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SAGA Education Series | HANDLING FIREARMS in a DECEASED ESTATE
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1. Purpose

This factsheet explains how firearms, firearm parts and ammunition forming part of a deceased estate should be identified, secured, administered and ultimately transferred or disposed of under the Firearms Control Act 60 of 2000 (FCA), the Firearms Control Regulations, 2004, and the Administration of Estates Act 66 of 1965.

It is intended to reduce avoidable legal risk, loss of firearms, unnecessary storage costs and delays in winding up an estate. It is a practical educational guide and does not replace the legislation or case-specific legal advice.

Four Rules to Remember:

1. A firearm does not automatically pass into an heir's lawful possession when the licence holder dies.
2. Secure the firearm immediately, but do not move, transport, use or hand it to another person unless the possession and storage arrangement is lawful.
3. Once the estate representative is appointed, Regulation 103 requires an inventory and notification to the Registrar within 14 days, followed by progress reports at least every three months.
4. Do not finalise the estate's firearm component without written confirmation from the Registrar/CFR that the firearms have been dealt with in terms of the Act.

2. Plan Before Death - The Owner's Last Responsibility

The easiest deceased-estate firearm problem to solve is the one planned for while the owner is still alive. A firearm owner should leave enough information for the family and estate representative to know what exists, where it is, what it is worth and what the owner intended to happen to it.

- Keep an up-to-date list of firearms, serial numbers, calibres, licence details and ammunition, and tell the executor where that list is kept.
- Discuss with intended heirs whether they actually want the firearms and whether they hold, or are willing to obtain, the required competency and licence.

- Record the intended outcome for each firearm: inherit, sell, dealer storage/stock, surrender, deactivate or other lawful disposal.
- Obtain sensible current valuations for valuable, collectible or unusual firearms so the estate does not have to guess their worth.
- Make sure the nominated executor understands that firearms require separate FCA administration and may delay finalisation if ignored.

Note: *A missing licence card, an old-looking licence or an uncertain expiry date does not by itself establish that a firearm is unlawfully possessed. Verify the firearm and licence status with the DFO/CFR before deciding how it must be dealt with.*

3. Who Administers the Estate?

For larger estates, the Master appoints an executor and issues Letters of Executorship. For smaller estates, the Master may dispense with the full executorship process and appoint a Master's Representative under section 18(3) of the Administration of Estates Act, using a Letter of Authority/Appointment. This factsheet uses the term "estate representative" where a principle applies to either form of appointment.

4. Legal Framework - What the Law Requires

Law / Regulation	***Practical Effect***
FCA s3	General rule: no person may possess a firearm unless holding the licence, permit or authorisation required for that firearm.
FCA s21	Allows the Registrar to issue a temporary authorisation to possess a firearm. Before formal estate appointment, Regulation 103(1) provides a route for the nominated executor, or if none, an heir, next of kin or close relative to possess estate firearms under such an authorisation.
FCA s147	On death of a licence holder the firearm must be disposed of as prescribed; an executor who comes into possession must store it as prescribed.
FCA s148	An heir who wants to keep an inherited firearm must obtain the appropriate licence, permit or authorisation. If not, the firearm must be deactivated or otherwise lawfully disposed of.
FCA s150 / Reg 105	Deactivation must follow the prescribed process and may only be performed by a gunsmith after the required prior approval.
Regulation 86	Prescribes safe custody and storage. Regulation 86(4) is the general permission-to-store route reflected in SAPS 539.
Regulation 103	The core deceased-estate rule: pre-appointment possession, safe custody, inventory, 14-day notification, CFR recording/acknowledgement, three-monthly reporting and estate finalisation.
FCA s120	Creates offences relevant to unlawful possession, unsafe storage, failure to report an unlawfully possessed firearm and failure to report a lost/stolen firearm when required.

Possession, Storage and Use Are Not the Same Thing

- Possession requires lawful authority under the FCA. Family relationship or inheritance is not authority.
- Storage permission is for safe custody. A person permitted to store an estate firearm may not assume that this allows the firearm to be used.
- Transport must also be lawful. Do not simply drive the firearm to a police station, dealer or another home unless the person transporting it is legally entitled or authorised to do so.

Before Formal Appointment

The period between death and the Master's appointment is often where families make mistakes. Regulation 103(1) recognises that someone may need lawful possession before Letters of Executorship are issued.

