplated by section 39(3) of the Act comprising of a set of books or computer printouts known as "the Firearms Stock Register" in respect of every firearm received in stock from whatever source, wherein must be recorded:*

(a) on the debit-side –

(i) a stock number that must be clearly affixed by means of a temporary marking on the firearm;

(ii) the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the firearm;

(iii) the date of receipt of the firearm;

(iv) the full names, surname, identify number or registration number, as the case may be, and physical address of the person from whom the firearm was acquired; and

(v) the number and date of issue of the existing licence, authorisation or permit, as the case may be, and in the case of a private transfer, the signature of the person from whom the fireman was acquired." (Court's emphasis)

[50] A perusal of this regulation clearly implies that, a dealer may only obtain licenced firearms. It makes perfect sense as a properly regulated system can't be operated, if dealers are allowed to have unlicensed firearms in their stock. The potential for abuse and contravention of the Act are self-evident.

[51] In this regard a perusal of the papers in the matter of **South African Arms and Ammunition Dealers Association v The Acting National Commissioner of SAPS and others** also reveal that the Minister of Police's position as stated in his affidavit, is that he cannot authorise the transfer of unlicensed firearms to dealers' stock as it would be in contravention of the Act. The Minister of Police consequently also holds the view that this proposal is not a viable or legitimate option and a perusal of the Act supports this point of view.

[52] The option to surrender an unlicensed firearm to the police also seems to pose a problem. Regulation 94(1) and (3) comes into play and reads as follows:

"*94(1) A person who is **legally** entitled to possess a firearm or ammunition in terms of this Act and who is the owner of the firearm or ammunition may surrender that firearm or ammunition to the South African Police Service.*

(3) The South African Police Service may, in accordance with the provisions of the Act, dispose of a firearm or ammunition that is surrendered in terms of sub regulation (2)." (Court's emphasis)

[53] Once a licence has terminated by effluxion of time a person will not be legally entitled to possess a firearm and can't merely surrender it to the police without potentially exposing him/herself to criminal prosecution.

[54] It is accordingly clear that there exists no proper procedure to effect surrender of a firearm, where a licence comes to an end by the effluxion of time. Nor is there any regime created under which one can surrender it for value. In the aforesaid circumstances the property rights of firearms owners are impacted on and violate the protection of property rights set out in section 25 of the Constitution.

[55] My conclusion is that for all the reasons set out above in section 24 and 28 are unconstitutional and should be amended so that it may meet constitutional muster.

THE POSSIBILITY OF AN INTERPRETATION THAT MAY MEET CONSTUTITIONAL MUSTER

[56] There remains one issue that must be considered, namely whether there is a possibility that the Act maybe interpreted in a way that would bring it within the parameters set by the Constitution. In this regard section 28(6) might be of assistance, it reads as follows:

"Any period contemplated in this section may be extended by the Registrar on good cause shown."

[57] In order to analyse this section in context I again for clarity purposes refers to section 28, bar 28(6) which reads as follows: 199

"*Termination of firearm licence – (1) A licence in terms of this Chapter terminates –*

(a) Upon the expiry of the relevant period contemplated in section 27, unless renewed in terms of section 24;

(b) If surrendered by the holder of the licence to the Registrar;

(c) If the holder of the licence becomes or is declared unfit to possess a firearm in terms of section 102 or 103; or

(d) If it cancelled in terms of this Act.

(2) The Registrar may, by notice in writing, cancel a licence issued in terms of this chapter if the holder of the licence –

(a) no longer qualifies to hold the licence; or

(b) has contravened or failed to comply with any provision of this Act or any condition specified in the licence.

(3) A notice contemplated in subsection (2) may only be issued if the Registrar has –

(a) given the holder of the licence 30 days' notice in writing to submit written representations as to why the licence should not be cancelled; and

(b) duly considered any representations received and all the facts pertaining to the matter.

(4) (a) If a notice contemplated in subsection (2) is issued, the former holder of the licence must dispose of the firearm in

question through a dealer or in such manner as the Registrar may determine.

(b) The disposal must take place within 60 days after receipt of the notice.

(5) If the firearm is not disposed of within 60 days, it must be forfeited to the State and the former holder of the licence must surrender it immediately at such place and in such manner as the Registrar may determine."

[58] It is obvious that the Registrar may in terms of section 28(6) extend the periods referred to in section 28(3)(a), 4(b) and (5), what however is more difficult to determine is, whether section 28(6) also applies to section 28(1)(a), and whether this section could then allow for an interpretation that would allow the Registrar to extend the periods set out in section 24 and 27.

[59] There seems to be two ways of interpreting section 28(6). The first is to say the periods that are being referred to in section 28(6) cannot apply to section 1(a) because the periods referred to is laid down in section 27, and the whole point of section 28(1)(a) is to determine those finite periods that bring about termination by effluxion of time. There is however also an interpretation that would allow for the notion that there could be some extension of the period of time, both stipulated in section 24 and in section 27. If the latter interpretation is accepted there is a possibility that a person who missed the 90 day

period, could potentially apply to the Registrar for an extension of the period of their licence and still be able to renew within the 90 day period, or you can potentially apply for an extension of the 90 day period.

[60] However, even if the more benevolent interpretation is followed, I am of the view that one can't read sub-section (6) to mean that if the licence has expired one can through an extension of time revive it. Such an interpretation will go too far and may circumvent the purpose of section 27, which is to only allow for licences with a limited lifespan. In the absence of provisions to clarify how, when and under what circumstances the Registrar may be allowed to revive an expired licence, such an interpretation may have disastrous unintended consequences for proper firearm control. I am of the view that the more natural interpretation is that, sub-section (6) refers to the specific time periods referenced in section 28 and not those that are referenced derivatively by reference to section 24 and 27.

[61] Despite the fact that every effort should be made to read legislation in a way that would avoid any unconstitutionality, such an interpretation may go too far and may impact on the whole central idea of the Act, namely to properly control and administer firearm ownership. One should also take into consideration that presently the system is dysfunctional and a myriad of additional administrative problems could arise within this already dysfunctional system, if such an interpretation

202

is followed. Therefore I conclude that such an interpretation can't be encouraged and that section 28(6) only refers to the time periods set out in section 28(3)(a), 4(b) and (5) and does not allow the Registrar to extend the periods in either section 24 or 27.

THE *AMICI CURIAE*

[62] The SAGA Trust supported SA Hunters application and stated in its application that its members are prejudiced by the confusion that reigns. Similar problems as those already alluded to by SA Hunters were raised and with which I have already dealt. In the light of the conclusion that I have reached I need not concern myself with the facts contained in these affidavits any further.

[63] There is however one aspect that I should address. In its heads of argument the SAGA Trust asked this Court to issue certain orders. I do not deal with these orders as this is impermissible. In **De Beer v North Central Local Counsel**[11] it was stated that an *amicus* is not entitled to raise a new cause of action. If the *amicus* wants to do that, it must seek leave to join the proceedings as a party. Consequently I can't entertain the orders requested by the SAGA Trust.

[64] In their submission Gun Free South Africa reiterated the need for a proper regulatory process, and refers extensively to the dangers posed

[11] 2002(1) SA 429 (CC)

by firearms and in particular in our society. However in this matter there is no dispute that proper regulation is required and indeed imperative. What SA Hunters seeks is clarity in order to ensure proper administration.

[65] There is also no question that licencing is necessary, nor is the time limits described in the Act in contention. The regime of a finite licence is not questioned or opposed by SA Hunters. If the sections of the Act are declared unconstitutional it will not impact on the regulatory scheme that seeks to control firearm ownership, if anything, it will provide clarity and may assist in the proper and effective control of the scheme envisaged by the Act once the sections are amended to comply with the Cobstitution.

CONCLUSION

[66] In the light of all the facts set out above I am of the view that section 24 and 28 should be declared unconstitutional for the reasons set out above and should be amended to ensure that it meets constitutional muster.

[67] SA Hunters argued that due to the fact that chaos reigns in firearm administration it is necessary to ensure that firearm owners are not prosecuted or lose their firearms, pending the determination of the Constitutional Court pertaining to the constitutionality of sections 24 and 28, and if confirmed by the Constitutional Court, the amendment

of the Act. I am of the view that such an order is appropriate, at least until the Constitutional Court has made its determination on the matter.

[68] **I make the following order:**

68.1 Section 24 and 28 of the Firearms Control Act, 2000 (Act 60 of 2000) are hereby declared unconstitutional;

68.2 Parliament is given 18 months within which to effect the amendment of the Act in order to ensure constitutional compliance;

68.3 All firearms issued in terms of the Firearms Control Act, 2000 (Act 60 of 2000), which are or were due to be renewed in terms of section 24 of the Firearms Control Act, 2000 (Act 60 of 2000), shall be deemed to be valid, until the Constitutional Court has made its determination on the constitutionality of the aforesaid sections; and

68.4 The Respondent is ordered to pay the costs of the Applicant, which costs will include the costs of two counsel.

R G TOLMAY

JUDGE OF THE HIGH COURT

HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO: 85810/2017

DELETE WHICHEVER IS NOT APPLICABLE
(1) REPORTABLE: ~~YES~~ / NO.
(2) OF INTEREST TO OTHER JUDGES: ~~YES~~ / NO.
(3) REVISED.
DATE 5/2/2018
SIGNATURE

In the matter between:

FIDELITY ADT (PTY) LTD Applicant

and

THE MINISTER OF POLICE First Respondent

THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES GENERAL KHEHLA JOHN SITHOLE Second Respondent

MAJOR GENERAL JJ BOTHMA FLASH COMMANDER Third Respondent

JUDGMENT

DAVIS, J

206

The applicant

[1] The applicant claims that it is the largest armed response company in South Africa. As such it own a vast number of firearms which are kept at various of its regional and district offices and which are issued daily to thousands of its employees performing guarding and armed response services for its clients.

The main change

[2] The applicant has recently changed its name from "ADT Security (Pty) Ltd" to Fidelity ADT (Pty) Ltd. It however remained the same corporate entity with the same company registration number. It effected this name change with the Companies and Intellectual Property Commission on 6 April 2017 but only received its change of name registration certificate from the Private Security Industry Regulations (PSIRA) on 18 September 2017.

[3] The Applicant thereupon, as it is obliged to do, advised the registrar of the Central Firearms Registry, of its change of name. Initially there were objections as to the late notification of this change and the alleged initial incompleteness of the notification but, in the end, the name change was effected on 10 January 2018 on the Central Firearms Registry's computer system. This was done after the present urgent application had been launched on 18 December 2017 and disposed of the part of the relief claimed for in this regard.

The relief claimed

[4] Apart from the relief initially claimed concerning the name change of the Applicant in Central Firearms Registry as referred to above and apart from relief claimed regarding the acceptance of new firearm licence applications (which was not persisted with in oral argument) the remainder of the relief claimed is the following:

207

"2.2 Ordering the Respondents to reinstate all renewal applications for the Applicant, cancelled by the Respondents for applications lodged in 2013 and 2015 and which are specified in the Schedule attached hereto as Annexure "A" on the computerized system with the Central Firearms Registry;

2.3 Ordering the Respondents to make a decision on such applications within 30 days from the date of this order;

2.4 Ordering the Respondents to accept renewal applications as per the schedule attached hereto for the firearms set out in Annexure "B" in the name of Fidelity ADT (Pty) Ltd under the Code of Body 15942 and that they be processed in the name of the Applicant" (the reference to "code of Body 15942" was not contentious between the parties and nothing tuned on it).

[5] Annexure "A" referred to above, consists of lists of firearms held at various of the Applicants' offices and details the serial number, category, make and caliber of each firearm and the expiry date of its licence. It also denotes the "status" of each firearm. The list comprises of some 425 firearms of which, upon my reading thereof 156 were denoted as either "stolen", "at SAPS", "unserviceable" or robbed". (one was also indicated as having been sold).

[6] Annexure "B" lists 261 Taurus. 38 special revolvers, their serial and licence numbers and the respective expiry dates of each licence, the earliest of which commences within the next 3 days (this fact also contributed to the urgency of the matter).

Analysis of the position and the parties' contentions

[7] What prompted the application (and prayers 2.2 and 2.3 of the notice of motion) is the fact that the applicant has received sms-messages from the registry indicating that licences have been cancelled. These messages referred to reference numbers but the difficulty is that, upon receipt of renewal

applications from the applicant, the registry allocated reference numbers to batches of renewal licences. This was presumably done as a result of the large volume of such applications but it has the result that it is impossible to determine which individual licences or applications have been cancelled or whether, for some undisclosed reason, all of the licences in a batch have been cancelled.

[8] Cancellation of firearm licences can only take place in terms of Section 28 (2) of the Firearms Control Act, No 60 of 2000 which provides as follows:

> "The Registrar may, by notice in writing, cancel a licence issued in terms of this chapter if the holder of the licence –
>
> (a) No longer qualifies to hold the licence; or
>
> (b) Has contravened or failed to comply with any provision of this Act or any condition specified in the licence."

[9] Section 28(3) provides that a cancellation notice can only be issued if preceded by a 30 days written notice calling for representations as to why a licence should not be cancelled and due consideration of such representations. *In casu*, none of this had taken place.

[10] In response to the applicant's complaints voiced in its founding affidavit about the above conduct, the Section Head: Central Firearms Register conceded the following:

> "in the message(s) the word 'cancelled' was used instead of the word 'deferred'. The purpose of the message was to inform the applicant about the status of the applications. I submit that some of the firearms were reported stolen and others were reported lost. For that reason, it became necessary to defer all decisions relating to

209

renewal of licences as provided for in Regulation 99 of the Firearms Control Regulations 2004 until the status of each and every firearm is clarified."

The Respondent sought to further explain the usage of incorrect terminology in a supplementary answering affidavit which further prompted an outraged reaction from the Applicant. In view of the order to be made at the end of this judgment, I find it unnecessary to deal with these supplementary affidavits, the contents of which do not substantially detract from the contentions otherwise already raised.

[11] There is some dispute as to whether the practice of using the incorrect word had been discontinued or not. Without commenting on the propriety of the registrar's conduct, the position in respect of the status of each individual firearm has now been clarified by way of aforementioned Annexure "A". The applicant in oral argument elected to only proceed with the relief claimed in par 2.2 of the Notice of Motion in respect of renewal applications for the firearms excluding the 156 firearms with statuses as described in par [5] supra (this appears to include the firearms denoted as "unserviceable").

[12] On behalf of the Respondents, it was conceded that the limitation of the relief might result in a viable and practical solution to the present impasse but, on instructions, persisted with an argument that the application should not be entertained as a result of a failure to exhaust internal remedies.

[13] Section 133(1) of the Firearms Control Act provides that:

"(1) any person –

(a) whose application for a competency certificate, licence, permit or authorization in terms of this Act has been refused ....

(b) may, in the prescribed manner, appeal to the Appeal Board" (my emphasis).

[14] It is clear that none of the applicants application's have been refused as provided for in the Act and therefore the internal remedy by way of an internal appeal is not applicable to this case and was not available to the applicant. What in fact happened was that the licences in respect of which the firearms have been lost or stolen became immediately "deferred" in terms of Regulation 99 (in the sense that the operation of these licences became suspended) and thereafter the registrar "deferred" (in the sense of meaning postponed) the taking of a decision on the renewal of those licences.

[15] Despite the above, the Respondents argue that where Section 133(2) of the Act provides that "*The Appeal Board may confirm, vary or reverse any decision against which an appeal has been lodged in terms of this section*" it means that after the registrar's decision to defer the taking of a decision on the applicant's renewal applications while the licences themselves have been "deferred", constitutes an appealable decision.

[16] This contention is wrong on numerous grounds. A "decision" referred to in section 133 (2) is one which constitute a refusal in terms of section 133(1) and a deferral or postponement of the taking of a decision therefore does not qualify as a decision as such. Insofar as this Firearms Control Regulations in Regulation 89 thereof import and impose the principles of administrative justice upon "*any police official taking an administrative decision in terms of the Act which my detrimentally affect the rights of a person*", no administrative decision is taken by the registrar in the case of lost or stolen firearms until their status has been finally determined. Regulation 99 provides for an automatic deferral (suspension) of the operation of such licences and it follows that the registrar

cannot take any decision on the issue of renewal of such licences during this "deferral" period. The applicant's application was therefore not precluded by the non-utilization of any internal remedy.

[17] The Respondents further objected, in respect of renewal applications pertaining to firearm licences which had not become "deferred", to the relief claimed in par 2.3 of the notice of motion. The objection was that the judgment pertaining to the invalidity or not of sections 24 and 28 of the Firearms Control Act given in this court in case no 21177/2016 by Tolmay, J and which is pending before the Constitutional Court in case no CCT 177/17 (and due to be heard in two days' time on 8 February 2018) might have an impact on the registrar's powers in considering renewal applications lodged less than 90 days prior to the expiry of respective firearm licences. The applicant had no objection if the relief is itself "deferred" and made subject to the Constitutional Court's final word on the matter.

[18] The relief claimed in paragraph 2.4 of the Notice of Motion is, in effect, simply to formalize the effect of the name change of the applicant in respect of renewal applications lodged prior to 10 January 2018 and in my view no objection of substance has been raised in this regard.

[19] As to the issue of costs, although one of the initial events which prompted this application was the registrar's use of the word "cancelled" in its sms messages rather than "deferred", there are various other aspects pertaining to the application which, to my mind and in the exercise of my discretion, render it unnecessary to issue a punitive costs order. There is, on the other hand, no reason why costs should not otherwise follow the event.

Order

[20] Having ruled that the matter is of sufficient urgency to merit a hearing on the urgent motion court roll, I make the following order:

1. The Respondents are ordered to reinstate all renewal applications of the Applicant in respect of firearm licences specified in Annexure "A" to the applicant's Notice of Motion on the computerized system with the Central Firearms Registry save for those firearms in respect of which the status have been denoted as "stolen", "robbed", "at SAPS" or "unserviceable".

2. The Respondents are to ensure that the relevant registrar makes a decision on the abovementioned renewal applications within 30 days from the date of the order by the Constitutional Court in case no CCT 177/17.

3. The Respondents are ordered to accept the renewal applications in respect of the licences listed in Annexure "B" to the Applicant's Notice of Motion and to process them in the name of the applicant, being Fidelity ADT (Pty) Ltd.

4. The Respondents are ordered to pay the costs of the application.

N DAVIS
Judge of the High Court
Gauteng Division, Pretoria

Date of Hearing: 31 January 2018

Judgment delivered: 6 February 2018

APPEARANCES:

For the Applicant:	Adv. M Snyman Instructed by: MJ Hood & Associates
For the Respondents:	Adv. R J Mbuli Instructed by: State Attorney, Pretoria

"I"

214

Challenges affecting the SAPS firearms application and licensing processes

Remarks by Minister of Police, E.N. Mthethwa, MP to the National Press Club on, Sheraton Hotel, Pretoria

02 November 2010

Newly-appointed Deputy Minister of Police, Ms Magdeline Sotyu;
National Police Commissioner of Police, General Bheki Cele;
Secretary of Police, Ms Jenni Irish-Qhobosheane;
Deputy Chairperson of the National Press Club, Jos Charle;
Executive Members of the National Press Club;
Members of the Media;
Ladies and Gentlemen

we take this opportunity to welcome our Deputy Minister of Police, Ms Magdeline Sotyu. We are confident that she will make a positive contribution to our mission on fighting this scourge. Indeed she joins this ship at a time when we are in full swing with our programmes and remain optimistic she will add oomph on this crusade. We also wish to express our appreciation to the National Press Club, its executive and members for allowing us to communicate to the nation this morning. Your platform continues to be a vital link in helping us to reach as many South Africans as possible. We shall expect this relationship to continue to flourish.

An overview of the Central Firearms Registry

As the leadership and management of police we would like to share the current state of affairs in one of the components within SAPS, the Central Firearms Registry (CFR). Indeed the importance of this section cannot be over-emphasized. Our success or failure in fighting crime is to a large extent, dependent on how effectively-managed this section is. It is a make or break and hence at all material times, its effectiveness cannot be compromised. Let us begin by emphasizing a point we have been making, that in order to score victories in the fight against crime; we need to ensure that our own 'house' is in order. This speaks to the caliber of police officers, the importance of management systems as well as ensuring

that we have in place clear policy frameworks that support our vision: Ensuring That All People In South Africa Are, and Feel Safe.

We began this process by looking at what works well and where bottlenecks exist. Such a process would then inform us on how, why, where and when we need to fix things. Preceded by the actions, it is vital to make sure that where we put in place corrective measures, we do so promptly while guided through informed and empirical findings.

Firearms Control Act – a cornerstone in firearms management

As most South Africans would know, the Firearms Control Act (FCA), 2000 (Act 60 of 2000) was passed in 2001 however only came into effect in 2004. The main reason was to allow SAPS to put in place the necessary systems and processes required for its proper implementation. Parallel to these processes, the Act required that certain regulations and legal administrative processes be developed to accompany it. Under the Act, the Minister of Police is also empowered to make certain transitional arrangements to allow firearm owners and members of the public to fully comply with different aspects of the Act and subsequent regulations. Despite the intention of the Act and resources that have been allocated to the CFR, it is crystal clear that significant problems still exist with regard to the smooth implementation and administration of this Act.

Effective firearms control – our priority

The creation of an effective allocation of firearms and control thereof is a matter that, without fear or favour, has always been a priority for this Ministry. Our view is premised along a thinking that, no matter how committed we can all be in the fight and reduction of crime; if one portion of our chain is weak, it will weaken the entire chain. In addition, the importance of ensuring a sustained and efficient implementation of the Act was recently highlighted at this year's Cabinet Lekgotla. This area was identified as one of the priority of Cabinet and government's approach to firearm control. It therefore became even more necessary to tackle the challenges facing SAPS with regard to the legislative processes surrounding the Act.

What works well and what does not at CFR?

Earlier this year, we received increasing number of complaints from certain sections of society, ranging from ordinary South Africans to organized formations in this related to the firearms field.
These complaints and allegations, primarily related to the malfunctioning of the SAPS' Central Firearms Registry and alleged improper implementation of the related aspects of the Firearms Control Act and its regulations. To determine their legitimacy and

authenticity, we had to take certain steps.

Appointment of a Task Team to probe and recommend solutions

I then instituted a Task Team led by the Civilian Secretariat of Police to undertake an in-depth and thorough assessment of the problems experienced with the implementation of the Act. Their terms of reference were straight-forward: through an assessment of the current situation, to develop a clear set of recommendations on how the problems in the CFR administration of the Act could be addressed; speedily and cost-effectively. This team has now finalized its investigations and presented us with a final report in the past weeks. The Secretary of Police is here with us and she will go deeper in terms of the processes involved in the assessment, including visits to affected provinces, police stations, interviews conducted with various parties, analytical reviews of the Act and so forth.

Maintaining transparency while finding lasting solutions

We want to frankly state to the nation that the current state of affairs at the CFR is far from what and how it is supposed to be. That is, if we are serious about reducing crime. Instead of serving as an additional arsenal to our mission, suffice to say the CFR currently acts as a bottleneck in our crime-fighting initiatives. Our overall purpose arising from today's briefing is to highlight these major challenges but at the same time, outline key proposed solutions to address them. Key challenges identified during the Task Team's assessment regarding the implementation of the FCA, which seriously impact on SAPS' ability to implement the Act include:

Backlog in the processing of licenses

One of the biggest challenges for the effective implementation of the Act is the ability of the CFR and provinces to process license applications. There are currently major backlogs in processing these licenses and such backlogs contribute as the major causes of litigations brought against SAPS. On average a renewal for a firearm license could take between 5 months and 6 years to be finalized. We have been informed about some of the factors that contribute to such delays (incorrectly-filled forms by applicants, delays in the finalization of competency certificates and delays in the conducting safe inspections). In our view, this is still unacceptable.

Corruption and irregular issuing of licenses

During the assessment a number of concerning issues were raised regarding irregularities in the issuing of firearms licenses. Some of these include issuing of firearm licenses under the old Arms and Ammunition Act. There are also cases where a single firearm is

licensed to two different individuals and/or illegally issuing firearms to people who have been genuinely refused licenses (such individuals having to pay bribes).

Integrity of the database system

One of the objectives of the FCA was to ensure a new database with accurate and comprehensive picture of who owns what firearm and when the license is due for renewal. However the backlogs in renewal applications coupled with irregularities in the issuing of firearm licenses under the Act, raises serious questions regarding the integrity of the new database system.

Court cases lodged against the CFR

As a result of the backlogs and inefficiencies in the processing of the firearms, the Department has been subjected to significant litigation and court applications (more so cases brought against the Minister and the National Commissioner). To a large degree, our review indicates that the majority of cases brought against the Department appear to relate to issues of administration which in essence, could have been avoided had people tasked with managing these process acted effectively.

Management and organizational design of the CFR

We have noted that some of the challenges relate to the organizational design of the CFR is over complicated and does not necessarily speak to the requirement of the Act and regulations. Individual accountability for performance is not necessarily linked to overall objectives of the various components of the structure; hence the continuation of backlogs with no corrective measures taken against poor or under-performing members.

Lack of effective communication within CFR

One of the identified challenges relates to poor communication. Instead of communicating requirements for licensing to members of the public, the CFR has rather chosen to keep the public in the dark regarding the licensing processes. This approach has meant that people who do not qualify for licenses apply in the belief that they have a right to such licenses. As a result the systems become overloaded with inappropriate and incomplete licensing application forms.

Lackluster IT systems

The assessment further pointed out that we have invested in an Information Technology (IT) system that is currently under-utilized, as much of the work is done manually. The other challenge is the management for not appreciating the full extent of the task at hand.

218

Recommendations to turn-around the CFR into a functional unit

Having provided a much clearer depiction of the state of affairs, it is important to formulate remedial steps to resolve and turn around this current state of CFR. Below are the urgent remedial steps:

Establishment of an Intervention Team to address current backlogs

We have taken a decision to establish an Intervention Team consisting of representatives from SAPS (a representative from National Commissioner's office), Police representative from each province, representative from Business, representative from the Secretariat and other persons as required. We need to emphasize that this Intervention Team will draw on senior experts complemented by operational people who are familiar with the challenges. As part of an integrated approach, they will be in consultation with some of the teams who have been involved in turnaround strategies of other departments such as Home Affairs, SARS, etc to derive best practice turn-around models. We have put a 9 month turnaround time to resolve all outstanding backlogs. On a monthly basis this Team shall report to the Minister and National Commissioner on progress.

Urgent management changes at CFR

The current management neither recognized the seriousness of the problems nor has shown readiness to adapt its structures and procedures to address the challenges. In this context it will not be possible for SAPS to embark on any turnaround strategy under the current management. We shall therefore effect changes. In effecting this change, we are cognizant that this management has vast knowledge of the FCA; unfortunately this knowledge is centralized in a few individuals and does not necessarily contribute to the effective management of the FCA.

Urgent development and intensifying of Communications Strategy

As a matter of urgency, beginning with this public briefing today, we will be intensifying the Triple-C approach: communications, command-and-control as well as coordination. But the emphasis for CFR will be around communications. Yesterday, the Secretary of Police also met with various affected firearm owner formations to discuss these new proposed interventions we are undertaking. We are informed the outcome of the meeting was positive. We have long stated that we shall not become denialists. We affirmed our position that, in areas where there are stumbling blocks, we will never deny such occurrences but shall accept the shortcomings, while finding solutions to such challenges. We therefore want to

assure the public that efforts will be made to effectively improve our communications across the organization to address frustrations and to re-enforce government's commitment to implementing the FCA.

Redesign of the Firearms Registry's systems (IT and Operational)

This is a critical area that requires our attention if we are to succeed in this field. The overall objective is to ensure we have our systems speaking to each other so that the firearms licensing process becomes seamless, simple and efficient. Once the processes are in place, a key focus will be around skills and on-the-job training of personnel, followed by strict monitoring and evaluation processes.

More hands-on approach in dealing with legal cases

The ongoing litigation cases brought against the SAPS dampen the public's confidence in the organization. With immediate effect, we have now tasked the Secretariat assisted by SAPS legal team to monitor legal challenges related to the FCA. They will then compile a monthly summary of cases and report on the status of such cases. We need to ensure that we are on a sound footing legally and operationally. That is why our legal team is advising us on ensuring we 'clean out' this Force without any legal or negative financial implications to the taxpayer.

Launch an investigation in all the corruption and bribery cases

While we may continue to improve our systems, effecting management changes at CFR, we still need to ensure that those who have been involved in corrupt activities, are brought to book. We have begun this process and whether it is the corrupter or corruptee, we shall ensure that they all face the full might of the law. We shall do this without fear or favour. We shall ensure that those who are not committed to helping us achieve our goals, are excused from this mission to make way to those who want to deliver. Those who have not been involved in corrupt in practices within the CFR, but lacked disciplinary focus would have to be taken through necessary processes as well.

Conclusion

As we conclude, we want to emphasize that the challenges in the implementation of the FCA not only undermine our approach to firearms control and management, but it also puts the lives of law-abiding citizens in danger. As pointed out in our recent crime statistics, illegal firearms contribute to the high rate of robberies, rape, hijackings and murder. It has also been revealed that if we can deal with these illegal firearms which happen to be in the hands of criminals, we can significantly reduce crime across all facets. We

220

shall not allow those who are tasked to protect the innocent and vulnerable to become part of promoting this vicious scourge of crime; either by omission or commission. It is therefore inconceivable that police officers would compromise innocent lives due to their laziness, inefficiency or ineptitude. What further infuriates is when one asks questions around the challenges in this area, we do not get clear and forthright answers. In fact in areas where one gets answers, they are not satisfactory. Clearly there are some within SAPS who have adopted and still apply a leisure faire approach in carrying out their duties. We are saying, their time is up. 2010 is A Year of Action: Ensuring That All People In South Africa Are, and Feel Safe. We cannot achieve this goal if our house is in tatters, hence our resolve to fix things, and fix them now.

I thank you.

Zweli Mnisi
Chief Director: Communications/Spokesperson
Ministry of Police
Republic of South Africa
Tel: +27 (0)12 393 4341 & +27 (0)21 467 7007
Fax: +27 (0)12 393 2833 & +27 (0)21 467 7033
Mobile: +27 (0)82 045 4024
Email: **zwelim@saps.org.za**

Disclaimer **About the site** **Copyright**

This site is best viewed at a screen resolution of 1024 x 786.
Most compatible with Microsoft Internet Explorer, version: 4 and higher.

South African Police Service | Suid-Afrikaanse Polisiediens

Private Bag X94 Pretoria
Privaatsak
Fax No: (012) 421-8011
Faks No:

Reference 400755-7/9

Enquiries: Lt-Gen LJ Mothiba

Telephone: (012) 421-8009

THE DIVISIONAL COMMISSIONER
VISIBLE POLICING

PRETORIA

0001

2010-12-10

Brigadier JJ Bothma
C/O Annelie Gründlingh Attorneys
Box 5583
PRETORIA
0001

NOTICE OF SUSPENSION:NO 400755-7 BRIGADIER J J BOTHMA

1. Take note that after due consideration of the relevant facts and circumstances as well as your representation dated 08Deceember 2010,I have decided to suspend you.

2. You are suspended in terms of the provision of the Regulation 13(1) of the SAPS Discipline Regulations 2006,promulgated in accordance with Section 24(1)(g) of the SAPS Act no.68 of 1995 , as from 10 December 2010, for the following reasons:-

2.1. I am satisfied on reasonable grounds that there is a case of serious misconduct as contemplated in Regulation 20 to wit:

- During June to October 2010 the Department of the Police conducted investigations into the functioning of the Firearm Registry.
- The investigation uncovered serious irregularities and breaches of legislation. These irregularities include but are not limited to the following:
- There is serious backlog of application for the issuing of firearm licence and competency certificates. At present there are more than 1 million applications and renewals outstanding.
- The process of considering, issuing and adjudicating over applications has taken a serious tone of favouritism which benefits specific organizations and/ or individuals.
- Since 2004 you have failed to put in place a system to process the applications in rational, transparent and non arbitrary manner as required in terms of your positions.
- These complaints have led to a public outcry which has been brought to the attention not only of the National Commissioner but also the Minister of Police.

- There are the allegations of corruption, kickbacks and bribery in the Firearm Registry of which you are Head. It must be emphasized that no direct evidence of your personal corruption has been brought to attention but the allegations pertain to an environment managed by yourself.

3. Take note that the above suspension in terms of Regulation 13 will be with full remuneration.

4. You are entitled to be assisted by a fellow employee or union representatives during any stage of the disciplinary proceeding.

5. During your suspension the power and authority vested in you as an employee shall be held in abeyance, but you shall continue to be subjected to the discipline of the Service including the obligation to accept service of documents issued in terms of this regulations

6. Your residential address for purpose of serving of documents in this regard is required. In the event of any change, you must inform your Component Head immediately and supply your new address. Your attention is specifically drawn to the provisions of Standing Order 72,if applicable.

7. Take note that you are obliged to hand in your official firearm and appointment certificate upon the receipt of this notice.

8. You must hand in all keys providing access to the official buildings, places , property, official documents, equipment and cell phone to your Component Head.

.....Lieutenant General
L J MOTHIBA

I ..... hereby acknowledged receipt of this notice on this .....
day of ..... time ..... and aware of the contents thereof and understand it.

Residential Address

_____

_____

_____

Telephone Number

H _____

W _____

Cell _____

I hereby confirm that the Component Head shall be informed at all times of my whereabouts

.....
SIGNATURE OF RECIPIENT

"K" 223

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 9415/18

In the matter between:

THE SOUTH AFRICAN ARMS AND AMMUNITION DEALER'S ASSOCIATION Applicant

And

THE MINISTER OF POLICE 1st Respondent

THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES GENERAL K J SITHOLE (IN HIS CAPACITY AS REGISTRAR OF FIREARMS) 2nd Respondent

MR ABRAHAM MONGWE N.O. CHAIRMAN APPEAL BOARD (AS CONTEMPLATED BY SECTION 128 OF THE FIREARMS CONTROL ACT 60 OF 2000) 3rd Respondent

THE FIREARMS APPEAL BOARD 4th Respondent

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA 5th Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned

MARTIN JOHN HOOD

do hereby make oath and state that:

1 The facts to which I attest are within my own personal knowledge

and are to the best of my knowledge and belief true and correct. 224

2 I am an adult male attorney, and sole proprietor of M J Hood & Associates, Molon Labe House, Unit 10 Woodview Office Park, 1 Humber Street, Woodmead, and the Applicant's Attorney of record.

3 I have read the Founding Affidavit of Jonathan Fouché and confirm the correctness of the content thereof in so far as it relates to me.

_____

DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to before me at _____ on this the _____ day of _____ **2018**, the regulations of Government Gazette Notice No R1258 of 21 July 1972, as amended, and Government Gazette Notice No R1648 of 19 August 1977, as amended, having been complied with.

_____

COMMISSIONER OF OATHS

FULL NAMES:

DESIGNATION:

ADDRESS:

7. SYSTEMIC AND OWN INITIATIVE INVESTIGATIONS

7.1 Social grants investigations, Eastern Cape

In order to address the identified delays in accessing and processing the applications for social welfare grants in the Eastern Cape, an investigation was undertaken and completed during 2006/07. The report on the investigation will be issued during the 2007/08 financial year.

7.2 RDP housing investigation, Kouga Municipality

A project plan was approved during the 2006/07 financial year to conduct a systemic investigation regarding the delays in provisioning of low cost RDP housing by the Kouga Municipality in the Eastern Cape. The investigation has been finalised and a draft report was submitted for comment to the Special Investigation Unit of the National Department of Housing. After these comments have been received, a final report will be issued during the 2007/08 financial year.

7.3 Investigation into service delivery - provision of identity document and access to a social grant

The Office of the Public Protector initiated an investigation, following a newspaper article published on 5 February 2007. The plight of a person in the Northern Cape who suffered from tuberculosis, was highlighted. This person could not access a social grant because he did not have an identity document. Pursuant to the Office's intervention, the said individual received his identity document on 6 March 2007. His disability grant application was also processed and the first payment was effected from April 2007 (prior to this social relief in the form of food parcels was provided to him).

7.4 South African Police Service - Firearms Licensing

Report No 10 of 2006/7

This report deals with an investigation conducted by the Office of the Public Protector into the implementation of the Firearms Control Act, 2000 (Act 60 of 2000). The Firearms Control Act, and the Firearms Control Regulations and amendments, had caused much discontent amongst legal gun owners. It was decided to conduct an investigation on own initiative, on the implementation of the Act, in terms of the provisions of section 7(1) (a) of the Public Protector Act, 1994.

The office of the Public Protector received numerous complaints from applicants dissatisfied with the process to obtain firearm licences and the alleged undue delay in the issuing of the licences. The bulk of complaints were about the undue delay in the finalisation of the appeals submitted to the Appeal Board. Some of the complaints related to applicants who were dissatisfied with advice received from the SA Police Service on the procedure to obtain a firearm licence.

The investigation comprised:

- An evaluation of information obtained from complaints received.
- Consideration of a number of media articles on the subject.
- An evaluation of information obtained from the Central Firearm Register.
- An evaluation of the legislation pertaining to firearms licences.
- Consideration of the legislative framework pertaining to service delivery in the public service.

FINDINGS

The following conclusions were drawn from the investigation:

- The purposes of the Firearms Control Act, 2000 were to make ownership of firearms more responsible and to make the process of owning a firearm clear to the user and the police. Responsibility of firearm owners was spelt out clearly. The Act aimed to make the use and storage of firearms safe.

- The success of the Act did rely on how it was implemented and applied. It was important that the process was continually monitored and, where hitches were identified, corrected either through the amendment of the Act or training of the officers who implemented the Act.

- Sometimes the public service was slow to adapt to unanticipated issues, did not communicate effectively with the public or failed to recognise the administrative burden that government requirements could impose on people.

- Public service should try to reduce or eliminate administrative burdens when planning and delivering services.

- All state institutions and servants, including the SA Police Service were constitutionally obliged to perform in an effective and efficient manner. All state institutions and servants were obliged to properly implement and adhere to the principles contained in the Batho Pele White Paper.

- Legislation and policies that prescribe and regulate service delivery in the public administration were adequate. Proper implementation and constant control over adherence to the legislation and policies should address problems of undue delays.

- In order to give practical effect to the relevant legislation and policies relating to service delivery, all public servants were required to comply with the Batho Pele Principles and the Code of Conduct for Public Servants.

- Service standards defined minimum levels of delivery that should be achieved.

- The Central Firearms Register had taken measures and continually addressed problem areas to prevent undue delays.

RECOMMENDATIONS

The Public Protector recommended that:

An effective complaint handling mechanism should be introduced at the Central Firearms Register to identify problem areas immediately. This would enable the public to seek assistance at an early stage of the application process. An internal complaints process was an informal and flexible process and would also provide an early opportunity for the Central Firearm Register to learn of problems that were arising in the administration process.

- The Central Firearms Register should publish service standards in respect of timeframes to issue competency certificates and firearm licenses. This would foster good public administration that was acceptable, lawful, fair, transparent and responsive.

- The Central Firearms Register should ensure that measures and monitoring processes were introduced to address the causes of problems and to prevent a recurrence where problems existed. Good practices would then be identified.

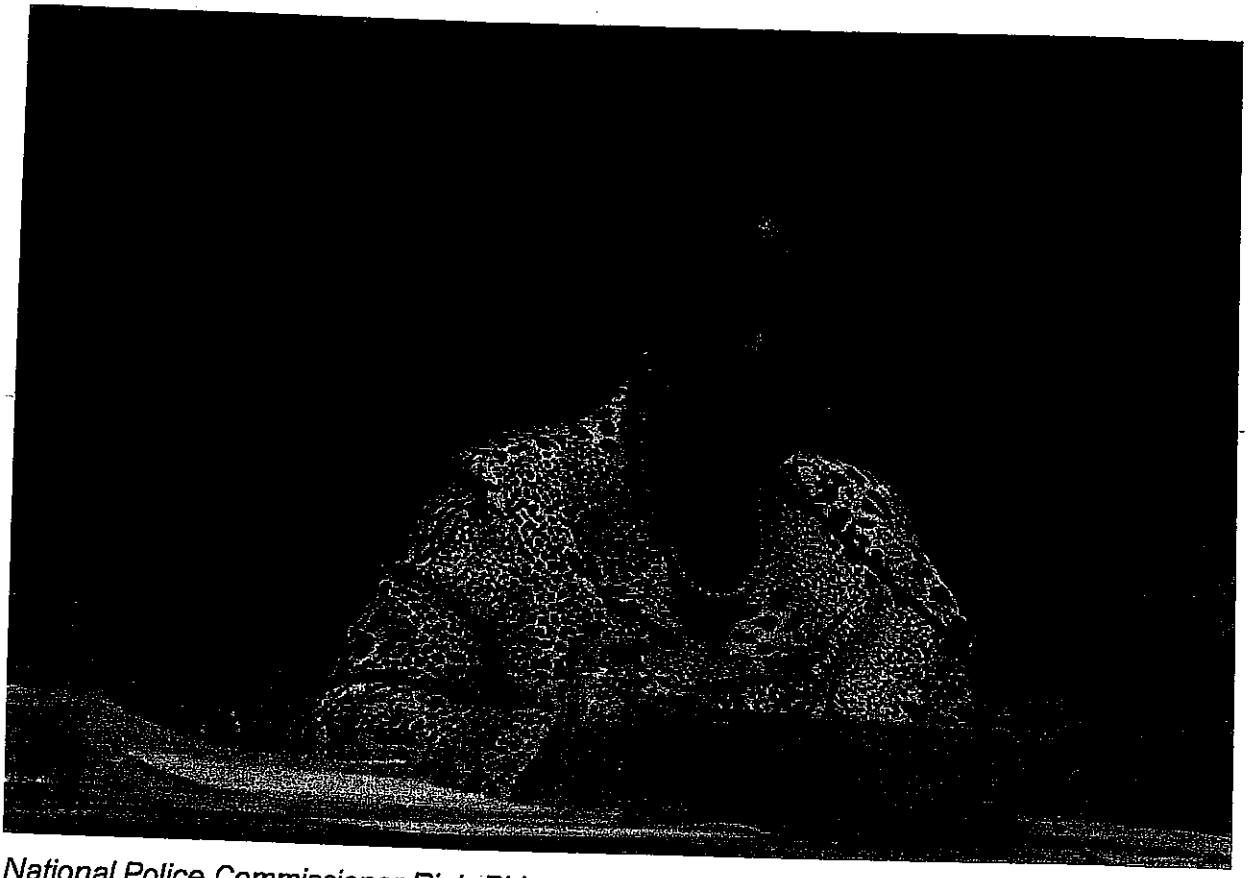
- The Central Firearms Register should ensure proper compliance by employees with the provisions of the Batho Pele Principles and the Code of Conduct for Public Servants.

- Training of the personnel at the Central Firearms Registry should be continuous. Specific training on the purpose and aim of the Promotion of Administrative Justice Act (PAJA) and its application should be implemented.

- The Central Firearm Register should ensure that services were delivered justly in terms of the PAJA. Reasons for decisions should be properly communicated. Services should be provided impartially, fairly, equitably and without bias. The PAJA ensured procedurally fair administrative actions, gave the right to request reasons for actions and the right to have actions reviewed by a court. Procedures followed should be clearly stated and affected people given notice of their rights to review or appeal decisions. The public had the right to be informed of reasons for decisions.

- A comprehensive communication campaign by the Central Firearms Register on the requirements to obtain a firearm license should be launched to inform the public. It should be remembered that a person's entitlement to a firearm license depended on whether he/she could satisfy the eligibility criteria set out in the legislation.

Police's Firearms Registry contract probed by Hawks



National Police Commissioner Riah Phiyega was questioned by MPs on Tuesday about the botched firearms control system contract. Photo by Daneel Knoetze.

Daneel Knoetze

21 October 2014

After paying R340 million for a Firearms Control System that was not delivered, the SA Police Service has cancelled its contract with IT company Waymark Infotech. The botched contract is subject to a criminal investigation by the Hawks.

On Tuesday, Parliament's police portfolio committee grilled Police Commissioner Riah Phiyega about the lack of clarity over the police's stalled R412 million contract with Waymark Infotech for the development of a Firearms Control System (FCS).

Phiyega's team blamed the botched contract, and the shambles in the Central Firearms Registry, for failing to register new firearms acquired by the police during the 2013-2014 financial year.

229

Phiyega and a team of high-ranking police officers were giving feedback on the SA Police Service recently tabled annual report, in which the Auditor-General reported that more than half the gun licensing applications processed at the Central Firearm Registry were not available for audit.

Last week, GroundUp exposed (http://www.groundup.org.za/article/r400-million-firearms-control-system-shambles_2359) the details of the police's multi-million rand contract with Waymark for the development of a firearms control system.

The job ballooned in cost and the deadline for completion, initially set for July 2006, was consistently pushed back. A report by the AG in January last year stated that the contract with Waymark had been "placed on hold" in 2012, pending an internal investigation.

Yet, details on this investigation and recent dealings between the company and the police have remained shrouded in mystery. Neither the police nor Waymark responded to GroundUp's queries before last week's article.

Police portfolio committee member Pieter Groenewald yesterday demanded an update and clarity on the contract and investigation.

"It is unacceptable to hear that the investigation is still ongoing, and that there is nothing to report," he said.

"That investigation was started in 2012, and it is now 2014. Can we please get answers? The Commissioner should commit to giving feedback on the investigation by latest next week."

Phiyega had confirmed that the investigation was a "criminal investigation" being conducted by the the Hawks. She did not provide further details but she promised to request an update from the police's Directorate for Priority Crime Investigation (DPCI) and to give feedback to the committee next week.

Phiyega's spokesman, Lieutenant General Solomon Makgale, confirmed to GroundUp that Waymark had started court proceedings to claim "outstanding funds" from the police. He also emailed a detailed response to GroundUp's original queries, in which the police blamed the failure of the FCS on Waymark's request for a fifth addendum to the contract. Four previous addenda, between March 2005 and February 2007, led to the deadline for the system handover being pushed back various times and resulted in the cost climbing from around R93 million to R412 million.

230

"The development was not completed as contemplated in the FCS contract (because) Waymark requested a further addendum for which SAPS and Waymark could not reach an agreement," Makgale said.

The amount and basis for the claim for "outstanding funds" was not divulged.

Waymark's Joel Mpshe previously declined to comment on the "legal discussions" taking place with the police.

"We are thus not at liberty to discuss the matter as it may jeopardise those discussions and any disclosure will have future legal implications for both parties," he said.

Topics: Corruption (/topic/corruption/), Crime (/topic/crime/), Fraud (/topic/fraud/), Government (/topic/government/), National (/topic/national/)



(https://www.facebook.com/sharer.php?u=https://www.groundup.org.za/article/polices-firearms-registry-contract-probed-



hawks_2370/) (https://twitter.com/share?url=https://www.groundup.org.za/article/polices-firearms-registry-contract-probed-hawks_2370/&text=Police%26%238217%3Bs%0A%09%20Firearms%20Registry%



20contract%20probed%20by%20Hawks%20-%20via%20@groundup_news) (whatsapp://send?text=https://www.groundup.org.za/article/polices-firearms-registry-

"N"

231

Police

19 August 2014

Chairperson: Mr F Beukman (ANC)

Share this page:

Meeting Summary

The Committee was briefed by the Committee's researcher on the work of the Central Firearm Registry (CFR) looking at key statistics; the legal framework of the Firearms Control Act; the South African Police Service (SAPS) firearm control and management delivery report for 2012/13. Observations were made on recurring key issues and questions for the Committee to consider.

The Committee was then briefed by SAPS on the CFR beginning with the regulatory framework, a breakdown of the personnel system, responsibilities of the CFR, and the current system and the turnaround of appointments. The briefing then turned to outstanding appeals, challenges, space facilities and policy issues before looking at processes, human capital, physical resources, equipment and recommendations.

The Committee raised an immense amount of questions including on the status of the commission of inquiry into arms dealers, filling of posts especially by women, particular criminal cases, the image of the CFR and cases of litigation against SAPS, outstanding appeals and the composition, effectiveness and challenges of the Appeals Board. Members were particularly keen to know more about the turnaround strategy in terms of budget, timeframes and backlogs. The Committee was particularly concerned about the status of the database and integrity of the data given that a hybrid system was still in place. Other questions were around training, processing of applications, reasons for refusing licences, recovered firearms, statistics, internal communication strategies and public awareness. Members were adamant there needed to be stricter control of firearms and greater repercussions especially for members who had claimed to lose firearms considering rumours of the renting out of firearms to supplement salaries.

Meeting report

Analysis of Work of Central Firearms Registry (CFR)
Mr Thembani Mbadlanyana, Committee Researcher, after providing a brief introduction, looked at some key statistics noting that there were six million guns in South Africa or, roughly 12 for every 100 people. The number of registered guns in South Africa was reported in 2011 at 2,900,000. The law allows an ordinary citizen to possess four guns. The defence force was estimated to have about 350,636 firearms and the police 261,272 firearms.

Turning to the legislative framework, the management and control of firearms in South Africa was governed by several pieces of legislation, including, the Firearms Control Act, 2000 (Act 60 of 2000), Firearm Control Regulations, 2004, Amendment Firearm Control Act 2006 (Act 28 of 2006) and the Amended Firearm Control Regulations, 2006.

The purpose of the Firearms Control Act was to establish a comprehensive and effective system of firearms control. The Act looked at prohibitions, special provisions in respect of certain devices, competency certificates and licences. More importantly, Chapter 17 of the Act deals with organizational matters for the regulation and management of firearms in the country. Chapter 17 establishes the Central Firearms Registry and stipulates the functions of the Registrar of Firearms (which is the National Police Commissioner), appointment and functions of Head of Office of the Central Firearms Register (CFR) and establishment of an Appeal Board. Thus the CFR derives its mandate from the Firearms Control Act and is under the leadership of the National Police Commissioner.

Organisationally, the CFR resided under the component, Firearm, Liquor and Second Hand Goods Control in the Division: Visible Policing of the SAPS. According to the Act, the CFR must contain the central firearms database, the central dealers database and the central manufacturers database. According to section 127, the Registrar (National Police Commissioner) must, with the approval of the Minister, designate a police official as Head of the Office of the CFR who must manage the Office of the Central Firearms Register and must perform the duties assigned and exercise such powers delegated by the Registrar. The CFR was staffed with 163 personnel in different levels. The challenges experienced by the CFR revolved around litigation cases against the CFR and Appeals Board, space facilities, policy issues, processes, human capital and physical resources.

Looking at the SAPS Firearm Control and Management Delivery Report for 2012/13 from 1 April 2012 to 31 March 2013, SAPS received a total number of 229 463 new firearm-related applications, of which 206 150 or 89.8% were finalised. An additional 86 142 applications that were received prior to 2012/13, were also finalised. This represented a total of 292 292 or 127.4% applications finalised during 2012/13. From the 292 292 applications finalised, 201 277 were approved, 8 732 were refused, 47 781 renewals were completed and 34 500 were cancelled. Worrisome was the fact that of the 49 046 licences liable for renewal, only 28 975 applications for renewal were received.

Central Firearms Registry presentation on Firearms Management

Lt. Gen. K Sithole, SAPS Deputy National Commissioner: Policing, noted the regulatory framework for the management of firearms: Firearms Control Act (2000), the Firearms Control Regulations (2004) and the Amendment of the Firearm Control Regulations (2006).

Looking at the personnel breakdown, the total number of administration clerks was 163 and 1.7 million firearms were being handled by these 163 personnel.

Turning to the responsibility of the Central Firearm Register (CFR), after all outstanding reports, documents and correspondence had been obtained, the application was prepared for consideration. If the application was approved, the licence would be printed at the CFR or the provincial office and then the licence would be forwarded to the relevant Designated Firearm Officer (DFO). The DFO must hand over the licence to the applicant against a signature of the applicant in the SAPS 86 Registers. If the application was refused, the refusal letter will be printed at the CFR, date stamped, signed and forwarded to the applicant and relevant DFO. All source documents were to be filed.

Lt. Gen. Sithole discussed the current status and turnaround of appointments noting there were critical posts to be filled however the posts on salary level 10 were not addressed as per the recent Fixed Establishment. Due to the workload and responsibility of finalising all new received applications within a period of 90 days, three Lieutenant Colonels appointed as Acting Section Commanders for the Gauteng North and Limpopo/Mpumalanga regions, are rotating to address the shortcoming and improve service delivery.

On facilities, the lack of office space and storage facilities resulted in insufficient storage space facilities and limited human resources capacities to manage the large volume of files that have to be created and filed properly. The current warehouse facilities were not suitable, the premises were not maintained regularly resulting in the accumulation of dust and grime, large volumes of paperwork were generated from firearm licence applications, so competency certificates, accreditations and permits were not filed properly, the Active Registry and Archives were on state premises not with the CFR, thus hampering an effective workflow and there were problems with the retrieval of old files and documents for the appeal process due to a backlog in filing.

Lt. Gen. Sithole highlighted processes noting provinces failed to conduct quality checks, DFOs failed to conduct section 102 investigations to assess whether people were fit to possess a firearm. Detectives failed to close dockets, detectives failed to ensure that lost/found firearms

were circulated within a specified time, detectives failed to submit identity numbers for suspects/accused persons for the purpose of declaration of unfitness and did not file them properly, and ports of entry failed to submit monthly returns pertaining to import/export permits.

Lt. Gen. Sithole spoke about human capital, noting there was a lack of DFO training, inconsistent multi-tasking of DFOs, improper control of firearms handed in at police stations, shortage of human, physical and logistical resources. There was a shortage of personnel to conduct compliance inspections at dealers, gunsmiths and manufacturers and there was a lack of resources, specifically, computers, printers, fax machines, vehicles and stationery such as photocopying paper and toner.

Concluding with recommendations, it was noted that a building needed to be obtained where the registry and archive all had to operate under one roof. He emphasised the challenges were highlighted because the Department wanted to be honest and open to the Committee and bring it to the attention of Members that there was a turnaround strategy to improve the effectiveness of the section.

Discussion

The Chairperson asked when the new strategy was implemented. What happened to the recommendations provided to the joint task team? What was the status of the commission of inquiry into arms dealers because this was quite pertinent? He applauded SAPS for taking criminal and departmental steps and requested this be provided to the Committee in written form.

Lt Gen Sithole said the filling of posts would be done by 1 September. The problem of firearms started two years back and this was accompanied by a backlog and exposed corruption. Immediately after this a turnaround strategy was introduced in July 2013. Implementation then began.

Maj Gen Phillip Jacobs, SAPS: Legal Services, said a task team was established very shortly after the Secretariat's report under the chairmanship of the Deputy National Commissioner. The task team sat very frequently until the backlog was resolved. He believed the Commission of Inquiry on Firearms Dealers was finalising its report for submission.

Gen Shezi said the previous task team looked at the new system implemented for the entire firearm registry. It was recommended the old system be integrated into the new system but it was decided an expansion of the current, exiting system was preferable to migrating the old system given the different architectural set up. The work on this had not yet been completed but once it was, a conclusive answer could be provided.

Ms A Molebatsi (ANC) noted the action plan spoke about officers charged but what were their ranks? She also wanted to know if the reference to arrests were of police officers or civilians. When reference was made to clearing up backlogs, did this mean backlogs did not exist anymore? She asked if there was any improvement in the dented image of the CFR. Did all police stations have DFOs and if not, what happened? What was the status of integrating the two databases? What happened to SAPS officers who lost firearms?

Gen Sithole replied that in the ranks, two brigadiers, two colonels, three lieutenant colonels were charged and the rest were civilians. No police members had been arrested as yet. The backlog had been cleared since the turnaround strategy was implemented in July 2013. The National Commissioner introduced an integrity management section to look at protecting the image of the organisation. He confirmed that in the action plan, the question of image building was an integral part and was demonstrated in dealing with corruption and risk management. There were many other processes in place to deal with the image of SAPS. The way the organisation dealt with and responded to complaints, was also important to its image. All stations had DFOs but there was a promotion system in the organisation where all members could apply for posts and this included DFOs. If a DFO moved on to another post, the unfilled position must be filled within 30 days. This also included transfers. SAPS was monitoring that all stations had DFOs.

Ms D Kohler Barnard (DA) was sceptical, after sitting on the Committee for a long time, about applications being dealt with in 90 days. She had heard this said many times before. Her own application was processed and she was told to fetch the firearm only two years later. On oversight visits, she had seen applications stuffed into boxes, never being delivered. She wanted confirmation that applications were indeed dealt with in 90 days. She still heard of women, after being abused, were told to go home after going to the police station instead of the facts being entered into the domestic violence registry. Was there something in the turnaround which dealt with a better liaison between the person who ran the DFO registry and CFOs? She questioned criminal charges and cases against SAPS members. When the Committee went on oversight visits to stations, it took hours to locate firearms in the SAPS 13 stores. There were rumours firearms in stores were being hired out to criminals – what was being done about this? Firearm control was very lax and this was seen in a previous Chairperson who carried an unprotected gun in her handbag and would slam it down on the table following a post-visit briefing.

Lt Gen Sithole said all firearms were state property and if a member lost a firearm, a criminal case was opened to begin a criminal investigation. A section 102 investigation commenced to check if the member was still fit to possess a firearm. If the outcome was that the member was deemed unfit, HR processes began and this could continue until the board came to a decision. There were clear instructions when a member was given a firearm and certain requirements to meet such as handling while driving, keeping it in a safe at home. Any violation would be followed up by the strict application of these processes. He was not going to take a defensive approach to such rumours about the hiring out of firearms but rather to appreciate and follow this up in terms of intelligence when such alerts were received. So far no such cases had been experienced. He could not deny that Members made many findings at police stations on oversight visits but SAPS acted on particular recommendations and directives. A combined quality assurance process was initiated by the National Commissioner to work with the inspectorate division and internal audit. According to this assurance, no stations went unvisited for longer than a year. This led to a lot of improvement. On domestic violence vis-a-vis firearm control, the National Commissioner took a decision to bring all operatives under one roof for an integrated approach and cross-cutting responsibilities of all sections of policing, to produce the same target and goals. Directives had already been issued to the sections dealing with domestic violence to work together with firearms control. It was part of the turnaround strategy to link domestic violence perpetrators to firearm ownership. More time was required to generate more information and provide a written response to the Committee on particular criminal cases. A distinction needed to be drawn between outstanding licences and clearing the backlog. People sometimes did not collect cards on time and this was part of outstanding licences. All current outstanding licences, though, did not amount to a backlog yet. Locating firearms was linked to the combined quality assurance process in which the firearm registry was included along with Visible Policing (Vispol) and supply chain. Improvement in this area was being worked on and if Members visited stations again, a shorter time would be taken to locate firearms.

Mr B Joseph (EFF) wanted to know the average timeframe for the processing of an application for the approval of firearm?

The Chairperson asked who led the task team from last year until now.

Lt Gen Sithole responded that the task team was led by Maj Gen Luke while he was the programme manager for the task team.

Mr D Twala (EFF) asked what happened to firearms after recovery – were they kept in storage and, if so, for how long? When was decision taken to destroy these firearms so they did not re-enter the market in other ways.

Lt Gen Sithole explained some firearms were linked to criminal cases after which ballistic processes would be undertaken. If there was prima facie evidence that some firearms were used in criminal offences, then the firearms could only be destroyed after the case was closed. Other firearms were taken to be secured in stores to await destruction after six months.

Mr Z Mbhele (DA) sought elaboration on what the turnaround strategy said to address the set of DFO related problems as this seemed to be where a lot of the bottlenecks were occurring.

Lt Gen Sithole said the turnaround strategy spoke of a deployment plan for the DFOs along with capacity building and refresher training. There were also performance assessments and constant monitoring processes.

Ms M Mmola (ANC) wanted to know if section managers were earning two salaries for overseeing two provinces. She also asked why there were two different CFR units in Gauteng.

Brig. H Matshene, SAPS: Acting Section Head: Central Firearms Register: Visible Policing, explained that in such cases where managers were required to oversee more than one region, these were areas which did not have many applications and these managers were only earning one salary at the level of a Colonel.

Mr J Maake (ANC) was interested to hear what happened with licences if security companies became dysfunctional. He wanted examples for some of the less obvious reasons for why licences were denied. He questioned the insufficient filling of certain posts.

Lt Gen Sithole said it remained a SAPS responsibility to always ensure that persons or companies dealing with firearms were still meeting the requirements of the Act. If a security company became dysfunctional, SAPS would review the licences to assess if the company could still keep the firearms. If for any reason the company was not fit to possess firearms, legal processes would begin.

Maj Gen Jacobs added that if there was a change of ownership or the business came to a standstill, there were processes to follow. Firearms could not just be transferred – there had to be a change in responsible persons.

Brig. Matshene explained reasons of refusal of application were immediately sent to the applicant. Each application was considered on its own merits according to the different categories outlined in the Act.

Lt Gen Sithole responded on the filling of certain posts and noted that sometimes shortages were not a lack of staff but a new requirement.

Mr P Groenewald (FF+) said that when the Firearms Control Act was implemented, there were very strict limitations but lawful citizens and law-abiding gun owners of SA were often at a disadvantage. But when it came to SAPS and CFR, it should be stricter because the real control of firearms was vested in the CFR. The Committee heard of so many turnaround strategies every year but how was it possible that there was improper control of firearms handed in at police stations. It was not acceptable to say there was a turnaround strategy when there was still a lack of control. There was also a lack of DFO training with DFO officials saying people were incompetent to handle a firearm because they were too old. He asked how it was possible that licence renewals could not be located on the registration system because they had not been registered on approval. This was a simple act and this was linked to appeals – how many outstanding appeals were there? Usually SAPS shifted the blame to the Appeals Board but the presentation showed the registry could not provide documents to the Appeal Board. The presentation showed Lt Gen Sithole and the CFR admitted they did not have control of firearms and this was a shame to South Africans and for crime in SA. This was why firearms could be handed out because there was no control in the CFR. Clear answers were needed on this matter. He asked how many officials were criminally charged and found guilty.

Lt Gen Sithole agreed there needed to be stricter measures but there was a turnaround strategy to deal with challenges. He would need to provide the Committee with a written response into specific criminal charges as it required detailed numbers.

Ms Molebatsi asked what happened with the specific case of a trunk full of firearms stolen at a police station in Middleburg linked to various crimes. Was data still recorded manually at CFR? How much money was spent on the CFR IT system to date and what was this money spent on?

Lt Gen Sithole said that he would provide the Committee with progress on this particular case as he did not have the information with him currently.

Ms Kohler Barnard asked about the status of current litigation against the CFR and Appeals Board - how many cases were there, how long had they been around for, how many were lost and how many won? She read a great deal about SAPS members selling firearms handed into SAPS for destruction which made news headlines and damaged the image of SAPS – what was the current status of this matter? There was great jubilation in firearms being destroyed and crushed but at the scene of various crimes, firearms were found which had actually been handed in for destruction a number of year prior. She felt the fact that so many SAPS members did not have competency certificates would go against the organisation.

Maj Gen Jacobs explained with the status of litigation, legal services became involved and there were a number of court cases of importance to the Committee because of the CFR. Looking at specific cases, there was the one of the Justice Alliance of South Africa where SAPS won the case as the Supreme Court of Appeal ruled in favour of the guidelines the Minister issued. There was also the case of the Transvaal Agricultural Union and Others to declare various sections of the Firearms Control Act unconstitutional. These sections related to the number of firearms. The case was ongoing and a court date was awaited. Generally, over a period of three years, a 108 applications were brought against SAPS which included the Minister, CFR and the Appeals Board. In respect of those 108 applications, 13 were still pending and orders given to SAPS on the other 95 – this was a historic situation so a more current timeframe might show a different picture. On the legislation, the Committee approved the Firearms Control Amendment Act in 2006 which was not fully implemented yet. The parts of the Bill which were implemented related to hunters and collectors.

The Chairperson highlighted that any turnaround strategy required a budget but this was gap in the presentation. With the IT system and if in 2014 data was still being recorded manually, this was a big problem. He asked where the IT system was today after R400 million had been spent on it – was the outcome of the investigation still awaited or was the system still a hybrid one. The Committee could only assess the turnaround strategy this way.

Lt Gen Sithole said the IT system was still a hybrid one but there was an attempt to move away from manual input.

The Chairperson indicated that in effect the R400 million spent, given the time span, did not yield any value. The fact the system was still a hybrid one was a problem. When would the migration to an automated system then take place?

Maj Gen Shezi replied that the contract was awarded in 2004 and claimed to be completed in 2011 by the service provider and the value of the contract was about R412 million of which around R315 million had been paid toward the 80% completion. A gap analysis would be implemented to identify outstanding areas. With the registration system, it was found there was a problem with the passwords used as these were being shared and this created problem. The system was then changed to a biometric log-in. The Special Investigating Unit (SIU) had not yet completed its investigation and this hampered action moving forward. An independent assessment from the CSIR was also sought in this regard. She thought a written response to this question could be provided which was comprehensively explained so as not to mislead the Committee.

Mr Groenewald felt he was being misled as Lt Gen Sithole answered his question with one sentence indicating "there was now control" yet the presentation showed otherwise. This was

misleading the Committee and totally unacceptable. He emphasised the need for clear answers and explanations.

The Chairperson clarified there was no action plans to deal with the challenges and this was a problem because SAPS would have to come back on 3 September 2014 to give the Members the pertinent responses dealing with the challenges.

Lt Gen Sithole said the action plans would be provided to the Committee.

Mr Twala asked where the budget was located as this was central to the turnaround strategy.

Lt Gen Sithole indicated the budgetary planning process for the CFR flowed from Programme Two of the Vispol budget. The CFR was being implemented in stages in terms of the budget. In each financial year, upgraded functions were included. Currently, SAPS was in a position to preset the cost of deliverables and outline the total budget in terms of the action plan. Total implementation was not costed as the process was being rolled-out step by step.

Mr Mbhele wanted to know, for clarity, on password sharing – was this specifically around the system being tampered with which give rise to delays? A lot of the functions of the CFR was administrative and technocratic in a sense and short-term intervention could be made to get outside help - was this included in the turnaround strategy?

Maj Gen Shezi noted there was a track and trace to know who processed what application.

Lt Gen Sithole indicated the National Commissioner had liaised with the Council for Scientific and Industrial Research (CSIR) for consultants and their assistance in vetting positions. Furthermore, the action plan spoke to services to be used but they would only be used as and if necessary.

Gen Shezi added about the process model that there was no intention to outsource what the system could do. The whole basis of reforming the system was to make processes easier for people to log-in.

Ms Mmola wanted to know how many high-end posts were filled by women in SAPS given that it was Women's Month.

Lt Gen Sithole explained that with the number of posts filled by females, SAPS was ahead of all other government departments in terms of the number of females employed at senior management level in relation to the 50% target according to a recent report from the National Commissioner. There was not necessarily a plan to fill posts with female employees in the month of August.

Mr Maake asked what happened if police officers resigned while internal processes were still in action – did these processes stop and the person was charged legally. In the 108 cases brought against SAPS, what was the reason for this? Had there been an amendment to the law or did it need to be amended?

Lt Gen Sithole explained that with the police who resigned during investigations, in the instance of criminal cases, these cases were continued but otherwise it was dependent on the nature of the misconduct. If damage or repair of damage was incurred by the state from such misconduct, the process continued. Misconduct did not stop at resignation by any SAPS member and if money was owed to the state, the official's pension could be accessed.

Gen Jacobs outlined there were 108 cases of litigation and the majority of these cases dealt with orders over a lack of decision-making. There were no grounds or proper reasons to oppose these applications.

Ms Molebatsi questioned how it could be ensured licences were not given to people with a

history of violence. She noted an SABC TV journalist brought a clearance certificate using a fake name and ID name from an accredited firearm training station for R1000 – what was the status of this matter?

Lt Gen Sithole said that part and parcel of the cases of violent behaviour was the involvement of corruption. Criminal and departmental measures were in place along with a strengthening of risk management and the internal control framework in this particular environment. With the SABC case, the response would be submitted in writing.

Ms Kohler Barnard noted that, since keeping records, over 13 000 SAPS firearms were taken or lost and there was an extremely low recovery rate. At the same time, SAPS went into a R16 million contract to buy 400 new pistols to replace the lost ones. The problem was that the members who lost their firearms did not seem to face the consequences of their actions. There was also a rumour that certain SAPS members regularly sold their firearms to supplement their salary – were these serial offenders doing this over an extended period? Were these members ever asked to cover the cost of their claimed lost firearms as it seemed as if it was left to the taxpayer each time and a terrible cycle was sustained. The problem was that the majority of firearms out on the street used to be on the hip of a SAPS official. What was being done to deal with this?

Lt Gen Sithole highlighted that with lost firearms, SAPS was rendering a service which required firearms so there was therefore an obligation to buy firearms. There was also the safety of members to consider. Yesterday two members were shot in front of the Francis Baard Court by criminals. This however did not set aside the action taken against lost firearms. This involved both criminal and departmental investigations. Project No 1448, driven by the National Commissioner and Minister, was to ensure SAPS did not have members with criminal records. The project also further ensured each and every departmental investigation went through a complete quality control process.

Mr Groenewald asked if there was statistics on how many violent crimes had been committed by legal firearm owners.

Lt Gen Sithole did not have the statistics on the individual cases of violent crimes using legal firearms but this could be provided to the Committee in writing. There were instances where people who committed crimes while in possession of their own legal firearms, were arrested. The particular stats would be provided as requested.

The Chairperson asked what measures were taken to ensure the integrity of data given that a hybrid system was in use. He wanted to know if there were separate databases or one database for the 1969 legislation and the FCR firearms.

Maj Gen Shezi explained a complete transition was envisaged as there was no expectation the two systems would be running parallel. It was critical to know what the 80% completion process meant and the remaining 20% must be concluded to ensure all intended purposes of the system were adhered to. There was a database within a database. It was supposed to be integrated but it was not so, in short, there were still two systems. With the crime stats, this was a different system from the existing CAS system into the Integrated Case Management System (ICDM). This ensured that anytime real stats were produced. This would also be used in the justice cluster to manage crime stats.

Ms Kohler Barnard followed up on the two detainees who were shot in a court house. These detainees were transported by SAPS who did not search them so this was one way firearms could get into the court from jail or someone could give it to the detainees in the court house or SAPS could have given it to the detainees. Were these cases under investigation? A judge or any civilian could have been killed in such a serious matter. Someone needed to account for these violent criminals having firearms in a court house.

Mr Maake questioned the litigation cases noting there was no evidence SAPS did anything wrong in the 95 cases. This gave him the impression that there was a lack of understanding of the law by those laying charges or there was thumb sucking or there was sheer victimisation. He found the matter difficult to understand.

Maj Gen Phillip said litigation outcomes were communicated within SAPS on a monthly basis. He was informed that of the finalised matters, orders were granted against the registrar or firearms appeal board, compelling the relevant entities to make decisions on applications. There were no grounds to oppose the cases. He had gone through some cases and one instance of refusing an application was because the residence was not enclosed by a fence but there was no such legal requirement. The requirement was for there to be a prescribed safe. These were the types of reasons for licences being refused in many instances. This could not be opposed because this was not a valid reason for refusal. This was indicative of problems experienced over a period of time and a lack of administrative skills and general shortcomings. There was talk of hosting a legal seminar but the issue was a broader one of administration skills and training rather than pure legal knowledge.

