

NATIONAL INSTRUCTION 2 of 2016 SECOND-HAND GOODS: DEALERS AND RECYCLERS

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CHAPTER 1 BACKGROUND, DEFINITIONS AND ABBREVIATIONS

1. Background

This National Instruction regulates the processing of all Second-Hand Goods registration applications and all related administrative procedures. This National Instruction further regulates the manner in which the *Second-Hand Goods Act, 2009 (Act No 6 of 2009)*, must be interpreted, implemented and enforced.

2. Definitions and Abbreviations

(1) Definitions

In this Instruction, unless the context otherwise indicates, —

- (a) “*accreditation*” means accreditation of a *Second-Hand Goods Dealers’ Association* by the National Commissioner in terms of section 17 of the Act.
- (b) “*acquire*” means acquire by any means, and includes importing into the Republic;
- (c) “*antique*” means *goods* representing a previous era in human society and which are collected or desirable because of age, rarity, condition, utility or other unique features;
- (d) “*applicant*” means the *person* applying to be registered as a dealer or *recycler* in terms of the Act and includes any person contemplated in section 5(1)(d) of the Act;
- (e) “*association*” means *dealers’ association* and includes any Body Corporate;
- (f) “*business trust*” means a trust created for the purposes of making a profit through the combination of capital contributed by the beneficiaries of the trust and through the administration or management of the capital by trustees or a person acting on behalf of those trustees, for the benefit of the beneficiaries;
- (g) “*cable*” means conducting wire with insulation consisting of a cover of plastic or rubber;
- (h) “*certificate of registration*” means the certificate of registration contemplated in regulation 4 of *the Regulations* and includes all conditions determined by the National Commissioner;

- (i) “*charity organization*” means a voluntary organization established for charitable purposes, that carries on a business in dealing in Second-Hand Goods and that *acquires* such Second-Hand Goods by way of donation;
- (j) “*close corporation*” means a close corporation within the meaning of the Close Corporations Act, 1984 (Act No. 69 of 1984);
- (k) “*company*” means a company within the meaning of the Companies Act, 1973(Act No. 61 of 1973);
- (l) “*communication equipment*” means any wireless mobile communication equipment with *IMEI* capable of using SIM, including cellular telephones, and two-way radios, and includes accessories of such equipment;
- (m) “*controlled metal*” means any metal contemplated in Schedule 2 of the Act;
- (n) “*dealer*” means a *person* who carries on a business of dealing in Second-Hand Goods, and includes a *scrap metal* dealer and a *pawnbroker*;
- (o) “*dealers’ association*” means an *association* of *dealers* formed in order to represent the interests of *dealers*;
- (p) “*deal in*” includes *acquire* and *dispose of*;
- (q) “*Designated Police Officer*” means any *police official* to whom the National Commissioner delegates any function in terms of section 38(2) of the Act and who is responsible for the designated area in which an *applicant’s* business *premises* is situated, or will be situated in;
- (r) “*dispose of*” means dispose of by any means, and includes exporting out of the Republic;
- (s) “*goods*” means any of the *goods* specified in Schedule 1 of the Act, but does not include firearms or ammunition as defined in the Firearms Control Act, 2000 (Act No. 60 of 2000) or clothing;
- (t) “*household and office equipment*” includes *communication equipment*, electric and electronic equipment and appliances,

electronic software, furniture, gardening equipment, tools, books, valuables, clothing and works of art;

- (u) “*investigation*” means the work of inquiring into something thoroughly and systematically;
- (v) “*management*” includes the chief executive officer, chief operating officer, owner or manager of a registered *dealer* who is responsible for the day to day control, direction or supervision of the business of that *dealer* at the *premises* in question;
- (w) “*mobile dealer*” means any movable asset that can be registered as a *premises* in terms of the Act;
- (x) “*National Commissioner*” means the National Commissioner of the South African Police Service, appointed by the President under section 207(1) of the Constitution of the Republic of South Africa, 1996;
- (y) “*operation*” means a planned activity involving many people responsible for various actions;
- (z) “*pawnbroker*” means a *person* who—
 - (i) engages in the business of lending or advancing money on the deposit or pledge of *goods*;
 - (ii) lends money upon *goods*, wares or merchandise pledged, stored or deposited
 - (iii) as collateral security; or
 - (iv) otherwise engages in pawn transactions within the meaning of the National Credit Act, 2005 (Act No. 34 of 2005);
- (aa) “*pawned goods*” means any movable *goods* subject to a pledge;
- (bb) “*person*” includes a trust and a *business trust*;
- (cc) “*police official*” means a member of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- (dd) “*premises*” includes land, any building, structure, vehicle, conveyance, ship, boat or aircraft;

- (ee) “*precious metals*” means precious metals as defined in the Precious Metals Act, 2005 (Act No. 37 of 2005);
- (ff) “*prescribe*” means prescribe by regulation made in terms of section 41 of the Act;
- (gg) “*recycle*” means to melt, smelt, granulate, shred, dismantle, sort, grade, cut or prepare, either by hand or by the use of specialized plant, machinery and equipment, for use by consuming works such as foundries, mills, smelters, refiners and manufacturers;
- (hh) “*recycler*” means a *person* who carries on the business of recycling *scrap metal*;
- (ii) “*registers*” means registers prescribed in terms of the Act, and includes a print-out of registers kept electronically;
- (jj) “*responsible person*” means the natural person contemplated in section 2(2) of the Act who is nominated in writing by a *dealers' association* to act on behalf of that *dealers' association*;
- (kk) “*second-hand goods*” means *goods* which have been in use by a *person* other than the manufacturer or producer thereof or a *person* dealing therewith for such manufacturer or producer in the course of business, but does not include *goods* with a value of less than R100;
- (ll) “*scrap metal*” includes any used, broken, worn out, defaced or partly manufactured *goods* made wholly or partly of non-ferrous or ferrous metal, lead or zinc or any substance of metallic waste or dye made of any of the materials commonly known as hard metals or of cemented or sintered metallic carbides;
- (mm) “*scrap metal dealer*” means a *person* who carries on a business that consists wholly or partly of the buying or selling of scrap metal;
- (nn) “*Subscriber Identity Module*” means an independent, electronically activated device designed for use in conjunction with the use of mobile, including cellular or satellite *communication equipment*, to enable the user of the equipment to receive and transmit indirect communications by providing access telecommunication systems and enabling such telecommunication systems to identify the particular *Subscriber Identity Module* and its installed information;

- (oo) “*the Accreditation Regulations*” means the Regulations for Accreditation of Second-Hand Goods Dealers’ Associations, 2011;
- (pp) “*the Act*” means the Second-Hand Goods Act, 2009 (Act No. 6 of 2009); and
- (qq) “*the Regulations*” means the Regulations for *Dealers and Recyclers*, 2012.

(2) Abbreviations

In this Instruction, unless the context otherwise indicates, —

- (a) “*CIO*” means Crime Information Officer;
- (b) “*CR & CSM*” means Criminal Record and Crime Scene Management;
- (c) “*CRIM*” means the Criminal Record System;
- (d) “*DPO*” means *Designated Police Officer* whom the National Commissioner delegates any function in terms of section 38(2) of the Act;
- (e) “*DSO*” means Designated Second-Hand Goods Officer and will have the same meaning, powers, duties and functions as that of a *DPO* who is responsible for the designated police precinct in which an *applicant’s* business *premises* is situated, or will be situated in;
- (f) “*FLASH*” means Firearms, Liquor and Second-Hand Goods Control;
- (g) “*IMEI*” means the International Mobile Equipment Identity that uniquely identifies mobile *communication equipment*;
- (h) “*LCRC*” means Local Criminal Record Centre;
- (i) “*SHGCS*” means Second-Hand Goods Control System
- (j) “*SIM*” means *Subscriber Identity Module*; and
- (k) “*VIS*” means Vehicle Identification Section.

CHAPTER 2 PRINCIPAL ELEMENTS OF THE ACT

3. Principal elements of the Act

(1) Objectives of the Act

- (a) The objectives of the Act are to —
- (i) regulate the business of *dealers* in *Second-Hand Goods* and *pawnbrokers*, in order to combat trade in *stolen goods*;
 - (ii) promote ethical standards in the *Second-Hand Goods* trade; and
 - (iii) provide for matters connected therewith.
- (b) These objectives firstly require of the SAPS to ensure that *dealers* comply with the provisions of the Act in respect of certificates of registration, the keeping of *registers* and other information required under the Act. For this purpose, the Act provides for *routine inspections* during which any *Police official* may inspect the *premises* and also the *registers* of *Second-Hand Goods dealers*.

(2) Routine inspections

- (a) In terms of section 28 of the Act, any *Police official* may enter the *premises* of a registered *dealer during business hours* in order to ensure compliance with the Act and check —
- (i) the *certificate of registration* relating to that *premises*;
 - (ii) *registers* and records relating to the *goods* on the *premises*;
 - (iii) any *goods* found in or on the *premises*; and
 - (iv) an entry or absence of any entry in the *registers*.
- (b) Although these powers are vested in any *Police official*, these powers are limited to a *DSO* who must specifically assume this function.
- (c) The purpose of a routine inspection is not to investigate the legitimate *dealer*, but to ensure compliance with the Act.
- (d) Any *Police official* (including a *DSO* outside his/her policing precinct) who, in the line of his or her duty or functions, is planning to conduct a routine inspection at the *premises* of a *Second-Hand Goods Dealer or Recycler*, must inform the relevant *DSO* responsible for that policing precinct, prior to such inspection. The

DSO must record the planned inspection in the SAPS 607 – Visitation Register: *Second-Hand Goods Dealer, Recycler or Association Premises* (“SAPS 607”), which is kept at the office of the DSO.

- (e) It is important to note that section 27 of the Act makes it obligatory for any police member entering a *dealer’s premises*, to identify him- or herself to the *dealer*, owner, employee or person in charge of the *premises* in question by producing his or her appointment certificate. Such member must also state the reason for the visit.
- (f) When a routine inspection is performed, the inspecting member must not only sign the *dealer’s register* in terms of section 28(4)(b)(i) of the Act, but also the SAPS 607 - Visitation Register: *Second-Hand Goods Dealer, Recycler or Association Premises* (“SAPS 607”), which is kept at the *Dealer or Recycler premises*. In cases where a *dealer* is exempted from keeping a register, or where such *registers* are kept electronically, the inspecting member must note such fact in the SAPS 607 when recording his/her inspection.
- (g) It is obligatory that DSO’s, when conducting a compliance inspection, take note of the fact that *goods* worth less than a R100-00 do not need to be recorded in a *Dealer’s Register*. However, the R100-00 value of *goods* should be determined by the market related price of such *goods*. The price for which the *Dealer* will sell the *goods* will be an adequate indication of the market related price.

