

## The Firearms Control Act and Estate administration

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## ESTATE FIREARM ADMINISTRATION

### 1. INTRODUCTION

The Firearms Control Act, 2000 (Act no. 60 of 2000) (“the Act”), was promulgated on the 1<sup>st</sup> of April 2004 and replaced the old Arms and Ammunition Act, 1969 (Act no. 75 of 1969) (“old Act”) and all its amendment Acts.

### 2. PURPOSE OF THE ACT

#### Section 2(b) to (e)

The purpose of this Act is to-

- (a) enhance .....
- (b) prevent the proliferation of illegally possessed firearms and, by ***providing for the removal of those firearms from society and by improving control over legally possessed firearms***, to prevent crime involving the use of firearms;
- (c) ***enable the State to remove illegally possessed firearms from society, to control the supply, possession, safe storage, transfer and use of firearms and to detect and punish the negligent or criminal use of firearms***;
- (d) establish a comprehensive and effective system of firearm control and management; and
- (e) ensure the efficient monitoring and enforcement of legislation pertaining to the control of firearms.

### 3. THE CENTRAL FIREARM REGISTRY (“CFR”)

#### Section 125, section 30 and regulation 29

##### 125 Central Firearms Register

(1) The Central Firearms Register must contain-

- (a) the central firearms database; ***(for individuals + businesses, other than (b) to (d))***
- (b) the central dealers database;
- (c) the central manufacturers database;
- (d) the central gunsmiths database;
- (e) the central importers and exporters database;

- (2) The central databases referred to in subsection (1) must contain-
- (a) such information as may be prescribed concerning-
    - (i) ***competency certificates, licenses, authorizations and permits, as well as renewals and cancellations thereof;***
    - (ii) ***applications for competency certificates, licenses, authorizations and permits and any renewal applications which have been refused in terms of this Act;***
    - (iii) ***transfers of firearms effected in terms of this Act;***
    - (iv) ***imports and exports of firearms and ammunition in terms of this Act;***
    - (v) ***the loss, recovery, theft or destruction of firearms.***
  - (c) a record of all licensed dealers, manufacturers, gunsmiths, importers and exporters, transporters for reward, accredited institutions, organizations and all firearms and ammunition in their possession;
    - (f) ***a record of all firearms recovered, forfeited to the State or destroyed;***

### **Section 30 Central firearms database**

The Registrar must establish and maintain such central firearms database as may be prescribed.

### **Regulation 29 The central firearms database**

- 29.** (1) The Registrar must establish and maintain a central firearms database, which must contain information regarding –
- (a) all applications for a competency certificate, licence, authorisation and permit to possess a firearm made in terms of the Act, and renewals and copies of such competency certificate, further competency certificate, licence, authorisation, permits and renewals;
  - (b) ***the refusal, termination or cancellation of a competency certificate, licence, authorisation or permit to possess a firearm and renewals and a copy of such competency certificate, further competency certificate, licence, authorisation and permit;***
  - (c) ***a declaration of unfitness to possess a firearm contemplated in Chapter 12 of the Act;***
  - (e) ***the transfer of a firearm which was effected in terms of the Act.***

#### 4. WHAT HAPPENED AFTER THE 1<sup>ST</sup> OF JULY 2004 & PROOF OF OWNERSHIP OF FIREARMS

##### Schedule 1

##### TRANSITIONAL PROVISIONS – item 1 and 11 and *the SA Hunt-case*

##### Item 1 Existing license to possess an arm

(1) Subject to subitem (2) and item 11, ***any license which was issued in terms of the previous Act and which was valid immediately before the date of the commencement of this Act, remains valid for a period of five years*** from the date on which this Act comes into operation, unless such license is terminated, cancelled or surrendered in terms of this Act.

(2) (a) ***The holder of a license to possess an arm*** contemplated in subitem (1) ***must, before the end of the period contemplated in that subitem, in a lawful manner dispose of any firearms in his or her possession*** in excess of the number that he or she may lawfully possess in terms of this Act.

##### Item 11 Renewal of licenses

##### 11 Renewal of license

(1) (a) The holder of a license, permit or authorization contemplated in item 1 ***(for individuals + businesses other than 2 - 5), 2 (dealers), 3 (Import/Export), 4 (Manufacturers of Arms & Ammo) or 5 (Permits under old Act) must apply for the corresponding license***, permit or authorization in terms of this Act within the period determined by the Minister by notice in the Gazette.