Mr Mbhele noted that the firearms control legislation was implemented in phases. Given that the Act was enacted some years ago, when was the timeframe for the date of the operational system to be configured to match the phased roll-out?

Maj Gen Sithole said the current, new development of capacity was the result of a continual and concurrent feasibility analysis of the legislation. It was intended for the Act to be fully implemented in terms of all aspects and resources by 31 March 2015.

The Chairperson asked if the database could immediately ascertain, for example, everyone who owned a gun of a certain age group within a certain locus. What were the current training protocols, for example, for auxiliary DFOs and unit staff. With the appeals board, what was the current composition of this board? Was it working effectively and what were the challenges? Were there specific internal communication strategies with staff within the unit? Very importantly, was there a concerted effort to inform the public from a management perspective of these current system challenges?

Brig Matshene explained the DFOs had been trained with the enhanced firearm registration system which was now interfacing and integrated with CAS. Within the regions and specific stations with a shortage of DFOs, this was being looked into and there was, in the interim, in-service training for the DFOs.

Lt Gen Sithole added there was a special training programme in the turnaround strategy to deal with a skills audit as a continuous programme and a specific training plan for the organisation. Mentorship programmes were started after training to provide practical application of the training.

Lt Gen Sithole said the composition of the appeals board was at the level of the Minister. He asked if the Chairperson would allow him not to talk to the composition. He assured them that serious challenges were not experienced with the appeals board.

Lt Gen Sithole indicated the communication strategy was one key deliverable in the turnaround strategy. This was linked to public and community information and education with community outreach being a top priority of the National Commissioner. Communities were educated about some of the critical priorities and it was felt the more communities were informed about firearm safety, the more SAPS could manage it effectively.

With the court shooting, Lt Gen Sithole said one SAPS member was shot in the head and was still in hospital while the other was still in a stable condition. This was a registered criminal issue currently under investigation. The identity of the members had been withheld as it was a traumatic event and they still needed to be interviewed. He also could not talk to the root cause of the particular matter as it was still under investigation.

Gen Sithole provided some closing comments on behalf of SAPS thanking the Chairperson for his leadership and for being welcoming of the Department. This appreciation was extended to Members. Through being accountable, SAPS was learning, picking up on shortcomings through the Committee's great work, and improvement would be made from this.

The Chairperson provided some closing comments on the way forward noting firearm control was vital in a constitutional democracy – there must be stringent rules for applications and the management of this process and it was critical the integrity of the institution which dealt with this, should be beyond reproach. From the Committee's perspective, it wanted to see the National Development Plan (NDP) implemented with a professional police force in line with the Constitution and therefore it was very important that firearm control management was sorted out. There could not be a system filled with questions and this was a priority area for the Committee. He had seen a letter last year from the Head of the Trauma Unit at the University of Cape Town, Professor Van As, which said since early 2011, the Red Cross Children's Hospital had seen a marked increase in the number of children with firearm trauma injuries and this was nationwide. The Committee would support any measure from the accounting officer and CFO to ensure there were necessary funds to do the job. The lacuna of today's briefing was for the Committee to provided with the action plan with timelines and budget allocations. He was shocked to hear about the current status of the database and that personnel from senior management level were being arrested. This showed the NDP must be implemented.

Committee Minutes: adoption

Members read through the minutes of the 30 July 2014 meeting. Ms Kohler Barnard thought the minutes were very short considering there was a presentation. Mr Irvin Kinnes, Committee Content Advisor, noted there was a report accompanying the Minutes. The Minutes were adopted with amendments.

Committee Business

The Chairperson indicated the Committee was due to visit the Nyanga police station next week at 09h00 Wednesday and there would a surprise visit to another station as well. The House was sitting at 15h00 so Members would have to be back by then. About 2 and half hours would be spent at Nyanga while about two and half hours would be spent at an unidentified station. The Committee would be making use of the station monitoring tool to evaluate the police stations. Responses had also been received from the four entities the Committee oversaw.

Today's briefing came out of the budget briefings, media reports of problems at the Central Firearm Registry (CFR) and a report from the National Commissioner that an investigation was under way. The Committee felt firearm control was a very important matter and the Committee had to oversee the CFR. Due to the parliamentary programme and plenary sessions, the Committee could not visit the CFR in Pretoria and instead, SAPS had to brief the Committee. It was important for the Committee to ascertain the progress made with the CFR. It was vital this SAPS unit functioned optimally, there was good leadership and oversight. South Africans needed assurance there was good control over firearms and SAPS members were vetted.

The meeting was adjourned.

"O"

Police

03 June 2015

Chairperson: Mr F Beukman (ANC)

241

Share this page:

Meeting Summary

The Committee met with senior management of the SA Police Service (SAPS) and a range of stakeholders to receive briefings and submissions on the most recent progress made with the turnaround of the Central Firearm Registry (CFR).

SAPS spoke to the progress on the CFR's Action Plan. This presentation outlined the background to the CFR before moving on to outline the action steps, performance indicators, targets and progress made on a number of objectives including service delivery, corporate governance, performance management, performance reporting, human capital management, facility infrastructure, information technology and communication. The Committee then engaged with SAPS on the presentation questioning what was being done by Public Works to improve facilities or to move out of the CFR, input made by the Deputy Minister of Police at the Firearms Summit, targets for the vetting and the current status quo of the vetting of members, the revised fixed establishment and the Commission of Inquiry set up by the previous Minister while there were concerns around the leadership of the CFR. Other questions centred on the backlog and 90-day target for processing applications, status of members of the Appeals Board and the turnaround time for appeals, firearms handed in for destruction turning up at crime scenes and claims that SAPS were hiring guns out to criminals and what was being done about this, training of Designated Firearm Officers and what was being done to fill capacity gaps when these officers left stations and results of compliance inspection visits. Several Members wanted specific details on certain targets. All indicated that there were still a number of serious concerns and that concerted and unified action would be needed. They asked in particular what was to be done with the building, which was in a serious state, with records strewn around, and the involvement of the Department of Public Works in that process.

The Committee then heard presentations from a number of stakeholders. Each of them expressed concern at the current processes, which were not only unwieldy but marked by lack of clarity, policies and regulation, which opened up the process to differentiation between the provinces and a serious risk of corruption and fraud. The Professional Hunters Association of SA spoke to the economic contribution of professional hunting, the relationship between SAPS/CFR and the hunting industry, CFR challenges in general and specific issues. before concluding by looking at some suggestions for improvement.

Gun Owners of SA spoke to the turnaround strategy of the CFR after looking at the groups of stakeholders. The specific comments on the CFR turnaround strategy focused on how to "fix" the CFR and the current situation, stated aims/desired outcomes of the Firearms Control Act (FCA), problems with some requirements of the legislation and current challenges facing SAPS/CFR. The presentation looked specifically at the turnaround strategy commenting on the current situation, problems of duplication with application, current requirements for licence applications with concerns of uncertainty, duplication and unnecessary documentation. This body made recommendation on how current requirements could be simplified and made more beneficial, before concluding with the short term interventions for the proposed turnaround strategy.

The Security Industry Alliance (SIA) questioned the successful implementation of the FCA. It looked at the history of the FCA after it was introduced in 2004, including the November 2010 ministerial announcement, problems identified in 2009/10, recommendations 2009/10 and the Ministerial Inquiry into corruption and bribery (2013). One of the most serious concerns was that the Inquiry report had not been released. The presentation then outlined the current status, commitment of the SIA and industry, an objective overview of the problems in the CFR today,

implications of a lack of policy and guidelines and how progress could be achieved, specifically for the security industry.

Gun Free SA (GFSA) assessed the functionality of the CFR looking at the global norm of record keeping and the case of SA before looking at the turnaround strategies of CFR (2010-2015) noting the problems of backlogs in processing of licences, integrity of the database system, the system of renewals under the FCA, independence of the Appeal Board and the impact of poor record keeping. A full description of each of these issues was given.

The Committee felt it was important for there to be thorough engagement with the stakeholders, as a perceived lack of communication had been one of the common threads from the submissions, especially in anticipation of the legislative process. The SAPS highlighted that there was in fact a forum, but Members then asked that the minutes of this, for the last twelve months, should be sent to the Committee. Members also highlighted it was important for the Committee to discuss all the issues which arose and apply their minds on what would be done moving forward, and for this, full information would be needed. Specific questions were raised on the instances of firearms which were handed in for destruction that were later found at crime scenes, SAPS members arrested related to this, and in which provinces. A DA Member was particularly critical of the process adopted by SAPS in relation to one major complaint and suggested that the actions taken were not satisfactory. Members were also particularly worried by an affidavit made by a SAPS official denying that there were problems with the CFR, in direct contradiction to the Minister's acceptance that there were such issues, at the recent Summit, where she had been quite forthright and realistic about the challenges.

The Committee also adopted the Committee's Draft Report on the Oversight Visit to the Mpumalanga Province [10 February 2015] and the Draft Report on the National Firearm Summit held on 24 and 25 March 2015.

Meeting report

Central Firearms Registry updates
Chairperson's opening remarks
The Chairperson welcomed the Deputy Minister of Police, Ms Maggie Sotyu, and noted she was welcome to contribute at any time.

The Chairperson noted that legislation would dominate the Committee's activities next term. In the following week the Committee would hold a follow up meeting on the Criminal Justice System (CJS).

During the Firearms Summit, it was noted there were still some challenges in the Central Firearm Registry (CFR), following interactions with South African Police Service (SAPS) on the matter last year. The Committee had asked for an action plan, which was delivered in a briefing in November 2014, and there was further information provided at the Firearms Summit. Today's meeting was intended to get an update on where SAPS was with the turnaround strategy of the CFR. The Committee felt it would be very difficult going into legislative processing when there was still uncertainty as to the current capacity of the CFR to deal with issues. When the Committee dealt with the legislation there would be thorough discussion and public participation. It was clear, judging by the presentations, that there were two views coming to the fore – one that there was progress, but the other, held by civil society, that there were still some huge challenges and issues. It was important to get an exact indication today of where the CFR was. If there were problems of capacity, the Committee would have to look anew into the current legislative framework and what could be done to assist.

SAPS (Visible Policing): Central Firearms Register: Action Plan Progress Report
Lt Gen Khehla John Sitole, Deputy National Commissioner SAPS: Visible Policing, began by noting the five main objectives of the legislation which defined operationalisation. The focus was on the reduction of firearm-related crimes. The Firearms Control Act (FCA) was vertical legislation while there were other horizontal pieces of legislation cutting across firearm control. He acknowledged that there was a bit of a gap between SAPS/CFR and civil society but the

presentation would speak to moves to try and close this gap.

Maj Gen Maropeng Mamotheti, SAPS Component Head: Firearms, Liquor and Second-Hand Goods (FLASH), began by outlining the background to the briefing. In 2010, the Central Firearm Register (CFR) resorted under this Division. Visible Policing had experienced number of challenges such as firearm application, backlogs, corruption, poor service delivery and lack of command and control. The Portfolio Committee on Police instructed that the South African Police Service (SAPS) must develop a CFR Turnaround Strategy which was presented and approved by the Committee for implementation. The CFR Action Plan was developed to ensure the implementation of the Turnaround Strategy.

In terms of progress, the aim was to ensure effective, efficient and accessible service delivery to the client through the processing of firearm applications. With products and services rendered within the specified timeframes, the performance indicator was the percentage of compliance with specified timeframes in respect of number of days to finalise firearm applications, including renewals and competencies. That target was that 90% should be finalised per annum. 2014/15 progress saw 94% of applications finalised.

The next step was to review and revise the service delivery improvement plan. Performance would be measured by the number of meetings with stakeholders and dealers, hunters, collectors and the Private Security Industry Regulatory Authority (PSIRA) to address service delivery. The target was to have one meeting per quarter. The progress for 2014/15 was that four meetings were held.

In respect of corporate governance, the aim was to ensure effective governance and accountability through compliant practices and effective systems of risk management and internal control. The first action step was to design and implement a CFR risk management framework. The performance indicator was to implement the risk matrix by 31 March 2015. That had been completed.

The next action step was to activate preventative measures to curb and minimise corruption. Here, the performance indicator was the percentage of cases finalised within the stipulated timeframe. The target was that 90% of disciplinary cases would be finalised within 90 days. The 2014/15 progress included the fact that two PSA members and two Police Act members were suspended for more than 60 days, and disciplinary and criminal processes were in place. There was a delay in the disciplinary process as a result of continuing criminal investigations. The Human Resource Management (HRM) environment had been tasked by the National Commissioner to unblock the delays.

The next action step was to preventive measures to curb and minimise corruption. The performance indicators were the centralisation of the AVS (CFR to be access point for applications) and the percentage of initiation of vetting processes for identified personnel at the CFR. The targets were for a functional AVS and 100% of initiation of vetting processes for identified personnel at the CFR. In 2014/15, the AVS was centralised and functioning, and Crime Intelligence had prioritised the environment. 380 members identified for vetting had been subjected to the initial vetting process.

Maj Gen Mamotheti then moved onto performance management. The aim was to institutionalise performance monitoring, enable awareness, accountability and to improve service delivery. The first action step was to address administration and performance problems regarding audit findings within the CFR. The performance indicator was the number of repeat audit findings from external and internal assurance providers. The target was no repeat findings, and this was achieved for 2014/15.

The next action step was to conduct compliance inspections at stations identified as having shortcomings. The performance indicator was the percentage of compliance inspections on firearm applications conducted at sampled problematic stations. The target was that all 300 targeted entities should be inspected,, and that compliance monitoring visits be conducted at 45

identified problematic SAPS 13 stores. In 2014/15, 166 police stations were visited for compliance inspection from 1 November 2014 to 31 March 2015 while the rest will be visited in the 2015/16 financial year. 53 compliance monitoring visits were conducted.

Performance indicators, targets and progress were also outlined for the following actions steps: reports on the performance of the CFR in achieving the Firearm Acts' outcomes, implementation of quarterly performance and budget review reports and external stakeholder engagement to enhance operational processes (see attached presentation for full details).

Maj Gen Mamotheti noted that in regard to human capital management, the aim was to achieve CFR effectiveness by building capacity and capability that would transform the CFR into a high performance business unit. Performance indicators, targets and progress were outlined for the following action steps: ensure that the CFR was adequately resourced and skilled to deliver on its mandate, to increase the Designated Firearm Officer (DFO) training for PSA members to conduct administrative functions in the DFO environment, review and implement the current evidence management learning programme and to review the fixed establishment of the CFR.

In terms of facility infrastructure, the aim was to create a safe and secure working environment, and the performance indicators, targets and progress for the following action plans were outlined: improve the suitability of the CFR Veritas building, enhance accessibility through establishment of targeted service delivery points and for records to be filed and indexed correctly in containers.

The next area was information technology, where the aim was to support the business with required technology infrastructure based on service levels agreements. Performance indicators, targets and progress for the following action plans were outlined: expansion and replacement of IT equipment at the CFR, categorising data in terms of ratio and to improve SMS content of notification to applicants. A further aim was to develop and intensify the communication strategy through the "CCC approach": Communication, Command and Control, and Coordination. The performance indicators, targets and progress for the following action plans were outlined for enhancing communication with the target public on safety issues relating to firearm and legislative requirements. Additional information was provided for the procurement of additional storage facilities (containers) for files, acquisition of a building and capacity building.

Discussion

The Chairperson noted that, at the end of day, the CFR fell under Visible Policing (VISPOL). Since the beginning of the year, the Committee had been focused on leadership of SAPS and its entities. He sought an update on who was now in charge of the CFR, and what the medium to long term plans were. He noted that the main issues leading to this situation were to do with leadership. If there were constant acting positions in this environment, not much progress would be made. Someone needed to be appointed at the CFR who could really take charge of the environment and deal with current challenges, otherwise progress would not be made.

The Chairperson also felt that more detail was needed on the physical facilities – when was the interaction with Public Works? What were the issues at hand? The Committee needed an update on the practical steps and plans to move out of the building.

Lt Gen Sitole outlined that the post that had been occupied by Maj Gen Luke was now filled by Maj Gen Mamotheti, who was permanently appointed to be in charge of FLASH. There were also three permanent Brigadiers under FLASH. These appointments were part and parcel of the progress made along with quite a number of other posts which had been filled, so there were very few unfilled posts remaining. The leaders appointed were very competent to fulfil their jobs and they were under serious performance assessment.

A SAPS official added there were only seven outstanding posts in the whole CFR environment but they were intended to be filled by 1 August.

Mr L Ramatlakane (ANC) said that to him the presentation did not clearly set out an acknowledgment and resolution-finding mechanisms for some of the identified problems,

particularly for those highlighted by the Deputy Minister during the Firearms Summit. He asked where, on a scale from one to five, SAPS could say it was in resolving the findings made by the Deputy Minister? The presentation made no reference to these findings, and he wondered if they were regarded as a side issue? or whether management perhaps thought it not important to acknowledge and highlight the Deputy Minister's findings? To his mind, the comments by the Deputy Minister had actually gone to the heart of the issue, and repeated that he found it strange that they were not referred to.

He asked if SAPS was suggesting that everything was dependent on Department of Public Works (DPW) for infrastructure, and SAPS had no say because DPW acted on behalf of SAPS? On the targets for vetting, no mention was made of the current status quo of vetting. He commented that he could not agree that the revised fixed establishment was "completed" as there was additional work, and he asked what the deadline was for this. There seemed to be systematic problems. He repeated that he wanted an indication of where it was.

Lt Gen Sitole explained that the filling of the posts, alluded to in this answer, were under the current fixed establishment. Two feasibility studies were undertaken: one on the fixed establishment and one under the direction and guidance of the Deputy Minister after she visited the CFR. The Deputy Minister suggested CFR was a division on its own so a feasibility study was undertaken. Once the study was completed it would be presented to the Deputy Minister. The feasibility study on the fixed establishment said the positions in the CFR could only be filled in the current establishment and there could not be expansion. If the CFR became its own division, the establishment structure would change and be broader than the current structure. If SAPS received instructions from a higher authority when there was already an approved plan, SAPS would embark on a special action plan as an addendum to the existing plan.

In respect of implementation there would be integration of current deliverables. This addendum explained why the input of the Deputy Minister was not directly stated. Some of the instructions of the Deputy Minister were for the CFR to have more computers, to have interns to assist with the filing process - and here, he pointed out that 20 interns would be starting soon - and to work on the suitability of the building. The same process was followed when the Committee made inputs to SAPS to address issues.

In respect of the vetting, the initial stage of vetting was the gap analysis where all members were taken through this process. ID numbers were put into the system and members were shown up by the system if there was a criminal case or departmental conviction against their name. All members had gone through the gap analysis and had been cleared. The next vetting process was secret, and then top-secret – this was what SAPS was moving towards. He assured the Committee the gaps analysis was a completely reliable system and was the first safety net.

Another SAPS official added that the Committee would be aware of the challenges with the Waymark contract around the firearm system. In order to address this there was a Memorandum of Understanding between SAPS and the Council for Scientific and Industrial Research (CSIR) where there was a bilateral and technical committee addressing all issues relating to the evaluation and assessment of the system, also assessing the level to which the contractor had implemented under the contractual obligations. This process was continuing, with meetings every second week of the month.

Mr P Groenewald (FF+) agreed that more detail was needed in some parts, for example, on the initial vetting He asked how many vettings had been completed and how many members were still outstanding? He questioned the findings made in the report relating to improving the suitability of the CFR building and asked how these problems were handled? The presentation made reference to the number of file indexing completed for all finalised applications, but no mention of those not finalised, so he wanted to know if they were correctly indexed and filed because this was usually where the problem was.

Ms D Kohler Barnard (DA) knew that when the Committee visited the CFR it was a "rat and lice infested hell hole of a building" and she could not understand how anybody worked there, and

was surprised that SAPS members were not protesting about it. She remarked that papers stacked in the corridors would be hidden frantically when authorities came to visit the building and then the papers would be returned again, and this was a catastrophic situation. She did not understand how anything was found in this building. She sought more information on the Commission of Inquiry set up by the previous Minister looking into the entire firearm system, trainers and dealers. The deadline had passed but she had not seen anything on it. She wanted an update on the 15 members and civilians charged. She asked if the backlog of applications was completely cleared? Did it take 90 days to process applications? The problem might be that applications were dealt with by CFR in 90 days but then sat at stations for months – this caused a disconnect, and she asked what was being done about this? She wanted an update on the status of the members of the Appeals Board, and an indication of the turnaround time on an appeal. She heard there was a room full of appeals that had yet to be seen to or touched. She also called for comment from SAPS about the firearms that were handed in for destruction, turning up at crime scenes recently. For some time there had been claims that some of these firearms were sold off by SAPS members to criminals. Again, she wanted to know what was being done about this? There were also claims of firearms hired out of SAPS 13 Stores used by criminals and returned at the end of the day. She asked how situations had been tightened up at station level to ensure this did not happen?

Lt Gen Sitole suggested that the Committee be provided with a full progress report on these arrested members. The case had appeared in court but this was a complex and covert investigation where not all the details could be provided now. There were two covert operations involving the CFR, which enjoyed success. The moment a firearm was found on a crime scene, the Criminal Procedure Act applied immediately along with CFR processes and testing. SAPS started a Stores 13 project which was dedicated to correct the shortcomings at this store to ensure there were no gaps. This was also linked to the combined assurance process where all oversight bodies, including the inspectorate, internal audit and the Auditor-General, worked together to look at risks. There was also the compliance board within the inspectorate.

The Chairperson said this could be submitted to the Committee by the following Wednesday. The Committee needed the numbers, not full details.

A SAPS official added that the 90-days processing of applications referred to 90 working days. SAPS was conducting announced and unannounced visits to police stations to ensure they were held accountable and to address any hold-ups with the province. The Appeals Board fell under the Ministry so he suggested the question be escalated to that level. With regard to the the disciplinary case, one Brigadier was dismissed, another was reinstated along with a Colonel, the three PSA members resigned and some other charges were actually withdrawn because of a lack of evidence. There were no other disciplinary cases.

Lt Gen Sitole clarified that the Brigadier was not reinstated within CFR but was deployed elsewhere. The Commission of Inquiry was instituted by the Minister and protocol meant that SAPS could not speak about it until the report was released by the Minister.

Ms A Molebatsi (ANC) questioned if anything was done about the training of DFOs and whether the compliance inspection visits referred to were yielding any envisaged results. She asked what was being done at the three outreach programmes mentioned. Did the head of the environment feel there was any improvement?

Lt Gen Sitole responded by noting that the compliance inspections number was a projected performance figure but by the end of the deadline the target would be exceeded. The public awareness and education programmes were complemented by the multi-stakeholder forum involving civil society so the forum was part and parcel of the public awareness and education.

A SAPS official added that compliance inspections were conducted to ascertain whether stations were compliant or not, and if there was non-compliance, members were held accountable if there was negligence or omission in terms of their duties. There were also follow-up visits to ensure there was no recurrence of problems. Public education and awareness was conducted with the

outreach programmes, to alert the public of the dangers of firearms, and to encourage the community to report illegal firearms and whether licensed firearms were utilised illegally to commit crime or shoot randomly. This outreach also sensitised the licence holders to be compliant in terms of the FCA. There was also a mobile vehicle to assist communities to enquire about their applications.

Mr Z Mbhele (DA) asked about the "disciplinary cases finalised" performance indicator, which did not match the progress reported and target. He asked if steps were taken to increase the DFO capacity by training, and if the progress referred to the number of stations. If so, then it was quite far away from the target, and he asked when the target would be fully met. He pointed out that attention must also be paid to qualitative aspects. It seemed that members were going on courses but were fulfilling other duties at the same time. Furthermore, when members were transferred, the station lost that capacity of the trained members. He asked, therefore, what mitigation measures were in place to ensure the capacity was at least backed up to some degree.

Mr Mbhele commented that it was great to have expansion of IT capacity but there were questions around where the expanded equipment would go, and what this meant for bottlenecks, given space constraints of the building. At national office level, things seemed on the mend, but serious problems were apparent at provincial and station level,I such as massive application backlogs and capacity shortages and he wanted to know what measures were in place to address these issues at provincial level? Did the provincial operations around firearm applications and inspections reside primarily under the Provincial Commissioner's office or the CFR? He commented that it would help Members if they knew where the site of primary operational authority and management control was, to target the analysis, investigation and recommendations of the Committee more effectively, and who actually was monitoring the provincial challenges?

Lt Sitole explained that at a provincial level, the provincial commissioner was assigned to take responsibility for the CFR and was measured for this in terms of performance management processes. There was a provincial structure for the CFR, where there was a deputy provincial commissioner for operations, who was assigned with the responsibility to manage and direct the CFR. Underneath that level, there was then a provincial head of VISPOL at the level of Brigadier. This Brigadier accounted to the deputy provincial commissioner on CFR issues. Within the CFR was the provincial head of FLASH. This was the responsible management structure.

A SAPS official added that the number indicated on the presentation related to those members trained since the approval of the action plan. The rest of the members would be trained in the next financial year. With the transfer of the DFOs, an instruction was issued by head office to all provinces to note that before a DFO was transferred, there must be approval by the provincial commissioner. This explained why PSA members were also trained to ensure that they filled any gaps.

Mr J Maake (ANC) was mainly concerned with the suitability of the CFR building and wanted to understand the use of containers, asking if these were shipping containers parked outside the CFR building. Problems could not be solved unless what was happening in the CFR was sorted out, and this involved DPW. He did not know of a single department who did not complain of DPW, so he was happy that department would be appearing before the Committee so that Members could get an understanding of how it worked. He emphasised that when Members asked questions, the aim was to help SAPS with problems. Maybe some of the responsible officials from DPW could accompany the Committee next time it went on an oversight visit to see the problems.

Lt Gen Sitole indicated that the Committee was the service delivery platform of SAPS because the service delivery shortcomings were highlighted at these meetings. SAPS would immediately improve these challenges, so this input was appreciated. He asked for the support of the Committee in relation to DPW and the building. This was a question of strategic alignment in government. DPW had its own priorities and the CFR building was not as high a priority, so

SAPS was on the "normal priority" list in terms of capital projects. As a result this delayed SAPS processes as it waited on DPW. He urged the Committee to assist in pushing the priorities of SAPS forward when engaging with DPW so that the building was given attention urgently because his view was that the CFR was a priority in government – the sooner it was addressed the better. SAPS had submitted all the documents and indicated to DPW that it was extremely urgent. He would appreciate the support of the Committee.

The Chairperson said Mr Groenewald's question would be answered in the next round of discussions.

Professional Hunters Association of SA (PHASA) Presentation

Mr Hermann Meyeridricks, PHASA President, began by noting that there was great economic contribution which came from PHASA. In terms of non-monetary contributions, there was job creation where approximately 140 000 jobs were in the entire value chain. Wages were on average higher than in agriculture, employment ratios compared to agriculture was three times more and the labour was skilled. There was provision, through the PHASA activities, of low cost protein, social uplift projects, community development, skills transfer and transformation so there was a socio-economic, tourism and conservation success story.

With the SAPS/CFR and hunting industry relationship, firearms were tools of the trade of professional hunters and the hunting outfitters for hunting, guiding, client use, client safety and also protection of wildlife (particularly rhino). The private hunting industry relied on temporary import permits and there were legitimate interests of resident hunters, sport shooters and collectors.

CFR challenges in general were seen in administrative processes and service delivery, lack of uniformity in application of the Act, "rules" and "policy", for example, late applications for renewals in the provinces and acceptance of applications at various DFOs. There was also a lack of guidelines. This meant that new "rules" were determined arbitrarily without communication, for example, this was seen in the documentation to be included with application motivations, endorsements which were sometimes treated as an absolute requirement, required supporting documents (e.g. letters from hunting outfitters/landowners) and timelines for certain applications, while the CFR disregarded its own timelines. If these challenge were not addressed there would be a lack of clarity, uncertainty in the public and the CFR itself, leading to frustration and delays. This would affect legitimate business interests, open up space for litigation, create an unnecessary administrative burden and open up for corruption. From PHASA's perspective, SA's competitive edge as a preferred hunting destination was waning due to import restrictions. The perception abroad was that it was easier to go elsewhere and it was containing growth of the industry, rural economy and creation of jobs.

Mr Meyeridricks highlighted some specific issues of temporary import permits which had a massive effect on SA's professional hunting industry and created capacity problems when permits were not issued in time. There were also issues with temporary export permits, renewal of competency certificates, head stamps on reloaded ammunition, a clear policy was lacking on section 21 permits and there were undue delays in the applications for barrel replacements. There were issues with late applications for renewals which were inconsistent per province, training certificates, the requirement for submission of all training documents, notwithstanding competency certificates already issued on the basis of the same documents, refusal notices with new applications where it was difficult to ascertain deficiencies in original applications, and there were time constraints with the evaluation of semi-autos in terms of "new" amendments to the Act and consideration by the Registrar personally.

There were suggestions that there should be clear policies, protocols and guidelines/criteria for each situation to be applied consistently, sufficient funding for the CFR, sufficient and suitably qualified personnel, suitable training, limited staff turnover for consistency, and a "career path" development for DFOs. PHASA also remarked on the need for regulations to be published, publication and implementation of suggestions of the Ministerial Advice Committee and for the CFR to communicate via email.

Gun Owners SA (GOSA): Presentation on the Turn-Around Strategy of SAPS/CFR

Mr Johan Schoeman, Representative, Gun Owners SA, began by outlining that gun owners in SA may broadly be classified as the following stakeholders:

1. Industry

- Manufacturers
- Importers
- Wholesalers
- Dealers
- Gunsmiths

2. "Non-Dedicated" firearm owners, typically:

- Self-defence owners
- Occasional Sport Shooters
- Occasional Hunters

3. "Dedicated" firearm owners, typically:

- Dedicated Sport Shooters
- Dedicated Hunters
- Collectors

4. "For Business" firearm owners, typically:

- Professional Hunters
- Security industry
- Training providers

Mr Schoeman said that in regard to the CFR turnaround strategy, GOSA was not privy to any existing structure so it could not comment. GOSA did however have ideas on how to "fix" the CFR which was informed by its experience as "customers" of the system. From the outset, the Firearms Control Act of 2000 was not a well thought out nor a functional Act. Firstly, to establish the apparent shortcomings of this important legislation, GOSA strongly recommended that an independent forensic audit of the entire Act, amendments and operations from CFR to DFO level should be initiated as a matter of urgency. This suggestion was made in the knowledge that there were lessons to be learnt and the hope that parts of it could be salvaged. The current system was unnecessarily confusing, unclear, difficult, time-consuming and, because of this, bred corruption and illegal behaviour. Just recently he fielded a call from a learner colleague, a pilot, saying that he knew how one could obtain a license in two weeks. The result was that the aims of the Firearms Control Act were not met. In fact, the current situation actively undermined the aims of the Act.

Citizens should not be denied their constitutional right to life and their choice of tools with which to safeguard that right. Currently many citizens were effectively denied these rights due to the CFR being dysfunctional. The Firearms Control Act was to prevent the proliferation of illegally possessed firearms and, by providing for the removal of those firearms from society and improving control over legally possessed firearms, to prevent crime involving the use of firearms. A dysfunctional CFR cannot meet this requirement. The Act was also to enable the State to remove illegally possessed firearms from society, to control the supply, possession, safe storage, transfer and use of firearms, and to detect and punish the negligent or criminal use of firearms. Currently this was not being done, because scarce resources were tied up in administrative tasks, meaning that proactive policing was neglected.

Albert Einstein defined insanity as "doing the same thing over and over and expecting different results". With the turnaround strategy, there was a lack of training and/or expertise and

duplication of tasks. Allocating more resources to an inherently flawed concept and system would not achieve the desired outcomes. What was needed was a fresh look at the system and processes and a re-design and a change of mind-set.

Mr Schoeman pointed out that currently, in order to legally possess a firearm, an individual must:

- Complete the prescribed training courses
- Possess and install a prescribed safe
- Apply for a Competency Certificate
- Wait for adjudication of Competency
- Purchase a firearm
- Motivate the application for a licence
- Submit the application and supporting documents
- Wait, after approval, for a licence card
- Collect licence card
- Collect the firearm
- Renew Competency every 5/10 years
- Renew firearm license every 5/10 years

There was duplication between various steps in the process between competency and obtaining a licence including making an application to the DFO, transport to get the application to the provincial office, transport to get it to the CFR and adjudication for both competency and obtaining a licence. There was no clear answer on what was currently required for a licence application as there was no definitive list of required documents. DFOs had compiled their own lists through trial and error and there were many discrepancies between DFOs and provinces. The public had also compiled its own lists through trial and error. The result was that there were many different opinions on what needed to be included. The result was 'padding' of applications by adding more and more documents, in the hope that all bases were covered, to the point that some applications were in excess of 300 pages. This might explain why the CFR was looking to procure containers to house all the documentation. No one had the time to read through all, let alone the CFR itself. This was unnecessary and revising and cutting down the required documentation would also cut down on the workload.

Mr Schoeman then showed an example of how the requirements could be simplified and to cut down on duplication, what documentation and processes could be done with in order to licence the person and register the firearm. This would ensure:

- Less paperwork
- Less time
- Less resources consumed
- Still ensure that only those that were fit and proper were allowed to legally possess firearms
- Enable a functional Register
- Real time update of Register
- Freed up manpower and resources
- Empowered SAPS to enforce the laws
- Empowered SAPS to meet the stated aims of the Firearms Control Act

He pointed out that National Commissioner, Ms Riah Phiyega, noted, during the Firearms Summit, that 'cars have to be relicensed every year, even though the driver is already licensed' when there was discussion over licensing a person and registering a firearm. However, he pointed out that vehicle licensing was an administrative and tax function and did not need anywhere near the amount of documentation and/or administrative workload. For vehicles, the form was submitted, the fee was paid and the licence was issued immediately. This process was not such a drain on resources. If vehicle licensing required 300 page motivations then that system would collapse too.

Short-term interventions to improve turnaround could include:
- creating a simplified and unambiguous procedure for all aspects of the licensing process and make this information available to all stakeholders (internal and external)
- in order to eliminate or significantly simplify re-licensing in the case of current collectors, dedicated sports-persons and dedicated hunters (Sections 16 to 20), the decision would be taken on the basis that for as long as they continue to hold such status and have valid competency, they will continue to have justification for the possession of the associated firearms
- Loss of such status or of associated competencies (including as a consequence of non-renewal) would then result in the termination of the corresponding licences.

Ms Nadine Prior, SA Dealers Association (SADA), added that communication with dealers remained a huge problem. When the Act was first implemented, SAPS told the then-Chairperson of SADA that dealers' participation was crucial in ensuring the Act worked. However, communication with dealers had gone "from indifferent to abysmal" in the sense that there was no communication any more. In the absence of information, rumours and hearsay tended to fill the vacuum and this was not good. It also made SA look bad in the eyes of the international community for the country was seen as incompetent, when represented by the CFR. Since the Firearms Summit, dealers had been telling her, almost on a daily basis, that their emails and phone calls were not being answered or responded to. It was not known who to communicate with, at SAPS and CFR. There was no idea why import permits, which were crucial to the running of business, were taking months instead of 21 days as stipulated in SAPS' own regulations. Nobody knew what was going on. There was a real need to interact with the CFR, almost on a daily basis, and she asked for the Committee's support in developing a liaison between dealers and the CFR.

Security Industry Alliance (SIA) briefing: "The Firearms Control Act – Has it been Implemented Successfully "

Mr Martin Hood, Attorney, Representative of Security Industry Alliance (SIA), began by noting that it was ironic that he heard the Committee calling for the implementation of the FCA when he had opposed it so strongly 15 years ago. He apologised in advance because he knew he was going to upset people with plain speech. However, he felt it was time to make a realistic assessment of the CFR, what the issues were and how to deal with them.

He found the SAPS presentation too abstract, not telling him anything of the fundamental issues raised by civil society. Yesterday he dealt with a security company who had been given a contract by Transnet, which was a parastatal. Many of the locations to be guarded by the security company were national key points. However, the security company had to wait four weeks for the police station to register the application – it was such an onerous job in terms of the procedures. Another security company had 40 applications lost; they simply "disappeared into a black hole". In another case, a municipal police force was trying to import some shotguns but this organ of state could not get the import permit from CFR. These were the type of issues to address. SAPS did not understand the problem – it was as simple as this. SAPS could not solve their own problems that they had created. For this reason, he suggested that the firearms registration function had to be taken away from SAPS, put somewhere else and addressed independently of the CFR and even VISPOL.

He noted the Firearms Control Act was introduced in 2004, with no supporting policy, which resulted in distrust between the industry, civil society, the CFR and politicians, with court cases involved. This resulted in a Ministerial announcement in November 2010, in which the previous Minister of Police, Mr Nathi Mthethwa, stated that "it is crystal clear that significant problems still exist with regard to the smooth implementation and administration of this Act". This announcement resulted in the removal of the first head of the CFR and monitoring of the CFR by the Secretariat for Safety and Security. The Secretariat was tasked to investigate the CFR and attempted to set up consultative forums. However, this report by the Secretariat had not been released to the public.

Problems were identified in 2009/2010 with the integrity of the database, ineffective communication, lacklustre IT systems where hundreds of millions of rands were spent on

equipment that still did not work, corruption, with most of the decision-making taking place behind closed doors, management and organisational challenges at the CFR and maladministration. The 2009/2010 recommendations were to initiate an intervention team for backlogs, institute management changes at the CFR, redesign the CFR's IT system and investigate corruption and bribery with dealers and firearm trainers. The report of the Ministerial Inquiry into Corruption and Bribery (2013) was yet to be made public. This did not acknowledge or recognise the problem.

Mr Hood applauded the Deputy Minister for her forthrightness, as seen at the Firearms Summit, where she stated "I am very sad to say today that with the billions that the South African Police Services gets every year from Government since 1994, we are still plagued with the same problems of a Central Firearm Registry that is dysfunctional and in constant decay!" (25 March 2015). Although the Deputy Minister must be congratulated, problems still remained and there was no willingness from the CFR to find a resolution. He highlighted an example of Colonel Sibongile Dorah Kibido who, in a signed affidavit (dated 8 April 2015) in a court case, stated "it is denied that there are structural and administrative difficulties in the Administration of the Central Firearm Registry. There were such difficulties some years back in 2010 but those problems were since rectified and the administration is running smoothly at present". He was very concerned that a SAPS officer could lie in court this way, in the face of what the Deputy Minister had said. This was dishonest, misleading and symptomatic of the refusal of the CFR to acknowledge and deal with problems. Furthermore, this was not an isolated problem.

SIA and the industry were committed to working positively with SAPS and at a political level. The industry worked with PSIRA through a successful and productive relationship, but PSIRA was limited by a lack of funding and resources. An organised and compliant industry, government, law enforcement and Regulator could work together.

In terms of an objective overview of problems in the CFR today, a corrupt database remained. It was difficult to amend and update information, and re-licensing was unsuccessful, as data correction was not achieved. The lack of transparency continued. There was no consultation with forums and no response to problems submitted by forums. There was no progress with the IT system – no new IT system tender was awarded - and there was no electronic connectivity. Management and organisational challenges persisted where there was inefficient distribution of resources and inconsistent workloads across the provinces. There were vacancies in the CFR, and given that the firearms environment was a speciality, correct remuneration was needed. Importantly, Acts and regulations remained unsupported by a policy. Fifteen years after the FCA was debated in Parliament, there was still no policy. The old Arms and Ammunition Act had a policy – so why did the Firearms Control Act not have a policy?

Mr Hood then discussed the implications of a lack of policy. He stressed that if a policy was not publicly available nor compliant with the Constitution, this led to arbitrary and/or capricious inconsistent application of the Act from station to station, region to region and province to province within the CFR and the Appeal Board. There were no guidelines/policy for security industry firearms, importation of firearms, SAPS 21 permits (short term permits), processing of SAPS forms (dealer stock reports), lodging and processing applications and the information required for application.

Mr Hood maintained that it would be possible to achieve progress if there was political will to recognise and embrace the problem, cooperation with stakeholders, work with industry for practical solutions, focus on administration and implementation, a full audit of the database and the establishment of ministerial committees outside of the CFR and at top level in SAPS. On progress specifically for the security industry, there needed to be effective implementation of the PSIRA legislation, empowerment of PSIRA and for non-compliant providers to be made compliant and integration of PSIRA and SAPS databases. There was no quick fix and one needed to be in it for the long haul and embrace the lawyers.

Gun Free South Africa (GFSA) briefing

Ms Adele Kirsten, Director: Advocacy and Lobbying, Gun Free South Africa, began her submission by speaking to record keeping being a global norm, noting it was now accepted

across the world that accurate record-keeping was a cornerstone of effective firearms control. With the adoption of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (UN PoA) in 2001, consensus emerged, within the international community, that marking and record-keeping were basic preventive measures to stem the flow of guns from the legal to the illegal pool. The UN PoA urged member states to adopt these measures at the national level. Record-keeping involved the collection and maintenance of information in order to 'facilitate the identification of any weapon, its legal status and the location of its storage, at a given stage of its life.' Records were generally kept across the life cycle of a firearm: from the point of manufacture, at import, at commercial sale, at possession, in case of loss or theft, and finally at destruction. Accurate record-keeping was also a key element in developing appropriate and effective strategies to reduce gun violence. Her briefing would examine SA's record-keeping regime, with a particular focus on the CFR, identifying the key challenges faced by the CFR in carrying out its core function, and reviewing the various turn-around strategies adopted by the Ministry of Police and related institutions in addressing these challenges.

In the lead up to the introduction of the Firearms Control Bill to Parliament in 2000, all available information on the nature and extent of firearm use and distribution in SA was collated by the Crime Information Analysis Centre. This included the number and type of licensed guns in the hands of state institutions, private security industry and civilians, the use of guns in crime, loss and theft of firearms and a brief overview of the extent of firearm deaths. This data played a central role in helping government develop policy that informed the need for a comprehensive and effective system of firearms control in SA. For example, the data showed that in 1998, 85% of all robberies in SA were committed with a handgun, a ratio of 6:1 compared to other weapons (i.e. knives, blunt and sharp objects). Subsequently, the FCA limited access to handguns through a number of means, including limiting the number of handguns any one person can own.

This information was collated by Rob Chetty into a booklet entitled, *Firearm Use and Distribution in South Africa.* It was the first time that all available data on firearm use and distribution in SA was collated into one source, thereby establishing a baseline. The 'Chetty book", as it became known, had been widely used by researchers, public health specialists, activists, civil society organisations, MPs, government officials, and the media.

The FCA adopted by Parliament in 2000 was the principal Act governing firearms control in SA. Its purpose was two-fold:
1. To establish a comprehensive and effective system of firearm control and management.
2. To ensure the effective monitoring and enforcement of legislation as it pertained to the control of firearms.

Chapter 17 of the FCA dealt with the organisational structures responsible for implementing the law, in particular outlining the duties and function of the Registrar (that was the National Commissioner) as well as specifying the information that must be contained in the Central Firearms Register, which was the primary record-keeping mechanism. It also looked at the establishment of the Appeals Board and other Ministerial Committees.

Over the last 15 years there had been significant changes in the firearms control regime in SA which had impacted on both the use and distribution of firearms. Furthermore, there had been significant advances in understanding the nature and extent of gun-related deaths through the innovation of a national injury and mortality surveillance system, as well as through scientific research which demonstrated that less guns equalled less gun violence.

Ms Kirsten then looked at the turnaround strategies of the CFR from 2010 to 2015, noting that over the last five years, there had been numerous reports on the status of the 2010 and subsequent CFR turn-around strategies, including several presentations to the Portfolio Committee on Police, the most recent given by the National Commissioner at the Firearms Summit in March 2015. Despite all these reports, there remained little clarity on whether the problems identified in 2010 had been addressed in any substantial manner. In June 2010, the Minister of Police established a Task Team led by the Civilian Secretariat for Police (CSP) to

undertake an assessment of the implementation of the FCA. The Task Team's report identified a range of problems with regard to both the implementation of the FCA and functioning of the CFR. Her briefing outlined five of the problems identified by the Task Team and would show how, almost five years after the Task Team's report, most, if not all, of the problems involving the CFR continued to undermined SA's firearms control management system:

Problem 1: Backlog in the processing of licences

The Task Team's report noted "major backlogs in processing...licences and this backlog is the major cause of litigation." It stated that as of 30 July 2010 there was a total of 1 387 487 firearm applications awaiting processing, 804 942 for renewals and 582 545 for new licences. In November 2010, the Minister of Police acknowledged the "malfunctioning" of the CFR, which had resulted in a backlog of firearm licence applications. The Minister promised to turn the CFR into a "functional unit" that would deal with the backlog by July 2011. According to SAPS 2011/2012 Annual Report, the backlog relating to 1 048 341 firearm applications (included renewals) was finalised, when the CFR processed over 1 million applications in 9 months. As in other ill-considered 'target-setting' measures adopted by the SAPS to assess performance, the focus was on reaching the target of processing just over a million firearm applications, rather than ensuring that all firearm applicants were, or remained, 'fit and proper' persons to possess a gun This had compromised the management of the firearms control system.

Problem 2: Integrity of the database system

A core function of the CFR was keeping records of who owned what firearm for which purpose. However, the Task Team's report noted a number of factors that undermine the integrity of the CFR's database system, namely:

- Backlogs.
- Irregularities and corruption in the issuing of firearm licences, permits and authorisations.
- The existence of two database systems – one for firearm licences, permits and authorisations issued under the old Arms and Ammunition Act (1969), and the other for licences, permits and authorisations issued under the FCA. Resources were allocated to amalgamate both systems but this had still not been completed.

Further, despite significant investment in Information Technology (IT), the Task Team's report noted, "there is a lack of understanding by the CFR of the value derived from effective management of information." The report goes on to note the following problems:

- No single system on how to process and store information.
- Duplicate computer systems to track, plan, store, and evaluate the performance of the CFR.
- IT systems did not always speak to the requirements of the FCA or Regulations.
- IT systems were not used by staff and much of the work done by the CFR was done manually.

Problem 3: Corruption and irregular issuing of licences

The Task Team's report noted a number of instances involving irregularities and corruption in the issuing of firearms licences, including:

- Issuing of licences to people who should have had their licences refused (no examples were given).
- Paying of bribes to ensure that licences were issued and to avoid delays.
- Licensing prohibited firearms which were then not accurately listed on the system.

Since the 2010 report there had been a range of instances of fraud and corruption along the firearms control management system involving firearm licences, permits and authorisations. In response to assertions of fraud and corruption by firearms dealers and firearms training institutions, the Minister of Police established a two-person Committee of Inquiry in May 2013 to

conduct an enquiry into these allegations of questionable practices. Public submissions were solicited and the Committee's report finalised and submitted to the Minister of Police. Two years on, the process had ended up being "shrouded in silence". No-one in the various policing entities, including the Ministry of Police, dare speak about it. Surely the findings of the Committee of Inquiry could shed some light on the functioning of the CFR, with recommendations on how to improve it>? To date the findings of this Inquiry had not been made public.

Problem 4: Renewals under the FCA

Renewals were a cornerstone of the FCA, ensuring that firearm owners continued to comply with the requirements of the law. In addition to stipulating that competency certificates be renewed every five years, the FCA also required the regular renewal of firearm licences, with renewal periods varying from two to ten years depending on the type of firearm owned and reason for ownership. The Task Team's report noted that between 2010 and 2014, 493,445 competency certificates would come up for renewal, yet, "The FCA or Regulations do not describe the processes or procedures to be followed in respect of re-application for competency, other than to state that a competency certificate lapses after five years...The area relating to the issue of renewal of competency certificates needs to be addressed as a matter of urgency in order to ensure compliance with the provisions of the FCA." The report went on to note that 214 548 firearm licences would have to be renewed between 2010 and 2014, and that "The process around these renewals...needs to be properly communicated to gun owners."

In a move aimed at addressing fraud and corruption in the issuing of competency certificates, the quality assurance of firearms training institutions had been transferred from the Safety and Security Sector Education Training Authority (SASSETA) to the Professional Firearms Training Council, after the SETA had its quality assurance role removed for lack of performance. The PFT Council successfully registered with the Quality Council for Trades and Occupations as a professional body. In addition, the Firearms Control Amendment Bill 2015 addressed the discrepancy between the validity of a competency certificate and that of the firearm licence, with an amendment that aligned the validity for a period of five years.

Problem 5: Independence of the Appeal Board

The Task Team noted a perception that the Appeal Board did nothing more than rubber stamp decisions made by the CFR and that in the High Court case of *George Black vs the Minister of Safety and Security*, the judge criticised the Appeal Board in his ruling for, "not having the expert knowledge of firearms to enable it to properly rule on cases." The Firearms Appeal Board was a key structure in the firearms control management systems, ensuring that firearm licences were granted only to people that were 'fit and proper'. This perceived lack of independence was being addressed in the Firearms Control Amendment Bill, with an amendment that required the Appeal Board to function independently of the CFR. The Amendment Bill also extended the number of Appeal Board members from *only* five to *at least* five, recognising that these members must also be broadly representative of the population of SA.

Ms Kirsten outlined the impact of this breakdown in SA's firearms control management system was twofold - diversion of guns from the legal into the illegal market and an increase in gun related violence. Firstly, once firearms were in illegal hands they were beyond regulation, and required costly – and often dangerous – police interventions to recover them. Secondly, in early 2012 several of the Level 1 Trauma Hospitals in SA began to record an increase in patients presenting with gunshot injuries

The problems identified by the Task Team in 2010 persisted almost five years later, with very little action being taken to address them. The result was a steady leak of guns into the illegal pool of weapons and an increase in incidents of gun violence.

Since the start of the Fifth Parliament, with a number of changes across policing oversight bodies, in particular in the Police Portfolio Committee, significant attention had been paid to both the implementation of the FCA and the functioning of the CFR. The introduction of the Firearms Control Amendment Bill provided an ideal opportunity to decisively deal with these problems, in particular to ensure that an integrated electronic data base system for record-keeping was put in

place, which would go a long way to addressing what the Task Team's report described as, "a completely dysfunctional [system] and rather than assisting in streamlining the process they serve to create blockages and delays". Releasing the findings, in particular the recommendations, of the Committee of Inquiry Report could go a long way in assisting every stakeholder to better assess the functioning of the CFR, and more importantly, to put in place measures that will ensure accurate and effective record-keeping of firearms in South Africa.

Discussion

Mr L Twala (EFF) observed there did not appear to be engagement through stakeholder meetings – this was a bleak picture painted by the presentations. He was of the view that there should be a stakeholder arrangement for engagement, talk to proposed amendments to the Act and all afflictions. Role-players could engage on how to shorten processes.

The Chairperson said this was a very valuable suggestion.

Lt Gen Sitole asserted that there was a multi stakeholder forum which he chaired himself, involving all organisations dealing with firearms, including the presenters from today. There were further engagement forums – one with PSIRA, one with the Dealers' Association, one with the collectors and another with the hunters. If there was stakeholder engagement but still complaints of lack of communication and transparency then there could be a language problem in the engagement or a communication breakdown at some point. The purpose of the multi-stakeholder forum was for the General to get involved personally. He would take all the issues raised to the forum and he believed and hoped the situation would get better. He appealed to all stakeholders to attend this forum.

The Chairperson wanted the minutes of the forum for the last 12 months to be provided to the Committee to check whether the forums indeed took place and who was present.

Mr Maake agreed that some of the organisations who presented needed a middle ground to sit down and work the issues out, and take matters from there as to what suggestions could be in the Act itself.

Mr Ramatlakane thought that it was tempting to go the shorter route but he had some concerns. One of the suggestions of the Firearms Summit was that there was too much tension in the room and that stakeholders should retreat to a room to resolve a number of issues. He hoped that this would have happened as it would make for smoother sailing. In the SAPS presentation, reference was made to some form of stakeholder forum for engagement but having listened to the stakeholders, it was clear the Committee needed to seriously discuss some of these problems. For instance, what affidavits had highlighted was very worrying and pointed to some denial of the problems. In his own understanding, the affidavit cited, although he was not privy to all the details around it, was essentially saying the input of the Deputy Minister at the Firearms Summit was a lie. Problems needed fixing and this required acknowledgement that there was a problem. The Committee would have to apply its mind and make a recommendation as to what must happen. To ask many individual questions might not be helpful. There would always be a healthy tension with the Regulator, because buying a firearm was not like buying a bag of oranges and there were regulations.

The Chairperson agreed that deeper discussion was needed in the Committee. He did not want to pre-empt matters but it was quite clear the Committee would need to make recommendations.

Lt Gen Sitole responded that a middle-management Colonel made this statement and protocol did not allow him to change what the Deputy Minister had said. There would be follow up in terms of command and control.

Ms M Mmola (ANC) found all the presentations disturbing but everyone needed to sit and find one solution. The Committee also needed to sit and discuss all these issues.

Mr Groenewald heard what civil society was saying and it was a big problem. The Committee

was briefed on reports, received turnaround strategies and heard about challenges but nothing happened. He wanted a date from Lt Gen Sitole as to when everything would be running smoothly in the CFR.

Lt Gen Sitole responded that there were certain things raised in the presentation which had not yet been done and there were certain things not done correctly. There were service delivery improvement related issues which SAPS needed to factor back in for correction. It was good to raise these issues because it was the duty of clients to inform SAPS, in terms of the Service Charter and promise, to evaluate the service of SAPS. There were also things done, so it was not correct to say "nothing" had been done. He suggested what had been done should be acknowledged and separated from matters not done. This would help SAPS to accept criticism positively and not resort to being defensive.

Mr Groenewald interjected and asked that the Committee be provided with lists on what had been done and what had not. It was no good making airy statements. This was exactly his problem – there was a lot of talking instead of getting down to the specifics, and making sure that everyone had clarity on the issue. He was tired of smokescreens, and wanted the specifics.

The Chairperson said this would be helpful. SAPS could also respond to the issues raised in the presentations of civil society.

Lt Gen Sitole said the information could be provided after having gone through all the presentations to indicate what had been done and what had not yet been done.

Ms Kohler Barnard wanted to know how many instances there had been when firearms, handed in for destruction, had appeared at crime scenes and how many arrests of SAPS members, and in what provinces, had been made in this regard? She wanted this issue pinned down. She was "utterly horrified" to hear the update on the 15 CFR members, that not one single person was in jail and that some were even recycled within the SAPS, for as far as she was concerned "these people were criminals". The story was splashed on the front page on every newspaper at the time. Either these members were arrested unlawfully, in which case SAPS should probably be sued, or SAPS made a total botch of the process, in which case it should apologise to the SA public for bringing the CFR into disrepute, or these members were in fact criminals and should not be in the SAPS at all. She asked the Chairperson to write to the current Minister and ask for a copy of the Inquiry report.

Ms Kohler Barnard said it was also necessary to know what number of firearms did a professional hunter utilise in doing in his/her job in this business? What number did a sport shooter use in the sport? She was convinced there were moves from uninformed officials to limit these numbers at a whim. These limitations may well cut people out of the Olympics, and this was extreme arrogance.

Lt Gen Sitole said the Criminal Procedure Act was read with other legislation, such as labour laws and court decisions. Sometimes the courts decided it was best to deal with matters involving SAPS members administratively. A decision was then taken as to whether the member/s should be expelled from the Service or should stay. There was a departmental process involving these members and through the labour laws and arbitration some returned to the Service. Matters were addressed according to legislation.

A SAPS official added that a written answer could be provided on the specific issues needing exact numerical responses for he did not want to speculate.

Mr Hood said he needed to make some comments in response to what Lt Gen Sitole raised, because it raised some of the fundamental problems that SAPS currently had.

The Chairperson asked that input be provided in writing.

Mr Hood insisted that it would be useful to make the input now, for the benefit of the Committee.

Certain things were said of the affidavit of the particular Colonel and it was important for Members to know the status of this Colonel because her comments went further than undermining the Deputy Minister. She had actually said she made the comments on behalf of the Minister as the Section Head.

The Chairperson did not want to open up for further dialogue at this point, and requested that Mr Hood was to make the input in writing, for the Committee to consider.

Mr Paul Oxley, Sports Shooters Forum, wanted to support Lt Gen Sitole. A process was embarked upon, just after the Firearms Summit, where the Sports Shooters Forum offered to help SAPS as subject-matter experts. Lt Gen Sitole kindly hosted them at his offices on 5 May and there was discussion on how sport shooters, in particular, could assist SAPS. Subsequently there was another meeting on 22 May at CFR and progress was made. The processes to be put in place would be coupled with protocols. He needed to know that these protocols would be taken forward and would actually be implemented. He did not want the process to become a talk shop but said that partnerships actually happened, with Ministerial approval. This was being done in the interests of SA, firearm legislation and the authorities.

Mr Groenewald wanted to know if this was the end of the responses. He was very frustrated that he asked a very specific question on a specific slide in the presentation, and he did not get any response.

Lt Gen Sitole said an official would provide the answer. He apologised for not answering the question.

Mr Groenewald expressed that he was very frustrated and felt his time was being wasted. It was disrespectful and unacceptable that SAPS did not answer his essential and specific question on the proper filing and indexing of non-finalised applications. He decided to leave the meeting.

Mr Maake noted that he felt very intimidated at this point.

The Chairperson asked that temperatures be turned down.

A SAPS official responded to Mr Groenewald's question, stating that the process of indexing was continuous given that there were more than five million applications. The indexing began with the current financial year working backwards to ensure there was accuracy for audits, and to help the Appeals Board if they requested applications so that they were readily available.

Ms Maggie Sotyu, Deputy Minister of Police, said this was one of the best presentations thus far on the CFR since she had been dealing with the Firearms Control Act. The Ministry was open to working with everybody for the benefit of SA. Firearms were involved in many violent crimes and most of these firearms were illegal so the CFR was a very important programme within SAPS. The main challenge was the facility of the CFR, but last week she had received an invitation from the Ministry of Public Works where it was requested that a senior official should sit in on the DPW committee dealing with infrastructure and facilities. The Minister had felt that the Deputy Minister should attend to ensure the CFR building was being prioritised. After her visit to the CFR, she did not see the 90-day turnaround time for processing applications as not being realistic and said interns could be included to assist with the administration. With the training of DFOs, she did not see much change with what was happening. She chaired the DFO Committee, and said that in most cases the DFOs were involved in administration but were also supposed to check compliance of the institutions with the legislation. The DFOs dealt with firearm legislation, second-hand goods applications and liquor applications and compliance thereof. Provinces would be visited in July especially to empower the stations which did have DFOs to meet the target of 90-days.

The Deputy Minister reiterated that she was pleased she was invited to this meeting. The Minister had planned a summit for Friday together with SAPS internal stakeholders (IPID, PSIRA, CSP and a few experts) to debate policy on gun ownership, her findings on the CFR and

recommendations thereof. One of the recommendations was to make CFR a division, because if it was it was likely to be taken more seriously than if it remained a small unit. She was one of the MPs dealing with the FCA 15 years ago, and it was a very difficult exercise. Everyone was needed in the process, because SAPS would not get it right on its own. There was an indication that most of her findings at the CFR would be addressed, as she was given a report by SAPS on it. It was now important to submit progress reports so that matters did not become stagnant. There was a need for commitment and very strict command and control. She did believe that SAPS was trying its best. In regard to the unfortunate affidavit made by the Colonel, it was a very serious offence to lie under oath. She would write to the Minister and National Commissioner to raise her concerns about this Colonel.

The Chairperson said that before August there must be comprehensive stakeholder engagement between SAPS and the stakeholders present, otherwise the process would be very difficult moving forward to August and September. The Committee also needed to discuss matters. However, at the end of the day the buck stopped with the accounting officer of the Department. The Committee would take serious stock of the current state of affairs because it was important that there was progress and turnaround. SAPS would have to submit a monthly report to the Committee on progress in terms of turnaround of the CFR, from today onwards. The danger was that if a certain model was adopted in the legislative process but SAPS' internal workings and organisational structure did not speak to the model, no progress would be made. It would be essential to have a re-look at the current structure and level. The Committee would be monitoring matters very carefully going forward.

Draft Report of the Portfolio Committee on Police on its oversight Visit to the Mpumalanga Province, dated 10 February 2015

The Chairperson commented that this document was well drafted. The Committee went through the report page by page.

Members noted grammatical, format and spelling errors.

The Draft Report of the Portfolio Committee on Police on its Oversight Visit to the Mpumalanga Province, dated 10 February 2015 was adopted with minor amendments.

Report of the Portfolio Committee on Police on the National Firearms Summit held on 24 and 25 March 2015

The Committee went through the report page by page, and Members raised grammatical, format and spelling errors.

The Report of the Portfolio Committee on Police on the National Firearms Summit held on 24 and 25 March 2015 was adopted with minor amendments.

The meeting was adjourned.

Premium content from before 2017 is now available for everyone!

"P"

260

ATC150716: Report of the Portfolio Committee on Police on the National Firearms Summit Held on 24 and 25 March 2015

Police

REPORT OF THE PORTFOLIO COMMITTEE ON POLICE ON THE NATIONAL FIREARMS SUMMIT HELD ON 24 AND 25 MARCH 2015

1. INTRODUCTION

The Portfolio Committee on Police, in conjunction with the Civilian Secretariat for Police, hosted the National Firearm Summit on 24 and 25 March 2015. The Summit was an opportunity for stakeholders, role-players and ordinary South Africans to embark on a dialogue on the kind of society we wish to live in and enjoy within the context of gun control.

The Summit was also an opportunity to foster mutual understanding, common agreements and build broad consensus on the kind of society we want and the role that firearms play in it. The Summit assisted in bridging the perceived divide of *us and them* that was believed to exist between the gun owners' fraternity and the government departments tasked with regulating gun ownership and use. Furthermore, there was a tacit recognition that government bears the responsibility to legislate and regulate. However, regulating gun control is not solely the responsibility of the State. All stakeholders have a role to play in ensuring effective measures to regulate the ownership and distribution of guns and to prevent and reduce the impact of gun violence on society.

1. REPRESENTATION

The following stakeholders from the public and private sector were represented at the Summit:

Public Sector

- Members of Parliament
- Civilian Secretariat for Police
- Firearms Appeals Board
- Independent Police Investigative Directorate (IPID)
- Metropolitan Police Services: Durban, Cape Town, Tshwane and Johannesburg
- Private Security Industry Regulatory Authority (PSIRA)
- Provincial Secretariats for Police
- South African Police Service (SAPS)

Private Sector

- African Policing Civilian Oversight Forum (AFCOF)
- Agriculture South Africa (Agri-SA)
- Business Against Crime (BAC)
- Civil Society Individuals
- Community Action towards a Safer Environment (CASE)
- Gun Free South Africa (GFSA)
- Gun Owners of South Africa (GOSA)
- Hunters Forum
- Institute for Security Studies (ISS)
- Legal Resource Centre (LRC)
- National Arms and Ammunition Collectors Confederation of South Africa (NAACCSA)
- Police and Prisons Civil Rights Union (POPCRU)
- Professional Firearms Training Council (PFTC ETQA)
- Red Cross Children's War Memorial Hospital
- Security Industry Alliance (SIA)
- Social Justice Coalition (SJC)
- South African Arms and Ammunition Dealers Association (SAAADA)

- South African Defensive Pistol Association (SADPA)
- South African Football Association (SAFA)
- South African Gun Owners Association (SAGA)
- South African Hunters and Game Conservation Association (SAHGCA)
- South African Police Union (SAPU)
- South African Practical Shooting Association (SAPSA)
- South African Violence Initiative (SaVI)
- Sports Shooting Forum
- Trauma Centre for Survivors of Violence and Torture
- University of the Witwatersrand School of Governance

1. PRESENTATIONS

The Summit heard twelve (12) presentations from government leaders, academics and civil society experts to guide the two-day structured discussions around the emerging themes surrounding gun control in South Africa.

1. Mr. Guy Lamb, *South African Violence Initiative (SaVI)*

Mr Guy Lamb, Director of the South African Violence Initiative (SaVI) presented on the *Comparative Firearms Regulations Regime in Southern African Development Countries (SADC).* He focussed on the need to understand small arms and light weapons in the regional context (especially the movement of arms) and the nature and impact of comparative control measures across the region. He stated that while each country has its borders, "firearms don't" and is an 'easy' item to smuggle across borders.

Mr Lamb stated that the firearm control regimes across SADC countries vary considerably. Only South Africa and Mauritius are currently using competency testing in firearm applications, but this is being considered by other countries such as Namibia. South Africa and Mauritius also conduct rigorous criminal record checks before approving an application. He stated that it is difficult to find data on firearm control and statistics in SADC countries, especially in Angola. Some of the differences across the region include variance in the specific numbers of licences approved, the age limit for licencing, and differences in renewal processes.

Mr Lamb highlighted several innovations in the SADC region. For example, Botswana exercises very tight control over firearms and only allows 400 licences per year (200 shot guns and 200 hunting rifles). He indicated, however, that this approach would be difficult to implement in other countries as Botswana has a small population (of less than 4 million people). These 400 applications go into a lottery system and get selected 'by chance'. Interestingly, Botswana does not licence hand guns, as hunting offences (and thus the need to protect livestock) are a key challenge to the country. Mauritius exercises strict control over firearm licences and only approves 25 licences per year. Like Botswana, hand guns are not licenced, as the biggest challenge faced in terms of firearms in Mauritius relates to hunting.

Mr Lamb stated that it is necessary to enquire (in respect to each of the firearm control regimes) as to what does it mean now that the control is in place? What is the expected outcome and impact of the control? What does it mean for the responsibility and tasks of the various stakeholders? What might be the unintended consequences of the control? What might be the response of the illegal firearms trade in looking to circumvent the control? He indicated that the main problem in Africa is that little research has been done on whether legislation makes a difference. In contrast, in the USA after the assassination of President JF Kennedy, many resources were made available to universities and research institutes to research the impact of guns. In terms of firearm control and the impact thereof, the USA has a body of scholarship.

Available data shows that homicide figures remained stable in SADC countries over the past decade, but that South Africa saw a drop in firearm related homicide around the time when the Firearms Control Act, 2000 was introduced. However, Mr Lamb pointed to the fact that there is no evidence to show that the Act impacted on the reduction in firearm related homicides. He further stated that policy and legislation seems to impact on gun violence, but that significantly more information and studies are needed to prove causation. The closest indication towards causation, is in the area of intimate femicide through research done by the Medical Research Council which proved that restrictions on gun ownership made an impact. Mr Lamb also focussed on the impact of the minimum age criteria for firearm licencing. He stated that studies in the USA have shown that minimum age licencing controls access of firearms to youth, thus assisting to prevent suicide and accidental shootings. Studies conducted in the USA and Canada also showed causation between safe storage and a reduction in firearm related deaths.

policing operations suggests that these "hot spot" operations are having the most significant impact on firearm violence (and not necessarily the legislation).

Mr Lamb concluded that in the South African context the reduction in firearm related deaths seems to be a combination effect of the legislation and "hot spot" policing initiatives. However, a more targeted evidence-based approach must be followed to answer the following questions:

- Where are the greatest concentrations of firearm violence?
- What are the main drivers of the violence?
- Who is mainly responsible for the violence?
- How and where do they acquire their guns and ammunition? He also stated that the biggest challenge for research is the lack of access to police data.

1. **Ms Reneva Fourie,** *Acting Secretary of Police (Civilian Secretariat for Police)*

In exploring *The Role of Oversight in Firearms Management*, Ms R Fourie, the Acting Secretary, Civilian Secretariat for Police, impressed upon the Summit that the level of violence in the country is far too high. She stated that although there has been a general reduction in violent crime, figures for murder show an increase from 16 259 in 2012/13 to 17 068 in 2013/14, which means that the average number of murders per day has increased from 45 to 47. This figure is five times higher than global average of six (6) murders per day. In addition, one in three homicides is as a result of firearms. In response to this, the Minister of Police has called for a national dialogue on violent crime and violence to take place on 16 and 17 April 2015, which will build on discussions held in February 2015 on police conduct.

Ms Fourie stated that the Western Cape has the highest rate of illegal firearms and the Northern Cape the lowest. This assertion was contested during discussions as the Northern Cape has the highest homicide rate related to sharp objects. However, the Acting Secretary stated that the issue of crime and violence is complex and that while sharp and blunt objects are indeed used in the commission of violent acts, the Summit was focusing on the role of firearms. Ms Fourie further stated that the Firearms Control Act does have an impact on firearm use and distribution and that advances in understanding injuries and deaths are developed through the Nation Injury and Mortality Survey. Studies have shown that firearm ownership has decreased. In 1994, there were 3.5 million firearms amongst 2.4 million owners, which reduced to 3 million firearms amongst 1.8 million owners in 2011. There is also a massive reduction of 90 per cent in the number of firearm dealerships between 2000 and 2006.

The Civilian Secretariat is currently collating and analysing all data on firearms from 2000 to the present to assess the impact of the Firearms Control Act. The aim of the study is to ensure accurate and accessible data on the safe storage, supply, transfer and use of firearms. It is important to develop a comprehensive understanding of the illegal market and to have access to comprehensive data. Currently, data is available in disparate manner, which must be collated and analysed to develop an accurate picture of the current firearm situation in South Africa. In the long-term, the Secretariat plans an educational drive directed at magistrates and also to assist with the implementation of Border Management Agency (BMA) to ensure that cross border arms smuggling receives priority attention.

1. **Panel 1: Impact of gun culture on Society**

1. **Professor S van As,** *Head of Paediatric Trauma at the Red Cross Children's Hospital*

Professor Van As focused on the impact of firearm violence on women and children. He stated that 1 147 women were killed over the past year, of which almost half (405) were killed by an intimate partner. One in five of the perpetrators who killed their partners committed suicide after the killing, and most of them used a legally licensed gun. His assertion is that 80% of these double murders could have been prevented.

Violence is the leading cause of death in South Africa and firearms are the leading external cause of non-natural deaths (NIMSS). Blunt and sharp objects are arguably also a big problem and contribute to violent deaths and injury.

About 474 children under the age of 12 were treated for gunshot injuries over the past year. Children are disproportionally affected as they are seldom shot deliberately, but mostly accidently. Prof van As stated that most children are shot when caught in crossfire (43%), accidentally (14%) or are shot deliberately by an adult (9%). He also presented several slides of X-ray and MRI images to

illustrate the range and extent of injuries and damage inflicted by a bullet. Most of the firearm injuries occur in informal settlements/townships, with half of all gunshot injuries happening in and around own home (50%) followed by the road/pavement (40%).

Prof van As stated that the three main successes of the Firearms Control Act, 2000 were raising the minimum age of licensing from 16 years to 21 years, introducing competency certificates and providing for gun free zones. He experienced a 70 per cent reduction in children treated for gunshot injuries since 2000 when the Act came into operation.

