



SOUTH AFRICAN FIREARMS LEGISLATION

THE CLAY TARGET SHOOTING ASSOCIATION OF SOUTH AFRICA

EXPIRED LICENCES, GREEN LICENCES, FIREARM AMNESTIES PLUS IMPENDING AMENDED FIREARMS CONTROL ACT

WHAT IS HAPPENING?!

Expired licences : There has been a recent judgement in respect of Fidelity Security Services (Pty) Ltd where the Judge ruled :

"There is nothing in the Act nor the regulations that even remotely suggests that someone whose licence has terminated by the operation of law is, as a result, forever precluded from applying for a new licence"

Discussions have taken place amongst lawyers concerning the implications of this judgement. *In essence, it would appear that if this ruling is upheld then anyone who has an expired licence could simply re-apply for the licence.*

HOWEVER! SAPS has decided to appeal this judgement and therefore the above ruling is suspended until the outcome of the appeal is known. To further clarify, at this moment in time, anyone with an expired firearm licence may NOT apply for a new licence for that firearm.

Current advice for firearm owners with expired licences

The CTSASA is not qualified to give legal advice on this situation and therefore our only advice can be to consult a suitably qualified lawyer.

Is there going to be another Firearm Amnesty?

There is currently no official discussion of a further firearms amnesty.

Applications for new licences under the recent Firearm Amnesty

From NatShoot: "We are pleased to share with you the official response received from the SAPS command structures, by voice of Lt General Motlhala. It confirms that their electronic system has now been rectified and is active again, for the capture of new licence applications which were handed in under the amnesty. "

Advice on Green Licences

From CHASA : "Our latest information is that SAPS are arguing for a SIX-MONTH transitional grace period wherein all members of the public still relying on green licences would need to transition into the new licence regime, or else face losing their legal ownership thereafter. SA Hunters, the original main litigant who obtained the 2009 interim interdict deeming these green licences valid until such time as their then "main case" had been heard, are apparently arguing for a 12-month transition period instead.

Either way, unless some other legal intervention occurs which determines another outcome, it appears that those who hold Old Green Licences must decide what their intentions are with such firearms and it would be very wise to take EARLY ACTION to give effect to such decision.

In particular, if you are wanting to transition into the new "White Licence" regime, there is little doubt that acting now to do the required competency training with a registered training provider, and applying to SAPS/CFR for a Competency Certificate, before the expected mad rush, is the essential course of action. Once done, go ahead immediately with the application. This may vary between the old transition application SAPS517(e), or the usual SAPS271 "new licence" application form. Check with your local SAPS-DFO."

If you are planning to sell or donate the firearm instead, this is currently still legal and legitimate using your Old Green Licence. This can be to private individuals or willing dealers.

Be prepared to get involved - impending Amendment Bill for the FCA

<https://www.sanews.gov.za/south-africa/public-comment-bill-proposing-tighter-gun-controls>

"Thursday, May 13, 2021 - The public will soon comment on the Firearms Amendment Bill of 2021, which proposes tighter controls and management of firearms as well as the establishment of the National Firearms Register."



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