(4) ***Any holder of a license, permit or authorization who fails to apply for the renewal of his or her license, permit or authorization before the end of the period determined by the Minister in terms of subitem (1), is guilty of an offence and liable*** on conviction to a fine or to imprisonment for a period not exceeding one year or to both a fine and such imprisonment.

*One of the aims of the Act was to update the databases of the Central Firearm Registry, but CFR did not anticipate the magnitude of this renewal process as there were 2.4 million individual firearm owners (applicants) in SA. Applicants had (i) to complete firearm training (proficiency certificate), (ii) police had to inspect all the applicant's safes physically, (iii)*

*applicants had to apply to obtain competency certificates issued by the police (iv) and only then could they apply for renewal of their licenses!*

***The cut-off date for same was on the 30<sup>th</sup> of June 2009, when police could then clamped down on non-compliers which would have criminalize them. But, only 50% firearm owners complied and the police was not geared to issue renewal licenses for the next 5 years.***

***SA Hunters Association started its legal action against the Minister of Police in June 2009*** when it lodged two applications. The first (main) application was to declare the transitional provisions regarding the firearm licence re-application process unconstitutional and to instruct the SAPS to amend the relevant regulations within 18 months; and secondly, to regard all the existing firearm licences (green card licences) issued in terms of the previous act as valid until these amendments have been made (the urgent application).

The SAPS intended to terminate the validity of the old (green card) licences on 30 June 2009. This step would have criminalized some members of SA Hunters and some legal gun-owners because SAPS was unable to issue them with new licences before the 30 June 2009 deadline. The court ruled in favour of SA Hunters in the urgent application with an interim order that firearm licences issued under previous legislation would remain valid pending the outcome of a final hearing of the main application. *However, SA Hunters' main application on the unconstitutionality of Schedule 1 has not, after 3years, have not been heard yet, as the parties are in negotiations to settle the dispute. Nobody knows what is happening behind closed doors!*

***Currently, because of the main application not being heard yet, the aim of the police to update their data systems are in shambles and the renewal process has come to a grinding halt!***

***Which in turn, is bad news, because, what the police show on their data system (data slip, more commonly known as the 10.2.3-slip) as proof of ownership of firearms by an individual or businesses, are most probably only 50% correct!!***

## **5. FIREARM OWNERS TO REPORT CHANGE OF ADDRESS OR CIRCUMSTANCES**

### **Section 25 read with regulation 100 & Section 26 read with regulation 107**

#### **25 Notification of change of address**

(1) The holder of a license, permit or authorization issued in terms of this Chapter must in writing notify the Registrar of any change in his or her physical or postal address within 30 days of such change occurring.

(2) The Registrar must within 30 days after receiving a notice referred to in subsection (1) acknowledge receipt of that notice in writing.

#### **26 Notification of change of circumstances**

(1) The holder of a license, permit or authorization issued in terms of this Chapter must notify the Registrar in writing within 30 days if there is any change with regard to any information which was submitted in respect of the application for the issue of that license, permit or authorization.

(2) The Registrar must within 30 days after receiving a notice referred to in subsection (1) acknowledge receipt of that notice in writing.

## **6. CATEGORIES OF FIREARM OWNERS**

### **As an Individual**

section 13 – self-defence

section 14 – restricted, semi automatic rifle / shotgun for self-defence

section 15 – occasional hunting / sportshooting

section 16 – dedicated hunting / sportshooting

section 16A – professional hunting

section 17 – private collector

section 18 – private collector of ammunition

section 19 – public collector of firearm & ammunition

**Section 20 - As a business (juristic body must appoints natural person as “responsible person”)**

- security service provider
- training provider in use of firearms
- provide firearm for for use in theatrical, film and television productions
- a game hunter
- a business in hunting (in capacity as professional hunter)
- other businesses such as in-house security

**Licenses issued to particular categories of persons (Dealers, Manufacturers and Gunsmiths)**

**Sections 31 to 44 – dealers**

**Section 45 to 58 – manufacturers**

**Section 59 to 70 – gunsmiths**

***As a Fiduciary, you most probably will come upon these categories of firearm ownership (assets) in an estate and will have take steps to ensure the safe custody of the firearm/s and ammunition, even as a “going concern” (a business)!***

**7. WHAT ENTAILS “OWNERSHIP” OR TO BE A “HOLDER” OF A LICENSE TO POSSESS A FIREARM**

**Sections 9(2)(q), (r) and (s). Section 6(2) and 7(1). Section 10.**

**9 Application for competency certificate**

(2) Where a person has not previously obtained a competency certificate, a competency certificate may only be issued to such person if he or she-

(q) has successfully completed the prescribed test on knowledge of this Act; ***(at a PSIRA Accredited Training Provider)***

(r) has successfully completed the prescribed training and practical tests regarding the safe and efficient handling of a firearm ***(handgun, shotgun, rifle and machine carbine)***; and

(s) has, where applicable, successfully completed the prescribed training and practical tests for **firearms dealers, manufacturers, gunsmiths, security officers, black powder**, or other persons who use firearms in the course of their business.