Specific interventions suggested by Professor van As included that gun free zones should be effectively implemented as schools, hospitals and other public spaces should be free of guns. He also recommended that the minimum age for application for a gun license should be raised to 25 years largely because a person's frontal cortex is still underdeveloped before that age (and thus they are still immature). Professor van As concluded that it is important to consider the impact of the introduction of the Firearms Control Regulations in 2004 and the lessons emanating therefrom to ensure the success of the pending amendments.

1. **Mr. Graeme Bloch,** *Visiting Adjunct Professor, Wits school of Governance*

Mr Bloch focussed on the necessity to ensure that schools are a safe haven for children where they feel protected and where they are not raped, shot or bullied. He stated that guns at school have no place. While teachers are not to blame for these issues (which are related to inequalities that make the poverty and hunger a reality) everyone has a responsibility to ensure that life at school is safe, consistent and fulfilling. Metal detectors and police at the gates of schools are undesirable. There is much to learn about how to secure schools and the children and teachers who work, play and learn there. Questions need to be asked about where the guns in schools come from and why people who call themselves leaders close schools for political ends? Mr Bloch advocated for increased effective parental involvement in schools. He concluded that guns in the hands of young people are far worse than guns in the hands of older people, but that young people get guns from elders.

1. **Dr Lane Benjamin,** *Founder of Community Action Towards a Safer Environment (CASE)*

Dr Benjamin stated that she specialises in trauma and not in gun violence. One of the most prominent challenges in South Africa is the tendency to think in silos, which leads to an inability to see the bigger picture. All issues are intrinsically connected. Dr Benjamin urged for a holistic approach and stated that she is providing a mental health perspective on gun violence. It is important to reconceptualise what trauma is in the South African context. In her experience, post-traumatic stress disorder (PTSD) does not exist in South Africa, as trauma is continuous for most citizens who live with trauma daily. The patterns of violence are seen on generations and the impact is felt in multi-systemic ways. Violence affects everyone, including the perpetrators. However, violence disproportionally affects poor communities and young black men in South Africa.

Dr Benjamin shared some of the findings she made during a polyvictimisation study conducted in Hanover Park, which included 617 adolescents aged 12–15 years. The study found the following:

- 98.9% had witnessed community violence;
- 68.9% had seen someone get shot in the neighbourhood;
- 41.3% had witnessed someone threatening another with a gun;
- 76.9% had witnessed domestic violence;
- 47.7% seen a dead body in the street, excluding funerals;
- 93.1% had experienced more than one type of violence; and
- 55.2% had experienced four or more types of violence.

Dr Benjamin contested that children growing up in "war-like zones" and the associated exposure desensitises them to violence and death. The continuous trauma and lack of safety (from living in a state of chronic violence and crime) alters ones neurological make-up of the brain in terms of the inherent flight/fight mechanism, and the fight response is triggered more often in a bid for survival. A child's brain gets wired to expect violence, which impacts on logical thinking methods because they are constantly forced to act in privative survival brain. Generally these patterns were also learnt by parents, who are unable to act as a role model.

These patterns shatter trust between children and adults, and also challenges the ability to connect with others. This impacts on one's ability to show empathy, which makes it easier to kill. A major impact on these patterns is the use and ease of accessibility of drugs. In addition, people feel powerless in violent environments, which is compounded by authority figures who disrespect children daily, especially in school.

stabbing a young girl with a pen in a classroom because he did not like the look she gave him. This creates dangerous cycles of revenge in a society where it is easy to enact this aggression though joining a gang and having easy access to a gun. Guns provides access to power, safety, control, a brotherhood, a family and a means to gain income.

Violence is accepted when one is feeling threatened and these messages are learned in families and society. Guns are easy to use and do not need a lot of social investment, which makes them dangerous. Dr Benjamin contested that violence is never senseless and always makes sense to the perpetrator. There is a negative resilience in communities to survive, which reinforces violence and perpetuates trauma.

Dr Benjamin recommended that firstly, corruption, especially where police members are involved must be addressed to begin building trust between the police and communities. Secondly, there is an urgent need for a competent, effective and trustworthy criminal justice system.

Dr Benjamin concluded that the discussion should move beyond guns. There is a need to disarm the minds of young people (and deal with unresolved trauma) otherwise aggression will remain and people find other ways to enact aggression (through zip guns, fists knives and sexual violence). There is also a need to look at assaults and not only mortality rates. The only way to stop the cycle of violence is to make mental health a priority in South Africa. Civil society has taken the bulk of responsibility to date, but a multi-sectoral approach is needed through joint efforts by the Criminal Justice System, the Departments of Education, Health and Social Development, and by addressing poverty and unemployment. Everyone must take responsibility for roles played in perpetuating violence.

1. **Panel 2: Strategies for reducing illegal firearms**

1. **Ms A Kirsten,** *Gun Free South Africa*

Ms Kirsten of Gun Free South Africa reminded the Summit that firearms control is primarily focused not on people, but on the weapons to reduce gun violence and the number of people affected by gun violence. Ms Kirsten highlighted three intervention strategies to reduce the impact of gun violence:

1. **Reducing diversion:** Virtually every illegal firearm begins as a legal weapon. That is, it is legally manufactured and legally sold. In many countries, including South Africa, most firearms recovered in crime appear to have been legally owned in the past by states or civilians. Globally, the diversion of firearms from their legal owners, often through loss and theft, contributes significantly to the illegal pool of firearms. Ms Kirsten contended that in South Africa, the single largest source of illegal firearms is loss and theft from civilian owners. Measures to reduce the leakage of legal to illegal firearms would include good record keeping and good marking and tracing of firearms. In addition, Ms Kirsten stated that the previous Minister of Police established a Commission of Enquiry into firearm control in 2013, but the report has not yet been made public. There is a need to see the findings and recommendations made in the report which may point to other important ways of reducing this diversion.

1. **Mopping up illegal pool:** This is achieved though specialised interventions as well as police actions. However, the best interventions are firearm amnesties. Given the link between the legal and illegal markets, firearm amnesties are viewed by most governments as tools to control the legal and illegal pool of guns, and have been used around the world for this purpose. Amnesties help to reduce or dispose of illegal firearms and superfluous guns, such as old stock held by the military or the police. Although the primary objective of an amnesty is to recover illegal guns, a second important objective may be to provide firearm owners with an opportunity to hand in unwanted licensed firearms. These are sometimes called voluntary weapon collection programmes and may take the form of gun buy-back schemes or exchange programmes. These weapon collection programmes have been used successfully in UN peace operations in post-conflict countries such as Sierra Leone and the Solomon Islands; in inner city and rural town operations in the US; in the collection weapons that were banned under new legislation in Australia; and as part of the implementation of new firearm legislation in South Africa and Brazil. In addition to these key objectives, experience shows that amnesties can achieve more than merely remove illegal guns from circulation. Amnesties can:

- Raise public awareness about the need to prevent gun violence;
- Create a climate to assist the implementation of new firearms legislation;
- Provide an opportunity for the voluntary surrender of licensed guns that are no longer needed or wanted; and
- Improve community-police relations and build partnerships with civil society organisations.

The Firearms Control Act, 2000 gives the Minister of Police the power to declare an amnesty via a notice in the *Government Gazette* and with the approval of Parliament. The Act defines amnesty as 'indemnity against prosecution for the unlawful possession of a firearm or ammunition'. It also allows the Minister of Police to impose certain conditions during an amnesty such as the ballistic testing of any firearm handed in. This can result in prosecution if the firearm is linked to a crime, which is not ideal. The best results are gained through a 'no questions asked' amnesty with no chance of prosecution.

265

1. **Closing leaking tap:** It is important to know where and how guns move from a legal to the illegal pool in order to identify methods to stop the leakage. The majority of leakages occur across borders, as a result of in corruption within the chain, or as a result of loss or theft.

Ms Kirsten concluded that key interventions that work include ensuring the availability of data and effective record keeping alongside measures to strengthen the firearm control regime.

1. **Adv. M Hood,** *MJ Hood and Associates*

Adv. Hood stated that critical analysis of the problems (including in the CJS value chain) are required in order to develop solutions. He stated that the investigation of crime remains a challenge, as Detectives are under-resourced, witnesses become despondent as a result of protracted lead times, and prosecutors are overworked, understaffed and under-resourced.

In addition, Adv. Hood stated that the some of the FAC Regulations are not yet fully promulgated, which means that the Regulations cannot impact effectively on firearms-related crime. The basics must be in place first, before changes are made. The Firearms Control Act, 2000 works in some areas, but not in others. Section 101 of the Act provides for certificates from the Registrar, which is not being complied with. In addition, that data becomes corrupt as data processing continues to be a major challenge for the SAPS. Furthermore, firearm dealers must report on their stock returns as per the SAPS 350 form, but this is not processed by the SAPS, which creates losses and thus illegal firearms.

Adv. Hood echoed the call made to the Minister of Police by Ms Kirsten to make the 2013 Firearms Enquiry report available. He cautioned the Portfolio Committee on Police against building on poor foundations when considering the Firearms Control Amendment Bill later this year.

Adv. Hood reminded the Summit that the South African Hunters Association had successfully challenged the transitional provisions to the implementation of the Act, which meant that the full implementation of the Act has been placed on hold for several years. The SAGA and other associations' continue to have severe problems with the Act and its implementation and would support efforts to ensure the effective implementation of existing legislation.

A further concern of Adv. Hood was that ballistic testing was currently non-existent and he reminded the Summit that regulation and effective data processing were the cornerstones of control. Adv. Hood concluded that SAGA and other associations were willing to take responsibility for themselves and their sector, and would work with and teach others to do the same. He added that mistrust of criminal justice processes remains a concern and that it was seemingly difficult to hold government departments to account. The hope is that the Summit would change things.

1. **Adv. Norman Arendse,** Representative of the Senzo Meyiwa Gun Committee (SAFA)

Adv. Arendse stood in for Dr Danny Jordaan, SAFA President. Adv. Arendse stated that the panel discussion topic should change from 'strategies to reduce illegal firearms' to strategies to reduce firearms, whether legal or illegal. He contended that a firearm is a lethal weapon used to maim many people. Although firearms are an inanimate object, it must be propelled by a person. Legislation controls people, but not the weapon itself. He stated that we live in complex society with a 'First World' Constitution and laws, but that we face 'Third World' societal woes. Adv. Arendse state that football is the one code of sport that suffers disproportionally from gun violence as it is the sport played by poor communities with players who dream of becoming international super stars. He further stated that these areas are also policed with insufficient resources. It is dangerous to play in townships, as many matches are settled with guns. He reminded the Summit that the late Bafana player, Senzo Meyiwa's murder was not yet finalised despite the SAPS having eyewitnesses, with no arrests made (except for a false arrest). Adv. Arendse asked what hope does others have in areas like Hanover Park and other poor areas. He further stated that the loss of Senzo Meyiwa was the reason for losing AFCON and that Dr Jordaan had many queries about when the killers will be brought to justice.

- Only accredited and properly vetted law enforcement officers must be permitted to carry hand guns; and
- Society needs protection against firearms. Self-protection through the use of firearms is questionable.

SAFA called for the following:

1. The Minister of Police and Parliament to announce a Firearm Amnesty (on an anonymous basis/no questions asked) on 09 July 2015, which is International Gun Destruction Day;
2. Education about the use of firearms;
3. All sports arenas must be declared gun free zones;
4. Following the amnesty, SAFA will erect a statue of Senzo Meyiwa at SAFA House and calls for all communities to erect statues to honour fallen victims of gun violence; and
5. Continues to support progressive legislation to regulate firearms.

1. **Gen. R Phiyega,** *National Commissioner of the South African Police Service (SAPS)*

The National Commissioner presented an overview of the evolution of firearm legislation in South Africa. In 1996, the Minister of Safety and Security appointed a Special Task Team to investigate the legislative environment to replace the Arms and Ammunition Act, 1969 (Act 75 of 1969). The Firearms Control Act, 2000 (Act 60 of 2000) was passed by Parliament in 2000 and the Regulations promulgated on 1 July 2004. The National Commissioner also highlighted various international instruments regarding firearm control.

The Firearms Control Act, 2000 was developed with the following objectives:

- To reduce firearm related crimes in South Africa;
- To effectively control all legally possessed firearms in South Africa;
- To prevent the proliferation of illegally possessed firearms; and
- To maintain a reliable firearm control system and management system.

In 2004, an amount of R63.1 million was allocated towards the implementation of the Firearms Control Act, 2000 with no ring-fenced budget. There was also no dedicated Maintenance Plan in place. The Act also provided for the establishment of the Designated Firearm Officers (DFO) concept and to date 3 441 DFOs have received training on the Firearms Control Act.

The National Commissioner stated that the implementation of the Act was not without challenges. In 2010, the first audit identified a total of 1 048 341 outstanding applications and a second follow-up audit found an additional 32 355 outstanding applications at various provinces. To resolve this problem, dedicated teams of officers were assembled to assist with the consideration of the applications. All outstanding categories of applications were finalised during August 2011 (1 080 696). A large flow of applications, insufficient administrative capacity and late submissions of applications contributed to the implementation relapse.

Since the implementation of the Act, two firearm amnesties were declared, the first in 2005 by the Minister of Safety and Security and the second in 2010 by the Minister of Police. Combined, these two amnesties collected 44 958 firearms and 737 895 rounds of ammunition. Since 2004 to date, the SAPS has received 3 189 861 firearm applications of which 3 106 438 have been finalised. It is believed that there are 1 749 034 individual firearm owners, owning 3 081 173 firearms, 425 official institutions owning 1 270 405 firearms and 8 937 non-official institutions, owning 136 259 firearms. The National Commissioner stated that corruption is associated with firearm control and indicated various steps that have been implemented to deal with the issues relating to corruption. The Central Firearm Register Turnaround Strategy includes the following:

- Acquisition of a building for CFR personnel;
- Review process and procedures for firearm applications;
- The upgrading of the enhanced firearm registration system;
- The streamlining of the firearm registration system;
- Revision of the CFR, provincial and station structures;
- Review policies regulating estate firearms; and
- Upgrading the current printing machines and print in-house at the provincial level.

The National Commissioner also highlighted the main challenges facing firearm control currently. These include:

- Inadequate storage facilities for files and insufficient accommodation for personnel
    - Turn-around time to finalise applications is negatively affected;

- Distance between Veritas Building in Pretoria and archives in Silverton is affecting turn-around time to finalise applications;
- The incomplete implementation of the Firearm Control System;
- The inability of the Firearm Control System to process firearm applications electronically (e-applications).

- Legislative gaps
  - Incongruence in the lifespan of the licence to possess a firearm and a competency certificate;
  - No clear directive in the "fit and proper" attribute of the application; and
  - No competency on the part of the DFO to assess the mental and physical state of the applicant

267

The National Commissioner concluded that the turn-around strategy is being implemented and assured the Summit of the SAPS' commitment to the effective and efficient implementation of the Firearms Control Act and its Regulations.

1. **Hon. N Nhleko,** *Minister of Police*

The Minister of Police stated that the Vision of the National Development Plan (NDP) is that

"In 2030, people living in South Africa feel safe at home, at school and at work, and they enjoy a community life free of fear. Women walk freely in the streets and children play safely outside. The police service is well-resourced and professional, staffed by highly skilled officers who value their work, serve the community, safeguard lives and property without discrimination, protect the peaceful against violence, and respect the rights to equality and justice."

However, communities are confronted with the questions of how to build a "feel safe community"? And what the impact of gun ownership and the proliferation of guns is in our society and what it says about our society? The Minister stated that in his view, it is indicative of broader socio-economic problems. A society that embraces violence and where the ownership of a gun provides power is problematic. In addition, the South African society is fragmented on racial and class lines. In a society that wants to build a human rights culture, there is a need to ask how to achieve this? The correlation between violence and the desire to own guns must be acknowledged and no amount of policing will resolve social ills. The Minister further stated that the sad reality is that South Africa has an accentuated level of legal as well as illegal gun ownership.

The Minster stated that the answer on how to build a "feel safe community" lies in the following focus areas:

1. Stakeholder partnerships;
2. Problem-orientated policing; and
3. Community involvement.

The Minister further stated that the Firearm Control Amendment Bill seeks to improve accountability and will create a platform for citizens to address the many challenges posed by firearms in society. It must address several anomalies including increased measures to restrict ownership where one person owns more than 500 firearms. The competency period is being reviewed as well as measures to increase capacity of the Firearms Appeals Board. The Amendment Bill also suggests the use and introduction of ballistic sampling together with a micro-dot system, which will be done in a phased in approach. The Mister further stated that strategies must be developed to improve the capacity and capability of the Central Firearms Registry to adequately control and mitigate against state losses.

The Minster concluded by stating that stakeholder participation and community involvement are critical and support from all sectors is needed.

1. **Hon. M Sotyu,** *Deputy Minister of Police*

The Deputy Minister referred to the Summit as contentious because the view of many citizens when the Firearms Control Act was first introduced in 2000, was that Government wanted to infringe compromise the law-abiding citizens' rights to defend themselves. However, the Deputy Minister assured delegates that this was and still is not the case. The Deputy Minister stated that having a gun does not guarantee one's safety and aligned herself with Gun-Free South Africa when they said as far back as 1999 that, "guns are not an effective deterrent". In the same vein, legislation on gun control will not prevent future, armed robberies, murders, violence at schools, and massacres. The Deputy Minister welcomed the discussion on micro dots regarding the capacity of the SAPS to facilitate this and that the SAPS have capacity constraints and infrastructure. She stated that she shares these concerns.

of the Firearms Control Act and its implementation, within multi-sectoral/inter- disciplinary initiatives and that campaigns on gun control cannot be conducted as a single-issue campaign. These campaigns must be embedded within other key socio-economic issues faced by the majority of this country. An apparent link does exist between social problems such as unemployment, poverty, inequity, weakened family bonds, lack of moral regeneration, and the attempt by people to escape these harsh realities into the world of violent crimes that includes, armed robbery, substance abuse and drug dealing, gangsterism, and murder. The Deputy Minster identified the concept of social cohesion and moral regeneration as essential elements to enable the Firearms Control Act to yield a more inclusive social justice system.

The second enabler is the appropriate budget to implement the amended legislation. Proper budgeting is the most important tool for translating government strategic plans and priorities into public services. The Deputy Minister stated that with the billions that the SAPS gets every year from Government since 1994, the SAPS is still plagued with the same problem of a Central Firearms Registry (CFR) that is dysfunctional and in constant decay.

On 13 March 2015, the Deputy Minister undertook a monitoring/inspection visit to the CFR and found that the CFR has not been a priority for a long time. Infrastructure is falling apart; it has outdated IT systems; there is a high vacancy rate; many personnel who had been fired due to corruption were not replaced; and, there is a lack of command and control. Another major challenge is the fact that the Appeals Board is located in the same CFR building, and of course there would be blurring of mandates and collusion or rubber-stamping.

The Deputy Minister of Police stated that the state of readiness to implement the proposed amendments to the FAC is thus non-existent. The Deputy Minister also shared some of the critical recommendations made to the SAPS after the inspection visit to the CFR:

- Researchers of Parliament must do research and benchmarking studies to find out if the CFR should be a Division of its own. This will in the long- term address issues of infrastructure, human capacity, and management.
- The Appeals Board needs to be moved to the offices of the Civilian Secretariat of Police, to ensure the impartiality of the Board.
- Short-term contracts and internship programmes should be introduced to address the acute backlogs in all types of licenses applied for.
- The age-limit of gun-ownership from 21 years down to 18 years should be reconsidered.
- The CAS and CFR systems should be linked to immediately detect unfit people who apply for gun licenses.
- Health and Wellness of a police officer who lawfully carries and uses the gun as his tool of trade every day, should be enhanced.

The Deputy Minister of Police concluded by stating that the health and wellness of active members will be prioritised over the next five years and called on delegates to forge real partnerships with the SAPS.

1. **Mr M Chauke,** *Director of the Private Security Industry Regulatory Authority (PSIRA)*

The PSIRA conducted a desktop audit in 2013/14 to measure the extent of firearm ownership of private security companies. PSIRA as a regulatory authority did not know the number of firearms active within the industry, and to some extent still do not know the full extent. The PSIRA have a close relationship with the CFR. The audit found that it had 3 340 registered companies with 101 000 firearms of several different types. Of concern is what happens to the firearms in the companies that are dissolved. Inspections are done jointly with DFOs. Mr Chauke also stated that the PSIRA faces several limitations regarding regulating firearms in the private security industry, which include the following:

- No direct access to the CFR;
- The CFR database does not differentiate between different types of businesses; and
- No access to calibre or type of firearm on CFR.

1. **KEY EMERGING THEMES**

The following section contains the key emerging themes emanating from group discussions during the National Firearms Summit.

1. **Significant data gap on firearm-related statistics**

The lack of accessible, reliable and comprehensive data on firearms in South Africa was raised as a major challenge to building a true picture of the current state of firearm-related violence and homicide in South Africa. After 2007, the accessibility of data became increasingly difficult and stakeholders had to rely on data from the UN and mortuaries, which is not verified. Quantitative studies are needed, as in Brazil where many longitudinal studies have been conducted on the impact of its gun control regime.

269

It is dangerous to extrapolate data from studies done in the USA on South Africa as the socio-economic context differs significantly between the two countries. The social drivers of crime should be addressed in the long term, but in the short term, there should be focus on "hot spot" areas policing. However, the outcomes of these interventions need to be studied.

Even though violent crime rates decreased, there is no reliable data to understand the decline. The focus of research needs to be on 'causation' in order to better understand the impact of the firearm control regime in South Africa.

Discussions on firearm related homicides must be treated with some caution in acknowledgement that there is no distinction drawn between legal (self-defence) and illegal killings. In addition, the emphasis should be on crime control or people control and not gun control, as it is people who kill and who are civilly negligent. The study by John Lott, *More Guns, Less Crime*, conducted in the USA on the use of firearms in self-defence was brought up during the discussions, but was refuted as the data used by Mr. Lott could not be verified. He suggested that "98 percent of the time that people use guns defensively, they merely have to brandish a weapon to break off an attack." Similarly, the study done by Mr A Altbeker in the late 1990s titled *Guns and Public Safety: Gun Crime and Self-defence in Alexandria and Bramley* could not be applied to South Africa in general and the methodology of the study hampers the conclusion that armed victims are more likely to lose their weapons than to use them successfully. The discussions on the use of firearms for self-defence necessitates a comprehensive study on defensive gun use in South Africa. Sections 13 and 14 of the FCA provide for licencing of a firearm for self-defence and this is arguably the most densely populated category of firearm ownership in South Africa.

It was also clarified that the data provided by Professor van As was only for children admitted to the Red Cross Hospital with gunshot wounds, and that guns are not the leading killer in South Africa.

Mostly anecdotal evidence and personal narratives are available, which should not be discounted. Firearms in themselves are not a problem, as studies and statistical models have shown that the availability of firearms changes the social equation and makes the potential for lethal confrontation higher, especially in terms of domestic violence. In addition, firearms are not neutral objects, but possess an increased lethality.

It was stated that the Civilian Secretariat for Police is mandated through section 6(1)(f) of their Act to conduct research and should comply with this mandate. The CFR collects data on age, gender, location and ownership that is not released. This data will be invaluable to inform decisions and forms part of the Basic Zimring Standard to assess the impact of firearm legislation in South Africa. The SAPS should again disaggregate data and statistics on firearm related homicides as was done pre-2000.

1. **Impact of the current firearm control legislation on violent crime**

The lack of reliable data reduces our understanding of the impact of gun control in South Africa. It is important to understand which clauses of the Firearms Control Act have an impact, if any, on firearm-related violence. However, it was questioned whether it matters which sections impact as a combined effort through a strong legislative regime and "hot spot" interventions have proven successful in South Africa as well as in other countries.

The Zimring Standard was identified as an internationally accepted standard to measure effective gun control. The standard was first proposed in 1991 by US criminologist Frank Zimring and it based on the following:

- Prohibit/restrict certain uses of weapons and ammunition;
- Prohibit/restrict certain users of weapons; and
- Prohibit/restrict certain types of weapons and ammunition.

The standard enables comparison with other countries and should also be used in South Africa (the Firearms Control Act currently complies with the Zimring Standard).

1. **Challenges regarding the implementation of the Firearms Control Act, 2000**

Participants at the Summit were in agreement that South Africa has excellent firearm control legislation, but that the imperative remains to overhaul the administration, regulation and enforcement of the FCA and get it functioning as a matter of urgency. Various deficiencies plague the current FAC, which is compounded by an ineffective CFR. The Deputy Minister stated that she is "very sad to say today that, with the billions that the SAPS gets every year from Government since 1994, they are still plagued with the same problem of a CFR that is dysfunctional and in constant decay."

270

Other challenges identified include the following:

- Important distinction between legal and illegal firearms versus legal or illegal possession of firearms.
- The bottlenecks in applications and general administration should be reduced.
- The biggest challenge experienced in terms of firearm ownership lies in the category of self-defence licencing, as hunting rifles are expensive and generally better taken care of.
- The international norm of "license the person register the weapon" must be upheld.
- All relevant Annual Reports relating to firearms must be tabled in Parliament.
- Caution was provided not to build on the current legislation without ensuring that the current legislation and processes are effective.
- Background checks must be done adequately.
- Various data processing challenges exists, especially in terms of SAPS 350 forms (where dealer's stock returns are captured).
- The FCA contains several contradictions, which must be addressed especially in terms of conditions around competency.
- The Appeals Board should be moved to a different location to ensure its impartiality and independence.

1. **Challenges regarding the proposed amendments to the Firearms Control Act, 2000 through the Firearms Control Amendment Bill, 2015**

Several concerns were raised in terms of the proposals made in the Firearms Control Amendment Bill, 2015, which included the following:

- International studies show that crime increases in gun free zones. In the USA armed guards patrol gun free zones and are not the safe havens these zones are believed to be. The Deputy Minister indicated that the challenge has been raised previously.
- Clarity should be sought on the 2009 court order regarding the licenses issued in terms of the 1969 Arms and Ammunitions Act (commonly referred to a 'green licences') before the Amendment Bill is tabled before Parliament.
- The scope of competency testing should not be broadened to make DFOs psychologists. The "fit and proper" Advisory Committee established in 2002 concluded that there does not exist a definitive measurement to assess mental fitness for owning a firearm. If measures are developed they must first be applied to state agencies.
- The Amendment Bill requires significant amounts of data processing, which the SAPS already struggles with. The added requirements will put extra pressure on the SAPS.
- Unintended consequences of inadequate stakeholder participation were the inconsistencies regarding accreditation of delegated status.
- There was a call not to amend Section 16 and 16A of the Firearms Control Act, 2000 which provides for the licence to possess firearms for dedicated hunting and dedicated sports shooting (S16) and the licence to possess firearms for professional hunting (S16A).
- Consideration should be given to reintroducing a unit specialising in firearm related matters.
- Significant concerns were raised regarding the proposal for micro dots and ballistic sampling. It was stated that the available micro dot technology is unable to effect the requirements of the Amendment Bill, 2015. This is because the national standard discussed in the Bill is only applicable to vehicles. There are also insufficient facilities to apply the micro dots, which are easily visible on a firearm and equally easy to remove with a steel brush. It was stated that ballistic testing seems attractive, but is not realistic. Ballistic fingerprint tested in USA and the State Senate Hearings in Maryland found that the experiment was hugely expensive and ineffective. In a five year period, no arrests were made and there was a one in five chance that a person would be incorrectly arrested. Discussions also centred around the capacity of the SAPS to implement ballistic testing
- An aspect that is largely overlooked is the illegal ownership of firearms for self-defence in poor areas, and the protection of those who cannot afford private security. These firearm owners do not live in brick houses which means that they have nowhere to bolt down a safe to store firearms safely as per the provisions of the Act.

1. **The impact of societal issues on gun control and violent crime**

Widespread poverty, the proliferation of gangs, the lack of education and ignorance of mental health issues must be addressed through a compressive and inclusive solution. Unfortunately violence is geographically skewed in South Africa towards poorer areas. The minds of people, especially young people, must be 'disarmed' through education on respect for self and others. Teachers should be trained to deal with children effectively and interventions should be implemented to ensure that trauma does not take away power and control.

1. **The conditions and successes of firearm amnesties**

A firearm amnesty generally yields the most success when it is done on an unconditional basis. During the 2005 firearm amnesty, many parts of firearms was catalogued as a complete firearm, which skews the data significantly. Also, most firearms handed in during amnesties are unwanted firearms (from obsolete collectors or heirlooms or state stockpiles). This points towards a possible detraction to the usefulness of firearm amnesties as it is doubtful whether illegal firearms used in the commissioning of crime are handed in. Firearm amnesties work best when done in conjunction with policy/legislative reviews on a 'no questions asked' basis with a massive communication campaign and followed by a public destruction of the amnesty firearms. Amnesties also provide an opportunity for public education on firearms.

However, a major concern was that amnesty firearms handed in during the last amnesty found their way back into circulation. This is a serious indictment on the ability of the SAPS to effectively manage firearms and deal with corruption within the service.

It was also stated that Brazil segmented its communication strategy on the amnesty and targeted different demographic groups separately. An example was given of a women in Brazil who brought in 1700 firearms (the limit was 350 firearms). Brazil also offered a cash incentive for the firearms handed in during the amnesty, but this is not done in many jurisdictions, as it has the potential for fuelling the illegal market.

1. **Challenges regarding firearm control/regulation in the Private Security Industry**

The lack of effective controls in the private security environment was raised as a key concern, especially in terms of non-compliant companies. It was stated that the Security Industry Alliance (SIA) is working closely with PSIRA to clean up the industry and restore its tarnished image. The uncertainty of what happens to the firearms of dissolved companies was also raised. It was stated that it is critical that the CFR must remove licences immediately when companies dissolve and that closer cooperation between the CFR and the PSIRA is needed in this regard. Two fundamental issues need to be addressed, the first being the capacitation of the PSIRA, especially in terms of investigators as the PSIRA Amendment Bill, 2013 requires significant resourcing to deliver on its extended mandate. The second is the enforcement of licensing by the SAPS in accordance with the requirements of the FAC. The PSIRA expressed the need to access the CFR directly and for the Registry have the capability to distinguish between different types of businesses and the firearms owned by these businesses.

1. **Establishment of effective partnerships**

The lack of and need to establish strong partnerships between the public and private sector emerged strongly. Education and safety campaigns at schools was highlighted as a key intervention. There should be ownership from all sectors.

1. **RECOMMENDATIONS BY THE PORTFOLIO COMMITTEE ON POLICE**

The Committee made the following recommendations and resolutions:

1. **Evidence based research:** The Committee recommends that the SAPS should publish all relevant and available data on firearm ownership in South Africa. The accessibility of the data will enable policy research and academic institutions to study the impact of gun control legislation on violent crime in South Africa. It is further recommended that international standards like the Zimring standard should be used when measuring the impact gun control.
2. **Implementation of the Firearms Control Act, 2000:** The Committee recommends that the implementation and administration of the FAC must be prioritised, especially in terms of the Central Firearm Registry (CFR). The Committee resolves to intensify its oversight on the CFR Turn-around Strategy in order to ensure that sufficient progress is made in this environment.
3. **Firearms Control Amendment Bill, 2015:** The Committee recommends that the Civilian Secretariat for Police should address all uncertainties pertaining the Amendment Bill before it is tabled in Parliament, including the legal status of licences issued under the Arms and Ammunition Act, 1969 (Act 75 of 1969).
4. **Community and stakeholder partnerships:** The Committee recommends that community and stakeholder partnerships should be strengthened in order to develop a holistic approach to firearm control in South Africa.
5. **Private security:** The Committee recommends that the Private Security Industry Regulatory Authority (PSIRA) should play a more pro-active role in the regulation of firearms in the private security environment. And further recommends that the SAPS CFR and the PSIRA must improve their cooperation and the accessibility of the PSIRA to the CFR.

Committee recommends that the SAPS should focus on problem-orientated policing interventions in firearm-related hot-spot areas.

7. **Firearm amnesty:** The Committee resolved to investigate the merits of pursuing a firearm amnesty.
8. **Leadership:** The Committee resolves to intensify its oversight function over the leadership of the SAPS in order to ensure accountability for deficiencies within the firearms control environment. The Committee further resolves that it will not hesitate to make tough decisions to ensure the effective and efficient application of state resources.
9. **Parliamentary processes:** The Committee resolves that it will facilitate specific interventions in order to provide a platform for feedback on issues to spread participation in Parliamentary processes. To commence this process, the Committee will invite key stakeholders to participate in the follow-up of the Committee on the turn-around strategy of the CFR scheduled for 03 June 2015.

1. CONCLUSION

The Chairperson of the Portfolio Committee on Police, Hon. Francois Beukman concluded the Summit by stating that the participation in the Summit was conducted in the spirit of building a "feel safe" society. The Chairperson focussed on the Portfolio Committee's collective responsibility and its oversight responsibility to ensure that Departmental budgets are spent effectively and that value for money is ensured through service delivery. The NDP focusses on a professional police service and an effective Criminal Justice System, and the Committee will endeavour to play its part in realising the vision of the NDP.

The role of education to influence young people to develop into the model citizens South Africa wants to see by 2030, but that there are also significant societal considerations to take into account. One deficiency of the Summit was that the role of training was underplayed although it must be a continuous process and is of critical importance to the successful control and management of firearms in South Africa.

The Chairperson thanked the delegates and Members of the Committee for their participation and contributions to the discussions and the role everyone played in fostering an environment in which the road ahead could be paved and influence actions. The Chairperson also thanked the support staff of the Committee and particularly, Mr. Eldred de Klerk for facilitating the National Firearms Summit.

Report to be considered.

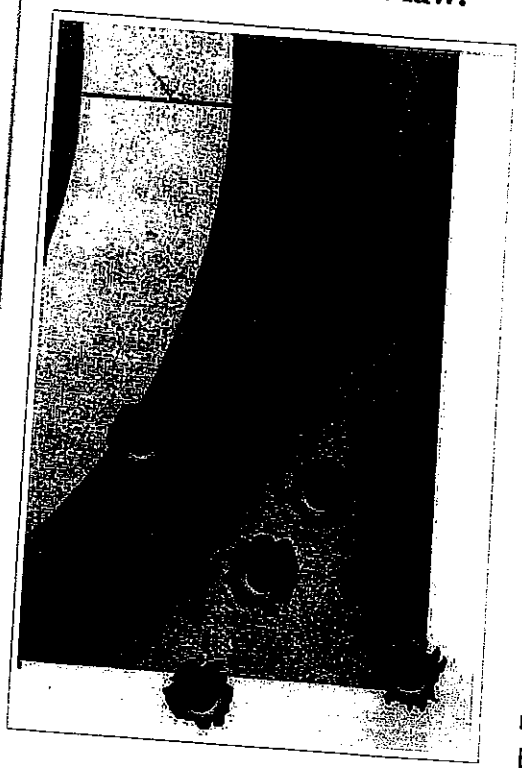
Way off Target

Posted in Lifestyle | Noseweek | Publications | Society

Text: Gavin Foster. Article from the September 2013 issue of Noseweek Magazine.

Failing gun control measures are costing South Africa billions.

Ever since the Firearm Control Act (FCA) of 2000 replaced the Arms and Ammunition Act of 1969, SAPS has lurched and stumbled erratically over implementing the new law.



In July a commission of inquiry into the Central Firearms Registiy (CFR) was set up after two police brigadiers were suspended following allegations of bribery, corruption and arranging firearms licences and temporary permits for various gangsters, terrorists and self-confessed murderers.

The suspensions were not a first for the registry; it suspended most of its senior management in 2004 for allegedly similar behaviour. Then, there were no convictions but most of the suspended police officers left the force rather than return to work.

An insider tells *Noseweek* that they were victimised because they objected to many of the irregular methods used by their bosses to implement the FCA.

In 2010 there was another flurry of activity when the registiy suspended its abrasive head, Brigadier Jaco Bothma, claiming he'd failed to meet his goals and alleging that his office had shown favouritism in approving licences and permits to some people and institutions. Allegations of bribery and corruption in the CFR were also raised.

In the most recent drama, Brigadier Mathapelo Merriam Mangwane, section head of the registry and her sidekick, Brigadier Hlamane Elias Mahlabane, were suspended without pay while criminal investigations are undertaken. Their purported self-enrichment propensities were uncovered during an investigation into two employees of Dave Sheer Guns who were arrested by military police at OR Tambo International Airport for allegedly dealing in stolen military ammunition worth about R1 million.

During the investigation an employee of the gun shop told the Hawks that she had personally delivered large sums of cash to Mangwane at the behest of her employers twice every month, to ensure the swift processing of licences for customers. These included convicted Nigerian terrorist Henry Okah and self-confessed killer Mikey Schultz, who was granted immunity from prosecution when he turned State witness against Glenn Agliotti after pulling the trigger on Brett Kebble.

When the government started working on the new Firearms Control Act in the late 1990s there was uproar in the pro-gun community. Opponents of the proposed act pointed out that the requirements would be impossible to meet without an enormous budget and thousands of extra police staff. More than two million licensed gun owners would be obliged to apply for new licences for their 3.7 million weapons and there was a minefield of red tape to be negotiated on both sides.

Applicants first had to attend courses at accredited training institutions, then apply to the Central Firearms Registry for the required certificates of competency before applying for the licence itself.

When the government started working on the new Firearms Control Act in the late 1990s there was uproar in the pro-gun community

There were limitations on numbers of weapons licenced, but competitors in organised competition, bona fide collectors, and hunting association members could achieve Dedicated Hunter, Sportsmen or Collector status and would be entitled to additional licences if justified.

For the police officers working with the applications, the task was no less complex. They'd have to interview each applicant, take fingerprints, and perform background checks by questioning their spouses, neighbours and nominated character witnesses. Police officers would also have to visit an applicant's home to inspect the premises and confirm that there was a suitable gun safe before submitting the paperwork to the CFR office for a decision.

The relicensing process was planned to start in 2005 and be finished by the end of 2008, with deadlines determined by the applicant's month of birth – those born in the first three months of the year would have to comply by 31 December 2005, and so on. Those who didn't comply had until the end of June 2009 to legally dispose of their weapons or hand them to the police for destruction. After that deadline, the police repeatedly threatened, the owners would be arrested for illegal possession of unlicensed firearms. Despite the clause in the Firearms Control Act allowing for compensation – as dictated by the Constitution – police insisted that none would be paid.

Thousands of timid souls handed in their guns rather than endure the cumbersome process, while many more simply didn't bother either to relicense or dispose of the weapons they'd already owned for years and which they believed they had a constitutional right to retain.

Early in 2005 things started to go wrong. The queues of people waiting to surrender their weapons added to the queues of those waiting to relicense, and the backlog grew and grew. With more than 500,000 people due to apply every year, the CFR could expect more than 2,000 relicensing applications to arrive from police stations every working day. This was on top of the new applications for guns that were being traded daily.

Despite pro-gun lobbyists insisting that the state had neither the manpower nor the budget to carry out such an exercise, police insisted that all was on track. When the CFR ran out of space to store the thousands of applications it hadn't got around to processing, it instructed police stations to stop forwarding them to Pretoria until further notice, so piles of paper gathered dust in police stations for years.

The tap was not yet even fully open. *Business Day* reported on 20 September 2005 that, of the 600,000 expected renewal applications that year, only 20,000 had been received by September and those were being processed very slowly. People wanting new firearms fared no better. Of the 4,224 new applications in the first eight months of the year, just 813 had been processed, SAPS officials told parliament's Safety and Security Committee.



Meanwhile stories started doing the rounds about guns that had been handed in for destruction resurfacing during robberies.

The police still insisted: no compensation for surrendered firearms, so the public decided to hang on to Grandpa's R500,000 Purdey shotgun or Grandma's R200 Baby Browning.

Meanwhile sales plummeted and 800 South African gunshops closed their doors because they could no longer make a living.



At the same time municipal traffic departments, SAPS and SANDF members lost – or sold – weapons at an increasing tempo, with little effort seemingly being made to close the door or recover them.

The pro-gun lobby became even more vociferous in stating the obvious – that South Africa couldn't afford the whole process as it was – but the cops remained insistent that the programme was still on track.

Right at the beginning of the relicensing exercise somebody obviously felt the need to demonstrate just how serious the government was about getting guns out of unauthorised hands. Satirist Tom Sharpe could have done very well out of a book describing just what happened next.

On the morning of 13 January 2005 a heavily armed contingent of SAPS and SANDF heavies, accompanied by TV crews and newspaper journalists they'd invited to attend the show, descended on the *South African National Museum of Military History* in Saxonwold, Johannesburg. There they arrested Richard Henry, the museum's curator of small arms and fighting vehicles, and Susanne Blendulf, curator of insignia and memorial plaques and editor of the South African Journal of Military History. Henry was arrested for being in possession of "stolen" armoured vehicles and numerous small arms without being in possession of valid firearm licences, while Blendulf, according to reports, was simply "talking too much".

The director of the museum, John Keene, who had been in hospital recovering from eye surgery, rushed to the museum to sort out the mess. He too was arrested, handcuffed and with his two colleagues, locked up in a filthy cell overnight. Keene spent the night shackled to his bed while his wife begged to be permitted to administer his medication and pleaded for him to be allowed to return to hospital.

This was eventually acceded to after the prosecutor declined to press charges, but Keene's retina became permanently detached and he subsequently lost his sight in one eye. He and his colleagues sued the state and in 2009 were awarded R450,000 in damages.

The state also found itself dragged into court in two other significant cases. In the first, the Justice Alliance of South Africa and the False Bay Gun Club went to court to force the state to pay compensation to the 100,000-plus people who had surrendered firearms without compensation, because they were afraid they'd be jailed once the relicensing deadline was reached. There was much toing-and-froing and the gun owners got their judgment but the state won on appeal in 2013, so those who had already relinquished their firearms will not be paid out.

A much more significant judgment was made in favour of the SA Hunters and Game Conservation Association on 29 June 2009 when the court ordered that the old green licences issued under the Arms and Ammunition Act would remain valid. Judge Prinsloo said in his judgment: "There is no provision in the new act or regulations, so it was pointed out, to cater for the position of an unsuccessful applicant for renewal. Once a renewal application has been refused and the subsequent appeal turned down, the unsuccessful previous licence-holder will be in unlawful possession of the firearm and open to prosecution."

This was patently unfair, and for that reason the judge ruled that the old licences would remain valid. That was four years ago and the state has taken no further action in this regard.

The director of the museum, who was recovering from eye surgery, was arrested, handcuffed and locked up overnight in a filthy cell

The state was given yet another black eye in March last year, when the *Sunday Times* published a leaked performance audit report on the quality of training provided to police officers. This revealed

that of 157,704 police officers who underwent training to comply with the regulations of the Firearms Control Act, 27,329 failed proficiency tests, yet many still carried service weapons.

The report added that police officers were sent out to fight crime with weapons they could not use properly, leading to high risks for their colleagues and members of the community. It also stated that most of those who failed their proficiency tests were expected to carry weapons daily, and "there are still no proper policies and procedures in place regarding competency issues of Police Act members on operational duty".

Nobody knows what the cost of the Firearms Control Act has been to South Africa, but it will be billions rather than millions of rands.

Firearm law expert Martin Hood of MJ Hood & Associates:

We all knew that we didn't have the budget or the manpower to do this properly. The legislation was flawed, its implementation was imperfect and incomplete, and numerous members of the police, including very senior officers, saw opportunities for corruption.

'A senior member of the Hawks told me they believe that delays were purposely created by the people administering the system to create opportunities for corruption – specifically in the field of temporary authorisations because they're easier to approve and there's less control over them in a corrupt system.

"It's pervasive at every police station in every province as well as in the inner workings of the Central Firearms Registry itself. The conclusion I have come to is that the police now have less control over firearms than they had under the old legislation because of this.

"Part of the current investigation involves certain Chinese individuals allegedly being in possession of hundreds of blank signed permits. People use permits – issued by the CFR and valid for a year – to take possession of firearms, supposedly while licence applications are pending.

No licence is issued but when the permits expire, the guns are kept and nobody follows up."

Keith Dyer, ex-handgun editor of Magnum magazine:



The police, after initially being very aggressive about enforcement of the FCA, soon found that many of the requirements were impractical for them, so they now ignore them. All firearms surrendered for whatever reason – mainly for amnesty or as a result of police intimidation – are supposed to be ballistically tested before destruction to see if they can be linked to unsolved crimes. This could obviously never happen because the ballistic laboratory is snowed under and has a backlog of current evidence to collate. So, what better way to rid yourself of a murder weapon than to hand it over for destruction?

"They also continually lie to the public – the CFR's call centre still tells worried gun owners whose new licences have expired that they are illegally in possession, which is rubbish. Their old licenses are still valid!"

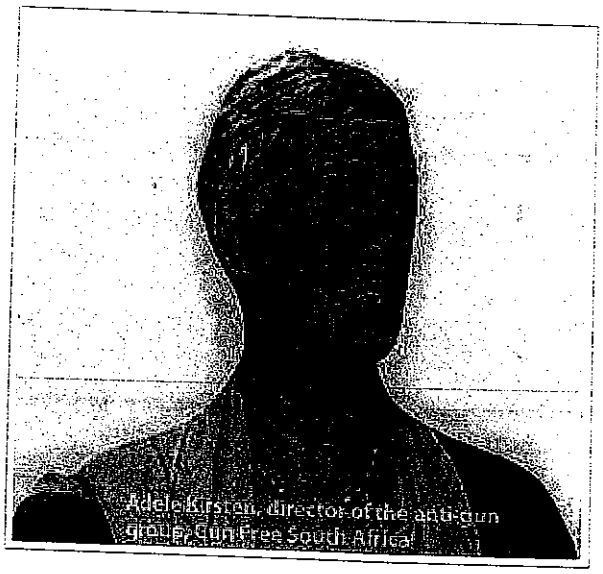
Advocate John Welch, ex-Deputy Attorney General of Transvaal, now a trustee of the South African Gunowners' Association (SAGA):

We were hoping that after the teething problems with the FCA things had normalised and over the last two years I think most people were satisfied. In most cases they were courteously treated by the

police and applications for relicensing were processed in a reasonable time – often quicker than the promised 90 days.

"When we heard last month that the minister had announced a commission to investigate the current situation we wondered what it was about. It came as a great surprise to hear that certain firearms dealers were mentioned and especially when allegations were made against some of the top members of the police and the Central Firearms Registry. The mere fact that there is an ongoing investigation doesn't mean that the system must stop, though. It's a public institution that renders a service to the taxpayer. I believe it's very important that the committee or commission must carry on and do its job and I just hope it will invite representations so we can help reach a correct finding."

Adele Kirsten, director of the anti-gun group, Gun Free South Africa



Our call is that there's a mess at the CFR. The system's not working and we need to get to the bottom of that. We think that stopping operations and allowing investigators to get into the firearms registry to look at everything is the only way.

"We can't put a timeline on this because we don't know how long it will take. In a nine-month period in 2011 when the minister indicated that the CFR had become more efficient, they issued just over a million licences in nine months, whereas before, they hadn't been able to do that in five years. That raised red flags for us: was the system becoming more efficient or was it just about rubber-stamping and not doing background checks while chasing numbers?"

Anonymous gun owner:

The situation is now ridiculous. I have eight firearms but when I applied to relicense them back in 2005, I was told that I could only apply for four. I applied for the most valuable ones and the licences came through in 2008. The first new licence has already expired, and the CFR helpline tells me that I am now in illegal possession of it. The four cheaper weapons I didn't apply for are still legitimate though. People who complied with the law in 2005 are now worse off than those who didn't."

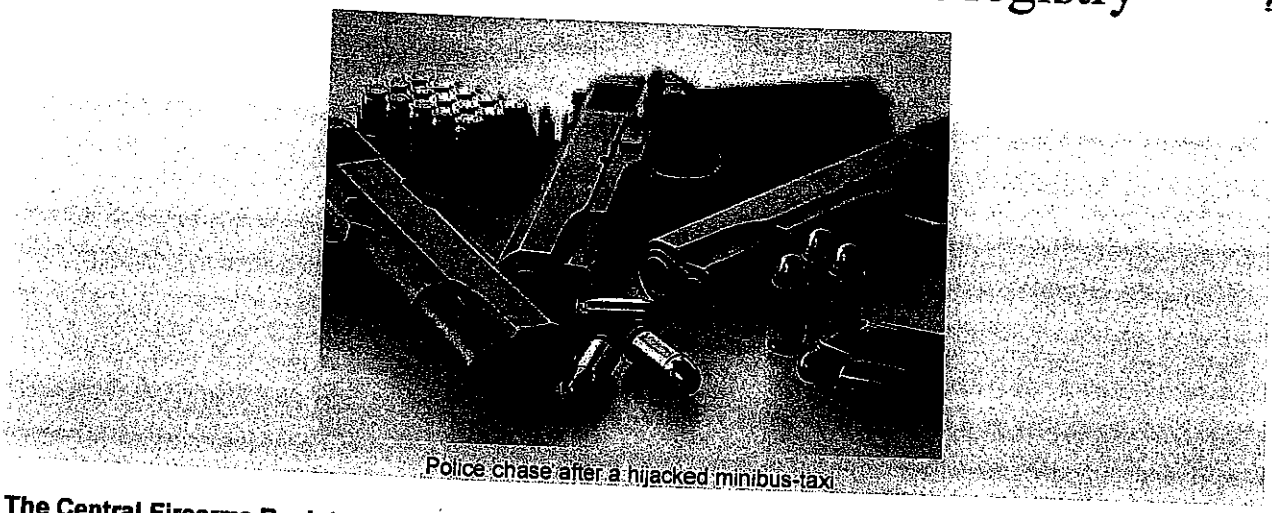
Follow responses with your RSS Feed | No Comments

Share

South Africa 24.9.2014 09:26 am

"R"
278

MP's 'appalled' at state of firearms registry



Police chase after a hijacked minibus-taxi.

The Central Firearms Registry (CFR), responsible for the processing of gun licence applications, is in an appalling state, Parliament's police portfolio committee found on Tuesday.

"Poor IT systems, a lack of equipment, filing and office space, and a shortage of manpower, [are] major concerns affecting the manner in which firearm applications are managed and controlled," committee chairman Francois Beukman said in a statement.

The statement was issued after a visit by his committee to the registry's offices in Pretoria earlier in the day.

Beukman said MPs had been "appalled" by the condition of the building, and the committee would raise the matter with national police commissioner Riah Phiyega.

"The current CFR building has files stacked along corridors, and this makes the building a fire hazard. Something needs to be done with this building. Its condition is not ideal for such a critical function," he said.

The committee called on SA Police Service top management to speed up its plans for a consolidated information technology (IT) system and a clean firearms database to ensure an effective firearms control process.

Beukman said there was a need for SAPS management to "indicate clearly when it planned to complete consolidating the IT systems related to the Central Firearms Registry".

It was worrying that SAPS had not yet fused the databases, as per the 1969 legislation, with the current one.

"We are also concerned that the issue of gun licence holders in the then TBVC states (Transkei, Bophuthatswana, Venda and Ciskei) has not been sorted out.

"SAPS needs to tell us when this will be done, because people abuse these fragmented systems and the lack of an integrated database management to apply for firearms in different provinces," he said.

The committee also wanted to see the position of head of the CFR, and all other vacant posts, filled as soon as possible "to address leadership and stability challenges".

Further, SAPS had to prioritise the training of designated firearms officers, who would be able to capture firearm applications and related matters in an accurate and reliable manner.

Beukman said effective gun control systems remained a key priority for the committee, as it was one way of reducing violent crimes in South Africa.

"To reduce violent crime, we need to tighten up the manner in which we control and manage the flow of firearms in the country."

– *Sapa*

08/01/2013

279

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

ON THIS 8TH DAY OF JANUARY 2015
BEFORE JUSTICE MALOPA-SETHOSA

In the matter between: CASE NUMBER: 40034/2013

AFROPEAN DIAMONDS (PTY) LTD
t/a FINCH DIAMOND MINE Applicant

And

MIRRIAM MANGWANI N.O., HEAD OF THE CENTRAL FIREARMS REGISTRY First Respondent

THE FIREARMS APPEAL BOARD Second Respondent

THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES Third Respondent

THE MINISTER OF POLICE Fourth Respondent

DRAFT ORDER

AFTER HAVING HEARD Counsel for the applicant and having read the papers filed of record, it is ordered that:

1. It is declared that First, Second, Third and Fourth Respondents are in contempt of the court order under case number 40034/2013 and dated 6 February 2014;

2. Third and Fourth Respondents are committed to jail for a period of (30) thirty days, suspended for a period of 5 years on condition that the individual person shall not be found guilty of the same offence during the period of suspension;

3. Respondents are ordered to pay the costs of this application jointly and severally, the one paying the other to be absolved, on a scale as between attorney and client, including the costs of 19 August 2014

4. The Applicant undertakes not to execute the orders before 20/1/2015, provided that the licences are issued before then

BY ORDER

REGISTRAR OF THE HIGH COURT SOUTH AFRICA GAUTENG DIVISION PRIVATE BAG X67 PRETORIA 0001

2015 -01- 20

W. MASHABA REGISTRAR

GRIFFIER VAN DIE HOË HOF SUID AFRIKA GAUTENG AFDELING PRETORIA

REGISTRAR

O.L

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

PRETORIA 21 FEBRUARY 2018 CASE NO.78495/2015

BEFORE THE HONOURABLE MR JUSTICE KEKANA, AJ

In the matter between:

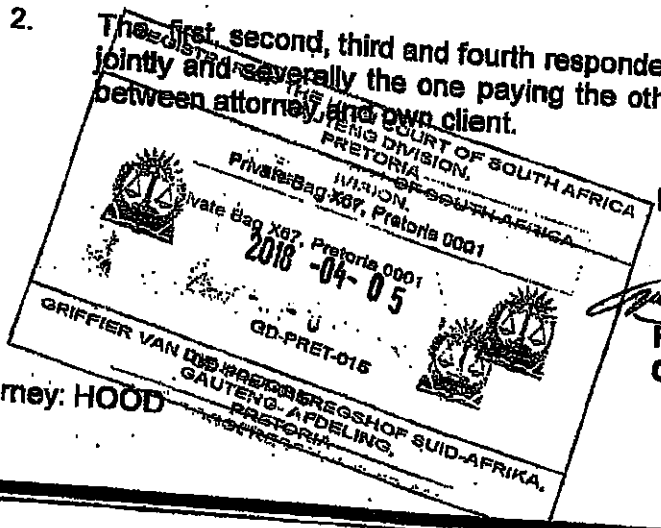
CLASSIC ARMS (PTY) LTD (DEALER CODE: 2888)	APPLICANT
AND	
BRIGADIER LJ MABULE HEAD CENTRAL FIREARMS REGISTER	1ST RESPONDENT
COLONEL DANISILE NDUKULA THE NATIONAL COMMISSIONER, SOUTH AFRICAN POLICE SERVICES	2ND RESPONDENT
THE MINISTER OF POLICE	3RD RESPONDENT
	4TH RESPONDENT

HAVING read the documents filed of record, heard counsel and considered the matter:

IT IS ORDERED THAT

1. Committing the first, second, third and fourth respondents to a period of 30 (thirty) days imprisonment for contempt of court for failure to comply with the court order dated 4 September 2017.

2. The first, second, third and fourth respondents pay the costs of this application jointly and severally the one paying the other to be absolved on the scale as between attorney and own client.



BY THE COURT

REGISTRAR
CB

Attorney: HOOD

"U"

282

PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



rliament) » Press Releases

MENU

COMMITTEE RECOMMENDS THESE GUN CONTROL MEASURES BE PRIORITISED

Parliament, Wednesday, 16 May 2018 – The Chairperson of the Portfolio Committee on Police, Mr Francois Beukman, says more should be done to deal effectively with the proliferation of illegal firearms that are used by criminals in violent crime.



Recent incidents of cash-in transit heists and brazen robberies where high-calibre automatic firearms were used is a great cause of concern to the committee. "The high incidents of gun deaths on the Cape Flats, especially of young children, should be tackled head-on by the relevant law-enforcement agencies," Mr Beukman emphasised.

The portfolio committee believes the following five steps should be prioritised if the police are to be effective in dealing with the proliferation of guns:

1. Channel more resources to the Directorate for Priority Crime Investigation's specialised unit focussing on illegal fire-arms.
2. Implement more projects and network operations initiated by crime intelligence to deal with gun smuggling by criminal syndicates.
3. Enforce stricter control measures in South African Police Services (Saps) stores and stations, and also in the arms supply of the South African National Defence Force.
4. Ensure closer cooperation with other South African Development Community countries to deal with the proliferation and inflow of high calibre automatic firearms in the region.
5. Conduct a full-scale review of the Firearms Registry turn-around strategy and a forensic audit of high-risk areas in the licencing of firearms, as well as permits and authorisations.

The Portfolio Committee is also of the view that the long-awaited Firearms Amendment Bill should be tabled as soon as possible. Mr Beukman emphasised that the high rate of gun-related deaths warrants an increase in efforts to deal with the proliferation of illegal firearms by South African law-enforcement agencies.

"There is also a huge responsibly on citizens to report any information about the ownership of illegal guns to the Saps," Mr Beukman concluded.

ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON POLICE, MR FRANCOIS BEUKMAN

For media enquiries or interviews with the Chairperson, please contact the committee's Media Officer:

Name: Malatswa Molepo (Mr)
Parliamentary Communication Services
Tel: 021 403 8438
Cell: 081 512 7920
E-mail: mmolepo@parliament.gov.za (mailto:mmolepo@parliament.gov.za)

SAPS 525(a)
SAPD 525(a)

SOUTH AFRICAN POLICE SERVICE
SUID-AFRIKAANSE POLISIEDIENS

PERMAMENT IMPORT PERMIT
PERMANENTE INVOERPERMIT

Section 76 and 77 of the Firearms Control Act, 2000 (Act No 60 of 2000)
Artikel 76 en 77 van die Wet op Beheer van Vuurwapens, 2000 (Wet No 60 van 2000)

A permit is hereby granted to / 'n Permit word hiermee toegestaan aan:

PARTICULARS OF THE PERMIT HOLDER / BESONDERHEDE VAN DIE HOUER VAN DIE PERMIT

Juristic person:
Regspersoon:

Registered name
Geregistreerde naam: BERNHARD AGENCIES

Business address
Besigheidsadres: MOTORSONIC BUILDING
660 LOUIS BOTHA AVENUE
WYNBERG
JOHANNESBURG

Postal address
Posadres: P.O.BOX 917
GALLO MANOR

Responsible person
Verantwoordelike persoon: NPK BERNHARD

ID number
Identiteitsnommer: 8 1 1 2 1 0 - 5 1 9 0 - 0 8 1

Contact telephone number
Kontaknommer: 011 - 8021783

Natural person:
Natuurlike persoon:

Initials and surname
Voorletters en van

SAPS 525(a)
SAPD 525(a)

Identity number
Identiteitsnommer

Passport number
Paspoortnommer

Physical address
Woonadres

Contact telephone number
Kontaknommer

Import permit number
Nommer van invoerpermit: PI6332704

Reason(s) for permit
Rede(s) vir permit: BUSINESS

Country of origin
Land van herkoms: AUSTRIA

Port of entry
Invoerhawe: JOHANNESBURG INTERNATIONAL AIRPORT

STANDARD CONDITIONS APPLICABLE TO A PERMANENT IMPORT PERMIT

A dealer, manufacturer or gunsmith who permanently imports a firearm or ammunition -

(a) must lodge the necessary application at least 21 days before the shipment of the firearm or ammunition to the Republic of South Africa or on good cause shown, such shorter period as the Registrar, within his or her discretion regard as expedient;

(b) may not arrange for the shipment of the firearm or ammunition prior to the issuing of the import permit;

(c) must immediately on the arrival of the firearms or ammunition in the Republic of South Africa, notify the Head: Central Firearms Register and the Designated Firearms Officer appointed for the port of entry where the shipment has arrived, in writing of the arrival and provide the particulars of the container and place where it can be inspected;

(d) must ensure that the firearms or ammunition is stored in terms of the prescripts of these regulations;

(e) may not open the container holding the consignment of the firearms or ammunition unless the Designated Firearms Officer or a police official nominated by the Designated Firearms Officer is present;

(f) must within 72 hours of the arrival of the firearms or ammunition in the Republic of South Africa -

(i) arrange with the Designated Firearms Officer or a police official nominated by the Designated Firearms Officer, to physically inspect the firearms or ammunition; and

(ii) on finalisation of the physical inspection certify in writing that the imported firearms or ammunition corresponding with the import permit, arrived in Republic of South Africa.

SAPS 525(a)
SAPD 525(a)

(g) A firearm and ammunition that is imported into the Republic of South Africa, may only be used where it is safe to use the firearm and for a lawful purpose, stated on the application submitted in respect of the import of the firearm or ammunition and in accordance with the provisions of the Act.

(h) An application for an extension, renewal and replacement of an import, export and in-transit permit must be submitted in writing to The Head: Central Firearms Register at least seven days before the expiry date lapses, otherwise a new application will be required.

STANDAARDVOORWAARDES VAN TOEPASSING OP 'N PERMANENTE INVOERPERMIT

'n Handelaar, vervaardiger of wapensmid wat permanent 'n vuurwapen of ammunisie invoer -

(a) moet die nodige aansoek minstens 21 dae voor die verskeping vuurwapens of ammunisie na die Republiek van Suid-Afrika of die aanvaar van gegronde redes op sodanige korter kennisgewing wat die Registrateur na goeddunke kan beskou as 'n geskikte tydperk;

(b) kan nie reël vir die verskeping van die vuurwapen of ammunisie voordat die invoerpermit uitgereik is nie;

(c) moet onmiddellik met aankoms van die vuurwapens of ammunisie in die Republiek van Suid-Afrika die Hoof: Sentrale Vuurwapenregister en die Aangewese Vuurwapenbeampte wat aangestel is by die plek van aankoms waar die vrag aangekom het, skriftelik in kennis stel van die aankoms en besonderhede verskaf oor die besonderhede van die houer en plek waar dit geïnspekteer kan word;

(d) moet seker maak dat die vuurwapens en ammunisie geberg word kragtens die voorskrifte van die regulasies;

(e) mag nie die houer met die besending vuurwapens of ammunisie oopmaak tensy die Aangewese Vuurwapenbeampte of polisiebeampte wat genomineer is deur die Aangewese Vuurwapenbeampte teenwoordig is nie;

(f) moet binne 72 uur na die aankoms van die vuurwapens of ammunisie in die Republiek van Suid-Afrika -

(i) met die Aangewese Vuurwapenbeampte of 'n polisiebeampte wat genomineer is deur die Aangewese Vuurwapenbeampte, reël om die vuurwapens of ammunisie fisies te inspekteer; en

(ii) nadat die fisiese inspeksie afgehandel is, skriftelik bevestig dat die vuurwapens of ammunisie in ooreenstemming met die invoerpermit, in die Republiek van Suid-Afrika aangekom het.

(g) 'n Vuurwapen en ammunisie wat ingevoer word in die Republiek van Suid-Afrika kan nie gebruik word tensy dit veilig is om die vuurwapen te gebruik en vir 'n wettige doel, soos dit gemeld word in die aansoek wat ingedien word met betrekking tot die invoer van die vuurwapen of ammunisie en in ooreenstemming met die bepalings van die Wet.

(h) 'n Aansoek om die uitbreiding, hernuwing en vervanging van 'n invoer-, uitvoer- en deurgangspermit moet skriftelik ingedien word by die Hoof: Sentrale Vuurwapenregister en dit moet minstens sewe dae voor die vervaldatum van die permit gedoen word, so nie moet 'n nuwe aansoek ingedien word.

