CONFISCATION OF POSSIBLE ILLEGAL/SUSPECTED STOLEN GOODS FROM SECOND-HAND GOODS DEALERS’ PREMISES

Criminal Procedure Act, 1977 (Act No. 51 of 1977)
National Instruction 2 of 2016: Second-Hand Goods Dealers and Recyclers
National Instruction 2 of 2002: Search and Seizure

STEP 1
IDENTIFICATION OF SAPS MEMBER(S)
The SAPS member identifies himself/herself to the second-hand goods dealer by means of producing his/her appointment certificate and stating the purpose of the visit.

STEP 2
CONDUCT COMPLIANCE INSPECTION/OPERATION/INVESTIGATION
The SAPS member conducting the compliance inspection/operation/investigation must inspect the following:
- Registration certificate, dealer stock registers, records, books or other documents relating to the goods in or on the premises;
- Compare the goods with the entries in the stock registers;
- Obtain a search and seizure warrant (J51) when conducting an operation.
Conduct any investigation in terms of a registered CAS number.

STEP 3
PROVIDE INFORMATION REGARDING ANY SEIZURE
The SAPS member provides the necessary information to the second-hand goods dealer in respect of the alleged suspected stolen/illegal goods found at the premises and seize the goods, if required.
The SAPS member must provide the CAS number of the registered case to the second-hand goods dealer prior to the confiscation, if available.

STEP 4
SEIZE GOODS AND ISSUE A SAPS 13(b)
The SAPS member must issue a SAPS 13(b) to the second-hand goods dealer upon the confiscation of the illegal/suspected stolen goods and obtain a statement.
Disputed seized goods should not be handed to an individual person but must be handed in at the SAPS 13 for safe keeping while the investigation continues, in order to verify ownership of the goods.

STEP 5
DISPOSAL OF CONFISCATED GOODS
Stolen property/suspected stolen property may be handed to the person from whom it was stolen, with the consent of the person from whom it was confiscated, by means of a SAPS 299.
If no criminal proceedings are instituted the goods must be handed to the person from whom it was seized or the person who may lawfully possess such goods, and if no person may lawfully possess such goods it shall be forfeited to the State (SAPS 290).
In all cases where goods, already entered into the SAPS 13 Property Register, are returned to the lawful owner a SAPS 136 indemnity form must be completed, except where a SAPS 299 was completed and filed.

STEP 6
COMPLETE THE SAPS 607 VISITATION REGISTER
The SAPS member completes the SAPS 607 Visitaton Register maintained at the second-hand goods dealer premises and at the office of the Designated Second-Hand Goods Officer at police station level.

STEP 7
UPDATE THE DEALER STOCK REGISTER
The second-hand goods dealer as well as the SAPS member updates and signs the Second-Hand Goods Dealer Stock Register and refer to the entry made in the SAPS 607 Visitation Register.

STEP 8
REPORT PROGRESS
The SAPS member regularly follows up and reports progress to the second-hand goods dealer regarding the applicable investigation and disposal of the alleged illegal/suspected stolen goods.

SAPS CRIME STOP/TIP OFF 08600 10111 AND NATIONAL ANTI-CORRUPTION HOTLINE 0800 701 701