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SAP 350 Procedure

We know that the CFR operates *ultra vires* and have failed to implement the electronic connectivity required by Regulation 38. So, all dealers (including gunsmiths, manufacturers, etc) are subject to Regulation 39 that states:

1. A dealer who is exempted from the duties referred to in section 39(6) of the Act must, within seven days after the end of every week, submit to the Office of the Central Firearms Register a return on the form determined by the Registrar, or a computer printout which reflects the information of the prescribed form, regarding all firearms and ammunition -
 - (a) acquired during the relevant week; and
 - (b) transferred during the relevant week.
2. A dealer must submit such weekly returns whether or not any firearms or ammunition have been acquired or transferred.

To be clear, no dealer has been exempted, it is simply not possible to comply with Regulation 38 or section 39(6) of the Act. This failure by CFR is the main part of the SAAADA Administrative Challenge, our court case scheduled for 5 August.

In recent weeks various dealers have received contradictory instructions on how to submit their legislated dealer stock returns, the SAP 350 and SAP 534 forms. Without going into the various details, we can confirm that much of the underhanded instruction included sentiments that "SAAADA should not be informed". CFR succeeded on complicating and already complicated situation even further.

So, to try and clarify the situation we advise all dealers to adopt the following procedure.

STEP 1: Comply with legislation

1. Submit your weekly dealer returns in time, i.e. within seven days of the end of each week
 - a. You may use the official SAPS form or "a computer printout which reflects the information of the prescribed form".
2. These returns reflect the physical movement of all firearm stock into the business and out of the business
 - a. when did you receive the firearms, and
 - b. when was each firearm collected and taken off the premises
3. Submit this STEP 1 return via email to ArmsControl1@saps.gov.za and set your email to automatically request both a delivery receipt and a read receipt.
 - a. Save all these in a folder on your computer, preferably grouped by date.

STEP 2: Escalate to the task team

Major General Mamotheti established a task team to handle all matters related to dealer stock returns (stock transfers). All submissions and enquiries in this regard must be sent via e-mail to the Task Team

- molefeleromo@saps.gov.za or
- mahlangul6@saps.gov.za

1. In the likely event that your returns of STEP 1 have not been processed at all within one week, please forward the saved message of STEP 1 to the task team defined above.
 - a. SAAADA was uninvolved in any and all aspects of the task team, so we do not understand who or what the process is. We suggest you use both email addresses.
 - b. We suggest that you remain polite and include the following words, or similar words of your own, in the message of the email.

Dear Task Team, I submitted the dealer returns required by Regulation 39 of the FCA on the date and time indicated by the forwarded message below. So far as I have been able to ascertain, none of the firearms included in my SAP 350(a) returns [attached] have been processed into my stock and no reasons for this have been supplied by CFR. Please attend to this as a matter of urgency and transfer these firearms onto my code of body without delay or notify me by replying to this message of any problems that require my attention.

2. In the event that your returns of STEP 1 have only been partially processed after one week, please forward the saved message of STEP 1 to the task team defined above, but with an amended SAP 350 form that only includes the firearms that have not yet been processed.
 - a. It would be best not to include the original SAP 350 form as this is likely to confuse the officials.
 - b. We suggest that you remain polite and include the following words, or similar words of your own, in the message of the email.

Dear Task Team, I submitted the dealer returns required by Regulation 39 of the FCA on the date and time indicated by the forwarded message below. So far as I have been able to ascertain, some of the firearms included in that submission have not been processed into my stock and no reasons for this have been supplied by CFR. To be clear, the firearms included in my amended SAP 350(a) return [attached] have not been processed into my stock and no reasons for this have been supplied by CFR. Please attend to this as a matter of urgency and transfer these firearms onto my code of body without delay or notify me by replying to this message of any problems that require my attention.

STEP 3: Escalate to the Head of FLASH

Major General MJ Mamotheti is the head of FLASH – Firearms, Liquor and Second Hand goods. She is ultimately responsible for the proper functioning of the CFR. Should the Task Team that she established fail to handle all matters addressed to it within a further one week, then please forward the saved message of STEP 2 to the Head of FLASH so that she is fully aware of the gravity of the situation.

Major General MJ Mamotheti, Head of FLASH, has the following email address: MamothetiJ@saps.gov.za

1. In the event that your escalated returns of STEP 2 have not been processed at all within one week, please forward the saved message of STEP 2 to the Head of FLASH at the email above.
 - a. We suggest that you remain polite and include the following words, or similar words of your own, in the message of the email.

Dear Maj Gen Mamotheti, I submitted the dealer returns required by Regulation 39 of the FCA on the date and time indicated by the original forwarded message below and followed this up with a further submission to your task team, as per your instructions of February 2019. So far as I have been able to ascertain, none of the firearms included in my SAP 350(a) returns [attached] have been processed into my stock and no reasons for this have been supplied by CFR. Please attend to this as a matter of urgency and transfer these firearms onto my code of body without delay or notify me by replying to this message of any problems that require my attention.

2. In the event that your escalated returns of STEP 2 have only been partially processed after one week, please forward the saved message of STEP 2 to the Head of FLASH at the email above, but with an amended SAP 350 form that only includes the firearms that have not yet been processed.
 - a. It would be best not to include the original SAP 350 form as this is likely to confuse the officials.
 - b. We suggest that you remain polite and include the following words, or similar words of your own, in the message of the email.

Dear Maj Gen Mamotheti, I submitted the dealer returns required by Regulation 39 of the FCA on the date and time indicated by the original forwarded message below and followed this up with a further submission to your task team, as per your instructions of February 2019. So far as I have been able to ascertain, some of the firearms included in that submission have not been processed into my stock and no reasons for this have been supplied by CFR. To be clear, the firearms included in my amended SAP 350(a) return [attached] have not been processed into my stock and no reasons for this have been supplied by CFR. Please attend to this as a matter of urgency and transfer these firearms onto my code of body without delay or notify me by replying to this message of any problems that require my attention.

Your committee hopes that this helps improve the SAP 350 Fiasco and brings all problems to the attention of the relevant civil servants. In February this year we saw that Maj Gen Mamotheti reacted to just a few days of these emails in her inbox.

Regards,

Jonathan