1. Do not distribute the firearms to heirs or allow family members to use them.
2. Identify exactly where each firearm and the ammunition are located and prevent unauthorised access.
3. If the nominated executor - or, if none, an heir, next of kin or close relative - needs to possess the firearms, apply through the DFO for a section 21 temporary authorisation using SAPS 518.
4. If lawful private storage cannot be arranged, obtain advice from the DFO and/or a licensed firearm dealer on secure interim storage.

5. After Appointment - First 14 Days

Step 1 - Confirm the Appointment and Take Control

Obtain the Master's appointment document and identify who is legally administering the estate. The estate representative should immediately establish the location, safe-custody arrangement and status of every firearm, firearm part and item of ammunition belonging to the deceased.

Step 2 - Compile the Regulation 103 Inventory

Regulation 103(3)(a) requires an inventory. Record, as accurately as possible:

- every firearm: make, type/action, calibre, manufacturer's serial number and any additional identification mark;
- all ammunition quantity, calibre and make; and
- all firearm parts forming part of the estate.

For estate administration, also record each firearm's licence details, present storage location, intended beneficiary/disposal route and reasonable value. Valuable or collectible firearms should, where appropriate, be valued by a competent dealer/appraiser.

Step 3 - Notify the Registrar Within 14 Days

Within 14 days after receipt of the letter of appointment, Regulation 103(3)(b) requires a letter, document or facsimile to be delivered to the Registrar containing the prescribed particulars. A practical template appears at the end of this factsheet.

- name and address of the deceased licence/permit/authorisation holder;
- address where the firearms and ammunition are stored;

- copy of the Regulation 103 inventory;
- copy of the estate appointment document and the deceased's death notice/death documentation;
- if firearms or ammunition devolve by will or intestate succession, the names, addresses and identity numbers of the beneficiaries; and
- documentary proof of the estate representative's appointment.

Important - SAPS 534: *SAPS 534 is formally titled "Transfer of Firearm Ownership". It is not the form prescribed by Regulation 103 for the estate representative's 14-day notification to the Registrar. The Regulation 103 notification is the written notification containing the prescribed particulars. SAPS 534 may become relevant later where a particular transfer transaction requires it.*

Step 4 - Obtain and Preserve Proof of Submission
Submit through the local DFO and retain a dated, stamped copy or other reliable proof of delivery. Regulation 103 requires the Registrar to record the particulars in the Central Firearms Register and to furnish an acknowledgement of receipt within 30 days. If no acknowledgement is received, follow up in writing and retain the paper trail.

Step 5 - Report Progress at Least Every Three Months
Regulation 103(6) requires the estate representative to report in writing at least every three months on progress and the steps taken to transfer the firearms and ammunition, including details of the person to whom an item has been transferred. The Registrar may also call for a report at any time.

6. Safe Custody, Temporary Storage and Transport

Safe custody must be maintained throughout the estate process. The correct arrangement depends on who has been appointed, who has suitable facilities and what authority the proposed custodian holds.

A. Storage by the Estate Representative

Once appointed, the executor/administrator must take steps to ensure safe custody and storage in a facility complying with Regulation 86. The firearm remains an estate asset and must not be used simply because the representative controls it.

B. Estate-Specific Safe Custody by an Heir - Regulation 103(2)

Where the executor does not have the required storage facilities, Regulation 103(2) permits an heir who is already the holder of a licence, authorisation or permit under the FCA to provide safe custody, provided that:

- the executor issues a written letter of consent identifying the deceased licence particulars and the firearm by make, type, calibre and serial/identification number; and
- a copy of that consent is filed with the DFO for the area where the heir resides.

The consent should also state the address, reason and period of storage and make clear that the arrangement is for safe custody only. Keep proof that the DFO received it.

C. General Permission to Store – Regulation 86(4) / SAPS 539

Regulation 86(4) provides a separate, general route for a licensed person to store a firearm licensed to another person. SAPS 539 is the SAPS form titled “Permission to Store a Firearm in Terms of Regulation 86(4)”. It requires the written authorisation to be endorsed by the relevant DFO and the firearm to be kept in the prescribed safe at the authorised address. A firearm stored under this route may not be used by the storage provider.