(3) Investigations and operations

- (a) In terms of section 29 of the Act, a police member must obtain a warrant issued in terms of section 30 of the Act to enter and search premises and to seize records/registers. The Act does not provide for *goods* to be seized with the section 30 mentioned warrant, however, where it is deemed necessary to seize *goods* a J51 warrant issued in terms of section 21 of the Criminal Procedure Act, 1977 (Act No 51 of 1977) must be obtained additionally.
- (b) Although there are exceptions to the general rule that a warrant must be obtained before a search, investigators must take note that a search warrant under the Act must be issued by a magistrate or judge.
- (c) Section 29 of the Act also provides that *premises* may be sealed off for a period not exceeding seven days, to prevent the *Dealer* or

Recycler from conducting business in contravention of the Act. This need to be stated specifically in the warrant mentioned in paragraph (a) supra.

- (d) When SAPS members need to seize stolen *goods* or suspected stolen *goods* from a *Second-Hand Goods Dealer or Recycler premises* during an *investigation* or an *operation*, a J51 warrant should be obtained in terms of section 21 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
 - (e) Members must keep in mind that the Act does not detract from the common law (theft, receiving stolen property knowing it to be stolen) or the provisions of section 36 (possession of property suspected to be stolen) and section 37 (receipt of property suspected to be stolen) of the General Law Amendment Act, 1955 (Act No. 62 of 1955).
- (4) Search and seizure
- (a) Whenever a *police official* search *premises* or seize *Second-Hand Goods*, the provisions of National Instruction 2/2002 must be adhered to. No goods may be seized without the SAPS 13(b) being issued to the Dealer/Recycler.
 - (b) Paragraph 19(1) of National Instruction 2/2002 specifically requires that any member who seizes any article must complete the Property Acknowledgment of Receipt Register (SAPS 13(b)). The original SAPS13 (b) receipt must be handed to the person from whom the article was seized. Such person must sign the original SAPS 13(b) receipt to acknowledge that the seized property was fully and correctly recorded on the SAPS 13(b) receipt and that he or she received the SAPS 13(b) receipt.
 - (c) Where seized *goods* were recorded in a *Dealer or Recycler Register*, such *goods* must be booked out of the *Dealer or Recycler Register* by the SAPS member who seized the *goods* and the SAPS member must sign therefor in the prescribed manner.
 - (d) If the person from whom the article was seized is not on the *premises* upon which the article was seized, paragraph 19(2) of National Instruction 2/2002 states that the original SAPS 13(b) receipt must be handed to the person in charge of the *premises*. If the person in charge of the *premises* is not available, the original SAPS 13(b) receipt must be left at a prominent place on the *premises*. The member must in such a case make an entry in his/her diary/pocket book that nobody was present and mention the

place where the receipt was left. A witness must co-sign the members' diary/pocket book in such a case.

(5) Second-Hand Goods Dealers' Forums

- (a) The SAPS must co-operate with the community and registered *dealers* to ensure that the ease with which thieves sell stolen property through unscrupulous *dealers*, is addressed.
- (b) The Divisional Commissioner: Visible Policing or his/her delegated authority as well as all Provincial Commissioners or their delegated authorities, must ensure that the relevant instructions pertaining to the establishment, maintenance and structuring of *Second-Hand Goods Dealers' Forums* at the appropriate level(s) within the organization be complied with.
- (c) It must be ensured that all relevant internal and external role players are represented on the *Second-Hand Goods Dealers' Forums*, especially where criminal activity may affect the crime trends in the area and type of business - e.g. *scrap metal dealers, pawnbrokers, auctioneers, cell phone dealers and vehicle dealers*).
- (d) The purpose of the *Second-Hand Goods Dealers' Forums* must be to reduce property-related crimes through the sharing of information pertaining to crime trends and occurrences within policing areas, but also to plan and act pro-actively on such information.
- (e) The *Second-Hand Goods Dealers' Forums* must further be utilized to discuss any problems experienced by either the South African Police Service or the *Second-Hand Goods* industry and to come up with workable solutions. *Second-Hand Goods Dealers' Forums* must also serve as a platform to establish good cooperation and communication between the SAPS and the *Second-Hand Goods dealers*.

CHAPTER 3 IMPLEMENTATION OF THE ACT

4. Implementation of the Act

(1) Forms and Registers

(a) The following official SAPS Forms, Certificates and *Registers* are utilized in the *Second-Hand Goods* environment:

SAPS NUMBER	NAME OF DOCUMENT	AVAILABILITY
FORMS		
SAPS 601	Application for Registration as a <i>Second-Hand Goods Dealer/Recycler</i>	Electronic
SAPS 601 (c)	Acknowledgement of Receipt of <i>Second-Hand Goods</i> Documentation	Electronic
SAPS 601 (e)	Application for Renewal as a <i>Second-Hand Goods Dealer/Recycler</i> .	Electronic
SAPS 604	Notification of Change of Information (including Termination)	Electronic
SAPS 605	Notification/Re-issuing of Lost/Stolen or Defaced <i>Second-Hand Goods/Accreditation Certificate</i> .	Electronic
SAPS 606	Return of Service	Electronic
SAPS 608 (a)	Notice of Appeal	Electronic
SAPS 608 (b)	Notice of Representations	Electronic
SAPS 608 (c)	Application for Condonation/Extension of Time	Electronic
SAPS 609	Notice to Withdraw Application or Notification	Electronic
SAPS 610	Written Warning	SCM (Stores)
CERTIFICATES		
SAPS 601 (a)	<i>Certificate of registration as a Second-Hand Goods Dealer</i>	SCM (Stores)
SAPS 601 (b)	<i>Certificate of registration as a Second-Hand Goods</i>	SCM (Stores)

	<i>Recycler</i>	
SAPS 601 (d)	Certificate of Temporary Registration as a <i>Second-Hand Goods Dealer/Recycler</i>	SCM (Stores)
REGISTERS		
SAPS 603	Register for Received <i>Second-Hand Goods</i> Documentation	SCM (Stores)
SAPS 607	Visitation Register: <i>Second-Hand Goods Dealer, Recycler or Association Premises</i>	SCM (Stores)

- (b) All relevant SAPS circulars, the majority of forms, and other applicable information are available electronically on the SAPS website (www.saps.gov.za) where it may be downloaded for use by SAPS members as well as *Second-Hand Goods Dealers/Recyclers* or *Associations*. Certificates and *Registers* must be supplied through official Supply Chain Management requisitioning procedures.
- (c) A *Dealer or Recycler* must submit all *Second-Hand Goods* related applications/notifications at a police in the station precinct where his/her business is situated in. The *DSO* must deal with all applications/notifications in terms of the appropriate *Second-Hand Goods* Delegation of Powers.
- (d) In order to further the objectives of the *Second-Hand Goods* legislation and this National Instruction, the Divisional Commissioner: Visible Policing may from time to time, as the need arises, make changes to or re-design the content or format of the above mentioned Forms, Certificates and/or *Registers* mentioned in paragraph 4(1)(a) supra, as long as such changes or re-design is not in conflict with this National Instruction or the objectives of the *Second-Hand Goods* Legislation.

(2) Transitional Arrangements

- (a) Section 43 of the Act provides for a transition from the *Second-Hand Goods Act, 1955* (Act No. 23 of 1955) to the *Second-Hand Goods Act, 2009*. The transitional arrangements ensure that *dealers* can account in a transitional register for *goods* they *acquired* before the Act came into operation on 30 April 2012.

- (b) Under section 43(1)(b), all *dealers* were given three months to apply for registration which ended on 31 July 2012. *Dealers* who lodged an SAPS 601 application for registration during the above mentioned transitional period should have been issued with the official acknowledgement of receipt - SAPS 601(c) - to verify that he or she applied. Such *dealers* are allowed to carry on dealing until their applications have been decided. Once the application is approved, the *DSO* must sign off on the transitional *registers* under section 43(4) by appending a signature to hard copy *registers* or signing on a CD or a hard copy printout where records are kept in an electronic format when the SAPS 601(a) and/or (b) Certificates is handed to the *Dealer/Recycler*.
- (c) All *DSO's* must ensure that the Transitional Register that is held by a *Dealer or Recycler* is endorsed.
- (d) For purposes of the transitional period, starting on 30 April 2012 and ending on 31 July 2012, *dealers* in *Second-Hand Goods* must have –
- (i) a certificate issued under section 4 of the 1955 Act; **OR** a SAPS 601(c) - Acknowledgement of Receipt of *Second-Hand Goods* Documentation; and
 - (ii) records (*registers*) in which transactions are recorded.

(3) False Information and Stolen Goods

Section 22 of the Act provides for a reporting function (see paragraph 5 *infra*) to be performed by the *dealer* in the instance where:

- (a) A *Dealer* suspects or on reasonable grounds should suspect that he or she is dealing with false information and stolen *goods*. Section 22 provides that a *dealer* who suspects that information is false or that *goods* may be stolen or that the appearance of the item was tampered with to conceal its identity, will commit an offence if the matter is not immediately reported to the relevant police station.
- (b) The above mentioned section obliges *dealers* to report suspicious transactions. This has the effect that unscrupulous *dealers* may be charged with an offence that carries a penalty of a maximum of 10 years imprisonment. It also carries a strong message that the market for stolen *goods* is being closed down.

- (c) Section 22(1)(c) covers any item that was tampered with and could also include *cable* that was stripped or burnt when it can be proven that it was done to conceal the identity of such item.

