



27 May 2020

## **INFORMATION NOTE: CHANGES TO THE FIREARMS AMNESTY CONDITIONS AND EXCLUSIONS**

This information note is in preparation of the joint meeting of the Portfolio Committee on Police and Select Committee on Security and Justice scheduled for 27 May 2020. The meeting will consider the notice of the submission for approval of a further Declaration of Amnesty in terms of section 139 of the Firearms Control Act, 2000 (Act No. 60 of 2000).

### **Changes to the conditions of the firearm amnesty**

In the Government Gazette notice of 27 November 2019, one of the conditions under which amnesty was granted included - (d) An application contemplated in section 139(4)(a) of the said Act shall not apply to illegal firearms where documentary proof of previous ownership cannot be produced. *[Section 139(4)(a) reads "A person who surrenders a firearm in compliance with a notice published in terms of subsection (1) may apply in terms of this Act for a licence in respect of that firearm".]*

In the Minister's application for extension, the above-mentioned condition (d) is removed.

The removal of this condition resulted from an urgent court application by the National Hunting and Shooting Association (NHSA) against the Minister of Police to have the amnesty set aside for various reasons. One of which were the renewal of lapsed firearm licenses. However, an out of court settlement was reached on the issue in which the SAPS changed its administrative process for the application for new firearm licences under the amnesty on 06 January 2020. The amended process allows firearm owners to submit their applications for the renewal of expired competency certificates together with their applications for firearm licences during the amnesty period, which ends on 31 May 2020. *The press statement of the NHSA can be accessed at <<https://natshoot.co.za/nhsa-info/newsletters/nhsa-newsletter/2020/vol-16-01>>*

People with lapsed firearm licences now have three options under the amnesty:

- to hand in the firearm with SAPS and to apply for a new licence and the renewal of competency (if applicable);
- to hand in the firearm with SAPS for destruction; or
- to wait for the result of the Gun Owners of South Africa (GOSA) main court case, which interdicts the SAPS from forcibly taking firearms from people with expired licences (did not apply within 90 days before expiry). *Additional information on this issue can be provided if needed.*

### **Comments**

The SAPS should explain the basis of the out of court settlement and why the settlement was reached.



How is a separate process for the renewal of licenses apart from the amnesty handled? The Committee requested the Minister of Police to consider declaring a separate process for the renewal of expired licences that should run concurrently to the amnesty period.

What impact will the lockdown have on the amnesty?

### Changes in the police stations excluded from amnesty

On 23 October 2019, the SAPS made a presentation to the Portfolio Committee on Police, in which it stated that 46 police stations would be excluded from the amnesty process based on a risk assessment on the readiness of all provinces to implement the amnesty.<sup>1</sup> The stations mentioned were not included in the Government Gazette notice dated 27 November 2019, but rather only the three stations mentioned during 2017/18. After Members of the Committee raised concerns about the omission, the Minister gazetted an amended notice on 13 December 2019 to name the 46 police stations that cannot accept firearms and ammunition during the amnesty.

The proposed firearm amnesty is set to run from 01 June 2020 to 30 November 2020 lists only 28 police stations that will be exempt from the amnesty, which is a significant decrease from the original 46 exempted police stations.

**Table 1: Police stations excluded from firearm amnesty**

Province	Current amnesty 01 December – 31 May 2020 <b>46 Stations</b>	Proposed amnesty 01 June 2020 – 30 November 2020 <b>28 Stations</b>
<b>Eastern Cape</b>	<b>5 Stations</b> <ul style="list-style-type: none"> <li>• Engcobo</li> <li>• Balfour</li> <li>• Ngangelizwe</li> <li>• Kareedouw</li> <li>• Middeldrift</li> </ul>	<b>3 Stations</b> <ul style="list-style-type: none"> <li>• <del>Engcobo</del></li> <li>• Balfour</li> <li>• <del>Ngangelizwe</del></li> <li>• Kareedouw</li> <li>• Middeldrift</li> </ul>
<b>Free State</b>	<b>3 Stations</b> <ul style="list-style-type: none"> <li>• Koffiefontein</li> <li>• Allanridge</li> <li>• Moloding</li> </ul>	<b>None listed</b>
<b>Gauteng</b>	<b>9 Stations</b> <ul style="list-style-type: none"> <li>• Bekkersdal</li> <li>• Dunnottar</li> <li>• Ekangala</li> <li>• Kagiso</li> <li>• Lenasia South</li> <li>• Protea Glen</li> <li>• Eersterus</li> <li>• Eden Park</li> <li>• Soshanguve</li> </ul>	<b>5 Stations</b> <ul style="list-style-type: none"> <li>• Bekkersdal</li> <li>• Dunnottar</li> <li>• Ekangala</li> <li>• <del>Kagiso</del></li> <li>• Lenasia South</li> <li>• <del>Protea Glen</del></li> <li>• <del>Eersterus</del></li> <li>• Eden Park</li> <li>• <del>Soshanguve</del></li> </ul>
<b>KwaZulu Natal</b>	<b>4 Stations</b> <ul style="list-style-type: none"> <li>• Ibisi</li> <li>• Kranskop</li> <li>• Elandslaagte</li> <li>• Lamontville</li> </ul>	<b>3 Stations</b> <ul style="list-style-type: none"> <li>• <del>Ibisi</del></li> <li>• Kranskop</li> <li>• Elandslaagte</li> <li>• Lamontville</li> </ul>
<b>Limpopo</b>	<b>1 Station</b>	<b>None listed</b>