***The abovementioned effort is to (i) first obtain a Proficiency Certificate (Training certificate Issued by the Trainer and PSIRA) (ii) in order to apply (attaches it to) for a Competency Certificate with the police!***

#### **6 Competency certificates, licenses, permits and authorizations**

(2) Subject to section 7, ***no license may be issued to a person who is not in possession of the relevant competency certificate.***

#### **7 Applications by persons other than natural persons**

(1) When ***a juristic person*** wishes to apply for a license, permit or authorization in terms of this Act, it ***must nominate a natural person to apply on its behalf***. More commonly known as the ***“Responsible person”***.

#### **10 Competency certificate**

(1) A competency certificate must specify-

(a) whether it relates to competency to-

(i) possess a firearm;

(ii) trade in firearms;

(iii) manufacture firearms; or

(iv) conduct business as a gunsmith; and

(b) ***all the relevant tests successfully completed by the holder.***



## 8. TRANSFER OF OWNERSHIP OF ESTATE FIREARMS AND PROBLEMS WITH SUCH A PROCESS

*The letter of executorship, death certificate, Id + licenses of deceased / 10.2.3 slip must accompany any type of application for a transfer of the firearm/s, as discussed hereunder.*

### Regulation 3 - Application for a new license

- An heir has to complete prescribed training before applying for competency certificate. Must first have a competency certificate issued in the category firearm a person wish to apply for. **CFR may refuse to issue a competency certificate on 19 different reasons** (like previous convictions etc.) – **section 9**. Then there is the appeal process in terms of **section 133**. That can take 6 to 12 months!
- When Competency Certificate is issued, the **License Application may be refused because of insufficient motivation or lack of supporting documents**. Then there is the appeal process in terms of **section 133**.

### Section 31(3) - Sell to individual and nominee applies for a new license

- **Same process as above**

### Section 149 and regulations 94 & 104 - destruction

- Must be destroyed within 6 months after all appeals have been concluded
- Remains property of owner until it's destruction.
- State may retain any firearm or ammunition which CFR deems to be of special value

### Section 150 and regulation 105 - deactivation

- First have to forward firearm/s for ballistic testing
- Must be done by a gunsmith
- He or she must issue a deactivation certificate to that effect

- **Application can be refused.** Then there is the appeal process in terms of section 133.

#### Section 74(1) - Export

- **Can be refused.** Then there is the appeal process in terms of section 133.

#### Section 31(2) – Sell to, “taken on stock” by a dealer

- SAPS 534 (Transfer of Ownership) completed and handed in at nearest police station + complete and send SAPS 350(a) (Dealer’s return: Stock received) direct to CFR. **Hopefully the police will use same to update their data system, because this is also a head-ache!**

#### 9. THE DECEASED AND HIS / HER ESTATE (**FIREARMS AS ASSETS BECOMES THE FIDUCIARY’S HEAD-ACHE!**)

**Valid last will, inclusive** of the wish by the deceased to transfer firearms and ammunition or going concern to an heir/s

- Easy to administrate. Check with police and obtain 10.2.3 slip to compare ownership of firearms with physical licenses and information received from heir/s or family! **We remind you that only about 50% of the information on the 10.2.3- slip will most probably be correct! Do not take it on face value.**

**Valid last will, excluding** any mentioning of assets such as firearm & ammunition as assets, although there is / are such asset/s

- One need to rely on information from the heir or family members and compare physical licenses, permits or authorizations with the 10.2.3 slip obtainable from the police on the deceased identity number.

**No valid will.** One will have to make use of the law of succession to establish who is in line to inherit (the heir/s)

- One need to rely on information from the heir or family members and compare physical licenses, permits or authorizations with the 10.2.3 slip obtainable from the police on the deceased identity number.