Do not merge the two routes: *Regulation 103(2) contains an estate-specific consent mechanism for safe custody by a licensed heir. Regulation 86(4)/SAPS 539 is a separate general storage mechanism. The applicable arrangement should be recorded with the DFO rather than treating SAPS 539 as a substitute for the executor’s Regulation 103 consent.*

D. Dealer or Gunsmith Storage

A licensed dealer or gunsmith may provide lawful storage within the scope of the applicable licence and storage requirements. Obtain written confirmation identifying each firearm and agree storage charges in advance. Licensing can take time, so open-ended monthly storage fees should be understood before the firearm is delivered.

Storage Is Not the Same as Dealer Stock

It is not automatically necessary to *“dealer-stock*” a firearm merely because the owner has died. A dealer may simply hold a firearm for storage, or the firearm may be formally taken into dealer stock as part of a sale/transfer process. These are different transactions. If dealer stock is used, ensure the dealer provides written proof of intake and the appropriate ownership-transfer documentation. The dealer’s prescribed stock returns are dealer records; they should not be confused with a receipt to the estate.

Transport Warning:
Do not move a firearm merely to make the administration easier. Regulation 86 restricts who may transport firearms held under storage arrangements. Confirm the authority before transport and, where necessary, arrange transport by the lawful custodian, dealer or another authorised person.

7. Disposal or Transfer Options

A. Licence to an Heir or Other Buyer

An heir who wishes to keep the firearm must qualify for and obtain the appropriate licence, permit or authorisation. Inheritance itself does not authorise possession and does not replace the normal competency and licensing requirements.

Common supporting documents for a SAPS 271 application from a deceased estate include:

- estate appointment document (Letters of Executorship / applicable Letter of Authority or appointment);
- executor/estate representative’s written consent, award or sale letter;
- death certificate/death notice and deceased’s identity details;
- copy of the deceased’s firearm licence, or CFR/DFO verification where the original cannot be located;

- full firearm particulars and any dealer documentation if the firearm is dealer-stocked; and
- the applicant's competency, motivation and other documents required for the licensing section relied upon.

The firearm must remain in lawful safe custody until the transferee is legally entitled to take possession.

B. Sale or Transfer Through a Licensed Dealer

The estate may sell a firearm or place it with a licensed dealer for sale. Provide the dealer with the estate appointment document, written authority from the estate representative, deceased's identity/death documents and available firearm-licence information. SAPS 534 is the prescribed "Transfer of Firearm Ownership" form and may be used where the transfer transaction requires it. Obtain a written dealer receipt/stock confirmation for every firearm handed over.

C. Voluntary Surrender to SAPS

Where the estate elects to surrender a firearm to SAPS, use the prescribed surrender process and SAPS 522(a) ("Surrendering of Firearm Item(s)"). Obtain written acknowledgement identifying the firearm and retain all SAPS reference numbers and documentation. Do not simply abandon or leave a firearm at a station without a documented handover.

D. Deactivation

For a firearm of sentimental, display or historic value that will not remain live, deactivation is governed by section 150 of the FCA and Regulation 105. The relevant SAPS form is SAPS 521(h), "Notification of Requirement to Deactivate a Firearm". Prior written approval is required and the deactivation must be carried out by a gunsmith in the prescribed manner. A family member or executor may not deactivate the firearm themselves.

E. Ammunition

Ammunition must be included in the Regulation 103 inventory by quantity, calibre and make. It must remain under lawful control and safe custody. Do not give ammunition to an heir or other person unless that person is legally entitled to possess it. The ultimate disposal of ammunition should be documented with the same care as the firearms.

8. If a Firearm Is Missing or Cannot Be Accounted For

Do not remove a missing firearm from the inventory or assume that the problem disappears because the owner has died. Establish what the deceased's records and CFR information show, make reasonable enquiries, and report any lost, stolen or unlawfully possessed firearm to SAPS as required. Obtain written proof or the official reference number for the report and keep it with the estate records.

Case Note : *In Legally Armed South Africa (Pty) Ltd v Minister of Police and Others, Free State High Court, 4 May 2026, the Court dealt specifically with the reporting of lost or stolen firearms forming part of deceased estates. Missing estate firearms should therefore be formally reported and documented, not administratively ignored.*

9. Finalisation, Difficult Cases and Common Errors

Finalising the Firearm Component of the Estate

Regulation 103(8) provides that the estate representative may only apply to the Master to finalise the estate after notification has been received from the Registrar that all firearms involved have been transferred in terms of the Act. Retain that written CFR/Registrar confirmation with the estate file together with all transfer, surrender, dealer, deactivation and storage documents.

