

## **CHASA Advice – 15 January 2020 – Firearm Amnesty**

Dear CHASA Members,

You are surely aware of the firearm amnesty that is proclaimed and runs from 1 Dec 2019 to 31 May 2020. CHASA has issued previous advice to members that need to use this amnesty to try rectify expired firearm licences. This was to await further info but to ensure they hold valid competency in the meantime. We now have some further clarity and can advise as follows:

The NHTA (Natshoot) had launched a court bid to set aside the amnesty. CHASA and some others had lent support to this action. It was based on the illegal nature of the proclamation itself. Further it was motivated by the clumsy proclamation statement that left us badly informed as to whether the amnesty provided a prospect to rectify ownership of expired licences. NHTA have withdrawn their case yesterday as a settlement with The Minister/SAPS. This because SAPS has in the interim issued a clearer directive allowing for amnesty applicants with expired licences to submit the licence application and the competency application simultaneously. This makes it quite clear that SAPS agree the amnesty is a legitimate path to rectifying expired licences.

CHASA thanks and congratulates the Natshoot team for their substantial effort which is to the benefit of all South Africans.

Our advice therefore to you if you have an expired licence scenario is that the only reasonable prospect to rectify is through this amnesty. It is NOT ideal, as you will be obliged to hand the firearm to SAPS and they are meant to send it to fire a ballistic test sample. No doubt there will be some problems in this regard especially as the crowds of applicants grow larger.

We acknowledge that some folk are advising that the GOSA case, which still has in place an interim interdict which stops SAPS from taking action and confiscating expired licence firearms will, if successful, totally nullify the need to re-licence firearms. We caution that such cases are always very risky and prospects of success should not be flippantly relied upon. If they win, that would be wonderful, but if they lose this would be after this amnesty is over and SAPS would be totally obliged to start confiscation processes. We believe this, albeit poorly constructed, amnesty to be the safer option.

You are therefore advised to make use of the amnesty process. You will do an application/renewal application for competency as your case may be if you don't hold a clearly valid one. You will also do an application on SAPS271 to possess your expired licence firearm/s as if for a new licence. Note, this is NOT a renewal of licence but a new application.

We advise that you put effort into and/or seek solid advice regarding your motivation as we do not want SAPS to find arbitrary reasons for refusals. In the case of very high value firearms legal assistance from the likes of M.J. Hood & Associates could be prudent. All of this can be done simultaneously although you do have up to 14 days after the amnesty application to submit the application to possess. As always, keep copies of everything. Take proper photographs of the firearm you hand in. Remove telescopic sights/mounts and other components which are not legally part of the firearm itself. Ask a competent friend to sign confirmation and a describe of the condition.

Most importantly, attend to this soon! At this stage there has been poor responses so the system is still relatively quiet. This is bound to change with well over half a million expired licences out there.

Good luck