<sup>1</sup> Briefing to the Portfolio Committee on Police. Firearm Amnesty 2019/20 dated 23 October 2019.



	<ul style="list-style-type: none"> <li>• Macklenburg</li> </ul>	
<b>Mpumalanga</b>	<b>3 Stations</b> <ul style="list-style-type: none"> <li>• Verena</li> <li>• Skukuza</li> <li>• Kabokweni</li> </ul>	<b>4 Stations</b> <ul style="list-style-type: none"> <li>• Ancornhoek (Added)</li> <li>• Verena</li> <li>• Skukuza</li> <li>• Kabokweni</li> </ul>
<b>North West</b>	<b>2 Stations</b> <ul style="list-style-type: none"> <li>• Phokeng</li> <li>• Ottoshoop</li> </ul>	<b>None listed</b>
<b>Northern Cape</b>	<b>14 Stations</b> <ul style="list-style-type: none"> <li>• Belmont</li> <li>• Douglas</li> <li>• Heuningvlei</li> <li>• Kuyasa</li> <li>• Lime Acres</li> <li>• Loxton</li> <li>• Middelpos</li> <li>• Mothibistad</li> <li>• Plooyburg</li> <li>• Van Wyksvlei</li> <li>• Van Zylsrus</li> <li>• Vosburg</li> <li>• Witdraai</li> <li>• Winderson</li> </ul>	<b>13 Stations</b> <ul style="list-style-type: none"> <li>• Belmont</li> <li>• Douglas</li> <li>• Heuningvlei</li> <li>• Kuyasa</li> <li>• Lime Acres</li> <li>• Loxton</li> <li>• Middelpos</li> <li>• Mothibistad</li> <li>• Plooyburg</li> <li>• Van Wyksvlei</li> <li>• Van Zylsrus</li> <li>• Vosburg</li> <li>• Witdraai</li> <li>• Winderson</li> </ul>
<b>Western Cape</b>	<b>5 Stations</b> <ul style="list-style-type: none"> <li>• Athlone</li> <li>• Klappmuts</li> <li>• Riversdale</li> <li>• Legelethu-West</li> <li>• Somerset West</li> </ul>	<b>None listed</b>

Source: SAPS

### Comment

The SAPS should explain how the risk profiles of the stations that were originally excluded changed since 01 December 2019.

Why does the presentation not mention the changes in police stations excluded from the amnesty?

Why do the North West, Limpopo, Free State and Western Cape provinces not have any exclusions in the extended firearm amnesty period?

### Renewals and amnesty during lockdown

The SAPS has also issued a directive on 07 May 2020 regarding the renewal of firearm licenses that lapsed during the national lockdown, which prevented firearm owners from applying for renewal within the 90 days before the date of expiry. Under level 5 of the national lockdown, licensing was not listed as one of the essential services and as a result, normal processes of licensing were suspended. However, if a license has already expired during the lockdown period, the firearm owner must apply for a new licence.



The directive further acknowledges that the period of amnesty could not be fully utilised by firearm owners because of the lockdown and that the Minister will approach Parliament to approve an extension to the amnesty period.

#### **Comments**

The SAPS should indicate whether all Station Commanders and Designated Firearm Officers (DFOs) are conversant with the instruction and whether it is consistently applied across stations and provinces. Will this change be communicated to relevant stakeholders and the public? The change in police stations should be indicated clearly.