Additional conditions:
Bykomende voorwaardes:

SAPS 525(a)
SAPD 525(a)

Date of issue
Datum van uitreiking

2	0	1	3	-	0	1	-	3	1

Expiry date
Vervaldatum

2	0	1	3	-	0	7	-	2	8

OFFICIAL DATE STAMP
AMPTELIKE DATUMSTEMPEL

f/THE REGISTRAR
n/DIE REGISTRATEUR

Name in block letters
Naam in drukskrif

Rank in Block letters
Rang in drukskrif

Persal number
Persal-nommer

From BERNHARD AGENCIES
Code 100309

South African Police

SAP 350 B

288

No.	Type	Action	Calibre	Serial #	Make	Name	Where	Dealer Code	Month Dec 2012 - 2013
1	Pistol	Self Load	9mmP	UGU035	GLOCK	ITFA	Krugersdorp	0100437	March
2	Pistol	Self Load	9mmP	UGU036	GLOCK	ITFA	Krugersdorp	0100437	March
3	Pistol	Self Load	9mmP	UGU037	GLOCK	ITFA	Krugersdorp	0100437	March
4	Pistol	Self Load	9mmP	UGU038	GLOCK	ITFA	Krugersdorp	0100437	March
5	Pistol	Self Load	9mmP	UGU039	GLOCK	ITFA	Krugersdorp	0100437	March
6	Pistol	Self Load	9mmP	UGU040	GLOCK	ITFA	Krugersdorp	0100437	March
7	Pistol	Self Load	9mmP	UGU041	GLOCK	ITFA	Krugersdorp	0100437	March
8	Pistol	Self Load	9mmP	UGU042	GLOCK	ITFA	Krugersdorp	0100437	March
9	Pistol	Self Load	9mmP	UGU043	GLOCK	ITFA	Krugersdorp	0100437	March
10	Pistol	Self Load	9mmP	UGU044	GLOCK	ITFA	Krugersdorp	0100437	March
11	Pistol	Self Load	9mmP	UGU045	GLOCK	Crusader Arms	Vereeniging	0100181	March
12	Pistol	Self Load	9mmP	UGU046	GLOCK	Crusader Arms	Vereeniging	0100181	March
13	Pistol	Self Load	9mmP	UGU047	GLOCK	Crusader Arms	Vereeniging	0100181	March
14	Pistol	Self Load	9mmP	UGU048	GLOCK	Crusader Arms	Vereeniging	0100181	March
15	Pistol	Self Load	9mmP	UGU049	GLOCK	Crusader Arms	Vereeniging	0100181	March
16	Pistol	Self Load	9mmP	UGU050	GLOCK	Crusader Arms	Vereeniging	0100181	March
17	Pistol	Self Load	9mmP	UGU051	GLOCK	Crusader Arms	Vereeniging	0100181	March
18	Pistol	Self Load	9mmP	UGU052	GLOCK	Savuti	Brakpan	001035	April
19	Pistol	Self Load	9mmP	UGU053	GLOCK	African Hunter & Outfitter	East Rand	0100523	April
20	Pistol	Self Load	9mmP	UGU054	GLOCK	Surefocus	Meyerton	0100360	April
21	Pistol	Self Load	9mmP	UGU055	GLOCK	ITFA	Krugersdorp	0100437	April
22	Pistol	Self Load	9mmP	UGU056	GLOCK	Quenets	Worcester	001435	April
23	Pistol	Self Load	9mmP	UGU057	GLOCK	Quenets	Worcester	001435	April
24	Pistol	Self Load	9mmP	UGU058	GLOCK	LA ARMS	Pretoria	0100035	May
25	Pistol	Self Load	9mmP	UGU059	GLOCK	Hunters	Heidelberg	002503	May
26	Pistol	Self Load	9mmP	UGU060	GLOCK	Selwels	Kwa Dukuza	002570	May
27	Pistol	Self Load	9mmP	UGU061	GLOCK	Rosenthals	Cape Town	002080	May
28	Pistol	Self Load	9mmP	UGU062	GLOCK	Surefocus	Meyerton	0100360	April
29	Pistol	Self Load	9mmP	UGU063	GLOCK	Rosenthals	Cape Town	002080	May
30	Pistol	Self Load	9mmP	UGU064	GLOCK	Selwels	Kwa Dukuza	002570	May
31	Pistol	Self Load	9mmP	UGU065	GLOCK	Ihawu	Dew Germany	0100084	March
32	Pistol	Self Load	9mmP	UGU066	GLOCK	Selwels	Kwa Dukuza	002570	May
33	Pistol	Self Load	9mmP	UGU067	GLOCK	Selwels	Kwa Dukuza	002570	May
34	Pistol	Self Load	9mmP	UGU068	GLOCK	Selwels	Kwa Dukuza	002570	May
35	Pistol	Self Load	9mmP	UGU069	GLOCK	Selwels	Kwa Dukuza	002570	May
36	Pistol	Self Load	9mmP	UGU070	GLOCK	Selwels	Kwa Dukuza	002570	May
37	Pistol	Self Load	9mmP	UGU071	GLOCK	Selwels	Kwa Dukuza	002570	February
38	Pistol	Self Load	9mmP	UGU072	GLOCK	Selwels	Kwa Dukuza	002570	February
39	Pistol	Self Load	9mmP	UGU073	GLOCK	Selwels	Kwa Dukuza	002570	February
40	Pistol	Self Load	9mmP	UGU074	GLOCK	Selwels	Kwa Dukuza	002570	February
41	Pistol	Self Load	9mmP	UGU075	GLOCK	Selwels	Kwa Dukuza	002570	February
42	Pistol	Self Load	9mmP	UGU076	GLOCK	Selwels	Kwa Dukuza	002570	February
43	Pistol	Self Load	9mmP	UGU077	GLOCK	Selwels	Kwa Dukuza	002570	February
44	Pistol	Self Load	9mmP	UGU078	GLOCK	Selwels	Kwa Dukuza	002570	February
45	Pistol	Self Load	9mmP	UGU079	GLOCK	Selwels	Kwa Dukuza	002570	February
46	Pistol	Self Load	9mmP	UGU080	GLOCK	Selwels	Kwa Dukuza	002570	February
47	Pistol	Self Load	9mmP	UGU081	GLOCK	Selwels	Kwa Dukuza	002570	February
48	Pistol	Self Load	9mmP	UGU082	GLOCK	Selwels	Kwa Dukuza	002570	February
49	Pistol	Self Load	9mmP	UGU083	GLOCK	Selwels	Kwa Dukuza	002570	February
50	Pistol	Self Load	9mmP	UGU084	GLOCK	Selwels	Kwa Dukuza	002570	February
51	Pistol	Self Load	9mmP	UAG617	GLOCK	Nicholas Yale	Randburg	001257	December
52	Pistol	Self Load	9mmP	UAG618	GLOCK	Nicholas Yale	Randburg	001257	December
53	Pistol	Self Load	9mmP	UAG619	GLOCK	Nicholas Yale	Randburg	001257	December
54	Pistol	Self Load	9mmP	UAG620	GLOCK	Nicholas Yale	Randburg	001257	December
55	Pistol	Self Load	9mmP	UAG621	GLOCK	Southern Arms	Wynberg	0100439	December
56	Pistol	Self Load	9mmP	UAG622	GLOCK	John Klemp Hunting	Kimberley	0100299	March
57	Pistol	Self Load	9mmP	UAG623	GLOCK	John Klemp Hunting	Kimberley	0100299	March
58	Pistol	Self Load	9mmP	UAG624	GLOCK	John Klemp Hunting	Kimberley	0100299	March
59	Pistol	Self Load	9mmP	UAG625	GLOCK	John Klemp Hunting	Kimberley	0100299	March
60	Pistol	Self Load	9mmP	UAG626	GLOCK	John Klemp Hunting	Kimberley	0100299	March
61	Pistol	Self Load	9mmP	UAG627	GLOCK	Southern Arms	Wynberg	0100439	February
62	Pistol	Self Load	9mmP	UAG628	GLOCK	Southern Arms	Wynberg	0100439	February
63	Pistol	Self Load	9mmP	UAG629	GLOCK	John Klemp Hunting	Kimberley	0100299	March
64	Pistol	Self Load	9mmP	UAG630	GLOCK	John Klemp Hunting	Kimberley	0100299	March
65	Pistol	Self Load	9mmP	UAG631	GLOCK	John Klemp Hunting	Kimberley	0100299	March
66	Pistol	Self Load	9mmP	UAG632	GLOCK	John Klemp Hunting	Kimberley	0100299	March

289

67	Pistol	Self Load	9mmP	UAG633	GLOCK	John Klemp Hunting	Kimberley	0100299	March
68	Pistol	Self Load	9mmP	UAG634	GLOCK	John Klemp Hunting	Kimberley	0100299	March
69	Pistol	Self Load	9mmP	UAG635	GLOCK	Quenets	Worcester	001435	March
70	Pistol	Self Load	9mmP	UAG636	GLOCK	Quenets	Worcester	001435	March
71	Pistol	Self Load	9mmP	UAG637	GLOCK	Proshot	Pretoria	002879	January
72	Pistol	Self Load	9mmP	UAG638	GLOCK	Hi Tech Arms	Benoni	001288	January
73	Pistol	Self Load	9mmP	UAG639	GLOCK	Ihawu	New Germany	0100084	January
74	Pistol	Self Load	9mmP	UAG640	GLOCK	Gerrie Coetzee	Bloemfontein	0100452	January
75	Pistol	Self Load	9mmP	UAG641	GLOCK	Ihawu	New Germany	0100084	January
76	Pistol	Self Load	9mmP	UAG642	GLOCK	Ihawu	New Germany	0100084	January
77	Pistol	Self Load	9mmP	UAG643	GLOCK	Ihawu	New Germany	0100084	January
78	Pistol	Self Load	9mmP	UAG644	GLOCK	Rosenthals	Cape Town	002080	January
79	Pistol	Self Load	9mmP	UAG645	GLOCK	Targa	Piet Retief	0100455	January
80	Pistol	Self Load	9mmP	UAG646	GLOCK	Numenor	Pretoria	0100498	January
81	Pistol	Self Load	9mmP	UAG647	GLOCK	Quemic	Cape Town	0100443	January
82	Pistol	Self Load	9mmP	UAG648	GLOCK	Komani Gun Cellar	Queenstown	0100438	January
83	Pistol	Self Load	9mmP	UAG649	GLOCK	Hotshots	Meyerton	0100044	January
84	Pistol	Self Load	9mmP	UAG650	GLOCK	Byleveld Handelaars	Rustenburg	001171	January
85	Pistol	Self Load	9mmP	UAG651	GLOCK	Safari & Outdoor	Pretoria	0100479	January
86	Pistol	Self Load	9mmP	UAG652	GLOCK	Safari & Outdoor	Pretoria	0100479	January
87	Pistol	Self Load	9mmP	UAG653	GLOCK	Gerrie Coetzee	Bloemfontein	0100452	January
88	Pistol	Self Load	9mmP	UAG654	GLOCK	ITFA	Krugersdorp	0100437	February
89	Pistol	Self Load	9mmP	UAG655	GLOCK	Ihawu	New Germany	0100084	February
90	Pistol	Self Load	9mmP	UAG656	GLOCK	Ihawu	New Germany	0100084	February
91	Pistol	Self Load	9mmP	UAG657	GLOCK	Gerrie Coetzee	Bloemfontein	0100452	February
92	Pistol	Self Load	9mmP	UAG658	GLOCK	Gerrie Coetzee	Bloemfontein	0100452	February
93	Pistol	Self Load	9mmP	UAG659	GLOCK	Maverick	Kimberley	0100414	February
94	Pistol	Self Load	9mmP	UAG660	GLOCK	Camdix	Krugersdorp	001098	March
95	Pistol	Self Load	9mmP	UAG661	GLOCK	Titan	Mobeni	002740	March
96	Pistol	Self Load	9mmP	UAG662	GLOCK	Maca Arms	Despatch	0100333	March
97	Pistol	Self Load	9mmP	UAG663	GLOCK	NWK Beperk	Lichtenburg	0100155	March
98	Pistol	Self Load	9mmP	UAG664	GLOCK	NWK Beperk	Lichtenburg	0100155	March
99	Pistol	Self Load	9mmP	UAG665	GLOCK	Aug Behrens	Kroondal	001498	March
100	Pistol	Self Load	9mmP	UAG666	GLOCK	Maca Arms	Despatch	0100333	June
101	Pistol	Self Load	9mmP	UDZ000	GLOCK	Southern Arms	Wynberg	0100439	December
102	Pistol	Self Load	9mmP	UDZ001	GLOCK	Nicholas Yale	Randburg	001257	December
103	Pistol	Self Load	9mmP	UDZ002	GLOCK	Nicholas Yale	Randburg	001257	December
104	Pistol	Self Load	9mmP	UDZ003	GLOCK	Nicholas Yale	Randburg	001257	December
105	Pistol	Self Load	9mmP	UDZ004	GLOCK	Nicholas Yale	Randburg	001257	December
106	Pistol	Self Load	9mmP	UDZ005	GLOCK	Nicholas Yale	Randburg	001257	December
107	Pistol	Self Load	9mmP	UDZ006	GLOCK	Nicholas Yale	Randburg	001257	December
108	Pistol	Self Load	9mmP	UDZ007	GLOCK	Southern Arms	Wynberg	0100439	December
109	Pistol	Self Load	9mmP	UDZ008	GLOCK	Southern Arms	Wynberg	0100439	December
110	Pistol	Self Load	9mmP	UDZ009	GLOCK	Southern Arms	Wynberg	0100439	December
111	Pistol	Self Load	9mmP	UDZ010	GLOCK	Hunters	Kimberley	002503	December
112	Pistol	Self Load	9mmP	UDZ011	GLOCK	Strand Guns	Strand	0100435	January
113	Pistol	Self Load	9mmP	UDZ012	GLOCK	Strand Guns	Strand	0100435	January
114	Pistol	Self Load	9mmP	UDZ013	GLOCK	Strand Guns	Strand	0100435	January
115	Pistol	Self Load	9mmP	UDZ014	GLOCK	Savuti	Brakpan	001035	January
116	Pistol	Self Load	9mmP	UDZ015	GLOCK	Savuti	Brakpan	001035	January
117	Pistol	Self Load	9mmP	UDZ016	GLOCK	African Guns & Ammo	Germiston	0100123	January
118	Pistol	Self Load	9mmP	UDZ017	GLOCK	Titan Arms	Mobeni	002740	January
119	Pistol	Self Load	9mmP	UDZ018	GLOCK	ITFA	Krugersdorp	0100437	January
120	Pistol	Self Load	9mmP	UDZ019	GLOCK	ITFA	Krugersdorp	0100437	January
121	Pistol	Self Load	9mmP	UDZ020	GLOCK	City Guns	Cape Town	001401	January
122	Pistol	Self Load	9mmP	UDZ021	GLOCK	City Guns	Cape Town	001401	January
123	Pistol	Self Load	9mmP	UDZ022	GLOCK	City Guns	Cape Town	001401	January
124	Pistol	Self Load	9mmP	UDZ023	GLOCK	City Guns	Cape Town	001401	January
125	Pistol	Self Load	9mmP	UDZ024	GLOCK	City Guns	Cape Town	001401	January
126	Pistol	Self Load	9mmP	UDZ025	GLOCK	City Guns	Cape Town	001401	January
127	Pistol	Self Load	9mmP	UDZ026	GLOCK	City Guns	Cape Town	001401	January
128	Pistol	Self Load	9mmP	UDZ027	GLOCK	City Guns	Cape Town	001401	January
129	Pistol	Self Load	9mmP	UDZ028	GLOCK	City Guns	Cape Town	001401	January
130	Pistol	Self Load	9mmP	UDZ029	GLOCK	City Guns	Cape Town	001401	January
131	Pistol	Self Load	9mmP	UDZ030	GLOCK	Brent Guns	Durban	0100367	January
132	Pistol	Self Load	9mmP	UDZ031	GLOCK	Brent Guns	Durban	0100367	January
133	Pistol	Self Load	9mmP	UDZ032	GLOCK	Centurion Indoor	Centurion	0100050	January
134	Pistol	Self Load	9mmP	UDZ033	GLOCK	Centurion Indoor	Centurion	0100050	January
135	Pistol	Self Load	9mmP	UDZ034	GLOCK	Centurion Indoor	Centurion	0100050	January
136	Pistol	Self Load	9mmP	UDZ035	GLOCK	Blou Meul	Alberton	002339	January
137	Pistol	Self Load	9mmP	UDZ036	GLOCK	Surefocus	Meyerton	0100360	January
138	Pistol	Self Load	9mmP	UDZ037	GLOCK	Strand Guns	Strand	0100435	January
139	Pistol	Self Load	9mmP	UDZ038	GLOCK	Ihawu	New Germany	0100084	January
140	Pistol	Self Load	9mmP	UDZ039	GLOCK	Selwels	Kwa Dukuza	002570	January
141	Pistol	Self Load	9mmP	UDZ040	GLOCK	Numenor	Pretoria	0100498	January

290

142	Pistol	Self Load	9mmP	UDZ041	GLOCK	Numenor	Pretoria	0100498	January
143	Pistol	Self Load	9mmP	UDZ042	GLOCK	Magnum Arms	Nelspruit	002448	January
144	Pistol	Self Load	9mmP	UDZ043	GLOCK	Brent Guns	Durban	0100367	January
145	Pistol	Self Load	9mmP	UDZ044	GLOCK	Centurion Indoor	Centurion	0100050	January
146	Pistol	Self Load	9mmP	UDZ045	GLOCK	Centurion Indoor	Centurion	0100050	January
147	Pistol	Self Load	9mmP	UDZ046	GLOCK	Centurion Indoor	Centurion	0100050	January
148	Pistol	Self Load	9mmP	UDZ047	GLOCK	Centurion Indoor	Centurion	0100050	January
149	Pistol	Self Load	9mmP	UDZ048	GLOCK	Centurion Indoor	Centurion	0100050	January
150	Pistol	Self Load	9mmP	UDZ049	GLOCK	Ficksburg Arms	Ficksburg	0100272	January
151	Pistol	Self Load	9mmP	UDZ050	GLOCK	Ficksburg Arms	Ficksburg	0100272	January
152	Pistol	Self Load	9mmP	UDZ051	GLOCK	Brent Guns	Durban	0100367	January
153	Pistol	Self Load	9mmP	UDZ052	GLOCK	Dock Arms	Fordsburg	0100421	February
154	Pistol	Self Load	9mmP	UDZ053	GLOCK	RS Sports	Welkom	0100461	February
155	Pistol	Self Load	9mmP	UDZ054	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
156	Pistol	Self Load	9mmP	UDZ055	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
157	Pistol	Self Load	9mmP	UDZ056	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
158	Pistol	Self Load	9mmP	UDZ057	GLOCK	National Cartridge	Cape Town	0100427	January
159	Pistol	Self Load	9mmP	UDZ058	GLOCK	Flora Guns	Florida	0100097	January
160	Pistol	Self Load	9mmP	UDZ059	GLOCK	National Cartridge	Cape Town	0100427	January
161	Pistol	Self Load	9mmP	UDZ060	GLOCK	Southern Arms	Wynberg	0100439	February
162	Pistol	Self Load	9mmP	UDZ061	GLOCK	Southern Arms	Wynberg	0100439	February
163	Pistol	Self Load	9mmP	UDZ062	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
164	Pistol	Self Load	9mmP	UDZ063	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
165	Pistol	Self Load	9mmP	UDZ064	GLOCK	Southern Arms	Wynberg	0100439	February
166	Pistol	Self Load	9mmP	UDZ065	GLOCK	Numenor	Pretoria	0100498	January
167	Pistol	Self Load	9mmP	UDZ066	GLOCK	Tactical Star	Rooikraal	0100518	January
168	Pistol	Self Load	9mmP	UDZ067	GLOCK	Southern Arms	Wynberg	0100439	February
169	Pistol	Self Load	9mmP	UDZ068	GLOCK	RS Sports	Welkom	0100461	January
170	Pistol	Self Load	9mmP	UDZ069	GLOCK	Southern Arms	Wynberg	0100439	February
171	Pistol	Self Load	9mmP	UDZ070	GLOCK	RS Sports	Welkom	0100461	January
172	Pistol	Self Load	9mmP	UDZ071	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
173	Pistol	Self Load	9mmP	UDZ072	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
174	Pistol	Self Load	9mmP	UDZ073	GLOCK	Aug Behrens	Kroondal	001498	March
175	Pistol	Self Load	9mmP	UDZ074	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
176	Pistol	Self Load	9mmP	UDZ115	GLOCK	African Guns & Ammo	Germiston	0100123	February
177	Pistol	Self Load	9mmP	UDZ116	GLOCK	Senwes	Bothaville	0100226	February
178	Pistol	Self Load	9mmP	UDZ117	GLOCK	Guthries	Midrand	001318	February
179	Pistol	Self Load	9mmP	UDZ118	GLOCK	Nicholas Yale	Randburg	001257	February
180	Pistol	Self Load	9mmP	UDZ119	GLOCK	Nicholas Yale	Randburg	001257	February
181	Pistol	Self Load	9mmP	UDZ120	GLOCK	Nicholas Yale	Randburg	001257	February
182	Pistol	Self Load	9mmP	UDZ121	GLOCK	Nicholas Yale	Randburg	001257	February
183	Pistol	Self Load	9mmP	UDZ122	GLOCK	City Guns	Cape Town	001401	February
184	Pistol	Self Load	9mmP	UDZ123	GLOCK	City Guns	Cape Town	001401	February
185	Pistol	Self Load	9mmP	UDZ124	GLOCK	City Guns	Cape Town	001401	February
186	Pistol	Self Load	9mmP	UDZ125	GLOCK	City Guns	Cape Town	001401	February
187	Pistol	Self Load	9mmP	UDZ126	GLOCK	City Guns	Cape Town	001401	February
188	Pistol	Self Load	9mmP	UDZ127	GLOCK	BERNHARD AGENCIES	Wynberg	0100309	January
189	Pistol	Self Load	9mmP	UDZ128	GLOCK	Southern Arms	Wynberg	0100439	February
190	Pistol	Self Load	9mmP	UDZ129	GLOCK	Surefocus	Meyerton	0100360	February
191	Pistol	Self Load	9mmP	UDZ130	GLOCK	Outdoor Adventure Centre	Rustenburg	0100429	February
192	Pistol	Self Load	9mmP	UDZ131	GLOCK	African Guns & Ammo	Germiston	0100123	February
193	Pistol	Self Load	9mmP	UDZ132	GLOCK	GWK	Prieska	002691	February
194	Pistol	Self Load	9mmP	UDZ133	GLOCK	Quenets	Worcester	001435	February
195	Pistol	Self Load	9mmP	UDZ134	GLOCK	Ihawu	New Germany	0100084	February
196	Pistol	Self Load	9mmP	UDZ135	GLOCK	Acapulco	Kempton Park	001902	February
197	Pistol	Self Load	9mmP	UDZ136	GLOCK	Acapulco	Kempton Park	001902	February
198	Pistol	Self Load	9mmP	UDZ137	GLOCK	National Cartridge	Cape Town	0100427	February
199	Pistol	Self Load	9mmP	UDZ138	GLOCK	Acapulco	Kempton Park	001902	February
200	Pistol	Self Load	9mmP	UDZ139	GLOCK	Ihawu	New Germany	0100084	March
201	Pistol	Self Load	9mmP	UDZ140	GLOCK	Camdix	Krugersdorp	001098	March
202	Pistol	Self Load	9mmP	UDZ141	GLOCK	Camdix	Krugersdorp	001098	March
203	Pistol	Self Load	9mmP	UDZ142	GLOCK	Gerrie Coetzee	Bloemfontein	0100452	March
204	Pistol	Self Load	9mmP	UDZ143	GLOCK	Strand Guns	Strand	0100435	March
205	Pistol	Self Load	9mmP	UDZ144	GLOCK	Centurion Indoor	Centurion	0100050	March
206	Pistol	Self Load	9mmP	UDZ145	GLOCK	Southern Arms	Wynberg	0100439	March
207	Pistol	Self Load	9mmP	UDZ146	GLOCK	Camdix	Krugersdorp	001098	March
208	Pistol	Self Load	9mmP	UDZ147	GLOCK	Southern Arms	Wynberg	0100439	March
209	Pistol	Self Load	9mmP	UDZ148	GLOCK	Richard QUAN	Sunninghill	ID: 8510265014084	June
210	Pistol	Self Load	9mmP	UDZ149	GLOCK	Guthries	Midrand	001318	March
211	Pistol	Self Load	9mmP	UDZ150	GLOCK	L & W	Faerie Glen	0100469	March
212	Pistol	Self Load	9mmP	UDZ151	GLOCK	Tactical Edge	Pretoria	Institution: 19283	October
213	Pistol	Self Load	9mmP	UDZ152	GLOCK	Tactical Edge	Pretoria	Institution: 19283	October
214	Pistol	Self Load	9mmP	UDZ153	GLOCK	Tactical Edge	Pretoria	Institution: 19283	October
215	Pistol	Self Load	9mmP	UDZ154	GLOCK	Tactical Edge	Pretoria	Institution: 19283	October
216	Pistol	Self Load	9mmP	UDZ155	GLOCK	Tactical Edge	Pretoria	Institution: 19283	October

217	Pistol	Self Load	9mmP	UDZ156	GLOCK	Tactical Edge	Pretoria	Institution: 19283	October
218	Pistol	Self Load	9mmP	UDZ157	GLOCK	Tactical Edge	Pretoria	Institution: 19283	October
219	Pistol	Self Load	9mmP	UDZ158	GLOCK	Tactical Edge	Pretoria	Institution: 19283	October
220	Pistol	Self Load	9mmP	UDZ159	GLOCK	Macassar	Firgrove	002845	March
221	Pistol	Self Load	9mmP	UDZ160	GLOCK	LA ARMS	Pretoria	0100035	March
222	Pistol	Self Load	9mmP	UDZ161	GLOCK	Zimbi Books	Menlo Park	0100474	March
223	Pistol	Self Load	9mmP	UDZ162	GLOCK	Zimbi Books	Menlo Park	0100474	March
224	Pistol	Self Load	9mmP	UDZ163	GLOCK	Zimbi Books	Menlo Park	0100474	March
225	Pistol	Self Load	9mmP	UDZ164	GLOCK	Zimbi Books	Menlo Park	0100474	March
226	Pistol	Self Load	9mmP	UDZ165	GLOCK	Flora Guns	Florida	0100097	April
227	Pistol	Self Load	9mmP	UDZ166	GLOCK	Savuti	Brakpan	001035	April
228	Pistol	Self Load	9mmP	UDZ167	GLOCK	Koedoesrand	Vaalwater	002729	April
229	Pistol	Self Load	9mmP	UDZ168	GLOCK	Hi Tech Arms	Benoni	001288	April
230	Pistol	Self Load	9mmP	UDZ169	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	April
231	Pistol	Self Load	9mmP	UDZ170	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	April
232	Pistol	Self Load	9mmP	UDZ171	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	April
233	Pistol	Self Load	9mmP	UDZ172	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	April
234	Pistol	Self Load	9mmP	UDZ173	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	April
235	Pistol	Self Load	9mmP	UDZ174	GLOCK	Strand Guns	Strand	0100435	April
236	Pistol	Self Load	9mmP	UDZ175	GLOCK	Centurion Indoor	Centurion	0100050	February
237	Pistol	Self Load	9mmP	UDZ176	GLOCK	Centurion Indoor	Centurion	0100050	February
238	Pistol	Self Load	9mmP	UDZ177	GLOCK	Centurion Indoor	Centurion	0100050	February
239	Pistol	Self Load	9mmP	UDZ178	GLOCK	Centurion Indoor	Centurion	0100050	February
240	Pistol	Self Load	9mmP	UDZ179	GLOCK	Centurion Indoor	Centurion	0100050	February
241	Pistol	Self Load	9mmP	UDZ180	GLOCK	Centurion Indoor	Centurion	0100050	February
242	Pistol	Self Load	9mmP	UDZ181	GLOCK	Centurion Indoor	Centurion	0100050	February
243	Pistol	Self Load	9mmP	UDZ182	GLOCK	Centurion Indoor	Centurion	0100050	February
244	Pistol	Self Load	9mmP	UDZ183	GLOCK	Centurion Indoor	Centurion	0100050	February
245	Pistol	Self Load	9mmP	UDZ184	GLOCK	Centurion Indoor	Centurion	0100050	February
246	Pistol	Self Load	9mmP	UDZ185	GLOCK	Senwes	Bothaville	0100226	April
247	Pistol	Self Load	9mmP	UDZ186	GLOCK	African Rifles	Melrose	002634	April
248	Pistol	Self Load	9mmP	UDZ187	GLOCK	Hailstorm	Pretoria	002950	April
249	Pistol	Self Load	9mmP	UDZ188	GLOCK	Magnum Arms	Nelspruit	002448	May
250	Pistol	Self Load	9mmP	UDZ189	GLOCK	Magnum Arms	Nelspruit	002448	May
251	Pistol	Self Load	9mmP	UAN787	GLOCK	Acapulco	Kempton Park	001902	December
252	Pistol	Self Load	9mmP	UAN788	GLOCK	Dock Arms	Fordsburg	0100421	January
253	Pistol	Self Load	9mmP	UAN789	GLOCK	Numenor	Pretoria	0100498	January
254	Pistol	Self Load	9mmP	UAN790	GLOCK	Numenor	Pretoria	0100498	January
255	Pistol	Self Load	9mmP	UAN791	GLOCK	Nicholas Yale	Randburg	001257	February
256	Pistol	Self Load	9mmP	UAN797	GLOCK	ITFA	Krugersdorp	0100437	February
257	Pistol	Self Load	9mmP	UAN798	GLOCK	African Hunter & Outfitter	East Rand	0100523	April
258	Pistol	Self Load	9mmP	UAN799	GLOCK	African Guns & Ammo	Germiston	0100123	June
259	Pistol	Self Load	9mmP	UAN800	GLOCK	Centurion Indoor	Centurion	0100050	July
260	Pistol	Self Load	9mmP	UAN801	GLOCK	Safari and Outdoor PTA	Pretoria	0100479	June
261	Pistol	Self Load	9mmP	UGU000	GLOCK	Potch Skietbaan	Vryheid	002869	January
262	Pistol	Self Load	9mmP	UGU001	GLOCK	BERNHARD AGENCIES	Wynberg	0100309	Dec
263	Pistol	Self Load	9mmP	UGU002	GLOCK	Aug Behrens	Kroondal	001498	March
264	Pistol	Self Load	9mmP	UGU003	GLOCK	Rosenthals	Cape Town	002080	May
265	Pistol	Self Load	9mmP	UGU004	GLOCK	Southern Arms	Wynberg	0100439	February
266	Pistol	Self Load	9mmP	UGU005	GLOCK	Macassar	Firgrove	002845	February
267	Pistol	Self Load	9mmP	UGU006	GLOCK	Titan Arms	Mobeni	002740	February
268	Pistol	Self Load	9mmP	UGU007	GLOCK	Southern Arms	Wynberg	0100439	February
269	Pistol	Self Load	9mmP	UGU008	GLOCK	Southern Arms	Wynberg	0100439	February
270	Pistol	Self Load	9mmP	UGU009	GLOCK	Centurion Indoor	Centurion	0100050	December
271	Pistol	Self Load	9mmP	UGU085	GLOCK	African Guns & Ammo	Germiston	0100123	May
272	Pistol	Self Load	9mmP	UGU086	GLOCK	ITFA	Krugersdorp	0100437	June
273	Pistol	Self Load	9mmP	UGU087	GLOCK	Maca Arms	Despatch	0100333	June
274	Pistol	Self Load	9mmP	UGU088	GLOCK	Gun Shoppe	Nelspruit	002747	June
275	Pistol	Self Load	9mmP	UGU089	GLOCK	Centurion Indoor	Centurion	0100050	June
276	Pistol	Self Load	9mmP	UGU090	GLOCK	ITFA	Krugersdorp	0100437	June
277	Pistol	Self Load	9mmP	UGU091	GLOCK	ITFA	Krugersdorp	0100437	June
278	Pistol	Self Load	9mmP	UGU092	GLOCK	ITFA	Krugersdorp	0100437	June
279	Pistol	Self Load	9mmP	UGU093	GLOCK	ITFA	Krugersdorp	0100437	June
280	Pistol	Self Load	9mmP	UGU094	GLOCK	ITFA	Krugersdorp	0100437	June
281	Pistol	Self Load	9mmP	PGX000	GLOCK	AFTA	Cresta	0100389	December
282	Pistol	Self Load	9mmP	PGX001	GLOCK	Acapulco	Kempton Park	001902	December
283	Pistol	Self Load	9mmP	PGX002	GLOCK	National Cartridge	Cape Town	0100427	January
284	Pistol	Self Load	9mmP	PGX003	GLOCK	National Cartridge	Cape Town	0100427	January
285	Pistol	Self Load	9mmP	PGX004	GLOCK	National Cartridge	Cape Town	0100427	January
286	Pistol	Self Load	9mmP	PGX005	GLOCK	Southern Arms	Wynberg	0100439	January
287	Pistol	Self Load	9mmP	PGX006	GLOCK	Southern Arms	Wynberg	0100439	January
288	Pistol	Self Load	9mmP	PGX007	GLOCK	Southern Arms	Wynberg	0100439	January
289	Pistol	Self Load	9mmP	PGX008	GLOCK	Valley Trading	Wynberg	002897	January
290	Pistol	Self Load	9mmP	PGX009	GLOCK	Valley Trading	Wynberg	002897	January
291	Pistol	Self Load	9mmP	PGX010	GLOCK	National Cartridge	Cape Town	0100427	January

292	Pistol	Self Load	9mmP	PGX011	GLOCK	National Cartridge	Cape Town	0100427	January
293	Pistol	Self Load	9mmP	PGX012	GLOCK	National Cartridge	Cape Town	0100427	January
294	Pistol	Self Load	9mmP	PGX013	GLOCK	Titan Arms	Mobeni	002740	January
295	Pistol	Self Load	9mmP	PGX014	GLOCK	Titan Arms	Mobeni	002740	January
296	Pistol	Self Load	9mmP	PGX015	GLOCK	Hoeveld Wapens	Middelburg	0100220	January
297	Pistol	Self Load	9mmP	PGX016	GLOCK	Hoeveld Wapens	Middelburg	0100220	January
298	Pistol	Self Load	9mmP	PGX017	GLOCK	Hoeveld Wapens	Middelburg	0100220	January
299	Pistol	Self Load	9mmP	PGX018	GLOCK	Hoeveld Wapens	Middelburg	0100220	January
300	Pistol	Self Load	9mmP	PGX019	GLOCK	African Guns & Ammo	Germiston	0100123	January
301	Pistol	Self Load	9mmP	PGX020	GLOCK	Ihawu	New Germany	0100084	January
302	Pistol	Self Load	9mmP	PGX021	GLOCK	Proshot	Pretoria	002879	January
303	Pistol	Self Load	9mmP	PGX022	GLOCK	Alfa & Omega	Ellisras	002365	January
304	Pistol	Self Load	9mmP	PGX023	GLOCK	Alfa & Omega	Ellisras	002365	January
305	Pistol	Self Load	9mmP	PGX024	GLOCK	LA Arms	Pretoria	0100035	January
306	Pistol	Self Load	9mmP	PGX025	GLOCK	LA Arms	Pretoria	0100035	January
307	Pistol	Self Load	9mmP	PGX026	GLOCK	Targa	Piet Retief	0100455	January
308	Pistol	Self Load	9mmP	PGX027	GLOCK	Targa	Piet Retief	0100455	January
309	Pistol	Self Load	9mmP	PGX028	GLOCK	Targa	Piet Retief	0100455	January
310	Pistol	Self Load	9mmP	PGX029	GLOCK	New van Riebeeck Cycles	Welkom	0100453	January
311	Pistol	Self Load	9mmP	PGX030	GLOCK	Ihawu	New Germany	0100084	January
312	Pistol	Self Load	9mmP	PGX031	GLOCK	Ihawu	New Germany	0100084	January
313	Pistol	Self Load	9mmP	PGX032	GLOCK	Ihawu	New Germany	0100084	January
314	Pistol	Self Load	9mmP	PGX033	GLOCK	Rosenthals	Cape town	002080	January
315	Pistol	Self Load	9mmP	PGX034	GLOCK	Rosenthals	Cape town	002080	January
316	Pistol	Self Load	9mmP	PGX035	GLOCK	Rosenthals	Cape town	002080	January
317	Pistol	Self Load	9mmP	PGX036	GLOCK	Targa	Piet Retief	0100455	January
318	Pistol	Self Load	9mmP	PGX037	GLOCK	Targa	Piet Retief	0100455	January
319	Pistol	Self Load	9mmP	PGX038	GLOCK	Frontier Arms	Grahamstown	0100932	January
320	Pistol	Self Load	9mmP	PGX039	GLOCK	Frontier Arms	Grahamstown	0100932	January
321	Pistol	Self Load	9mmP	PGX040	GLOCK	Ihawu	New Germany	0100084	January
322	Pistol	Self Load	9mmP	PGX041	GLOCK	ITFA	Krugersdorp	0100437	January
323	Pistol	Self Load	9mmP	PGX042	GLOCK	Hunters	Heidelburg	002503	January
324	Pistol	Self Load	9mmP	PGX043	GLOCK	Hunters	Heidelburg	002503	January
325	Pistol	Self Load	9mmP	PGX044	GLOCK	Hotshots	Meyerton	0100044	January
326	Pistol	Self Load	9mmP	PGX045	GLOCK	Hotshots	Meyerton	0100044	January
327	Pistol	Self Load	9mmP	PGX046	GLOCK	Hotshots	Meyerton	0100044	January
328	Pistol	Self Load	9mmP	PGX047	GLOCK	Hotshots	Meyerton	0100044	January
329	Pistol	Self Load	9mmP	PGX048	GLOCK	Hotshots	Meyerton	0100044	January
330	Pistol	Self Load	9mmP	PGX049	GLOCK	Hotshots	Meyerton	0100044	January
331	Pistol	Self Load	9mmP	PGX050	GLOCK	Kalahari Arms	Fontainebleau	002838	January
332	Pistol	Self Load	9mmP	PGX051	GLOCK	Kalahari Arms	Fontainebleau	002838	January
333	Pistol	Self Load	9mmP	PGX052	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
334	Pistol	Self Load	9mmP	PGX053	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
335	Pistol	Self Load	9mmP	PGX054	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
336	Pistol	Self Load	9mmP	PGX055	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
337	Pistol	Self Load	9mmP	PGX056	GLOCK	Bay Sports	Richards Bay	0100283	January
338	Pistol	Self Load	9mmP	PGX057	GLOCK	Parow Arms	Parow	002383	January
339	Pistol	Self Load	9mmP	PGX058	GLOCK	Parow Arms	Parow	002383	January
340	Pistol	Self Load	9mmP	PGX059	GLOCK	Parow Arms	Parow	002383	January
341	Pistol	Self Load	9mmP	PGX060	GLOCK	Southern Arms	Wynberg	0100439	February
342	Pistol	Self Load	9mmP	PGX061	GLOCK	Southern Arms	Wynberg	0100439	February
343	Pistol	Self Load	9mmP	PGX062	GLOCK	Southern Arms	Wynberg	0100439	February
344	Pistol	Self Load	9mmP	PGX063	GLOCK	Southern Arms	Wynberg	0100439	February
345	Pistol	Self Load	9mmP	PGX064	GLOCK	Hi Tech Arms	Benoni	001288	January
346	Pistol	Self Load	9mmP	PGX065	GLOCK	Hailstorm	Lynnwood	002950	February
347	Pistol	Self Load	9mmP	PGX066	GLOCK	Ihawu	New Germany	0100084	February
348	Pistol	Self Load	9mmP	PGX067	GLOCK	Targa	Piet Retief	0100455	February
349	Pistol	Self Load	9mmP	PGX068	GLOCK	Targa	Piet Retief	0100455	February
350	Pistol	Self Load	9mmP	PGX069	GLOCK	Afta	Cresta	0100389	February
351	Pistol	Self Load	9mmP	PGX070	GLOCK	Southern Arms	Wynberg	0100439	February
352	Pistol	Self Load	9mmP	PGX071	GLOCK	Southern Arms	Wynberg	0100439	February
353	Pistol	Self Load	9mmP	PGX072	GLOCK	Southern Arms	Wynberg	0100439	February
354	Pistol	Self Load	9mmP	PGX073	GLOCK	Southern Arms	Wynberg	0100439	February
355	Pistol	Self Load	9mmP	PGX074	GLOCK	Centurion Indoor	Centurion	0100050	February
356	Pistol	Self Load	9mmP	PGX075	GLOCK	Afta	Cresta	0100389	February
357	Pistol	Self Load	9mmP	PGX076	GLOCK	Targa	Piet Retief	0100455	February
358	Pistol	Self Load	9mmP	PGX077	GLOCK	ITFA	Krugersdorp	0100437	February
359	Pistol	Self Load	9mmP	PGX078	GLOCK	Hunters	Heidelburg	002503	February
360	Pistol	Self Load	9mmP	PGX079	GLOCK	Hunters	Heidelburg	002503	February
361	Pistol	Self Load	9mmP	PGX080	GLOCK	Nicholas Yale	Randburg	001257	January
362	Pistol	Self Load	9mmP	PGX081	GLOCK	Nicholas Yale	Randburg	001257	January
363	Pistol	Self Load	9mmP	PGX082	GLOCK	Nicholas Yale	Randburg	001257	January
364	Pistol	Self Load	9mmP	PGX083	GLOCK	Nicholas Yale	Randburg	001257	January
365	Pistol	Self Load	9mmP	PGX084	GLOCK	Nicholas Yale	Randburg	001257	January
366	Pistol	Self Load	9mmP	PGX085	GLOCK	Nicholas Yale	Randburg	001257	January

293

367	Pistol	Self Load	9mmP	PGX086	GLOCK	Nicholas Yale	Randburg	001257	January
368	Pistol	Self Load	9mmP	PGX087	GLOCK	Nicholas Yale	Randburg	001257	January
369	Pistol	Self Load	9mmP	PGX088	GLOCK	Nicholas Yale	Randburg	001257	January
370	Pistol	Self Load	9mmP	PGX089	GLOCK	Nicholas Yale	Randburg	001257	January
371	Pistol	Self Load	9mmP	PGX090	GLOCK	Nicholas Yale	Randburg	001257	January
372	Pistol	Self Load	9mmP	PGX091	GLOCK	Nicholas Yale	Randburg	001257	January
373	Pistol	Self Load	9mmP	PGX092	GLOCK	Nicholas Yale	Randburg	001257	January
374	Pistol	Self Load	9mmP	PGX093	GLOCK	Nicholas Yale	Randburg	001257	January
375	Pistol	Self Load	9mmP	PGX094	GLOCK	Nicholas Yale	Randburg	001257	January
376	Pistol	Self Load	9mmP	PGX095	GLOCK	Nicholas Yale	Randburg	001257	January
377	Pistol	Self Load	9mmP	PGX096	GLOCK	Nicholas Yale	Randburg	001257	January
378	Pistol	Self Load	9mmP	PGX097	GLOCK	Nicholas Yale	Randburg	001257	January
379	Pistol	Self Load	9mmP	PGX098	GLOCK	Nicholas Yale	Randburg	001257	January
380	Pistol	Self Load	9mmP	PGX099	GLOCK	Nicholas Yale	Randburg	001257	January
381	Pistol	Self Load	9mmP	PGX200	GLOCK	LA Arms	Pretoria	0100035	February
382	Pistol	Self Load	9mmP	PGX201	GLOCK	LA Arms	Pretoria	0100035	February
383	Pistol	Self Load	9mmP	PGX202	GLOCK	Titan Arms	Mobeni	002740	February
384	Pistol	Self Load	9mmP	PGX203	GLOCK	Titan Arms	Mobeni	002740	February
385	Pistol	Self Load	9mmP	PGX204	GLOCK	Nicholas Yale	Randburg	001257	February
386	Pistol	Self Load	9mmP	PGX205	GLOCK	Nicholas Yale	Randburg	001257	February
387	Pistol	Self Load	9mmP	PGX206	GLOCK	Nicholas Yale	Randburg	001257	February
388	Pistol	Self Load	9mmP	PGX207	GLOCK	Nicholas Yale	Randburg	001257	February
389	Pistol	Self Load	9mmP	PGX208	GLOCK	Nicholas Yale	Randburg	001257	February
390	Pistol	Self Load	9mmP	PGX209	GLOCK	Nicholas Yale	Randburg	001257	February
391	Pistol	Self Load	9mmP	PGX210	GLOCK	L & W	Pretoria	0100469	February
392	Pistol	Self Load	9mmP	PGX211	GLOCK	Southern Arms	Wynberg	0100439	February
393	Pistol	Self Load	9mmP	PGX212	GLOCK	Southern Arms	Wynberg	0100439	February
394	Pistol	Self Load	9mmP	PGX213	GLOCK	Targa	Piet Retief	0100455	February
395	Pistol	Self Load	9mmP	PGX214	GLOCK	Nicholas Yale	Randburg	001257	February
396	Pistol	Self Load	9mmP	PGX215	GLOCK	Nicholas Yale	Randburg	001257	February
397	Pistol	Self Load	9mmP	PGX216	GLOCK	Nicholas Yale	Randburg	001257	February
398	Pistol	Self Load	9mmP	PGX217	GLOCK	Nicholas Yale	Randburg	001257	February
399	Pistol	Self Load	9mmP	PGX218	GLOCK	Nicholas Yale	Randburg	001257	February
400	Pistol	Self Load	9mmP	PGX219	GLOCK	Nicholas Yale	Randburg	001257	February
401	Pistol	Self Load	9mmP	PGX220	GLOCK	Numenor	Pretoria	0100498	February
402	Pistol	Self Load	9mmP	PGX221	GLOCK	Targa	Piet Retief	0100455	February
403	Pistol	Self Load	9mmP	PGX222	GLOCK	Targa	Piet Retief	0100455	February
404	Pistol	Self Load	9mmP	PGX223	GLOCK	Selwels	Kwa Dukuza	002570	February
405	Pistol	Self Load	9mmP	PGX224	GLOCK	Selwels	Kwa Dukuza	002570	February
406	Pistol	Self Load	9mmP	PGX225	GLOCK	Selwels	Kwa Dukuza	002570	February
407	Pistol	Self Load	9mmP	PGX226	GLOCK	Selwels	Kwa Dukuza	002570	February
408	Pistol	Self Load	9mmP	PGX227	GLOCK	Selwels	Kwa Dukuza	002570	February
409	Pistol	Self Load	9mmP	PGX228	GLOCK	Selwels	Kwa Dukuza	002570	February
410	Pistol	Self Load	9mmP	PGX229	GLOCK	Hunters	Heidelburg	002503	February
411	Pistol	Self Load	9mmP	PGX230	GLOCK	Hoeveld Wapens	Middelburg	0100220	February
412	Pistol	Self Load	9mmP	PGX231	GLOCK	Hoeveld Wapens	Middelburg	0100220	February
413	Pistol	Self Load	9mmP	PGX232	GLOCK	Hoeveld Wapens	Middelburg	0100220	February
414	Pistol	Self Load	9mmP	PGX233	GLOCK	Hoeveld Wapens	Middelburg	0100220	February
415	Pistol	Self Load	9mmP	PGX234	GLOCK	Hoeveld Wapens	Middelburg	0100220	February
416	Pistol	Self Load	9mmP	PGX235	GLOCK	Rosenthals	Cape town	002080	February
417	Pistol	Self Load	9mmP	PGX236	GLOCK	Rosenthals	Cape town	002080	February
418	Pistol	Self Load	9mmP	PGX237	GLOCK	Rosenthals	Cape town	002080	February
419	Pistol	Self Load	9mmP	PGX238	GLOCK	Rustenburg Indoor Shooting Range	Rustenburg	002908	February
420	Pistol	Self Load	9mmP	PGX239	GLOCK	Rustenburg Indoor Shooting Range	Rustenburg	002908	February
421	Pistol	Self Load	9mmP	PGX240	GLOCK	Rustenburg Indoor Shooting Range	Rustenburg	002908	February
422	Pistol	Self Load	9mmP	PGX241	GLOCK	ITFA	Krugersdorp	0100437	February
423	Pistol	Self Load	9mmP	PGX242	GLOCK	Targa	Piet Retief	0100455	April
424	Pistol	Self Load	9mmP	PGX243	GLOCK	Henns Wapens	Port Shepstone	002303	February
425	Pistol	Self Load	9mmP	PGX244	GLOCK	ITFA	Krugersdorp	0100437	February
426	Pistol	Self Load	9mmP	PGX245	GLOCK	Maverick	Kimberley	0100414	March
427	Pistol	Self Load	9mmP	PGX246	GLOCK	L & W	Pretoria	0100469	March
428	Pistol	Self Load	9mmP	PGX247	GLOCK	Ihawu	New Germany	0100084	March
429	Pistol	Self Load	9mmP	PGX248	GLOCK	Hunters	Heidelburg	002503	March
430	Pistol	Self Load	9mmP	PGX249	GLOCK	Maverick	Kimberley	0100414	March
431	Pistol	Self Load	9mmP	PGX250	GLOCK	Titan Arms	Mobeni	002740	March
432	Pistol	Self Load	9mmP	PGX251	GLOCK	Hluhluwe Arms	Hluhluwe	0100195	March
433	Pistol	Self Load	9mmP	PGX252	GLOCK	Quenets	Worcester	001435	March
434	Pistol	Self Load	9mmP	PGX253	GLOCK	Quenets	Worcester	001435	March
435	Pistol	Self Load	9mmP	PGX254	GLOCK	Quenets	Worcester	001435	March
436	Pistol	Self Load	9mmP	PGX255	GLOCK	Quenets	Worcester	001435	March
437	Pistol	Self Load	9mmP	PGX256	GLOCK	Hugo van Zyl Sports	Paarl	00116	March
438	Pistol	Self Load	9mmP	PGX257	GLOCK	Targa	Piet Retief	0100455	March
439	Pistol	Self Load	9mmP	PGX258	GLOCK	Valley Trading	Wynberg	002897	March
440	Pistol	Self Load	9mmP	PGX259	GLOCK	NWK	Lichtenburg	0100155	March
441	Pistol	Self Load	9mmP	PGX260	GLOCK	NWK	Lichtenburg	0100155	March

294

442	Pistol	Self Load	9mmP	PGX261	GLOCK	Maca Arms	Despatch	0100333	March
443	Pistol	Self Load	9mmP	PGX262	GLOCK	Maca Arms	Despatch	0100333	March
444	Pistol	Self Load	9mmP	PGX263	GLOCK	Maca Arms	Despatch	0100333	March
445	Pistol	Self Load	9mmP	PGX264	GLOCK	Smileys Arms	Wierda Park	0100415	March
446	Pistol	Self Load	9mmP	PGX265	GLOCK	Smileys Arms	Wierda Park	0100415	March
447	Pistol	Self Load	9mmP	PGX266	GLOCK	Smileys Arms	Wierda Park	0100415	March
448	Pistol	Self Load	9mmP	PGX267	GLOCK	Smileys Arms	Wierda Park	0100415	March
449	Pistol	Self Load	9mmP	PGX268	GLOCK	Smileys Arms	Wierda Park	0100415	March
450	Pistol	Self Load	9mmP	PGX269	GLOCK	LA Arms	Pretoria	0100035	March
451	Pistol	Self Load	9mmP	PGX270	GLOCK	Tactical Star	Rooikraal	0100518	April
452	Pistol	Self Load	9mmP	PGX271	GLOCK	L & W	Pretoria	0100469	March
453	Pistol	Self Load	9mmP	PGX272	GLOCK	Savuti	Brakpan	001035	April
454	Pistol	Self Load	9mmP	PGX273	GLOCK	Savuti	Brakpan	001035	April
455	Pistol	Self Load	9mmP	PGX274	GLOCK	Savuti	Brakpan	001035	April
456	Pistol	Self Load	9mmP	PGX275	GLOCK	Aquila Arms	Port Elizabeth	001454	April
457	Pistol	Self Load	9mmP	PGX276	GLOCK	LA Arms	Pretoria	0100035	April
458	Pistol	Self Load	9mmP	PGX277	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	April
459	Pistol	Self Load	9mmP	PGX278	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	April
460	Pistol	Self Load	9mmP	PGX279	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	April
461	Pistol	Self Load	9mmP	PGX280	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	April
462	Pistol	Self Load	9mmP	PGX281	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	April
463	Pistol	Self Load	9mmP	PGX282	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	April
464	Pistol	Self Load	9mmP	PGX283	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	April
465	Pistol	Self Load	9mmP	PGX284	GLOCK	L & W	Pretoria	0100469	April
466	Pistol	Self Load	9mmP	PGX285	GLOCK	L & W	Pretoria	0100469	April
467	Pistol	Self Load	9mmP	PGX286	GLOCK	L & W	Pretoria	0100469	April
468	Pistol	Self Load	9mmP	PGX287	GLOCK	L & W	Pretoria	0100469	April
469	Pistol	Self Load	9mmP	PGX288	GLOCK	L & W	Pretoria	0100469	April
470	Pistol	Self Load	9mmP	PGX289	GLOCK	L & W	Pretoria	0100469	April
471	Pistol	Self Load	9mmP	PGX290	GLOCK	L & W	Pretoria	0100469	April
472	Pistol	Self Load	9mmP	PGX291	GLOCK	L & W	Pretoria	0100469	April
473	Pistol	Self Load	9mmP	PGX292	GLOCK	L & W	Pretoria	0100469	April
474	Pistol	Self Load	9mmP	PGX293	GLOCK	L & W	Pretoria	0100469	April
475	Pistol	Self Load	9mmP	PGX294	GLOCK	L & W	Pretoria	0100469	April
476	Pistol	Self Load	9mmP	PGX295	GLOCK	L & W	Pretoria	0100469	April
477	Pistol	Self Load	9mmP	PGX296	GLOCK	L & W	Pretoria	0100469	April
478	Pistol	Self Load	9mmP	PGX297	GLOCK	L & W	Pretoria	0100469	April
479	Pistol	Self Load	9mmP	PGX298	GLOCK	L & W	Pretoria	0100469	April
480	Pistol	Self Load	9mmP	PGX299	GLOCK	L & W	Pretoria	0100469	April
481	Pistol	Self Load	9mmP	UDY000	GLOCK	Hoeveld Wapens	Middelburg	0100220	January
482	Pistol	Self Load	9mmP	UDY001	GLOCK	Southern Arms	Wynberg	0100439	January
483	Pistol	Self Load	9mmP	UDY002	GLOCK	Southern Arms	Wynberg	0100439	January
484	Pistol	Self Load	9mmP	UDY003	GLOCK	Southern Arms	Wynberg	0100439	January
485	Pistol	Self Load	9mmP	UDY004	GLOCK	Southern Arms	Wynberg	0100439	January
486	Pistol	Self Load	9mmP	UDY005	GLOCK	Southern Arms	Wynberg	0100439	January
487	Pistol	Self Load	9mmP	UDY006	GLOCK	Southern Arms	Wynberg	0100439	January
488	Pistol	Self Load	9mmP	UDY007	GLOCK	Southern Arms	Wynberg	0100439	January
489	Pistol	Self Load	9mmP	UDY008	GLOCK	Southern Arms	Wynberg	0100439	January
490	Pistol	Self Load	9mmP	UDY009	GLOCK	Kalahari Arms	Fontainebleau	002838	January
491	Pistol	Self Load	9mmP	UDY010	GLOCK	City Guns	Cape Town	001401	January
492	Pistol	Self Load	9mmP	UDY011	GLOCK	City Guns	Cape Town	001401	January
493	Pistol	Self Load	9mmP	UDY012	GLOCK	City Guns	Cape Town	001401	January
494	Pistol	Self Load	9mmP	UDY013	GLOCK	City Guns	Cape Town	001401	January
495	Pistol	Self Load	9mmP	UDY014	GLOCK	City Guns	Cape Town	001401	January
496	Pistol	Self Load	9mmP	UDY015	GLOCK	City Guns	Cape Town	001401	January
497	Pistol	Self Load	9mmP	UDY016	GLOCK	City Guns	Cape Town	001401	January
498	Pistol	Self Load	9mmP	UDY017	GLOCK	City Guns	Cape Town	001401	January
499	Pistol	Self Load	9mmP	UDY018	GLOCK	City Guns	Cape Town	001401	January
500	Pistol	Self Load	9mmP	UDY019	GLOCK	City Guns	Cape Town	001401	January
501	Pistol	Self Load	9mmP	UDY020	GLOCK	Kalahari Arms	Fontainebleau	002838	January
502	Pistol	Self Load	9mmP	UDY021	GLOCK	Kalahari Arms	Fontainebleau	002838	January
503	Pistol	Self Load	9mmP	UDY022	GLOCK	Kalahari Arms	Fontainebleau	002838	January
504	Pistol	Self Load	9mmP	UDY023	GLOCK	RS Sports	Welkom	0100461	February
505	Pistol	Self Load	9mmP	UDY024	GLOCK	Macassar	Firgrove	002845	January
506	Pistol	Self Load	9mmP	UDY025	GLOCK	Brent Guns	Durban	0100367	January
507	Pistol	Self Load	9mmP	UDY026	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
508	Pistol	Self Load	9mmP	UDY027	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
509	Pistol	Self Load	9mmP	UDY028	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
510	Pistol	Self Load	9mmP	UDY029	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
511	Pistol	Self Load	9mmP	UDY030	GLOCK	Southern Arms	Wynberg	0100439	February
512	Pistol	Self Load	9mmP	UDY031	GLOCK	Southern Arms	Wynberg	0100439	February
513	Pistol	Self Load	9mmP	UDY032	GLOCK	Southern Arms	Wynberg	0100439	February
514	Pistol	Self Load	9mmP	UDY033	GLOCK	Southern Arms	Wynberg	0100439	February
515	Pistol	Self Load	9mmP	UDY034	GLOCK	Dock Arms	Fordsburg	0100421	January
516	Pistol	Self Load	9mmP	UDY035	GLOCK	Southern Arms	Wynberg	0100439	February

295

517	Pistol	Self Load	9mmP	UDY036	GLOCK	Southern Arms	Wynberg	0100439	February	
518	Pistol	Self Load	9mmP	UDY037	GLOCK	Southern Arms	Wynberg	0100439	February	
519	Pistol	Self Load	9mmP	UDY038	GLOCK	Southern Arms	Wynberg	0100439	February	
520	Pistol	Self Load	9mmP	UDY039	GLOCK	Southern Arms	Wynberg	0100439	February	
521	Pistol	Self Load	9mmP	UDY040	GLOCK	d Stolen: CAS216/12/2012 from OR TAMBO Airport				
522	Pistol	Self Load	9mmP	UDY041	GLOCK	ITFA	Krugersdorp	0100437	January	
523	Pistol	Self Load	9mmP	UDY042	GLOCK	LAWC	Stellenbosch	0100441	January	
524	Pistol	Self Load	9mmP	UDY043	GLOCK	Kalahari Arms	Fontainebleau	002838	January	
525	Pistol	Self Load	9mmP	UDY044	GLOCK	Selwels	Kwa Dukuza	002570	January	
526	Pistol	Self Load	9mmP	UDY045	GLOCK	d Stolen: CAS216/12/2012 from OR TAMBO Airport				
527	Pistol	Self Load	9mmP	UDY046	GLOCK	Selwels	Kwa Dukuza	002570	January	
528	Pistol	Self Load	9mmP	UDY047	GLOCK	Selwels	Kwa Dukuza	002570	January	
529	Pistol	Self Load	9mmP	UDY048	GLOCK	Selwels	Kwa Dukuza	002570	January	
530	Pistol	Self Load	9mmP	UDY049	GLOCK	Southern Arms	Wynberg	0100439	February	
531	Pistol	Self Load	9mmP	UDY050	GLOCK	LA Arms	Pretoria	0100035	January	
532	Pistol	Self Load	9mmP	UDY051	GLOCK	Tugela Hardware	Vanderbijpark	001273	January	
533	Pistol	Self Load	9mmP	UDY052	GLOCK	Brent Guns	Durban	0100367	January	
534	Pistol	Self Load	9mmP	UDY053	GLOCK	Ons Winkel	Keimoes	002727	January	
535	Pistol	Self Load	9mmP	UDY054	GLOCK	Arc & Arms	ng Williams Tov	002146	January	
536	Pistol	Self Load	9mmP	UDY055	GLOCK	Magnum Arms	Nelspruit	002448	January	
537	Pistol	Self Load	9mmP	UDY056	GLOCK	Magnum Arms	Nelspruit	002448	January	
538	Pistol	Self Load	9mmP	UDY057	GLOCK	African Guns & Ammo	Germiston	0100123	January	
539	Pistol	Self Load	9mmP	UDY058	GLOCK	African Guns & Ammo	Germiston	0100123	January	
540	Pistol	Self Load	9mmP	UDY059	GLOCK	Guthries	Midrand	001318	February	
541	Pistol	Self Load	9mmP	UDY060	GLOCK	Khotso Store	Kokstad	0100206	January	
542	Pistol	Self Load	9mmP	UDY061	GLOCK	Hoeveld Wapens	Middelburg	0100220	January	
543	Pistol	Self Load	9mmP	UDY062	GLOCK	RS Sports	Welkom	0100461	January	
544	Pistol	Self Load	9mmP	UDY063	GLOCK	RS Sports	Welkom	0100461	January	
545	Pistol	Self Load	9mmP	UDY064	GLOCK	Die Kooperasie	Humansdorp	0100492	January	
546	Pistol	Self Load	9mmP	UDY065	GLOCK	National Cartridge	Cape Town	0100427	January	
547	Pistol	Self Load	9mmP	UDY066	GLOCK	L & W	Pretoria	0100469	January	
548	Pistol	Self Load	9mmP	UDY067	GLOCK	L & W	Pretoria	0100469	January	
549	Pistol	Self Load	9mmP	UDY068	GLOCK	Strand Guns	Strand	0100435	January	
550	Pistol	Self Load	9mmP	UDY069	GLOCK	Strand Guns	Strand	0100435	January	
551	Pistol	Self Load	9mmP	UDY070	GLOCK	Guthries	Midrand	001318	January	
552	Pistol	Self Load	9mmP	UDY071	GLOCK	RS Sports	Welkom	0100461	January	
553	Pistol	Self Load	9mmP	UDY072	GLOCK	Centurion Indoor	Centurion	0100050	January	
554	Pistol	Self Load	9mmP	UDY073	GLOCK	Centurion Indoor	Centurion	0100050	January	
555	Pistol	Self Load	9mmP	UDY074	GLOCK	Centurion Indoor	Centurion	0100050	January	
556	Pistol	Self Load	9mmP	UDY075	GLOCK	LAWC	Stellenbosch	0100441	January	
557	Pistol	Self Load	9mmP	UDY076	GLOCK	Zululand Sport Centre	Empangeni	001607	January	
558	Pistol	Self Load	9mmP	UDY077	GLOCK	Zululand Sport Centre	Empangeni	001607	January	
559	Pistol	Self Load	9mmP	UDY078	GLOCK	Dock Arms	Fordsburg	0100421	January	
560	Pistol	Self Load	9mmP	UDY079	GLOCK	Dock Arms	Fordsburg	0100421	January	
561	Pistol	Self Load	9mmP	UDY080	GLOCK	Nicholas Yale	Randburg	001257	January	
562	Pistol	Self Load	9mmP	UDY081	GLOCK	Nicholas Yale	Randburg	001257	January	
563	Pistol	Self Load	9mmP	UDY082	GLOCK	Nicholas Yale	Randburg	001257	January	
564	Pistol	Self Load	9mmP	UDY083	GLOCK	Nicholas Yale	Randburg	001257	January	
565	Pistol	Self Load	9mmP	UDY084	GLOCK	Nicholas Yale	Randburg	001257	January	
566	Pistol	Self Load	9mmP	UDY085	GLOCK	Nicholas Yale	Randburg	001257	January	
567	Pistol	Self Load	9mmP	UDY086	GLOCK	Nicholas Yale	Randburg	001257	January	
568	Pistol	Self Load	9mmP	UDY087	GLOCK	Nicholas Yale	Randburg	001257	January	
569	Pistol	Self Load	9mmP	UDY088	GLOCK	Nicholas Yale	Randburg	001257	January	
570	Pistol	Self Load	9mmP	UDY089	GLOCK	Nicholas Yale	Randburg	001257	January	
571	Pistol	Self Load	9mmP	UDY090	GLOCK	Nicholas Yale	Randburg	001257	January	
572	Pistol	Self Load	9mmP	UDY091	GLOCK	Nicholas Yale	Randburg	001257	January	
573	Pistol	Self Load	9mmP	UDY092	GLOCK	Nicholas Yale	Randburg	001257	January	
574	Pistol	Self Load	9mmP	UDY093	GLOCK	Nicholas Yale	Randburg	001257	January	
575	Pistol	Self Load	9mmP	UDY094	GLOCK	Nicholas Yale	Randburg	001257	January	
576	Pistol	Self Load	9mmP	UDY095	GLOCK	Nicholas Yale	Randburg	001257	January	
577	Pistol	Self Load	9mmP	UDY096	GLOCK	Nicholas Yale	Randburg	001257	January	
578	Pistol	Self Load	9mmP	UDY097	GLOCK	Nicholas Yale	Randburg	001257	January	
579	Pistol	Self Load	9mmP	UDY098	GLOCK	Nicholas Yale	Randburg	001257	January	
580	Pistol	Self Load	9mmP	UDY099	GLOCK	Nicholas Yale	Randburg	001257	January	
581	Pistol	Self Load	9mmP	UDY240	GLOCK	Panzer Logistics	Pretoria	0100494	February	
582	Pistol	Self Load	9mmP	UDY241	GLOCK	Kalahari Arms	Fontainebleau	002838	February	
583	Pistol	Self Load	9mmP	UDY242	GLOCK	Panzer Logistics	Pretoria	0100494	February	
584	Pistol	Self Load	9mmP	UDY243	GLOCK	Panzer Logistics	Pretoria	0100494	February	
585	Pistol	Self Load	9mmP	UDY244	GLOCK	Panzer Logistics	Pretoria	0100494	February	
586	Pistol	Self Load	9mmP	UDY245	GLOCK	Panzer Logistics	Pretoria	0100494	February	
587	Pistol	Self Load	9mmP	UDY246	GLOCK	Panzer Logistics	Pretoria	0100494	February	
588	Pistol	Self Load	9mmP	UDY247	GLOCK	Panzer Logistics	Pretoria	0100494	February	
589	Pistol	Self Load	9mmP	UDY248	GLOCK	Panzer Logistics	Pretoria	0100494	February	
590	Pistol	Self Load	9mmP	UDY249	GLOCK	Panzer Logistics	Pretoria	0100494	February	
591	Pistol	Self Load	9mmP	UDY250	GLOCK	Panzer Logistics	Pretoria	0100494	February	

592	Pistol	Self Load	9mmP	UDY251	GLOCK	Panzer Logistics	Pretoria	0100494	February
593	Pistol	Self Load	9mmP	UDY252	GLOCK	Panzer Logistics	Pretoria	0100494	February
594	Pistol	Self Load	9mmP	UDY253	GLOCK	Panzer Logistics	Pretoria	0100494	February
595	Pistol	Self Load	9mmP	UDY254	GLOCK	Panzer Logistics	Pretoria	0100494	February
596	Pistol	Self Load	9mmP	UDY255	GLOCK	Panzer Logistics	Pretoria	0100494	February
597	Pistol	Self Load	9mmP	UDY256	GLOCK	Panzer Logistics	Pretoria	0100494	February
598	Pistol	Self Load	9mmP	UDY257	GLOCK	Panzer Logistics	Pretoria	0100494	February
599	Pistol	Self Load	9mmP	UDY258	GLOCK	Panzer Logistics	Pretoria	0100494	February
600	Pistol	Self Load	9mmP	UDY259	GLOCK	Panzer Logistics	Pretoria	0100494	February
601	Pistol	Self Load	9mmP	UDY260	GLOCK	Panzer Logistics	Pretoria	0100494	February
602	Pistol	Self Load	9mmP	UDY261	GLOCK	Panzer Logistics	Pretoria	0100494	February
603	Pistol	Self Load	9mmP	UDY262	GLOCK	Panzer Logistics	Pretoria	0100494	February
604	Pistol	Self Load	9mmP	UDY263	GLOCK	Panzer Logistics	Pretoria	0100494	February
605	Pistol	Self Load	9mmP	UDY264	GLOCK	Panzer Logistics	Pretoria	0100494	February
606	Pistol	Self Load	9mmP	UDY265	GLOCK	Panzer Logistics	Pretoria	0100494	February
607	Pistol	Self Load	9mmP	UDY266	GLOCK	Panzer Logistics	Pretoria	0100494	February
608	Pistol	Self Load	9mmP	UDY267	GLOCK	Panzer Logistics	Pretoria	0100494	February
609	Pistol	Self Load	9mmP	UDY268	GLOCK	Panzer Logistics	Pretoria	0100494	February
610	Pistol	Self Load	9mmP	UDY269	GLOCK	Panzer Logistics	Pretoria	0100494	February
611	Pistol	Self Load	9mmP	UDY270	GLOCK	Panzer Logistics	Pretoria	0100494	February
612	Pistol	Self Load	9mmP	UDY271	GLOCK	Panzer Logistics	Pretoria	0100494	February
613	Pistol	Self Load	9mmP	UDY272	GLOCK	Panzer Logistics	Pretoria	0100494	February
614	Pistol	Self Load	9mmP	UDY273	GLOCK	GWK	Prieska	002691	February
615	Pistol	Self Load	9mmP	UDY274	GLOCK	Gerrie Coetzee	Bloemfontein	0100452	February
616	Pistol	Self Load	9mmP	UDY275	GLOCK	Gerrie Coetzee	Bloemfontein	0100452	February
617	Pistol	Self Load	9mmP	UDY276	GLOCK	Centurion Indoor	Centurion	0100050	February
618	Pistol	Self Load	9mmP	UDY277	GLOCK	Centurion Indoor	Centurion	0100050	February
619	Pistol	Self Load	9mmP	UDY278	GLOCK	Centurion Indoor	Centurion	0100050	February
620	Pistol	Self Load	9mmP	UDY279	GLOCK	Centurion Indoor	Centurion	0100050	February
621	Pistol	Self Load	9mmP	UDY280	GLOCK	African Guns & Ammo	Germiston	0100123	February
622	Pistol	Self Load	9mmP	UDY281	GLOCK	Guthries	Midrand	001318	February
623	Pistol	Self Load	9mmP	UDY282	GLOCK	Byleveld Handelaars	Rustenburg	001171	February
624	Pistol	Self Load	9mmP	UDY283	GLOCK	Byleveld Handelaars	Rustenburg	001171	February
625	Pistol	Self Load	9mmP	UDY284	GLOCK	Arc & Arms	ng Williams Tov	002146	February
626	Pistol	Self Load	9mmP	UDY285	GLOCK	Guthries	Midrand	001318	February
627	Pistol	Self Load	9mmP	UDY286	GLOCK	Guthries	Midrand	001318	February
628	Pistol	Self Load	9mmP	UDY287	GLOCK	Kuvhima	Kyasands	0100517	February
629	Pistol	Self Load	9mmP	UDY288	GLOCK	Hunters Boma	Nelspruit	0100505	February
630	Pistol	Self Load	9mmP	UDY289	GLOCK	Die Kooperasie	Humansdorp	0100492	February
631	Pistol	Self Load	9mmP	UDY290	GLOCK	Acapulco	Kempton Park	001902	February
632	Pistol	Self Load	9mmP	UDY291	GLOCK	Acapulco	Kempton Park	001902	February
633	Pistol	Self Load	9mmP	UDY292	GLOCK	Acapulco	Kempton Park	001902	February
634	Pistol	Self Load	9mmP	UDY293	GLOCK	Acapulco	Kempton Park	001902	February
635	Pistol	Self Load	9mmP	UDY294	GLOCK	Acapulco	Kempton Park	001902	February
636	Pistol	Self Load	9mmP	UDY295	GLOCK	Acapulco	Kempton Park	001902	February
637	Pistol	Self Load	9mmP	UDY296	GLOCK	Acapulco	Kempton Park	001902	February
638	Pistol	Self Load	9mmP	UDY297	GLOCK	Acapulco	Kempton Park	001902	February
639	Pistol	Self Load	9mmP	UDY298	GLOCK	Acapulco	Kempton Park	001902	February
640	Pistol	Self Load	9mmP	UDY299	GLOCK	Acapulco	Kempton Park	001902	February
641	Pistol	Self Load	9mmP	UDY300	GLOCK	Acapulco	Kempton Park	001902	February
642	Pistol	Self Load	9mmP	UDY301	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	February
643	Pistol	Self Load	9mmP	UDY302	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	February
644	Pistol	Self Load	9mmP	UDY303	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	February
645	Pistol	Self Load	9mmP	UDY304	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	February
646	Pistol	Self Load	9mmP	UDY305	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	February
647	Pistol	Self Load	9mmP	UDY306	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	February
648	Pistol	Self Load	9mmP	UDY307	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	February
649	Pistol	Self Load	9mmP	UDY308	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	February
650	Pistol	Self Load	9mmP	UDY309	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	February
651	Pistol	Self Load	9mmP	UDY310	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	February
652	Pistol	Self Load	9mmP	UDY311	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	February
653	Pistol	Self Load	9mmP	UDY312	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
654	Pistol	Self Load	9mmP	UDY313	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
655	Pistol	Self Load	9mmP	UDY314	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
656	Pistol	Self Load	9mmP	UDY315	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
657	Pistol	Self Load	9mmP	UDY316	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
658	Pistol	Self Load	9mmP	UDY317	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
659	Pistol	Self Load	9mmP	UDY318	GLOCK	Guthries	Midrand	001318	February
660	Pistol	Self Load	9mmP	UDY319	GLOCK	Guthries	Midrand	001318	February
661	Pistol	Self Load	9mmP	UDY320	GLOCK	Southern Arms	Wynberg	0100439	February
662	Pistol	Self Load	9mmP	UDY321	GLOCK	Southern Arms	Wynberg	0100439	February
663	Pistol	Self Load	9mmP	UDY322	GLOCK	Nicholas Yale	Randburg	001257	February
664	Pistol	Self Load	9mmP	UDY323	GLOCK	Nicholas Yale	Randburg	001257	February
665	Pistol	Self Load	9mmP	UDY324	GLOCK	Nicholas Yale	Randburg	001257	February
666	Pistol	Self Load	9mmP	UDY325	GLOCK	Nicholas Yale	Randburg	001257	February

