

MJ Hood & Associates

A T T O R N E Y S

4 December 2020

Our Ref: Mr Hood/md/General

BY HAND

**THE NATIONAL COMMISSIONER
LIEUTENANT GENERAL KHEHLA JOHN SITHOLE
WACHTHUIS BUILDING
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PRETORIA**

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Dear Sirs

RE: AMNESTY – 31 JANUARY 2021

1. As you are aware the writer acts on behalf of the South African Arms and Ammunition Dealer's Association (SAAADA), the Confederation Hunting Association of South Africa (CHASA), the Professional Hunters Association (PHASA) and other organisations.
2. SAAADA has instituted a number of court actions against the Central Firearms Registry relating to a failure to implement the electronic systems necessary for the proper implementation of the Firearms Control Act and issues related to the second amnesty declared by the Minister of Police that ends on the 31st of January 2021.

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Fidelity Fund Certificate Number: 04035/2020

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3. The writer would suggest that it is trite that the amnesty is an imperfect, if not flawed process. You were compelled in terms of the Sternberg High Court order to broaden the ambit of the amnesty to accord with the provisions of Section 139(4) of the Firearms Control Act.
 4. Although attempts have been made to comply with this court order, such attempts have fallen short of what is necessary to fully comply with Section 139(4) of the Firearms Control Act, particularly with amendments to the EFRS system.
 5. The writer receives on a daily basis reports from members of the public who have gone to designated firearm officers and designated amnesty officers to lodge amnesty applications and they have been turned away because the EFRS system has not been amended to allow anyone to apply for a firearm licence.
 6. To compound matters, people who need to renew licences to or competency certificates or who want to lodge new applications for firearm licences, are being turned away and told to return as late as February 2021 to submit such applications, because of the amount of work generated by the amnesty which designated firearm officers and the amnesty officers cannot cope with.
 7. Besides the risk to such applicants that their applications may be submitted late and will therefore either expire or be refused due to such lateness, you need to address the concerns raised by the public and you, as National Commissioner, need to examine the capacity of the South African Police Services to comply with what will be an inevitable increase in amnesty applications as a result of the Sternberg court order and your latest national instruction.

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8. We draw to your attention the fact that in a presidential address on the evening of the 3rd of December 2020, the President of the Republic of South Africa declared Nelson Mandela Bay Metro as a hotspot due to a spike in Covid virus infections.
 9. It seems inevitable that with the holiday season commencing, that infections will spread on a far more rapid basis due to a greater movement of persons, and that South Africa will experience a second wave of corona virus infections at the beginning of 2021.
 10. The President has urged all South Africans to take steps to limit activities that could lead to an increase in human interaction and the potential spread of the corona virus.
 11. It is inevitable that during the course of January 2021 queues will form at police stations in order that people submit amnesty applications to designated firearm officers and amnesty officers.
 12. These queues are potential virus super spreader events.
 13. People may be disinclined to expose themselves to potential super spreader events (particularly persons with underlying conditions) and it also puts members of the South African Police Services at increased risk of infection.
 14. You will be aware that the Minister of Transport in Government Gazette number 43958 of the 3rd of December 2020, granted an extension in terms of the Disaster Management Act, to extend learners licence and drivers licence cards validity until the 31st of August 2021.

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15. You have a similar power conferred upon you as registrar of firearms in terms of Section 28(6) of the Firearms Control Act as follows:-

"Any period contemplated in this section may be extended by the Registrar on good cause shown."

16. We would strongly suggest that good cause in this instance is that if an extension is granted, such extension, would limit exposure of members of the South African Police Services and the public to potential corona virus infections, and it would ease the workflow of the South African police Services in dealing with amnesty application and licence renewal applications.
17. We therefore urge you in your capacity as National Commissioner to exercise the power vested in you in terms of Section 28(6) of the Firearms Control Act to extend the validity of licences (and by operation of law in terms of Section 10, competency certificates) for at least a minimum period of six months, if not longer, as the Minister of Transport has done, to enable your officers to deal with their increased workload and at a lower risk of infection to themselves and the public.

18. Kindly acknowledge receipt.

Yours faithfully,



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