(4) **Controlled Metal**

- (a) Section 25(4)(b) and (c) criminalizes dealing in and possession of controlled (non-ferrous) metal (i.e. copper) of which the cover has been burnt (see paragraph 2(1)(m) supra for a definition of *controlled metal*). This section of the Act provides that *cable* consisting of *controlled metal* of which the cover has been burnt, may not be possessed, *acquired* or disposed of unless there is a good reason why the cover is burnt. Any transaction in burnt *cable* must also be reported to the police before the transaction is completed.
- (b) This prohibition will not only assist the SAPS in the detection and prosecution of *cable* thieves, but act as a deterrent to *persons* who illegally deals in burnt *cable*, as a contravention may attract a possible maximum penalty of 10 years imprisonment.
- (c) The prohibition relates to *cable* only (see paragraph 2(1)(g) supra for a definition of *cable*). Armature windings found in electric motors such as washing machine- or fridge motors do not resort under the definition of *cable* because of a lack of insulation. Possession of or trade in burnt armature windings do not fall under this section.
- (d) It is important to remember that there may be various reasons why the cover of copper *cable* may have been burnt – it is impossible to state all of those reasons in this instruction, and members must exercise the necessary discretion. The main issue relating to burnt *cable* is the burning of industrial *cable* to conceal the fact that it is the property of an infrastructure stakeholder such as the State Owned Companies, local governments or mines.
- (e) The section does not prohibit trade in burnt copper *cable* or the burning of copper *cable* as such; it only requires that a valid reason must exist why the cover was burnt and it should have been reported to the SAPS by the relevant *Dealer/Recycler*. The reason must be recorded in the relevant column of the stock register of the *Dealer/Recycler*.

- (f) Only a registered *Dealer* who is also registered as a *Recycler* may burn copper *cable* subject to the seven day holding period in the Act. Such *Dealer* and *Recycler* must also adhere to other pollution, safety and waste related legislation such as the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004), the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the National Health Act, 2003 (Act No. 61 of 2003) and municipal health and safety by-laws.
- (g) As the National Environmental Management: Air Quality Act, 2004 will be applied differently in each region, members should contact the Department of Environmental Affairs: Directorate: Air Quality Management for assistance where required.

(5) Reports

- (a) The Act instructs a *Dealer or Recycler* to report certain issues to the SAPS, namely:
- (i) Section 22(1) requires a *dealer* to make a report to the SAPS in cases where the *dealer* knows or suspects that false information or stolen *goods* are being provided or sold to him/her. The same requirement is applicable on any *person* in terms of section 25(4) (b), when acquiring or disposing of burnt *cables*.
- (ii) Regulation 10 of *the Regulations for Dealers and Recyclers, 2012* provides for the following procedure to be followed in cases where a *Dealer or Recycler* need to make a report under section 22(1) or section 25(4)(b):
- The report must be noted in the Occurrence Book;
 - The Occurrence Book reference number must be provided to the person making the report;
 - The Client Service Centre Commander must ensure that the *DSO* is informed of the report and that a copy of the Occurrence Book entry is handed to the *DSO* for filing purpose in the *Z20 Dealer or Recycler* File.

- (iii) Where a *dealer* makes a report in terms of section 22(1) or section 25(4)(b), it would be proper for the *DSO* to assume that criminality might be involved. The *DSO* must follow-up on the report by conducting a physical inspection of the *goods* or information. If necessary, further *investigation* must be conducted by the Detective Services in order to take the necessary legal action.

The Station Deciding Authority must ensure that the *DSO* follow-up on all reported incidents in terms of Section 22(1) and 25(4) of the Act.

- (h) Under no circumstances will any member be allowed to “clear” any transaction or issue a “clearance letter” to a *dealer* regarding reported suspicious *goods*. Section 23(1)(c) of the Act requires that a *Dealer* must be convinced on reasonable grounds that the seller of the *goods* is the owner or titleholder thereof or is duly authorized to dispose thereof. All Dealers must ensure that they take precautions themselves in order not to engage in criminal activity. A *dealer* should, for example, interview the seller to establish whether the *goods* are stolen or not.

CHAPTER 4 PROCEDURES

5. Procedures

(1) Registration as a Second-Hand Goods Dealer or Recycler (including Temporary Registration)

- (a) Every *person* who *carries on a business* of dealing in *Second-Hand Goods* must register. The principal business activities include an Auctioneer, General *Dealer*, Jeweller, Motor Vehicle *Dealer* and *Scrap metal Dealer*. It is important to note that the Act only applies to a *person* who *carries on a business* of dealing in *second-hand goods*. A person getting rid of his or her used *goods* does not fall under the Act and they also do not have to register. In most instances they will not pay income tax on the money they get from the sale of their *goods*. On the other hand, people who buy and sell *second-hand goods* clearly generate an income from that activity, thus carrying on a business and must pay income tax.
- (b) A *Dealer* who engages in the business of recycling *controlled metal* must, besides being registered as a *Dealer*, also be registered as a *Recycler*. A *Recycler* will therefore be registered both as a *Dealer* and as a *Recycler*. A *Recycler* is a *person* who processes *controlled metal* by means of melting, smelting, granulating, shredding, dismantling, sorting, grading and/or cutting, either by hand or by the use of specialized plant, machinery and/or equipment.
- (c) The following additional documentation and information is required from an *applicant* when applying for Registration:
- (i) Natural person –
- 2 x Colour ID photos of the *applicant* not older than three (3) months
 - Certified copy of an official RSA ID Document (or accepted form of identity as per paragraph 6(11)) of the *applicant* and every person responsible for the day-to-day management of the business;
 - Certified Copy of relevant utility account or lease agreement verifying the address of the *premises*;

- Documentary proof of bank account (official stamped letter from bank, not actual bank statements);
 - Certified copy of an Accredited *Dealers' Association* Membership Certificate;
 - Basic Floor Plan of the *premises* where *applicant* intends to conduct business;
 - Certified Copy of any certificate or permit issued in terms of other legislation regulating such business or industry, including but not limited to, local-authority by-laws or any legislation regarding zoning, customs control, revenue, international trade, fire safety, communications, occupational health and safety, waste management or environmental management;
 - Certified copy of *certificate of registration* as a *Second-Hand Goods Scrap metal Dealer* (only applicable on an application to be registered as a *recycler*);
 - Certified copy of *certificate of registration* as a *Dealer or Recycler* if *applicant* is already registered to trade/recycle on *premises* other than the *premises* indicated in this application;
 - Supporting Statement in terms of Regulation 3 under oath or affirmation that (a) *applicant* or any other person responsible for the management or day-to-day control of the business is not disqualified from being registered as a *dealer* and (b) *applicant* will ensure to comply with all requirements of other legislation regulating such business;
 - Set of original fingerprints of *applicant* and every person responsible for the day-to-day management of the business; and
 - Any other supporting documentation (eg. Registration papers of a vehicle, conveyance, ship, boat or airplane).
- (ii) Juristic Person (*Company*, Closed Corporation, Trust or Partnership) –
- 2 x Colour ID photos of the *applicant* not older than three (3) months
 - Certified copy of an official RSA ID Document (or accepted form of identity as per paragraph 6(11)) of the *applicant* and every person responsible for the day-to-day management of the business;
 - Certified Copy of relevant utility account or lease agreement verifying the address of the *premises*;

- Documentary proof of bank account (official stamped letter from bank, not actual bank statements);
- Certified copies of any founding documents verifying *applicant* as a *company, close corporation, trust, business trust, partnership* or any other business entity;
- Certified copy of appointment letter whereby a *responsible person* is appointed in terms of Section 5(d) of the Act;
- Certified copy of an Accredited *Dealers' Association* Membership Certificate;
- Basic Floor Plan of the *premises* where *applicant* intends to conduct business;
- Certified Copy of any certificate or permit issued in terms of other legislation regulating such business or industry, including but not limited to, local-authority by-laws or any legislation regarding zoning, customs control, revenue, international trade, fire safety, communications, occupational health and safety, waste management or environmental management;
- Certified copy of *certificate of registration* as a *Second-Hand Goods Scrap metal Dealer* (only applicable on an application to be registered as a *recycler*);
- Certified copy of *certificate of registration* as a *Dealer or Recycler* if *applicant* is already registered to trade/recycle on *premises* other than the *premises* indicated in this application;
- Supporting Statement in terms of Regulation 3 under oath or affirmation that (a) *applicant* or any other person responsible for the management or day-to-day control of the business is not disqualified from being registered as a *dealer* and (b) *applicant* will ensure to comply with all requirements of other legislation regulating such business;
- Set of original fingerprints of *applicant* and every person responsible for the day-to-day management of the business; and
- Any other support documentation (eg. Registration papers of a vehicle, conveyance, ship, boat or airplane).

(iii) Member of an Accredited *Association* -

- A copy of the membership certificate must be submitted which verifies that the *applicant* is a member of an accredited *dealers' association* at the time of the application. The Designated *Second-Hand Goods* Officer should verify that the *Association* is accredited by SAPS.
- (iv) The *applicant* must submit a supporting statement with his/her SAPS 601 Application which must confirm that –
- The *applicant* or any other person contemplated in section 5(1)(d) of the Act is not disqualified from being registered as a *dealer* (The Designated *Second-Hand Goods* Officer must check whether each of the disqualifications as listed in Section 14 of the Act are covered); and
 - The *applicant* undertakes to ensure compliance with the requirements of any other legislation regulating that business or industry.
- (d) The *DSO* must be satisfied that the *premises* in question falls within the station area/precinct of that police station and must visit the *premises* in order to physically verify the address and to compare it with the floor plan of the *premises*.
- (e) Temporary Registration may be granted to an *applicant* during the new application process where the Deciding Authority is convinced that:
- (i) Such *applicant* cannot meet one or more of the requirements for registration at the time of application;
 - (ii) Failure to meet such requirements cannot be attributed to the *applicant*;
 - (iii) There is a reasonable prospect that the failure can be rectified within a period of 12 months; and
 - (iv) The *applicant* shall suffer irreparable economic harm if such business cannot be registered.