667	Pistol	Self Load	9mmP	UDY326	GLOCK	Nicholas Yale	Randburg	001257	February
668	Pistol	Self Load	9mmP	UDY327	GLOCK	Nicholas Yale	Randburg	001257	February
669	Pistol	Self Load	9mmP	UDY328	GLOCK	City Guns	Cape Town	001401	February
670	Pistol	Self Load	9mmP	UDY329	GLOCK	City Guns	Cape Town	001401	February
671	Pistol	Self Load	9mmP	UDY330	GLOCK	City Guns	Cape Town	001401	February
672	Pistol	Self Load	9mmP	UDY331	GLOCK	City Guns	Cape Town	001401	February
673	Pistol	Self Load	9mmP	UDY332	GLOCK	City Guns	Cape Town	001401	February
674	Pistol	Self Load	9mmP	UDY333	GLOCK	Sporting Arms	Chloorkop	002549	February
675	Pistol	Self Load	9mmP	UDY334	GLOCK	Sporting Arms	Chloorkop	002549	February
676	Pistol	Self Load	9mmP	UDY335	GLOCK	Kalahari Arms	Fontainebleau	002838	February
677	Pistol	Self Load	9mmP	UDY336	GLOCK	Panzer Logistics	Pretoria	0100494	February
678	Pistol	Self Load	9mmP	UDY337	GLOCK	Kalahari Arms	Fontainebleau	002838	February
679	Pistol	Self Load	9mmP	UDY338	GLOCK	Kalahari Arms	Fontainebleau	002838	February
680	Pistol	Self Load	9mmP	UDY339	GLOCK	African Guns & Ammo	Germiston	0100123	February
681	Pistol	Self Load	9mmP	TWZ979	GLOCK	Targa	Piet Retief	0100455	February
682	Pistol	Self Load	9mmP	TWZ980	GLOCK	Titan Arms	Mobeni	002740	February
683	Pistol	Self Load	9mmP	TWZ981	GLOCK	LAWC	Stellenbosch	0100441	March
684	Pistol	Self Load	9mmP	TWZ982	GLOCK	Titan Arms	Mobeni	002740	February
685	Pistol	Self Load	9mmP	TWZ983	GLOCK	Zimbi Books	Menlo Park	0100474	March
686	Pistol	Self Load	9mmP	TWZ984	GLOCK	Safari Den	Ladysmith	001251	April
687	Pistol	Self Load	9mmP	TWZ985	GLOCK	African Hunter & Outfitter	East Rand	0100523	April
688	Pistol	Self Load	9mmP	TWZ986	GLOCK	Targa	Piet Retief	0100455	February
689	Pistol	Self Load	9mmP	TWZ987	GLOCK	African Guns & Ammo	Germiston	0100123	February
690	Pistol	Self Load	9mmP	TWZ988	GLOCK	Targa	Piet Retief	0100455	February
691	Pistol	Self Load	9mmP	UAK365	GLOCK	Numenor	Pretoria	0100498	April
692	Pistol	Self Load	9mmP	UAK366	GLOCK	Numenor	Pretoria	0100498	May
693	Pistol	Self Load	9mmP	UAK367	GLOCK	Valley Trading	Wynberg	002897	May
694	Pistol	Self Load	9mmP	UAK368	GLOCK	Nicholas Yale	Randburg	001257	May
695	Pistol	Self Load	9mmP	UAK369	GLOCK	Parow Arms	Parow	002383	June
696	Pistol	Self Load	9mmP	UAK370	GLOCK	Parow Arms	Parow	002383	June
697	Pistol	Self Load	9mmP	UAK371	GLOCK	Safari & Oputdoor PTA	Pretoria	0100479	June
698	Pistol	Self Load	9mmP	UAK372	GLOCK	Maverick	Kimberley	0100414	June
699	Pistol	Self Load	9mmP	UAK373	GLOCK	Targa	Piet Retief	0100455	June
700	Pistol	Self Load	9mmP	UAK374	GLOCK	Fishers	Lichtenburg	0100458	June
701	Pistol	Self Load	9mmP	TXK310	GLOCK	Acapulco	Kempton Park	001902	January
702	Pistol	Self Load	9mmP	TXK311	GLOCK	Acapulco	Kempton Park	001902	January
703	Pistol	Self Load	9mmP	TXK312	GLOCK	Acapulco	Kempton Park	001902	January
704	Pistol	Self Load	9mmP	TXK313	GLOCK	Acapulco	Kempton Park	001902	January
705	Pistol	Self Load	9mmP	TXK314	GLOCK	Arms Tackle	George	002884	February
706	Pistol	Self Load	9mmP	TXK315	GLOCK	Nicholas Yale	Randburg	001257	January
707	Pistol	Self Load	9mmP	TXK316	GLOCK	Nicholas Yale	Randburg	001257	January
708	Pistol	Self Load	9mmP	TXK317	GLOCK	Nicholas Yale	Randburg	001257	January
709	Pistol	Self Load	9mmP	TXK318	GLOCK	Southern Arms	Wynberg	0100439	January
710	Pistol	Self Load	9mmP	TXK319	GLOCK	National Cartridge	Cape Town	0100427	January
711	Pistol	Self Load	9mmP	TXK320	GLOCK	Southern Arms	Wynberg	0100439	February
712	Pistol	Self Load	9mmP	TXK321	GLOCK	Southern Arms	Wynberg	0100439	February
713	Pistol	Self Load	9mmP	TXK322	GLOCK	Acapulco	Kempton Park	001902	January
714	Pistol	Self Load	9mmP	TXK323	GLOCK	Southern Arms	Wynberg	0100439	February
715	Pistol	Self Load	9mmP	TXK324	GLOCK	Southern Arms	Wynberg	0100439	February
716	Pistol	Self Load	9mmP	TXK325	GLOCK	Gerrie Coetzee	Bloemfontein	0100452	February
717	Pistol	Self Load	9mmP	TXK326	GLOCK	Southern Arms	Wynberg	0100439	February
718	Pistol	Self Load	9mmP	TXK327	GLOCK	Centurion Indoor	Centurion	0100050	January
719	Pistol	Self Load	9mmP	TXK328	GLOCK	Dock Arms	Fordsburg	0100421	January
720	Pistol	Self Load	9mmP	TXK329	GLOCK	Inawu	New Germany	0100084	January
721	Pistol	Self Load	9mmP	TXK330	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
722	Pistol	Self Load	9mmP	TXK331	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
723	Pistol	Self Load	9mmP	TXK332	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
724	Pistol	Self Load	9mmP	TXK333	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
725	Pistol	Self Load	9mmP	TXK334	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
726	Pistol	Self Load	9mmP	TXK335	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	January
727	Pistol	Self Load	9mmP	TXK336	GLOCK	Valley Trading	Wynberg	002897	January
728	Pistol	Self Load	9mmP	TXK337	GLOCK	Guthries	Midrand	001318	January
729	Pistol	Self Load	9mmP	TXK338	GLOCK	Guthries	Midrand	001318	January
730	Pistol	Self Load	9mmP	TXK339	GLOCK	Savuti	Brakpan	001305	January
731	Pistol	Self Load	9mmP	TXK340	GLOCK	Savuti	Brakpan	001305	January
732	Pistol	Self Load	9mmP	TXK341	GLOCK	Acapulco	Kempton Park	001902	January
733	Pistol	Self Load	9mmP	TXK342	GLOCK	African Guns & Ammo	Germiston	0100123	January
734	Pistol	Self Load	9mmP	TXK343	GLOCK	Pro Sport	Standerton	001329	January
735	Pistol	Self Load	9mmP	TXK344	GLOCK	Hotshots	Meyerton	0100044	January
736	Pistol	Self Load	9mmP	TXK345	GLOCK	Kalahari Arms	Fontainebleau	002838	January
737	Pistol	Self Load	9mmP	TXK346	GLOCK	Pro Sport	Standerton	001329	January
738	Pistol	Self Load	9mmP	TXK347	GLOCK	Komani Gun Cellar	Queenstown	0100438	January
739	Pistol	Self Load	9mmP	TXK348	GLOCK	Acapulco	Kempton Park	001902	January
740	Pistol	Self Load	9mmP	TXK349	GLOCK	Blou Meul	Alberton	002339	January
741	Pistol	Self Load	9mmP	UHA500	GLOCK	Gerrie Coetzee	Bloemfontein	0100452	February

742	Pistol	Self Load	9mmP	UHA501	GLOCK	Loris International	Lyttelton	002536	February
743	Pistol	Self Load	9mmP	UHA502	GLOCK	Guthries	Midrand	001318	February
744	Pistol	Self Load	9mmP	UHA503	GLOCK	Guthries	Midrand	001318	February
745	Pistol	Self Load	9mmP	UHA504	GLOCK	LAWC	Stellenbosch	0100441	February
746	Pistol	Self Load	9mmP	UHA505	GLOCK	Hunters	Heidelburg	002503	February
747	Pistol	Self Load	9mmP	UHA506	GLOCK	Hunters	Heidelburg	002503	February
748	Pistol	Self Load	9mmP	UHA507	GLOCK	H & T Supplies	Woodmead	0100519	February
749	Pistol	Self Load	9mmP	UHA508	GLOCK	Acapulco	Kempton Park	001902	February
750	Pistol	Self Load	9mmP	UHA509	GLOCK	Dock Arms	Fordsburg	0100421	February
751	Pistol	Self Load	9mmP	UHA510	GLOCK	Dock Arms	Fordsburg	0100421	February
752	Pistol	Self Load	9mmP	UHA511	GLOCK	NWK	Lichtenburg	0100155	March
753	Pistol	Self Load	9mmP	UHA512	GLOCK	NWK	Lichtenburg	0100155	March
754	Pistol	Self Load	9mmP	UHA513	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
755	Pistol	Self Load	9mmP	UHA514	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
756	Pistol	Self Load	9mmP	UHA515	GLOCK	Safari and Outdoor WC	Stellenbosch	0100434	February
757	Pistol	Self Load	9mmP	UHA516	GLOCK	Titan Arms	Mobeni	002740	February
758	Pistol	Self Load	9mmP	UHA517	GLOCK	Loris International	Lyttelton	002536	February
759	Pistol	Self Load	9mmP	UHA518	GLOCK	Safari and Outdoor WC	Stellenbosch	0100434	February
760	Pistol	Self Load	9mmP	UHA519	GLOCK	Centurion Indoor	Centurion	0100050	February
761	Pistol	Self Load	9mmP	UHA520	GLOCK	Nicholas Yale	Randburg	001257	February
762	Pistol	Self Load	9mmP	UHA521	GLOCK	Nicholas Yale	Randburg	001257	February
763	Pistol	Self Load	9mmP	UHA522	GLOCK	Nicholas Yale	Randburg	001257	February
764	Pistol	Self Load	9mmP	UHA523	GLOCK	Nicholas Yale	Randburg	001257	February
765	Pistol	Self Load	9mmP	UHA524	GLOCK	Kalahari Arms	Fontainebleau	002838	February
766	Pistol	Self Load	9mmP	UHA525	GLOCK	Hailstorm	Lynnwood	002950	February
767	Pistol	Self Load	9mmP	UHA526	GLOCK	Acapulco	Kempton Park	001902	February
768	Pistol	Self Load	9mmP	UHA527	GLOCK	Eagle Bullet	Durbanville	002952	February
769	Pistol	Self Load	9mmP	UHA528	GLOCK	Kloppers	Bloemfontein	002026	February
770	Pistol	Self Load	9mmP	UHA529	GLOCK	Kloppers	Bloemfontein	002026	February
771	Pistol	Self Load	9mmP	UHA530	GLOCK	Selwels	Kwa Dukuza	002570	February
772	Pistol	Self Load	9mmP	UHA531	GLOCK	Titan Arms	Mobeni	002740	March
773	Pistol	Self Load	9mmP	UHA532	GLOCK	ITFA	Krugersdorp	0100437	March
774	Pistol	Self Load	9mmP	UHA533	GLOCK	African Guns & Ammo	Germiston	0100123	March
775	Pistol	Self Load	9mmP	UHA534	GLOCK	Safari & Combat Arms	Newcastle	002394	March
776	Pistol	Self Load	9mmP	UHA535	GLOCK	Henns Wapens	Port Shepstone	002303	March
777	Pistol	Self Load	9mmP	UHA536	GLOCK	Blou Meul	Alberton	002339	March
778	Pistol	Self Load	9mmP	UHA537	GLOCK	Senwes	Bothaville	0100226	March
779	Pistol	Self Load	9mmP	UHA538	GLOCK	H & T Supplies	Woodmead	0100519	March
780	Pistol	Self Load	9mmP	UHA539	GLOCK	Southern Arms	Wynberg	0100439	March
781	Pistol	Self Load	40 Pistol	UDP816	GLOCK	Acapulco	Kempton Park	001902	January
782	Pistol	Self Load	40 Pistol	UDP817	GLOCK	Nicholas Yale	Randburg	001257	January
783	Pistol	Self Load	40 Pistol	UDP818	GLOCK	Nicholas Yale	Randburg	001257	January
784	Pistol	Self Load	40 Pistol	UDP819	GLOCK	Nicholas Yale	Randburg	001257	January
785	Pistol	Self Load	40 Pistol	UDP820	GLOCK	Nicholas Yale	Randburg	001257	January
786	Pistol	Self Load	40 Pistol	UDP821	GLOCK	RS Sports	Welkom	0100461	January
787	Pistol	Self Load	40 Pistol	UDP822	GLOCK	Sporting Arms	Chloorkop	002549	February
788	Pistol	Self Load	40 Pistol	UDP823	GLOCK	Acapulco	Kempton Park	001902	January
789	Pistol	Self Load	40 Pistol	UDP824	GLOCK	City Guns	Cape Town	001401	January
790	Pistol	Self Load	40 Pistol	UDP825	GLOCK	City Guns	Cape Town	001401	January
791	Pistol	Self Load	40 Pistol	UDP826	GLOCK	LAWC	Stellenbosch	0100441	January
792	Pistol	Self Load	40 Pistol	UDP827	GLOCK	Centurion Indoor	Centurion	0100050	January
793	Pistol	Self Load	40 Pistol	UDP828	GLOCK	Blou Meul	Alberton	002339	January
794	Pistol	Self Load	40 Pistol	UDP829	GLOCK	Ihawu	New Germany	0100084	January
795	Pistol	Self Load	40 Pistol	UDP830	GLOCK	Just E Concepts	Alberton	0100514	January
796	Pistol	Self Load	40 Pistol	UDP831	GLOCK	Surefocus	Meyerton	0100360	January
797	Pistol	Self Load	40 Pistol	UDP832	GLOCK	Surefocus	Meyerton	0100360	January
798	Pistol	Self Load	40 Pistol	UDP833	GLOCK	Selwels	Kwa Dukuza	002570	January
799	Pistol	Self Load	40 Pistol	UDP834	GLOCK	Selwels	Kwa Dukuza	002570	January
800	Pistol	Self Load	40 Pistol	UDP835	GLOCK	LAWC	Stellenbosch	0100441	February
801	Pistol	Self Load	40 Pistol	UDP836	GLOCK	Southern Arms	Wynberg	0100439	February
802	Pistol	Self Load	40 Pistol	UDP837	GLOCK	Southern Arms	Wynberg	0100439	February
803	Pistol	Self Load	40 Pistol	UDP838	GLOCK	Southern Arms	Wynberg	0100439	February
804	Pistol	Self Load	40 Pistol	UDP839	GLOCK	Southern Arms	Wynberg	0100439	February
805	Pistol	Self Load	40 Pistol	UDP840	GLOCK	Southern Arms	Wynberg	0100439	February
806	Pistol	Self Load	40 Pistol	UDP841	GLOCK	Southern Arms	Wynberg	0100439	February
807	Pistol	Self Load	40 Pistol	UDP842	GLOCK	Southern Arms	Wynberg	0100439	February
808	Pistol	Self Load	40 Pistol	UDP843	GLOCK	Southern Arms	Wynberg	0100439	February
809	Pistol	Self Load	40 Pistol	UDP844	GLOCK	Southern Arms	Wynberg	0100439	February
810	Pistol	Self Load	40 Pistol	UDP845	GLOCK	Southern Arms	Wynberg	0100439	February
811	Pistol	Self Load	40 Pistol	UDP846	GLOCK	Surefocus	Meyerton	0100360	February
812	Pistol	Self Load	40 Pistol	UDP847	GLOCK	Hailstorm	Lynnwood	002950	February
813	Pistol	Self Load	40 Pistol	UDP848	GLOCK	Centurion Indoor	Centurion	0100050	January
814	Pistol	Self Load	40 Pistol	UDP849	GLOCK	ITFA	Krugersdorp	0100437	January
815	Pistol	Self Load	40 Pistol	UDP850	GLOCK	Sporting Arms	Chloorkop	002549	January
816	Pistol	Self Load	40 Pistol	UDP851	GLOCK	Southern Arms	Wynberg	0100439	February

299

817	Pistol	Self Load	40 Pistol	UDP852	GLOCK	Southern Arms	Wynberg	0100439	February
818	Pistol	Self Load	40 Pistol	UDP853	GLOCK	Armtec	Potchefstroom	0100364	March
819	Pistol	Self Load	40 Pistol	UDP854	GLOCK	Titan Arms	Mobeni	002740	February
820	Pistol	Self Load	40 Pistol	UDP855	GLOCK	Acapulco	Kempton Park	001902	February
821	Pistol	Self Load	40 Pistol	UGP711	GLOCK	LAWC	Stellenbosch	0100441	February
822	Pistol	Self Load	40 Pistol	UGP712	GLOCK	Nicholas Yale	Randburg	001257	February
823	Pistol	Self Load	40 Pistol	UGP713	GLOCK	Nicholas Yale	Randburg	001257	February
824	Pistol	Self Load	40 Pistol	UGP714	GLOCK	City Guns	Cape Town	001401	February
825	Pistol	Self Load	40 Pistol	UGP715	GLOCK	City Guns	Cape Town	001401	February
826	Pistol	Self Load	40 Pistol	UGP716	GLOCK	City Guns	Cape Town	001401	February
827	Pistol	Self Load	40 Pistol	UGP717	GLOCK	City Guns	Cape Town	001401	February
828	Pistol	Self Load	40 Pistol	UGP718	GLOCK	City Guns	Cape Town	001401	February
829	Pistol	Self Load	40 Pistol	UGP719	GLOCK	Acapulco	Kempton Park	001902	February
830	Pistol	Self Load	40 Pistol	UGP720	GLOCK	Acapulco	Kempton Park	001902	February
831	Pistol	Self Load	40 Pistol	UGP721	GLOCK	Hunters Boma	Nelspruit	0100505	March
832	Pistol	Self Load	40 Pistol	UGP722	GLOCK	JJ Wapens	Ermelo	002675	March
833	Pistol	Self Load	40 Pistol	UGP723	GLOCK	Armtec	Potchefstroom	0100364	March
834	Pistol	Self Load	40 Pistol	UGP724	GLOCK	Centurion Indoor	Centurion	0100050	April
835	Pistol	Self Load	40 Pistol	UGP725	GLOCK	Arms & Ammo	Cradock	0100040	April
836	Pistol	Self Load	40 Pistol	UGP726	GLOCK	African Hunter & Outfitter	East Rand	0100523	April
837	Pistol	Self Load	40 Pistol	UGP727	GLOCK	ITFA	Krugersdorp	0100437	April
838	Pistol	Self Load	40 Pistol	UGP728	GLOCK	Hunters Boma	Nelspruit	0100505	April
839	Pistol	Self Load	40 Pistol	UGP729	GLOCK	Hunters Boma	Nelspruit	0100505	April
840	Pistol	Self Load	40 Pistol	UGP730	GLOCK	Numenor	Pretoria	0100498	April
841	Pistol	Self Load	40 Pistol	UGP731	GLOCK	Strand Guns	Strand	0100435	April
842	Pistol	Self Load	40 Pistol	UGP732	GLOCK	Titan Arms	Mobeni	002740	April
843	Pistol	Self Load	40 Pistol	UGP733	GLOCK	Sporting Arms	Chloorkop	002549	April
844	Pistol	Self Load	40 Pistol	UGP734	GLOCK	Winterberg Arms	Adelaide	0100485	May
845	Pistol	Self Load	40 Pistol	UGP735	GLOCK	Titan Arms	Mobeni	002740	February
846	Pistol	Self Load	40 Pistol	UGP736	GLOCK	Hotshots	Meyerton	0100044	May
847	Pistol	Self Load	40 Pistol	UGP737	GLOCK	Strand Guns	Strand	0100435	May
848	Pistol	Self Load	40 Pistol	UGP738	GLOCK	Surefocus	Meyerton	0100360	May
849	Pistol	Self Load	40 Pistol	UGP739	GLOCK	Centurion Indoor	Centurion	0100050	May
850	Pistol	Self Load	40 Pistol	UGP740	GLOCK	Byleveld Handelaars	Rustenburg	001171	May
851	Pistol	Self Load	40 Pistol	UGP741	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	May
852	Pistol	Self Load	40 Pistol	UGP742	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	May
853	Pistol	Self Load	40 Pistol	UGP743	GLOCK	Hunters Boma	Nelspruit	0100505	May
854	Pistol	Self Load	40 Pistol	UGP744	GLOCK	Centurion Indoor	Centurion	0100050	May
855	Pistol	Self Load	40 Pistol	UGP745	GLOCK	Kings	Durban	01001	June
856	Pistol	Self Load	40 Pistol	UGP746	GLOCK	Kings	Durban	01001	June
857	Pistol	Self Load	40 Pistol	UGP747	GLOCK	Kings	Durban	01001	June
858	Pistol	Self Load	40 Pistol	UGP748	GLOCK	Kings	Durban	01001	June
859	Pistol	Self Load	40 Pistol	UGP749	GLOCK	Kings	Durban	01001	June
860	Pistol	Self Load	40 Pistol	UGP750	GLOCK	Byleveld Handelaars	Rustenburg	001171	June
861	Pistol	Self Load	40 Pistol	UGT613	GLOCK	Hotshots	Meyerton	0100044	January
862	Pistol	Self Load	40 Pistol	UGT614	GLOCK	Brent Guns	Durban	0100367	January
863	Pistol	Self Load	40 Pistol	UGT615	GLOCK	Magnum Arms	Nelspruit	002448	January
864	Pistol	Self Load	40 Pistol	UGT616	GLOCK	City Guns	Cape Town	001401	January
865	Pistol	Self Load	40 Pistol	UGT617	GLOCK	City Guns	Cape Town	001401	January
866	Pistol	Self Load	40 Pistol	UGT618	GLOCK	City Guns	Cape Town	001401	January
867	Pistol	Self Load	40 Pistol	UGT619	GLOCK	City Guns	Cape Town	001401	January
868	Pistol	Self Load	40 Pistol	UGT620	GLOCK	City Guns	Cape Town	001401	January
869	Pistol	Self Load	40 Pistol	UGT621	GLOCK	African Guns & Ammo	Germiston	0100123	January
870	Pistol	Self Load	40 Pistol	UGT622	GLOCK	RS Sports	Welkom	0100461	January
871	Pistol	Self Load	40 Pistol	UGT623	GLOCK	RS Sports	Welkom	0100461	January
872	Pistol	Self Load	40 Pistol	UGT624	GLOCK	Hunters	Heidelburg	002503	January
873	Pistol	Self Load	40 Pistol	UGT625	GLOCK	Hunters	Heidelburg	002503	January
874	Pistol	Self Load	40 Pistol	UGT626	GLOCK	Sporting Arms	Chloorkop	002549	January
875	Pistol	Self Load	40 Pistol	UGT627	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	January
876	Pistol	Self Load	40 Pistol	UGT628	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	January
877	Pistol	Self Load	40 Pistol	UGT629	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	January
878	Pistol	Self Load	40 Pistol	UGT630	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	January
879	Pistol	Self Load	40 Pistol	UGT631	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	January
880	Pistol	Self Load	40 Pistol	UGT632	GLOCK	Safari & Outdoor PTA	Pretoria	0100434	January
881	Pistol	Self Load	40 Pistol	UGT633	GLOCK	H & T Supplies	Woodmead	0100519	January
882	Pistol	Self Load	40 Pistol	UGT634	GLOCK	H & T Supplies	Woodmead	0100519	January
883	Pistol	Self Load	40 Pistol	UGT635	GLOCK	H & T Supplies	Woodmead	0100519	January
884	Pistol	Self Load	40 Pistol	UGT636	GLOCK	LAWC	Stellenbosch	0100441	January
885	Pistol	Self Load	40 Pistol	UGT637	GLOCK	LAWC	Stellenbosch	0100441	January
886	Pistol	Self Load	40 Pistol	UGT638	GLOCK	Kalahari Arms	Fontainebleau	002838	January
887	Pistol	Self Load	40 Pistol	UGT639	GLOCK	R & A Dynamics	Rosettenville	0100480	January
888	Pistol	Self Load	40 Pistol	UGT640	GLOCK	Southern Arms	Wynberg	0100439	January
889	Pistol	Self Load	40 Pistol	UGT641	GLOCK	Nicholas Yale	Randburg	001257	January
890	Pistol	Self Load	40 Pistol	UGT642	GLOCK	Nicholas Yale	Randburg	001257	January
891	Pistol	Self Load	40 Pistol	UGT643	GLOCK	Nicholas Yale	Randburg	001257	January

300

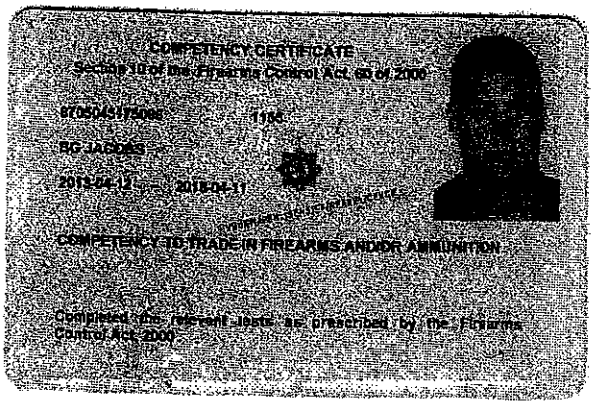
892	Pistol	Self Load	40 Pistol	UGT644	GLOCK	Nicholas Yale	Randburg	001257	January
893	Pistol	Self Load	40 Pistol	UGT645	GLOCK	Nicholas Yale	Randburg	001257	January
894	Pistol	Self Load	40 Pistol	UGT646	GLOCK	Nicholas Yale	Randburg	001257	January
895	Pistol	Self Load	40 Pistol	UGT647	GLOCK	L & W	Pretoria	0100469	January
896	Pistol	Self Load	40 Pistol	UGT648	GLOCK	Acapulco	Kempton Park	001902	January
897	Pistol	Self Load	40 Pistol	UGT649	GLOCK	Acapulco	Kempton Park	001902	January
898	Pistol	Self Load	40 Pistol	UGT650	GLOCK	Acapulco	Kempton Park	001902	January
899	Pistol	Self Load	40 Pistol	UGT651	GLOCK	Acapulco	Kempton Park	001902	January
900	Pistol	Self Load	40 Pistol	UGT652	GLOCK	Acapulco	Kempton Park	001902	January
901	Pistol	Self Load	40 Pistol	UGT653	GLOCK	Acapulco	Kempton Park	001902	January
902	Pistol	Self Load	40 Pistol	UGT654	GLOCK	Acapulco	Kempton Park	001902	January
903	Pistol	Self Load	40 Pistol	UGT655	GLOCK	Acapulco	Kempton Park	001902	January
904	Pistol	Self Load	40 Pistol	UGT656	GLOCK	Acapulco	Kempton Park	001902	January
905	Pistol	Self Load	40 Pistol	UGT657	GLOCK	Acapulco	Kempton Park	001902	January
906	Pistol	Self Load	40 Pistol	UGT658	GLOCK	Acapulco	Kempton Park	001902	January
907	Pistol	Self Load	40 Pistol	UGT659	GLOCK	Acapulco	Kempton Park	001902	January
908	Pistol	Self Load	40 Pistol	UGT660	GLOCK	Acapulco	Kempton Park	001902	January
909	Pistol	Self Load	40 Pistol	UGT661	GLOCK	Acapulco	Kempton Park	001902	January
910	Pistol	Self Load	40 Pistol	UGT662	GLOCK	Acapulco	Kempton Park	001902	January
911	Pistol	Self Load	40 Pistol	UGT703	GLOCK	SA Trading	Springs	0100164	February
912	Pistol	Self Load	40 Pistol	UGT704	GLOCK	African Guns & Ammo	Germiston	0100123	February
913	Pistol	Self Load	40 Pistol	UGT705	GLOCK	Guthries	Midrand	001318	February
914	Pistol	Self Load	40 Pistol	UGT706	GLOCK	BW Laubscher	Paarl	0100366	February
915	Pistol	Self Load	40 Pistol	UGT707	GLOCK	BW Laubscher	Paarl	0100366	February
916	Pistol	Self Load	40 Pistol	UGT708	GLOCK	H & T Supplies	Woodmead	0100519	February
917	Pistol	Self Load	40 Pistol	UGT709	GLOCK	H & T Supplies	Woodmead	0100519	February
918	Pistol	Self Load	40 Pistol	UGT710	GLOCK	Acapulco	Kempton Park	001902	February
919	Pistol	Self Load	40 Pistol	UGT711	GLOCK	Acapulco	Kempton Park	001902	February
920	Pistol	Self Load	40 Pistol	UGT712	GLOCK	Acapulco	Kempton Park	001902	February
921	Pistol	Self Load	40 Pistol	UGT713	GLOCK	Acapulco	Kempton Park	001902	February
922	Pistol	Self Load	40 Pistol	UGT714	GLOCK	Acapulco	Kempton Park	001902	February
923	Pistol	Self Load	40 Pistol	UGT715	GLOCK	Acapulco	Kempton Park	001902	February
924	Pistol	Self Load	40 Pistol	UGT716	GLOCK	Acapulco	Kempton Park	001902	February
925	Pistol	Self Load	40 Pistol	UGT717	GLOCK	Surefocus	Meyerton	0100360	March
926	Pistol	Self Load	40 Pistol	UGT718	GLOCK	Hunters Boma	Nelspruit	0100505	February
927	Pistol	Self Load	40 Pistol	UGT719	GLOCK	Hunters Boma	Nelspruit	0100505	February
928	Pistol	Self Load	40 Pistol	UGT720	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
929	Pistol	Self Load	40 Pistol	UGT721	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
930	Pistol	Self Load	40 Pistol	UGT722	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
931	Pistol	Self Load	40 Pistol	UGT723	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
932	Pistol	Self Load	40 Pistol	UGT724	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
933	Pistol	Self Load	40 Pistol	UGT725	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
934	Pistol	Self Load	40 Pistol	UGT726	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
935	Pistol	Self Load	40 Pistol	UGT727	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
936	Pistol	Self Load	40 Pistol	UGT728	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
937	Pistol	Self Load	40 Pistol	UGT729	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
938	Pistol	Self Load	40 Pistol	UGT730	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
939	Pistol	Self Load	40 Pistol	UGT731	GLOCK	H & T Supplies	Woodmead	0100519	February
940	Pistol	Self Load	40 Pistol	UGT732	GLOCK	Valley Trading	Wynberg	002897	February
941	Pistol	Self Load	40 Pistol	UGT733	GLOCK	Valley Trading	Wynberg	002897	February
942	Pistol	Self Load	40 Pistol	UGT734	GLOCK	Sporting Arms	Chloorkop	002549	February
943	Pistol	Self Load	40 Pistol	UGT735	GLOCK	Titan Arms	Mobeni	002740	February
944	Pistol	Self Load	40 Pistol	UGT736	GLOCK	Titan Arms	Mobeni	002740	February
945	Pistol	Self Load	40 Pistol	UGT737	GLOCK	Centurion Indoor	Centurion	0100050	February
946	Pistol	Self Load	40 Pistol	UGT738	GLOCK	Nicholas Yale	Randburg	001257	February
947	Pistol	Self Load	40 Pistol	UGT739	GLOCK	Nicholas Yale	Randburg	001257	February
948	Pistol	Self Load	40 Pistol	UGT740	GLOCK	H & T Supplies	Woodmead	0100519	February
949	Pistol	Self Load	40 Pistol	UGT741	GLOCK	Nicholas Yale	Randburg	001257	February
950	Pistol	Self Load	40 Pistol	UGT742	GLOCK	Nicholas Yale	Randburg	001257	February
951	Pistol	Self Load	40 Pistol	UGT743	GLOCK	Nicholas Yale	Randburg	001257	February
952	Pistol	Self Load	40 Pistol	UGT744	GLOCK	City Guns	Cape Town	001401	February
953	Pistol	Self Load	40 Pistol	UGT745	GLOCK	City Guns	Cape Town	001401	February
954	Pistol	Self Load	40 Pistol	UGT746	GLOCK	City Guns	Cape Town	001401	February
955	Pistol	Self Load	40 Pistol	UGT747	GLOCK	City Guns	Cape Town	001401	February
956	Pistol	Self Load	40 Pistol	UGT748	GLOCK	City Guns	Cape Town	001401	February
957	Pistol	Self Load	40 Pistol	UGT749	GLOCK	Surefocus	Meyerton	0100360	August
958	Pistol	Self Load	40 Pistol	UGT750	GLOCK	Nicholas Yale	Randburg	001257	February
959	Pistol	Self Load	40 Pistol	UGT751	GLOCK	Surefocus	Meyerton	0100360	February
960	Pistol	Self Load	40 Pistol	UGT752	GLOCK	Arc & Arms	ng Williams Tov	002146	February
961	/					Arc & Arms	Meyerton		February
962	Pistol	Self Load	45 ACP	UDP617	GLOCK	Southern Arms	Wynberg	0100439	January
963	Pistol	Self Load	45 ACP	UDP618	GLOCK	Benoni Indoor	Benoni	002814	January
964	Pistol	Self Load	45 ACP	UDP619	GLOCK	Latgro	Bothaville	001930	January
965	Pistol	Self Load	45 ACP	UDP620	GLOCK	Titan Arms	Mobeni	002740	January
966	Pistol	Self Load	45 ACP	UDP621	GLOCK	Hoeveld Wapens	Middelburg	0100220	January

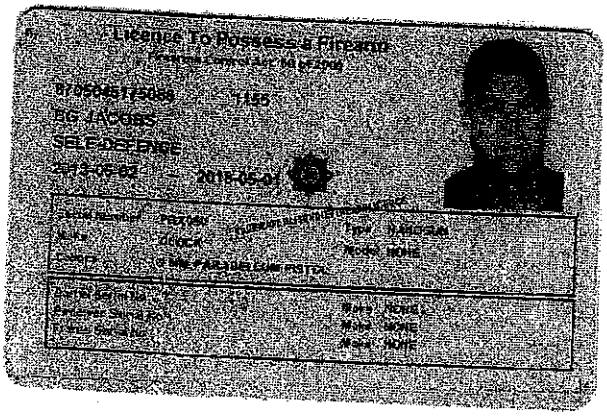
301

967	Pistol	Self Load	45 ACP	UDP622	GLOCK	Ihawu	New Germany	0100084	January
968	Pistol	Self Load	45 ACP	UDP623	GLOCK	Alfa & Omega	Ellisras	002365	January
969	Pistol	Self Load	45 ACP	UDP624	GLOCK	ITFA	Krugersdorp	0100437	January
970	Pistol	Self Load	45 ACP	UDP625	GLOCK	Outdoor Adventure Centre	Rustenburg	0100429	January
971	Pistol	Self Load	45 ACP	UDP626	GLOCK	Numenor	Pretoria	0100498	January
972	Pistol	Self Load	45 ACP	UDP627	GLOCK	Hi Tech	Benoni	001288	January
973	Pistol	Self Load	45 ACP	UDP628	GLOCK	LAWC	Stellenbosch	0100441	January
974	Pistol	Self Load	45 ACP	UDP629	GLOCK	Acapulco	Kempton Park	001902	January
975	Pistol	Self Load	45 ACP	UDP630	GLOCK	Sporting Arms	Chloorkop	002549	January
976	Pistol	Self Load	45 ACP	UDP631	GLOCK	Centurion Indoor	Centurion	0100050	January
977	Pistol	Self Load	45 ACP	UDP632	GLOCK	Ihawu	New Germany	0100084	January
978	Pistol	Self Load	45 ACP	UDP633	GLOCK	Southern Arms	Wynberg	0100439	February
979	Pistol	Self Load	45 ACP	UDP634	GLOCK	Southern Arms	Wynberg	0100439	February
980	Pistol	Self Load	45 ACP	UDP635	GLOCK	Hotshots	Meyerton	0100044	January
981	Pistol	Self Load	45 ACP	UDP636	GLOCK	Nicholas Yale	Randburg	001257	January
982	Pistol	Self Load	45 ACP	UDP637	GLOCK	Nicholas Yale	Randburg	001257	January
983	Pistol	Self Load	45 ACP	UDP638	GLOCK	Nicholas Yale	Randburg	001257	January
984	Pistol	Self Load	45 ACP	UDP639	GLOCK	Nicholas Yale	Randburg	001257	January
985	Pistol	Self Load	45 ACP	UDP640	GLOCK	Nicholas Yale	Randburg	001257	January
986	Pistol	Self Load	45 ACP	UDP641	GLOCK	Nicholas Yale	Randburg	001257	January
987	Pistol	Self Load	45 ACP	UDP647	GLOCK	African Guns & Ammo	Germiston	0100123	February
988	Pistol	Self Load	45 ACP	UDP648	GLOCK	National Cartridge	Cape Town	0100427	February
989	Pistol	Self Load	45 ACP	UDP649	GLOCK	Zimbi Books	Menlo Park	0100474	March
990	Pistol	Self Load	45 ACP	UDP650	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
991	Pistol	Self Load	45 ACP	UDP651	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
992	Pistol	Self Load	45 ACP	UDP652	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
993	Pistol	Self Load	45 ACP	UDP653	GLOCK	Nyala Arms	Harrismith	0100348	February
994	Pistol	Self Load	45 ACP	UDP654	GLOCK	Numenor	Pretoria	0100498	February
995	Pistol	Self Load	45 ACP	UDP655	GLOCK	Acapulco	Kempton Park	001902	March
996	Pistol	Self Load	45 ACP	UDP656	GLOCK	Numenor	Pretoria	0100498	February
997	Pistol	Self Load	45 ACP	UDP657	GLOCK	Hoeveld Wapens	Middelburg	0100220	March
998	Pistol	Self Load	45 ACP	UDP658	GLOCK	JJ Wapens	Ermelo	002675	March
999	Pistol	Self Load	45 ACP	UDP659	GLOCK	Quartermaster	Volksrus	0100249	March
1000	Pistol	Self Load	45 ACP	UDP660	GLOCK	African Hunter & Outfitter	East rand	0100523	April
1001	Pistol	Self Load	45 ACP	UDP661	GLOCK	Quartermaster	Volksrus	0100249	April
1002	Pistol	Self Load	45 ACP	UDP662	GLOCK	Sporting Arms	Chloorkop	002549	April
1003	Pistol	Self Load	45 ACP	UDP663	GLOCK	National Cartridge	Cape Town	0100427	May
1004	Pistol	Self Load	45 ACP	UDP664	GLOCK	Kalahari Arms	Fontainebleau	002838	May
1005	Pistol	Self Load	45 ACP	UDP665	GLOCK	Gerrie Coetzee	Bloemfontein	0100452	May
1006	Pistol	Self Load	45 ACP	UDP666	GLOCK	Acapulco	Kempton Park	001902	May
1007	Pistol	Self Load	45 ACP	UDP667	GLOCK	Titan Arms	Mobeni	002740	May
1008	Pistol	Self Load	45 ACP	UDP668	GLOCK	Lowveld Hunting Supplies	Volksrus	0100420	June
1009	Pistol	Self Load	45 ACP	UDP669	GLOCK	City Guns	Cape Town	001401	July
1010	Pistol	Self Load	45 ACP	UDP670	GLOCK	JJ Wapens	Ermelo	002675	August
1011	Pistol	Self Load	45 ACP	UDP671	GLOCK	City Guns	Cape Town	001401	August
1012	Pistol	Self Load	45 ACP	SSR959	GLOCK	Hi Tech Arms	Benoni	001288	January
1013	Pistol	Self Load	45 ACP	SSR960	GLOCK	Kalahari Arms	Fontainebleau	002838	January
1014	Pistol	Self Load	45 ACP	SSR961	GLOCK	Hotshots	Meyerton	0100044	January
1015	Pistol	Self Load	45 ACP	SSR962	GLOCK	Hotshots	Meyerton	0100044	January
1016	Pistol	Self Load	45 ACP	SSR963	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
1017	Pistol	Self Load	45 ACP	SSR964	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	February
1018	Pistol	Self Load	45 ACP	SSR965	GLOCK	Hotshots	Meyerton	0100044	February
1019	Pistol	Self Load	45 ACP	SSR966	GLOCK	Numenor	Pretoria	0100498	April
1020	Pistol	Self Load	45 ACP	SSR967	GLOCK	Gerrie Coetzee	Bloemfontein	0100452	February
1021	Pistol	Self Load	45 ACP	SSR968	GLOCK	African Hunter & Outfitter	East rand	0100523	April
1022	Pistol	Self Load	45 ACP	SSR969	GLOCK	Safari & Outdoor WC	Stellenbosch	0100434	February
1023	Pistol	Self Load	45 ACP	SSR970	GLOCK	Southern Arms	Wynberg	0100439	February
1024	Pistol	Self Load	45 ACP	SSR971	GLOCK	Nicholas Yale	Randburg	001257	February
1025	Pistol	Self Load	45 ACP	SSR972	GLOCK	Nicholas Yale	Randburg	001257	February
1026	Pistol	Self Load	45 ACP	SSR973	GLOCK	Zimbi Books	Menlo Park	0100474	February
1027	Pistol	Self Load	45 ACP	SSR976	GLOCK	Southern Arms	Wynberg	0100439	March
1028	Pistol	Self Load	45 ACP	SSR977	GLOCK	Southern Arms	Wynberg	0100439	March
1029	Pistol	Self Load	45 ACP	SSR978	GLOCK	Kings	Durban	01001	October
1030	Pistol	Self Load	45 ACP	SSR979	GLOCK	Centurion Indoor	Centurion	0100050	May
1031	Pistol	Self Load	45 ACP	SSR980	GLOCK	RS Sports	Welkom	0100461	June
1032	Pistol	Self Load	45 ACP	SSR981	GLOCK	Byleveld Handelaars	Rustenburg	001171	June
1033	Pistol	Self Load	45 ACP	SSR982	GLOCK	Safari & Outdoor PTA	Pretoria	0100479	August
1034	Pistol	Self Load	45 ACP	SSR983	GLOCK	Classic Arms	Witbank	002988	August
1035	Pistol	Self Load	45 ACP	SSR984	GLOCK	Wildman WC	Brackenfell	0100536	August
1036	Pistol	Self Load	45 ACP	SSR985	GLOCK	Wildman WC	Brackenfell	0100536	August
1037	Pistol	Self Load	45 ACP	SSR986	GLOCK	Wildman Nelspruit	Nelspruit	0100539	September
1038	Pistol	Self Load	45 ACP	SSR987	GLOCK	Wildman Nelspruit	Nelspruit	0100539	September
1042	Frame		9mmP	G62097	GLOCK	Hoeveld Wapens	Middelburg	0100220	January
1043	Frame		45 ACP	G65491	GLOCK	Hotshots	Meyerton	0100044	January

"W"

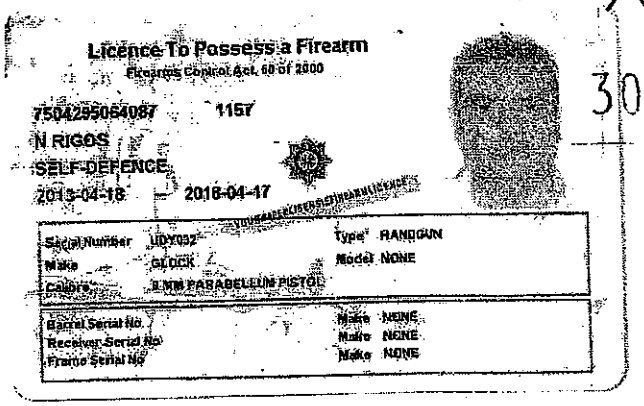
302


COMPETENCY CERTIFICATE
Section 10 of the Firearms Control Act, 60 of 2000
8705045175088 1155
BG JACOBS
2013-04-12 – 2018-04-11
COMPETENCY TO TRADE IN FIREARMS AND/OR AMMUNITION
Completed the relevant tests as prescribed by the Firearms Control Act, 2000


Licence To Possess a Firearm
Firearms Control Act, 60 of 2000
8705045175088 1155
BG JACOBS
SELF-DEFENCE
2013-05-02 – 2018-05-01
Type HANDGUN
Model NONE
Make NONE
Make NONE
Make NONE

X

303



Licence To Possess a Firearm

Firearms Control Act, 60 of 2000

7504295064087 1157

N RIGOS

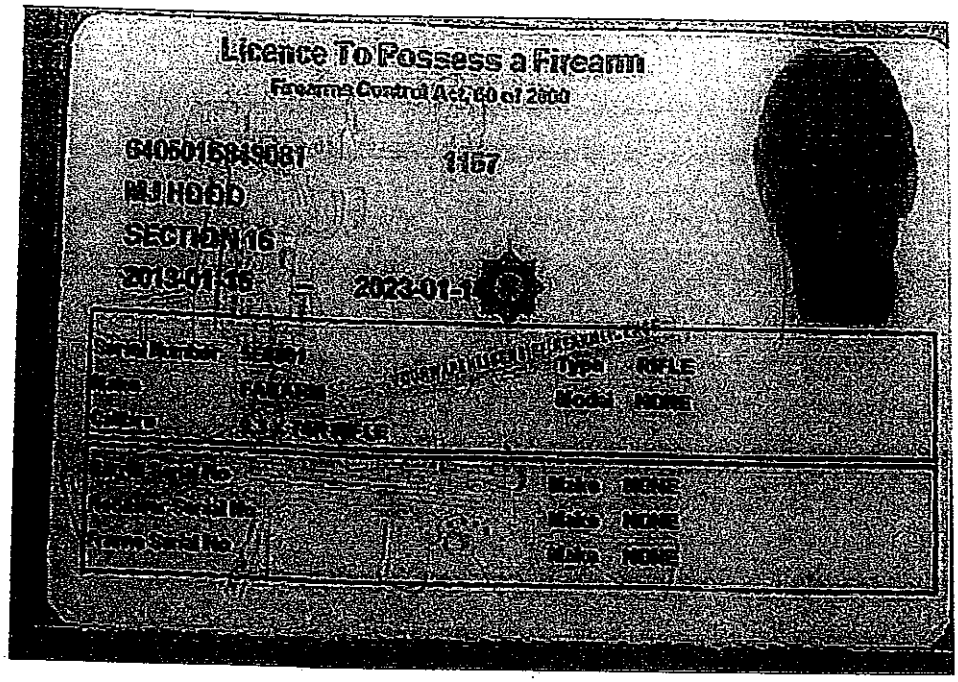
SELF-DEFENCE

2013-04-18 2016-04-17

Serial Number	LDY052	Type	HANDGUN
Make	GLOCK	Model	NONE
Calibre	9 MM PARABELLUM PISTOL		
Barrel Serial No.		Make	NONE
Receiver Serial No		Make	NONE
Frame Serial No		Make	NONE

"Y"

304



Fabarm **9,3 x 74R Rifle** **5E6801**

"Z"

305

Report date : 2018-02-01

IDENTIFICATION NUMBER: 6405015849081 **IDENTIFICATION TYPE: 1**
SURNAME : HOOD
INITIALS : MJ

Number of Firearms : 98

Lost : 0
Stolen : 0
Found : 0
Forfeited : 0
Refused : 5

CALIBER	CODE	SERIAL NUMBER	MAKE	DATE_ISSUED	DATE_REISSUED	FIREARM STATUS	FIREARM STATUS HISTORY	SAP 179
.45	410	129487	WEBLEY	2003-01-24	2009-02-05	N	N	N
.577 RIFLE	62	8023	MARTINI HENRY	2014-03-07		N	N	N
.40 S&W	1752	450566	V. BERNARDELLI	2002-08-19	2009-02-05	N	N	N
.22 WIN MAG RIM	106	449447	ANSCHUTZ	2001-01-08	2009-02-05	N	N	N
.38 SPL/.357 MAG	100	WR27372	SMITH & WESSON	1996-08-27	2009-02-05	N	N	N
.308 WIN (7.62X51)	30	78437317	RUGER	2001-06-01	2009-02-05	N	N	N
.44 MAG	279	05039201	MARLIN	1997-11-05	2009-02-05	N	N	N
.44 MAG (.44 REM MAG)	905	87/08318	RUGER	1997-11-05	2009-02-05	N	N	N
.410 BORE	201	441241	BOITO	2014-03-07		N	N	N
9MM PAR (9X19MM)	587	ZKN503	GLOCK	2016-05-12		N	N	N
.338 LAPUA MAG	1878	3084801	STEYR	2016-05-12		N	N	N
9MM PAR (9X19MM)	587	B448056	CZ	2015-04-14		N	N	N
7.62X39MM	1767	3400986	NORINCO	2015-04-14		N	N	N
.300 WIN SHORT MAG	1987	F67941	TIKKA	2015-03-06		N	N	N
.30-06 SPRINGFIELD	275	107856	MANNL SCHOENAUER	2012-03-26		N	N	N
9MM PAR (9X19MM)	587	WAL/17213	WALTHER	2012-07-16		N	N	N

306

.22 LONG / LR (PISTOL)	501	247011	RUGER	2014-03-07		N	N	N
.357 MAG	406	160/23139	RUGER	2003-01-24	2009-02-05	N	N	N
7.62 MM RIFLE	71	535310	MAUSER	1999-06-07	2009-02-05	N	N	N
.303 BRITISH	29	W79535	P14	1999-08-06	2009-02-05	N	N	N
7.62 MM RIFLE	71	BR06078	NAGANT	2012-03-26		N	N	N
8X57 J MAUSER	1684	B5633	DEUTSCHE WERKE	2012-03-26		N	N	N
.308 WIN (7.62X51)	30	D619602266	SLR RIFLEWORKS	2001-07-12	2009-02-05	N	N	N
12 GA	205	B687047M	REMINGTON ARMS	2000-02-24	2009-02-05	N	N	N
7X57MM MAUS (7MM MAUS)	1514	K8919	MAUSER	2001-06-01	2009-02-05	N	N	N
.223 REM MAG RIFLE	1734	F666060	SAVAGE	1998-10-22	2009-02-05	N	N	N
9MM PAR (9X19MM)	587	27/009517	HECKLER & KOCH	1998-07-08	2014-08-20	N	N	N
12 GA	205	729873	MIROKU	2010-12-10		N	N	Y
.22 SHORT/LONG/LR	262	9511909	NORINCO	2002-01-07	2009-02-05	N	N	N
7.62X25MM	518	24025196	NORINCO	2003-01-28	2009-02-05	N	N	N
9 MM RIFLE	78	32134	STEN	2012-07-13		N	N	N
20 GA	203	122615	SILMA	2010-12-10		N	N	Y
.30-06 SPRINGFIELD	275	3077726	REMINGTON ARMS	2001-01-08	2009-02-05	N	N	N
9MM PAR (9X19MM)	587	390314	WALTHER	2002-03-05	2009-02-05	N	N	N
.30 CARBINE (7.62X33MM)	265	1156863	WINCHESTER	2001-12-11	2009-02-05	N	N	N
12 GA	205	2521	BROWNING	2002-08-19	2009-02-05	N	N	N
12 GA	205	G80725	ATIS	2002-08-22	2009-02-05	N	N	N
.223 RIFLE	7	SD109337	COLT	1998-07-22	2009-02-05	N	N	N
7.62X39MM	1767	9702661	NORINCO	2004-06-28	2009-02-05	N	N	N
7X57MM MAUS (7MM MAUS)	1514	133/54373	RUGER	2000-02-07	2009-02-05	N	N	N
6.5X55MM SWED MAUS	1660	3281	MAUSER	1999-06-07	2009-02-05	N	N	N
.22 LONG / LR (PISTOL)	501	0809	NORINCO	1998-10-09	2009-02-05	N	N	N
12 GA	205	69364	MAUSER	1998-11-04	2009-02-05	N	N	N
9MM SHORT (.380ACP)	522	10739	ZASTAVA	2003-01-24	2009-02-05	N	N	N
12 BR/450 COMBINATION	1699	25708	JOSEPH BOURNE	2003-01-24	2009-02-05	N	N	N
6.5MM	67	D2211	BRESCIA	2004-06-28	2009-02-05	N	N	N
.303 BRITISH	29	66008	LEE ENFIELD	1998-11-04	2009-02-05	N	N	N
.22 SHORT/LONG/LR	262	6076528126	MIROKU	2012-03-26		N	N	N
9MM SHORT (.380ACP)	522	126657	CZ	1992-10-09		N	N	N
.223 RIFLE	7	184/25326	RUGER	1997-10-22	2009-02-05	N	N	N
6.35MM	515	A7409	CZ	2000-08-23	2009-02-05	N	N	N

307

BROWNING								
12 GA	205	138324	CG BONEHILL	2003-01-24	2009-02-05	N	N	N
.303 BRITISH	29	B83372	RAWBONE	2002-08-19	2009-02-05	N	N	N
8 MM RIFLE	76	57370	BERTHIER	2004-06-28	2009-02-05	N	N	N
.38 S&W	407	137416	WEBLEY	1999-06-07	2009-02-05	N	N	N
.455	412	385594	WEBLEY	1999-06-07	2009-02-05	N	N	N
.416 RIGBY	1817	750/02359	RUGER	2000-02-22	2009-02-05	N	N	N
.22 SHORT/LONG/LR	262	24863285	RUGER	1999-09-09	2009-02-05	N	N	N
9.5 MM RIFLE	81	554	MAHILLON	2014-03-07		N	N	N
.410 BORE	201	92278	WINCHESTER	1997-05-15	2009-02-05	N	N	N
.303 BRITISH	29	97649	LEE ENFIELD	2001-12-11	2009-02-05	N	N	N
.38 S&W	407	759881	SMITH & WESSON	2014-03-07		N	N	N
.38 SPECIAL (.38 S&W SPL)	495	LJ31503	TAURUS	1998-10-09	2009-02-05	N	N	N
.32 REVOLVER	405	B14577	WEBLEY	2001-12-11	2009-02-05	N	N	N
.22 SHORT/LONG/LR	262	C1889	KIMBER	2001-01-08	2009-02-05	N	N	N
.308 WIN (7.62X51)	30	FR8/34188	MAUSER	1998-07-09	2009-02-05	N	N	N
7.62 MM RIFLE	71	207547	NAGANT	2001-01-08	2009-02-05	N	N	N
9MM PAR (9X19MM)	587	103840	NORINCO	2001-09-04	2009-02-05	N	N	N
.22 LONG / LR (PISTOL)	501	9400657	NORINCO	1997-05-15	2009-02-05	N	N	N
.30-06 SPRINGFIELD	275	A2465	KONGSBERG	2000-02-07	2009-02-05	N	N	N
.223 RIFLE	7	8455AQ000284	NORINCO	2000-02-24	2009-02-05	N	N	N
6.5X55MM SWED MAUS	1660	196675	MAUSER	2001-01-08	2009-02-05	N	N	N
.375 H&H MAG (9.5X72B)	283	RSA68125	VEKTOR BOLT ACTION	2001-01-08	2009-02-05	N	N	N
7.62X39MM	1767	711/09301	RUGER	2012-03-26		N	N	N
.40 S&W	1752	PWF786	GLOCK	2012-07-13		N	N	N
.223 RIFLE	7	B227127	HOWA	2012-03-26		N	N	N
.308 WIN (7.62X51)	30	B235308	HOWA	2012-07-13		N	N	N
.338 WIN MAG	36	B253924	HOWA	2013-01-15		N	N	N
20 GA	203	12010001	ATA ARMS	2013-01-15		N	N	N
7.65MM (.32ACP)	520	481875	BROWNING	1998-10-09	2009-02-05	N	N	N
.38 S&W	407	2970	ENFIELD	2001-06-01	2009-02-05	N	N	N
.308 WIN (7.62X51)	30	T/09007	MAUSER	2001-12-11	2009-02-05	N	N	N
.303 BRITISH	29	05501	GREENER	2012-03-26		N	N	N
.45 ACP	511	1233753	ITHACA	1994-03-30	2009-02-05	N	N	N
.357 MAG	406	172/73851	RUGER	2012-03-26		N	N	N
7.62X39MM	1767	1054776	SAIGA	2001-12-13	2009-02-05	N	N	N
.22 LR/.22 MAG (WMR)	497	6415002	RUGER	2001-01-08	2009-02-05	N	N	N
12 GA	205	M424572	MIROKU	2016-05-12		N	N	N
7.5X55MM			SCHMIDT-					

308

SWISS	1613	580656	RUBIN	2012-07-13		N	N	N
8 X 57 RIFLE	1765	51296	ZASTAVA	2012-08-23		N	N	N
6.5X55MM SWED MAUS	1660	B281765	HOWA	2013-01-15		N	N	N
9MM PAR (9X19MM)	590	FX1436	TAURUS	2015-04-14		N	N	N
.375 RUGER	2128	H668993	SAVAGE	2015-03-06		N	N	N
.22 SHORT/LONG/LR	262	17360	BRNO	2014-03-07		N	N	N
.308 WIN (7.62X51)	30	CL1691	FABARM	2014-03-07		N	N	N
12 GA	205	CA023479	FABARM	2013-10-08		N	N	N
.308 WIN (7.62X51)	30	J068499	SAVAGE	2015-03-06		N	N	N
.243 WIN	1785	J199119	SAVAGE	2014-07-01		N	N	N

309

(4) The Registrar may at any time, by written notice, withdraw an authorisation issued in terms of this section.

(5) The Office of the Central Firearms Register must keep a record of prescribed information in respect of all authorisations issued in terms of this section.

(6) A dealer to whom a temporary authorisation has been issued must comply with the requirements of subsection (3).

(Commencement date of section 36: 1 July 2004)

37. Change of premises

(1) A dealer may apply to the Registrar in the prescribed manner for removal of the business from the premises specified in the licence to different premises.

(2) On receipt of the application referred to in subsection (1), the Registrar may endorse the licence or issue a new licence permitting the dealer to conduct the business from the new premises on such conditions as the Registrar may impose.

(Commencement date of section 37: 1 July 2004)

38. Notification of change of circumstances

(1) The holder of a dealer's licence must notify the Registrar in writing within 30 days if there is any change with regard to any information which was submitted in respect of the application for the issue of that licence.

(2) The Registrar must within 30 days after receiving a notice referred to in subsection (1) acknowledge receipt of that notice in writing.

(Commencement date of section 38: 1 July 2004)

39. Duties of dealer

(1) A dealer may trade in firearms or ammunition only on premises specified in the dealer's licence.

(2) A dealer may not permit any person to trade in firearms or ammunition on his or her behalf unless that person is in possession of the appropriate competency certificate.

(3) A dealer must keep such registers as may be prescribed and containing such information as may be prescribed at the premises specified in the dealer's licence.

(4) A dealer must keep his or her dealer's licence on the premises specified in the licence.

(5) A dealer must, at the request of any police official, produce for inspection -

(a) any firearms or ammunition that the dealer may have in stock;

(b) his or her dealer's licence; and

(c) any register or electronic data kept by the dealer in terms of Part 1 of this Chapter.

(6) A dealer must establish and maintain a workstation which links the registers referred to in subsection (3) to the central dealers database in the prescribed manner.

(7) The Registrar may, on good cause shown on application by a dealer, exempt the dealer from the duties referred to in subsection (6).

(8) Any dealer exempted as contemplated in subsection (7) must submit weekly returns, completed in the prescribed form, to the Office of the Central Firearms Register.

(9) A dealer must comply with any condition imposed under section 33 and specification prescribed under that section.

(Commencement date of section 39: 1 July 2004)

40. Establishment of centralised dealers' database

The Registrar must establish and maintain such central dealers' database as may be prescribed.

(Commencement date of section 40: 1 July 2004)

41. Suspension of dealer's licence

(1) The Registrar may suspend a dealer's licence if the Registrar has information in a sworn statement or on solemn declaration that the dealer has committed an offence in terms of this Act for which a sentence of imprisonment for a period of five years or more may be imposed.

(2) A licence may be suspended for not more than seven days without affording the holder of the licence a hearing.

(3) A suspension may endure for a period longer than seven days if the -

(a) holder has been afforded an opportunity to make written representations to the Registrar;

(b) Registrar has given due consideration to the representations;

(2) When an inspection of the new premises by a police official or a Designated Firearms Officer reveals that the safeguarding facilities at the new premises do not in all respects comply with those specified for the applicable licence, the holder of the licence must be notified thereof in writing by the relevant Designated Firearms Officer and be afforded a period of 60 days within which to correct the listed deficiencies: Provided that the Registrar is satisfied that the nature of the deficiencies would not create an unacceptable risk for the safe custody of firearms or ammunition.

(3) (a) On approval of an application to change premises as contemplated in subregulation (1), the dealer must immediately on taking occupation of the new premises, notify the relevant Designated Firearms Officer responsible for the area in which the applicant's new business will be situated.

(b) A notification contemplated in subparagraph (a) must be on the applicable form and be accompanied by such information and documents as may be required by the Registrar.

Registers in respect of a dealer

37. (1) A dealer must keep a register as contemplated by section 39(3) of the Act comprising of a set of books or computer printouts known as "the Firearms Stock Register" in respect of every firearm received in stock from whatever source, wherein must be recorded -

(a) on the debit-side -

(i) a stock number that must be clearly affixed by means of a temporary marking on the firearm;

(ii) the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the firearm;

(iii) the date of receipt of the firearm;

(iv) the full names, surname, identity number or registration number, as the case may be, and physical address of the person from whom the firearm was acquired; and

(v) the number and date of issue of the existing licence, authorisation or permit, as the case may be, and in the case of a private transfer, the signature of the person from whom the firearm was acquired;

(b) on the credit-side against the stock number referred to in subregulation (1)(a)(i) -

(i) the date of sale of the firearm;

(ii) the full names, surname, identity number or registration number, as the case may be, and physical address of the person to whom the firearm was sold;

(iii) the number and date of issue of the licence, authorisation or permit in terms whereof the firearm may be possessed by the person contemplated in subparagraph (ii); and

(iv) the signature of the person who is responsible for the transfer of the firearm that must be affixed to the recorded particulars.

(2) A dealer must keep a register comprising of a set of books or computer printouts known as "the Ammunition Stock Register" in respect of all ammunition received wherein must be recorded -

(a) on the debit-side -

(i) the calibre, make and quantity of all ammunition received; and

(ii) the date of receipt; and

(iii) the number and date of issue of the existing licence, authorisation or permit, as the case may be, of the person from whom the ammunition was acquired;

(b) on the credit-side -

(i) the date of sale of the ammunition;

(ii) the full names, surname, identity number or registration number, as the case may be, and physical address of the person to whom the ammunition was sold;

(iii) the number and date of issue of the licence, permit or authorisation contemplated in section 90(d) of the Act, in terms whereof the person to whom the ammunition has been sold, may possess the ammunition;

(iv) the calibre, make and quantity of all ammunition sold; and

(v) the signature of the person to whom the ammunition has been sold or transferred that must be affixed to the recorded particulars.

(3) (a) A dealer must keep a register comprising of a set of books or computer printouts known as "the Firearms Safe Custody Register" regarding all firearms that the dealer receives and holds on behalf of a holder of a licence, authorisation or permit for the purpose of the safe custody or transfer of the firearms.

(b) The Firearms Safe Custody Register must contain -

(i) the date of receipt of the firearm;

(ii) the full names, surname, identity number or registration number, as the case may be, and physical address of the person from whom the firearm was acquired;

(iii) the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark contemplated in section 23(4) of the Act that is reflected on the firearm;

(iv) the number and date of issue of the existing licence, authorisation or permit, as the case may be, and signature of the person from whom the firearm was acquired;

(v) the date of return, transfer or disposal of the firearm; and

(vi) the signature of the person to whom the firearm was returned, transferred or disposed to.

(4) A dealer must keep a register wherein the full names, surname, identity number and physical address and number of the applicable competency certificates in respect of natural persons who are involved in trading on behalf of the dealer, are recorded.

(5) (a) The registers comprising of a set of books that are kept in terms of this regulation, may not be taken into use or be used, unless every page of such register is numbered in sequence and the relevant Designated Firearms Officer, has signed every such page and appended an official date stamp reflecting the particulars of the office to which the relevant Designated Firearms Officer is attached, with every such signature.

(b) A dealer must, within seven days after the end of a month hand the register comprising of computer printouts that are kept in terms of this regulation, of which every page must be numbered in sequence, to the relevant Designated Firearms Officer who must sign every page and appended an official date stamp reflecting the particulars of the office to which the relevant Designated Firearms Officer is attached, with every such signature.

(6) An entry recorded in a register referred to in this regulation must be printed or written in ink, and any amendment thereof must be effected by means of interlineation or crossing out in ink and not by way of erasure, and any such amendment must be initialled by the person effecting the amendment.

(7) No person may remove or cause to be removed any page from any register contemplated in this regulation and if any page is removed from such register, it will be deemed, in the absence of evidence to the contrary which raises reasonable doubt, to have been removed by or on the authority of the person who is in terms of any provision of this Act obliged to keep such register.

(8) A dealer must, if directed thereto at any time by the Registrar by written notice, submit a return providing such particulars regarding ammunition which has been acquired or procured or which has been transferred or disposed of, as the Registrar may in the notice determine.

(9) All particulars that must be entered in a register referred to in this regulation, must be recorded by a person endorsed on the dealers licence on receipt,

transfer or disposal, as the case may be, of the firearm or ammunition concerned.

(10) Subject to the provisions of section 146 and regulation 102(1) a register prescribed in this regulation and regulation 34(f), must be kept for a period of 10 years from the date of the last entry therein on the business premises specified on the dealer's licence.

Manner in which a workstation must be established, maintained and linked to the central dealers' database

38. (1) The workstation of a dealer contemplated in section 39(6) of the Act, must link to the central dealers' database by way of software and an electronic network connectivity that is compatible with the infrastructure and standards of the South African Police Service.

(2) A dealer must establish an online electronic connectivity which links the registers prescribed in regulation 37 to the central dealer's database and which must provide for a daily electronic online transfer of data regarding business related to firearms and ammunition for the previous business day as recorded in the prescribed registers.

(3) If any circumstance occur which prevents a dealer to submit returns online by means of the electronic network connectivity, the Registrar must be informed immediately in order to establish alternative means to submit the daily returns.

Weekly returns

39. (1) A dealer who is exempted from the duties referred to in section 39(6) of the Act must, within seven days after the end of every week, submit to the Office of the Central Firearms Register a return on the form determined by the Registrar, or a computer printout which reflects the information of the prescribed form, regarding all firearms and ammunition -

(a) acquired during the relevant week; and

(b) transferred during the relevant week.

(2) A dealer must submit such weekly returns whether or not any firearms or ammunition have been acquired or transferred.

Establishment of centralised dealer's database

40. (1) The Registrar must establish and maintain a central dealer's database which is linked and can interface with the electronic network connectivity of workstations of dealers as contemplated in regulation 38.

(2) The central dealer's database must contain -

(a) the information and supporting documents submitted by an applicant on the prescribed form under regulation 13 regarding a competency certificate, dealer's licence, authorisation, renewal or copy thereof, as well as, the relevant information in respect of the suspension or termination thereof;

(b) the information on a competency certificate, licence, authorisation, permit and a renewal or copy thereof, that were issued or refused as a result of an application; and

(c) the details and information submitted by a dealer in respect of the acquisition, transfer and disposal of a firearm or ammunition effected under the Act.

Part 3
Manufacturers

Conditions in respect of a manufacturer's licence

41. The Registrar may impose the following conditions in respect of a manufacturer's licence -

(a) the licence may not be transferred;

(b) the section of the business premises specified in the licence in which the firearms and ammunition are manufactured or stored must, during working hours, be under the immediate control of the holder of the manufacturer's licence or, if authorised thereto by the Registrar in writing, a person nominated by the holder of the manufacturer' licence to supervise the final assembly of the firearms;

(c) the holder of the manufacturer's licence may only acquire and keep in stock the calibre ammunition necessary for the testing of a firearm manufactured under the licence;

(d) all manufactured firearms and main firearm components must be stored in a prescribed safe or strongroom as specified in the licence during all hours other than working hours;

(e) during any period when the licensed premises are closed for business purposes all ammunition and any other explosive component of the ammunition which are on the premises, must be locked in a strongroom or safe which has been approved in terms of the Explosives Act, 1956 (Act No. 26 of 1956) and specified on the licence;

(f) on every firearm manufactured under the provisions of the Act, a manufacturer's serial number must be stamped on it;

(g) a manufacturer's serial number must, on request of the manufacturer, be allocated by the Registrar;

(h) the manufacturer's serial number must be stamped on the firearm in accordance with the provisions of section 23(2) of the Act read with regulation 28(2) before the manufacturing has been completed;

(i) the manufacturer must stamp the inscription "made in South Africa" and the manufacturer's trade name on the barrel, frame or receiver of the firearm;

(j) testing of a firearm must only be done at a shooting range or tunnel approved by the Registrar by a person who holds a competency certificate;

"BB"

316

MJ Hood & Associates
ATTORNEYS

16 January 2018

Our Ref: M Hood/md/M0452 General Portfolio Committee
(DD 12/1, DR 12/1, DT 12/1)

THE PORTFOLIO COMMITTEE OF POLICE
ATTENTION: IRVIN KINNES
CONTENT ADVISER: PORTFOLIO COMMITTEE ON POLICE
PER TELEFAX: ikinnes@parliament.gov.za

Dear Irvin

RE: CENTRAL FIREARMS REGISTRY: ELECTRONIC CONNECTIVITY

1. The South African Arms and Ammunition Dealers Association has asked me to address this communication to you in order to document ongoing problems with the management of the Central Firearms Registry.

2. By way of background, in the meeting of the 1st of September 2017, the Portfolio Committee clearly directed the South African Police Services (and an undertaking was given by the South African Police Services) to consult properly with stakeholders.

3. The South African Arms and Ammunitions Dealers Association has long been recognised as the representative of the firearm dealer industry and has had meetings with the South African Police Services to the point where it cannot be disputed that Major General Bothma is aware of the existence of SAAADA and the role that it plays.

4. Electronic connectivity between the Central Firearms Registry and firearm dealers was a requirement of the Act from its inception in 2004 but has never been put in place.

Partner: Martin John Hood *BA LLB*
Attorney: Westly McLaughlin *LLB*
Attorney: Mouné Watkins *LLB*
Candidate Attorney: Nicos Pouyoukas *BCom LLB*

Molon Labe House
Unit 10 Woodview Office Park
1 Humber Street
Woodmead
Sandton

t: 011 234 7520
f: 011 803 7828
086 249 7485
e: martin@mjhood.co.za
w: www.mjhood.co.za

5. SAAADA had a meeting with Major General Bothma in November of 2017 to discuss specifically the issue of electronic connectivity.

6. Much to SAAADA's dismay, it became aware at very short notice of a meeting that Major General Bothma convened with firearm dealers, to discuss electronic connectivity.

7. He specifically excluded SAAADA from the invitation. SAAADA found out about this meeting simply because one of its members advised the SAAADA executive. The invitation was addressed to all extremely small members of firearm dealers.

8. SAAADA immediately advised Major General Bothma that the meeting was not properly constituted by virtue of the absence of SAAADA and that SAAADA would not attend at such short notice.

9. It is inexplicable and inexcusable the Major General Bothma did not invite SAAADA, and SAAADA views Major General Bothma's conduct in a most dismal way. It regards Major General Bothma's conduct as an attempt to deliberately execute SAAADA from any consultative process where SAAADA is the legitimate industry representative.

10. SAAADA wishes this to be on record, so that it can be raised with Major General Bothma when he next attends Parliament.

11. Kindly acknowledge receipt.

Yours faithfully

MJ HOOD & ASSOCIATES
martin@mjhood.co.za

"CC"

Moune Watkins

Subject: FW: M0452 - Central Firearms Registry: Electronic Connectivity 318

From: Irvin Kinnes [mailto:ikinnes@parliament.gov.za]
Sent: 18 January 2018 09:48 AM
To: Mariette Duncan
Subject: RE: M0452 - Central Firearms Registry: Electronic Connectivity

Dear Mariette,

Your letter is noted.

Regards,

Irvin

Irvin Kinnes (PhD)
Content Adviser: Portfolio Committee on Police

Tel: 27 (21) 403 8475
Cell: 0824797744
www.parliament.gov.za

PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

"DD"

319

Nicky BERNHARD

From: Nicky BERNHARD [nicky@bernhardagencies.co.za]
Sent: 18 November 2014 05:44 PM
To: 'Sello Motau'
Subject: FW: SAP 350B for Import Permit PI 6332704 Urgent HELP PLEASE
Attachments: SAP 350B for Import Permit PI 6332704.pdf

Importance: High

SUID-AFRIKAANSE POLISIEDIENS
VUURWAPENREGISTER
2014 -12- 03
PRETORIA
FIRE-ARM REGISTER
SOUTH AFRICAN POLICE SERVICE

1. We acknowledge receipt of The PI6332704 as an issue of firearms that has been returned to you (N. Bernhard Agency).

2. The matter will be sorted-out internally.

COL
SS MOTAU
FIREARM LICENCING

From: Nicky BERNHARD [mailto:nicky@bernhardagencies.co.za]
Sent: 03 November 2014 08:37 AM
To: 'Lizzy Matabane'
Subject: FW: SAP 350B for Import Permit PI 6332704 Urgent HELP PLEASE
Importance: High

Hi Lizzie,

Can you assist please with the below?
All these weapons are on my dealers name incorrectly, as these have been sold on and people have received licenses for them.

Please let me know how you can help.

Thank you.

From: Nicky BERNHARD [mailto:nicky@bernhardagencies.co.za]
Sent: 30 October 2014 01:47 PM
To: 'Sello Motau'
Subject: SAP 350B for Import Permit PI 6332704 Urgent HELP PLEASE
Importance: High

Good Day Colonel,

Kindly see attached document for imported firearms in December 2012.
SAP350B:
PI6332704

These weapons are all on my name even though they have been sold to dealers, as per attached list.
Many of these firearms have been licensed but the system still shows them to be on my name.