#### **10. TO OBTAIN THE 10.2.3 - SLIP**

##### **Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)**

- Complete Saps 521(n) Request for Access to Record of the South African Police Services
- Power of attorney
- Pay per page at nearest police station

#### **11. DISPOSAL OF FIREARMS IN INSOLVENT OR DECEASED ESTATE (*the Fiduciary's Bible, if we may say so!*)**

##### **Sections 147, 148 and regulation 103**

##### **147 Disposal of firearms in case of death**

(1) In the case of the death of the holder of a firearm license, the firearm in question must be disposed of as prescribed.

(2) The executor of the estate of a deceased person who comes into possession of a firearm licensed to the deceased must store the firearm as prescribed.

##### **148 Inherited firearms**

(1) A person who inherits a firearm must-

(a) if he or she wishes to keep the firearm, apply for an appropriate license, permit or authorization in terms of this Act; or

(b) if he or she does not wish to acquire the firearm, or fails to obtain the appropriate license, permit or authorization, have the firearm deactivated or dispose of it in terms of this Act.

(2) The Registrar may issue a temporary authorization contemplated in section 21, to allow a person who inherits a firearm a reasonable time to dispose of it.

### 103 Disposal of firearms in insolvent or deceased estate

(1) Prior to the issuing of a Letter of Executorship by the Master, the nominated executor in the will and in the absence of such nominated executor, the heir, next of kin or close relative of a deceased who was the holder of a licence, permit or authorisation in terms of the Act, may under authority of a permit issued in terms of section 21 of the Act, possess the firearms of the deceased until subregulation (2) takes effect.

***Our comments:***

- Executor must only apply to the police for a Temporary Authorization to Possess a Firearm (section 21 permit, read with regulation 23 to 27), ***if the Master takes a long time to issue the Letter of Executorship***
  - CFR will issue the ***permit to holder of a license, who also possess a competency certificate***, such as an heir, next of kin or relative.
  - *Permit only valid until Master appoints the executor in terms of subregulation (2), which follows!*
  - ***CFR must issue permit within 7 days, but take ages to do so, which frustrates a lot***
- (2) Subject to the provisions of any other law, ....., an ***executor***, administrator, trustee, curator or liquidator of the estate of a person who possess a firearm or ammunition, ***must take steps to ensure the safe custody of the firearm and ammunition and store the firearms and ammunition in a storage facility as prescribed in regulation 86: Provided that if an heir of a deceased estate is a holder of a licence, authorisation or permit issued under the Act, that heir may provide for the safe custody of the firearm and ammunition on condition that -***
- (a) ***the executor does not have the required storage facilities;***
  - (b) ***the executor issues a letter of consent to the heir for the safe custody of the firearm, stating the licence particulars of the deceased and make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark that is reflected on the firearm; and***
  - (c) ***a copy of the letter of consent (storage permit) must be filed with the Designated Firearms Officer for the area where the heir resides.***

**Our Comments: (This is a mouthful and we will analyse it for you!)**

- **By virtue of being appointed as an executor**, administrator, trustee, curator or liquidator (“*the appointee*”) of the estate of a person who possess a firearm or ammunition, **(i)** the appointee can legally take possession **(ii)** in order to store the firearm and its ammunition **(iii)** in terms of regulation 86(1), that is “in a safe or strongroom that conforms to the prescripts of SABS Standard 953-1 and 953-2,”. *This means that the appointee does not have to conform with the legal requirements of being issued with a competency certificate or even a license for a firearm. No permission to store or storage permit needed!*
- **Only an heir of an estate**, who is the holder of a license, and for that matter, also holds a competency certificate, **may store a firearm/s on permission (storage permit) granted by the appointee. This indulgence by the Legislator is not for the heir’s nominee / family, etc.!!!!**
- **The above is very important**, because if the appointee gives permission to any other person, he/she will be guilty of an offence and can be sentenced to maximum imprisonment of 10 years – section 120(10)(a) read with Schedule 4 (section 21)! *See paragraph 13 supra.*
- **Also, only if the appointee does not have the required storage facilities**
- What the above means, is that the **Legislator did not want this indulgence, to give permission to store (issue a storage permit), to be misused**
- **Appointees, for convenience’ sake rely on regulation 86(4) as the reason for their permission to store a firearm/s. It is actually meant for a person (holder of a license) to give permission to another person (another holder of a license) to store a firearm/s and has nothing to do with an estate firearm! We will quote regulation 86(4)(a) hereunder for your convenience!**

A person who holds a licence to possess a firearm may store a firearm in respect of which he or she does not hold a licence, if-

(i) he or she is in possession of written permission given by the person who holds a licence, permit or authorisation to possess that firearm and which permission is endorsed by a relevant Designated Firearms Officer; and

(ii) the firearm is stored in a prescribed safe at the place mentioned in the permission contemplated in subparagraph (i).

