



# SA WINGSHOOTERS FACT SHEET

## The Firearms Control Act — Death of the Owner of a Firearm

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The Firearms Control Act 60 of 2000 along with Firearms Control Regulations, 2004 (jointly referred to hereafter as the Act), which came into effect on 1 July 2004, contains wide-ranging regulations about aspects including the handling of firearms as well as (spare) parts for them and ammunition in deceased estates.

### **Directly after death**

An heir, next of kin or member of the deceased's family who has approved storage facilities for firearms must take the firearms of the deceased person into his possession and in terms of Section 21 of the Act immediately apply for a temporary permit to possess a firearm.

An application must be made on SAPS 518 and must be handed in to the relevant Designated Firearms Officer in the area where the applicant resides, with all relevant substantive documentation as prescribed by Regulations 13 and 23 of the Act. All documentation must be completed in black ink. In terms of Section 21 the temporary permit must be valid at least until an appointment of executor notification has been issued.

### **Notification of Estate**

With notification of the estate to the nominated executor or the person who will administer the estate:

1. Provide full particulars of the deceased's firearms and ammunition so that an inventory can be drawn up with all the particulars as defined more fully in Regulation 103(3)(a) of the Act.
2. Provide full particulars of the person who has the deceased person's firearms and ammunition in safekeeping as well as whether such a person has a temporary permit, issued in terms of Section 21 of the Act. If such a permit was in fact issued, a copy must be submitted.

### **Action by the Nominated Executor**

The nominated executor or his representative sends a letter to the Designated Firearms Officer as promptly as possible after accepting the estate to establish whether the person who has the deceased person's firearms and ammunition in storage, is in fact a competent person if no temporary permit has been issued.

The beneficiaries must give the executor written instructions regarding the firearms as soon as possible so that the process for the transfer of the firearms can start as soon as is practically possible, as it can be a very time-consuming process.

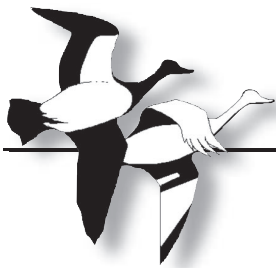
### **Action by the Executor**

After receipt of notification of the appointment as executor, the person who in terms of an appointment as executor issued by the Master of the High Court, acts as executor of the estate of someone who has a firearm in his possession, must take the necessary steps to ensure that the firearm and ammunition are stored safely in an approved storage facility as prescribed by Regulation 86 of the Act.

Where an heir holds a licence, has authorisation or a permit issued in terms of the Act, such an heir can qualify for the safe storage of the deceased person's firearm and ammunition on condition that the executor does not have the required storage facility.

If the executor is satisfied that, according to the information at his disposal, the heir is competent to hold the deceased's firearms and ammunition in trust, the executor issues a letter of consent to the heir concerned for the storage of the firearms and ammunition. A copy of the letter of consent

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must be lodged with the Designated Firearms Officer of the area where the heir lives, with a request that he visited the person who has been given permission to keep the firearms in safe storage, to ensure that all the requirements as prescribed, are being complied with.

The permission must specify how long the person concerned may hold firearms in safe storage, the reason for the safekeeping as well as adequate particulars to enable identification of the licence, permit or authorisation and the firearm. The letter of permission must contain the name, identity number and physical address before death of the licence-holder and exactly the same information in respect of the person to whom such permission has been given. The permission is for storage only and not for use.

If the executor does not have the necessary storage facilities, and there is also no competent beneficiary who can take the firearms and ammunition into safekeeping, arrangements must be made with a licensed firearms dealer who has storage facilities closest to where the firearms and ammunition are held, for storage of the firearms. Costs related to this currently amount to between R35 and R65 a firearm per month and the storage costs are for the estate account. The same also applies where a firearm carrier/conveyer must be used for the transport of the firearms. Only the person who holds a licence, or has a permit or authorisation to possess the firearm may transport that firearm to and from the place where the firearm is safely stored.

### **Notice to Registrar**

Within 14 days of receipt of notification of appointment of executor, the Registrar of Firearms must be provided with the following documents and information:

- Inventory as referred to above
- Name of the deceased and the physical address at which he resided before death
- Address at which the firearms are stored
- A copy of the executor's letter of permission to the heir for storage of the firearms and ammunition, if applicable.
- Copy of the death certificate
- Copy of the executor's letter of appointment
- Names, addresses and identity numbers of all the beneficiaries if the firearms and ammunition must be transferred per testamentary stipulations or law of intestate succession.

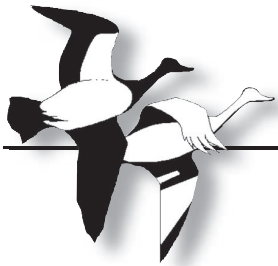
The Registrar will then record the particulars in the Central Firearms Register and acknowledge receipt thereof within 30 days of receipt.

At least every three months the executor must inform the Registrar in writing of the progress and the steps taken to transfer such firearms and ammunition, with particulars of the person/persons to whom these items are transferred.

As soon as the solvency and liquidity of the estate has been established and nothing else prevents the executor, the heir is given possession of all the documentation from the executor for transfer of the firearm. This documentation includes a properly completed SAPS 271, a copy of the executor's letter and permission for the transfer of the firearm. A copy of the permission must be sent to the Central Firearms Registry for information. As the application for a firearm licence can be a long and time-consuming process, it is utterly essential that the heir commence the process immediately. All documentation must be completed in black ink.

In the case of firearms that belonged to a deceased person but which cannot be traced by the execu-

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tor, next of kin or heir, the matter must be taken up with the SAPS. SAPS 521 must be completed and the process for stolen or lost firearms must be followed.

**To conclude, the Act determines that an executor cannot finally wind up the estate before the Central Firearms Registry has confirmed to him that all firearms that were in the name of the deceased have been transferred.**

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## **SA Wingshooters Advisory**

**Members are advised that the above procedures must be followed to the letter. If a member holds an inherited firearm, great care must be taken to make sure that all the documentation is correct and complete, otherwise the holder of the firearm will be prosecuted for holding an illegal firearm, which is a criminal offence with severe penalties. The purpose of the special Amnesty Period is, *inter alia*, to cater for such cases.**