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SAPS Hunting Association Accreditation Number: 1300018 | SAPS Sport Shooting Association Accreditation Number: 1300104
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CHASA ADVIES M.B.T VERSTREKE LISENSIES EN DIE VUURWAPEN AMNESTIE

3 MAART 2020

Geagte CHASA Lede

- Die Raad van CHASA het in Port Elizabeth vergader op die 22 Februarie 2020. Die saak oor vuurwapenlisensies wat verval het en die gebruik van die huidige amnestie was indringend bespreek. CHASA se Regsvertegenwoordiger, Martin Hood was teenwoordig om sy wye kennis en ervaring met die Raad te deel.
- Dit is 'n feit dat indien die SAPD met vuurwapen belangegroepes gekonsulteer het, 'n beter vaartbelynde kanaal gestruktureer kon word om verstreke vuurwapenlisensies, reg te stel.
- In die eerste plek het dit 'n brawe hofsak van NHSA gekos om te verseker dat persone met verstreke lisensies nou gelyktydig kan aansoek doen vir hul bevoegdheidsertifikaat asook hernuwing van lisensies. U sal u daaraan herinner dat CHASA vroeër aanbeveel het dat verstreke bevoegdheidsertifikate so gou doenlik reggestel moet word sodat u aansoek kan doen vir die hernuwing van 'n lisensie wat reeds verval het. Ons wil ons dank en waardering teenoor NHSA betuig vir die hofsak wat ingestel is wat totaal onnodig was indien SAPD met die belangegroepes gekonsulteer het.
- Tweedens, 'n meganisme vir verpligte ballistiese toetse t.o.v verstreke lisensie amnestie aansoeke kon voorkom gewees het vir elke vuurwapen wat deur die amnestieproses gaan.
- Ballistiese toetse is **NIE** 'n absolute vereiste van die Wet op die Beheer van Vuurwapens nie en is dus 'n totale vermorsing van hulpbronne en is ook 'n risiko vir die vuurwapens wat betrokke is van applikante wat deur die amnestie proses vir verstreke vuurwapens aansoek doen.
- Tensy daar geen redelike gronde bestaan om kriminele aktiwiteite op 'n vuurwapen te vermoed nie, is daar geen rede om dit ballisties te toets nie.
- In die eerste plek sal geen persoon wat sy wapen in 'n kriminele aktiwiteit gebruik het by die SAPD opdaag om dit te hernu nie en tweedens kan die SAPD forensiese laboratoriums nie eers die huidige toetse en verslae vir regte kriminele wat agterweë is en sake wat in die hof moet wees, hanteer nie. Weereens indien daar 'n bona fide proses van belangegroepes skakeling in plek was met die SAPD sou hierdie situasie voorkom gewees het.
- Gevolglik is daar nou soveel verwarring en vertroue wat geskend is dat persone nie die vertroue in die amnestieproses het om dit te gebruik om hul verstreke lisensies reg te stel nie. Hierdie situasie is





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verder vererger deur baie negatiewe gerugte en amateur advies, spesifiek op sosiale media waar die Regering se intensies bevraagteken word. Natuurlik het die Minister van Polisie self baie ongevraagde en negatiewe uitlatings in die pers gemaak oor die reg van besit van vuurwapens deur wetsgehoorsame burgers in plaas daarvan om eerder die vertroue van hierdie burgers te soek. Dit is geen wonder dat baie persone nie van die amnestie gebruik wil maak om hul verstreke lisensies reg te stel nie. CHASA is deeglik bewus van al hierdie situasies en het begrip vir die publiek se vrese en frustasies wat tans heers.

