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MINISTRY OF POLICE
REPUBLIC OF SOUTH AFRICA

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Reference: 3/1P (41/2000)

Mr M V Sisulu, MP
Speaker of the National Assembly
Parliament of the Republic of South Africa
PO Box 15
CAPE TOWN
8000

Dear Mr Speaker


**DECLARATION OF AN AMNESTY UNDER SECTION 139 OF THE FIREARMS
CONTROL ACT, 2000 (ACT No. 60 OF 2000)**

The President recently announced that everything possible must be done to reduce the pool of firearms in the country in order to combat serious violent crimes committed with firearms. As part of the strategy in this regard I intend to declare an amnesty for the surrender of illegal firearms under section 139 of the Firearms Control Act, 2000, for the period 11 January 2010 until 11 April 2010.

In terms of section 139(2)(a) such an amnesty will only be valid if approved by Parliament. A copy of the draft Government Notice and an Explanatory Memorandum are attached. It will be appreciated if you would have the documents referred to the Portfolio Committee for Police for consideration by the National Assembly as a matter of extreme urgency.

Your assistance in this regard will be highly appreciated.

With kind regards


MINISTER OF POLICE
E N MTHETHWA, MP



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GOVERNMENT NOTICE

DEPARTMENT OF POLICE

2009

DECLARATION OF AN AMNESTY IN TERMS OF SECTION 139 OF THE FIREARMS
CONTROL ACT, 2000 (ACT NO. 60 OF 2000)

By virtue of the powers vested in me by section 139(1) of the Firearms Control Act, 2000 (Act No. 60 of 2000), I, Emmanuel Nkosinathi Mthethwa, 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 11 January 2010 until 11 April 2010. Under section 139(2)(c) of the Firearms Control Act, 2000, I determine the conditions under which amnesty is granted, to be as follows:

- (a) Illegally possessed firearms can be handed to a member of the South African Police Service on duty at any police station. No details of the person who hands in the firearm will be taken down, if the person wishes to utilise the anonymous process for amnesty.
- (b) If any person who is illegally in possession of a firearm and who surrenders the firearm in terms of this amnesty, wishes to apply for the licensing of that firearm as contemplated in section 139(4) of the Act, the following procedure must be followed-
 - (i) a written application for amnesty by the applicant must be handed in at a police station and the application must state the full names, identity number and residential address of the applicant, as well as the type, caliber, make, model and all marked serial numbers or other identification marks on the firearm or particulars of the ammunition;
 - (ii) the firearm or ammunition concerned must be surrendered by the applicant to a member of the South African Police Service on duty at any police station and such a member must issue a receipt in respect of such firearm or ammunition to the applicant;

- (iii) the applicant for amnesty must, when surrendering the firearm or ammunition, notify the relevant Designated Firearms Officer in writing if he or she intends to apply for a licence to possess the firearm or ammunition, as contemplated in section 139(4) of the Firearms Control Act (2000), and lodge the application within 14 days from the date on which the firearm or ammunition was surrendered (the relevant Designated Firearms Officer has the meaning assigned to it in the Firearms Control Regulations, 2004, and particulars of the nearest Designated Firearms Officer may be obtained from any police station); and

- (iv) the South African Police Service must act in accordance with the provisions of regulation 93(4)(a) of the Firearms Control Regulations, 2004, if an application contemplated in subparagraph (iii) is not duly lodged or not lodged within the specified period.

Proper audit processes must be put in place to ensure the auditing of the records of all firearms, surrendered anonymously in terms of this amnesty.

Persons who wish to voluntarily surrender a licensed firearm may not surrender it through this amnesty process, but must follow the procedures provided for in regulation 94 of the Firearms Control Regulations, 2004.



EN MTHETHWA, MP

Minister of Police