Close the Paper Trail

- Match every firearm on the original inventory to a documented final outcome.
- Keep copies of every DFO/CFR submission and acknowledgement.
- Keep the three-monthly progress reports and follow-up correspondence.
- Keep proof of transfer/licensing, dealer intake, surrender, deactivation or missing/lost report, as applicable.
- Do not assume that the Master's estate file or the CFR record will automatically reconcile without follow-up.

No Will / Intestate Estate

The absence of a will does not remove the firearm obligations. The estate is administered under the applicable succession and estate-administration rules, and the appointed estate representative must still comply with the FCA and Regulation 103. A person identified as an heir under intestate succession still requires the appropriate firearm licence, permit or authorisation before taking possession.

Old, Expired or Missing Licence Documents

Do not treat the physical licence card as the only evidence of status. If the card is missing, old, damaged or appears expired, ask the DFO/CFR to verify the firearm and licence history. Licence-validity questions can be legally complex and should be resolved before the family surrenders, transfers or otherwise disposes of a firearm on the assumption that it is "illegal."

Cases That Deserve Specialist Assistance

- a deceased dealer, gunsmith, manufacturer, security business or other business-licence holder;
- large or valuable collections, heritage firearms or disputed ownership;
- a firearm that cannot be found, has an altered/unclear serial number or is not reflected as expected on CFR records;
- minor, non-resident or foreign heirs; proposed export; or an heir without the necessary competency;
- disputed estates, insolvent estates, or circumstances where the estate has already been finalised but firearms are later discovered.

Common Mistakes to Avoid:

Mistake	***Correct Approach***
Taking the firearm home because "*it was left to me.*"	Inheritance is not a licence or possession authority.
Using SAPS 534 as the 14-day estate notification.	SAPS 534 is Transfer of Firearm Ownership; Regulation 103 requires the prescribed written notification.

Assuming storage permission allows use.	Storage and use are legally distinct.
Forgetting ammunition and firearm parts.	Both form part of the Regulation 103 inventory obligations.
No three-monthly reports.	Regulation 103 requires progress reporting at least every three months.
Dealer handover with no receipt or fee agreement.	Always identify each firearm and document custody/stock status and charges.
Closing the estate without CFR confirmation.	Regulation 103(8) requires notification from the Registrar before finalisation.
Assuming a missing licence card means the firearm is unlicensed.	Verify status with the DFO/CFR.

Practical Contact Points:

Function	***Responsible Office***
Local DFO	First operational contact; forms, receipt of estate notifications/storage documents and licence applications.
Provincial FLASH	Escalation/oversight where local firearm-control administration cannot resolve an issue.
Central Firearms Register (Registrar)	CFR recording, licensing/authorisations and Regulation 103 acknowledgement/final notification.
Master of the High Court	Estate appointment and final estate administration.

E & o e

Acknowledgements & References

Drafted by SMS Lyle - reviewed by D Enslin, endorsed by the SAGA Board

- Firearms Control Act 60 of 2000, particularly sections 3, 21, 120, 147, 148, 149 and 150.
- Firearms Control Regulations, 2004, particularly Regulations 86, 98, 103, 104 and 105 and Annexure A (prescribed SAPS forms).
- Administration of Estates Act 66 of 1965, including section 18(3), and Department of Justice & Constitutional Development guidance on deceased estates.
- South African Police Service: official firearm forms and SAPS guidance on firearms in deceased estates.
- Legally Armed South Africa (Pty) Ltd v Minister of Police and Others [2026] ZAFSHC 276 (4 May 2026) - reporting of lost/stolen firearms in deceased estates.
- On Target Africa, July 2026, "*The Last Responsibility of a Firearm Owner",* A Scheiderreiter and Max-Wilhelm Rossle - estate-planning and executor.

Issued as part of the SAGA Educational Series to guide firearm owners on compliance and responsible firearm ownership.

ANNEXURE A

TEMPLATE - REGULATION 103 NOTIFICATION TO THE REGISTRAR / DFO

Adapt this template to the facts of the estate. It is intended to provide the Regulation 103 notification particulars; it is not SAPS 534.