- (f) The following process must be followed during the application process for the registration as a *Second-Hand Goods Dealer/Recycler*:

APPLICATION FOR REGISTRATION AS A SECOND-HAND GOODS DEALER OR RECYCLER			
The following procedures must be followed by the Designated <i>Second-Hand Goods Officer (DSO)</i> when an application for registration as a <i>Second-Hand Goods Dealer or Recycler</i> is received by the police station in which precinct the <i>Second-Hand Goods</i> business is situated:			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> • The SAPS 601 - Application for the Registration as a <i>Second-Hand Goods Dealer or Recycler</i> ("SAPS 601") is received by the <i>DSO</i> from an <i>applicant</i>. No payment is required. The SAPS 601 application must be completed as per the relevant Completion Instructions. • When the <i>DSO</i> receives an SAPS 601 Application to be registered as a <i>Recycler</i> he or she must verify whether the <i>applicant</i> is already registered as a <i>Dealer</i>. If this is not the case then the <i>applicant</i> must simultaneously apply to be registered as both a <i>Dealer</i> and <i>Recycler</i>. 	<ul style="list-style-type: none"> ✓ Section 3 and 25 of the Act. ✓ Regulation 2 and 11. ✓ SAPS 601 ✓ Completion Instructions. 	✓ <i>DSO</i>
2.	<ul style="list-style-type: none"> • The <i>DSO</i> needs to determine whether the <i>applicant</i>: <ul style="list-style-type: none"> - understand English; - understand the content of the SAPS 601 Application; and - whether the <i>applicant</i> can complete the applicable form in English. • Should the <i>applicant</i> have difficulty with any of the three instances above, the <i>DSO</i> must <i>acquire</i> the services of an internal or external interpreter to explain and assist in completing the SAPS 601 Application. • All costs for interpretation services must be borne by the South African Police Service. 	<ul style="list-style-type: none"> ✓ SAPS 601. ✓ Completion Instructions. 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Interpreter
3.	<ul style="list-style-type: none"> • The <i>DSO</i> must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 601 Application. 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Interpreter

4.	<ul style="list-style-type: none"> The SAPS 601 Application and all relevant supporting documents must be handed to the <i>DSO</i> or <i>Second-Hand Goods Clerk</i> for recording/capturing purposes in the relevant recording systems. 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
5.	<ul style="list-style-type: none"> The <i>DSO</i> must record the application in the SAPS 603 - Register for Received <i>Second-Hand Goods</i> Documentation ("SAPS 603"), whether the application is complete or not. The SAPS 603 Register must be completed as per the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
6.	<ul style="list-style-type: none"> The SAPS 601 Application must be captured on the <i>SHGCS</i> (if available) and the System generated reference number must be entered in the SAPS 603 Register as well as on the SAPS 601 Application 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ SAPS 603 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
7.	<ul style="list-style-type: none"> The applicable SAPS 603 Register reference number must be recorded in the appropriate space allocated on the SAPS 601 Application. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 601 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
8.	<ul style="list-style-type: none"> The fingerprints of the <i>applicant / responsible person / persons</i> responsible for the day to day management of the business must be taken on a form SAPS 91(a) by the relevant functionary at the police station. No payment is required for the taking of fingerprints in terms of an application for registration as a <i>Second-Hand Goods Dealer/Recycler</i>. The wording "Application for Registration as a <i>Second-Hand Goods Dealer</i> and or <i>Recycler</i>" must be written on the SAPS 91(a) form under the heading "REASON FOR ENQUIRY" 	<ul style="list-style-type: none"> ✓ Section 4(2) and 5(2) of the Act. ✓ Regulation 3(e). ✓ SAPS 91(a) 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Fingerprint Office
9.	<ul style="list-style-type: none"> The <i>DSO</i> must issue an SAPS 601(c) - Acknowledgement of Receipt of <i>Second-Hand Goods</i> Documentation ("SAPS 601(c)") to the <i>applicant</i> on receipt of the SAPS 601 Application. 	<ul style="list-style-type: none"> ✓ SAPS 601(c) ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
10.	<ul style="list-style-type: none"> The <i>DSO</i> must check for the completeness of the SAPS 601 Application. 	<ul style="list-style-type: none"> ✓ Section 4 and 5 of the Act. 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

	<ul style="list-style-type: none"> The <i>DSO</i> must ensure that the SAPS 601 Application comply with the relevant Checklist Guideline for the Application for Registration as a <i>Dealer/Recycler</i>. 	<ul style="list-style-type: none"> ✓ Regulation 3 and 12. ✓ SAPS 601 ✓ Checklist Guideline. 	
11.	<ul style="list-style-type: none"> In the event that the SAPS 601 Application is incomplete, it must still be recorded in the SAPS 603 Register as per relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 601 ✓ Completion Instructions 	✓ <i>DSO</i>
12.	<ul style="list-style-type: none"> In the event that the SAPS 601 Application is incomplete, the <i>DSO</i> must make a copy of the SAPS 601 application and supporting documentation before returning the original to the <i>applicant</i>. The copy must be filed in the <i>Z20 Dealer or Recycler File</i>. A copy of the Checklist Guideline, clearly indicating the information/documentation still outstanding must be provided to the <i>applicant</i>. The <i>applicant</i> must be given ten (10) working days to submit the outstanding Information/documentation. In exceptional circumstances (e.g. unnecessary loss of income) the <i>DSO</i> may recommend Temporary Registration while all outstanding information/documentation are awaited (see paragraph 5(1)(e), supra). 	<ul style="list-style-type: none"> ✓ Checklist Guideline. ✓ SAPS 601 ✓ <i>Z20 Dealer/ Recycler File</i> 	✓ <i>DSO</i>
13.	<ul style="list-style-type: none"> If the <i>applicant</i> fails to submit the requested outstanding information and/or documentation within the 10 working day period OR where such outstanding information and/or documentation was submitted but is still insufficient, the <i>DSO</i> must indicate in red ink, in the relevant section on the SAPS 601 Application, all outstanding information and/or documentation. 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ Completion Instructions 	✓ <i>DSO</i>
14.	<ul style="list-style-type: none"> The <i>DSO</i> must open a <i>Z20 Dealer or Recycler File</i> (where applicable) in the following format: <ul style="list-style-type: none"> ○ Page 1 – The front page: <ul style="list-style-type: none"> ▪ <i>Dealer's File Reference number</i> (eg. 25/13/2(1/2015)); 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer/ Recycler File</i> 	✓ <i>DSO</i>

	<ul style="list-style-type: none"> ▪ Type of Registration (eg. <i>Second-Hand Goods Dealer</i> Registration); ▪ Business Name (eg. Eddy's Pawn Shop); ▪ Business Address of the <i>Dealer</i> (eg. 35 Bennett Street, Grabouw); ▪ 603 Reference Number (eg. 603/1/2015); ▪ <i>Second-Hand Goods Control System</i> Reference Number (eg. 17239); ▪ Police Office (eg. Grabouw Police Station); ▪ Department (eg. SAPS); <ul style="list-style-type: none"> ○ Page 2 – A sketch of the Floor Plan of the business on an A4 page, marked as Annexure “B”; ○ Page 3 - SAPS 601 marked as Annexure “C”, with - <ul style="list-style-type: none"> ▪ All attachments marked individually from Annexure “D” to “Z”. ▪ All correspondence must be placed on top of the SAPS 601 in sequence with the latest correspondence being on top without having to be numbered. ○ Page 4 – Certified copy of ID documents of the <i>applicant</i> and the day-to-day managers, as well as one photo, marked as Annexure “A”. ○ Page 5 – SAPS 5 <i>Investigation</i> Diary. <ul style="list-style-type: none"> • Even if the <i>applicant</i> applied to be registered as both a <i>Dealer</i> and a <i>Recycler</i> on one SAPS 601 Application, a separate Z20 <i>Dealer</i> File and Z20 <i>Recycler</i> File must be opened. 		
15.	<ul style="list-style-type: none"> • The <i>DSO</i> must attach an SAPS 5 - <i>Investigation</i> Diary (“SAPS 5”) to the inside of the Z20 <i>Dealer</i> or <i>Recycler</i> File to record all activities and incidents required from a <i>DSO</i> in these instructions. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer/ Recycler</i> File ✓ SAPS 5 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
16.	<ul style="list-style-type: none"> • The SAPS 601 Application must be filed in the Z20 <i>Dealer</i> or <i>Recycler</i> File. • In the event of an <i>applicant</i> applying to be registered as a <i>Dealer</i> and a <i>Recycler</i> on one SAPS 601 Application, a copy must be made of the SAPS 601 application of which the original SAPS 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealers/ Recycler</i> File ✓ SAPS 601 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

	601 application and a copy must be filed separately in the Z20 <i>Dealer</i> File and Z20 <i>Recycler</i> File.		
17.	<ul style="list-style-type: none"> The <i>DSO</i> must obtain a profile of the <i>applicant</i> and every person involved in the day to day management of the business. The profiling report must be obtained from the SAPS Criminal Record Information Management System (“<i>CRIM</i> System”) by the Station Crime Information Officer, Detective Services and/or <i>DSO</i>. If the <i>CRIM</i> System reflects that there is a previous conviction which disqualifies the <i>applicant</i> in terms of Section 14 of the Act, the <i>DSO</i> must continue preparing the application with a recommendation to refuse registration as per phase 29 below. If the <i>CRIM</i> System reflects that there are no previous convictions the <i>DSO</i> must continue preparing the application with a recommendation to approve registration as per phase 32 and 33 below. The <i>DSO</i> must file the criminal profile report in the Z20 <i>dealer/ recycler</i> file. 	<ul style="list-style-type: none"> ✓ SAPS <i>CRIM</i> System ✓ Station Crime Information Officer ✓ Detective Services 	✓ <i>DSO</i>
18.	<ul style="list-style-type: none"> The SAPS 91(a) - Fingerprint Enquiry Form (“SAPS 91(a)”) must be forwarded with an SAPS 21 Covering Letter to the Local Criminal Record Centre (“<i>LCRC</i>”) to obtain a Clearance Certificate. The SAPS 603 Register/<i>SHGCS</i> must be updated with the relevant information. 	<ul style="list-style-type: none"> ✓ SAPS 91(a) ✓ SAPS 21 Covering Letter 	✓ <i>DSO</i>
19.	<ul style="list-style-type: none"> Receive the SAPS 69(m) Clearance Certificate (“SAPS 69(m)”) from the <i>LCRC</i> and check the status of the <i>applicant</i>. Make the required entries in the relevant section of the SAPS 603 Register for Received <i>Second-Hand Goods</i> Documentation. The <i>DSO</i> must file the SAPS 69(m) Clearance Certificate in the Z20 <i>Dealer</i> or <i>Recycler</i> File. 	<ul style="list-style-type: none"> ✓ SAPS 69(m) ✓ SAPS 603 ✓ Z20 <i>Dealer/ Recycler</i> File. 	✓ <i>DSO</i>
20.	<ul style="list-style-type: none"> If the SAPS 69(m) Clearance Certificate reflects that there are previous convictions which disqualify the <i>applicant</i> in terms of Section 14 of the 	<ul style="list-style-type: none"> ✓ SAPS 69(m) 	✓ <i>DSO</i>