Problem is as follows:
I was contacted by the NPA and the Hawks about a GLOCK pistol: UGT619 that was used in a crime last week.
GLOCK Pistol
Calibre: 40 Pistol
Serial #: UGT619

This gun was sold to City Guns 03 January 2013.

This is a problem and i dont know what to do.
Why are all the guns from this permit: PI6332704 on my name?

How can you assist?

Please note if somebody with a license card for any of these weapons listed in the document is stopped at a road block and the firearm checked with the CFR Database, it will come up in my name.
That person will probably be arrested.
This can lead to massive law suits.

Please can somebody resolve this matter urgently.

Kind Regards

Nick BERNHARD
BERNHARD AGENCIES
Awarded High Industry/ 1st Place for 2014 at the IDPA Africa Championships

C: +27-82-7755-769
E: nicky@bernhardagencies.co.za

BERNHARD AGENCIES

Please consider the environment before printing this email

"EE" 1

321

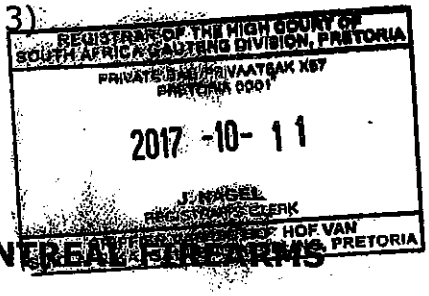
IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO: 69983/17

In the matter between:

ADELIN LAURENTU POP Applicant
(ID NO. 730621 525 08 3)

and



THE HEAD OF THE CENTRAL FIREARMS REGISTRY First Respondent

THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES Second Respondent

MINISTER OF POLICE Third Respondent

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that application shall be made to the above Honourable Court on Thursday the 1st day of February 2018 at 10h00 or so soon thereafter as counsel may be heard for an order in the following terms:

1. For an order ordering that .22 Long Rifle Norinco, serial number 9510278, be rescinded from Respondents records recorded against Applicant's name.

DD 10/9, DR 12/9, DT 12/9 -am

2

322

2. That the Respondents pay the costs of this application on the scale as between attorney and client.

3. Further and/or alternative relief.

BE PLEASED TO TAKE FURTHER NOTICE that the Founding Affidavit and Annexures of **ADELIN LAURENTU POP** will be used in support of this application.

TAKE FURTHER NOTE that the Applicant appoints the address of his attorneys of record below as address where all correspondence and process will be received in this matter.

TAKE FURTHER NOTE that should you intend to oppose this matter, you must give the Applicant's attorneys within fifteen (15) days of receipt of the Notice of Motion and Founding Affidavit notice thereof in writing and within 15 (fifteen) days after such notice of your intention to oppose has been given, deliver an Answering Affidavit, if any, and further that your Notice must contain an address as specified in Rule 6(5)(b) where you will accept Notices and service of all documents in this matter.

3

323

Should no Notice of Intention to Oppose be given, this application will be made on the date allocated on the front of this Notice of Motion at 10h00 or so soon thereafter as Counsel may be heard.

KINDLY ENROL THE MATTER ACCORDINGLY

DATED AT WOODMEAD ON THIS THE 09th DAY OF OCTOBER 2017

M J HOOD & ASSOCIATES
Attorneys for Applicant
Molon Labe House
Unit 10, Woodview Office Park
1 Humber Street, Woodmead
Tel. (011) 234-7520/1
Fax (011) 803-7828
Docex 11, Rivonia
E-mail: martin@mjhood.co.za
Ref: M Hood/am/P0224
C/O DOCEX
General Post Office Building
271 Madiba Street
Church Square
Pretoria

TO: THE REGISTRAR OF THE ABOVE
HONOURABLE COURT
PRETORIA

AND TO: **THE HEAD OF THE CENTRAL FIREARMS REGISTRY**
1st RESPONDENT
VERITAS BUILDING
VOLKSTEM AVENUE
PRETORIA

SERVICE BY SHERIFF

4

324

AND TO: **THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES**
2nd RESPONDENT
7th FLOOR, WACHTHUIS
231 PRETORIUS STREET
PRETORIA **SERVICE BY SHERIFF**

AND TO: **THE MINISTER OF POLICE**
3rd RESPONDENT
C/O THE STATE ATTORNEY
SALU BUILDING
255 FRANCES BAARD STREET
CNR THABO SEHUME STREET
PRETORIA **SERVICE BY SHERIFF**

5

325

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO: _____

In the matter between:

ADELIN LAURENTU POP Applicant
(ID NO. 730621 525 08 3)

and

THE HEAD OF THE CENTREAL FIREARMS REGISTRY First Respondent

THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES Second Respondent

MINISTER OF POLICE Third Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

ADELIN LAURENTU POP

do hereby make oath and say that:-

1 The facts to which I attest are within my own personal knowledge and are to the best of my knowledge and belief true and correct.

2 I am the Applicant in this matter employed as a Banking

Professional at Barclay Bank Africa Limited. I have a diploma from the Institute of Marketing Management, an MBA and I am a Certified Risk Manager as per Annexure "A" hereto.

3 The First Respondent is the Head of the Central Firearms Registry, who is responsible for the day to day administration of the control of firearms and implementation of the Firearms Control Act, of Veritas Building, Volkstem Avenue, Cnr Pretorius Street, Pretoria.

4 The Head of the Central Firearms Registry is appointed, with the approval of the Minister by the Registrar (The National Commission of Police) in terms of Section 127 of the Firearms Control Act.

5 The Second Respondent is the National Commissioner of the South African Police Services, as contemplated by and established in terms of Section 123 of the Firearms Control Act.

6 The Third Respondent is the Minister of Police, who is a member of cabinet to whom the Third Respondent and all other police functionaries are responsible, c/o The State Attorney, Salu Building, 255 Frances Baard Street, cnr Thabo Sehume Street, Pretoria.

PURPOSE OF THIS APPLICATION

7 The purpose of this application is to obtain a court order rectifying the records of the South African Police Services to reflect that I do not have the firearm specified in the Notice of Motion in my possession.

327

HISTORY

8 I purchased a .22 Norinco rifle in 1997 and the licence was issued to me in terms of the Arms and Ammunitions Act 69 of 1979.

9 This licence was approved on the 17th of June 1997.

10 I disposed of this rifle by way of selling it privately during 1998.

11 I advertised the firearm in Junk Mail and when a person expressed interest to me, I gave him an application form, received the payment and told him to apply for a licence.

12 In due course thereafter the licence was issued to that person, and he displayed the licence to me and he came to collect the firearm.

13 I was satisfied with the firearm licence presented to me by the buyer showed that the licence was issued in the name of the buyer with his identification number and the rifle serial number reflecting on the green licence card, and therefore gave him the firearm.

14 I thought nothing more of this. This was common place under the premises of the Arms and Ammunitions Act 75 of 1969.

15 In 2007 I handed in a .40 Smith & Wesson pistol to the South African Police Services for destruction.

16 The significance of this will appear below.

17 I then became interested in firearm ownership after the

8

328

implementation of the Firearms Control Act and began acquiring firearms again for the purposes of Dedicated Sport Shooting.

18 I am currently categorised as a Dedicated Sport Shooter.

19 I am dedicated with the South African Defensive Pistol Association as per Annexure "B" hereto, The National Shooting Association as per Annexure "C" hereto, and I was previously a member of the Western Shooters of South Africa attached as Annexure "D" hereto.

20 All of these associations are accredited with the South African Police Services for the purposes as set out in the Firearms Control Act.

21 During 2012, on the 29th of February 2012 when submitting an application for a firearm licence at the Douglasdale Police Station, I ascertained that both of the abovementioned firearms were still reflected on my name. I contacted my attorney of record for advice and he advised me to make a statement saying that I did not have these firearms in my possession.

22 He drafted a statement for me, true copy of which is attached as Annexure "E" hereto.

23 This statement was signed in April of 2012.

24 I attach an email from my attorney of record dated the 3rd of April 2012 at 09:29am and my response thereto at 10:04am. (Annexure "F")

25 I have attached this to demonstrate when the statement was accepted and signed by me.

9

329

26 This statement was handed in to the Douglasdale Police Station.

27 Thereafter this firearm was removed from my name, along with the .40 calibre Heckler & Koch pistol.

28 During 2017 whilst renewing one of my firearm licences, I ascertained that this firearm had once again been reinstated onto my name.

29 I again made enquiries with my attorney of record, and he undertook to take the matter up with the South African Police Services to ascertain why it has been placed back onto my name.

30 I attach a printout dated the 12th of June 2017 that shows that the rifle remains registered in my name. (Annexure "G")

31 An enquiry was sent on the 22nd of June 2017 by my attorney of record attached as Annexure "H" hereto.

32 This letter states as follows:

"***RE: MR ADELIN POP (ID NO. 7306215253 08 3)***

1. *We act on behalf of our abovementioned client, Mr. Adelin Pop.*
2. *He is the Chief Operating Officer of Barclay Bank Africa and is a Dedicated Sport Shooter.*
3. *Our client has previously lodged statements with the South African Police Services that dealt with two firearms which were listed on his name but were not in his possession.*
4. *The first one was a Heckler & Koch pistol, serial number 26-015490 which has subsequently been removed from his name.*

10

330

5. *The second one was a .22 Long Norinco Rifle lever-action, serial number 9510278.*

6. *Subsequent to him submitting a statement, this firearm was removed from his name.*

7. *However it was brought to his attention recently, when he applied to re-licence a self-defence pistol at Douglasdale and for reasons best known to the South African Police Services that this firearm had been placed back onto his name again.*

8. *Please check your records and confirm to the writer that this firearm has indeed been removed.*

9. *Kindly acknowledge receipt hereof.*

10. *All of our client's rights remain reserved"*

33 This was acknowledged on the 26th of June as per Annexure "I" hereto.

34 Thereafter my attorney of record made enquiries, with the South African Police Services to have this firearm removed from my name. On the 25th of August 2017, my attorney of record sent a letter to Colonel Wepener of the Central Firearms Registry as per Annexure "J" hereto.

35 The Colonel responded on the 28th of August 2017 providing a list of firearms licenced in my name and this said Colonel Wepner stated as follows;

"There are no record that someone else applied for a licence for this firearm or that it was licenced by another person.

It is suggested that Mr Pop report the Norinco rifle, with serial no: 9510278, as lost / stolen"

36 I then took advice on the contents of this communication from my attorney of record who advised as follows.

37 I cannot report this firearm as lost or stolen.

38 My belief was that the licence presented to me by the buyer of the rifle was considered authentic and valid to the best of my ability.

39 For me to make a statement reporting it lost or stolen would constitute perjury. Representatives of the Respondents are improperly suggesting that I perjure myself.

40 Furthermore if I report this firearm as lost or stolen (which I will not do) I will then have a criminal docket opened against me and I will be investigated for the negligent loss or theft of a firearm, when I have not been negligent.

41 This will impair my employment because I am employed by a public company in an extremely senior position.

42 I may also be the subject of a Section 102 enquiry which is an internal administrative enquiry where I could be declared unfit by an officer of the South African Police Services if I make a statement that the firearm is lost or stolen.

43 I will then be obligated to dispose of all of my firearms at substantial financial loss to myself and I will not be allowed to engage in a sport of my choice, as is my Constitutional right.

44 It is a well-known fact that the records of the South African Police Services Central Firearms Registry are in disarray.

45 I refer to the following documents in substantiation of this.

46 The report to the Ministerial Committee of the Deputy Minister's visit to the Central Firearms Registry from business day dated the 26th of March 2015.

47 This report states as follows *"Police Minister Nathi Nhleko and his Deputy Maggie Sotyu admitted on Wednesday that the police-run Central Firearms Registry is in a shambles...."*

48 In the strongest admission yet Ms Sotyu said *"an oversight of the Central Firearms Registry this month had revealed an organisation in chaos"*.

49 The Registry's infrastructure, including its computers was degenerating, Ms Sotyu said.

50 A copy of this report is attached as Annexure "K" hereto.

51 I also attach a copy of the Minister's report dated the 2nd of November 2010 Annexure "L". In this report the then Minister states *"despite the intention of the Act and resources that have been allocated to the CFR, it is crystal clear that significant problems still exist with regard to the smooth implementation and administration of this Act"*

52 And importantly *"there are also cases where a single firearm is licenced to two different individuals...."*

53 And *"one of the objectives of the Firearms Control Act was to ensure a new database with an accurate and comprehensive picture of who owns what firearm and when the licence is due for renewal"*

13

333

54 *"However the backlogs in renewal applications coupled with the irregularities and issuing of firearm licences under the Act, raises serious questions regarding the integrity of the new database system".*

55 Finally, I refer to the minutes drafted by the Parliamentary Monitoring Group relating to a report back on the 19th of August 2014 meeting of the Portfolio Committee on Police, Annexure "M".

56 This report *in toto*, paints a dismal picture of the administration of firearms in South Africa.

57 Finally, a tender issued to a company called Waymark to upgrade the systems of the South African Police Services Central Firearms Registry has been set aside as irregular.

58 I am advised that the South African Police Services are operating on an interim system, an old and a new system which has led to further fundamental challenges in the administration of firearms in South Africa.

59 I am a victim of such maladministration inasmuch as I have disposed of a firearm 20 years ago and I have disclosed it, yet it remains registered in the records of Respondents as my firearm.

60 The South African Police Services do not want to admit that there is a problem with their database and therefore not only refuse to allow me to have this firearm licence remove from my name but have suggested a course of action that is illegal.

61 I have no other alternative but to bring to this application to compel the South African Police Services to amend their records and to remove this firearm from my name. 334

62 It is my respectful submission that, on the balance of probabilities, I have discharged the onus necessary to prove that I do not have this firearm in my name and that I have legitimately and lawfully disposed of it.

63 I accordingly pray for the relief as set out in the Notice of Motion to which this Affidavit is attached.

DEPONENT

THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, WHICH WAS SIGNED AND SWORN TO BEFORE ME AT Rivonia ON THE 6th DAY OF October **2017**, THE REGULATIONS OF GOVERNMENT GAZETTE NOTICE NO R1258 OF 21 JULY 1972, AS AMENDED, AND GOVERNMENT GAZETTE NOTICE NO R1648 OF 19 AUGUST 1977, AS AMENDED, HAVING BEEN COMPLIED WITH.

BEFORE ME:

COMMISSIONER OF OATHS

FULL NAMES: Commissioner of Oaths
Nerisha Govender

DESIGNATION: Practicing Attorney
O'Connell Attorneys

ADDRESS: 374 Rivonia Boulevard
Eason House Ground Floor
Rivonia,Gauteng

DD 10/9. DR 12/9 DT 12/9 -am

"FF"

335

MJ Hood & Associates

ATTORNEYS

22 February 2018

Our Ref: Mr Hood/md/MM045216
(DD 5/2, DR 5/2, DT 5/2)

BRIGADIER BOPAPE
CENTRAL FIREARMS REGISTRY
VERITAS BUILDING
VOLKSTEM AVENUE
PRETORIA
PER E-MAIL: BopapeLS@saps.gov.za
PER FAX: 086 5699 763

BY HAND

Dear Sir

RE: MARTIN JOHN HOOD – ID NO. 640501 5849 08 1

1. I address you in my personal capacity.

2. My failure to deal with all issues arising out of what is set out in this communication should not be construed as an admission in any fashion and nor should it be construed as a waiver of any of my rights.

3. I think it is common cause or at the very least common knowledge that the records of the Central Firearms Registry are chaotic and inaccurate. The administration of firearms is at an all time low.

4. According to your records I have a CZ 83 Pistol, 9mm short calibre, serial number 126657, licenced into my name.

Partner: Martin John Hood *BA LLB*
Jnr Associate Attorney: Mouné Watkins *LLB*
Candidate Attorney: Nicos Pouyoukas *BCom LLB*
Paralegal: Lawrence Ramasala

Fidelity Fund Certificate Number: 48599/2018

Molon Labe House
Unit 10 Woodview Office Park
1 Humber Street
Woodmead
Sandton

Member Number: 8064

t: 011 234 7520
f: 011 803 7828
086 249 7485
e: martin@mjhood.co.za
w: www.mjhood.co.za

VAT Number: 4810158644

5. Should you peruse your records you will note that I did not submit an application to renew this firearm when it fell due.

6. The reason for this is as follows.

7. On the 30th of March 1993, I sold this firearm to Kolskoot of 74 Wakis Avenue, Strijdompark, Randburg.

8. I purchased a CZ 75 Compact Pistol, serial no. A1109, which is subsequently licenced into my name.

9. I traded in this pistol, serial no. 126657, to the value of R850.00, on the purchase of the CZ 9mm Parabellum Compact.

10. I attach the invoice dated the 30th of March 1993 that shows the receipt of this firearm as a trade-in, as Annexure **"A"**.

11. I also attach the receipt in an amount of R1040.01, which was a cheque, showing the amount that I paid, as Annexure **"B"**.

12. I also attach an SAP300 stamped by Kolskoot, as Annexure **"C"**, indicating that the firearm was sold to a dealer and the full details of the firearm was set out therein, which is self-explanatory.

13. I also attach a facsimile addressed to Marie Hofer, of the Central Firearms Registry, dated the 1st of October 2002 and faxed on the 3rd of October 2002 at 9h59 as per the sending confirmation attached hereto as Annexure **"D"**.

14. This letter clearly states that according to the then records of the Central Firearms Registry and prior to the introduction of the Firearms Control Act, this firearm was still reflected as licenced in my name.

15. I advised Marie Hofer that I sold this firearm to Kolskoot on the 30th of March 1993 and I provided the same documentation that is attached to this communication.

16. I am well aware of litigation that the Central Firearms Registry has been engaged in, some initiated by myself in respect of legal attempts to rectify the records of the Central Firearms Registry.

17. Please be advised that should you not remove this firearm from my name within five (5) days I will bring a court application to obtain a court order removing it from my name.

18. Because you are head of the Central Firearms Registry and this is your responsibility and because this communication is addressed to you, I will sue you personally and ask for costs against you in your personal capacity.

19. On a similar note, according to your records, I do not have licenced in my name a Fabarm 9,3 x 74R Rifle, serial no. 5E6801 which I purchased from Nicholas Yale.

20. I attach a copy of this licence and request that you place this firearm onto my name as I have a valid licence for it, Annexure **"E"**.

21. Should you not respond and acknowledge that you will do so, likewise in five (5) days, I will apply for the appropriate legal relief in conjunction with what is indicated above.

22. Because your Brigadier Bopape now has a history (Fidelity Security Services is an example) of malicious and unwarranted conduct in victimising persons who challenge you, should I be the subject of any police action after you have received this communication, please be assured that I will take whatever legal steps are necessary to interdict you and prevent you from harassing me.

23. Finally, the writer has submitted three applications at the Midrand Police Station, two of which are self-loading rifles.

24. These self-loading applications will be adjudicated upon by you.

25. I have hundreds of examples of where you have refused self-loading rifles because a person has other similar calibre firearms in their possession and that you are not convinced of the need for such firearms.

26. I have made it abundantly clear in my motivation that the other firearms that I have are either licenced as Section 17 collectable firearms or they are licenced as Hunting or Sport Shooting firearms and that they are either manually operated (for Sport Shooting and Hunting) and in one instance one is a self-loading rifle but it is a Section 17, collectable firearm. Please read the documentation fully and address me directly if there is any information you need prior to making a decision.

27. Be guided accordingly.

28. All of my rights are reserved.

Yours faithfully

MJ HOOD & ASSOCIATES
martin@mjhood.co.za
Encl. x5

SAPS 350(a)

SOUTH AFRICAN POLICE SERVICE

DEALER'S RETURN: STOCK RECEIVED

Section 39(8) of the Firearms Control Act, 2000 (Act No 60 of 2000)

[1] Period from Date C C Y Y - M M - D D to Date - - -

A: DEALER'S PARTICULARS

[2] Trading as name of dealer: [3] Licence number of dealer:

B: DETAILS OF FIREARM(S) RECEIVED					C: FROM WHOM RECEIVED			
[4] Firearm(s) type	[5] Model	[6] Calibre	[7] Serial number	[8] Make	[9] Name	[10] Identification/Passport No	[11] Licence No	[12] Date received

5 I am aware that it is an offence in terms of the Firearms Control Act, 2000(Act 60 of 2000) to provide false information on this form.

6 .....
Signature of responsible person

7 [ ]
Name of responsible person in block letters

8 Date [ ][ ] - [ ][ ] - [ ][ ]

D ACKNOWLEDGEMENT OF RECEIPT (FOR OFFICIAL USE BY THE SOUTH AFRICAN POLICE SERVICE)

1 PARTICULARS OF FIREARM(S) THAT COULD NOT BE REGISTERED

*Firearm type	*Make	*Calibre	*Serial number	*Mark	*Remarks

E PARTICULARS OF OFFICIAL RESPONSIBLE FOR THE REGISTRATION OF THE FIREARM DETAILS

1 [ ]
Name of official in block letters

2 [ ]
Rank of official in block letters

OFFICIAL DATE STAMP

3 [ ][ ][ ][ ][ ][ ][ ] - [ ]
Persal number of official

4 .....
Signature of official

340

341

SAPS 350(b)

SOUTH AFRICAN POLICE SERVICE

DEALER'S RETURN: STOCK SUPPLIED

Section 39(8) of the Firearms Control Act, 2000 (Act No 60 of 2000)

[1] Period from Date _ _ _ _ - _ _ - _ _ to Date _ _ _ _ - _ _ - _ _

A. DEALER'S PARTICULARS

Trading as name of dealer _____ [2] Licence number of dealer _____

B. DETAILS OF FIREARM(S) SUPPLIED

[1] Firearm(s) type	[2] Model	[3] Calibre	[4] Serial number	[5] Make	C. TO WHOM SUPPLIED [1] Name	[2] Identification/Passport/FAR No	[3] Licence No	[4] Date received

SAPS 350(b)

5 I am aware that it is an offence in terms of the Firearms Control Act, 2000 (Act 60 of 2000) to provide false information on this form.

6 .....
Signature of responsible person

7 _____
Name of responsible person in block letters

8 Date | | | | | - | | | - | | |

D. ACKNOWLEDGEMENT OF RECEIPT (FOR OFFICIAL USE BY THE SOUTH AFRICAN POLICE SERVICE)

1 PARTICULARS OF FIREARM(S) THAT COULD NOT BE REGISTERED

2 Firearm type	3 Model	4 Calibre	5 Serial number	6 Make	7 Remarks

E. PARTICULARS OF OFFICIAL RESPONSIBLE FOR THE REGISTRATION OF THE FIREARM DETAILS

1 _____
Name of official in block letters

2 _____
Rank of official in block letters

OFFICIAL DATE STAMP

3 | | | | | | | | - | |
Persal number of official

4 .....
Signature of official

342

"HH"

Martin Hood

Subject: FW: email address possibly not correct RE: B0473 - Firearms 343

From: Wepener CJ - Lieutenant Colonel <wepenercj@saps.gov.za>
Sent: Friday, 11 May 2018 11:36 AM
To: Nicky Bernhard <nicky@bernhardagencies.co.za>
Subject: RE: email address possibly not correct RE: B0473 - Firearms

Nicky Bernhard
Bernhard Agencies

Further to your e-mail, dated 11 May 2018, to Martin, Moune & Mariette.

The correct e-mail address is: EFRSDataPurification@saps.gov.za.

With regards to a person with the challenge of not having the firearm on his name the following documentation is required for processing:

- completed SAPS521(g),
- firearm inspection report,
- statement regarding the circumstances (did not sell the firearm and was / is still the owner of the firearm and the statement must include the details of the owner and the firearm),
- and a clear copy of the current owners licence.

The above must be forwarded to EFRSDataPurification@saps.gov.za for processing.

Please Note:
Send all responses to EFRSDataPurification@saps.gov.za,
and
do not respond to wepenercj@saps.gov.za.

Regards

CJ WEPENER

LIEUTENANT COLONEL

E-mail: EFRSDataPurification@saps.gov.za

Tel: 012 4327586



"II"

Moune Watkins

Subject: FW: Potential problem

344

-----Original Message-----
From: Thea Leyden [mailto:jhbsafeadmin@so.co.za]
Sent: 06 June 2018 03:24 PM
To: Martin Hood; Nicky Bernhard; SA ARMS DEALERS ASSOCIATION
Cc: Jonathan Fouché
Subject: RE: Potential problem

Thank you for the information.

I will definitely in the meantime see what I can do.

I spoke to Col. Wepener this morning and got informed that from next week onwards, he and Capt. Hoffman may no longer deal with public or dealers directly.
In the case we have a 521g and gunsmiths report, we must take it to our DFO and the paperwork must follow the normal procedure through to CFR and hopefully it gets to the correct office for Col. Wepener to rectify the system.

Enjoy the day

Regards

THEA LEYDEN
Safe Administrator – Johannesburg

+27 861 143 545
jhbsafeadmin@so.co.za <mailto:jhbsafeadmin@so.co.za>
www.safarioutdoor.co.za <http://www.safarioutdoor.co.za/>

Follow us on Facebook, Instagram and YouTube

https://www.facebook.com/safariandoutdoor
<https://www.facebook.com/safariandoutdoor>

https://instagram.com/safarioutdoor/ <https://instagram.com/safarioutdoor/>

https://www.youtube.com/channel/UC0N0DHPf14iu7coVDTTm6CA
<https://www.youtube.com/channel/UC0N0DHPf14iu7coVDTTm6CA>

"JJ"

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

345

CASE NO: 41415/18

In the matter between:

THE SOUTH AFRICAN ARMS AND AMMUNITION DEALER'S ASSOCIATION	Applicant
And	
THE MINISTER OF POLICE	1st Respondent
THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES GENERAL K J SITHOLE (IN HIS CAPACITY AS REGISTRAR OF FIREARMS)	2nd Respondent
MR ABRAHAM MONGWE N.O. CHAIRMAN APPEAL BOARD (AS CONTEMPLATED BY SECTION 128 OF THE FIREARMS CONTROL ACT 60 OF 2000)	3rd Respondent
THE FIREARMS APPEAL BOARD	4th Respondent
THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	5th Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned

ANDREW SOUTAR

do hereby make oath and state that:

1 The facts to which I attest are within my own personal knowledge

and are to the best of my knowledge and belief true and correct. 346

2 I have read the Founding Affidavit of Jonathan Fouché and confirm the correctness of the content thereof in so far as it relates to me.

DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to before me at Gallo manor on this the 14th day of June **2018**, the regulations of Government Gazette Notice No R1258 of 21 July 1972, as amended, and Government Gazette Notice No R1648 of 19 August 1977, as amended, having been complied with.

7164155-6 Cst
Selalatala LS

COMMISSIONER OF OATHS

FULL NAMES: Lufuno Selalatala

DESIGNATION: constable

ADDRESS: no. 118 Kelvin drive
Gallo manor
Sandton.

SOUTH AFRICAN POLICE SERVICE
CLIENT SERVICE CENTRE
GALLO MANOR
14 JUN 2018
KLIENTE DIENSSENTRUM
GALLO MANOR
SUID-AFRIKAANSE POLISIEDIENS

M Hood / cnd / S0503

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 41415/18

In the matter between:

THE SOUTH AFRICAN ARMS AND AMMUNITION DEALER'S ASSOCIATION	Applicant
And	
THE MINISTER OF POLICE	1st Respondent
THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES GENERAL K J SITHOLE (IN HIS CAPACITY AS REGISTRAR OF FIREARMS)	2nd Respondent
MR ABRAHAM MONGWE N.O. CHAIRMAN APPEAL BOARD (AS CONTEMPLATED BY SECTION 128 OF THE FIREARMS CONTROL ACT 60 OF 2000)	3rd Respondent
THE FIREARMS APPEAL BOARD	4th Respondent
THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	5th Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned

NIKOLAUS PHILIP KARL BERNHARD

do hereby make oath and state that:

1 The facts to which I attest are within my own personal knowledge and are to the best of my knowledge and belief true and correct.

2 I have read the Founding Affidavit of Jonathan Fouché and confirm the correctness of the content thereof in so far as it relates to me.

DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to before me at Gallo Manor on this the 15th day of June **2018**, the regulations of Government Gazette Notice No R1258 of 21 July 1972, as amended, and Government Gazette Notice No R1648 of 19 August 1977, as amended, having been complied with.

COMMISSIONER OF OATHS

FULL NAMES: Matsobane Albert Seema

DESIGNATION: Constable

ADDRESS: Sandton SAPS

CLIENT SERVICE CENTRE

15 JUN 2018

Central Firearms Registry on Turn-Around Strategy / Gun Owners Association / Gun Free SA & Appeal Board Members briefing

Police

01 September 2017

Chairperson: Mr F Beukman (ANC)

Share this page:

Meeting Summary

The Committee met to hear the views of the South African Police Service (SAPS) and stakeholders of the gun trade against the backdrop of poor compliance with the country's gun-control laws and gun owners' failure to renew firearm licences. Participants included the South African Arms and Ammunition Dealers' Association (SAAADA), the South African Gun Owners Association (SAGA), Gun Owners South Africa (GOSA), the Hunters Forum and Gun Free South Africa.

The meeting opened with a brief discussion about topical events that had made media headlines recently. Members were appalled at reports indicating that as many as 20 assault rifles had gone missing from the Bellville South police station, and resolved to call the station commander to account at its next meeting. They also expressed concern at the child abuse charges facing Mr Robert McBride, executive director of the Independent Police Investigative Directorate (IPID). After initial suggestions that he should be suspending pending his trial, it was agreed to refer the issue to the Management Committee (MANCO) for processing and to monitor the developments

The common theme in the stakeholders' comments about the administration of the firearms registry by SAPS was that there was no consistency and no coherent policy. A lack of communication and consultation was cited as a prominent issue. The stakeholders contended that there had been no joint stakeholder meeting with SAPS since 2015, and no attempt had been made to discuss possible solutions with the firearms committee on how to renew firearm licences. Despite the engagement in 2015, the process of finalising the Firearms Control Amendment Bill was being kept secret.

SAAADA asserted that nobody had ever been allowed to participate in, or monitor, the Appeal Board's proceedings -- not even the person who was the subject matter of those proceeding. It was emphasised that SAPS needed to focus on the individual applicants for licences, and to ensure that the person qualified to own a firearm, instead of focusing on the licensing and re-licensing of the firearm itself, which wasted a considerable amount of time, effort and money.

Members commented on their experiences during a previous Committee visit to the Central Firearms Registry (CFR) in Pretoria, where they had witnessed run-down building conditions and endless boxes of files in the corridors, and were told that the CFR was still in the same building, with the boxes still piled up against the walls. The lack of consequence management was raised, with Members asking whether anyone at senior management level had been held accountable for performance standards at the Registry. SAPS responded that there had been no consequence management reported for poor performance in the past year, but senior managers did get suspended for wrong doing.

On the issue of licensing the individual instead of the firearm, based on the research conducted by the Civilian Secretariat for Police (CSP), the view was expressed that it was vital to have the gun licensed, and to have a competent person licensed to use it, and it was strongly urged that those processes should be conducted simultaneously.

The stakeholders explored the option and viability of establishing an independent firearms compliance regulatory body, and SAPS was urged to explore innovative proposals with the stakeholders in roundtable discussions. After listening to the issues raised, SAPS committed to calling a meeting of all the stakeholders and SAPS legal services, to agree on the rules of engagement. The Committee asked for the progress from these interactions to be presented to it, and hoped its meeting had been a catalyst for future engagement between SAPS and the stakeholders.

Meeting report

Committee matters

The Chairperson welcomed the Members and the stakeholders. He first wanted to deal with a few administrative and public matters that Members had raised with him. With regard to the meeting the following week on Tuesday, they would deal with the report of the panel of experts, the Marikana Commission, as well as the South African Police Services' (SAPS) task team. On Wednesday the following week, they would deal with a very important issue -- the Domestic Violence Act. He added that the Committee had invited the nine secretaries of the provincial governments, because at the last meeting the Committee had had problems on reporting, so the secretaries would address that.

The meeting on that day was actually supposed to have taken place a week before, and he thanked the delegates and Members for rearranging their schedules.

He welcomed Ms D Kohler Barnard (DA) for re-joining the Committee, and said that he was looking forward to her contribution moving forward.

The Chairperson said that he wanted to raise a few matters that had been in the public domain. The previous weekend newspapers had carried various reports on the so-called "Project Wonder." It was quite clear from the report that the issues pertaining to that fell within the intelligence environment, and the matter had been referred to by various parties, from the Minister of Police to the Inspector General of Intelligence. In terms of the Parliamentary jurisdiction, the secret fund, as well as operational matters, was in the purview of the Joint Intelligence Committee. Therefore that matter should be dealt with and the Committee would await the report of the Inspector General on the issue.

Missing rifles and McBride assault case

There had also been reports of R5 rifles being lost at the Bellville South Police station. A 30-plus number had been made and known in the media and that was a serious concern for the Committee, because part of the exercise for that day, and with the new legislation, was to ensure that firearms were well regulated and that there were efficient systems in the SAPS to ensure firearms were stored properly and that there were sufficient controls. When an incident like that happened, it raised serious questions relating to command control and the current environment. The Committee had indicated previously that they would call station commanders to the meetings if they were not satisfied. He added that what they would do on Wednesday morning, even if it took longer, would be to call the station commander of Bellville South, along with other station commanders that could have been involved, to explain to the Committee, because the station commander should see to it that firearms were safely secured even after operations. There could not be a situation where arms were freely available and used in gang violence.

The Chairperson said he had received a letter from the Social Justice Coalition (SJC) about the challenges they had experienced in Phillipi East, which had more to do with visible policing and firearms in general. He had also received a letter from Mr Z Mbhele (DA) regarding the issue of gender violence, which had also been raised in letters and in consultation with the Congress of South African Trade Unions (COSATU). Flowing from those discussions and the letters received, it had been decided that in October the Committee would have a two-day summit on the issue of gender violence, how the various departments related to it, and the role of SAPS.

Another issue which had come to the fore in the previous days was the one involving the executive director of the Independent Police Investigative Directorate (IPID). He had seen the comments of the various political parties and he wanted to hear the Members' perspective on it. Mr Robert McBride had been in court on Wednesday, 30 August, on the charges of child abuse and intent to cause grievous bodily harm. The Chairperson was seriously concerned by the charges. IPID reported to Parliament and its executive

director was accountable to this Committee, and this assault was an assault on a woman child. The criminal matter was now in the hands of the court and they would need to await the outcome of the matter. The Committee would closely monitor it and its effect on the IPID mandate. He invited the Members to respond to his opening statement.

Mr P Groenewald (FF+) on the issue of Mr McBride, said that he felt strongly that Mr McBride should be suspended. He reminded Members that there had been a situation with the previous acting National Commissioner, and he had been suspended. Mr McBride was in a position to misuse the resources available to him, which could intimidate the investigators in the case. He thought it was appropriate that he was suspended until the investigation was completed. The history of Mr McBride was known, and the law must prevail. He knew that the Minister of Police did not have the authority to just suspend him -- there was a specific process. His question was, who starts the process? It did not help to wait until October when Mr McBride was in court again -- the process needed to start swiftly. He requested that by the following week, a decision must be made regarding suspension. They could not allow for double standards.

He agreed with the Chairperson that the station commander of Bellville South should have been present at the meeting to explain the rifles' disappearance. Twenty assault rifles just disappearing -- how on earth could that happen? He asked if it was a total lack of discipline, because if that was the case, then there were serious questions to be asked to the commander of that station. He reiterated that it was important to have that station commander at a meeting as soon as possible

Ms Kohler Barnard (DA) agreed with Mr Groenewald that Mr McBride was in a position where staying in his office was untenable. He should have done the right thing and put himself on suspension. He must be suspended. Any other member, and pretty much anyone who was accused of a crime like this, would be automatically suspended, and he should not be the exception to the rule. She added that he should not be in a position where he could have influence over the investigation, and she believed he was in such a position.

With regard to the missing firearms, she did not believe it was negligence at all to have firearms disappear -- it was corruption. They were being sold, and next thing they were being used to shoot other SAPS members and everybody else. It was untenable, and she was very surprised that the station commander of Bellville South was not present at the meeting. He/she should be summoned to the next meeting.

Mr P Mhlongo (EFF) said that he would try to be candid and persuasive with the Members. On earth, as a human species, there were no angels. They had not yet heard Mr McBride's side of the story. He was speaking as a father with children, especially with the challenges that were being faced in this day and age, and anyone that came to him and said that he had assaulted his child when in fact he was correcting his child, he would take strong exception to that. It was known what was happening and the peer group pressures that children were faced with today. He would understand if it had been a stranger, like the case of Mrs Mugabe, but if he was taking hard measures with his kids, he did not believe it should be perceived as someone who was an enemy, or someone who was posing a threat. If it were a case concerning McBride in his core functions at IPID, he would personally join the Members of the Committee in their argument that Mr McBride could interfere with the investigation.

At this stage, the police were investigating this case and there was no way IPID could interfere with it because it was not like he was in the SAPS -- he was actually the head of IPID that conducted oversight over the Police. As a Committee, he pleaded that they should not be vindictive and should allow due processes to take over. They were not a court of law, they were a Committee, and as a Committee they had certain responsibilities and could not encroach on the judiciary.

Lastly, on the question of the Western Cape, he was glad that Members of the Justice Committee were present at the meeting, because they had written letters to the Committee. When he had been told about the situation in the Western Cape, particularly in the area called Marikana, he had personally assured them, after the visit to Mannenburg, that he would persuade the Committee to include the area of Marikana. The picture that had been painted for him was that people were being evicted by criminals in the area and killed like flies. This did not sit very well, knowing that the seat of power was in the Western Cape and knowing that state institutions, particularly security forces, could not discharge their utmost best. It was his own persuasion to try include Marikana to see what could be done in order to ensure that the enforcement of law was observed by the people in that area. It could not be that elderly people in that area were being

forced by criminals out of their homes, which had been the picture painted by Members of the Justice Committee.

Ms M Molebatsi (ANC) said that she shared the sentiments of the Chairperson, but she had a suggestion that with the Mr McBride issue, they should refer the issue to the Management Committee (MANCO) for processing, and the Committee should monitor it. On the missing firearms, she agreed that the station commander of Bellville South Police station should be called in to explain him/herself.

The Chairperson said that he noted the comments. In respect of the IPID issue, he thought the Committee should submit the matter to MANCO processes, and then come back to the Committee.

Mr Groenewald asked if the Committee would get the feedback by the following week.

The Chairperson said it would.

South African Police Service: Missing firearms

Lt Gen Sehlahle Masemola, Deputy National Commissioner, SAPS, referred to the Bellville South police station missing firearms issue, and confirmed that the incident had indeed happened and they were currently investigating the issue. There was a video available, so SAPS was busy analysing it. It looked as though they would be able to pick up exactly what happened in the video and would be able to crack the case. The reports had said it was rifles, but on the list of firearms it had been mostly pistols and revolvers – which was not to say that they did not kill as much as rifles.

He said that SAPS also had a problem at Mitchell's Plain police station, where pistols were being booked out by police members, and seemed to be lost. The members who booked out the pistols were there, but the pistols could not be accounted for. SAPS had opened a case and were busy with the investigation.

The Chairperson interjected that for the following week's meeting, Mitchell's Plain should also be invited, along with Bellville South.

Lt Gen Masemola said that there were currently two task teams handling these cases. They were also compiling a team consisting of both head office and provincial personnel to descend into the Western Cape to audit all stations in the province. Secondly, regarding the firearm amnesty and the establishment of provincial storage, when these teams go to police stations after the audit, they would immediately remove all firearms to the provincial firearm central storage facility, where they would keep everything to ensure safety. It was an initiative that they were working on, but it was one that SAPS would like to do countrywide. Firearms should have a certain number of days in a police station, but it should not be many days -- they should be moved to the provincial central firearm storage.

Central Firearms Register: SAPS Turn-Around Strategy

Brigadier Lesetja Bopape, Section Head: Central Firearm Registry (CFR) said the purpose of the Firearms Control Act, 2000 (Act No 60 of 2000) included establishing a comprehensive and effective system of firearm control and management. The Central Firearm Registry (CFR) had been established in terms of the Act to maintain a database of firearm ownership in South Africa. A turn-around strategy had been adopted to address service delivery challenges impacting negatively on work performance and effective administration of the firearms control legislation. Since the inception of the Turn-Around strategy, monthly progress reports have been available to the Portfolio Committee on Police.

The turn-around strategy revolved around five pillars. The strategic objectives included:

- To enhance work performance in order to improve service delivery.
- To enhance services rendered through improved capacity.
- To optimise data integrity through system development and purification.
- To improve sustainable communication and stakeholder engagement.
- To develop and maintain sound corporate governance (quasi legislation).

The CFR was responsible for the processing of the following applications:

- Competency certificates

- Renewal of competency certificates.
- Individual and business firearm licences.
- Renewal of business licences.
- Firearm permits and temporary authorisations.

Brigadier Bopape discussed the performance overview of all categories of applications for the 2015/16 and 2016/17 financial years. These categories included competency applications, individual and business licences received, renewal of individual and business licences, as well as permits and authorisations.

The contributory success factors for SAPS's work performance included:

- The standardisation of work flow and decision making through revitalisation processes/regrouping of work:

- Competency certifications.
- Individual firearm licensing.
- Business firearm licensing.
- Arms control (firearm dealers, manufacturers and gunsmiths), permits (import, export and transport permits) and temporary authorisations.
- Data integrity and quality control which deals with quality assurance.
- Client and secretariat services.

- Introducing flexi hours to improve utilisation of the Enhanced Firearms Register System (EFRS).
- Prioritisation of applications according to received date.
- Allocation of additional resources (i.e scanners).
- A National CFR enquiry desk had been established: all written enquiries were channelled through one portal (2 291 enquiries were concluded in the 2016/2017 financial year).
- CFR Call centre: all telephone enquiries were channelled through one portal (for the 2016/17 financial year, 251 647 calls were concluded).
- Monitoring and analysing of enquiries: to identify shortcomings and to ensure timeous/continuous interventions.

In the 2016/2017 financial year, the following training courses were presented:

- Designated Firearms Officers (DFOs) programme -- 306 members were trained.
- Section 102 (unfit declaration) training intervention -- 624 officers were trained.

In order to enhance a conducive working environment, SAPS had purchased furniture which included 256 chairs, 170 desks, five bookcases, five filing cabinets and five stationery cupboards. In regard to the facility infrastructure, particularly office space for CFR members and an archive for storage files, processes were under way to relocate the CFR to suitable accommodation. Regarding archives, an additional 20 containers had been procured to expand the increasing storage of firearm applications. The procured containers still had to be equipped and shelved in 2017/2018, and the target date was November 2017. Additional storage space had been allocated in Silverton for redundant files (deceased persons/inactive persons) . They had also implemented the indexing of finalised applications to improve record keeping.

SAPS had made steps to enhance communication and stakeholder engagement:

- 32 meetings had been conducted with stakeholders.
- A further 36 meetings had been held comprising the National Conventional Arms Control Committee (NCACC), Directorate for Conventional Arms Control (DCAC). The SAPS export scrutiny committee meetings were convened.
- Provincial enquiry desks were established in all nine provinces to enhance service delivery.
- An additional two national email addresses were created to enable dealers, manufacturers and gunsmiths to submit their returns.

- An awareness campaign, with the theme "Stop Firearm Violence," was mobilised. It included promotional material distributed consisting of 3 078 posters and 148 597 pamphlets.

Information technology (IT) was a key objective used by SAPS:

- The EFRS had been developed to enable the CFR to effectively administer the provisions of the Firearms Control Legislation.
- The following improvements were introduced by the EFRS:

- System-generated SMS notifications;
- To inform the applicant of the status and progress of his/her firearm licence application.
- To inform the firearm owner of a firearm licence of renewal 120 days prior to expiry date.
- To inform the owner of the circulation status of his/her firearm reported lost/stolen.

- System-generated refusal letters
- Valid competency certificates
- System purification to address data integrity.

To maintain sound corporate governance, SAPS had done the following:

- Enhanced good governance through compliance with policies.
- Distributing the following standard operating procedures (SOPs) for comments to be concluded during 2017/2018:

- Destruction of firearms and ammunition.
- Licence to possess firearms: Individuals.
- Licence to possess firearms: Businesses.
- Licence to manufacture firearms or ammunition; licence to conduct business as a gunsmith.
- Licence to trade in firearms and ammunition.
- Accreditation.
- Notification of lost, stolen and found firearms.
- Competency certificates.
- Notification of incorrect information.
- Notification of change of address and circumstances.
- Renewal of firearm licence and competency certificate.
- Permits.

CFR recovery plan: SA Arms and Ammunition Dealers' Association (SAAADA)

Mr Martin Hood, South African Arms and Ammunition Dealers' Association (SAAADA), said the theme of the presentation was thinking better control, better integrity and better service delivery. The independent comments of the CFR, which came from a judgment by Judge Ronel Tolmay and the South African Hunters Association, in contrast to what SAPS had presented, was that legislation relating to the renewal of gun licences was confusing and unclear. It was important to bear the judge's comment in mind when looking at what SAPS was presenting, because SAPS was not presenting the true picture.

There were a number of key areas he deemed important, relating to public administration. Firstly the judge highlighted in her judgement that there was no consistency and there was no coherent policy. The second significant issue was communication and consultation, and thirdly there were certain specific provisions of the Act, and why they had not been implemented (Section 39(6) and 39(7) of the Act). The fourth and fifth issues were proposed amendments and lapsed firearm licences.

After hearing the SAPS's presentation for the first time, there was a part of the presentation that came as a surprise to him, which illustrated how the SAPS did not know how to communicate. Under 'Corporate Governance' in the SAPS presentation, they claimed that they had 'distributed standard operating procedures (SOPs) for comments,' which was accompanied by a list of items which involved firearm dealers in one shape or form, yet they had derived SOPs without consulting stakeholders or the dealers.

What would happen was that the SOPs would be implemented without the dealers, and because the dealers did not know and had not participated in those SOPs, they were going to result in challenges and difficulties. It was a fundamental issue that the SAPS did not wrap their heads around -- they did not consult with stakeholders. SAPS do not think that stakeholders should be involved in the administration of firearms, which was why there was a problem with the administration of firearms.

It went with transparency. SAPS seemed to believe that giving information was a state secret. The dealers had to fight and threaten to go to court in order to get a list of licensed dealers in order to communicate with those dealers and to verify that they were still in business. That was not good governance.

The police did not want to simplify their own workload. Section 21 permits were the temporary authorisation which had been referred to in the SAPS presentation. There was no time limit in the Act for how long a person could have a permit. It made sense to issue the firearm permit for five years to harmonise it with the period that the person would be in the country, yet the police did not do that -- the current policy allowed Section 21 permits for only a year. So a person has to apply continuously for the same firearm, which was a simple example of how the police just create more work for themselves. This was not an efficient, economic and effective use of resources.

The reason for the refusal of a licence for a firearm, was another example of how policy was wrong and not disclosed. The reason was: "refused possession of machine guns prohibited Sec 32(1)". Section 32(1) actually referred to the old Arms and Ammunitions Act 75 of 1969 which was repealed in 2004. So you have a senior officer who was refusing a firearm licence, based on legislation that was repealed 13 years ago. That simply could not be -- it questioned the competence of the Deciding Officer and the internal guidelines used. There had been a change in policy all the time, a policy that was not disclosed and a policy that was not an outcome of consultation with the industry.

With regard to senior management changes within Firearms Liquor and Second Hand Goods Control (FLASH), it was the question of stability. The entire environment had been unstable. It was related directly to why the police dealt in a manner of inconsistency with the industry.

The Appeal Board was not blameless. Besides the constitutional requirements, the regulations for the Appeal Board stipulate that "the Chairperson shall determine the times when the Appeal Board shall meet and the procedure to be followed at meetings". Yet not one person as far as he was aware had ever been allowed to participate, look at, to hear or monitor the board in proceedings, even if the person was the subject matter in those proceedings. One could not have an Appeal Board operating behind closed doors without transparency, without scrutiny or without being monitored. These examples demonstrated why the system was failing. The police did not want to subject their system to scrutiny, and were not prepared to admit their mistakes. Until they were prepared to do both those things, the situation was not going to improve.

One reason that this problem existed was communication and consultation. SAPS did not acknowledge firearm owners as stakeholders. He had two examples of this. The first was the SAPS communication plan dated 13 March 2017, which was signed by Lt Gen Masemola. Lt Gen Masemola recognised Gun Free South Africa as a stakeholder, yet not one firearm organisation was identified as a stakeholder. That was inexplicable and inexcusable. The second example was the SAPS presentation on the Firearm Amnesty to Parliament on 15 March 2017, where one industry body was identified as a partner. That was why the firearm industry was failing -- because SAPS would not take into account industry inputs that they constantly tried to make.

The Hunters Forum and SAAADA had communicated to the Committee that they were no longer prepared to communicate to SAPS due to a complete lack of communication and/or consultation from SAPS and a breakdown in trust. The Dealers' Association had been asking the same questions of the CFR for up to ten years without answers, and the last time a meeting between the Dealers' Association and the CFR took place was in September 2015. The dealers were an important component in the Act, and 13 years into the Act there was still no electronic connectivity. This meant there was a lack of control and no means to speedily rectify data issues. It was inexplicable as to why the police had not done it. They had had offers from private organisations to assist, and they had not been taken up.

With regard to solutions, SAAADA believes that the functioning and control of the CFR should be moved to the Secretariat of Police. It had been heavily discussed and at a time, Secretariat handling and

engagement had been successful, so they believed it was the appropriate place for the CFR and the Appeal Board. Another solution was to appoint a ministerial committee in terms of Section 132 of the Firearms Control Act made up of persons who understand the constitution and the Act, were subject matter experts, complied with court orders, removed obstructive or incompetent officials and simplified procedures. Re-licensing was not working at all, and that needed to be abolished. It was important to focus on the competency of the firearm owner, and not the firearm -- to focus on whether that person qualified, had the correct background and the correct temperament, and then regularly check the competency of that person.

CFR Turn-Around Strategy: SA Gun Owners' Association

Mr John Welch, South African Gun Owners Association (SAGA), without addressing the same issues that had been addressed by Mr Hood, wanted to focus on salient issues. A constructive comment was that generally the licensing renewal process, provided all forms were filled in properly, went quite well and SAGA did not have any hassles there. However, in turn-around times, re-licensing was unnecessary if persons were licensed, rather than firearms. In many instances, the Designated Firearms Officers (DFOs) were helpful and the help desk, albeit not in all cases, was a valuable asset.

The negative comment they had was related to the stakeholder relations, since 2015 no joint stakeholder meetings had taken place. The exception was with the National Arms and Ammunition Collectors Confederation of South Africa (NAACCSA), where SAPS had three meetings with them in 2016 and another was being scheduled for 2017.They were aware that other stakeholders had tried to organise meetings with SAPS, but these had not materialised for whatever reason. It was possible that the litigation involving the Minister of Police and the Hunters Association had something to with it.

Since the judge in the court action had made a constitutional ruling, the constitutional court was required to confirm or decline the ruling, which would come before it on 8 February 2018. The effect of the litigation was that there was still no solution to the failure to timeously renew current licences. He said that Section 24 had no provision contained allowing for a late application for renewal, even with the payment of an administrative fine, and had that simple matter been addressed, the litigation would have been avoided and a lot less criticism would have come forward. Despite the Minister's right to appeal the ruling, no constructive solution had been forthcoming from SAPS, except to say that firearms must be surrendered to the police if the renewal application had not been submitted timeously.

He had been extremely shocked to hear of the news of the two local stations in the area. He could add to that the case of Peddie police station in the Eastern Cape, where firearms were stolen from a SAPS 13 store. What were police firearms doing in a SAPS 13 store? An SAPS 13 store was an exhibit store, and these were R5 rifles, Z-88 pistols and shotguns, which were typical police guns.

Firearms collectors were the only people who should possess fully automatic weapons. None of those weapons had ever been lost. This implied those weapons must be coming from imports, the Defence Force, SAPS, etc which was a bigger concern than the one or two firearms coming from legitimate dealers.

He agreed with Mr Hood that no attempt had been made to discuss possible solutions on how to renew firearm licences with the firearms committee. Despite the stakeholder engagement in March 2015, the process of finalising the Firearms Control Amendment Bill had been kept secret. He had heard it had been removed from the legal services of SAPS and put in the hands of the Secretariat. SAGA did not know what secrecy was embroiled in that bill and once they saw it, they would go through a major session of scrutinising it in order to ensure they had a bill that was correct and that addressed the major issues.

An online IT system would go a long way towards alleviating the CFR's workload and enhancing their performance. He had heard Brigadier Bopape speaking of an IT system, but he was yet to see one. He understood that it was under way, yet in the year 2000, in conjunction with the State Information Technology Agency (SITA), stakeholders had done the process mapping in the CFR. That was 17 years ago when it had been finalised and yet until today, SAGA had not seen the process developing, nor the online system.

With regards to filing, where the Committee had witnessed the chaos at the building in Pretoria, many of those problems could have been addressed had there been an online system. When there was an online system, one avoided the stacking of paper, the containers that needed to be acquired and stored in Silverton, or wherever enhanced paperwork. He emphasised that SAPS needed to focus on the individual

and ensure the person qualified for the firearm so that the paperwork relating to licensing and re-licensing could be reduced to almost zero, and the police would have more time on their hands to do proper policing.

There was no uniform interpretation of the provisions of the Act. For example, in the Western Cape the renewal of competency certificates took a certain number of years, and when one went up north in the country, it was a different period.

SAGA appreciated the efforts being made with service delivery and systems and processes, but it believed a simplified law, a willingness to involve stakeholders and the licensing of the person and the mere registration of firearms, would go a long way towards rendering service excellence to law abiding firearm owners.

Hunters Forum: SAPS and CFR interaction

Dr Herman Els, Hunters Forum, said that the Hunters Forum was established in September 2004 and consisted of the current 11 SAPS-accredited hunting associations, plus the Professional Hunters Association of South Africa (PHASA).

The responsibilities and accountability of accredited hunting associations towards SAPS and the legislator were mainly prescribed in Sec 8 and in Regulation 4 of the FCA. These responsibilities implied an extensive commitment and compliance with several legal requirements before hunting associations were accredited by SAPS. Accredited associations were responsible for awarding and ascertaining maintenance of the dedicated status of their members, and could be taken to task for non-compliance.

The Hunters Forum engaged with CFR at regular annual quarterly meetings in a forum known as the Hunters/SAPS Consultative Forum. These engagements had always been focussed on achieving the objectives of the FCA, and specifically on those sections of the FCA with relevance to hunting firearms.

The working relationship between the Hunters Forum and CFR had been reasonably successful between 2004 and 2011. This relationship, built on engaging in mutual trust and good faith, had since 2012 seen a steady decline up to the end of 2015, however, when Forum meetings were attended by only two CFR officials, instead of all section commanders, as had been the norm at the time.

In this context, the Hunters Forum could interpret CFR's declining participation only as no longer seeing them as an important stakeholder in the implementation of the FCA. After the Forum's June 2016 meeting, SAPS had introduced a proposed new memorandum of understanding (MoU) in October 2016 describing an engagement process with the Hunters Forum, to be chaired and driven by SAPS (FLASH) in consultation with what the new MoU referred to as the Accredited Hunting Associations of South Africa (AHASA).

Unfortunately SAPS had not attended the Forum's meeting of 10 May 2017, which was scheduled for discussion, adaptation and acceptance of the new MoU. No reasons were given for SAPS not attending that Forum meeting. Its non-attendance thus only further enhanced the Hunters Forum's loss of confidence in the commitment of SAPS to act in good faith towards a major stakeholder in the implementation of the FCA. Against this background, the Hunters Forum was thus forced to seriously reconsider its own position and commitment to the existing Hunters/SAPS Consultative Forum format.

It must be understood that costs involved for Members of accredited hunting associations to attend Hunters/SAPS Consultative Forum meetings, came to a considerable amount. Members came to Pretoria from Polokwane, Cape Town, Port Elizabeth, Bloemfontein and Durban, and many had to stay over to attend Forum meetings.

As associations of members, budgets were limited, apart from the fact that 80% of members representing accredited associations at Forum meetings did so as volunteers, and had to take leave to attend these meetings. If there were then confidence issues between the parties, the question had to be asked if it was worth the association's while to keep on paying costs for meetings, which continued to show little or no results.

These were the reasons why on 22 June 2017, the Chairman of the Hunters Forum had sent a letter to the Chairman of the Portfolio Committee wherein he had indicated that the Hunters Forum had concluded that "unless further engagement with SAPS/CFR was formalised in a manner where civilian/political oversight

was established, the Hunters Forum sees no point to engage any further with SAPS/CFR in a bilateral manner…".

This position of the Hunters Forum, and their loss of confidence in the bona fides of SAPS' commitment to the Hunters Forum as an important stakeholder, must also be seen against a wider background, of which the following two examples were enough to make the point. In a SAPS circular of 13 March 2017 pertaining to communication regarding the proposed amnesty, all accredited hunting and sport shooting associations, and all other firearm advocacy stakeholders, were identified as being part of what was described as the "External Target Audience".

The Gautrain, faith-based organisations, sport associations, other government departments, and even Guns Free South Africa -- all with no responsibility towards the legal possession of firearms in this country, and with no real relevance to the content of the proposed amnesty -- were included in the communication strategy as "Stakeholders".

Many issues which were within the ambit of specifically the CFR to remedy, some requiring very little effort beyond sheer will, remained as "matters arising" in the minutes of the Hunters/SAPS Consultative Forum meetings and remained unresolved year after year. Examples included duplication in submissions of proficiency training certificates and SA Qualifying Authority (SAQA) certificates. Barrel and calibre changes were not captured on the system and could not be traced once the submission had been handed in (a waiting period of 18 months and longer was not uncommon).

In order for the Hunters Forum to be a major stakeholder in the successful implementation of the FCA at the ground level, they have no other option than to seek the intervention of the Portfolio Committee to assist in normalising the working relationship between SAPS and the Hunters Forum. In the same context, it was the Hunters Forum's contention that the CFR's stakeholder engagement strategy, in which considerable energy, time, effort and money was spent by accredited associations and other stakeholders, had so far come to naught. SAPS had not been involved in any firearm stakeholder engagement with recognised stakeholders since late 2015.

The Hunters Forum requested that the Committee take special cognisance of the need for, and importance of, the positive continuance of the firearm stakeholder engagement process, by re-directing the responsibility for process convenor and for oversight of the stakeholder engagement process to the Civilian Secretary of Police. This appointment was appropriate in terms of sec 5 & 6 of the Civilian Secretariat for Police Service Act, 2011 (Act 2 of 2011).

The situation where provinces and DFOs at different police stations still implemented vastly different administrative procedures and processes in respect of competency and firearm licence applications, continued. The Hunters Forum requested that the Committee negotiate with SAPS a previous proposition to make the position of DFO a clear career path in SAPS, so that one training schedule for DFOs could be instituted and be made compulsory for all DFOs. It would definitely also largely benefit SAPS and the firearms licensing process as a whole, as the Hunters Forum members report that at many stations one could see the DFO only by appointment, as their other police responsibilities did not allow them to concentrate on firearm issues alone, and they could therefore not provide a walk-in service to the public.

The Hunters Forum asked for the proposed amendments to the FCA to pass through Parliament sooner than later. It believed there was adequate knowledge within the Civilian Secretariat for Police, in SAPS, and among members of accredited associations, to "workshop" the existing draft legislation into a form ready for public participation in a very short time frame.

The Hunters Forum supported the objectives of the FCA wholeheartedly and would ensure they made the Act's implementation as successful and appropriate as was possible. They asked the CFR to please be fully and seriously supported by the Committee and by the SAPS top management in order to create the appropriate infrastructure and personnel capacities needed to effectively fulfil their task.

Integrated Firearms Control Management System: Gun Free South Africa

Ms Adele Kirsten, Director: Gun Free South Africa, thanked the Committee for allowing Gun Free SA to talk on such an important issue. She took it up one level by focusing on a an "integrated" firearms control management system and not just focusing on the CFR, because she believed if they were serious about

reducing and preventing the number of guns that were moving from a legal system into the illegal market, they had to look across the entire chain of firearms control management.

In her presentation, she focused on what it meant to have an integrated firearms control management system. In doing so, one should not forget why the meeting took place, which was in order to ensure firearms did not get into the hands of criminals. The high number of gun violence related deaths in the country pointed to why it was important for the CFR to get its house in order. It was easy to look at systems and institutions and to forget about the people, which was why it was vital for these institutions and structures to work.

Based on the Hunters Association's presentation, it was also clear that something had gone wrong in 2011. She was not sure what it was, but since then there had been a steady increase in gun deaths and other murders. There were two cases which provided evidence that the firearms control management system was not working as it should. The first example was Prinsloo's guns (former police colonel, Chris Prinsloo) who stole 2 400 guns, and had been in charge of the SAPS Silverton secure facility and had moved the guns with the assistance of an accredited firearms dealer and a businessman in Cape Town to gangs in the Western Cape. Through ballistics, it was found that there were over 1 000 deaths related to those guns, of whom 89 were children under the age of 18. They had been killed due to fraud and corruption in the firearms control management system.

The uneven enforcement of Section 24 of the Firearms Control Act (FCA) undermined the stated principles of determining if the gun owners remained fit and proper. In her judgment, Judge Ronel Tolmay had said that there was no question that firearms were hazardous objects, and that possession and ownership must be strictly controlled, failure to comply with the Act exposed society to harm, especially in a country like ours where violence was rife.

Linked directly to the Prinsloo case was the fact that currently there were no clear protocols and national instruction around the process of destruction, from the point of recovery to the point of destruction. She believed that this was something easy to do and it was clear, based on SAPS's presentation, that the idea of provincial control came through, which was something she recommended. In terms of fraud and corruption, there had been a deliberate leakage of guns, even from the Silverton secure facility, and fraudulent issuing of Section 21 permits. A red flag for the Committee was that given that there were over 1000 deaths related to the Prinsloo guns, this opened up the SAPS to the risk of serious litigation.

She suggested that a systems approach needed to be taken right from the point of manufacture up to the point of destruction. South Africa had signed regional and international political agreements, such as the Southern African Development Community (SADC) Firearms Control and the UN Programme of Action (PoA) which were legally binding, and therefore the country was required to stick to these obligations.

Given the nature of firearms, there was always a risk for diversion. The criminals do the killing but there were people further up in the chain who enabled that. Therefore, the key elements were record-keeping, renewals, enforcement and compliance, stockpile management and destruction. With regard to record-keeping, CFR was the powerhouse of effective firearms control, so that the state knew who owned what gun and for what purpose. Essentially, record-keeping meant that one collected and maintained accurate information. Across the globe it had been seen that good record-keeping was a good measure to stop the flow of guns into the illicit market.

With regards to the firearm licence renewals, South Africa had a two-tier licensing system and a dual purpose. Essentially, the licence renewal system recognises that people's circumstances change, so every five years the owner had an opportunity to rethink if they still needed the gun. It was an important process, but the owner needed to prove that there was a genuine need for renewal, it was not the state's job to prove. The state had the responsibility to determine the ongoing fitness and proper status of the owner.

With regard to enforcement, enforcement and compliance went hand in hand, in that good enforcement usually resulted in good compliance. FLASH had been responsible for firearm compliance in the 2015/2016 financial year, and in the SAPS report the compliance section at FLASH had done 18 000 firearms inspections of both individuals and dealers. Furthermore, over 191 000 guns had been individually inspected, which sounds like a lot but when one looked at the number of guns in circulation -- which was over three million -- that was not a lot of guns that had been inspected. Therefore it was a case of where else and who else should be doing this?

Compliance was a dual obligation, where the state was responsible for enforcement and the end user was responsible for compliance. In all law, there were two factors influencing compliance: the one was the push factor, which was the fear of being caught; the other was the pull factor, which was the legitimacy of the law. What she had seen was a big critique of the SAPS, in that the poor enforcement of Section 24 of the FCA had given rise to poor compliance.

In terms of stockpile management, there needed to be a secure facility and the management of the safe storage facility. There were two police officers who were in charge of massive amounts of guns, yet there were no checks and balances, and that had to change. The true aim of stockpile management was that one did not want the guns to move from the legal into the illicit market.

With regards to destruction, in order for SAPS to track new waves of illicit firearms, it important that the data was disaggregated and the circumstances in which guns were coming into recovery were known, because it would provide SAPS with patterns of the emerging trade. This was how the Western Cape had caught Prinsloo, because instead of two or three cartridges being found at the scene of a crime, there were twelve which informed that there was a surplus in supply. That type of detail in intelligence was absolutely critical.

A recommendation was that all weapons had to be destroyed within two to three months. She offered a few recommendations, some of which were long-term and others could be implemented straight away. SAPS had to ensure they had the budget, infrastructure and skill to ensure integrity across the firearms control management system. As she mentioned earlier, something had happened in the year 2011 -- the murder rate had increased, and in the Western Cape gun-related deaths had gone off the charts. Therefore an audit needed to be conducted of all licences and permits issued by the CFR since 2011.

Gun Free SA recommended the establishment of an independent firearms compliance regulatory body. Something that could be done immediately was to develop a national instruction for the safe storage and disposal of recovered firearms, including provincial capacity. She pleaded for the Minister to prioritise setting down the court judgment of 2009. The final recommendation included holding a national firearm amnesty and public destruction, hopefully by the end of 2017.

Discussion

The Chairperson said the "elephant in the room" was the issue of stakeholder relationships. Clearly the stakeholder relationship had been broken down and he needed an assurance from SAPS and the Secretariat of Police as to what was going to be done to solve that. The Committee would like to get a proper response on that because it dealt with the issue of commitment, leadership and capacity. Secondly, there was the issue of the firearms amnesty. The Committee wanted to know what SAPS's game plan was and where that process was.

Ms Kohler Barnard agreed with the Chairperson in that between the stakeholder and SAPS, they seem to be like a divorced couple and that needed to stop. In 2014, the Committee had visited the CFR and determined then that the building should be condemned. There were rats, lice and the corridors were blocked with endless boxes of files. It was a death trap -- one woman spent R1 000 a month to fumigate her office because the bird lice came in waves. While SAPS was claiming that there was another building shining in the distance, she did not believe that, and she proposed that the Minister of Public Works be called to the Committee to formally tell them when and when the CFR would be moved to a building that was fit for human habitation and work. The Minister of Police was intimately aware of what was happening in that building, and the CFR needed all the help they could get.

There were also general concerns of non-compliance and the management of firearms. What measures had SAPS put in place to address non-compliance by SAPS members, DFOs and detectives? There seemed to be a lack of consequence management. When they did not comply, was SAPS telling them to comply, or was it doing something to sort out the matter? She was including the detectives who failed to submit the identity document (ID) numbers of persons unfit to possess a firearm -- if a person was not on that list, then the detectives were working against the outcomes of the Domestic Violence Act. She asked how many cases of corruption had been linked to the CFR in the 2016/2017 financial year, and a comparison with the 2015/2016 financial year.

Mr Mbhele expressed his opening remarks by conveying a reminder to the SAPS that as a state body, SAPS was vested with public power but that public power needrf to be exercised both reasonably and

rationally in the public interest. The challenges that he had heard reflected that public power was being exercised unreasonably, such as the recent history of poor consultation. It was also being exercised irrationally by not having consultations that could contribute to the solutions, making SAPS's job more difficult by not benefiting from that input.

His first question was whether SAPS management, especially within the CFR, viewed the firearm and ammunition dealers, owners and hunters association as valid and legitimate stakeholders in the firearms control environment. If so, why had SAPS's efforts to maintain transparency and productive engagement been so poor?

Secondly, he asked SAPS management what their paradigm and philosophy as SAPS management was when it came to private firearm ownership. Was it the view of SAPS management that citizens had an inherent *a priori* right to own firearms, and the state's role was to merely regulate the conditions for that ownership in order to mitigate risk factors? Or did SAPS management believe that firearm ownership was a privilege that the state could dispense with at its discretion and that in fact the ideal situation for SAPS was where there was greatly reduced and minimally maintained levels of private firearm ownership.

The third question was linked to consequence management. Had anyone at senior management level been held accountable for performance standards at the CFR? In other words, did section heads, component heads, major generals, still get their bonuses for example, despite the dysfunctionality in the system. Was there accountability enforcement for performance standards and performance outcomes at the senior level?

Ms Molebatsi referred to slide 16 of the SAPS presentation, and said that SAPS had mentioned a training manual for the officers in "unfit declaration." She asked for the Committee to be provided with that manual. She asked whether the CFR still had those piles and piles of files in their corridors, or if anything had changed since the last time the Committee visited those offices. Lastly, she asked what had happened to the company that was responsible for the painting and distribution of licence cards in the past.

Mr Mhlongo said that he had an observation instead of questions. With regards to Gun Free SA, the projected views, in his opinion, seemed to be workable and systematic in terms of bringing a desirable kind of systems management of firearms control. In past meetings, he had raised that with fiscal dumping and the budget cycle of the police, there would always be billions and billions of rands that were pumped into the system without the public getting the desired outcome. On the last visit to the Free State, the DFO there had outlined a serious challenge even when it came to staffing. People from the Public Servants Association of South Africa (PSA) in particular were brought into the service of management without a deep knowledge of firearms, but because of the staff shortages. The purpose of having a firearms control unit was to render a service to the end user.

At this meeting, he had heard a lot about "no consultation" or "poor consultation," which would be guided by the high level of secrecy. Policing had not moved to become a transparent organ when it came to the secrecy, even when it was unnecessarily so. What he had observed in KwaZulu-Natal (KZN), was that if one was a member of party 'A,' one was given leeway for a firearm, and if one was a member of political party 'B' which was not in power, one was subsequently disarmed. That kind of theory brought about unnecessary tension between the police and firearm owners, and he thought that area needed to be addressed.

Police would be tasked with the responsibility of saying "how many gun owners do we have in the country, and were they compliant with the rules" so they could pick up or have early warning signs of people that were unfit. Failure to have a track record of that would be an unnecessary bureaucracy and a burden to law abiding citizens, who had to subject themselves to very unrealistic gun control measures in South Africa. People in South Africa were largely being killed because of these illegal firearms, because there was insufficient control over them. If one was disarmed, people said that "the state had the duty to protect you," but when one's family was raided by criminals the police arrive at the house and they say "they could not be everywhere at the same time", which he believed was a stupid excuse. A space should be created for people to defend themselves so that criminals could not take people for a ride. If SAPS made it impossible for people to defend themselves, the country would hit a ceiling where civilians would undermine the rules of engagement.

The concern by end users was that there seemed to be a lack of consultation in that particular process, so the Committee was being tasked to ensure that the firearms control division initiated a transparent

mechanism in order to develop a policy that would be benchmarked on the basis of tangible, realistic reforms.

Legislation update: Civilian Secretariat for Police

The Chairperson said that seeing that a number of the issues brought forward were related to the legislation, he asked the Secretariat for Police for an update on the legislation, as it was included as the agenda item. He further asked when the legislation was coming to Parliament, and what the consultation processes internally were.

