



The Clay Target Shooting Association of South Africa

EXPIRED LICENCES

Update from Martin Hood : 8th June 2022

[copied from Facebook post]

Firstly with reference to the printing court case, SAPS and the GPW simply printed my client's licenses [and many thousands of others] and did not file court papers, thus avoiding putting an explanation out in public.

This very conduct speaks volumes in itself, but we will have to wait for another opportunity to try again and get an explanation.

I have been inundated with queries about the Fidelity judgment, regrettably from persons who appear not to have read the judgment and who appear to want to escape its requirements.

Firstly the police [and many of them] have approached me and asked that anyone who wants to submit a new application should please be patient. This is because system changes need to be made to the EFRS and most importantly, the Registrar aka the National Commissioner must issue directives on how the judgment will be implemented. Police at local level have their hands tied right now.

Only when we get the directives will we know how SAPS understands and interprets the judgment and from there we can complain if it is not suitable to us for any reason.

Now to the real issue: the many requests to avoid handing the firearm to SAPS when applying for a new license and to whom it would apply.

In my view the judgment does not apply to estate firearms or to anyone who wants to give the firearm to someone else.

The judgment talks about possession [the license] which in my view limits the owner [not an estate] to submitting a new application.

Read paragraph 32 that states on expiry of a license, possession becomes illegal and is thus criminalized. This also occurs in paragraph 39. Paragraph 39 also states ownership of a firearm after expiry excludes possession.

Paragraph 46 is the important paragraph because it states that possession is illegal but that there is no express statutory obligation to surrender the firearm to the police, but that this might be the only way to avoid criminality.

So who else could take possession of the firearm? A dealer? How does a dealer overcome the illegality of possession of a firearm on an expired license? He cannot transfer it into his stock and the law does not permit, without some form of official sanction [such as an amnesty] an illegal act to become legal.

Therefore my view at this point is that simply the firearm will have to be handed to SAPS when you apply for a new license.

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