	<p>Act, the <i>DSO</i> must continue preparing the application with a recommendation to refuse registration as per phase 29 below.</p> <ul style="list-style-type: none"> If the SAPS 69(m) Clearance Certificate reflects that there are no previous convictions the <i>DSO</i> must continue preparing the application with a recommendation to approve registration as per phase 32 and 34 below. 	✓ Z20 Dealer/ Recycler File	
21.	<ul style="list-style-type: none"> The <i>DSO</i> must determine if the <i>applicant</i> has indicated on the SAPS 601 Application whether any other <i>premises</i>, other than the one being applied for, will be utilized to store <i>Second-Hand Goods</i> or alternatively have already been registered for purposes of trading in <i>SECOND-HAND GOODS</i>. 	✓ SAPS 601	✓ <i>DSO</i>
22.	<ul style="list-style-type: none"> Should the <i>applicant</i> indicate, or if it is determined, that he or she has other registered <i>Second-Hand Goods premises</i> in other policing precinct(s), the <i>DSO</i> must contact the <i>DSO(s)</i> of the other precinct(s) requesting information on the status of such business(es) which may have bearing on the application being processed. If relevant information / documentation exists that may influence the application, the <i>DSO</i> must request that such pertinent information be sent to him/her in writing with supporting documentation which must be filed in the <i>Z20 Dealer or Recycler File</i> and considered during the application process. The SAPS Investigation Diary must be updated in the <i>Z20 Dealer or Recycler file</i> to record the fact that Registration of the <i>applicant</i> in another policing precinct was confirmed. 	✓ SAPS 601 ✓ Z20 Dealer/ Recycler File	✓ <i>DSO</i>
23.	<ul style="list-style-type: none"> Before making a recommendation on the SAPS 601 Application, the <i>DSO</i> must collect and file all documentation/evidence in support of the recommendation he or she intends to make. A <i>DSO</i> must recommend the refusal of an SAPS 601 Application when: <ul style="list-style-type: none"> The <i>applicant</i> or a manager of the business is disqualified under Section 14 of the Act (including a 	✓ Sect 14 ✓ SAPS 601	✓ <i>DSO</i>

	<p>person who has an interest in the <i>company</i>, <i>CC</i> or trust (juristic person), a partner in a partnership or beneficiary under a trust);</p> <ul style="list-style-type: none"> - The application remains incomplete after one referral back to the <i>applicant</i>; - The <i>applicant</i> does not return the application after ten (10) working days; - The <i>applicant</i> returns the application after ten (10) working days, but the required information/documentation is still not sufficient; or - Any other reason exists why the application should not be recommended as stated in a written report by the <i>DSO</i>. 		
24.	<ul style="list-style-type: none"> • The street address of the <i>Second-Hand Goods premises</i> must be visited in order to verify the location. • The <i>DSO</i> must update all relevant <i>Second-Hand Goods</i> related records and/or systems after verifying the <i>premises</i>. • The <i>DSO</i> must complete the relevant section the SAPS 601 Application and state whether the <i>premises</i> exist and that the <i>applicant</i> is not a disqualified person. 	<ul style="list-style-type: none"> ✓ Checklist Guideline. ✓ SAPS 601 	✓ <i>DSO</i>
25.	<ul style="list-style-type: none"> • If additional reasons exist to refuse registration, other than those mentioned in the relevant section of the SAPS 601 Application, the <i>DSO</i> must compile a written report reflecting all relevant facts pertaining to the matter. 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ <i>DSO</i> Report 	✓ <i>DSO</i>
26.	<ul style="list-style-type: none"> • The <i>DSO</i> MUST recommend the approval of registration if: <ul style="list-style-type: none"> ○ There are <u>no</u> reasons that exist in terms of the disqualifications listed under Section 14 of the Act; and ○ If the application is complete. 	✓ SAPS 601	✓ <i>DSO</i>
27.	<ul style="list-style-type: none"> • The Z20 <i>Dealer or Recycler</i> file must be forwarded to the Station Deciding Authority for purpose of final consideration. • The Z20 <i>Dealer or Recycler</i> File must contain all relevant 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ Z20 <i>Dealer/ Recycler</i> File 	✓ <i>DSO</i>

	information/documentation which the Station Deciding Authority must utilize in order to make an informed decision.		
28.	<ul style="list-style-type: none"> In the event that the Station Deciding Authority intends to refuse the SAPS 601 Application, a Notice of Intention to refuse must be completed and must include the reasons for the intended refusal, as well as the 30 day period the <i>applicant</i> has as an option to either submit Written Representations or to apply for Condonation of any disqualification. In the event that an <i>applicant</i> wishes to apply for Condonation of any disqualification, the Station Deciding Authority must, before finally refusing the application, ensure that the <i>applicant</i> has exhausted all internal remedies, e.g. Submissions to the National Commissioner (Condonation Application, Appeal against Refusal to Condone etc.). In the event that the Station Deciding Authority intends to refuse the application the procedure in paragraph 5(6), <i>infra</i>, must be followed. The Station Deciding Authority must indicate his/her agreement with the <i>DSO's</i> recommendation and his own consideration of Intention to Refuse by signing and date stamping the SAPS 601 Application and the Notice of Intention to Refuse. 	<ul style="list-style-type: none"> ✓ Notice of Intention to Refuse ✓ Z20 Dealer/ Recycler File ✓ SAPS 601 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ <i>DSO</i>
29.	<ul style="list-style-type: none"> The <i>DSO</i> must complete an SAPS 606 Return of Service ("SAPS 606"). The Notice of Intention to Refuse must be served on the <i>Dealer or Recycler</i> together with the SAPS 606 and have the <i>responsible person</i> sign to acknowledge receipt of the Notice of Intention to Refuse. The SAPS 606, bearing the <i>responsible person's</i> signature, must be filed in the Z20 <i>Dealer or Recycler</i> File, together with a copy of the served document(s). The <i>DSO</i> must bring the Z20 <i>Dealer or Recycler</i> file forward after thirty (30) days in order to determine whether the <i>applicant</i> has submitted any written representations against the intended refusal which was served on him/her. 	<ul style="list-style-type: none"> ✓ SAPS 606 ✓ Z20 Dealer/ Recycler File ✓ Notice of Intention to Refuse 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

30.	<ul style="list-style-type: none"> Before a Station Deciding Authority may refuse any application, a period of thirty (30) days must be afforded to the <i>applicant</i> to advance reasons why the application should not be refused. 	<ul style="list-style-type: none"> ✓ Section 6(2), 39 and 42(3) ✓ SAPS 601 ✓ Notice of Intention to Refuse. 	<ul style="list-style-type: none"> ✓ Station Deciding Authority
31.	<ul style="list-style-type: none"> The Station Deciding Authority must take into consideration the Recommendation of the <i>DSO</i> and all information contained in the SAPS 601 Application and supporting documentation when taking a decision. 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ SAPS 601(a) ✓ SAPS 601(b) 	<ul style="list-style-type: none"> ✓ Station Deciding Authority
32.	<ul style="list-style-type: none"> The Station Deciding Authority must indicate his/her agreement with the <i>DSO</i> Recommendation and his own Consideration to approve the SAPS 601 Application by signing and date stamping the SAPS 601 Application. 	<ul style="list-style-type: none"> ✓ SAPS 601 	<ul style="list-style-type: none"> ✓ Station Deciding Authority
33.	<ul style="list-style-type: none"> If the Station Deciding Authority does not agree with the recommendation of the <i>DSO</i>'s during his/her consideration of the SAPS 601 Application, he or she must indicate the reasons in red ink on the applicable space allocated on the SAPS 601 Application. 	<ul style="list-style-type: none"> ✓ SAPS 601 	<ul style="list-style-type: none"> ✓ Station Deciding Authority
34.	<ul style="list-style-type: none"> Upon approval of the SAPS 601 Application by the Station Deciding Authority, the <i>Z20 Dealer or Recycler</i> File must be returned to the <i>DSO</i> for the preparation of either the SAPS 601(a) (<i>Dealer Certificate</i>), SAPS 601(b) (<i>Recycler Certificate</i>) or SAPS 601(d) (<i>Temporary Certificate</i>) Certificates. Where an <i>applicant</i> have applied as a <i>Recycler</i>, and is already registered as a <i>Dealer</i>, the expiry date on the SAPS 601(b) <i>Recycler Certificate</i> should reflect the same expiry date as was indicated on the existing SAPS 601(a) <i>Dealer Certificate</i>. This will ensure that the renewal of the two Registrations occur simultaneously. When the <i>DSO</i> has prepared the necessary Registration Certificates, the Station Deciding Authority must sign and date stamp the SAPS 601 (a), (b) or (d) Certificates in the designated space on the certificate. The SAPS 601 (a), (b) or (d) Certificates must be completed 	<ul style="list-style-type: none"> ✓ SAPS 601(a) ✓ SAPS 601(b) ✓ SAPS 601(d) ✓ <i>Z20 Dealer/ Recycler</i> File ✓ SAPS 603 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

	<p>as per the relevant Completion Instructions.</p> <ul style="list-style-type: none"> • The SAPS 601(a), (b) and (d) Certificates are completed in triplicate and must be issued as follows: <ul style="list-style-type: none"> - The original must be issued to the <i>applicant</i>, the first copy must be filed in the <i>Z20 Dealer or Recycler</i> File and the second copy must remain in the SAPS 601(a), (b) and (d) book. - The <i>DSO</i> must ensure that the signed SAPS 601(a), (b) and (d) Certificates is handed over to the <i>applicant</i> and must ensure that the <i>applicant</i> sign the acknowledgement of receipt in the SAPS 603 Register. 		
35.	<ul style="list-style-type: none"> • The <i>DSO</i> must ensure that all relevant <i>Second-Hand Goods</i> related records and/or systems are continuously updated before final issuing of the <i>Second-Hand Goods Dealer or Recycler</i> Certificate. 	<ul style="list-style-type: none"> ✓ <i>SHGCS</i> ✓ SAPS 603 	✓ <i>DSO</i>

(2) Introduction to the Application for Temporary Registration with Limitations

- (a) An application for Temporary Registration under Section 13 of the *Second-Hand Goods Act, 2009* (Act No. 6 of 2009), can be dealt with in two ways namely:
- (i) Temporary Registration issued in the course of an application for registration as a *Dealer or Recycler* (new application or application for renewal – refer to paragraph (5)(1)(e), supra); or
 - (ii) An already registered *Dealer or Recycler* who seeks Temporary Registration with Limitations.

