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South African Police Service



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DIRECTORATE FOR PRIORITY CRIME INVESTIGATION
- B. **ALL DEPUTY NATIONAL COMMISSIONERS**
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- D. **ALL PROVINCIAL COMMISSIONERS**
- E. The Head
CORPORATE COMMUNICATION

GUIDELINES: FIREARM AMNESTY 2019/2020: SURRENDERING OF FIREARMS, AMMUNITION AND/OR FIREARM PARTS BY A PERSON WHO IS IN UNLAWFUL POSSESSION

1. Introduction

- 1.1. The Firearms Control Act, 2000 (Act No. 60 of 2000) (hereafter referred to as "the "Act") and the Firearms Control Regulations, 2004 (hereafter referred to as "the "Regulations") provide for the surrendering of firearms, ammunition and/or firearm parts by persons in unlawful possession thereof during amnesty.

2. Background

- 2.1. In terms of section 139 of the Act, the Minister of Police may by notice in the Government Gazette declare an amnesty in order to allow any person who is in unlawful possession of *firearms, ammunition and/or firearm parts* the opportunity to surrender such *firearms, ammunition and/or firearm parts* without the fear of being prosecuted for the unlawful possession of such *firearms, ammunition and/or firearm parts*.

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- 2.2. In terms of section 139(4)(a) of the Firearm Control Act, 2000 (Act No. 60 of 2000), a person who surrenders a firearm in compliance with a notice published in terms of subsection (1) may apply in terms of this Act for a licence in respect of that firearm.
- 2.3. An application contemplated in section 139(4)(a) of the said Act shall not apply to illegal firearms where documentary proof of previous ownership cannot be produced.
- 2.4. The Parliament has approved the Firearm Amnesty 2019/2020 to commence from **01 December 2019 to 31 May 2020**.
- 2.5. In terms of section 94 of the Act, no person may possess any firearm part unless he/she hold a license in respect of a firearm capable of bearing that firearm part.
- 2.6. Section 90 of the Act, provides further that no person may possess any ammunition unless he or she holds a licence in respect of a firearm capable of discharging that ammunition or holds a permit to possess ammunition.
- 2.7. It is of paramount importance to note that any person who hands in illegal *firearms, ammunition and/or firearm parts* in terms the Gazetted Amnesty will not be prosecuted for contravening a provision of the Act relating to the **possession** of the item without the appropriate licence, permit or authorisation.
- 2.8. **All firearms surrendered must undergo Integrated Ballistic Identification System (IBIS) testing to determine whether it might have been involved in crime.**
- 2.9. **All *firearms, ammunition and/or firearm parts* surrendered during amnesty, must be dealt with in accordance with, applicable directives below:**
 - National instruction: 6 of 1999: Hazardous Substances, Radio Active Material, Explosive Items, Articles and Devices as well as Potentially Explosive Items;
 - National Instruction 3 of 2000: Voluntary surrendering of a firearm by a person who is in lawful possession thereof;
 - National instruction: 5 of 2010 Storage Handling and Transportation of Ammunition, Pyrotechnics, Tear Gas and Explosive Ordinance;
 - National instruction: 8 of 2017 Property and Exhibit Management; and
 - National Instruction: 6 of 2019 Notification of Lost, Found, Stolen and or Found Firearms.

3. Definitions

3.1. In this circular, unless the context otherwise indicates, -

- a) "ammunition" means a primer or complete cartridge;