(3) On seizure by a messenger of the court or a bailiff or on appointment as executor, administrator, trustee, curator or liquidator of the estate the messenger, bailiff or appointee must -

**(a) compile an inventory –**

(i) of all the firearms and ammunition of the holder of a licence, authorisation or permit clearly indicating the make, type, calibre of the firearm, as well as, every manufacturer's serial number or additional identification mark that is reflected on the firearm and the quantity, calibre and make of the ammunition; and

ii) of firearm parts;

(b) on seizure or receipt of the letter of appointment, as the case may be, deliver a letter, document or facsimile within 14 days to the Registrar, furnishing the following particulars -

(i) the name and address of the holder of the licence, authorisation or permit;

(ii) the address where the firearms or ammunition are stored;

(iii) a copy of the inventory referred to in subparagraph (b);

(iv) a copy of the execution warrant or letter of appointment and if the holder of the licence, authorisation or permit is deceased, a copy of the death notice;

(v) if the firearms and ammunition devolve by testamentary or intestate succession, the names, addresses and identity numbers of all beneficiaries; and

(vi) documentary proof of appointment as executor, administrator, trustee, curator or liquidator, as the case may be, of the estate concerned.

***(4) this subregulation does not exist (genuine!)***

(5) The particulars in the notification referred to in subregulation (3)(b) must be recorded by the Registrar in the Central Firearms Register.

- (6) The Registrar must within 30 days after receipt of the notification referred to in subregulation (3)(b) furnish an acknowledgment of receipt to the person from whom it was received.
- (7) The messenger of the court, bailiff, **executor**, administrator, trustee, curator or liquidator of the estate, as the case may be, **must at least every three months inform the Registrar in writing of the progress that has been made and steps which have been taken in respect of the transfer of such firearms and ammunition together with the details of the person to whom the firearm or ammunition was transferred to.**
- (8) **The Registrar may at any time by written notice direct the messenger of the court, bailiff, executor, administrator, trustee, curator or liquidator of the estate to inform him or her within the period mentioned in the notice of the progress that has been made and steps that have been taken in respect of any such transfer.**
- (9) **The executor, administrator, trustee, curator or liquidator of the estate may only apply to the Master of the High Court to finalise the estate after notification has been received from the Registrar that all firearms involved have been transferred in terms of the Act.**
- (10) A messenger of the court or bailiff may not deliver a firearm sold in execution or which must be transferred in terms of the relevant warrant of execution to any person unless that person is in possession of a licence, authorisation or permit to possess that firearm.

## 12. STORAGE REQUIREMENTS, OFFENCES THAT FIDUCIARY'S MAY COMMIT AND PENALTIES

Regulations 67(1) and (2), 86(1), (4)(b) to (f), 86(12) and 110(1) and (3)

### Storage of firearms and ammunition

67. (1) Where a person provides storage facilities for firearms or ammunition to another person, such storage facilities must conform to the applicable requirements for a safe or strongroom as set in the SABS Standard 953-1 or 953-2.
- (2) **Storage may only be provided by a person who may lawfully possess the firearm or ammunition.**

**Safes and safe custody**

- 86.** (1) When a firearm is not under the direct personal and physical control of a holder of a licence, authorisation or permit to possess the firearm, the firearm and its ammunition must be stored in a safe or strongroom that conforms to the prescripts of SABS Standard 953-1 and 953-2, unless otherwise specifically provided in these regulations.
- (4)(b) Only the person who holds a licence, permit or authorisation to possess the firearm may transport that firearm to and from the place where that firearm is to be stored with a storage permit.
- (c) The permissions (storage permit), must specify the period for which the person concerned may store the firearm, the reason for the storage and it must contain sufficient particulars to identify the licence permit or authorisation and also the firearm in question, as well as, the name, identity number and physical address of the holder of the licence and the person to whom the authority is granted.
- (d) A permit (storage permit) may be cancelled at any time by a relevant Designated Firearms Officer on good cause.
- (e) A firearm stored in terms of this regulation may not be used by the person who provides the storage or any other person while it is stored in terms of this regulation.
- (f) Only the holder of the licence applying to the firearm may remove the firearm from the safe or strongroom where it is stored.
- (12) A lock-away safe, apparatus, device and instrument for safe custody of a firearm or ammunition, must to the satisfaction of the Registrar comply with the following requirements -
- (a) be manufactured from steel of at least 2 mm thick;
  - (b) be capable of enclosing or covering the firearm concerned wholly;
  - (c) have an effective integral locking mechanism;



