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Our reference: Mr Kotze  
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Dr Herman Els,  
The Chairman,  
NSA

Dear Krappies,

**WARNING IRO POLICE'S NEW APPROACH TO RELICENSING OF EXPIRED FIREARM LICENSES.**

1. It has come to my notice that the S A Police is developing a new approach in respect of the renewal of **firearm licenses that have expired**, which new policy may have serious implications to all firearm owners and in particular persons who own self defence firearms in terms of section 13 of the Firearms Control Act, ("FCA") which licenses are only valid for five years.
2. Section 24(1) of the FCA provides that the holder of a license issued in terms of the Act, who wishes to renew the license,

must at least 90 days before the date of expiry apply to the Registrar for it's renewal.

3. Section 24 (4) provides that if an application for the renewal of a license has been lodged within the period provided for in terms of subsection (1), the license remains valid until the application is decided.
4. Section 27 provides that the periods of validity of firearm licenses are as follows:

Sec 13	Self defence	5 years
Sec 14	Restricted firearm for self defence	2 years
Sec 15	Occasional hunting or sport shooting	10 years
Sec 16	Dedicated hunter or sport shooter	10 yeas
Sec 17	Private collection	10 years
Sec 20	Business purposes. Business in hunting	5 years
Sec 21	Business purposes other than hunting	2 years

5. Section 28(1) provides that a license issued in terms of this chapter terminates upon the expiry of the relevant period contemplated in section 27, unless renewed in terms of section 24.
6. A problem arose when certain firearm owners applied for the renewal of licenses **less than 90 days before the license's expiry date** and others **after the expiry date**. The Police has until now processed such applications if the applicant applied for condonation and set out in an affidavit the reason for his/ her

failure to apply timeously. To my knowledge all applications which fell in these categories have been processed.

7. Indications are that the Police will in future, if you don't apply before the expiry date of the license, be of the view that such licenses have lapsed and that it will be regarded as **a new application**, where a stricter test will in all probability be applied.
8. From a practical view, the following problems are foreseen:
  - 8.1. The Police's system doesn't allow for a transfer of a firearm from one person to himself;
  - 8.2. There is uncertainty in respect of what should happen with the firearm after the license has expired and while the new license application is pending. All indications are that the Police will argue that such an owner is illegally in possession of such a firearm (because the license has expired) and that the firearm should be handed in at the Police pending the outcome of the license application;
  - 8.3. If the Police are correct with their interpretation, an owner whose license has expired and who refuses to hand in his firearm, may be charged with being in illegal possession of a firearm and, if it is a semi -automatic firearm (which includes a pistol), a minimum sentence of 15 years of imprisonment is prescribed! Long periods of imprisonment is also prescribed in respect of other firearms.
9. Most of the applicants who had to apply for condonation, allege that they had **forgotten about the expiry date** or that **they were wrongly under the impression that all their firearm licenses expired on the same day**, (which is usually 10 years after it had been issued).

10. It is in my view imperative that **all firearm owners should immediately check all their licenses (and in particular licenses for self defence firearms) to ensure that that they apply timeously for the renewal of such licenses.**
11. It is not clear at this stage what the position will be in respect of a firearm license that has not expired yet, but has less than 90 days left before the expiry date. We hope that the Police will be prepared to continue with their “condonation system.”
12. It is clear that the above provisions are only applicable to licenses that have been issued in terms of the FCA. It can be argued that firearms that had been licensed in terms of the previous Act, are covered by the interim court order that was granted in the S A Hunters and Game Conservation Association court case, which provided that all licenses, that had been issued in terms of the previous Act, will remain valid until the main application has been decided (which has until present not happened). Firearms that were first licensed after the introduction of the new Act, will not be covered by such an argument.
13. It is clear that this uncertainty should be addressed as a matter of urgency.
14. **GO AND CHECK ALL YOUR LICENSES NOW AND ENSURE THAT YOU APPLY TIMEOUSLY FOR THE RENEWAL OF YOUR FIREARM’S LICENSE.**

Yours faithfully,  
JUAN KOTZE