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- b) "cartridge" means a complete object consisting of a cartridge case, primer (whether rim fire or otherwise), propellant and a bullet or shot, as the case may be;
- c) "firearm" means a firearm as defined in section 1 of the Firearms Control Act, 2000 (Act No. 60 of 2000);
- d) "firearm part" means a slide, bolt or breech block of a firearm or a device designed to be attached to the barrel of a firearm in order to muffle or moderate the report of that firearm (silencer);
- e) "member" means any member of the South African Police Service referred to in section 5(2) of the South African Police Service Act, 1995 (Act No 68 of 1995);
- f) "Designated Amnesty Official" means a member of the South African Police Service Act member appointed in writing by the Station Commander or Provincial Commissioner to coordinate and facilitate the amnesty process at a police station
- g) "person" means an individual who represents him/herself or an institution and who intends to surrender a firearm(s) ammunition and/or firearm part(s);
- h) "the Regulations" means the Firearms Control Regulations, 2004;
- i) "Service" means the South African Police Service; and
- j) "the Act" means the Firearms Control Act, 2000 (Act No. 60 of 2000).

4. Designated Amnesty Official

- 4.1. The Station Commander must appoint a member in writing as a Designated Amnesty Official (DAO) for the duration of the amnesty period, preferably the relevant Designated Firearms Officer (DFO) appointed at the police station.
- 4.2. The contact details of the Designated Amnesty Official must be clearly displayed in the Client Service Centre, and he/she must be available on a 24/7 basis.

5. Taking possession of surrendered *firearm and/or ammunition and/or firearm part*

- 5.1. The **Designated Amnesty Official** or the Community Service Centre Commander must comply with the following procedures when taking possession of a *firearm, ammunition and/or firearm part* surrendered by a person during the Amnesty period:

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Step	Action
1	<p>Ensure that the <i>firearm</i> and magazine are unloaded, then take possession of the <i>firearm, ammunition and/ or firearm part</i>.</p> <p>Note: If the person have the <i>firearm, ammunition and/ or firearm part</i> with him or her, steps must be taken to ensure that possession of the <i>firearm, ammunition and/ or firearm part</i> is taken, immediately. The firearm must be made safe away from the public and members of the Service.</p>
2	<p>Complete and sign the SAPS 522(a) form for each firearm voluntarily surrendered (see annexure "A").</p>
3	<p>Fully complete the Amnesty form (SAPS 548) attached as annexure "B" for each <i>firearm, together with the ammunition and/ or firearm part</i> surrendered. The person who surrenders the <i>firearm, ammunition and/ or firearm part</i> must endorse the declaration on the Amnesty form to indicate whether he or she wish to apply for a firearm licence to possess the specific firearm within 14 days.</p> <p>A copy of the Amnesty form must be handed to the person who surrendered the firearm, ammunition and/ or firearm part as an acknowledgement of receipt for the surrendered firearm, ammunition and/ or firearm part.</p>
4	<p>If the person is forfeiting the firearm to the state must complete and sign the SAPS 522 (b) (see annexure "C"). Endorse the first page of the SAPS 522(b) form with the words "Amnesty 2019/2020" on the top right hand corner in red ink.</p>
5	<p>Record the particulars of the person and the details of the <i>firearm, ammunition and/ or firearm part</i> in the OB. The OB entry number for the specific <i>firearm, ammunition and/ or firearm part</i> must be endorsed in column 13 of the SAPS 13 register and the Amnesty form and vice versa.</p>
6	<p>Record the details of the <i>firearm, ammunition and/ or firearm part</i> in column 3 of the SAPS 13 register and the particulars of the person who surrendered the <i>firearm, ammunition and/ or firearm part</i>, in column 4 of the SAPS 13 register and endorse column 4.2 of the SAPS 13 register with the words "Amnesty 2019/2020" marked in red.</p>
7	<p>Place the <i>firearm, ammunition and/ or firearm part</i> in the SAPS 13 store or in a safe at the Community Service Centre if the SAPS 13 official is not available at the time when the <i>firearm, ammunition and/ or firearm part</i> are handed in.</p>
8	<p>Attach a SAPS 13(a) tag with the words "Amnesty 2019/2020" to the specific <i>firearm, ammunition and/ or firearm part</i> which must contain the applicable serial number of the SAPS 13 register and the corresponding OB number.</p>

