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SAAADA News

Hi folks,

Covid-19 and Lockdown have dominated all our thoughts over the past 5 weeks. As we ease out of Lockdown, very slowly it seems, we must ensure that no dealer risks contravening the Regulations. We are advised that SAPS will be watching dealers closely in the weeks ahead.

While we all want to get back to work, to regain more freedom, please be aware that the Government is increasingly imposing more restrictions (such as the curfew). The Disaster Management Act (DMA) rightfully permits some limitations of our basic rights, but we must be aware of a potentially power-hungry, authoritarian State. The restrictions imposed by the DMA must be limited in duration, but currently are not! Much of what's happening is not subject to Parliamentary oversight, and the Courts are not operating. Remain vigilant!

I'm sorry that I digress ...

Today, we have an evolving, highly fluid situation to contend with. There is much confusion already, and many developments are expected in the days ahead as various Ministries publish their more detailed Regulations to support those gazetted yesterday by COGTA.

As of today, 30 April 2020, this is the way we understand things will be under level 4 (at least initially):

1. Essential Services and Goods are allowed

- a. As was the case under Level 5, this means that a business may apply for a CIPC permit to operate, so that they can
 - i. supply only essential goods (food, PPE, medicine, etc), and/or
 - ii. support only essential services (private security companies, SAPS, etc)
 1. *emergency gunsmithing / repairs would be a good example*

2. Agriculture is fully Allowed

- a. This is an improved situation over Level 5 and means that any business may operate to support Level 4 activities, that includes all types of farming.
 - i. No permit is required for the business to operate (at this stage)
 - ii. Only Level 4 activities may be supported.
 - iii. In our context, we believe that a gun dealer may supply any commodity required by a farmer that that farmer requires for farming.
 - iv. In these confusing times we recommend that any supplies made this way are covered by a signed statement from the farmer (with appropriate details) to the effect that he is a farmer and requires the goods for his farming activities.
 1. *You – the dealer – should retain the statement as proof that you traded within allowed parameters.*

3. Hunting is Allowed

- a. Rightly or wrongly, inadvertently or not, hunting is specifically permitted in terms of the regulations, Table 1, Part A.1.
 - i. In the context of other points within these regulations (no crossing provincial borders, the curfew, no cultural or sporting activities) it is unlikely that the intention was to include hunting by members of the public.
 - ii. We anticipate further clarity or additional regulations in this regard soon, so please be aware of any developments.
- b. In the absence of further clarification and/or further regulations, as it stands today, we understand that this means that any business may operate to support Level 4 activities, and this includes all types of hunting.
 - i. No permit is required for the business to operate (at this stage)
 - ii. Only Level 4 activities may be supported.
 - iii. In our specific context, we believe that a gun dealer may supply any commodity required by a hunter that that hunter requires for hunting.
 - iv. In these confusing times we recommend that any supplies made this way are covered by a signed statement from the hunter (with appropriate details) to the effect that he is a hunter and requires the goods for his hunting activities.
 1. *You – the dealer – should retain the statement as proof that you traded within allowed parameters.*

In terms on both points 2 and 4 above, be aware that the permitted level 4 activities are narrowly defined. It is not permitted for dealers to open their businesses for trade to the general public, nor to supply any goods to a sport shooter, recreational gun owner, collector, etc. It would not be permitted to allow such people into your store, nor to send them any goods via courier or delivery service.

4. Re-stocking your store

- a. Annexure D in the DMA regulations published on 29 April defines Essential Services, and B.5. includes the words “Whole sale [sic] and retail stores for re-stocking”.
- b. We understand that dealers may be at their shops to order goods from importers, manufacturers, etc and to receive the purchased stock.

- c. Wholesalers are included and may operate to re-supply dealers with any products the dealer requires
- d. The products involved here are irrespective of allowed level 4 activities since they are re-stocking only and are not related to any subsequent sale.
- e. This provision does not permit the retail business to trade!

Take note that nothing in this interpretation should be considered legal advice. It is simply our layman's interpretation of the current, confusing situation. We understand the desire of businesses to re-open but caution that firearm dealers are highly regulated through our dealer-licensing system, so it would be very easy for Government to close us down at the stroke of a regulatory pen – as they have done with the liquor and tobacco industries.

Please, wisely consider your approach to trading, and do not open to the public too soon.

Regards,

Jonathan