Mr Alvin Rapea, Secretary of the Civilian Secretariat for Police, said that he just got the signature from the Minister of Police for the draft that they had to process through the Justice, Crime Prevention and Security (JCPS) Cluster, to Cabinet. Therefore that approval had been done, and the consultation with the state law advisors had been finalised. Once the Cabinet had approved, the bill could go for publication for public comment. It would be published, and then they would have consultation with all the stakeholders.

A number of stakeholders had been raising the issue that they wanted to get involved. The inputs from stakeholders that the Secretariat had received at the summit coordinated by Parliament in 2015 was all being taken into consideration. Furthermore, the Minister of Police had established a Committee to do further research on those inputs, which included international comparisons. The research report had been taken into consideration in the drafting of the legislation.

The stakeholders did request bilateral engagements with the Secretariat of Police from time to time, and from those engagements they put those inputs into consideration when dealing with the legislation. He said that SAPS would put the legalisation forward in September 2017 to the Justice, Crime Prevention and Security (JCPS) Cluster, and he expected that by October 2017 they would be heading to Cabinet to get permission to publish the bill for public comment.

He reminded the Members that there was a bill that had been published in 2015, yet SAPS had had to improve it following the summit that had been held. So at this point in time, they were asking Cabinet to republish the bill because it had since been revamped, based on the research that had been done.

Lt Gen Masemola referred to the issues raised by all the stakeholders, and said there had been court cases in between the processes, with the SAPS legal services getting involved and advising on what could be discussed and done, and what could not be discussed. Having listened to all the stakeholders, SAPS would call a meeting of all the stakeholders, together with SAPS legal services, to agree on the rules of engagement. He committed that they would meet as soon as possible, and he himself would undertake the chairing of those meetings twice a year.

The Chairperson said that what seemed to be quite critical was the issue that there needed to be constant engagement, whether there were court cases or not. It was about the principle of constant engagement.

Lt Gen Masemola said that on the issue of amnesty, the starting date had been 1 June, when SAPS had presented it to the Justice Committee, which had given SAPS the go-ahead. Thereafter the former Minister had tabled it to the National Assembly. It was then referred back and had since been changed to the current Minister, who would table it to the National Assembly, with the recommendation being the first date in January 2018.

The Chairperson responded that that would be a major problem. In the previous engagement with regard to consultation, the bill had to be properly processed by the Portfolio Committee, which then reports it to the National Assembly. It could not be tabled by the Minister of Police, as this would be side-stepping the legislative processes. He said that the legal services of SAPS should also come to Parliament the following week because this was the third time the Committee had raised the issue. SAPS's legal services did not seem to understand the legislation, as well as the Parliamentary processes. Furthermore, the Committee had indicated previously that there should be consultation with the stakeholders in that process as well.

Lt Gen Masemola said that they had taken note of that, and they would comply.

SAPS responses

On the question regarding the philosophy of firearm ownership, SAPS's role was to manage and administer the firearms -- it was not their objective to say a person could not own a firearm. Their

objective was to administer the law and whoever qualified for a license to carry a firearm, they had no problem with that. The stakeholders had raised the issue of focusing on the individuals with firearms, and he deemed it necessary that the stakeholders and SAPS met to establish some criteria around that. He invited the rest of his team to tackle the rest of the questions.

General Nobesuthu Masiye, Divisional Commissioner: Visible Policing, responded on the question of the leadership that was changing in the CFR. For 2016/17 they had made changes only in terms of the structure of the police, and had made two appointments in the CFR. The one appointment was the Component Head, who was General J Bothma, and the other appointment was Brigadier Bopape. In terms of the accommodation of the CFR, they were still in the same building that the Committee had visited, and with regard to the files, yes, they still had those files in their corridors on a daily basis.

She said that the training manual in section 102 would be made available to the Committee. With regard to the cases of corruption reported at the CFR, they currently did not have the numbers for 2015/16, but they could provide those details in writing to the Chairperson. For 2016/17 they had not had any corruption cases registered in the CFR environment.

Major General Jaco Bothma, Component Head: Firearms, Liquor and Second-Hand Goods Services (FLASH) dealt with the issue of compliance at SAPS. With regard to the negligent loss of a firearm, if a firearm was lost or stolen it had to be reported within 24 hours to the nearest police station. Then a process was followed, where a proper investigation had to be conducted, from a criminal and departmental perspective. With regard to firearms from the safe storage facility, a case docket would be opened because it was still theft of a firearm, and the matter was seen as a criminal case that would be investigated against the official. Concurrent to that were departmental processes that were followed, and if it was a police firearm in the SAPS 13, a loss management process was followed. That answered the question as to whether there were police firearms at the SAPS 13 – yes, there were firearms there which were processed through the SAPS 13 to test if the firearms had been involved in any criminal activities.

With regard to the printing by the Government Printing Works (GPW), the current status was that SAPS had printers which had been purchased in 2013. Their lifespan had lapsed, so they could not continue to be used, and they would have had to purchase new printing machines, which was costly. Furthermore, the parts could not be replaced.

Lt Gen Masemola, on the question as to whether SAPS viewed stakeholders as persons working with them, he said that SAPS did view them as stakeholders in the firearms environment. He committed to SAPS engaging with the stakeholders as soon as possible.

Brigadier Lucky Mabule, Section Head: Central Firearms Register (CFR), responded on the issue of PSA employees being employed as DFOs without the necessary competences, and said that on a continuous basis, they undertook a skills audit with regard to DFOs and everyone else who functioned in that environment. On an annual basis, they prepared training courses for those identified as having skills shortages. Currently, the CFR was doing a skills audit around the country in order to identify the skills gap and offer training courses.

Mr Patrick Mongwe, Director and Chairperson: Firearms Appeal Board, responded to Mr Hood, who who had quoted the Firearms Control Act (FCA), and said that Mr Hood had not quoted the entire Act. Mr Hood had indicated that he was not happy with how the Firearms Appeal Board conducted itself, in that it was conducting its proceeding in secrecy and did not allow members to give oral presentations at proceedings. His response was that the procedure of how the Appeal Board conducted itself was laid down in the Act, and the Act provided that the procedure should be determined by the Chairperson. That was the law, and it was not something they had made up themselves. On the issue as to whether members of the public could give oral evidence in Appeal Board proceedings, regulation 91, sub-section 8 of the FCA states that the Chairperson shall have the discretion to call for oral evidence when it was deemed necessary. Therefore, it was not an open session like a normal court of law.

Gen Masiye, on the issue of consequence management, said there had been no consequence management registered for any senior manager for 2016/17 relating to poor performance. In response to Mr Mhlongo's question, after the Committee's visit to the Free State, where it had been learnt that there was a limited number of DFOs, the CFR had increased the number of DFOs to 29 persons and all 29 had been trained.

The Chairperson referred to the issue of vetting at the CFR, with the different colonels and the section heads, and asked what the current status of the section commanders was in terms of vetting. With regard to security at the various SAPS stores and the SAPS 13 store, he asked for an indication of what proactive measures SAPS was taking in order to ensure that a 'Prinsloo issue' did not occur again.

Ms Molebatsi told Lt Gen Masemola that the ANC would not accept any process of the firearms amnesty which had not been properly processed in the Committee. If this was not going to be taken seriously, then the Committee would have to call in the Minister of Police. She asked about the flexi-hours that were being introduced, and whether they were overtime. She was stressed by the DFOs having to perform three tasks, and asked how long was it going to take for them to be relieved of their other duties so they could be effective.

Mr Mbhele asked a follow up question relating to the consequence management at the senior level. Although none had been recorded in 2016/17, what about the past years? Did the managers who had presided over the decline in performance and the deepening dysfunction of the CFR ever have to deal with consequences? There seemed to be a long-standing tradition in the SAPS of creating a mess and then leaving it unaccounted for, then somebody else had to clean up that mess. Senior managers ended up cleaning up the predecessors' mess, and they were now currently cleaning up Riah Phiyega's mess. Had people from before 2016/17 faced accountability for poor performance and mismanagement?

The short-medium term picture described what was happening against the background of a shrinking SAPS. 3 000 posts would be lost in this financial year, and it was further under-staffed and under-resourced. He asked what had been, and would be, the impact of this on the capacity within the CFR. How many vacancies did the SAPS have to freeze in the CFR this year that could not be filled? And how would that affect and shrink the number of DFOs at the station level, particularly after hearing that DFOs were already overstretched at the moment.

He asked Mr Rapea if the Police Secretariat was looking at or researching the merits of the alternative proposal that had been raised a few times, where the policy and regulatory approach was to license the gun owner for competency and merely ensure accurate registration of the firearm, as opposed to the two track system that was not synchronised well. Would the Police Secretariat look at that to advise policy reform?

Mr Molebatsi asked if SAPS had received fewer applications in comparison to the previous year. What did that imply? Was it good?

Ms Kohler Barnard said that there was an increasing number of rejections for applications for firearm licences, and asked if the figure of 72 000 was up to date. The applications that had increased also seemed to be in line with the climb in the murder rate as citizens sought to protect themselves, so she asked how many appeals SAPS was looking at year on year.

With regard to the ordering 20 additional containers to store the piles of documents that were lying in corridors, she was amazed that SAPS had not predicted the magnitude of the paper work they would be dealing with as a result of the legislation. She asked if they had hired additional staff to deal with cataloging and filing the applications. Where was the paper work store, because there was certainly no room in that building and staff were getting parking tickets every day, because there was certainly no parking either.

What was the status of the contract with the company responsible for printing and distributing the firearm licence cards? Had it lapsed or was it terminated?

She asked the Chairperson if the Committee could perhaps be informed about the stakeholders that SAPS had listed in their documentation as having had 32 meetings with. She asked for the names of the associations that SAPS had met with.

Mr Mhlongo congratulated General Masiye with regard to the Free State, because that had been a concern for him when the Committee had visited. He added that Gen Bothma had spoken of a storage facility which had a very high cost. These costs raised the question of resource management and financial management within policy. If there was no budgetary cycle that spoke to the allocation of resources, the Committee would continuously attend meetings where files were still lying idle and eaten by rats. Yet it was expected that the very same headquarters discharged services to lower structures. A culture needed to brought in, where even at the station management level people would have to be fit to question the budget

propositiona by police. There seemed to be a lot of fiscal dumping taking place in the policy, without a tangible output or very little output. If a budgetary cycle system which addressed the interests of officers at the station level was not adopted, then SAPS would forever have the kind of issues seen at the KwaHlabisa police station.

The Chairperson directed a question to all the stakeholders. He said that at the conclusion of Gun Free SA's presentation, a point had been made to "establish an independent firearms compliance regulatory body." He asked in what other jurisdiction this body had been successful, and what was the view of the stakeholders on that suggestion for the future. He invited SAPS, Gun Free SA and the stakeholders to respond.

Lt Gen Masemola responded on the question of the safe keeping at storage facilities of the firearms, and said that they had standards according to which police firearms should be stored. If police stations did not have the adequate facilities or safes, they stored the firearms at the next police station. He clarified that the firearms that were at Bellville South, which were in the SAPS 13, were not SAPS firearms but in fact were exhibit firearms.

As they embarked on the exercise in the Western Cape to auditing all storage facilities, they would ensure that the standard of storage was the same. With regard to the Bellville South case, the firearms had been in a trommel (drum) with a padlock, and it was not yet clear where the drum was.

Ms Molebatsi asked where the Bellville South station commander was. Was he/she still at work, and what was happening to him or her?

Lt Gen Masemola responded that the Provincial Commissioner was still investigating the case, and he thought that the station commander could meet with the Committee the following week. On the firearms amnesty, he had taken note of what Ms Molebatsi and the Chairperson had said.

On the consequence management within the environment of the firearm registry, he reminded the Committee that the previous firearm registrar had been dismissed and a quite a number of officials had had action taken against them before the current management had been appointed, so SAPS did take the matter seriously when there was wrongdoing.

He said that the staff shrinkage would impact everywhere, including the DFOs. They had not been able to increase the staff of the DFOs because the human resources (HR) processes stated that there first had to be a study in this environment, and they were currently still busy with that.

Gen Bothma, on the issue of vetting, said they had been informed by Crime Intelligence in June this year that they would be going through an e-vetting route, so they were providing them with a list of all the DFOs

The Chairperson countered that that was not the question that had been asked. The question had been what the current status of the vetting was, how many had been vetted and how many had not.

Gen Bothma responded that he did not have the exact figures with him. He apologised for that and added that he would send them to the Chairperson. On the question about having fewer applications, he said that this was very difficult to determine because there was the hunting season, for example, so the number fluctuated.

Ms Molebatsi clarified her earlier question to Gen Bothma and asked was it good to have fewer applications in a particular year as compared to the previous year? Were people resorting to illegal firearms and buying them for R50, for example?

Gen Bothma said that that was a very difficult question, because it was difficult to determine if it was due to the cost of the firearm that there was an increase or decrease, and he did not think that there had been any research conducted on that. He personally could not answer. With regard to the printing of firearm licence cards, the machines themselves belonged to SAPS and not to any other company. The ribbons, clearing tapes and other consumables did not belong to SAPS -- they came from other companies. SAPS could continue with the printing, but they were running out of lifecycles with the machines so they had a whole programme with GPW to replace them. With regard to the storage facilities, SAPS would like to get the files into the containers, and from the containers they could take them away and create sufficient space.

Brigadier Bopape responded to the question on flexi-hours, and said that they resolved around the system. There were members who came early in the morning, around 6 am, and others were there beyond 4 p.m.

Mr Rapea responded on whether Civilian Secretariat for Police (CSP) was researching the proposal to license the individual instead of the firearm. He said that they had done detailed research after the ministerial committee had been established. Extensive research had been done which dealt with this matter. The issue of competence was very important, and they also had to make sure that whoever was using the gun was competent. It was the same principle as using a car -- one must be competent to have a licence to have a car, but that car must be registered to make sure it was legal. Whoever uses that car must be competent -- one could not drive an 18-wheel truck with a code 8 licence. In the research CSP had conducted, they had also referred to areas in the legislation that needed to be amended. Based on the research, it was vital to have the gun licence and to have a competent person using it -- those processes could not be divorced from one another. They needed to be done simultaneously. He further suggested that when CSP returned to do the presentation on the draft bill, they would also present the research they had conducted, which would clarify the issues that had been raised.

Ms Kirsten, on the establishment of an independent firearms compliance regulatory body, said that the suggestion had been made based on the evidence that in the area of compliance, there had been quite a lot of fraud and corruption, such as the suspension of the Head of Compliance in 2013. The route to go then, was to strengthen and reduce the risks in that area. However, another route would be that it was a separate aspect and part of firearms control management, so take that out. She believes it was an innovation, and the two principles that supported it were 'independence." In many countries, the firearms appeal body sat outside the regulatory body. The second principle relating to being independent was the principle to broaden the membership so that it was not just SAPS -- there could be other departments, like the department of health registration, civil society and industry players.

She reiterated that it was an innovation to explore more. As Gun Free SA, they could do more research to see if it was happening elsewhere in the world.

Mr John Welch, SA Gunowners' Association (SAGA), said that Section 132 in the FCA provided for a committee that the Minister may appoint, and SAGA had made proposals in that regard. Competence was a big issue within the Police, so SAGA had thought it would be a good idea to address that.

With regard to an independent firearms compliance regulatory body, he believed that was something that required careful consideration because should that be opened up too much, it would become politicised. He added it was something that could be considered, the merit of it being having continuous oversight of what was being done. The independence of the Appeal Board was something that SAGA had always proposed, as they did not believe that the Appeal Board should be under the SAPS. The close link between the Appeal Board and the CFR was not acceptable to SAGA.

Mr Hood said that the statement that rules of engagement needed to be established between stakeholders and police demonstrated the divide between them. It implied that there was some sort of confrontation between them, and this was not coming from the industry. They had tried to talk to SAPS in 2015, particularly to address operational and day-to-day issues, but SAPS had wanted the stakeholders to enter into a detailed agreement. He argued that the stakeholders did not need to enter in a lengthy agreement with SAPS -- they just wanted to sit down and engage with them.

The fact that comprehensive reasons would be made from the first of August begged the question, how were decisions made before the first of August this year? Lt Gen Masemola had said that they would develop criteria for decision-making, which also begged the question of how they had been making decisions before without those criteria.

He did not believe that establishing an independent firearms compliance regulatory body would be appropriate at this point in the legislation. He felt there should be civilian oversight for which there was legislation, so it was best to work with the legislation they had. He believed that the Appeals Board was not independent, yet there should be an independent body to hold the police to account.

Mr Paul Oxley, Chairman: Gun Owners South Africa (GOSA), said that he believed there should be an independent board.

Mr Mhlongo said that it was in the best interests of South Africa (SA) to look after its own wildlife. He had seen an Al Jazeera journal which addressed a diplomatic ploy involving the Chinese, who were de-horning SA's rhinos for their own benefit. He asked if there was any type of consequence management, because the Chinese were using hunters' rights which were internationally protected, but they were abusing SA's resources.

Mr Mbhele hoped that this meeting had been a catalyst between the stakeholders and the Police for better engagement and consultation. For an environment to become more effective and optimal, it needs to decentralise and foster public-private partnerships. The CFR could decentralise and foster public-private partnerships to improve performance.

The Chairperson thanked the Members and the stakeholders for the interaction, saying that it was quite critical that the legislation process should get earnest attention. SAPS had committed to a roundtable process of interaction with the relevant stakeholders, which needed to be constant and viable. He asked for the progress from those interactions to be presented to the Committee. Consequence management was critical. With regard to the CFR vetting issue, the fact that the delegation did not have that information was a major concern for him, because that was the first risk.

In terms of innovation, there had been a lot of proposals presented, and he urged Mr Rapea to take the lead in the roundtable engagements with the stakeholders.

The meeting was adjourned.

"MM"

368

PARLIAMENT

OF THE

REPUBLIC OF SOUTH AFRICA

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

THURSDAY, 16 JULY 2015

TABLE OF CONTENTS

ANNOUNCEMENTS

National Assembly and National Council of Provinces

1. Assent to Bills - correction 2638

National Assembly and National Council of Provinces

1. Submission of list of candidates for filling of vacancies in Electoral Commission 2638

TABLINGS

National Assembly and National Council of Provinces

1. Speaker and Chairperson 2639
2. Minister of Social Development 2639
3. Minister of Trade and Industry 2639

National Assembly

1. Speaker and Chairperson 2639

COMMITTEE REPORTS

National Assembly

1. Police 2641
2. Police 2657
3. Police 2679

ANNOUNCEMENTS

National Assembly and National Council of Provinces

The Speaker and the Chairperson

1. Assent by President in respect of Bills - correction

(1) **Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill** [B 18B – 2014 (Reprint)] – Act No 5 of 2015 (assented to and signed by President on 3 July 2015).

The above announcement replaces the announcement contained in the ATC of 9 July 2015.

National Assembly

The Speaker

1. Submission by Chief Justice of list of candidate for filling of vacancy in Electoral Commission

(a) A letter dated 24 June 2015 has been received from the Chief Justice of the Republic of South Africa, submitting a list of eight (8) candidates and their abbreviated curricula vitae in terms of section 6(4) of the Electoral Commission Act of 1996 (Act No 51 of 1996), and requesting the Assembly to recommend a candidate to the President of the Republic for appointment to the Electoral Commission.

Referred to the **Portfolio Committee on Home Affairs** for consideration and report.

3. REPORT OF THE PORTFOLIO COMMITTEE ON POLICE ON THE NATIONAL FIREARMS SUMMIT HELD ON 24 AND 25 MARCH 2015

1. INTRODUCTION

The Portfolio Committee on Police, in conjunction with the Civilian Secretariat for Police, hosted the National Firearm Summit on 24 and 25 March 2015. The Summit was an opportunity for stakeholders, role-players and ordinary South Africans to embark on a dialogue on the kind of society we wish to live in and enjoy within the context of gun control.

The Summit was also an opportunity to foster mutual understanding, common agreements and build broad consensus on the kind of society we want and the role that firearms play in it. The Summit assisted in bridging the perceived divide of *us and them* that was believed to exist between the gun owners' fraternity and the government departments tasked with regulating gun ownership and use. Furthermore, there was a tacit recognition that government bears the responsibility to legislate and regulate. However, regulating gun control is not solely the responsibility of the State. All stakeholders have a role to play in ensuring effective measures to regulate the ownership and distribution of guns and to prevent and reduce the impact of gun violence on society.

2. REPRESENTATION

The following stakeholders from the public and private sector were represented at the Summit:

Public Sector

- Members of Parliament
- Civilian Secretariat for Police
- Firearms Appeals Board
- Independent Police Investigative Directorate (IPID)
- Metropolitan Police Services: Durban, Cape Town, Tshwane and Johannesburg
- Private Security Industry Regulatory Authority (PSIRA)
- Provincial Secretariats for Police
- South African Police Service (SAPS)

Private Sector

- African Policing Civilian Oversight Forum (AFCOF)
- Agriculture South Africa (Agri-SA)
- Business Against Crime (BAC)
- Civil Society Individuals
- Community Action towards a Safer Environment (CASE)
- Gun Free South Africa (GFSA)
- Gun Owners of South Africa (GOSA)
- Hunters Forum
- Institute for Security Studies (ISS)
- Legal Resource Centre (LRC)

- National Arms and Ammunition Collectors Confederation of South Africa (NAACCSA)
- Police and Prisons Civil Rights Union (POPCRU)
- Professional Firearms Training Council (PFTC ETQA)
- Red Cross Children's War Memorial Hospital
- Security Industry Alliance (SIA)
- Social Justice Coalition (SJC)
- South African Arms and Ammunition Dealers Association (SAAADA)
- South African Defensive Pistol Association (SADPA)
- South African Football Association (SAFA)
- South African Gun Owners Association (SAGA)
- South African Hunters and Game Conservation Association (SAHGCA)
- South African Police Union (SAPU)
- South African Practical Shooting Association (SAPSA)
- South African Violence Initiative (SaVI)
- Sports Shooting Forum
- Trauma Centre for Survivors of Violence and Torture
- University of the Witwatersrand School of Governance

3. PRESENTATIONS

The Summit heard twelve (12) presentations from government leaders, academics and civil society experts to guide the two-day structured discussions around the emerging themes surrounding gun control in South Africa.

3.1 Mr. Guy Lamb, *South African Violence Initiative (SaVI)*

Mr Guy Lamb, Director of the South African Violence Initiative (SaVI) presented on the *Comparative Firearms Regulations Regime in Southern African Development Countries (SADC)*. He focussed on the need to understand small arms and light weapons in the regional context (especially the movement of arms) and the nature and impact of comparative control measures across the region. He stated that while each country has its borders, "firearms don't" and is an 'easy' item to smuggle across borders.

Mr Lamb stated that the firearm control regimes across SADC countries vary considerably. Only South Africa and Mauritius are currently using competency testing in firearm applications, but this is being considered by other countries such as Namibia. South Africa and Mauritius also conduct rigorous criminal record checks before approving an application. He stated that it is difficult to find data on firearm control and statistics in SADC countries, especially in Angola. Some of the differences across the region include variance in the specific numbers of licences approved, the age limit for licencing, and differences in renewal processes.

Mr Lamb highlighted several innovations in the SADC region. For example, Botswana exercises very tight control over firearms and only allows 400 licences per year (200 shot guns and 200 hunting rifles). He indicated, however, that this approach would be difficult to implement in other countries as Botswana has a small population (of less than 4 million people). These 400 applications go into a lottery system and get selected 'by chance'. Interestingly, Botswana does not licence hand guns, as hunting offences (and thus the need to protect livestock) are a key challenge to the country. Mauritius exercises strict control over firearm licences and only approves 25 licences per year. Like Botswana, hand guns are not licenced, as the biggest challenge faced in terms of firearms in Mauritius relates to hunting.

Mr Lamb stated that it is necessary to enquire (in respect to each of the firearm control regimes) as to what does it mean now that the control is in place? What is the expected outcome and impact of the control? What does it mean for the responsibility and tasks of the various stakeholders? What might be the unintended consequences of the control? What might be the response of the illegal firearms trade in looking to circumvent the control? He indicated that the main problem in Africa is that little research has been done on whether legislation makes a difference. In contrast, in the USA after the assassination of President JF Kennedy, many resources were made available to universities and research institutes to research the impact of guns. In terms of firearm control and the impact thereof, the USA has a body of scholarship.

Available data shows that homicide figures remained stable in SADC countries over the past decade, but that South Africa saw a drop in firearm related homicide around the time when the Firearms Control Act, 2000 was introduced. However, Mr Lamb pointed to the fact that there is no evidence to show that the Act impacted on the reduction in firearm related homicides. He further stated that policy and legislation seems to impact on gun violence, but that significantly more information and studies are needed to prove causation. The closest indication towards causation, is in the area of intimate femicide through research done by the Medical Research Council which proved that restrictions on gun ownership made an impact. Mr Lamb also focussed on the impact of the minimum age criteria for firearm licencing. He stated that studies in the USA have shown that minimum age licencing controls access of firearms to youth, thus assisting to prevent suicide and accidental shootings. Studies conducted in the USA and Canada also showed causation between safe storage and a reduction in firearm related deaths.

In recent years, South Africa has invested significant resources in focussed operations targeting illegal guns. The research on these policing operations suggests that these "hot spot" operations are having the most significant impact on firearm violence (and not necessarily the legislation).

Mr Lamb concluded that in the South African context the reduction in firearm related deaths seems to be a combination effect of the legislation and "hot spot" policing initiatives. However, a more targeted evidence-based approach must be followed to answer the following questions:

- Where are the greatest concentrations of firearm violence?
- What are the main drivers of the violence?
- Who is mainly responsible for the violence?
- How and where do they acquire their guns and ammunition? He also stated that the biggest challenge for research is the lack of access to police data.

3.2 Ms Reneva Fourie, *Acting Secretary of Police (Civilian Secretariat for Police)*

In exploring *The Role of Oversight in Firearms Management*, Ms R Fourie, the Acting Secretary, Civilian Secretariat for Police, impressed upon the Summit that the level of violence in the country is far too high. She stated that although there has been a general reduction in violent crime, figures for murder show an increase from 16 259 in 2012/13 to 17 068 in 2013/14, which means that the average number of murders per day has increased from 45 to 47. This figure is five times higher than global average of six (6) murders per day. In addition, one in three homicides is as a result of firearms. In response to this, the Minister of Police has called for a national dialogue on violent crime and violence to take place on 16 and 17 April 2015, which will build on discussions held in February 2015 on police conduct.

Ms Fourie stated that the Western Cape has the highest rate of illegal firearms and the Northern Cape the lowest. This assertion was contested during discussions as the Northern Cape has the highest homicide rate related to sharp objects. However, the Acting Secretary stated that the issue of crime and violence is complex and that while sharp and blunt objects are indeed used in the commission of violent acts, the Summit was focusing on the role of firearms. Ms Fourie further stated that the Firearms Control Act does have an impact on firearm use and distribution and that advances in understanding injuries and deaths are developed through the Nation Injury and Mortality Survey. Studies have shown that firearm ownership has decreased. In 1994, there were 3.5 million firearms amongst 2.4 million owners, which reduced to 3 million firearms amongst 1.8 million owners in 2011. There is also a massive reduction of 90 per cent in the number of firearm dealerships between 2000 and 2006.

The Civilian Secretariat is currently collating and analysing all data on firearms from 2000 to the present to assess the impact of the Firearms Control Act. The aim of the study is to ensure accurate and accessible data on the safe storage, supply, transfer and use of firearms. It is important to develop a comprehensive understanding of the illegal market and to have access to comprehensive data. Currently, data is available in disparate manner, which must be collated and analysed to develop an accurate picture of the current firearm situation in South Africa. In the long-term, the Secretariat plans an educational drive directed at magistrates and also to assist with the implementation of Border Management Agency (BMA) to ensure that cross border arms smuggling receives priority attention.

3.3 Panel 1: Impact of gun culture on Society

3.3.1 **Professor S van As,** *Head of Paediatric Trauma at the Red Cross Children's Hospital*

Professor Van As focused on the impact of firearm violence on women and children. He stated that 1 147 women were killed over the past year, of which almost half (405) were killed by an intimate partner. One in five of the perpetrators who killed their partners committed suicide after the killing, and most of them used a legally licensed gun. His assertion is that 80% of these double murders could have been prevented.

Violence is the leading cause of death in South Africa and firearms are the leading external cause of non-natural deaths (NIMSS). Blunt and sharp objects are arguably also a big problem and contribute to violent deaths and injury.

About 474 children under the age of 12 were treated for gunshot injuries over the past year. Children are disproportionally affected as they are seldom shot deliberately, but mostly accidently. Prof van As stated that most children are shot when caught in crossfire (43%), accidentally (14%) or are shot deliberately by an adult (9%). He also presented several slides of X-ray and MRI images to illustrate the range and extent of injuries and damage inflicted by a bullet. Most of the firearm injuries occur in informal settlements/townships, with half of all gunshot injuries happening in and around own home (50%) followed by the road/pavement (40%).

Prof van As stated that the three main successes of the Firearms Control Act, 2000 were raising the minimum age of licensing from 16 years to 21 years, introducing competency certificates and providing for gun free zones. He experienced a 70 per cent reduction in children treated for gunshot injuries since 2000 when the Act came into operation.

Specific interventions suggested by Professor van As included that gun free zones should be effectively implemented as schools, hospitals and other public spaces should be free of guns. He also recommended that the minimum age for application for a gun license should be raised to 25 years largely because a person's frontal cortex is still underdeveloped before that age (and thus they are still immature). Professor van As concluded that it is important to consider the impact of the introduction of the Firearms Control Regulations in 2004 and the lessons emanating therefrom to ensure the success of the pending amendments.

3.3.2 **Mr. Graeme Bloch,** *Visiting Adjunct Professor, Wits school of Governance*

Mr Bloch focussed on the necessity to ensure that schools are a safe haven for children where they feel protected and where they are not raped, shot or bullied. He stated that guns at school have no place. While teachers are not to blame for these issues (which are related to inequalities that make the poverty and hunger a reality) everyone has a responsibility to ensure that life

at school is safe, consistent and fulfilling. Metal detectors and police at the gates of schools are undesirable. There is much to learn about how to secure schools and the children and teachers who work, play and learn there. Questions need to be asked about where the guns in schools come from and why people who call themselves leaders close schools for political ends? Mr Bloch advocated for increased effective parental involvement in schools. He concluded that guns in the hands of young people are far worse than guns in the hands of older people, but that young people get guns from elders.

3.3.3 **Dr Lane Benjamin,** *Founder of Community Action Towards a Safer Environment (CASE)*

Dr Benjamin stated that she specialises in trauma and not in gun violence. One of the most prominent challenges in South Africa is the tendency to think in silos, which leads to an inability to see the bigger picture. All issues are intrinsically connected. Dr Benjamin urged for a holistic approach and stated that she is providing a mental health perspective on gun violence. It is important to reconceptualise what trauma is in the South African context. In her experience, post-traumatic stress disorder (PTSD) does not exist in South Africa, as trauma is continuous for most citizens who live with trauma daily. The patterns of violence are seen on generations and the impact is felt in multi-systemic ways. Violence affects everyone, including the perpetrators. However, violence disproportionally affects poor communities and young black men in South Africa.

Dr Benjamin shared some of the findings she made during a polyvictimisation study conducted in Hanover Park, which included 617 adolescents aged 12–15 years. The study found the following:

- 98.9% had witnessed community violence;
- 68.9% had seen someone get shot in the neighbourhood;
- 41.3% had witnessed someone threatening another with a gun;
- 76.9% had witnessed domestic violence;
- 47.7% seen a dead body in the street, excluding funerals;
- 93.1% had experienced more than one type of violence; and
- 55.2% had experienced four or more types of violence.

Dr Benjamin contested that children growing up in "war-like zones" and the associated exposure desensitises them to violence and death. The continuous trauma and lack of safety (from living in a state of chronic violence and crime) alters ones neurological make-up of the brain in terms of the inherent flight/fight mechanism, and the fight response is triggered more often in a bid for survival. A child's brain gets wired to expect violence, which impacts on logical thinking methods because they are constantly forced to act in privative survival brain. Generally these patterns were also learnt by parents, who are unable to act as a role model.

These patterns shatter trust between children and adults, and also challenges the ability to connect with others. This impacts on one's ability to show empathy, which makes it easier to kill. A major impact on these patterns is the use and ease of accessibility of drugs. In addition, people feel powerless in violent environments, which is compounded by authority figures who disrespect children daily, especially in school.

These patterns form a toxic combination of legitimising violence and turning innocuous situations violent. For example, a young boy stabbing a young girl with a pen in a classroom because he did not like the look she gave him. This creates dangerous cycles of revenge in a society where it is easy to enact this aggression though joining a gang and having easy access to a gun. Guns provides access to power, safety, control, a brotherhood, a family and a means to gain income.

Violence is accepted when one is feeling threatened and these messages are learned in families and society. Guns are easy to use and do not need a lot of social investment, which makes them dangerous. Dr Benjamin contested that violence is never senseless and always makes sense to the perpetrator. There is a negative resilience in communities to survive, which reinforces violence and perpetuates trauma.

Dr Benjamin recommended that firstly, corruption, especially where police members are involved must be addressed to begin building trust between the police and communities. Secondly, there is an urgent need for a competent, effective and trustworthy criminal justice system.

Dr Benjamin concluded that the discussion should move beyond guns. There is a need to disarm the minds of young people (and deal with unresolved trauma) otherwise aggression will remain and people find other ways to enact aggression (through zip guns, fists knives and sexual violence). There is also a need to look at assaults and not only mortality rates. The only way to stop the cycle of violence is to make mental health a priority in South Africa. Civil society has taken the bulk of responsibility to date, but a multi-sectoral approach is needed through joint efforts by the Criminal Justice System, the Departments of Education, Health and Social Development, and by addressing poverty and unemployment. Everyone must take responsibility for roles played in perpetuating violence.

3.4 Panel 2: Strategies for reducing illegal firearms

3.4.1 Ms A Kirsten, *Gun Free South Africa*

Ms Kirsten of Gun Free South Africa reminded the Summit that firearms control is primarily focused not on people, but on the weapons to reduce gun violence and the number of people affected by gun violence. Ms Kirsten highlighted three intervention strategies to reduce the impact of gun violence:

1) **Reducing diversion:** Virtually every illegal firearm begins as a legal weapon. That is, it is legally manufactured and legally sold. In many countries, including South Africa, most firearms recovered in crime

377

appear to have been legally owned in the past by states or civilians. Globally, the diversion of firearms from their legal owners, often through loss and theft, contributes significantly to the illegal pool of firearms. Ms Kirsten contended that in South Africa, the single largest source of illegal firearms is loss and theft from civilian owners. Measures to reduce the leakage of legal to illegal firearms would include good record keeping and good marking and tracing of firearms. In addition, Ms Kirsten stated that the previous Minister of Police established a Commission of Enquiry into firearm control in 2013, but the report has not yet been made public. There is a need to see the findings and recommendations made in the report which may point to other important ways of reducing this diversion.

2) **Mopping up illegal pool:** This is achieved though specialised interventions as well as police actions. However, the best interventions are firearm amnesties. Given the link between the legal and illegal markets, firearm amnesties are viewed by most governments as tools to control the legal and illegal pool of guns, and have been used around the world for this purpose. Amnesties help to reduce or dispose of illegal firearms and superfluous guns, such as old stock held by the military or the police. Although the primary objective of an amnesty is to recover illegal guns, a second important objective may be to provide firearm owners with an opportunity to hand in unwanted licensed firearms. These are sometimes called voluntary weapon collection programmes and may take the form of gun buy-back schemes or exchange programmes. These weapon collection programmes have been used successfully in UN peace operations in post-conflict countries such as Sierra Leone and the Solomon Islands; in inner city and rural town operations in the US; in the collection weapons that were banned under new legislation in Australia; and as part of the implementation of new firearm legislation in South Africa and Brazil. In addition to these key objectives, experience shows that amnesties can achieve more than merely remove illegal guns from circulation. Amnesties can:
    - Raise public awareness about the need to prevent gun violence;
    - Create a climate to assist the implementation of new firearms legislation;
    - Provide an opportunity for the voluntary surrender of licensed guns that are no longer needed or wanted; and
    - Improve community-police relations and build partnerships with civil society organisations.

The Firearms Control Act, 2000 gives the Minister of Police the power to declare an amnesty via a notice in the *Government Gazette* and with the approval of Parliament. The Act defines amnesty as 'indemnity against prosecution for the unlawful possession of a firearm or ammunition'. It also allows the Minister of Police to impose certain conditions during an amnesty such as the ballistic testing of any firearm handed in. This can result in prosecution if the firearm is linked

to a crime, which is not ideal. The best results are gained through a 'no questions asked' amnesty with no chance of prosecution.

3) **Closing leaking tap:** It is important to know where and how guns move from a legal to the illegal pool in order to identify methods to stop the leakage. The majority of leakages occur across borders, as a result of in corruption within the chain, or as a result of loss or theft.

Ms Kirsten concluded that key interventions that work include ensuring the availability of data and effective record keeping alongside measures to strengthen the firearm control regime.

3.4.2 **Adv. M Hood,** *MJ Hood and Associates*

Adv. Hood stated that critical analysis of the problems (including in the CJS value chain) are required in order to develop solutions. He stated that the investigation of crime remains a challenge, as Detectives are under-resourced, witnesses become despondent as a result of protracted lead times, and prosecutors are overworked, understaffed and under-resourced.

In addition, Adv. Hood stated that the some of the FAC Regulations are not yet fully promulgated, which means that the Regulations cannot impact effectively on firearms-related crime. The basics must be in place first, before changes are made. The Firearms Control Act, 2000 works in some areas, but not in others. Section 101 of the Act provides for certificates from the Registrar, which is not being complied with. In addition, that data becomes corrupt as data processing continues to be a major challenge for the SAPS. Furthermore, firearm dealers must report on their stock returns as per the SAPS 350 form, but this is not processed by the SAPS, which creates losses and thus illegal firearms.

Adv. Hood echoed the call made to the Minister of Police by Ms Kirsten to make the 2013 Firearms Enquiry report available. He cautioned the Portfolio Committee on Police against building on poor foundations when considering the Firearms Control Amendment Bill later this year.

Adv. Hood reminded the Summit that the South African Hunters Association had successfully challenged the transitional provisions to the implementation of the Act, which meant that the full implementation of the Act has been placed on hold for several years. The SAGA and other associations' continue to have severe problems with the Act and its implementation and would support efforts to ensure the effective implementation of existing legislation.

A further concern of Adv. Hood was that ballistic testing was currently non-existent and he reminded the Summit that regulation and effective data processing were the cornerstones of control. Adv. Hood concluded that SAGA and other associations were willing to take responsibility for themselves and their sector, and would work with and teach others to do the same. He added that mistrust of criminal justice processes remains a concern and that it was seemingly difficult to hold government departments to account. The hope is that the Summit would change things.

3.4.3 Adv. Norman Arendse, Representative of the Senzo Meyiwa Gun Committee (SAFA)

Adv. Arendse stood in for Dr Danny Jordaan, SAFA President. Adv. Arendse stated that the panel discussion topic should change from 'strategies to reduce illegal firearms' to strategies to reduce firearms, whether legal or illegal. He contended that a firearm is a lethal weapon used to maim many people. Although firearms are an inanimate object, it must be propelled by a person. Legislation controls people, but not the weapon itself. He stated that we live in complex society with a 'First World' Constitution and laws, but that we face 'Third World' societal woes. Adv. Arendse state that football is the one code of sport that suffers disproportionally from gun violence as it is the sport played by poor communities with players who dream of becoming international super stars. He further stated that these areas are also policed with insufficient resources. It is dangerous to play in townships, as many matches are settled with guns. He reminded the Summit that the late Bafana player, Senzo Meyiwa's murder was not yet finalised despite the SAPS having eyewitnesses, with no arrests made (except for a false arrest). Adv. Arendse asked what hope does others have in areas like Hanover Park and other poor areas. He further stated that the loss of Senzo Meyiwa was the reason for losing AFCON and that Dr Jordaan had many queries about when the killers will be brought to justice.

The strategies that SAFA would prefer included the following:

- Only accredited and properly vetted law enforcement officers must be permitted to carry hand guns; and
- Society needs protection against firearms. Self-protection through the use of firearms is questionable.

SAFA called for the following:

1) The Minister of Police and Parliament to announce a Firearm Amnesty (on an anonymous basis/no questions asked) on 09 July 2015, which is International Gun Destruction Day;
2) Education about the use of firearms;
3) All sports arenas must be declared gun free zones;
4) Following the amnesty, SAFA will erect a statue of Senzo Meyiwa at SAFA House and calls for all communities to erect statues to honour fallen victims of gun violence; and
5) Continues to support progressive legislation to regulate firearms.

3.5 Gen. R Phiyega, *National Commissioner of the South African Police Service (SAPS)*

The National Commissioner presented an overview of the evolution of firearm legislation in South Africa. In 1996, the Minister of Safety and Security appointed a Special Task Team to investigate the legislative environment to replace the Arms and Ammunition Act, 1969 (Act 75 of 1969). The Firearms Control Act, 2000 (Act 60 of 2000) was passed by Parliament in 2000 and the Regulations promulgated on 1 July 2004. The National Commissioner also highlighted various international instruments regarding firearm control.

The Firearms Control Act, 2000 was developed with the following objectives:

- To reduce firearm related crimes in South Africa;
- To effectively control all legally possessed firearms in South Africa;
- To prevent the proliferation of illegally possessed firearms; and
- To maintain a reliable firearm control system and management system.

In 2004, an amount of R63.1 million was allocated towards the implementation of the Firearms Control Act, 2000 with no ring-fenced budget. There was also no dedicated Maintenance Plan in place. The Act also provided for the establishment of the Designated Firearm Officers (DFO) concept and to date 3 441 DFOs have received training on the Firearms Control Act.

The National Commissioner stated that the implementation of the Act was not without challenges. In 2010, the first audit identified a total of 1 048 341 outstanding applications and a second follow-up audit found an additional 32 355 outstanding applications at various provinces. To resolve this problem, dedicated teams of officers were assembled to assist with the consideration of the applications. All outstanding categories of applications were finalised during August 2011 (1 080 696). A large flow of applications, insufficient administrative capacity and late submissions of applications contributed to the implementation relapse.

Since the implementation of the Act, two firearm amnesties were declared, the first in 2005 by the Minister of Safety and Security and the second in 2010 by the Minister of Police. Combined, these two amnesties collected 44 958 firearms and 737 895 rounds of ammunition. Since 2004 to date, the SAPS has received 3 189 861 firearm applications of which 3 106 438 have been finalised. It is believed that there are 1 749 034 individual firearm owners, owning 3 081 173 firearms, 425 official institutions owning 1 270 405 firearms and 8 937 non-official institutions, owning 136 259 firearms. The National Commissioner stated that corruption is associated with firearm control and indicated various steps that have been implemented to deal with the issues relating to corruption. The Central Firearm Register Turnaround Strategy includes the following:

- Acquisition of a building for CFR personnel;
- Review process and procedures for firearm applications;
- The upgrading of the enhanced firearm registration system;
- The streamlining of the firearm registration system;
- Revision of the CFR, provincial and station structures;
- Review policies regulating estate firearms; and
- Upgrading the current printing machines and print in-house at the provincial level.

The National Commissioner also highlighted the main challenges facing firearm control currently. These include:

- Inadequate storage facilities for files and insufficient accommodation for personnel
    - Turn-around time to finalise applications is negatively affected;
    - Distance between Veritas Building in Pretoria and archives in Silverton is affecting turn-around time to finalise applications;
    - The incomplete implementation of the Firearm Control System;
    - The inability of the Firearm Control System to process firearm applications electronically (e-applications).
- Legislative gaps
    - Incongruence in the lifespan of the licence to possess a firearm and a competency certificate;
    - No clear directive in the "fit and proper" attribute of the application; and
    - No competency on the part of the DFO to assess the mental and physical state of the applicant

The National Commissioner concluded that the turn-around strategy is being implemented and assured the Summit of the SAPS' commitment to the effective and efficient implementation of the Firearms Control Act and its Regulations.

3.6 **Hon. N Nhleko,** *Minister of Police*

The Minister of Police stated that the Vision of the National Development Plan (NDP) is that

> *"In 2030, people living in South Africa feel safe at home, at school and at work, and they enjoy a community life free of fear. Women walk freely in the streets and children play safely outside. The police service is well-resourced and professional, staffed by highly skilled officers who value their work, serve the community, safeguard lives and property without discrimination, protect the peaceful against violence, and respect the rights to equality and justice."*

However, communities are confronted with the questions of how to build a "feel safe community"? And what the impact of gun ownership and the proliferation of guns is in our society and what it says about our society? The Minister stated that in his view, it is indicative of broader socio-economic problems. A society that embraces violence and where the ownership of a gun provides power is problematic. In addition, the South African society is fragmented on racial and class lines. In a society that wants to build a human rights culture, there is a need to ask how to achieve this? The correlation between violence and the desire to own guns must be acknowledged and no amount of policing will resolve social ills. The Minister further stated that the sad reality is that South Africa has an accentuated level of legal as well as illegal gun ownership.

The Minster stated that the answer on how to build a "feel safe community" lies in the following focus areas:

1) Stakeholder partnerships;
2) Problem-orientated policing; and
3) Community involvement.

The Minister further stated that the Firearm Control Amendment Bill seeks to improve accountability and will create a platform for citizens to address the many challenges posed by firearms in society. It must address several anomalies including increased measures to restrict ownership where one person owns more than 500 firearms. The competency period is being reviewed as well as measures to increase capacity of the Firearms Appeals Board. The Amendment Bill also suggests the use and introduction of ballistic sampling together with a micro-dot system, which will be done in a phased in approach. The Mister further stated that strategies must be developed to improve the capacity and capability of the Central Firearms Registry to adequately control and mitigate against state losses.

The Minster concluded by stating that stakeholder participation and community involvement are critical and support from all sectors is needed.

3.7 **Hon. M Sotyu,** *Deputy Minister of Police*

The Deputy Minister referred to the Summit as contentious because the view of many citizens when the Firearms Control Act was first introduced in 2000, was that Government wanted to infringe compromise the law-abiding citizens' rights to defend themselves. However, the Deputy Minister assured delegates that this was and still is not the case. The Deputy Minister stated that having a gun does not guarantee one's safety and aligned herself with Gun-Free South Africa when they said as far back as 1999 that, "guns are not an effective deterrent". In the same vein, legislation on gun control will not prevent future, armed robberies, murders, violence at schools, and massacres. The Deputy Minister welcomed the discussion on micro dots regarding the capacity of the SAPS to facilitate this and that the SAPS have capacity constraints and infrastructure. She stated that she shares these concerns.

The Deputy Minister identified two enablers for the effective implementation of this Act, as amended. The first enabler is the location of the Firearms Control Act and its implementation, within multi-sectoral/inter- disciplinary initiatives and that campaigns on gun control cannot be conducted as a single-issue campaign. These campaigns must be embedded within other key socio-economic issues faced by the majority of this country. An apparent link does exist between social problems such as unemployment, poverty, inequity, weakened family bonds, lack of moral regeneration, and the attempt by people to escape these harsh realities into the world of violent crimes that includes, armed robbery, substance abuse and drug dealing, gangsterism, and murder. The Deputy Minster identified the concept of social cohesion and moral regeneration as essential elements to enable the Firearms Control Act to yield a more inclusive social justice system.

The second enabler is the appropriate budget to implement the amended legislation. Proper budgeting is the most important tool for translating government strategic plans and priorities into public services. The Deputy Minister stated that with the billions that the SAPS gets every year from Government since 1994, the SAPS is still plagued with the same problem of a Central Firearms Registry (CFR) that is dysfunctional and in constant decay.

On 13 March 2015, the Deputy Minister undertook a monitoring/inspection visit to the CFR and found that the CFR has not been a priority for a long time. Infrastructure is falling apart; it has outdated IT systems; there is a high vacancy rate; many personnel who had been fired due to corruption were not replaced; and, there is a lack of command and control. Another major challenge is the fact that the Appeals Board is located in the same CFR building, and of course there would be blurring of mandates and collusion or rubber-stamping.

The Deputy Minister of Police stated that the state of readiness to implement the proposed amendments to the FAC is thus non-existent. The Deputy Minister also shared some of the critical recommendations made to the SAPS after the inspection visit to the CFR:

- Researchers of Parliament must do research and benchmarking studies to find out if the CFR should be a Division of its own. This will in the long- term address issues of infrastructure, human capacity, and management.
- The Appeals Board needs to be moved to the offices of the Civilian Secretariat of Police, to ensure the impartiality of the Board.
- Short-term contracts and internship programmes should be introduced to address the acute backlogs in all types of licenses applied for.
- The age-limit of gun-ownership from 21 years down to 18 years should be reconsidered.
- The CAS and CFR systems should be linked to immediately detect unfit people who apply for gun licenses.
- Health and Wellness of a police officer who lawfully carries and uses the gun as his tool of trade every day, should be enhanced.

The Deputy Minister of Police concluded by stating that the health and wellness of active members will be prioritised over the next five years and called on delegates to forge real partnerships with the SAPS.

3.8 **Mr M Chauke,** *Director of the Private Security Industry Regulatory Authority (PSIRA)*

The PSIRA conducted a desktop audit in 2013/14 to measure the extent of firearm ownership of private security companies. PSIRA as a regulatory authority did not know the number of firearms active within the industry, and to some extent still do not know the full extent. The PSIRA have a close relationship with the CFR. The audit found that it had 3 340 registered companies with 101 000 firearms of several different types. Of concern is what happens to the firearms in the companies that are dissolved.

Inspections are done jointly with DFOs. Mr Chauke also stated that the PSIRA faces several limitations regarding regulating firearms in the private security industry, which include the following:

- No direct access to the CFR;
- The CFR database does not differentiate between different types of businesses; and
- No access to calibre or type of firearm on CFR.

4. KEY EMERGING THEMES

The following section contains the key emerging themes emanating from group discussions during the National Firearms Summit.

4.1 Significant data gap on firearm-related statistics

The lack of accessible, reliable and comprehensive data on firearms in South Africa was raised as a major challenge to building a true picture of the current state of firearm-related violence and homicide in South Africa. After 2007, the accessibility of data became increasingly difficult and stakeholders had to rely on data from the UN and mortuaries, which is not verified. Quantitative studies are needed, as in Brazil where many longitudinal studies have been conducted on the impact of its gun control regime.

It is dangerous to extrapolate data from studies done in the USA on South Africa as the socio-economic context differs significantly between the two countries. The social drivers of crime should be addressed in the long term, but in the short term, there should be focus on "hot spot" areas policing. However, the outcomes of these interventions need to be studied.

Even though violent crime rates decreased, there is no reliable data to understand the decline. The focus of research needs to be on 'causation' in order to better understand the impact of the firearm control regime in South Africa.

Discussions on firearm related homicides must be treated with some caution in acknowledgement that there is no distinction drawn between legal (self-defence) and illegal killings. In addition, the emphasis should be on crime control or people control and not gun control, as it is people who kill and who are civilly negligent. The study by John Lott, *More Guns, Less Crime*, conducted in the USA on the use of firearms in self-defence was brought up during the discussions, but was refuted as the data used by Mr. Lott could not be verified. He suggested that "98 percent of the time that people use guns defensively, they merely have to brandish a weapon to break off an attack." Similarly, the study done by Mr A Altbeker in the late 1990s titled *Guns and Public Safety: Gun Crime and Self-defence in Alexandria and Bramley* could not be applied to South Africa in general and the methodology of the study hampers the conclusion that armed victims are more likely to lose their weapons than to use them successfully. The discussions on the use of firearms for self-defence necessitates a comprehensive study on defensive gun use in South Africa. Sections 13 and 14 of the FCA provide for

licencing of a firearm for self-defence and this is arguably the most densely populated category of firearm ownership in South Africa.

It was also clarified that the data provided by Professor van As was only for children admitted to the Red Cross Hospital with gunshot wounds, and that guns are not the leading killer in South Africa.

Mostly anecdotal evidence and personal narratives are available, which should not be discounted. Firearms in themselves are not a problem, as studies and statistical models have shown that the availability of firearms changes the social equation and makes the potential for lethal confrontation higher, especially in terms of domestic violence. In addition, firearms are not neutral objects, but possess an increased lethality.

It was stated that the Civilian Secretariat for Police is mandated through section 6(1)(f) of their Act to conduct research and should comply with this mandate. The CFR collects data on age, gender, location and ownership that is not released. This data will be invaluable to inform decisions and forms part of the Basic Zimring Standard to assess the impact of firearm legislation in South Africa. The SAPS should again disaggregate data and statistics on firearm related homicides as was done pre-2000.

4.2 Impact of the current firearm control legislation on violent crime

The lack of reliable data reduces our understanding of the impact of gun control in South Africa. It is important to understand which clauses of the Firearms Control Act have an impact, if any, on firearm-related violence. However, it was questioned whether it matters which sections impact as a combined effort through a strong legislative regime and "hot spot" interventions have proven successful in South Africa as well as in other countries.

The Zimring Standard was identified as an internationally accepted standard to measure effective gun control. The standard was first proposed in 1991 by US criminologist Frank Zimring and it based on the following:

- Prohibit/restrict certain uses of weapons and ammunition;
- Prohibit/restrict certain users of weapons; and
- Prohibit/restrict certain types of weapons and ammunition.

The standard enables comparison with other countries and should also be used in South Africa (the Firearms Control Act currently complies with the Zimring Standard).

4.3 Challenges regarding the implementation of the Firearms Control Act, 2000

Participants at the Summit were in agreement that South Africa has excellent firearm control legislation, but that the imperative remains to overhaul the administration, regulation and enforcement of the FCA and get it functioning as a matter of urgency. Various deficiencies plague the current FAC, which is compounded by an ineffective CFR. The Deputy Minister stated that she is

"very sad to say today that, with the billions that the SAPS gets every year from Government since 1994, they are still plagued with the same problem of a CFR that is dysfunctional and in constant decay."

Other challenges identified include the following:

- Important distinction between legal and illegal firearms versus legal or illegal possession of firearms.
- The bottlenecks in applications and general administration should be reduced.
- The biggest challenge experienced in terms of firearm ownership lies in the category of self-defence licencing, as hunting rifles are expensive and generally better taken care of.
- The international norm of "license the person register the weapon" must be upheld.
- All relevant Annual Reports relating to firearms must be tabled in Parliament.
- Caution was provided not to build on the current legislation without ensuring that the current legislation and processes are effective.
- Background checks must be done adequately.
- Various data processing challenges exists, especially in terms of SAPS 350 forms (where dealer's stock returns are captured).
- The FCA contains several contradictions, which must be addressed especially in terms of conditions around competency.
- The Appeals Board should be moved to a different location to ensure its impartiality and independence.

4.4 Challenges regarding the proposed amendments to the Firearms Control Act, 2000 through the Firearms Control Amendment Bill, 2015

Several concerns were raised in terms of the proposals made in the Firearms Control Amendment Bill, 2015, which included the following:

- International studies show that crime increases in gun free zones. In the USA armed guards patrol gun free zones and are not the safe havens these zones are believed to be. The Deputy Minister indicated that the challenge has been raised previously.
- Clarity should be sought on the 2009 court order regarding the licenses issued in terms of the 1969 Arms and Ammunitions Act (commonly referred to a 'green licences') before the Amendment Bill is tabled before Parliament.
- The scope of competency testing should not be broadened to make DFOs psychologists. The "fit and proper" Advisory Committee established in 2002 concluded that there does not exist a definitive measurement to assess mental fitness for owning a firearm. If measures are developed they must first be applied to state agencies.
- The Amendment Bill requires significant amounts of data processing, which the SAPS already struggles with. The added requirements will put extra pressure on the SAPS.

- Unintended consequences of inadequate stakeholder participation were the inconsistencies regarding accreditation of delegated status.
- There was a call not to amend Section 16 and 16A of the Firearms Control Act, 2000 which provides for the licence to possess firearms for dedicated hunting and dedicated sports shooting (S16) and the licence to possess firearms for professional hunting (S16A).
- Consideration should be given to reintroducing a unit specialising in firearm related matters.
- Significant concerns were raised regarding the proposal for micro dots and ballistic sampling. It was stated that the available micro dot technology is unable to effect the requirements of the Amendment Bill, 2015. This is because the national standard discussed in the Bill is only applicable to vehicles. There are also insufficient facilities to apply the micro dots, which are easily visible on a firearm and equally easy to remove with a steel brush. It was stated that ballistic testing seems attractive, but is not realistic. Ballistic fingerprint tested in USA and the State Senate Hearings in Maryland found that the experiment was hugely expensive and ineffective. In a five year period, no arrests were made and there was a one in five chance that a person would be incorrectly arrested. Discussions also centred around the capacity of the SAPS to implement ballistic testing
- An aspect that is largely overlooked is the illegal ownership of firearms for self-defence in poor areas, and the protection of those who cannot afford private security. These firearm owners do not live in brick houses which means that they have nowhere to bolt down a safe to store firearms safely as per the provisions of the Act.

4.5 The impact of societal issues on gun control and violent crime

Widespread poverty, the proliferation of gangs, the lack of education and ignorance of mental health issues must be addressed through a compressive and inclusive solution. Unfortunately violence is geographically skewed in South Africa towards poorer areas. The minds of people, especially young people, must be 'disarmed' through education on respect for self and others. Teachers should be trained to deal with children effectively and interventions should be implemented to ensure that trauma does not take away power and control.

4.6 The conditions and successes of firearm amnesties

A firearm amnesty generally yields the most success when it is done on an unconditional basis. During the 2005 firearm amnesty, many parts of firearms was catalogued as a complete firearm, which skews the data significantly. Also, most firearms handed in during amnesties are unwanted firearms (from obsolete collectors or heirlooms or state stockpiles). This points towards a possible detraction to the usefulness of firearm amnesties as it is doubtful whether illegal firearms used in the commissioning of crime are handed in. Firearm amnesties work best when done in conjunction with policy/legislative reviews on a 'no questions asked' basis with a massive

communication campaign and followed by a public destruction of the amnesty firearms. Amnesties also provide an opportunity for public education on firearms.

However, a major concern was that amnesty firearms handed in during the last amnesty found their way back into circulation. This is a serious indictment on the ability of the SAPS to effectively manage firearms and deal with corruption within the service.

It was also stated that Brazil segmented its communication strategy on the amnesty and targeted different demographic groups separately. An example was given of a women in Brazil who brought in 1700 firearms (the limit was 350 firearms). Brazil also offered a cash incentive for the firearms handed in during the amnesty, but this is not done in many jurisdictions, as it has the potential for fuelling the illegal market.

4.7 Challenges regarding firearm control/regulation in the Private Security Industry

The lack of effective controls in the private security environment was raised as a key concern, especially in terms of non-compliant companies. It was stated that the Security Industry Alliance (SIA) is working closely with PSIRA to clean up the industry and restore its tarnished image. The uncertainty of what happens to the firearms of dissolved companies was also raised. It was stated that it is critical that the CFR must remove licences immediately when companies dissolve and that closer cooperation between the CFR and the PSIRA is needed in this regard. Two fundamental issues need to be addressed, the first being the capacitation of the PSIRA, especially in terms of investigators as the PSIRA Amendment Bill, 2013 requires significant resourcing to deliver on its extended mandate. The second is the enforcement of licensing by the SAPS in accordance with the requirements of the FAC. The PSIRA expressed the need to access the CFR directly and for the Registry have the capability to distinguish between different types of businesses and the firearms owned by these businesses.

4.8 Establishment of effective partnerships

The lack of and need to establish strong partnerships between the public and private sector emerged strongly. Education and safety campaigns at schools was highlighted as a key intervention. There should be ownership from all sectors.

5. RECOMMENDATIONS BY THE PORTFOLIO COMMITTEE ON POLICE

The Committee made the following recommendations and resolutions:

5.1 Evidence based research: The Committee recommends that the SAPS should publish all relevant and available data on firearm ownership in South Africa. The accessibility of the data will enable policy research and academic institutions to study the impact of gun

control legislation on violent crime in South Africa. It is further recommended that international standards like the Zimring standard should be used when measuring the impact gun control.

5.2 **Implementation of the Firearms Control Act, 2000:** The Committee recommends that the implementation and administration of the FAC must be prioritised, especially in terms of the Central Firearm Registry (CFR). The Committee resolves to intensify its oversight on the CFR Turn-around Strategy in order to ensure that sufficient progress is made in this environment.

5.3 **Firearms Control Amendment Bill, 2015:** The Committee recommends that the Civilian Secretariat for Police should address all uncertainties pertaining the Amendment Bill before it is tabled in Parliament, including the legal status of licences issued under the Arms and Ammunition Act, 1969 (Act 75 of 1969).

5.4 **Community and stakeholder partnerships:** The Committee recommends that community and stakeholder partnerships should be strengthened in order to develop a holistic approach to firearm control in South Africa.

5.5 **Private security:** The Committee recommends that the Private Security Industry Regulatory Authority (PSIRA) should play a more pro-active role in the regulation of firearms in the private security environment. And further recommends that the SAPS CFR and the PSIRA must improve their cooperation and the accessibility of the PSIRA to the CFR.

5.6 **Problem-orientated policing:** The Committee recommends that the SAPS should focus on problem-orientated policing interventions in firearm-related hot-spot areas.

5.7 **Firearm amnesty:** The Committee resolved to investigate the merits of pursuing a firearm amnesty.

5.8 **Leadership:** The Committee resolves to intensify its oversight function over the leadership of the SAPS in order to ensure accountability for deficiencies within the firearms control environment. The Committee further resolves that it will not hesitate to make tough decisions to ensure the effective and efficient application of state resources.

5.9 **Parliamentary processes:** The Committee resolves that it will facilitate specific interventions in order to provide a platform for feedback on issues to spread participation in Parliamentary processes. To commence this process, the Committee will invite key stakeholders to participate in the follow-up of the Committee on the turn-around strategy of the CFR scheduled for 03 June 2015.

6. CONCLUSION

The Chairperson of the Portfolio Committee on Police, Hon. Francois Beukman concluded the Summit by stating that the participation in the Summit was conducted in the spirit of building a "feel safe" society. The Chairperson focussed on the Portfolio Committee's collective responsibility and its oversight responsibility to ensure that Departmental budgets are spent effectively and that value for money is ensured through service delivery. The NDP focusses on a professional police service and an effective

390

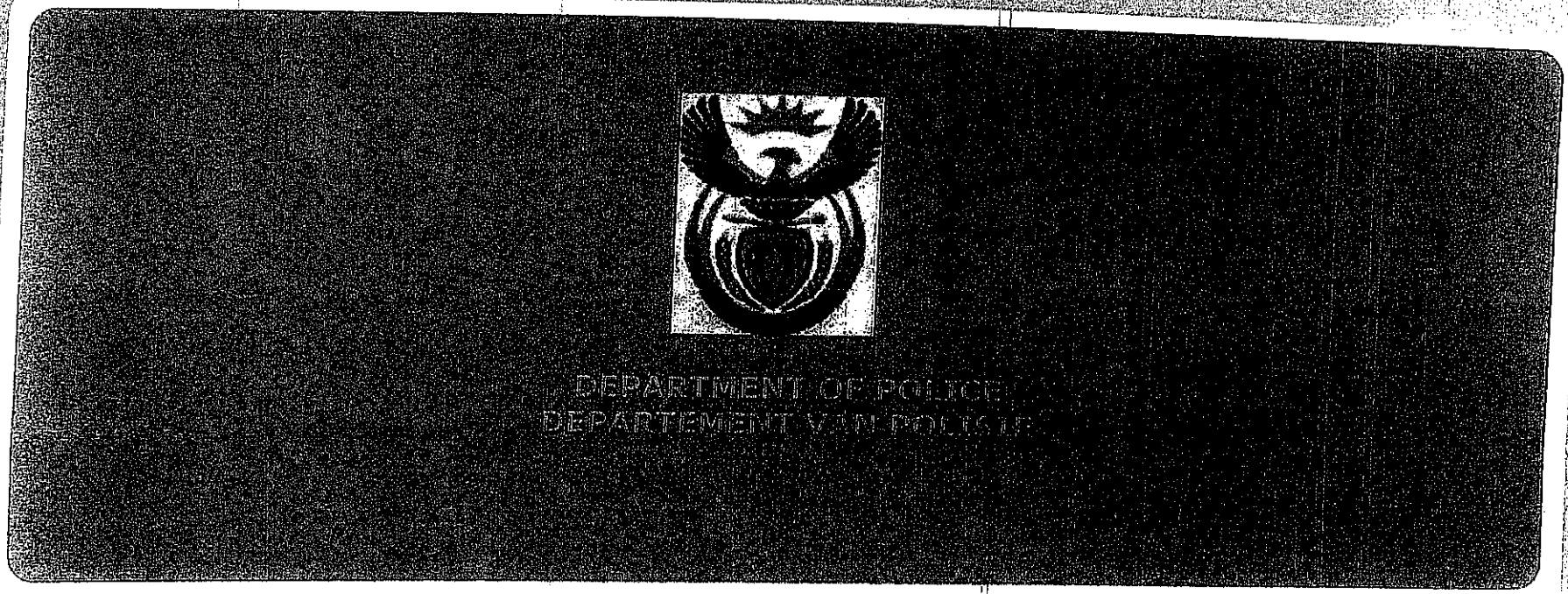
Criminal Justice System, and the Committee will endeavour to play its part in realising the vision of the NDP.

The role of education to influence young people to develop into the model citizens South Africa wants to see by 2030, but that there are also significant societal considerations to take into account. One deficiency of the Summit was that the role of training was underplayed although it must be a continuous process and is of critical importance to the successful control and management of firearms in South Africa.

The Chairperson thanked the delegates and Members of the Committee for their participation and contributions to the discussions and the role everyone played in fostering an environment in which the road ahead could be paved and influence actions. The Chairperson also thanked the support staff of the Committee and particularly, Mr. Eldred de Klerk for facilitating the National Firearms Summit.

Report to be considered.

s3



PRESENTATION BY FIREARMS APPEAL BOARD TO THE PORTFOLIO COMMITTEE ON POLICE

ATE: 2016-05-17
ENUE: PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA
CHAIRPERSON FIREARMS APPEAL BOARD

361

CONTENTS

1. INTRODUCTION

2. CURRENT STATISTICS AND OTHER ACTIVITIES

3. CFR AND APPEAL BOARD ADMINISTRATIVE RELATIONSHIP

4. BOARD'S OPINION ON BACKLOG OF APPLICATIONS

5 SHORTCOMINGS OF THE FCA

6. RECOMMENDATIONS

1. INTRODUCTION

The Appeal Board is created by Section 128 of the Firearms Control Act 60 of 2000 (FCA) The members of the Board are appointed by the Minister in terms of Section 128 read with Section 129 of the same Act. The conditions of service and remuneration of the Board members is as prescribed by the Minister as per Section 129 read with Regulation 90 of the FCA

* MEMBERS OF THE APPEAL BOARD

The following persons make up the Appeal Board :

Mr P A Mongwe, Chairperson (FORMER MAGISTRATE)
Mr S D Majokweni, Member (ADVOCATE)
Mrs C D Mashele, Member (ATTORNEY)
Ms L C Shandu, Member (ADVOCATE)
Mr S Xulu, Member (FORMER SAPS MEMBER)

(See attached organogram)

SENIOR ADVISING
ADVANCED

* Functions of the Board

In terms of Section 133 read with Regulation 91 of Act 60 of 2000 the Appeal Board in considering appeals must confirm, vary and reverse any decision against which an appeal has been lodged

Besides considering appeals the Board members in terms of their contract may perform any functions as delegated by the Minister

Legislatively the Appeal Board has no oversight role to play over the Central Firearms Registry (CFR)

2. CURRENT STATISTICS AND OTHER ACTIVITIES

The statistics indicates that 999 appeals were received during the months of January to April 2016. Of the received appeals 754 have been finalized.

ANNEXURE "A"

FIREARMS APPEAL BOARD STATISTICS
PERIOD JANUARY 2016- APRIL 2016

	OLD ACT APPEALS IN TERMS OF FIREARMS AND AMMUNITION ACT 75 OF 1969							NEW ACT APPEALS IN TERMS OF FIREARMS CONTROL ACT NO 60 OF 2000							TOTAL OF MONTH
	OLD ACT (271)		BONA FIDE		GRANTED ON CONDITION	UNFITNESS (OLD)		GRANTED ON CONDITION (NEW)	NEW ACT (271)		COMPETENCY		RENEWAL		
YEAR	REFUSED	GRANTE	REFUSED	GRAN		REFUSED	GRANTE		REF	GRANTE	REFUSED	GRANTE	REFUSED	GRANTE	
JAN	0	0	0	0	0	3	0	0	55	7	7	0	18	0	90
FEB	0	0	0	0	0	20	10	2	82	81	23	21	40	5	284
MAR	0	0	0	0	0	33	25	1	28	47	11	11	34	9	189
APRIL	0	0	0	0	0	9	8	0	15	94	11	5	45	4	191
TOTAL	0	0	0	0	0	65	43	3	180	219	52	37	137	18	754

LETTER / CORRESPONDENCE

JANUARY = 91	FEBRUARY = 284	MARCH = 194	APRIL = 191	MAY =	JUNE =
JULY =	AUGUST =	SEPTEMBER =	OCTOBER =	NOVEMBER =	DECEMBER =

3. CFR AND APPEAL BOARD ADMINISTRATIVE RELATIONSHIP

The administrative function of the Appeal Board is performed by the CFR in terms of Section 131 of the FCA.

The CFR is the custodian of all appeal files. In considering appeals the Board must obtain the files from the CFR. If the files are not submitted to the Board on time it leads to the delay in finalizing the appeals.

In terms of Regulation 89 of the FCA the CFR in considering applications it must record the reasons for the administrative decision it has taken. If an appeal is lodged the appellant must attach the reasons as issued by CFR.

The following is some of the systemic conduct identified within CFR.

i. The failure to give refusal reasons of applications

ii. The failure to submit requested information to the Board such as files to be considered for appeals application forms filled by applicants in applying for competency certificate and firearm license (forms SAPS517 and SAPS 217)

iii. The failure to timeously forward to the Appeal Board appeals received from the public

iv. The reasons given for refusing applications appear in the majority of cases to be cut and paste and have no bearing to the substance of the application

v. The IT system of CFR ought to be upgraded as in some instances it does not reflect the correct information about the firearms. An example of this is where a person has reported a lost firearm but after about a year the same firearm is reflected as being still licensed under that person's name

4. THE BOARD'S VIEW ON BACKLOG OF APPLICATIONS WITHIN CFR

* The FCA under Section 10 and Section 27 provides for the time periods for the validity of firearm licenses and competency certificates. The CFR management have set themselves a turn around time of 90 days for finalizing applications.
* There are a number of processes, which are time consuming that must be completed before an application is finalized. The Board's view is that the turn around time set for finalizing applications is not realistic and/or practical taking into account the volumes of firearm licenses and competency certificates applications.
* The Board is also of the opinion that the number of applications lodged far exceeds the number of personnel dedicated to consider the applications.
* Further from what has been observed on the contents of the files which include the nature of the refusal reasons given to applicants by CFR, the Board is doubtful about the competence and efficiency of personnel tasked with determining applications.