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Step	Action
9	Complete the SAPS 522(b) form in duplicate for each firearm surrendered (see annexure "C"). Endorse the first page of the SAPS 522(b) form with the words " Amnesty 2019/2020 " on the top right hand corner in red ink. Attached as per annexure B.
10	Write the serial number of the SAPS 13 entry in block A.5 of the SAPS 522(b) form. The applicable OB entry number must be recorded on the SAPS 522(b) form below block A.5 .
11	Conduct an enquiry on the EFRS on function 10.5 to determine whether the firearm was reported as lost or stolen. If the firearm was circulated as lost or stolen, complete a SAPS 521(f) (Notification of lost/ stolen/ found firearms) (see annexure "D") form and have the firearm circulated as recovered on the EFRS.
12	If the firearms is not registered on EFRS full details of the firearms (serial number, make, model calibre, types and any distinguishing mark) must be forwarded to Section: Central Firearm Register via the provincial office for further handling with Interpol on iArms.
13	<p>Record the details of the firearm, ammunition and/ or firearm part on the SAPS 594 (see attached annexure "E"). Capture the details of the <i>firearm, ammunition and/ or firearm part</i> on the Operational Planning and Monitoring (OPAM) System immediately after the SAPS 594 has been completed.</p> <p>The information captured on the OPAM System must be accurate and care must be exercised that duplicate transactions and information such as incorrect quantities are not captured. The data captured must be verified on the OPAM System against the SAPS 594 by the Designated Amnesty Official and his /her signature must be placed on the SAPS 594.</p> <p>Guidelines for OPAM capturing: Amnesty 2019/2020, is attached marked annexure "F".</p>
14	Hand over all documentation in respect of <i>firearms, ammunition and/ or firearm parts</i> obtained in terms of this paragraph to the Designated Amnesty Official , if it was not obtained by him or her, but by the Community Service Centre Commander.

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Step	Action
15	Complete a daily situational report, which must be signed by the Station Commander and submit it to the office of the respective Cluster Commander and the PROVJOC, daily, before 08:00 (a copy of the situational report is attached as annexure "G"). The details of the police station such as telephone and fax number must be clearly endorsed on the situation report. The respective Cluster Commander will be responsible to conclude quality control on the daily situational report as presented as well as the conducting of ad hoc inspections to ensure compliance to the content of this circular.

6. **Recording of information with regard to the surrendered *firearm, ammunition and/ or firearm parts*.**
- 6.1. The Designated Amnesty Official must ensure that a Firearm File (SAPS 13(f)) is opened for every firearm, ammunition and/ or firearm part. All correspondence and documentation relating to the surrendering of the *firearm, ammunition and/ or firearm part* must be filed. The Firearm File must be endorsed in red in the right hand corner with the words "**Amnesty 2019/2020**". The applicable OB number and SAPS 13(f) number must be recorded on the front page of the file. Attached as per annexure "H".
- 6.2. All steps taken relating to the surrendering of the *firearm, ammunition and/ or firearm part* must be recorded chronologically on the Investigation Diary on the inside of the Firearm file. Every entry on the Investigation Diary must be signed and dated by the member who makes such entry. If the entry was not made by the Designated Amnesty Official, it must be checked and countersigned by him or her.
7. **Safeguarding of the *firearm(s) and/ or ammunition and/ or firearm parts***
- 7.1. The *firearms, ammunition and/ or firearm parts* must be safeguarded as provided for in SO (G) 335.2. SAP 13 clerk must complete SAPS 498 (attached as annexure "I") for all firearms and ammunition that are ready for transportation to the provincial central storage facilities. It may only be removed in accordance with SO (G) 335.2 by the Designated Amnesty Official, for the purposes of dealing with it in terms of this circular.
- 7.2. The Station Commander must ensure that all *firearm, ammunition and/ or firearm part* surrendered during the Amnesty are safe guarded and forwarded at least within fourteen (14) days to the Centralised Firearms Storage Facility as identified by the Provincial Commissioner. It is important that sufficient safe storage facilities are made available by the respective Provincial Commissioners to ensure the safe custody of *firearms, ammunition and/ or firearm parts*.

