G.P.S002-0222

SAPS 21

SUID-AFRIKAANSE POLISIEDIENS

SOUTH AFRICAN POLICE SERVICE

Private Bag X540, **PRETORIA**, 0001

Reference Verwysing	:	27/5/2/1
Enquiries Navrae	: :	Lieutenant General MJ Mamotheti Brigadier (Dr) LS Bopape
Telephone Telefoon	: :	012 421 8001 012 393 9300
E-mail E-pos	: :	MamothetiJ@saps.gov.za BopapeLS@saps.gov.za

DIVISIONAL COMMISSIONER
VISIBLE POLICING AND OPERATIONS
HEAD OFFICE

All Provincial Commissioners

THE HIGH COURT JUDGEMENT ON EXPIRED FIREARM LICENSES: THE NATIONAL HUNTING AND SPORT SHOOTING ASSOCIATION NPC AND THE SOUTH AFRICAN ARMS AND AMMUNITION DEALERS' ASSOCIATION NPO: IMPLICATION OF THE JUDGEMENT

1. This directive serves to communicate the effect of the judgment handed down on 15 September 2026 regarding the safe storage and administrative guidelines regarding expired firearm licences to all officials within the South African Police Service (SAPS).

2. The National Hunting and Sport Shooting Association NPC and The South African Arms and Ammunition dealers' association NPO challenged administrative directives, operational instructions, circulars and electronic-system restrictions which prohibits licensed firearms dealers from receiving firearms into dealer stock or safe custody when the owner's licence had expired, lapsed or not been renewed or where the owner is deceased.

3. The court reaffirmed that ownership and possession of a firearm are distinct legal concepts under the Firearms Control Act, 2000 (Act No. 60 of 2000). Accordingly, the expiry, lapsing, or non-renewal of a firearm licence terminates lawful possession but does not, extinguish ownership of the firearm, which remains vested in the owner until lawfully transferred or otherwise disposed of in accordance with the Act.

4. The court further emphasised that, upon the death of a firearm owner, any firearm registered to such person shall remain an asset of the deceased estate pending its lawful administration in accordance with the applicable provisions of legislation. The appointed executor of the deceased estate shall be entitled, in the exercise of his or her fiduciary duties to place such firearm in the custody of, or transfer it into the stock of a licensed firearms dealer, thereby facilitating the proper administration of the estate.

THE HIGH COURT JUDGEMENT ON EXPIRED FIREARM LICENSES: THE NATIONAL HUNTING AND SPORT SHOOTING ASSOCIATION NPC AND THE SOUTH AFRICAN ARMS AND AMMUNITION DEALERS' ASSOCIATION NPO: IMPLICATION OF THE JUDGEMENT

5. In line with the court ruling, a licensed firearms dealer may lawfully receive possession of a firearm from a living owner whose license has expired, lapsed, or has not been renewed, as well as from a deceased estate acting through its duly appointed executor, for purposes authorised by the Firearms Control Act (FCA). Firearm owners whose licenses have lapsed or expired retain underlying legal ownership of their firearms notwithstanding the expiry of the license and may therefore lawfully transfer such firearms to licensed firearms dealers for safe custody, stock entry, transfer, or lawful disposal in accordance with the FCA.

6. Firearms dealers are authorised, in terms of section 39 of the Firearms Control Act and Regulation 37(3), to receive, record, safe keep, store, and enter dealer stock firearms from owners with expired, lapsed, or unrenewed licenses and from deceased estates.

7. Any policy, instruction, administrative practice, electronic-system limitation, or operational measure that prohibits or restricts such conduct solely on the grounds of the expiry, lapse, or non-renewal of a license, or the death of the license holder, is inconsistent with the Firearms Control Act, including sections 28(4) and 39 and regulation 37(3), and is hereby revoked.

8. All applications, transfers, and transactions contemplated under the Firearms Control Act shall henceforth be processed in accordance with the terms of this judgment, provided that they comply with the requirements of the Act.

9. Provincial Commissioners are requested to ensure that all members operating within the Firearms, Liquor and Second-Hands Services (FLASH) environment are duly informed of the contents of this directive.

10. All enquiries to be forwarded to the Section Head: Firearm Compliance and Enforcement, for the attention of Brigadier (Dr) LS Bopape at e-mail address BopapeLS@saps.gov.za.

11. Your continuous support is highly appreciated.

Maj Gen
TN Mathonsi

LIEUTENANT GENERAL
DIVISIONAL COMMISSIONER: VISIBLE POLICING AND OPERATIONS
MJ MAMOTHETI

Date: 2026 -10- 09