IN OTHER WORDS:

- Paragraph 5 (2)(a)(i) above, refers to a *Dealer or Recycler* who is applying to be permanently registered as a *Dealer/Recycler*, but is not able to meet some of the requirements in terms of the Act for permanent registration (eg. He or she cannot obtain a lease agreement before he or she can produce a *Second-Hand Goods* Registration Certificate to the owner of the *premises*).

- Paragraph 5 (2)(a)(ii) above, refers to a *Dealer or Recycler* who is already registered as a *Second-Hand Goods Dealer or Recycler* and wishes to conduct business or trade outside his/her registered business premises for a specific limited period of time.
- (b) Temporary Registration with Limitations is aimed at assisting registered *Dealers/Recyclers* to comply with the Act and is less formal than a new application for registration as the *applicants* in these instances have previously been completely vetted during their permanent *Dealer or Recycler* application.
- (c) An individual who intends to *deal in SECOND-HAND GOODS*, but is not registered as a *Second-Hand Goods Dealer/Recycler*, will not be allowed to apply for Temporary Registration with Limitations. Such individual must first apply to be permanently registered as a *Second-Hand Goods Dealer/Recycler*.
- (d) For purposes of Temporary Registration with Limitations a *DSO* only needs to verify the following:
- (i) whether the *premises* on which the registered *Dealer or Recycler* plans to conduct his/her business/trade does exist;
 - (ii) whether the *applicant* is registered as a *Second-Hand Goods Dealer/Recycler*; and
 - (iii) Perform a *CRIM* check on the *applicant* to verify whether he or she did not become disqualified in terms of Section 14 of the Act, since registration.
 - (iv) The *DSO* may require further information in exceptional cases.
- (e) A *Dealer or Recycler* who is issued with a Temporary Registration Certificate in the course of a new application for Registration must submit a monthly report to the *DSO*, reporting on the steps he or she has taken to meet the requirement(s) he or she could not meet at the time of the application.

- (f) As soon as the temporary registered *Dealer or Recycler* is in a position to meet the requirement(s), he or she must immediately apply for registration as a Permanent *Dealer/Recycler*.
- (g) A Temporary Registration Certificate may be subjected to the same conditions as a Permanent *Dealer or Recycler Certificate*.
- (h) In this section of the National Instruction the process of Temporary Registration with Limitations will be dealt with in full whilst Temporary Registration will only be briefly discussed here as it is extensively covered elsewhere in this Instruction.
- (i) The following process must be followed during the application process for Temporary Registration with Limitations:

APPLICATION FOR TEMPORARY REGISTRATION WITH LIMITATIONS			
The following procedures must be followed by the Designated <i>Second-Hand Goods Officer (DSO)</i> when an application for Temporary Registration with Limitation under the <i>Second-Hand Goods Act, 2009 (Act No 6 of 2009)</i> is received by the police station in which precinct the <i>Second-Hand Goods</i> business is situated.			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> • In terms of paragraph 5.2(a)(ii) supra, the following process should be followed: <ul style="list-style-type: none"> - The application for a Temporary Registration with Limitations is completed on a SAPS 601 – Application for Registration as a <i>Second-Hand Goods Dealer or Recycler</i> (“SAPS 601”). The Temporary Registration with Limitations application must be lodged at least ten (10) working days before the commencement of the required Temporary Registration. Exceptions to this rule must be dealt with on an individual basis. - The application for Temporary Registration with Limitations must be handed in at the <i>DSO</i> in whose station precinct the <i>premises</i> are situated in for which the <i>applicant</i> requires temporary registration. - If an <i>applicant</i> requires Temporary Registration with Limitations for 	✓ SAPS 601	✓ <i>DSO</i>

	<p><i>premises</i> situated outside the policing precinct of the <i>applicant's</i> registered <i>premises</i>, such application must be submitted at the station precinct where the temporary business <i>premises</i> is situated.</p> <ul style="list-style-type: none"> - No payment is required from the <i>applicant</i> for the SAPS 601 Application. 		
2.	<ul style="list-style-type: none"> • The <i>DSO</i> needs to determine whether the <i>applicant</i> is able to: <ul style="list-style-type: none"> - understand English; - understand the content of the SAPS 601 Application; and - Whether the <i>applicant</i> can complete the applicable form in English. • Should the <i>applicant</i> have difficulty with any of the three instances above, the <i>DSO</i> must <i>acquire</i> the services of an internal or external interpreter to explain and assist in completing the SAPS 601 Application. • All costs for interpretation services must be borne by the South African Police Service. 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ Completion Instructions. 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Interpreter
3.	<ul style="list-style-type: none"> • The <i>DSO</i> must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 601 Application. 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Interpreter
4.	<ul style="list-style-type: none"> • The SAPS 601 Application and all relevant supporting documents must be handed to the <i>DSO</i> or <i>Second-Hand Goods Clerk</i> for recording/capturing purposes in the relevant recording systems. 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
5.	<ul style="list-style-type: none"> • The <i>DSO</i> must record the SAPS 601 Application in the SAPS 603 - Register for Received <i>Second-Hand Goods</i> Documentation ("SAPS 603"), whether the application is complete or not. The SAPS 603 Register must be completed as per the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ SAPS 603. ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
6.	<ul style="list-style-type: none"> • The <i>DSO</i> must capture the entire SAPS 601 Application on the <i>SHGCS</i> (if available) and the System generated reference number must be 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ SAPS 603 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>

	entered in the SAPS 603 Register as well as on the SAPS 601 Application.	✓ Completion Instructions	
7.	<ul style="list-style-type: none"> The applicable SAPS 603 Register reference number must be recorded in the appropriate space allocated on the SAPS 601 Application. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 601 ✓ Completion Instructions 	✓ DSO
8.	<ul style="list-style-type: none"> The DSO must issue an SAPS 601(c) - Acknowledgement of Receipt of <i>Second-Hand Goods</i> Documentation ("SAPS 601(c)") to the <i>applicant</i> on receipt of the SAPS 601 Application. 	<ul style="list-style-type: none"> ✓ SAPS 601(c) ✓ Completion Instructions 	✓ DSO
9.	<ul style="list-style-type: none"> The DSO must check for the completeness of the SAPS 601 Application. The DSO must ensure that the SAPS 601 Application comply with the relevant Checklist Guideline for the Application for Temporary Registration with Limitations. 	<ul style="list-style-type: none"> ✓ Section 4 and 5 of the Act. ✓ Regulation 3 and 12. ✓ SAPS 601 ✓ Checklist Guideline. 	✓ DSO
10.	<ul style="list-style-type: none"> In the event that the SAPS 601 Application is incomplete, it must still be registered in the SAPS 603 Register as per relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 601 ✓ Completion Instructions 	✓ DSO
11.	<ul style="list-style-type: none"> In the event that the SAPS 601 Application is incomplete, the DSO must make a copy of the SAPS 601 application and supporting documentation before returning it to the <i>applicant</i>. The copy must be filed on the Z20 Dealer or Recycler File. A copy of the checklist guideline, clearly indicating the information / documentation still outstanding must be provided to the <i>applicant</i>. The <i>applicant</i> must be given three (3) working days to submit the outstanding information/documents. If the <i>applicant</i> fails to submit the requested outstanding information and/or documentation within the 10 working day period OR where such outstanding information and/or documentation was submitted but is still insufficient, the DSO must indicate in red ink, under the relevant Section on the first page of the SAPS 601 Application, all outstanding information and/or documentation. 	<ul style="list-style-type: none"> ✓ Checklist Guideline. ✓ Z20 Dealer/ Recycler File 	✓ DSO

12.	<ul style="list-style-type: none"> The <i>DSO</i> should determine whether a <i>Z20 Dealer or Recycler File</i> exists. If no <i>Z20 Dealer or Recycler File</i> exists a file must be opened as per Phase 14 below. 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer/ Recycler File</i> 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
13.	<ul style="list-style-type: none"> If the SAPS 601 Application for Temporary Registration is lodged at a policing precinct other than the policing precinct in which his/her business is registered, the <i>DSO</i> must open a <i>Z20 Dealer or Recycler File</i> (where applicable) for the application as set out in paragraph 5(1)(f)Phase 14, supra. The reference number for a Temporary Registration will however start with a "T" (for "Temporary), [eg. 25/13/2 (T 001/2012)]. 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer/ Recycler File (Temporary Registration)</i> 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
14.	<ul style="list-style-type: none"> The <i>DSO</i> must attach an SAPS 5 - Investigation Diary ("SAPS 5") to the inside of the <i>Z20 Dealer or Recycler File</i> to record all activities and incidents required from a <i>DSO</i> in these instructions. 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer/ Recycler File</i> ✓ SAPS 5 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
15.	<ul style="list-style-type: none"> The SAPS 601 Application for Temporary Registration with limitations must be filed in the <i>Z20 Dealer or Recycler File</i>. 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealers/ Recycler File</i> ✓ SAPS 601 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
16.	<ul style="list-style-type: none"> The <i>DSO</i> must obtain a profile of the <i>applicant</i> and every person involved in the day to day management of the business. The profiling report must be obtained from the SAPS Criminal Record Information Management System ("<i>CRIM System</i>") by the Station Crime Information Officer, Detective Services and/or <i>DSO</i>. If the <i>CRIM System</i> reflects that there are previous convictions that will disqualify the <i>applicant</i> in terms of Section 14 of the Act, the <i>DSO</i> must continue preparing the application with a recommendation to refuse Temporary Registration Phase 29 below. If the <i>CRIM System</i> reflects that there are no previous convictions the <i>DSO</i> must continue preparing the application with a recommendation to approve Temporary Registration as per Phase 29 and 31 below. 	<ul style="list-style-type: none"> ✓ SAPS <i>CRIM System</i> ✓ <i>Z20 Dealer/ Recycler file</i> 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Station Crime Information Officer ✓ Detective Services

