South African Police Service Suid-Afrikaanse Polisiediens

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Mokotla' Poso

My reference 25/1/3/3
My verwysing
Tshupo ya ka

THE PROVINCIAL COMMISSIONER
DIE PROVINSIALE KOMMISSARIS
LEGAL AND POLICY SERVICES

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2022-05-05

ALL DISTRICT COMMISSIONERS

ALL STATION COMMANDERS

ALL DETECTIVE COMMANDERS

SOUTH AFRICAN POLICE SERVICE
FREE STATE PROVINCE

POSSESSION OF ALL TYPES OF FIREARMS IN PUBLIC AND DURING TRANSPORTATION: THE FIREARMS CONTROL ACT NO. 60 OF 2000

1. This office was made aware of an incident where the holder of a firearms licence for sports-shooting was stopped by members of the Service, during a road block, and informed that he is not allowed to have his firearm in his possession for any other purpose than participating in sport shooting, even though he was able to produce the licence for the firearm in question.

2. As a result of the above incident, the person in question has been informing members of the public on social media, that the SAPS will charge any person who is in possession of a firearm other than a firearm for self-defence if such firearm is not possessed for the purpose mentioned in the licence.

3. The correct legal position in terms of the Firearms Control Act no. 60 of 2000, is that there is no provision in the Act that prohibits the possession of a firearm by a person, who has a valid licence for the firearm in question, irrespective of the type of licence. A person who is, for instance in possession of a firearms

licence for hunting purposes, is allowed to carry that firearm with him anywhere. All that is required is that the person must be in possession of valid licence for the type of firearm in his possession.

4. Section 107(1) of the Act determines that **any person who carries with him a firearm**, must at the request of a police official or any other person authorised by the Registrar, **produce the licence, permit or authorisation, as the case may be, in respect of such firearm for inspection**. In terms of section 107(2) such police official or other authorised person, may request such person to identify himself and may request the firearm in question for inspection.

5. Section 3 of the Act determines that no person may possess a firearm unless he holds a licence, permit or authorisation issued in terms of the Act, for such firearm. There is no restriction on the type of firearm or the purpose for which the licence was issued, in respect of the possession thereof.

6. There are also no conditions attached to a firearms licence for hunting, sports-shooting, professional hunting, private collection, etc. that restricts the possession of such firearms.

7. It is therefore clear that a person **does not commit an offence in terms of the Firearms Control Act if he possess a firearm for which he has a valid licence, for dedicated sport shooting, professional hunting, etc.**

8. The contents of this letter must be brought to the attention of all members under your command.

BRIGADIER
ACTING PROVINCIAL HEAD: LEGAL AND POLICY SERVICES
FREE STATE PROVINCE
D S RAMORENA-TSOAI