5. SHORTCOMINGS OF THE FCA

Despite the intention of the legislature that the FCA must curb the proliferation of firearms there are certain sections of the FCA that works against this purpose.

Some of the examples are the following:

* The purpose section of the FCA only refers to the curbing of proliferation of illegally possessed firearms and not firearms in general
* There is no provision for undergoing mental health fitness checks prior to being issued with a competency certificate
* There is no definition of what is self defence making it impossible to determine what factors to consider when considering an application in terms of Section 13 (self defence)
* Section 14, Section 16, 16A and Section 17 allow individuals to possess restricted and prohibited firearms
* Section 16, 16A and 17 allow certain individuals to acquire an unlimited number of firearms

The Appeal Board is part of the committee established by the Minister to review the FCA.

6. RECOMMENDATIONS

* The chairperson of the consideration committees for firearm applications should be legally qualified
* The presiding officers of unfitness enquiries must be properly trained on the fair procedure for conducting the enquiries
* Personnel who seat in consideration committees must be trained on administrative law and interpretation of statutes so they can give quality refusal reasons
* Appropriate records must be kept of unfitness enquiries
* The IT system of the CFR must be upgraded and updated regularly which in turn will limit the perceived the corruption within CFR
* The CFR must invest in becoming a paperless institution to curb the loss of files
* The process looking at the review of the FCA must be expedited
* CFR should consider appointing additional personnel to determine applications
* CFR should revise the turn around time for finalizing applications to ensure it factors the volumes of the applications

THANK YOU

SAPS 301 APPLICANT

"001"

403

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: A WOCKE

Identity Number: 8602125130085

OR

Registered name:

Registration number:

Postal address: 301 AQULA AVENUE
WATERKLOOF RIDGE
PRETORIA

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence: FIREARM LICENCE - SECTION 16

Application reference number: 7525246

Decision date: 2017-11-03

Decision maker: COL RS CHABANGU

404

/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun		Handgun		Combination
Calibre	.22 LONG RIFLE (LR)						
Make	SMITH & WESSON						
Firearm serial number	DES3281						
Barrel serial number				Make	SMITH & WESSON		
Frame serial number				Make	SMITH & WESSON		
Receiver serial number	DES3281			Make	SMITH & WESSON		

Your application for a licence to possess a firearm dated 2017-11-03 , has been refused by the Registrar of Firearms,

Reason(s) for decision

1) - FAILED TO CONVINCE THE REGISTRAR THAT CIRCUMSTANCES OR NEED EXIST THAT NECESSITATE THE POSSESSION OF THE FIREARM.

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

SOUTH AFRICAN POLICE SERVICE
SUPPORT SERVICE
OFFICIAL DATE STAMP
BROOKLYN
2017 -11- 03
ONDERSTEUNINGSDIENS
BROOKLYN
SUID-AFRIKAANSE POLISIEDIENS

/THE REGISTRAR

LS BOPAPE — Name in block letters

BRIGADIER — Rank in block letters

0	6	1	5	8	3	5	-	8	

Persal number

Print

405

SAPS 301 APPLICANT

"002"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: RW PRINSLOO

Identity Number: 8411305250087

OR

Registered name:

Registration number:

Postal address: 41 FOURTH AVENUE
LAMBTON
GERMISTON
1401

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

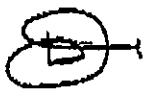
Type of licence: FIREARM LICENCE : SECTION 16

Application reference number: 7343038

Decision date: 2017-11-22

Decision maker: BRIG LS BOPAPE

406



//THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun		Handgun		Combination
Calibre	7.62X51MM (.308 WIN)						
Make	FN (FABRIQ NATIONAL)						
Firearm serial number	13180						
Barrel serial number					Make		FN (FABRIQ NATIONAL)
Frame serial number	13180				Make		FN (FABRIQ NATIONAL)
Receiver serial number					Make		FN (FABRIQ NATIONAL)

Your application for a licence to possess a firearm dated 2017-11-22, has been refused by the Registrar of Firearms.

Reason(s) for decision

1) YOU FAILED TO CONVINCE THE REGISTRAR ON REASONABLE GROUND WHY RIFLE ALREADY REGISTERED ON HIS NAME CANNOT ADDRESS THE NEED.

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

OFFICIAL DATE STAMP

//THE REGISTRAR

LS BOPAPE	BRIGADIER
Name in block letters	Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

Print

407

SAPS 301 APPLICANT

"003"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: RW PRINSLOO

Identity Number: 8411305250087

OR

Registered name:

Registration number:

Postal address: 41 FOURTH AVENUE
LAMBTON
GERMISTON
1401

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence: FIREARM LICENCE : SECTION 16

Application reference number: 7179898

Decision date: 2016-10-12

Decision maker: COL MD DOLO

408

t/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun		Handgun		Combination
Calibre	7.62X51MM (.308 WIN)						
Make	FN (FABRIQ NATIONAL)						
Firearm serial number	13180						
Barrel serial number					Make		FN (FABRIQ NATIONAL)
Frame serial number	13180				Make		FN (FABRIQ NATIONAL)
Receiver serial number					Make		FN (FABRIQ NATIONAL)

Your application for a licence to possess a firearm dated 2016-10-12 , has been refused by the Registrar of Firearms.

Reasons(s) for decision

Standard Reason(1) : ALREADY OWNS SIMILAR CALIBRE FIREARM .

Comprehensive Reason(1) :
NO SUBSTANTIVE REASONS WHY THE CURRENTLY OWNED RIFLE CANNOT FULFIL THE PURPOSE FOR WHICH THE APPLICATION IS LODGED.

You are entitled to appeal against the refusal within ninety (90) days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of a licence to possess, your appeal must be addressed to: The Chairman of the Firearms Appeal Board, Private Bag X811, Pretoria, 0001.

OFFICIAL DATE STAMP

t/THE REGISTRAR

LS BOPAPE	BRIGADIER
Name in block letters	Rank in block letters

0	6	1	5	8	3	5	-	6

Persal number

Print

SAPS 301 APPLICANT

"004"
409

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam SG EVANS

Identity Number 6706055166083

OR

Registered name

Registration number

Postal address P.O. BOX 1074
GEORGE

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence FIREARM LICENCE: SECTION 16

Application reference number 7570377

Decision date 2017-11-10

Decision maker BRIG LS BOPAPE

f/THE REGISTRAR

410

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun		Handgun		Combination
Calibre	.308 WIN (7.62X51)						
Make	FN (FABRIQ NATIONAL)						
Firearm serial number	333203						
Barrel serial number					Make		FN (FABRIQ NATIONAL)
Frame serial number					Make		FN (FABRIQ NATIONAL)
Receiver serial number	333203				Make		FN (FABRIQ NATIONAL)

Your application for a licence to possess a firearm dated 2017-10-10 , has been refused by the Registrar of Firearms.

Reason(s) for decision

1) APPLICANT FAILED TO CONVINCE THE REGISTRAR ON REASONABLE GROUNDS WHY RIFLE ALREADY REGISTERED ON HIS NAME CANNOT ADDRESS THE NEED.

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

OFFICIAL DATE STAMP

f/THE REGISTRAR

L S BOPAPE

Name in block letters

BRIGADIER

Rank in block letters

0 6 1 5 8 3 5 - 8

Persal number

Print

411

SAPS 301 APPLICANT

"005"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: MC RAYMOND

Identity Number: 9006215067080

OR

Registered name:

Registration number:

Postal address: P.O.BOX 10039
ASTON MANOR
1630

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence: FIREARM LICENCE SECTION 16

Application reference number: 7510982

Decision date: 2017-08-23

Decision maker: BRIG LS BOPAPE

412

I/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun		Handgun		Combination	
Calibre	7.62X39MM							
Make	NORINCO							
Firearm serial number	3610188							
Barrel serial number					Make	NORINCO		
Frame serial number					Make	NORINCO		
Receiver serial number					Make	NORINCO		

Your application for a licence to possess a firearm dated 2017-08-23 , has been refused by the Registrar of Firearms.

Reason(s) for decision

1) APPLICANT FAILED TO CONVINCE THE REGISTRAR ON REASONABLE GROUNDS WHY RIFLE ALREADY REGISTERED ON HIS NAME CANNOT ADDRESS THE NEED

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

OFFICIAL DATE STAMP

I/THE REGISTRAR

LS BOPAPE — Name in block letters

BRIGADIER — Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

413

SAPS 301 APPLICANT

"006"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: RDG FREITAS

Identity Number: 7205275161089

OR

Registered name:

Registration number:

Postal address: P.O BOX 781316
SANDTON

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence: FIREARM LICENCE : SECTION 16

Application reference number: 7489616

Decision date: 2017-09-13

Decision maker: BRIG LS BOPAPE

414

I/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun	X	Handgun		Combination
Calibre	12 GA						
Make	FRANCHI (LUIGI)						
Firearm serial number	CL03679N						
Barrel serial number					Make	FRANCHI (LUIGI)	
Frame serial number					Make	FRANCHI (LUIGI)	
Receiver serial number					Make	FRANCHI (LUIGI)	

Your application for a licence to possess a firearm dated 2017-09-13 , has been refused by the Registrar of Firearms.

Reason(s) for decision

1) APPLICANT FAILED TO CONVINCE THE REGISTRAR ON REASONABLE GROUNDS WHY SHOTGUN ALREADY REGISTERED ON HIS NAME CANNOT ADDRESS THE NEED.

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

SOUTH AFRICAN POLICE SERVICE
CLIENT SERVICE CENTRE
DUDLASDALE
OFFICIAL DATE STAMP
2017 -09- 1
SUID AFRIKAANSE POLISIEDIENS

I/THE REGISTRAR

LS BOPAPE
Name in block letters

BRIGADIER
Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

415

SAPS 301 FILE

"007"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Colonel MS Ramasodi
Telephone no:	012-3536313
Fax number:	012-3536269
E-mail address:	RamasodiMD@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Name of applicant: SJ BESTER

Identity number: 5306295061085

OR

Registered name:

Identity number:

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM :

Application reference No: 7382034

Application date: 2017-01-04

Decision date: 2017-06-13

Decision maker: BRIG LS BOPAPE

Current Owner: FIREARM SUPPORT SERVICES (PTY) LTD T/A FIREARM TRUST SERVICE

Current Owner Identity Number: 100487

416

f/THE REGISTRAR

SAPS 301 FILE

Type of firearm	Rifle	X	Shotgun		Handgun		Combination			
Calibre	.308 WIN (7.62X51)									
Make	ARMALITE									
Firearm serial number	A002009									
Barrel serial number							Make	ARMALITE		
Frame serial number							Make	ARMALITE		
Receiver serial number							Make	ARMALITE		

Reasons(s) for decision

Standard Reason(1) : LACK OF MOTIVATION/NOT CONVINCED OF NEED

Comprehensive Reason(1) :
THE APPLICANT FAILED TO CONVINCE THE REGISTRAR ON REASONABLE GROUNDS WHY FIREARMS ALREADY ON HIS NAME CAN'T ADDRESS THE NEED.

OFFICIAL DATE STAMP

f/THE REGISTRAR

LS BOPAPE — Name in block letters

BRIGADIER — Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

Print

"OO8"

SAPS 301 APPLICANT

417

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no.	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam

Identity Number	[redacted]
OR	
Registered name	
Registration number	
Postal address	PO BOX 33203 [redacted]

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence	FIREARM LICENCE - SECTION 16
Application reference number	7516668
Decision date	2017-09-18
Decision maker	BRIG LS BOPAPE

f/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle	X	Shotgun		Handgun		Combination
Calibre	.223 REM (5.56X45)						
Make	HECKLER & KOCH						
Firearm serial number	143/012726						
Barrel serial number	143/012726				Make	HECKLER & KOCH	
Frame serial number	NONE				Make	HECKLER & KOCH	
Receiver serial number	NONE				Make	HECKLER & KOCH	

Your application for a licence to possess a firearm dated 2017-09-18, has been refused by the Registrar of Firearms.

Reason(s) for decision

1) - APPLICANT FAILED TO CONVINCE THE REGISTRAR ON REASONABLE GROUNDS WHY ONLY ALREADY REGISTERED ON HIS NAME CAN NOT ADDRESS THE NEED.

You are entitled to appeal against the refusal within 90 days from the date of this notice at terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

OFFICIAL DATE STAMP

f/THE REGISTRAR

LS BOPAPE	BRIGADIER
Name in block letters	Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

"009"

419

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam C POTGIETER

Identity Number 8005085034081

OR

Registered name

Registration number

Postal address P O BOX 2256
GEORGE

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence FIREARM LICENCE : SECTION 16

Application reference number 7516743

Decision date 2017-08-18

Decision maker BRIG LS BOPAPE

f/THE REGISTRAR

SAPS 301 APPLICANT

420

Type of firearm	Rifle		Shotgun	X	Handgun		Combination
Calibre	12 GA						
Make	BENELLI						
Firearm serial number	C1347529W16						
Barrel serial number	C1347529W16				Make	BENELLI	
Frame serial number					Make	BENELLI	
Receiver serial number					Make	BENELLI	

Your application for a licence to possess a firearm dated 2017-08-18 , has been refused by the Registrar of
Firearms.

Reason(s) for decision

1) APPLICANT COULD NOT CONVINCE THE REGISTRAR ON REASONABLE GROUNDS WHY THE SHOTGUN ALREADY REGISTERD IN HIS NAME CANNOT ADDRESS THE NEED.

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

OFFICIAL DATE STAMP

f/THE REGISTRAR

LS BOPAPE

Name in block letters

BRIGADIER

Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

SAPS 301 APPLICANT

"0010"
421

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: K BOSHOFF

Identity number: 8401285084085

OR

Registered name:

Registration number:

Postal address: P O BOX 1310
HEIDELBERG

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence: FIREARM LICENCE

Application reference number: 7481287

Decision date: 2017-07-27

Decision maker: BRIG LS BOPAPE

422

f/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun		Handgun		Combination
Calibre	7.62X39MM						
Make	NORINCO						
Firearm serial number	3610397						
Barrel serial number	3610397			Make	NORINCO		
Frame serial number	3610397			Make	NORINCO		
Receiver serial number	3610397			Make	NORINCO		

Your application for a licence to possess a firearm dated 2017-07-27 , has been refused by the Registrar of Firearms.

Reasons(s) for decision

Standard Reason(1) : LACK OF MOTIVATION/NOT CONVINCED OF NEED

Comprehensive Reason(1) :
APPLICANT FAILED TO CONVINCE THE REGISTRAR ON REASONABLE GROUNDS WHY FIREARMS ALREADY REGISTERED ON HIS NAME CANNOT ADEQUATELY ADDRESS THE NEED.

You are entitled to appeal against the refusal within ninety (90) days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of a licence to possess,your appeal must be addressed to: The Chairman of the Firearms Appeal Board, Private Bag X811, Pretoria, 0001.

OFFICIAL DATE STAMP

f/THE REGISTRAR

LS BOPAPE

Name in block letters

BRIGADIER

Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

SAPS 301 APPLICANT

"0011"

423

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: TA DLUDLU

Identity Number: 7503255316081

OR

Registered name:

Registration number:

Postal address: 148 BOSDUIF STREET
KWAGGASRAND

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence: FIREARM LICENCE : SECTION 16

Application reference number: 7518315

Decision date: 2017-09-15

Decision maker: BRIG LS BOPAPE

424

f/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun		Handgun		Combination	
Calibre	7.62X39MM							
Make	NORINCO							
Firearm serial number	3622033							
Barrel serial number						Make	NORINCO	
Frame serial number						Make	NORINCO	
Receiver serial number						Make	NORINCO	

Your application for a licence to possess a firearm dated 2017-09-15 , has been refused by the Registrar of Firearms.

Reason(s) for decision

1) - APPLICANT FAILED TO CONVINCE THE REGISTRAR ON REASONABLE GROUND WHY RIFLE ALREADY REGISTERED ON HIS NAME FOR SIMILAR CATEGORY CAN NOT ADDRESS THE NEED

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

SUID-AFRIKAANSE POLISIEDIENS
FRC
2017 -11- 30
PRETORIA WEST
SOUTH AFRICAN POLICE SERVICE

f/THE REGISTRAR

LS BOPAPE
Name in block letters

BRIGADIER
Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

"OO12"

425

[illegible] AFRICAN POLICE SERVICE

Reference	[illegible]
Enquiries	[illegible]
Telephone no	[illegible]
E-mail address	[illegible]

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG [illegible]
PRETORIA
[illegible]

Date of Issue	[illegible]
Identity Number	[illegible]
OR	
Registered name	
Registration number	
Postal address	P.O. BOX 1174 SEDGEFIELD

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence	FIREARM LICENCE : SECTION 16
Application reference number	7498422
Decision date	2017-11-28
Decision maker	BRIG LS BOPAPE

[redacted]

Type of firearm	Rifle	Shotgun	Handgun	Semi-Auto
Calibre	[redacted]			
Make	[redacted]			
Firearm serial number	[redacted]			
Barrel serial number		Make	[redacted]	
Frame serial number		Make	[redacted]	
Receiver serial number	[redacted]	Make	[redacted]	

Your application for a licence to possess a firearm dated [redacted], has been refused by the Registrar of Firearms.

Reason(s) for decision

[redacted]

You are entitled to appeal against the refusal within 30 days from the date of this notice in terms of the stipulation of section 139 of the Firearms Control Act, 2000 (Act No. 60 of 2000), as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X[redacted]
Pretoria
0001

OFFICIAL DATE STAMP

[redacted]

THE REGISTRAR

LS POPAPE — Name in block letters

BRIGADIER — Rank in block letters

0 0 1 5 [redacted] - [redacted]

Persal number

427

SAPS 301 APPLICANT

"0013"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godl
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam D.J JACOBS

Identity Number [illegible]

OR

Registered name

Registration number

Postal address [illegible]

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM

Type of licence FIREARM (SEC 13 SECTION 13)

Application reference number 7500363

Decision date 2017-10-13

Decision maker BRIG LS BOPAPE

428

f/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle	X	Shotgun		Handgun		Combination	
Calibre	.223 REM (5.56X45)							
Make	SMITH & WESSON							
Firearm serial number	SY71023							
Barrel serial number					Make		SMITH & WESSON	
Frame serial number					Make		SMITH & WESSON	
Receiver serial number					Make		SMITH & WESSON	

Your application for a licence to possess a firearm dated 2017-10-13 , has been refused by the Registrar of Firearms.

Reason(s) for decision:

1) APPLICANT FAILED TO CONVINCED THE REGISTRAR ON REASONABLE GROUNDS WHY RIFLE ALREADY REGISTERED ON HIS NAME PURPOSES CANNOT ADDRESS THE NEED.

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

OFFICIAL DATE STAMP

THE REGISTRAR

[illegible]	BRIGADIER
Name in block letters	Rank in block letters

0	6	[illegible]	5	6	3	5	-	8

Persal number

Print

429

SAPS 301 APPLICANT

"0014"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: NA RAUTENBACH

Identity Number: 6307255018082

OR

Registered name:

Registration number:

Postal address: PO BOX 15278
SINOVILLE
PRETORIA

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence: FIREARM LICENCE - SECTION 16

Application reference number: 7516019

Decision date: 2017-08-29

Decision maker: BRIG LS BOPAPE

430

I/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun		Handgun		Combination
Calibre	.22 LONG RIFLE (LR)						
Make	RUGER						
Firearm serial number	246/26174						
Barrel serial number				Make	RUGER		
Frame serial number				Make	RUGER		
Receiver serial number				Make	RUGER		

Your application for a licence to possess a firearm dated 2017-08-29 has been refused by the Registrar of Firearms.

Reason(s) for decision

1) APPLICANT FAILED TO CONVINCE THE REGISTRAR ON THE REASONABLE GROUNDS WHY HE IS ISSUED UNDER SECTION 16 ON HIS NAME CANNOT ADDRESS THE NEED

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X81
Pretoria
0001

OFFICIAL DATE STAMP

SOUTH AFRICAN POLICE SERVICE
SUPPLY CHAIN MANAGEMENT
SINOVILLE
2017 -11- 27
P.O. BOX 14920
SINOVILLE
SOUTH AFRICAN POLICE SERVICE

I/THE REGISTRAR

LS/BORAPE

Name in block letters

BRIGADIER

Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

Print

431

SAPS 301 APPLICANT

"0015"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: A CALITZ

Identity Number: 7308215073081

OR

Registered name:

Registration number:

Postal address: POSBUS 2058
MOSSELBAAI

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence: FIREARM LICENCE : SECTION 16

Application reference number: 7539301

Decision date: 2017-09-19

Decision maker: BRIG LS BOPAPE

432

I/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle	X	Shotgun		Handgun		Combination	
Calibre	.223 REM (5.56X45)							
Make	ARMI DALLERA CUST (ADC)							
Firearm serial number	F029							
Barrel serial number					Make	ARMI DALLERA CUST (ADC)		
Frame serial number	F029				Make	ARMI DALLERA CUST (ADC)		
Receiver serial number					Make	ARMI DALLERA CUST (ADC)		

Your application for a licence to possess a firearm dated 2017-09-19 , has been refused by the Registrar of Firearms.

Reason(s) for decision

1) APPLICANT FAILED TO CONVINCE THE REGISTRAR ON REASONABLE GROUNDS WHY RIFLES ALREADY REGISTERED ON HIS NAME UNDER THE SAME CATEGORY CANNOT ADDRESS THE NEED

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

SUID-AFRIKAANSE POLISIEDIENS
STASIEKOMMISSARIS
AANGEWYSE POLISIEBEAMPTE
OFFICIAL DATE STAMP
2017 -09- 20
KWANONQABA
STATION COMMISSIONER
DESIGNATED POLICE OFFICIAL
SOUTH AFRICAN POLICE SERVICE

I/THE REGISTRAR

LS BOPAPE	BRIGADIER
Name in block letters	Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

433

SAPS 301 APPLICANT

"0016"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: A CALITZ

Identity Number: 7308215073081

OR

Registered name:

Registration number:

Postal address: POSBUS 2058 MOSSELBAAI

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence: FIREARM LICENCE - SECTION 16

Application reference number: 7590962

Decision date: 2017-11-10

Decision maker: BRIG LS BOPAPE

434

I/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle	X	Shotgun		Handgun		Combination	
Calibre	.223 REM (5.56X45)							
Make	ARMI DALLERA CUST (ADC)							
Firearm serial number	F029							
Barrel serial number						Make	ARMI DALLERA CUST (ADC)	
Frame serial number	F029					Make	ARMI DALLERA CUST (ADC)	
Receiver serial number						Make	ARMI DALLERA CUST (ADC)	

Your application for a licence to possess a firearm dated 2017-11-10, has been refused by the Registrar of Firearms.

Reason(s) for decision

1) APPLICANT FAILED TO CONVINCE THE REGISTRAR ON REASONABLE GROUNDS WHY RIFLES ALREADY REGISTERED ON HIS NAME FOR SIMILAR CATEGORY CANNOT ADDRESS THE NEED.

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

SUID-AFRIKAANSE POLISIEDIENS
STASIEKOMMISSARIS
AANGEWESE POLISIEBEAMPTE
OFFICIAL DATE STAMP
2017 -11- 16
KWANONQAMA
STATION COMMISSIONER
DESIGNATED POLICE OFFICIAL
SOUTH AFRICAN POLICE SERVICE

f/THE REGISTRAR

LS BOPAPE — Name in block letters

BRIGADIER — Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

7

435

SAPS 301 APPLICANT

"0017"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: IP MYBURGH

Identity Number: 7105185276086

OR

Registered name:

Registration number:

Postal address: AS ABOVE
A
A
A

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

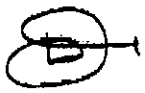
Type of licence: FIREARM LICENCE : SECTION 16

Application reference number: 7522475

Decision date: 2017-10-25

Decision maker: COL RS CHABANGU

436



f/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun		Handgun		Combination
Calibre	.22 LONG RIFLE (LR)						
Make	RUGER						
Firearm serial number	0008/26922						
Barrel serial number				Make	RUGER		
Frame serial number				Make	RUGER		
Receiver serial number				Make	RUGER		

Your application for a licence to possess a firearm dated 2017-10-25 , has been refused by the Registrar of Firearms.

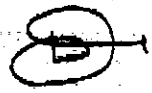
Reason(s) for decision

1) FAILED TO CONVINCE THE REGISTRAR AS TO WHY YOUR CURRENT SEMI AUTOMATIC RIFLES CANNOT BE UTILIZED FOR YOUR INTENDED PURPOSE.

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

OFFICIAL DATE STAMP



f/THE REGISTRAR

LS BOPAPE

Name in block letters

BRIGADIER

Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

Print

437

SAPS 301 APPLICANT

"0018"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: LW VAN REENEN

Identity Number: 6301045033087

OR

Registered name:

Registration number:

Postal address: POSBUS 64
MARQUARD

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence: FIREARM LICENCE SECTION 16

Application reference number: 7575839

Decision date: 2017-11-10

Decision maker: BRIG LS BOPAPE

I/THE REGISTRAR

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun		Handgun		Combination	
Calibre	223 REM (5 56X45)							
Make	RUGER							
Firearm serial number	18458332							
Barrel serial number					Make	RUGER		
Frame serial number	18458332				Make	RUGER		
Receiver serial number					Make	RUGER		

Your application for a licence to possess a firearm dated 2017-11-10, has been refused by the Registrar of Firearms.

Reason(s) for decision

1) APPLICANT FAILED TO CONVINCE THE REGISTRAR ON REASONABLE GROUNDS WHY RIFLES ALREADY REGISTERED ON HIS NAME ON SAME CATEGORY CANNOT ADDRESS THE NEED

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

Official Date Stamp

f/THE REGISTRAR

LS BOPAPE

Name in block letters

BRIGADIER

Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

SAPS 301 APPLICANT 439

"0019"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Lt Col CM Godi
Telephone no:	012 353 6397
E-mail address:	GodiM@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: LA SWANEPOEL

Identity Number: 7711085085087

OR

Registered name:

Registration number:

Postal address: PO BOX 2988 SUNNINGHILL

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence: FIREARM LICENCE : SECTION 16

Application reference number: 7509278

Decision date: 2017-10-02

Decision maker: BRIG LS BOPAPE

1/THE REGISTRAR

440

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun		Handgun		Combination
Calibre	7.62X39MM						
Make	NORINCO						
Firearm serial number	3610238						
Barrel serial number				Make	NORINCO		
Frame serial number				Make	NORINCO		
Receiver serial number				Make	NORINCO		

Your application for a licence to possess a firearm dated 2017-10-02 , has been refused by the Registrar of Firearms.

Reason(s) for decision

1) APPLICANT FAILED TO CONVINCE THE REGISTRAR ON REASONABLE GROUNDS WHY R I ES ALREADY REGISTERED ON HIS NAME UNDER SECTION 16 CANNOT ADDRESS HIS NEEDS

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X81
Pretoria
0001

OFFICIAL DATE STAMP

1/THE REGISTRAR

LS BOPAPE

Name in block letters

BRIGADIER

Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

441

SAPS 301 APPLICANT

"0020"

SOUTH AFRICAN POLICE SERVICE

Reference:	27/5/4/1(4000467)
Enquiries:	Colonel SS Motau
Telephone no:	012-3536065
Fax number:	012-3536269
E-mail address:	MotauS@saps.gov.za

THE SOUTH AFRICAN POLICE SERVICE
PRIVATE BAG X811
PRETORIA
0001

Dear Sir/Madam: E J SMID

Identity Number: 6801175014088

Postal address: POSBUS 12065
LUMIER

REFUSAL OF APPLICATION FOR A LICENCE TO POSSESS A FIREARM:

Type of licence: FIREARM LICENCE

Application reference number: 7440735

Decision date: 2017-06-09

Decision maker: BRIG LS BOPAPE

f/THE REGISTRAR

442

SAPS 301 APPLICANT

Type of firearm	Rifle		Shotgun		Handgun		Combination
Calibre	.223 REM (5.56X45)						
Make	STAG ARMS						
Firearm serial number	Y424438						
Barrel serial number					Make	STAG ARMS	
Frame serial number					Make	STAG ARMS	
Receiver serial number					Make	STAG ARMS	

Your application for a licence to possess a firearm dated 2017-06-07, has been refused by the Registrar of Firearms.

Reasons(s) for decision

Standard Reason(1): LACK OF MOTIVATIONNOT CONVINCED OF NEED

Comprehensive Reason(1):
APPLICANT FAILED TO CONVINCE THE REGISTRA ON REASONABLE GROUNDS WHY RIFLES ALRAEDY ISSUED IN HIS NAME COULD NOT ADDRESS THE NEED.

You are entitled to appeal against the refusal within 90 days from the date of this notice in terms of the stipulation of section 133 of the Firearms Control Act, 2000 (Act No 60 of 2000) as amended.

Should you decide to appeal against the refusal of the accreditation, your appeal must be addressed to:
The Chairman of the Firearms Appeal Board
Private Bag X811
Pretoria
0001

OFFICIAL DATE STAMP

f/THE REGISTRAR

LS BOPAPE — Name in block letters

BRIGADIER — Rank in block letters

0	6	1	5	8	3	5	-	8

Persal number

"PP"

G.P.-S. 002-0222

SAPD 21

443

SUID-AFRIKAANSE POLISIEDIENS SOUTH AFRICAN POLICE SERVICE

Privaatsak/Private Bag x811

Verwysing Reference	27/5/2/1
Navrae Enquiries	Brig Bothma
Telefoon Telephone	(012) 353-6268
Faksnommer Fax number	(012) 353-6269

FIREARMS,LIQUOR AND SECOND HAND GOODS CONTROL

HEAD OFFICE

PRETORIA

0001

2010-09-21

M J Hood & Associates Attorneys
Po Box 2606
RIVONIA
2128

Dear Mr Hood

RE:SUPPORTING DOCUMENTATION FOR FIREARM LICENCE APPLICATIONS

This office hereby acknowledges receipt of your letter regarding the above subject matter dated 10 September 2010 and the content thereof has been noted.

In terms of the Firearms Control legislation , an applicant must submit a duly completed application form and the required information together with any required supporting documentation for each application lodged at the office of the relevant Designated Firearms Officer.

Each application is considered on it's own merits and circumstances hence the importance that each application form must be duly completed and must be accompanied with the required information including the motivation together with any required supporting documentation.

The above is regarded as of a self-explanatory nature and need no further deliberations.

The matter is regarded as concluded.

Yours faithfully

BRIGADIER
SECTION HEAD: FIREARMS, LIQUOR AND SECOND-HAND GOODS CONTROL
J J BOTHMA

M J HOOD & ASSOCIATES

Attorneys

"QQ"

444

Address: 2nd Floor, Block A
Edenburg Terraces
348 Rivonia Boulevard
Rivonia
2191
Postal: PO Box 2606, Rivonia, 2128
Docex: 11, Rivonia
VAT no: 4810158644

Partner:
Martin John Hood *BA LLB*

Tel: +27 (0)11 234-7520
+27 (0)11 234-7521
+27 (0)11 234-7523

Fax:+27 (0)11 803-7828
e-mail: info@mjhood.co.za
web: www.mjhood.co.za

Date: 01 October 2010
Our Ref: M J Hood/cvm/S0172

BRIGADIER J J BOTHMA
SECTION HEAD: FIREARMS, LIQUOR AND SECOND HAND GOODS CONTROL
BY TELEFAX: (012) 353-6269

CC THE HONOURABLE MINISTER MTHETHWA
MINISTER OF POLICE
BY TELEFAX : (012) 393-2819

CC JENNY IRISH QHOBOSHEANE
SECRETARY OF POLICE
BY TELEFAX: (012) 393-2538

Dear Sir

RE: SUPPORTING DOCUMENTATION FOR FIREARM LICENCE APPLICATIONS

1 We refer to the above matter and your letter of the 21st September 2010, a copy of which is attached hereto.

2 Your answer typifies the difficulties that all firearm owners have.

3 Please specify what constitutes "any required supporting documentation" and what constitutes "the required information".

4 Your letter is deliberately vague and evasive.

Yours faithfully

M J HOOD & ASSOCIATES
E-mail: martin@mjhood.co.za
Encl.

PLEASE NOTE:

We are moving to our own offices. As of the 1st December 2010 our address will be as follows:

Molon Labe House
Unit 10 Woodview Office Park
1 Humber Street
Woodmead
Sandton

DIVISION VISIBLE POLICING

FIREARM STAKEHOLDER ENGAGEMENT MEETING

5TH FLOOR BOARDROMM

2015-06-30 AT 08:00

"RR"

446

AGENDA

1. Welcoming
2. Attendance
3. Apologies
4. Purpose of the meeting
5. Matters for discussion
   - 5.1 Service Charter Overview and Stakeholder Relations
   - 5.2 Presentation of Stakeholder Engagement Document
   - 5.3 Way Forward
   - 5.4 Short Term Response to Challenges — Basket / Task Team
   - 5.5 Medium to Long Terms Responses — Basket / Task Team
6. Additional Matters
7. Closure

(1)

FIREARM STAKEHOLDER ENGAGEMENT: 2015-06-30

1. **Opening and welcoming**

   Deputy National Commissioner: Policing, Lieutenant General Sitole

2. **Attendance**

   As per attached attendance register

3. **Apologies**

   - Adv John Welch (NACSA) AC
   - Fred Camphor (SHGCA Hunters Forum)
   - Nadeen (SAADA) – arriving late
   - Black Gun Owners Association – arriving late

Purpose of the engagement: to encourage multi-disciplinary engagement for a common goal and for successful implementation of the Firearms Control Act, 2000 (Act No. 60 of 2000)

447

(2)

Opening remarks by the Chairperson: **Deputy National Commissioner: Policing** **Lieutenant General KJ Sitole**	➢ All members were afforded the opportunity to introduce themselves, as per attached attendance register. ➢ Lieutenant General KJ Sitole welcomed everyone present and appreciated the attendance. Furthermore indicated that the purpose of this type of engagement is to ensure the adherence to the South African Legislative documents (White Paper on Security, Community Engagement, National Crime Prevention Strategy, and National Development Plan) that outlines Police and other government departments are supposed to bring all stakeholders together. Lieutenant General Sitole in addition emphasised that the engagement is not taking place not because of parliament but as a result of challenges that are affecting the proper implementation of the Firearms Control Act and to find the solution that will ensure successful implementation. Agenda was outlined by the Chairperson as per attached copy and adopted by the stakeholders.

SERIAL NO	TOPIC	DISCUSSIONS	DECISION
1.	**Terms of Reference document**	➢ Terms of Reference document should be presented to the National Commissioner for approval.	➢ Office of the Deputy National Commissioner: Policing will arrange a date whereby the document shall be presented to the National Commissioner for approval.
2.	**Service Charter Overview and stakeholder Relations**	➢ The Service Charter Overview was presented by the Component Head: FLASH, Major General MJ Mamotheti. ➢ Concerns raised by the Stake holders in relation to the presented document of Service Charter Overview: - There is no indication as to what documents must be submitted by the applications when	➢ SAPS in cooperation with the Stakeholders will ensure the development of the Service Charter document that will include relevant information that will enhance improved and efficient service delivery and client satisfaction. ➢ Service Charter will indicate all the required documents and the process flow of the firearm applications and they will be displayed at the Police Stations for public use.

4

		applications is processed at the police station.	
		- Applications submitted in terms of Section 16 of the Act are rejected without valid reasons.	➢ Ministerial Report and Civilian Secretariat of Police Report 2012 must be reviewed.
		- Members of the public who are registered with the associations are withdrawing and loosing trust against the associations because of the inconsistencies between Police Stations and CFR.	➢ Business manual that was implemented in 2003 for processing of firearm applications will be attended to by this Forum in order to align it with the enhanced Computerised System utilised currently. ➢ The communication system between DFO's at the Police Stations, Provincial FLASH and CFR shall be strengthened to avoid any form of complaints.
		- There are firearm applications that were	➢ DFO guidelines will be revised and all documents will be verified by the language practitioners to

(5)

		refused unnecessarily. - More challenges are experienced in terms of the following categories namely, Individual licences, Import/ export, Business Licences, Competencies and Section 21 applications.	ensure easy and collective understanding between the SAPS and clients.
3.	**Registrar**	➢ All current legislations, policies, instructions are controlled from the office of the National Commissioner.	➢ The Registrar as stipulated in the Act is the National Commissioner. All documents will be communicated transparently, however only those which are not classified as top secret/ confidential/ for office use will not be given to the external stakeholder due to them been classified.

4.	**Minister's role**	➢ The role of the Minister of Police is to ensure that all the legislatives are rolled out and implemented.	➢ There is a platform between the Minister of Police and National Commissioner as well as the platform for Minister of Police and the Stakeholder engagements.
5.	**Fraudulent certificates**	➢ There is currently tendency of some applicants who are submitting fraudulent training certificates when applying for firearm licences and competency certificates.	➢ There will be a dedicated member who will be assigned to deal with the complaints of this nature at the Nodal Point that is going to be created at the CFR.

6.	**Border Police**	➢ Dealers association indicated that some of the SAPS members at the borders do not understand the processes of firearms in terms of the Firearms Control Act.	➢ Central Firearm Registry will conduct a workshop/ session as a quick win approach and the impact will be assessed and evaluated by this Forum. The CFR SOP is still in process and will be presented to this Forum as soon as it is approved address the shortcomings of this kind.
7.	**Frequency of this meeting**	➢ This Forum shall be meeting on a quarterly basis (every three months).	➢ Service Delivery Programme to be developed by CFR.

8.	**JOINT plan**	➢ Joint Plan must be developed to avoid shortcomings and challenges that will assist performance of the members.	➢ Joint Plan must be simple, practical and measurable.
9.	**Existing Platforms**	➢ It was noted that there are previous engagements that took place between SAPS and Stake Holders and this type of engagement are encouraged to continue.	➢ All decisions that could not be implemented in the previous platforms must be escalated to this Forum.

"SS"

455

SOUTH AFRICAN POLICE SERVICE – FIREARM COMMUNITY STAKEHOLDER ENGAGEMENT FORUM

1. **Purpose:** This forum provides for communication, consultation and cooperation between the SAPS and those sectors of the firearm community that impact on the implementation of the firearms control legislation.

2. **Chairpersonship and Convener:** Civilian Secretariat of Police

3. **Arbiter:** Portfolio Committee on Police

4. **Membership:**

- SAPS

A chairperson plus 1 of:

- SAHGCA;
- SAAACA;
- Sports-shooting Organisations;
- Accredited Institutions;
- SAGA
- SAGOA
- Dealers;
- Manufacturers;
- Gunsmith Guild;
- GFSA;

In Attendance:

- SAPS Legal Representative;
- PSIRA;
- SAPS Communications

5. **Quorum:** a majority of members

6. **Meetings:** 2 per annum

SOUTH AFRICAN POLICE SERVICE – FIREARM COMMUNITY STAKEHOLDER ENGAGEMENT FORUM

7. Principles of Engagement

- Stakeholder participation seeks out and facilitates the involvement of those potentially affected by or interested in a policy decision.
- Stakeholder participation seeks input from participants in designing how they participate.
- Stakeholder participation includes respect, good faith and shall be free from manipulation or coercion.
- Stakeholder participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision-makers.
- Stakeholder participation may not be used as a platform for information collection for any other purpose than as stated in paragraph 1 supra.

8. Terms of Reference

The forum will discuss:

- Firearm Policy;
- Processes and procedures;

9. These guidelines will be reviewed every twelve months by the majority of the membership present.

NATIONAL FIREARMS STAKEHOLDER ENGAGEMENT FORUM: MINUTES
VENUE: SAPS TRAINING ACADEMY, PRETORIA WEST
2017-11-24 AT 10:00

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

1. **Welcome and opening**

   Lieutenant General SF Masemola welcomed everybody present.

2. **Attendance:**

   As per attendance list.

3. **Apologies:**

   Civilian Secretariat of Police- Mr. Mogatusi.

4. **Adoption of minutes**

   No minutes were adopted. It was the first engagement meeting under the chairpersonship of Lieutenant General Masemola.

457

NATIONAL FIREARMS STAKEHOLDER ENGAGEMENT FORUM: MINUTES
VENUE: SAPS TRAINING ACADEMY, PRETORIA WEST
2017-11-24 AT 10:00

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

5. Matters for discussion:

	Agenda Points	
NO.	**TOPIC**	**DISCUSSION**
5.1	**Purpose of the meeting**	Lieutenant General Masemola (the Chairperson) explained the purpose of the meeting as follows: As a strategic forum with advice from various entities, however not taking decisions that are above the law, and to engage the Stakeholders within the firearm fraternity pertaining to achievement of the purpose of the Firearm Control Act, 60 of 2000. He further emphasize the content of Section 2: Purpose of the Firearm Control Act , 60 of 2000 : ❖ Enhance the Constitutional rights to life and bodily integrity. ❖ Prevent the proliferation of illegally possessed firearms and, by providing for the removal of those firearms from the society and improving control over legally possessed firearms, to prevent crime involving the use of firearms; ❖ Enable the state to remove illegally possessed firearms from society, to control the supply, possession, safe storage, transfer and use of firearms and to detect and punish the negligent or criminal use of firearms;

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

		❖ Establish a comprehensive and effective system of firearms control and management; and ❖ Ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms. The Chairperson concluded by saying that the discussions and engagement must be structured to establish the National Firearms Stakeholder Engagement Forum which will address matters of principle and provide strategic direction pertaining to the purpose of the Firearms Control Act. It must be viewed as a national forum between the South African Police Service (SAPS) and individual Accredited Associations, Organisations, and any other interest groups.
6.2	**Discussions on rules of engagement**	• The Chairperson indicated as a point of departure that parties should engage in good faith and that the Forum will not take over the duties of the National Commissioner of Police (Registrar) or the Minister of Police. • Brigadier Mabule indicated that meeting needs to be guided by rules of engagement. After deliberations, the meeting proposed that the proposed rules of engagement should be integrated into the terms of reference. • Mr. M Hood raised a point of order and mentioned that the association he was representing will not allow him to sign the attendance register with the secrecy declaration. He cannot participate in engagement unless the attendance register is amended. Advocate J Welch added that Stakeholders present represent their associations and they have the duty to report back to their members. He further mentioned that they do not want to feel threatened by the secrecy declaration. The Chairperson ruled that the attendance list will be attended to and will be rectified.

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

		• Brigadier Mabule continue to provide some proposed indicators pertaining to rules of engagement which can guide the forum during deliberations , such as : ❖ Principles of engagement ❖ Respect, integrity and ethical conduct ❖ Participation of all stakeholders ❖ Transparency (key of engagement) ❖ Focus on point of discussion (bearing in mind of the time) ❖ Language (English should be used) • After deliberations, the meeting proposed that the proposed rules of engagement should be integrated into a terms of reference for the forum. • Mr C Webb wanted to know what prompted the South African Police Service (SAPS) to hold the stakeholders engagement meeting. He further asked what was the thinking and expectation of the SAPS when planning the engagement meeting. • The Chairperson indicated that his understanding is that there were meetings in the past where disagreements were encountered in certain aspects. He further mentioned that the meeting will attempt to address these identified disagreements.

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

		• The Chairperson also stated that during a presentation at the Portfolio Committee on Police it was agreed that there should be a meeting between the SAPS and stakeholders within the firearms environment. Mr. M Hood indicated that he was present during the presentation at the Portfolio Committee and that the Chairperson offered to hold the stakeholders engagement meeting to address matters of concern. • The Chairperson indicated that the intention is that the forum address generic matters of concern on strategic level and that individual operational matters be addressed on provincial or police station level. • Adv. J Welch stated that he was involved in the drafting of the Firearms Control legislation therefore it will be fair towards the stakeholders and to all citizen of the country to be consulted on the drafting of the Firearm Control Amendment Bill. • Mr. Oxley also raised a concern that they were not given the opportunity to participate in the drafting of the Firearm Control Amendment Bill. • The Chairperson indicated that drafting of the Firearm Control Amendment Bill falls within the ambit of the Secretariat of Police. He further stated that Secretariat of Police was invited to the meeting but is not present to respond on the concern raised.

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

		• Mr M Hood indicated that the Constitution of the Republic of South Africa provides that members of the public should participate in the drafting of legislation. Adv. Welch mentioned that the intention of drafting the amendment bills by the Secretariat of Police is to side line the stakeholders. He further stated that it becomes difficult for SAPS and other Stakeholders to engage without a neutral body. • The Chairperson indicated that he will take it upon himself to invite the Secretariat of Police to attend and chair the future stakeholders engagement meetings so that they can act as the neutral entity between the SAPS and stakeholders. • Mr M Hood emphasized the involvement of the Secretariat of Police indicating that they (Secretariat of Police) conducted research on some key issues that is of concern to the stakeholders. • Mr. C Webb stated that SAPS and stakeholders have a common purpose in responsible firearm ownership and legal use of firearms. He further indicated that stakeholders have a role to play in formation, implementation and drafting of legislation. He further mentioned that there must be dialogue between SAPS and firearm owners in order to have a clear understanding regarding the future implementation of the Firearm Control Amendment Bill. He further mentioned that stakeholders should be involved in resolving certain issues regarding the firearm legislation. • Brigadier L Mabule mentioned that the intention is to structure the stakeholder engagement in order to function at National and Provincial levels. He further highlighted that SAPS does play a role in the drafting of the Firearm Control Amendment Bill equal to stakeholders. He emphasized that the drafting of the Firearm Control Amendment Bill lies with the Secretariat

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

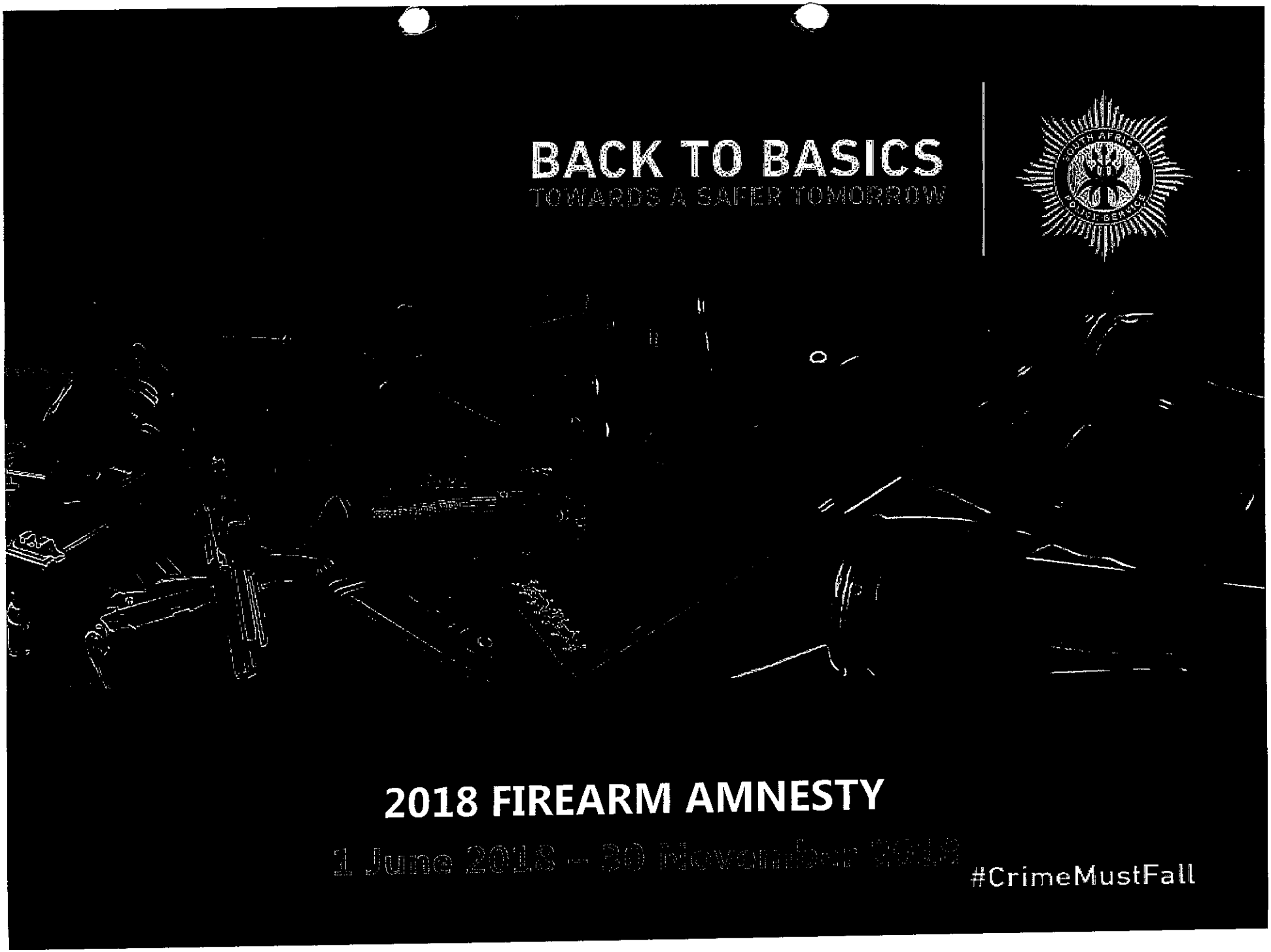
		of Police. • Mr M Hood suggested that the Forum should focus on policies, processes and principles in order to move forward. • Mr C Webb mentioned that they experience problems where provinces use different processes when coming to the implementation of the Firearm Control legislation. • Mr J Welch said that it was his belief that manufactures, gunsmith, dealers and firearm owners in general can play an important role in the reduction of illegal use of firearms. • Major General J Bothma indicated that the terms of reference will give a clear direction for the establishment of the Forum. He also mentioned that not all stakeholders are presented and it must be taken into consideration to invite them to future stakeholder meetings, however it must be noted that it is the first meeting. • The Chairperson indicated that the SAPS will attend to all inconsistency regarding the directives that are circulated to the provinces. He stressed that there must be uniformity in all circulars cascaded to provinces. • Mr M Hood mentioned that there is no direct communication between SAPS and stakeholders, they rely on some police officers who think stakeholders should know about certain directives.
	Further discussions	• The Chairperson proposed that there must be a small team formed by members of SAPS and stakeholders who will be responsible for the drafting of the Terms of Reference.

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

		• Adv. J Welch indicated that they attended a meeting with Brigadier Mabule where it was agreed that Terms of Reference should be drafted. He also stated that the inputs were made and it was supposed to be sent to SAPS Legal Services for implementation. • It was agreed that the draft Terms of Reference and minutes of the meeting will be disseminated to all stakeholders on or before 1st of December 2017. • The meeting agreed that all inputs should be forwarded to Brigadier J Slabbert (SAPS Legal Services) on or before the 08th of January 2018. • Mr M Hood wanted to know who will be responsible for arranging future meetings. The chairperson indicated that his office will engage the office of the Secretariat of Police to arrange the next meeting. • Mr M Hood suggested that National Prosecuting Authority, Shipping Industry, Security Fraternity and Director of Arms Control should be invited to form part of the next meeting.
7.	**Way forward**	• The office of the Chairperson will engage with the Secretariat of Police to arrange the next meeting. • All unresolved issues to be brought up in the next meeting with Secretariat of Police. • The draft Terms of Reference to be distributed on or about the 1st of December 2017, feedback to SAPS Legal Services on or about 08th of January 2018, SAPS Legal Services to consolidate feedback and to present during the next meeting.

MEETING: NATIONAL FIREARM STAKEHOLDERS ENGAGEMENT MEETING.

		• Draft Minutes of the meeting to be distributed on or about the 1st of December 2017 , feedback to be forwarded to the Secretary , Capt Maluleke on or about the 15th of January 2018 , consolidated minutes to be presented during the next meeting .
8.	General	• Secretariat of Police will notify stakeholders regarding date, time and venue of the next meeting.


BACK TO BASICS
TOWARDS A SAFER TOMORROW
2018 FIREARM AMNESTY
1 June 2018 – 30 November 2018
#CrimeMustFall

CONTENTS

BACK TO BASICS
TOWARDS A SAFER TOMORROW



1. Background
2. 2018 Amnesty objectives
3. Implementation Plan: 2018 Firearm Amnesty
    - Planning Phase
    - Implementation phase
    - Reporting and Monitoring
    - Destruction Phase
    - Briefing Phase
4. Conclusion

467

Background

→ The Minister of Police may by notice in the Gazette declare an amnesty if the amnesty may result in the reduction of the number of illegally possessed firearms in South Africa and it is in the public interest to do so.

→ Section 139(2) of Firearms Control Act, 2000 (Act No 60 of 2000), also provides that such amnesty will only be valid if it is approved by Parliament;

→ The amnesty must specify the period during which persons may apply for amnesty and must specify the conditions under which amnesty may be granted.

→ In line with the above proviso, a presentation was made to the Portfolio Committee on Police in March 2017, 08 November 2017 and 15 November 2017;

Continued...

→ Previous Amnesties yielded significant success in South Africa and we are looking forward to even a more success in 2018

→ Further engagements with internal role players indicated that the SAPS is ready to administrate 2018 Firearm Amnesty with effect from 1 June 2018 to 30 November 2018 ;

→ A project plan for 2018 Firearm Amnesty was developed to ensure effective implementation and monitoring;

2018 Firearms Amnesty Objectives

1. To reduce the number of illegally possessed firearms in circulation in South Africa
2. To provide firearm owners with the opportunity to hand in unwanted firearms
3. To prevent crime and violence and to promote safety
4. To address the fundamental causes of crime in order to effectively protect our communities
5. To ensure people living in South Africa feel safe and have no fear of crime

Implementation Plan: Planning Phase

Objective	Action Steps	Deliverables/ Output	Responsibility	Start Date	End Date	Status
Ensure readiness of all provinces and stations to implement amnesty	1.1.1 Draft the guidelines for the implementation	Approved implementation guidelines	Visible Policing	2017-03-01	2018-02-21	Draft implementation guidelines finalised
	1.1.2 Arrange a workshop with all provincial FLASH commanders	Workshop call-up instruction finalised Workshop concluded	Visible Policing	2017-03-01	2018-02-28	Workshop conducted during 2017 Follow-up session to be conducted prior to roll out
	1.1.3 Identify suitable Storage facilities, for the storage of amnesty firearms at Provincial and National level	Suitable storage facilities identified and secured at national and provincial levels	Visible Policing Supply Change Management	2017-03-01	2018-02-16	Storage facilities identified in the following Provinces: ○ Eastern Cape ○ Free State ○ Gauteng ○ Limpopo ○ Western Cape

Implementation Plan: Planning Phase

Objective	Action Steps	Deliverables/Output	Responsibility	Start Date	End Date	Status
Ensure readiness of all provinces and stations to implement amnesty	1.1.4 Arrange for destruction of firearms already at Division: Supply Chain Management, to created storage space for amnesty firearms	Destruction of existing firearms at SCM approved Existing firearms at SCM destructed	Visible Policing Supply Change Management	2017-03-01	2018-03-31	
	1.1.5 Initiate the identification of adequate Designated Amnesty Officials at all levels	Directive to identify adequate Designated Amnesty Officials drafted and distributed Adequate Designated Amnesty Officials identified	Visible Policing	2017-03-01	2018-02-12	
	1.1.6 Ensure screening/ profiling of all Designated Amnesty Officials	Identified Designated Amnesty Officials screened/profiled	Crime Intelligence	2017-03-01	2018-02- 19	

Implementation Plan: Planning Phase

Objective	Action Steps	Deliverables/ Output	Responsibility	Start Date	End Date	Status
Ensure readiness of all provinces and stations to implement amnesty	1.1.7 Ensure the appointment of suitable Designated Amnesty Officials in all the Provinces	Suitable Designated Amnesty Officials appointed in writing	Visible Policing	2017-03-01	2018-02-19	
	1.1.8 Conduct a work session with all appointed Designated Amnesty Officials at Provincial level	Work session with appointed Designated Amnesty Officials concluded	Visible Policing	2017-03-01	2018-03-02	
	1.1.9 Establish teams at CFR to oversee/deal with amnesty applications, including WR numbers and deployment of members at the NATJOC and PROVJOCS	Directive to establish CFR Teams drafted and distributed Established CFR teams at all levels Established teams deployed in NATJOC/PROVJOC	Visible Policing	2017-03-01	2018-02-16	

Implementation Plan: Planning Phase

Objective	Action Steps	Deliverables / Output	Responsibility	Start Date	End Date	Status
Ensure readiness of all provinces and stations to implement amnesty	1.1.10 Train identified members on IBIS testing and etching in Provinces	List of members trained at each Province	Forensics Services	2017-03-01	2018-02-19	
	1.1.11 Establish dedicated investigative teams to investigate amnesty related cases	Directive to establish investigative teams drafted and distributed Dedicated investigative teams established in all Provinces	Detectives	2017-03-01	2018-02-19	

Implementation Plan: Planning Phase

Objective	Action Steps	Deliverables/Outputs	Responsibility	Start Date	End Date	Status
Ensure readiness of all provinces and stations to implement amnesty	1.1.12 Finalise administrative processes and procedures to ensure proper control of the Amnesty firearms, including monitoring and reporting framework	Firearm amnesty administrative processes and procedures finalised • Process flow • Dedicated forms and registers • Checklists • Reporting framework	Visible Policing	2017-03-01	2018-02-21	Draft forms finalised
	1.1.13 Create codes on the Enhanced Firearms Control Register (EFRS) and the FSL system for the Amnesty period	Dedicated firearm amnesty codes created	Technology Management Services Forensic Services Laboratory	2017-03-01	2018-02-28	Codes finalised Implementation to be communicated

Implementation Plan: Planning Phase

Objective	Action Steps	Deliverables/ Output	Responsibility	Start Date	End Date	Status
Ensure readiness of all provinces and stations to implement amnesty	1.11.14 Establish amnesty enquiry desks in the respective provinces	Established amnesty enquiry desks in all Provinces	Visible Policing	2017-03-01	2018-02-19	Enquiry desks established to be activated
	1.1.15 Develop a communication plan	Approved communication plan • Internal and external communication	Corporate Communication	2017-03-01	2018-02-19	Draft communication plan finalised
	1.1.16 Facilitate the approval of the Declaration of Amnesty in terms of section 139 of the Firearms Control Act, 2000 (Act No 60 of 2000)	Approved Declaration of Amnesty gazetted	Legal and Policy Services	2017-03-01	2018-02-19	Draft Declaration of Amnesty finalised

Implementation Plan: Planning Phase

Objective	Action Steps	Deliverables/ Output	Responsible	Start Date	End Date	Status
Ensure readiness of all provinces and stations to implement amnesty	1.11.17 Determine final firearm amnesty implementation dates	Firearm amnesty dates communicated	Visible Policing Legal and Policy Services	Date to be confirmed	Date to be confirmed	
	1.1.18 Compiling of a budget submission for amnesty project	Approved budget submission	Visible Policing Financial Administration Service	2018-02-12	2018-02-19	
	1.1.19. Present 2018 Firearm Amnesty Plan to NMF	Firearm amnesty placed on NFM Agenda Presentation developed and presented	All role players	2018-02-21	2018-02-23	

Implementation Plan: Implementation Phase

Objective	Action Steps	Deliverables/ Output	Responsibility	Start Date	End Date	Status
Ensure the effective implementation of the 2018 Firearms Amnesty Project	2.1.1 Implement approved communication plan (Communicate approval and dates of the firearm amnesty)	Approved communication plan • Firearm amnesty date and process communicated internally/ externally • Media statement issued by Minister of Police	Corporate Communication	Date dependant on the declaration of amnesty		
	2.1.2 Issue NCCF instruction to communicate implementation process	NCCF Instruction drafted and issued	Visible Policing Operational Coordination	Date dependant on the declaration of amnesty		

Implementation Plan: Reporting and Monitoring Phase

Objective	Action Step	Deliverables/ Output	Responsibility	Start Date	End Date	Status
Ensure the effective reporting and monitoring of the 2018 Amnesty Project	3.1.1 Design reporting template for monitoring purposes	Approved reporting template	All role players	Date dependant on the declaration of amnesty		
	3.1.2 Activate monitoring team to conduct quality assurance visits with a specific focus on identified problematic police stations	Directive to establish quality assurance monitoring team drafted and distributed Problematic police stations identified Established quality assurance monitoring team	All role players	Date dependant on the declaration of amnesty		
	3.1.3 Generate and analyse daily, weekly and monthly reports received for intervention by the monitoring team	Consolidated daily, weekly and monthly reports Analysis conducted	Identified team at NATJOC/ PROVJOC	Date dependant on the declaration of amnesty		

Implementation Plan: Reporting and Monitoring Phase

Objective	Action Step	Deliverables/ Output	Responsibility	Start Date	End Date	Status
Ensure the effective reporting and monitoring of the 2018 Amnesty Project	3.1.4 Monitor amnesty firearms handed in linked to crime and firearm licensed applications received	Number of amnesty firearms handed in linked to crime Number of licensed applications received	Visible Policing Detective Services	Date dependant on the declaration of amnesty		

Implementation Plan: Destruction Phase

Objective	Action Step	Deliverables/ Output	Responsibility	Start Date	End Date	Status
Decrease the opportunity for the proliferation of firearms through destruction	4.1.1 Conduct an audit of the amnesty firearms ready for destruction	Finalised amnesty firearms audit	Visible Policing	Date dependant on the declaration of amnesty		
	4.1.2 Compile a notice of the firearms for destruction and gazetting	Approved notice for firearm destruction drafted and gazetted	Visible Policing Legal and Policy Services	Date dependant on the declaration of amnesty		
	4.1.3 Plan for the destruction of the amnesty firearms	Amnesty firearm destruction concluded	Visible Policing Supply Change Management Operational Response Services	Date dependant on the declaration of amnesty		
	4.1.4 Updating the EFRS with the details of the destroyed amnesty firearms	Updated EFRS	Visible Policing	Date dependant on the declaration of amnesty		
	4.1.5 Compile a final destruction report	Approved firearm amnesty destruction report	Visible Policing	Date dependant on the declaration of amnesty		

Implementation Plan: Debriefing Phase

Objective	Action Step	Deliverables/ Output	Responsibility	Start Date	End Date	Status
Conduct debriefing on the outcome of the 2018 Firearm Amnesty Project	5.1.1 Develop a standardised debriefing template	Approved standardised debriefing template	All role players	Date dependant on the declaration of amnesty		
	5.1.2 Conduct debriefing sessions at all levels and submit consolidated reports to Division: Visible Policing	Debriefing call-up and sessions finalised	All role players	Date dependant on the declaration of amnesty		

Conclusion

Firearm Amnesty is essential tool in removing illegally possessed and surplus firearms from society. South African Police Service is committed to eradicate proliferation of firearms in the country and is operationally ready to administrate Amnesty.

Approval of 2018 Firearm Amnesty for the period 2018-06-01 to 2018-11-30 will enhance the purpose of the Firearms Control Act, 2000 (Act No. 60 of 2000).

BACK TO BASICS

TOWARDS A SAFER TOMORROW









THANK YOU

#CrimeMustFall

DRAFT NOTICE FOR CONSIDERATION BY PARLIAMENT

Government Notice Date:

DECLARATION OF AN AMNESTY IN TERMS OF SECTION 139 OF THE FIREARMS CONTROL ACT, 2000 (ACT NO. 60 OF 2000)

MINISTRY OF POLICE

By virtue of the powers vested in me by section 139(1) of the Firearms Control Act, 2000 (Act No. 60 of 2000), I, Fikile April Mbalula, Minister of Police, hereby declare an amnesty as defined in section 138 of the said Act.

Under section 139(2)(b) of the Firearms Control Act, 2000, I determine the period during which persons may apply for amnesty to commence on 1 June 2018 until 30 November 2018. Under section 139(2)(c) of the Firearms Control Act, 2000, I determine the conditions under which amnesty will be granted, to be as follows:

(a) A written application for amnesty by an applicant must, with the exception of the police stations set out in the Annexure, be handed to the duly appointed Designated Amnesty Officer at any police station in the Republic of South Africa. The application must state the full names, identity or passport number and residential address of the applicant, as well as the type, calibre, make, model and all marked serial numbers or other identification marks on the firearm or the particulars of the ammunition;

(b) The firearm or ammunition concerned must be surrendered by the applicant to the Designated Amnesty Officer at the relevant police station and the Designated Amnesty Officer must issue a receipt in respect of such firearm or ammunition to the applicant; and

(c) An applicant for amnesty who wishes to apply for a licence to possess the firearm surrendered by him or her as contemplated in section 139(4) of the Firearms Control Act, 2000, must when surrendering the firearm, in writing,

notify the relevant Designated Amnesty Officer of his or her intention to apply for a licence to possess the firearm. The application for a licence must be lodged within 14 days from the date on which the firearm was surrendered with the relevant Designated Firearms Officer (the relevant Designated Firearms Officer has the meaning assigned to it in the Firearms Control Regulations, 2004).

I further determine that the South African Police Service must conduct ballistic tests on all firearms surrendered in terms of this amnesty, and if an application for a licence to possess the firearm as contemplated in paragraph (c) of this Notice is not duly lodged, or has not been lodged within the specified period, such firearm must be destroyed in accordance with Regulation 93(4) of the Firearms Control Regulations, 2004.

FA MBALULA, MP
MINISTER FOR POLICE

"VV"

487

MJ Hood & Associates

ATTORNEYS

20 March 2018

Our Ref: Mr Hood/md/S0503
(DD 7/3, DR 8/3, DT 8/3)

THE HONOURABLE FRANCOIS BEUKMAN
CHAIRPERSON PORTFOLIO COMMITTEE ON POLICE
PER EMAIL: fbeukman@mweb.co.za

Dear Sir

RE: SOUTH AFRICAN ARMS AND AMMUNITION DEALER'S ASSOCIATION

1. As you are aware I represent the South African Arms and Ammunition Dealer's Association that has had frequent interaction with the Portfolio Committee.

2. The Portfolio Committee was given a presentation by the South African Police Services on the proposed amnesty during February of this year which was approved by the Portfolio Committee.

3. A copy of the "Draft Notice for Consideration by Parliament" is attached.

4. In terms of this draft notice, the Minister has set out the conditions for the institution of an amnesty.

5. The two most important components of the amnesty allows a person of an illegal firearm to hand it in to the police, either for

Partner: Martin John Hood *BA LLB*
Jnr Associate Attorney: Mouné Watkins *LLB*
Candidate Attorney: Nicos Pouyoukas *BCom LLB*
Paralegal: Lawrence Ramasala

Fidelity Fund Certificate Number: 48599/2018

Molon Labe House
Unit 10 Woodview Office Park
1 Humber Street
Woodmead
Sandton

Member Number: 8064

t: 011 234 7520
f: 011 803 7828
086 249 7485
e: martin@mjhood.co.za
w: www.mjhood.co.za

VAT Number: 4810158644

destruction or in order to then apply for a licence to possess such firearm.

6. Neither of these conditions are appropriate to our client, the South African Arms and Ammunition Dealer's Association.

7. Our client's members are in possession of many firearms that they have taken into their stock, in good faith, from other dealers who have closed down or for members of the public in the *bona fide* believe that these firearms were legitimately licenced, alternatively firearms whose licences have lapsed.

8. Our client has in many instances paid a considerable amount of money for these firearms and incurred expenses in both storing and insuring such firearms.

9. It follows that it is not suitable to our client to hand in firearms that they have paid for or that they have incurred costs in respect of the safekeeping thereof.

10. As a licenced firearm dealer, our client does not require licences in its own name and firearms are kept as stock in trade.

11. As such the notice of the proposed amnesty does not suit our client and does not accommodate our client's situation and is therefore not appropriate.

12. Is there any possibility of amending this notice?

13. We believe that our client's concerns can be accommodated under Section 139(2)(c).

14. We would propose that the amnesty conditions be amended somewhat along the following lines.

15. We do not propose that what we set out hereunder be the precise wording and the proposal is merely intended to be a guideline.

16. We suggest "*If there is a firearm in the possession of a licenced dealer in firearms, and if such dealer has entered that firearm into his firearm register, prior to the proclamation of the amnesty, that dealer may hand the firearm to the South African Police Services and apply by way an SAP350 transfer form and an SAP534 cancellation form to be signed by the dealer, and may apply to have that firearm registered in his stock*".

17. Please would you acknowledge receipt and advise whether this would be possible.

18. Thank you for your assistance.

Yours faithfully

MJ HOOD & ASSOCIATES
martin@mjhood.co.za
Encl.

DRAFT NOTICE FOR CONSIDERATION BY PARLIAMENT

Government Notice

Date:

DECLARATION OF AN AMNESTY IN TERMS OF SECTION 139 OF THE FIREARMS CONTROL ACT, 2000 (ACT NO. 60 OF 2000)

MINISTRY OF POLICE

By virtue of the powers vested in me by section 139(1) of the Firearms Control Act, 2000 (Act No. 60 of 2000), I, Fikile April Mbalula, Minister of Police, hereby declare an amnesty as defined in section 138 of the said Act.

Under section 139(2)(b) of the Firearms Control Act, 2000, I determine the period during which persons may apply for amnesty to commence on 1 June 2018 until 30 November 2018. Under section 139(2)(c) of the Firearms Control Act, 2000, I determine the conditions under which amnesty will be granted, to be as follows:

(a) A written application for amnesty by an applicant must, with the exception of the police stations set out in the Annexure, be handed to the duly appointed Designated Amnesty Officer at any police station in the Republic of South Africa. The application must state the full names, identity or passport number and residential address of the applicant, as well as the type, calibre, make, model and all marked serial numbers or other identification marks on the firearm or the particulars of the ammunition;

(b) The firearm or ammunition concerned must be surrendered by the applicant to the Designated Amnesty Officer at the relevant police station and the Designated Amnesty Officer must issue a receipt in respect of such firearm or ammunition to the applicant; and

(c) An applicant for amnesty who wishes to apply for a licence to possess the firearm surrendered by him or her as contemplated in section 139(4) of the Firearms Control Act, 2000, must when surrendering the firearm, in writing,

notify the relevant Designated Amnesty Officer of his or her intention to apply for a licence to possess the firearm. The application for a licence must be lodged within 14 days from the date on which the firearm was surrendered with the relevant Designated Firearms Officer (the relevant Designated Firearms Officer has the meaning assigned to it in the Firearms Control Regulations, 2004).

I further determine that the South African Police Service must conduct ballistic tests on all firearms surrendered in terms of this amnesty, and if an application for a licence to possess the firearm as contemplated in paragraph (c) of this Notice is not duly lodged, or has not been lodged within the specified period, such firearm must be destroyed in accordance with Regulation 93(4) of the Firearms Control Regulations, 2004.

FA MBALULA, MP
MINISTER FOR POLICE