	<ul style="list-style-type: none"> The <i>DSO</i> must file the criminal profile report on the Z20 <i>Dealer/ Recycler</i> File 		
17.	<ul style="list-style-type: none"> In terms of the SAPS 601 Application the <i>DSO</i> must determine if the <i>applicant</i> has indicated whether any other <i>premises</i>, other than the one being applied for, will be utilized to store <i>Second-Hand Goods</i> or alternatively have already been registered for purposes of trading in <i>SECOND-HAND GOODS</i>. 	✓ SAPS 601	✓ <i>DSO</i>
18.	<ul style="list-style-type: none"> Should the <i>applicant</i> indicate or if it is found that he or she has other <i>Second-Hand Goods premises</i> in other policing precinct(s), the <i>DSO</i> must contact the <i>DSO(s)</i> of the other precinct(s) requesting information on the status of such business (is) which may have bearing on the application being processed. If relevant information/ documentation exists that may influence the application, the <i>DSO</i> must request that such pertinent information be sent to him/her in writing with supporting documentation which must be filed in the Z20 <i>Dealer or Recycler</i> File and considered during the application process. The <i>DSO</i> must update SAPS 5 in the Z20 <i>Dealer or Recycler</i> File in terms of the validity of registration. 	✓ SAPS 601 ✓ Z20 <i>Dealer/ Recycler</i> File	✓ <i>DSO</i>
19.	<ul style="list-style-type: none"> If the <i>applicant</i> failed to submit the requested outstanding information and/or documentation within the three (3) working day period OR where such outstanding information and/ or documentation was submitted but is still insufficient, the <i>DSO</i> must indicate in red ink, in the relevant section on the SAPS 601 Application, all outstanding information and/or documentation. 	✓ SAPS 601 ✓ Completion Instructions	✓ <i>DSO</i>
20.	<ul style="list-style-type: none"> The street address of the <i>Second-Hand Goods premises</i> must be visited in order to verify the location. Before making a recommendation on the SAPS 601 Application, the <i>DSO</i> must collect and file all documentation/ evidence in support of the recommendation he or she intends to make. 	✓ Checklist Guideline. ✓ SAPS 601	✓ <i>DSO</i>

	<ul style="list-style-type: none"> The <i>DSO</i> must complete the relevant section of the SAPS 601 Application and state whether the <i>premises</i> exist and that the <i>applicant</i> is not a disqualified person. 		
21.	<ul style="list-style-type: none"> The <i>Dealer or Recycler</i> File must be forwarded to the Station Deciding Authority with a recommendation that the application be refused or approved. The application must be recommended for approval unless: <ul style="list-style-type: none"> The <i>applicant</i> or a manager of the business is disqualified under Section 14 of the Act; The application remains incomplete after one (1) referral back to the <i>applicant</i>; The <i>applicant</i> does not return the application after three (3) working days; or Any other reason exists why the application should not be recommended as stated in the written report by the <i>DSO</i>. 	<ul style="list-style-type: none"> ✓ Sect 14 ✓ Z20 Dealer/ Recycler File 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
22.	<ul style="list-style-type: none"> If additional reasons exist to refuse registration, other than those mentioned in the relevant section of the SAPS 601 Application, the <i>DSO</i> must compile a written report reflecting all relevant facts pertaining to the matter. 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ Written Report 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
23.	<ul style="list-style-type: none"> The <i>DSO</i> MUST recommend the approval of registration if there are <u>no</u> reasons that exist in terms of the disqualifications listed under Section 14 of the Act. 	<ul style="list-style-type: none"> ✓ SAPS 601 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
24.	<ul style="list-style-type: none"> The Z20 <i>Dealer or Recycler</i> file must be forwarded to the Station Deciding Authority for purpose of final consideration. The Z20 <i>Dealer or Recycler</i> file must contain all relevant information/documentation which the Station Deciding Authority must utilize in order to make an informed decision. 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ Z20 Dealer/ Recycler File 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
25.	<ul style="list-style-type: none"> In the event that the Station Deciding Authority intends to refuse the SAPS 601 Application, a Notice of Intention to Refuse must be completed and 	<ul style="list-style-type: none"> ✓ Notice of Intention to Refuse 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ <i>DSO</i>

	<p>must include the reasons for the intention to refuse, as well as the 30 day period which he or she has as an option to either submit Written Representations or to apply for condonation of any disqualification.</p> <ul style="list-style-type: none"> • In the event that an <i>applicant</i> wishes to apply for condonation of any disqualification, the Station Deciding Authority must, before finally refusing the application, ensure that the <i>applicant</i> has exhausted all internal remedies, e.g. Submissions to the National Commissioner (condonation application); Appeals against Refusal to Condone etc. • In the event that the Station Deciding Authority intends to refuse the application the procedure in paragraph 5(6), hereunder, must be followed. • The Station Deciding Authority must indicate his/her agreement with the <i>DSO</i> recommendation and his own consideration of Intention to Refuse by signing and date stamping the SAPS 601 Application and the Notice of Intention to Refuse. 	<ul style="list-style-type: none"> ✓ Z20 Dealer/ Recycler File ✓ SAPS 601 	
26.	<ul style="list-style-type: none"> • The <i>DSO</i> must complete a SAPS 606 Return of Service (“SAPS 606”). • The Notice of Intention to Refuse must be served on the <i>Dealer or Recycler</i> together with the SAPS 606 and have the <i>responsible person</i> sign to acknowledge receipt of the Notice of Intention to Refuse. • The SAPS 606, bearing the <i>responsible person's</i> signature, must be filed in the Z20 Dealer or Recycler File, together with a copy of the served document(s). • The <i>DSO</i> must bring the Z20 Dealer or Recycler file forward after thirty (30) days in order to determine whether the <i>applicant</i> has submitted any written representations against the intended refusal which was served on him/her. 	<ul style="list-style-type: none"> ✓ SAPS 606 ✓ Z20 Dealer/ Recycler File ✓ Notice of Intention to Refuse 	✓ <i>DSO</i>
27.	<ul style="list-style-type: none"> • Before a Station Deciding Authority may refuse any application, a period of thirty (30) days must be afforded to the <i>applicant</i> to advance reasons why the application should not be refused. 	<ul style="list-style-type: none"> ✓ Section 6(2), 39 and 42(3) ✓ SAPS 601 	✓ Station Deciding Authority

		✓ Notice of Intention to Refuse.	
28.	<ul style="list-style-type: none"> The Station Deciding Authority must take into consideration the Recommendation of the <i>DSO</i> and all information contained in the SAPS 601 Application and supporting documentation when taking a decision. 	<ul style="list-style-type: none"> ✓ SAPS 601 ✓ SAPS 601(a) ✓ SAPS 601(b) 	✓ Station Deciding Authority
29.	<ul style="list-style-type: none"> The Station Deciding Authority must indicate his/her agreement with the <i>DSO</i> Recommendation and his own Consideration to approve the SAPS 601 Application by signing and date stamping the SAPS 601 Application. 	✓ SAPS 601	✓ Station Deciding Authority
30.	<ul style="list-style-type: none"> If the Station Deciding Authority does not agree with the recommendation of the <i>DSO</i> during his/her consideration of the SAPS 601 Application, he or she must indicate the reasons in red ink on the applicable space allocated on the SAPS 601 Application. 	✓ SAPS 601	✓ Station Deciding Authority
31.	<ul style="list-style-type: none"> Upon approval of the SAPS 601 Application by the Station Deciding Authority, the Z20 <i>Dealer or Recycler</i> File must be returned to the <i>DSO</i> for the preparation of the SAPS 601(d) (Temporary Certificate). When the <i>DSO</i> has prepared the necessary Registration Certificate, the Station Deciding Authority must sign and date stamp the SAPS 601 (d), on the designated space on the certificate. The SAPS 601 (d) Certificate must be completed as per the relevant Completion Instructions. The SAPS 601 (d) Certificate are completed in triplicate and must be issued as follows: <ul style="list-style-type: none"> - The original must be issued to the <i>applicant</i>, the first copy must be filed in the Z20 <i>Dealer or Recycler</i> File and the second copy must remain in the SAPS 601 (d) book. - The <i>DSO</i> must ensure that the signed SAPS 601(d) Certificate is handed to the <i>applicant</i> and must ensure that the <i>applicant</i> sign the acknowledgement of receipt in the SAPS 603 Register. 	<ul style="list-style-type: none"> ✓ SAPS 601 (a) ✓ SAPS 601 (b) ✓ SAPS 601(d) ✓ Z20 <i>Dealer/ Recycler</i> File ✓ SAPS 603 ✓ Completion Instructions 	✓ <i>DSO</i>

32.	<ul style="list-style-type: none"> The <i>DSO</i> must ensure that all relevant <i>Second-Hand Goods</i> related records and/or systems are continuously updated before final issuing of the <i>Second-Hand Goods Dealer or Recycler Certificate</i>. 	<ul style="list-style-type: none"> ✓ <i>SHGCS</i> ✓ <i>SAPS 603</i> 	✓ <i>DSO</i>
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(3) Application for the Renewal of an Existing Registration

- (a) A registered *Dealer or Recycler* who intends to renew registration must apply in terms of Section 11 of the Act for the renewal of registration not more than 180 days and not less than 90 days before the expiry date of the existing registration.
- (b) An application for renewal of registration must be made to the *DSO* on the form *SAPS 601(e) Application for Renewal as a Second-Hand Goods Dealer or Recycler* (“*SAPS 601(e)*”) and may only be granted if the *Dealer or Recycler* shows that he or she has continued to comply with the requirements of registration in terms of the Act. If an *SAPS 601(e) Application for renewal of registration* has been lodged within the prescribed period (90 days before expiry of existing Registration), provided for in the Act, Registration remains valid until the *SAPS 601(e) Application* is decided upon.
- (c) The following process must be followed during the application process for the renewal of an existing registration as a *Second-Hand Goods Dealer/Recycler*:

APPLICATION FOR THE RENEWAL OF AN EXISTING REGISTRATION The following procedures must be followed by the Designated <i>Second-Hand Goods Officer (DSO)</i> when an application for the Renewal of an existing registration under the <i>Second-Hand Goods Act, 2009 (Act No 6 of 2009)</i> is received by the police station in which precinct the <i>Second-Hand Goods</i> business is situated.			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> The application form, <i>SAPS 601 (e) – Application for the Renewal as a Second-Hand Goods Dealer/ Recycler</i> (“<i>SAPS 601(e)</i>”) is received by the <i>DSO</i> from an <i>applicant</i>. No payment is required. The <i>SAPS 601(e) Renewal</i> must be completed as per the relevant <i>Completion Instructions</i>. 	<ul style="list-style-type: none"> ✓ Section 11 of the Act. ✓ Regulation 6. ✓ <i>SAPS 601(e)</i> ✓ <i>Completion Instructions</i> 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Applicant</i>