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8. Ballistic testing of firearm

- 8.1 A Firearm IBIS Request Form must be completed for firearms to be IBIS tested. Attached as per annexure "J".
- 8.2 The provincial or cluster coordinators for IBIS testing or persons designated by him or her, must ensure that the test firing of these firearm(s) comply with the following minimum requirements: -
 - 8.2.1 All firearms received at central storage facilities are tested within seven (7) days,
 - 8.2.2 All the firearms that have been tested must immediately be marked with a red cable tie through the trigger guard;
 - 8.2.3 All ammunition needed for the test fires must be available at the sites where the firearms are tested.
 - 8.2.4 All evidence bags into which the firearms must be placed must be marked with the SAPS 13 number and the serial number of the firearm(s) and/ or ammunition tested; and
 - 8.2.5 The IBIS delivery forms see attached annexure "J" must be completed during the test firing and care must be taken that the person who actually did the test firing can be identified later.
 - 8.2.6 The firearm(s) may only be test-fired by the police official who was trained by members of the Ballistic Unit. Special emphasis must be placed on the safe handling of the firearms during testing. Police Officials must ensure that precautions are taken without them being endangered due to latent defects in the mechanisms and barrels of the firearms.
 - 8.2.7 Submit IBIS testing result within thirty (30) days, if there is positive hit the detectives must be activated and the firearms must be kept at provincial storage facilities
 - 8.2.8 All firearms received from the Ballistic Unit must be kept at the Centralized Firearms Storage Facility for at least three (3) months after it was IBIS tested before issuing a disposal instruction.
 - 8.2.9 Ballistic testing outcome reports must be forwarded to the relevant Provincial Centralised Firearms Storage Facility and the relevant Designated Amnesty Official.

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9. Preparation and sending of documents to the Central Firearms Register (CFR) and to the office of the Provincial Commissioner

9.1 The Designated Amnesty Official must:

Step	Action
1	Forward a copy of the completed SAPS 522(b) and Amnesty form to the respective Provincial: Commander: Firearms, Liquor and Second Hand Goods Services (FLASH).
2	Where a person submitted an application for a firearm licence for the particular firearm, the top right corner of the first page of the SAPS 522(b) form must be endorsed in red ink with the words: “Application for a firearm license pending” and such entry must be signed and date stamped by the relevant Designated Amnesty Official.
3	Keep the original SAPS 522(b) in the Firearm file at the respective police station.

9.2 Transferring of the firearms to Amnesty 2018: State Department Codes

9.2.1 The following State Department names and codes were created for the Enhanced Firearm Registration System (EFRS) or the registration/ transfer of firearm(s) surrendered during the Amnesty period.

State Department Description	Code
AMNESTY 2019/2020 “SURRENDER BARREL/ RECEIVER/ FRAME NOT REGISTERED” <i>Surrendering of a Firearm including Barrel/ Receiver/ frame which are not registered on the EFRS.</i>	40
AMNESTY 2019/2020: “ESTATE FIREARMS” <i>Firearms which are registered to deceased persons</i>	42
AMNESTY 2019/2020: “FAILED TO RENEW” <i>Firearm license holder failed to renew his/ her firearm license within the prescribed period</i>	43
AMNESTY 2019/2020: “F/ A POSSESSION OF DEALER/ GUNSMITH – NOT REGISTERED” <i>Firearms including Barrel/ Frame/ Receiver which are unregistered and in possession of the dealer/ Gunsmith</i>	44

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<i>State Department Description</i>	<i>Code</i>
AMNESTY 2019/2020: "VOLUNTARY SURRENDERED BY OWNER" <i>Licensed firearms including Barrel/ Frame/ Receiver which are voluntarily surrendered</i>	45

