



The Confederation of Hunting Associations of SA

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08 April 2019

Notice to CHASA Members – Firearm News

Dear CHASA Members

There has been little new news in the firearm ownership situation lately, but it is appropriate that we bring you up to date with some issues and remind you of a few others

Expired Licences

The status quo remains in that the interim order obtained by GOSA in Jul 2018 against SAPS prevents them confiscating firearms purely on the basis that the licence has expired. Therefore, **no SAPS official is able to take any action against you should you be in possession of a firearm for which the licence has expired,** nor may they confiscate such firearms. Just be aware that this does not extend to other legal reasons which SAPS may have which allow them to confiscate a firearm. The actual carrying and use of such expired firearms could well, by extension, also be deemed legal but members are still advised to reduce this to the essential minimum in order to avoid unnecessary problems.

The CHASA stance regarding those who have their original “Green Licence” is that these remain a legal form of ownership based on the relevant 2009 interim court order, and we believe this to be so even if the owner entered into the new “White Licence” regime. SAPS seem to take the view that having entered the “White Licence” system nullifies the “Green Licence” altogether. This has not been tested in court yet, however.

It is important to remember that both the above scenarios are the result of interim court orders. Although the 2009 case is not likely to return to court any time soon, if at all, the GOSA matter is still relatively active. SAPS had noted by email an intent to appeal this order, but have failed to act in time in prosecuting that appeal. Should they re-start this process the court could possibly condone the lateness. CHASA will keep members informed of any new developments.



Legislation Amendments

Members will recall a draft amendment to the Firearms Control Act which surfaced last year and was totally draconian in nature. It removed self-defence as a reason to possess firearms, greatly restricted both occasional and dedicated classes of ownership and had many other highly restrictive clauses. It appears that this was a “wishful thinking” exercise by elements who had infiltrated the drafting authorities and were influencing them unchallenged. Fortunately, the leaking of that draft resulted in some rapid back-tracking at the time, with some government parties distancing themselves altogether. Nevertheless, the intent is quite clear and it is essential that we regain our rightful place in contributing to any legislative processes. CHASA has, together with other stakeholders in the firearm ownership space, now taken steps to firmly entrench ourselves at the relevant table/s. Cooperation among the many different firearm advocacy organisations was reignited by this process and we are consulting with one another constantly now.

Service and Activities at Central Firearm Registry (CFR)

We have noted some disturbing, irrational and erratic decisions and actions out of CFR in recent times. Certain classes of firearms are being refused at a higher rate, but still with some applicants, using exactly the same criteria, succeeding with their application. There has also been a slight increase in refusals of some appeals.

Service itself is also erratic with some procedures occurring in acceptable time frames, while others bog down and no solution seems possible to get it attended to.

Of particular concern are recent instructions to vary what previously had been normal and acceptable processes, and in particular, totally against what the law states. The changing of barrels is a major concern, as this has apparently been completely outlawed, in spite of the fact that it is clearly accommodated for in law! Also, the previously normal administrative function of applying for a temporary export permit at your local DFO now requires the CFR to handle it making the time-frame completely ridiculous when arranging trips to travel for hunting or competitions outside of South Africa.

Members are encouraged to report any untoward situations at SAPS/CFR to your association management. Keep proper records and duplicates of all applications made!

Dealer SAPS350 Change of Ownership Forms

There remains some serious problems at SAPS in capturing these forms. The head of FLASH Unit, General Mamotheti has supplied one specific email address to receive these, while the head of CFR, Brig Mabule has supplied other addresses. Dealers report that the information seems to “mysteriously disappear” off the SAPS system, and emails get deleted without being read. You may be required by your local DFO to include the SAPS350 from your dealer when applying for a licence. This is NOT the fault of dealers and patience is encouraged in this regard.



Court Order – Not Motivation for Section 16 Applications Necessary

A newly circulating piece of information is that an attorney acting for himself appears to have obtained a Court Order in the North Gauteng High Court which states “it is declared that Section 16 of the Firearms Control Act, 60 of 2000 makes no provision for any motivation to accompany an application”. CHASA is cautiously welcoming this decision, but are fully aware that SAPS are very likely going to take it on appeal, which would in effect reverse the decision while that appeal is being heard. They could also take it on review or apply for rescission. We have always held that one’s dedicated status is all that is the primary requirement, but also acknowledge that some degree of “need for having any particular firearm” should be demonstrated in a basic motivation for Sec 16 applications.

Kind Regards



Stephen Palos

Chief Executive Officer