- Ons glo egter dat hierdie amnestie **WEL** voorsiening maak vir 'n kanaal om 'n eienaarskap van vuurwapens wat se lisensies verval het, reg te stel. Alhoewel dit beter gestruktureerd kon gewees het, beveel ons sterk aan dat u van die amnestie gebruik sal maak. Die proses behels die indiening van 'n nuwe aansoek(SAPS 271) en nie die hernuwingsvorm nie. 'n Bevoegdheid hernuwing of nuwe aansoek word vereis afhangend van u behoefte.
- Die vuurwapen moet by die SAPD ingehandig word vir ballistiese toetsing. Vorms en advies is beskikbaar by u plaaslike vriendelike DFO Polisie Kantoor. Daar behoort opgeleide beamptes spesifiek met kennis van die amnestie, by hierdie kantoor beskikbaar te wees as u eerste punt van besoek.
- Ons stel voor dat u nie sal wag nie maar so gou doenlik, voor die einde Mei 2020 u aansoeke sal indien. Neem goeie fotos van u vuurwapen wat u inhandig en verseker dat u die korrekte kwitansie as bewys ontvang het.
- Stel 'n behoorlike gestruktureerde en tegniese korrekte motivering/aansoek op en in die geval van duur vuurwapens word aanbeveel dat u skriftelike, professionele advies vooraf bekom.
- Ons is bewus daarvan dat daar baie is wat u teen hierdie proses sal adviseer, maar ons verseker u dat hierdie advies die produk is van baie persone met omvangryke ervaring en kennis, wat die voor – en – nadele deeglik bespreek het. Dit is nie gebaseer op gerugte, vrees aanjaende gedagtes of politiekery nie maar op die Wet soos dit in ons statute bestaan.

Vriendelike Groete

Stephen Palos

CHASA HUB.



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CHASA EXPIRED LICENSES AND THE FIREARM AMNESTY ADVICE

3 MARCH 2020

Dear CHASA Members

- The CHASA Board met in Port Elizabeth on Sat 22 Feb. The matter of expired firearm licenses and the use of the current amnesty was discussed at length. CHASA Legal Advisor, Martin Hood, was on hand to share his vast experience.
- It is true that this amnesty could, had SAPS consulted firearm organizations in advance, been far better structured to be a smoother channel to rectify expired licenses. In the first instance, it took a brave court case by NHSA to ensure that people without valid competencies could simultaneously apply for the required new license to replace their expired one together with the required competency. You may recall CHASA advising early on that expired competencies should be rectified asap should you need to apply to re-license and expired firearm. We thank and congratulate NHSA for this court action which would have been totally unnecessary had SAPS consulted stakeholders.
- Secondly, a mechanism for expired license amnesty applicants could certainly have avoided the now compulsory ballistic testing for every firearm passing through the amnesty process. Ballistic testing is NOT an absolute requirement of the Firearms Control Act, and is thus a total waste of resources and risk to those firearms involved, for all amnesty applicants applying to re-license expired firearms. Unless reasonable grounds to suspect criminal activity with a firearm exists, there is no good reason to ballistically test it. In the first instance no one who has used a firearm in a crime is lining up at a police station with it, and secondly the police forensic laboratories can hardly handle the tests and reports for actual crime cases within the court system already. Again, had a bona fide stakeholder engagement process existed with SAPS this could have been avoided.
- Now there are many who totally mis-trust the amnesty process and are not inclined to use it to rectify their expired licenses. This has been exacerbated by many rumors and amateur advice, particularly on social media where the state's intentions are questioned. Of course, the Minister himself has made unfortunate anti-firearm statements regarding the legal ownership of firearms right at the time when he should have been seeking the confidence of law-abiding citizens. It is no wonder that many will not



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use this amnesty to rectify their expired license situation. CHASA is well aware of all these issues and understand the public fear and frustration.

- We believe however that this amnesty DOES provide an avenue to once again normalize your ownership of firearm/s which licensee/s have expired. Although it could have been much better structured, we still strongly suggest that the amnesty be used in this regard. The process involves a new application (SAPS271) and not the renewal form. A competency renewal or new application may be required as your case may be. The firearm must be handed to SAPS for the required ballistic testing. Forms, and advice should be available from your local, friendly, Dedicated Firearm Officer's (DFO) office. There are meant to be trained officers specifically for the amnesty, and your DFO should be the first port of call.
- We suggest not waiting until the inevitable mad rush towards the end of May, but rather get there as soon as you reasonably can. Take good photographs of the firearm you hand in and ensure you receive the correct proof of receipt. Do a properly structured and technically correct motivation/application and in the case of highly valued firearms we suggest you seek professional advice on the paperwork beforehand.
- We know that many will advise against this route, but we assure you that this advice is the product of many experienced minds who have discussed the pros & cons at length. It is not based on rumors, fear-mongering or politicking but on the law as it stands in our statutes.

Kind Regards

Stephen Palos

CHASA CEO



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