9.2.2 Upon receipt of the faxed SAPS 522(b) form and Amnesty form, the respective **Provincial FLASH Commander** must:

Step	Action
1	Consolidate the situation report as soon as they are received from the respective police stations. It is of paramount importance to verify the OPAM system against the situation report to determine the integrity of the captured information.
2	Check the particulars of the <i>firearms</i> on the EFRS on function 10.5. If the firearms particulars are correct on the System – Print the relevant report from the EFRS and attach it to the respective SAPS 522(b) form.
3	Transfer the <i>firearm</i> from the name of the person, company or institution on the EFRS to the relevant Amnesty 2019/2020 State Department Code utilizing functions 22.4.1.
4	Print the report from the EFRS that shows that the <i>firearm</i> was transferred to the relevant State Department and attach it to the respective SAPS 522(b) form.
5	Certify the transfer of the firearm on the first page of the SAPS 522(b) form by endorsing the State Department code followed by a full official signature and date stamp.
6	Forward a copy of the first page of the SAPS 522(b) form by post and fax to the respective police station concerned.

9.2.3 The PROVJOCS must on receipt of the daily situational report from the police station, consolidate the respective reports and forward a consolidated daily situational report to the NATJOCS not later than 10:00 on a daily basis. Attached as per annexure "G".

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10. In the case where a firearm is surrendered without a serial number or of which the serial number was removed or where the firearm is not registered on the EFRS, the following procedure must be followed:

Step	Action
1	The respective Designated Amnesty Official at the police station must ensure that the firearm is etched. The procedure in paragraph 10 must still be complied with where the serial number was removed.
2	Once the etching report has been received and the serial number determined, transfer the <i>firearm</i> from the name of the person, company or institution on the EFRS to the relevant Amnesty State Department Code utilizing function 22.4.1
3	A copy of the etching report must be forwarded to the police station concerned for the purposes of filing in the Firearm File.
4	If the etching was unsuccessful and a serial number was not obtained during the process, the above Designated Amnesty Official must forward a copy of the respective SAPS 522(b) form to the CFR with a request SAPS 521 (f) to issue a Firearm Identification Number (FIN) for the specific firearm.
5	The responsible designated official at the CFR must allocate a FIN number to the firearm. The FIN number must be endorsed on the SAPS 521 (f) and a copy thereof must be faxed to the above Designated Amnesty Official at the respective province.
6	If the firearm has a serial number but is not registered on the EFRS, the Designated Amnesty Official must complete the request form to request the CFR to register the firearm on the EFRS. This request must be directed to Lieutenant Colonel Lesige via e-mail lesigepule@saps.gov.za / cfrenquiry@saps.gov.za

11. **Procedure to be followed when a person wants to apply for a licence to possess the firearm that was surrendered during the amnesty period.**
- 11.1 In terms of Section 139(4) (a), of the Act a person who surrenders a firearm during the amnesty period may apply in terms of the Act for a licence in respect of that firearm. Only the person who physically surrendered the firearm may apply for a firearm licence for that specific firearm.

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11.2 If a person wish to apply for a licence to possess a firearm which was surrendered to the South African Police Service under the amnesty, the following process must be strictly adhered to:

Step	Action
1	The person who surrendered the firearm must complete the Amnesty form Annexure "B" and must indicate on the Amnesty form that he or she intends to apply for a firearm licence to possess the specific firearm surrendered under the Amnesty.
2	The person must be referred to the relevant Designated Firearms Officer (DFO) in order to apply for the applicable competency certificate if he or she does not possess the appropriate certificate for the respective firearm licence.
3	The person must complete a SAPS 271 (Application for a licence to possess a firearm) form and the procedure to obtain a firearm licence in terms of the Act, must be adhered to. The application must be submitted within 14 days to the DFO from the date on which the firearm was surrendered. Where no application was lodged within the stipulated period (14 days) from the date on which the firearm was surrendered, the firearms must be forfeited to the State and the procedure in paragraphs 11 to 12 must be followed.
4	The SAPS 271 form must be clearly marked with the words: " AMNESTY 2019/2020 " on the top right corner of the first page in red ink. The SAPS 522(b) form for the applicable firearm must be endorsed on the top right corner of the first page in red ink with the words: " Application for a firearm licence pending " and such entry must be signed and date stamped by the relevant DFO.
5	An endorsement must be made in column 5 of the SAPS 13 register that an application for a licence to possess the firearm is pending.
6	A copy of the Amnesty form must be attached to the application form (SAPS 271) as a supporting document.
7	The normal, generic, existing application to apply for a firearm licence must be completed and complied with by the relevant DFO and the firearm licence application must be submitted to the respective FLASH provincial office. The completed application for a firearm license must be placed in an envelope and marked for attention: The Head Central Firearms Register, Private Bag X 811, Pretoria, 0001 before being dispatched.
8	If the application for the licence to possess the firearm is refused, the person has a right to appeal within 90 days from the date of such refusal, to the Firearms Appeal Board for attention the Chairperson Firearms Appeal Board, Private Bag X 811, Pretoria, 0001.

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Step	Action
9	If the appeal period has lapsed or if no appeal is submitted, the respective Provincial Commander: FLASH must forfeit such firearm to the state.
10	In all cases where an application for a licence to possess a firearm is pending, the firearm cannot be deregistered.
11	If the application to licence the firearm is approved, the successful applicant must produce his/her licence to the DFO and the respective firearm and ammunition must be handed over.

12. Where a person wishes to renew a firearm licence, in terms of section 24 of the Act and such licence has been terminated in terms of section 28 of the Act, such a person may, during the Amnesty period apply afresh for a firearm licence in terms of paragraph 11 supra subject to all the provisions of the Amnesty, in that all firearms and/or ammunition must be surrendered by such person to the SAPS.
13. In instances where explosives and/or explosive devices are handed in during the period of amnesty, the processes and procedures as contained in National Instruction 6 of 1999: Hazardous Substances, Radio Active Material, Explosive Items, Articles and Devices as well as Potentially Explosive Items, must be adhered to.
14. It must be emphasized that this amnesty concerns only the unlawful possession of firearm(s), ammunition and/or firearm parts. The amnesty does not apply to any offence, for example, robbery committed using the firearm(s) and/or ammunition and the perpetrator of such crimes must still be prosecuted.
15. It is foreseen that a large number of licensed firearms which may be voluntarily surrendered during the Amnesty period. The processes and procedures are contained in National Instruction 3 of 2000: Voluntary surrendering of a firearm by a person who is in lawful possession thereof.
16. A process flow for Amnesty 2019/2020 is attached as per annexure "K".
17. In order to mitigate the risks associated with attacks on police stations, firearms must only be received at the police station between 08:00 to 17:00 and no person may be turned away where such person intends to voluntarily surrender a firearms, ammunition and/or firearm parts during the mentioned time frame.
18. A nodal point has been established at Central Firearms Register to attend to all Amnesty related enquiries and such can be directed to Captain SM Mangadi at email cfrenquiries@saps.gov.za or telephone 012 353 6111.

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19. The content of the guidelines must urgently be brought to the attention of all members and certificate of compliance should be forwarded to the office of the National Commissioner for attention Brigadier LS Malahlela at MalahlelaS@saps.gov.za on or before **02 December 2019**.
20. Your cooperation and support in ensuring effective implementation of this circular in support of the amnesty is highly appreciated.



**GENERAL
NATIONAL COMMISSIONER: SOUTH AFRICAN POLICE SERVICE
KJ SITOLE (SOEG)**

Date: 2019 -11- 28

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