- (d) have a hinge mechanism for the cover or lid thereof which shall ensure that when the locking pin thereof is removed, the cover or lid shall not be capable of being opened or removed;
- (e) have a facility with the aid or use of which the lock-away safe, apparatus, device or instrument may be securely affixed to another structure such as a wall or a floor, or the body of a vehicle; and
- (f) in the case of a lock-away safe used as contemplated in subregulation (5) if such safe can only be locked or opened with two or more keys that have to be used jointly.

### **Offences and penalties**

- 110.** (1) Any person who contravenes or fails to comply with any provision of these regulations shall be guilty of an offence.
- (3) ***Any person (including a Fiduciary), convicted of a contravention of or a failure to comply with any provision contained in these regulations may on conviction be sentenced to a fine or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.***

### **13. THE POTHOLE (SLAGGATE) (that Fiduciaries may commit, but would most probably have no knowledge of!)**

Section 120(10)(a) read with Schedule 4 PENALTIES (Section 21)

Section 120(2)(a) read with Schedule 4 PENALTIES (Section 21)

Section 120(2)(b) read with Schedule 4 PENALTIES (Section 21)

Section 120(11) read with Schedule 4 PENALTIES (Section 21)

Section 118(1) read with Section 102(11)

## 120 Offences

(10) It is an offence to-

(a) sell, supply **or in any other manner** (permission to store i.e storage permit, given to the wrong person!) **give Possession of a firearm or ammunition to a person who is not allowed in terms of this Act to possess that firearm or ammunition**

Schedule 4 **PENALTY**  
(Section 121)

120(10)(a) 10 years

(2) (a) **Any person who is aware of the existence of a firearm or ammunition that is not in the lawful possession of any person and fails to report the location of the firearm or ammunition to a police official without delay, is guilty of an offence.** (for example: an heir, who is not the executor, and who does not hold a license or competency certificate, refuses to hand over the estate firearms. She / he is illegally in possession of same!)

Schedule 4 **PENALTY**  
(Section 121)

120 (2) 15 years

(2)(b) **A police official to whom a person has made a report contemplated in paragraph (a), must immediately provide the person with written proof that the report has been made or, in the case of a telephonic or similar report, with the official reference number of the report.** (Most policemen are not aware of this. We quote it to them frequently!)

Schedule 4 **PENALTY**  
(Section 121)

120 (2) 15 years

(11) **Any holder of a license, permit or authorization to possess a firearm (a Executor), and any other person who was in possession of or who had control of a firearm when it was lost, stolen or destroyed and *who fails to report the loss, theft or destruction to the police station nearest to the place where it occurred, within 24 hours after having become aware of the loss, theft or destruction of the firearm, is guilty of an offence.* (Executor who became aware of this and does not report same!)**

Schedule 4 **PENALTY**  
(Section 121)

120 (11) 10 years

**Section 118(1) read with the abovementioned section 120(11)**

#### **118 Presumptions relating to failure to report**

(1) Whenever a person is charged with an offence in terms of (*section 120(11) above*) this Act of failing to report the loss, theft or destruction of a firearm ***and it is proved that such person was, at the time, the licensed or authorized possessor (executor) of the firearm alleged to have been lost, stolen or destroyed, proof that the person has failed to produce such firearm within seven days of the request by a police official to do so, will, in the absence of evidence to the contrary which raises reasonable doubt,*** be sufficient evidence that the firearm has been lost, stolen or destroyed.

#### **14 RECOMMENDATION**

Myself and Hendrik are blessed to have had the opportunity to compile this manual. We are sure that it will be of use to the Fiduciaries in SA.

Legally Armed SA CC, in association with Martin & Visser Attorneys, have been perfecting the process of transferring estate firearms in the different scenarios above, for the last two years in order for the estate handler to close his/her file within 30 working days. We cover all the potholes on your behalf and do all the reporting to the CFR. **We invite you to contact us.**

We have entered into service level agreements with two major banks and are handling the transport supplied by RAM Hand to Hand Couriers, an accredited SAPS Transporter, to our 7 decentralized designated dealers, with whom we also have service level agreements with.