

SAPS appeals court judgment on firearm renewals

The South African Police Service (SAPS) has filed a notice of appeal with the Constitutional Court in relation to the judgment on firearm renewals.



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“A notice of appeal has been filed with the Constitutional Court and as such, the High Court judgment is suspended until the Constitutional Court has decided upon the matter,” SAPS spokesperson Brigadier Vishnu Naidoo said on Friday, 28 July 2017.

Earlier this month, a Gauteng North High Court ruling declared two sections of the Firearms Control Act (2000) unconstitutional.

The two sections deal with procedures and regulations that should be in place when surrendering a firearm for which the licence has already expired.

As it stands, the Firearms Control Act (2000) indicates that if a person failed to reapply more than 90 days from the date of expiry, they would be deemed to be in unlawful possession of a firearm.

However, the court had ruled that all firearms issued in terms of the act, which are due or were due to be renewed, shall be deemed to be valid.

The application brought by the South African Hunters and Game Conservation Association urged that the licensing and administration of firearms system is chaotic and dysfunctional.

With the appeal, Naidoo said the status quo is maintained pertaining to compliance with the Firearms Control Act and it is expected of firearm owners, with valid firearm licences, to continue with the timeous renewal of their firearm licences.

“The South African Police Service will retain all firearms surrendered by persons, who have failed to timeously renew their firearm licences in accordance with the Firearms Control Act, 2000 (Act No 60 of 2000),” said Naidoo.

Furthermore, no prosecutions will be instituted against persons whose firearm licences have expired and who voluntary surrendered such firearms to the South African Police Service.

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