To:	Designated Firearms Officer / The Registrar, Central Firearms Register
Police Station / CFR channel:	*[Insert]*
Date:	*[Insert]*
Estate:	*Estate Late [Full name of deceased]*
ID number:	*[Insert]*
Date of death:	*[Insert]*
Master's reference:	*[Insert]*
Estate representative:	*[Full name, ID, contact details]*
Appointment document:	*[Letters of Executorship / Letter of Authority or other appointment - attach copy]*

SUBJECT: NOTIFICATION OF FIREARMS AND AMMUNITION IN A DECEASED ESTATE - REGULATION 103

I have been appointed to administer the above estate. In terms of section 147 of the Firearms Control Act 60 of 2000 and Regulation 103 of the Firearms Control Regulations, I hereby notify the Registrar of the firearms, ammunition and firearm parts forming part of the estate and the arrangements for their safe custody.

The firearms and ammunition are presently stored at: [full storage address]. The person presently responsible for safe custody is: [name, ID number, capacity/authority and contact details].

I attach the following:

- Regulation 103 inventory listing all firearms, ammunition and firearm parts;
- copy of the deceased's death notice/death certificate;
- copy of my appointment document and identity document;
- available copies of the deceased's firearm licences / CFR details;
- beneficiary names, addresses and identity numbers where the firearms/ammunition devolve by will or intestate succession;
- copy of any executor consent for safe custody / relevant storage authority, where applicable.

Please record this notification in the Central Firearms Register and provide the acknowledgement contemplated in Regulation 103. I will provide written progress reports at least every three months until each firearm and item of ammunition has been lawfully transferred or otherwise dealt with in terms of the Act.

Sincerely

Signature: ______________________________

Date: __________________

Name: __________________________________

Cell / Email:

ANNEXURE B

EXECUTOR/ESTATE REPRESENTATIVE QUICK REFERENCE CHECKLIST:

Firearms in a Deceased Estate
Use this as a working checklist. Keep all supporting documents together as a separate "firearms" section in the estate file.

STEP 1 - Immediately After Death
□ Identify every firearm, firearm part and item of ammunition and prevent unauthorised access.
□ Do not distribute, use or move firearms merely because a family member is an heir.
□ Locate licence cards, firearm records, serial numbers, safe information, will and estate papers.
□ If a firearm or licence record is uncertain, arrange DFO/CFR verification rather than guessing.

STEP 2 - Before Formal Appointment
□ Confirm who is nominated to administer the estate.
□ If lawful possession is required before appointment, consider the Regulation 103(1) / section 21 route using SAPS 518 through the DFO.
□ If private lawful storage is not available, arrange secure dealer/gunsmith storage and obtain written proof of custody.

STEP 3 - On Appointment
□ Obtain the Master's appointment document (Letters of Executorship or applicable Letter of Authority/Appointment).
□ Compile the Regulation 103 inventory of firearms, ammunition and parts.
□ Record storage address, custodian, licence details, intended beneficiary/disposal route and estate value.
□ Review the safe-custody arrangement and correct it if necessary.

STEP 4 - Within 14 Days of Appointment
□ Send the Regulation 103 written notification to the Registrar through the DFO / confirmed CFR channel.
□ Attach the inventory, appointment proof, death documentation, storage address and beneficiary details where applicable.
□ Keep a dated/stamped copy or other proof of delivery.
□ Diary follow-up for the Registrar's acknowledgement and retain it in the estate file.

STEP 5 - Confirm Storage
□ Executor/administrator storage complies with Regulation 86; OR
□ licensed heir safe custody under Regulation 103(2) is supported by executor consent and filed with the DFO; OR
□ Regulation 86(4) / SAPS 539 storage is properly DFO-endorsed where that route is used; OR
□ dealer/gunsmith storage is documented, with charges agreed.

STEP 6 - Decide the Outcome of Every Firearm

□ Licence to heir/buyer - SAPS 271 and supporting estate documents.
□ Sale / dealer transfer - written authority and proof of dealer intake; SAPS 534 where required for transfer.
□ Surrender - SAPS 522(a) and written SAPS acknowledgement/reference.
□ Deactivation - section 150 / Regulation 105 / SAPS 521(h) and gunsmith process.
□ Missing firearm - formal report to SAPS with written proof/reference.

STEP 7 - Until Finalisation
□ Submit written progress reports at least every three months.
□ Reconcile each firearm against its final licence/transfer/disposal document.
□ Obtain written Registrar/CFR notification before applying to the Master to finalise the estate.
□ Retain the complete firearm paper trail with the estate records.

OWNER'S PRE-DEATH CHECK
□ Tell the executor where the firearm and licence records are kept.
□ Discuss with intended heirs whether they want and can lawfully acquire the firearms.
□ Keep valuations for valuable firearms and record your preferred disposal route.