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# SAAADA News

Hi folks,

Happy New Year, for 2021 – but not for ‘2020 won’.

Last year ended with a few developments, including two notable documents from SAPS.

## 1. Dealers may use the Amnesty

For most of the two recent Amnesties, SAPS policy was that only the ‘owner’ (in practice the holder of an expired license) of a firearm could apply for a license under the Amnesty. In the so-called Sternberg case, the Pretoria High Court ruled that anyone could apply for a license for any firearm surrendered under the Amnesty, not just the ‘owner’.

This opened the way for dealers to enquire if they could use the amnesty to fix the many ‘problem firearms’ in dealer stock. Following several enquiries, SAPS did not permit that, so because the second Amnesty was nearing the end, SAAADA initiated urgent court proceedings.

It a very positive development, SAPS agreed to ‘settle’ out of court by drafting the directive 27/5/2/1 of 17 December 2020, entitled **Further Additional Guidelines: 2020/2021 Firearm Amnesty: Surrendering of Firearms, Ammunition and/or Firearm parts by Entities (Firearm Dealers and Others) in Unlawful Possession Thereof** (Amnesty Guidelines for Dealers, in short).

Unfortunately, these were compiled and published without any input from SAAADA. Once we reviewed them it was clear that they included some impractical aspects, but critically, we considered point 3.1.1.(c) related to the SAPS 350(a) to be unlawful. Due to various delays of the holiday season, it was only today that this aspect was clarified in court. SAPS agreed to issue a further clarification of this directive on or before Monday 18 January 2021.

Brigadier Mabule, head of CFR, was in court today to support his legal team, and I was there supporting ours. I made the opportunity to briefly chat with him after proceedings since, for

the first time in years, I sense that there may be a willingness from CFR to re-open dialogue with SAAADA. I certainly encouraged that!

## **2. Powerful, big-bore airguns are clearly firearms**

Just this week circular '26/52/1 over 3/34/1', dated 31 December 2020, was distributed via social media. This circular clarifies the understanding of when an airgun is considered to be a firearm in terms of the FCA.

The table in paragraph 14 of this circular clearly indicates that .22 airguns with a calibre of 5.5mm are deregulated, irrespective of energy level. This grey area is now clarified, since all .22-airguns fire 5.5mm pellets or slugs, none have a calibre of 5.6mm.

Only once the calibre is 5.6mm or bigger, does the energy requirement become a factor. Any of these big-bore airguns with a muzzle energy of 8 Joules, or more, is a firearm and requires a license. Note that 8 Joules is not very powerful at all, so almost every big-bore airgun will require a license!

Some of the SAAADA committee assisted the officers who investigated the situation that ultimately led to the circular. Long overdue, SAAADA welcomes this clarification and we hope that anyone in possession of a 'powerful, big bore airgun' without a firearm license makes use of the Amnesty to obtain a firearm license for such a firearm.

The 2020/2021 Amnesty ends on 31 January 2021. Following the adverse ruling in the GOSA appeal, many owners of firearms with expired white licenses have made use of the amnesty, and many still wish to. Add to this the additional applications made possible by the Sternberg ruling in early December, the Dealers' directive (directive of 17 December; still to be clarified next week) and the powerful airgun circular of 31 December (just made public this week). Complicating this huge demand is the second wave of Covid-19 that means DFO's only work 'shifts' and offices are frequently closed for decontamination or due to sick officers, slowing the entire process.

SAAADA supports widespread calls for the Minister of Police to declare another Amnesty and suggests that at least 12 months would be required due to the increased scope, and high uptake of the opportunity. We call on Minister Cele to frequently and publicly encourage the public to regularize their affairs via the Amnesty.

At the same time, we encourage the authorities to simplify all processes, saving precious resources throughout. SAAADA is here to help!

Regards,

*Jonathan*