2.	<ul style="list-style-type: none"> The <i>DSO</i> needs to determine whether the <i>applicant</i> is able to: <ul style="list-style-type: none"> understand English; understand the content of the SAPS 601(e) Renewal; and Whether the <i>applicant</i> can complete the applicable form in English. Should the <i>applicant</i> have difficulty with any of the three instances above, the <i>DSO</i> must <i>acquire</i> the services of an internal or external interpreter to explain and assist in completing the SAPS 601(e) Renewal. All costs for interpretation services must be borne by the South African Police Service. 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ Completion Instructions. 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Interpreter
3.	<ul style="list-style-type: none"> The <i>DSO</i> must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 601(e) Renewal. 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Interpreter
4.	<ul style="list-style-type: none"> The SAPS 601(e) Renewal and all relevant supporting documents must be handed to the <i>DSO</i> or <i>Second-Hand Goods Clerk</i> for recording/capturing purposes in the relevant recording systems. 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
5.	<ul style="list-style-type: none"> The <i>DSO</i> must record the application in the SAPS 603 - Register for Received <i>Second-Hand Goods</i> Documentation ("SAPS 603"), whether the application is complete or not. The SAPS 603 Register must be completed as per the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
6.	<ul style="list-style-type: none"> The <i>DSO</i> must capture the entire SAPS 601(e) Renewal on the <i>SHGCS</i> (if available) and the System generated reference number must be entered in the SAPS 603 Register as well as on the SAPS 601 Application. 	<ul style="list-style-type: none"> ✓ 601(e) ✓ SAPS 603 ✓ Completion Instructions ✓ <i>SHGCS</i> 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
7.	<ul style="list-style-type: none"> The applicable SAPS 603 Register reference number must be recorded in the appropriate space allocated on the SAPS 601(e) Renewal. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 601(e) ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
8.	<ul style="list-style-type: none"> The <i>DSO</i> must issue a SAPS 601(c) - Acknowledgement of Receipt of <i>Second-</i> 	<ul style="list-style-type: none"> ✓ SAPS 601(c) 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

	<i>Hand Goods</i> Documentation (“SAPS 601(c)”) to the <i>applicant</i> on receipt of the SAPS 601(e) Renewal.	✓ Completion Instructions	
9.	<ul style="list-style-type: none"> The <i>DSO</i> must attain the existing Z20 <i>Dealer or Recycler</i> file. 	✓ Z20 <i>Dealer/ Recycler</i> File	✓ <i>DSO</i>
10.	<ul style="list-style-type: none"> The <i>DSO</i> must establish whether the SAPS 601(e) Renewal Application was submitted within the prescribed time frame – Not more than 180 days and not less than 90 days prior to the expiry date of the existing Registration Certificate. 	<ul style="list-style-type: none"> ✓ Section 11(1) of the Act. ✓ Checklist Guideline. ✓ SAPS 601(e) 	✓ <i>DSO</i>
11.	<ul style="list-style-type: none"> Any SAPS 601(e) Renewal Application submitted by the <i>Dealer or Recycler</i> after the expiry date of his/her existing Registration Certificate must be dealt with as an Automatic Termination. The <i>DSO</i> must compile a Letter of Confirmation of Termination/Withdrawal, which must address the following issues: <ul style="list-style-type: none"> - The <i>Dealer or Recycler</i> must be informed to cease all further business activities; - The <i>Dealer or Recycler</i> must be instructed to surrender his/her expired <i>Dealer or Recycler</i> Registration Certificate(s) to the <i>DSO</i>; - The <i>Dealer or Recycler</i> must be instructed to surrender a copy of his/her records (eg. <i>Second-Hand Goods</i> Register and/or Data Base via printout of the data base or copy of the data base on a DVD/CD); and - The <i>Dealer or Recycler</i> must be informed of any legal implications which may occur should he or she continue with business activities. 	<ul style="list-style-type: none"> ✓ Section 11(1) of the Act. ✓ Checklist Guideline. ✓ Letter of Confirmation of Termination/Withdrawal, 	✓ <i>DSO</i>
12.	<ul style="list-style-type: none"> The Z20 <i>Dealer or Recycler</i> file must be forwarded to the Station Deciding Authority to acknowledge Termination of Registration. 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ Z20 <i>Dealer/ Recycler</i> File 	✓ <i>DSO</i>
13.	<ul style="list-style-type: none"> In the event that the Station Deciding Authority confirms the recommendation of the <i>DSO</i> of the Termination of the <i>Dealer/ Recycler</i> Registration, the Station Deciding Authority must include the reasons for the termination on the SAPS 601(e) Renewal. 	✓ SAPS 601(e)	✓ Station Deciding Authority

14.	<ul style="list-style-type: none"> The Station Deciding Authority must indicate his/her agreement with the <i>DSO</i> recommendation and his own consideration to Terminate Registration by signing and date stamping the Letter of Confirmation of Termination 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ Letter of Confirmation of Termination 	<ul style="list-style-type: none"> ✓ Station Deciding Authority
15.	<ul style="list-style-type: none"> The <i>DSO</i> must complete an SAPS 606 Return of Service (“SAPS 606”). The Letter of Confirmation of Termination must be served on the <i>Dealer or Recycler</i> together with the SAPS 606 and have the <i>responsible person</i> sign to acknowledge receipt of the Letter of Confirmation of Termination. The SAPS 606, bearing the <i>responsible person's</i> signature, a copy of the served documents and the SAPS 601(e) Renewal must be filed in the Z20 <i>Dealer or Recycler</i> File. 	<ul style="list-style-type: none"> ✓ SAPS 606 ✓ Letter of Confirmation of Termination/ Withdrawal Z20 <i>Dealer/ Recycler</i> File 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
16.	<ul style="list-style-type: none"> The <i>DSO</i> must conduct a physical inspection of the <i>premises</i> in order to: <ul style="list-style-type: none"> - Verify that the <i>premises</i> is closed for business; - Close off the <i>Dealer/Recycler's</i> <i>Second-Hand Goods</i> Register after the last entry by inscribing in red ink the Termination of the <i>Dealer or Recycler</i> Registration (this process needs to be followed even where electronic databases are utilized – inscriptions must be made on the DVD/CD or Printout of the last transaction); - To collect the existing SAPS 601(a)/ (b) Certificates; and - To collect a copy of all <i>dealer/ Recycler</i> records. The <i>DSO</i> must also make an entry in the SAPS 607 Visitation Register. 	<ul style="list-style-type: none"> ✓ SAPS 607 ✓ SAPS 601(a)/ (b) ✓ <i>Dealer/ Recycler</i> Records ✓ Checklist Guideline. 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
17.	<ul style="list-style-type: none"> Any SAPS 601(e) Renewal application submitted within ninety (90) days before the Expiry Date on the Existing Registration Certificate must be dealt with as a late application and in accordance with the procedures explained during Notification of Intent, Extension of Time and Appeals of this National Instruction. 	<ul style="list-style-type: none"> ✓ Section 11(1) of the Act. ✓ Checklist Guideline. ✓ Notice of Intent to Cancel ✓ Z20 <i>Dealer/ Recycler</i> File 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Station Deciding Authority

	<ul style="list-style-type: none"> • The SAPS 601(e) Renewal must be filed in the existing Z20 <i>Dealer/ Recycler</i> File. • The <i>DSO</i> must verbally inform the <i>Dealer or Recycler</i> that his/her SAPS 601(e) Renewal will be dealt with as a late application. • The Z20 <i>Dealer or Recycler</i> File must be forwarded to the Station Deciding Authority to confirm the Cancellation of Registration. • The <i>DSO</i> must compile a Notice of Intent to Cancel Registration. • In the event that the Station Deciding Authority confirms the recommendation of the <i>DSO</i> to Cancel the <i>Dealer or Recycler</i> Registration the Station Deciding Authority must include the reasons for the Cancellation on the SAPS 601(e) Renewal. • The Station Deciding Authority must indicate his/her agreement with the <i>DSO</i> recommendation and his own consideration to Cancel Registration by signing and date stamping the Notice of Intention to Cancel. 	✓ SAPS 601(e)	
18.	<ul style="list-style-type: none"> • The <i>DSO</i> must complete a SAPS 606 Return of Service ("SAPS 606"). • The Notice of Intention to Cancel must be served on the <i>Dealer or Recycler</i> together with the SAPS 606 and have the <i>responsible person</i> sign to acknowledge receipt of the Notice of Intent to Cancel. • The SAPS 606, bearing the <i>responsible person's</i> signature, a copy of the served documents and the SAPS 601(e) Renewal must be filed in the Z20 <i>Dealer or Recycler</i> File. 	<ul style="list-style-type: none"> ✓ SAPS 606 ✓ Notice of Intent to Cancel ✓ Z20 <i>Dealer/ Recycler</i> File 	✓ <i>DSO</i>
19.	<ul style="list-style-type: none"> • The <i>DSO</i> must schedule the Z20 <i>Dealer or Recycler</i> File to be brought forward thirty (30) days after serving of the Notice of Intention to Cancel in order to determine whether the <i>Dealer/ Recycler</i> made any applications in terms of written Representations or Extension of Time. • Where the <i>applicant</i> applied for Extension of Time, and it is approved, the application for renewal will be regarded as being submitted in time. 	✓ Z20 <i>Dealer/ Recycler</i> File	✓ <i>DSO</i>

20.	<ul style="list-style-type: none"> • Any SAPS 601(e) application received before the 90 days period, must be dealt with as follows; <ul style="list-style-type: none"> ○ The fingerprints of the <i>applicant / responsible person / persons</i> responsible for the day-to-day management of the business must be taken on a SAPS 91(a) form by the relevant functionary at the police station. ○ No payment is required for the taking of fingerprints in terms of an application for Renewal of Registration as a <i>Second-Hand Goods Dealer/Recycler</i>. • The wording “Application for Renewal of Registration as a <i>Second-Hand Goods Dealer/Recycler</i>” must be written on the SAPS 91(a) form under the heading “REASON FOR ENQUIRY” 	<ul style="list-style-type: none"> ✓ Section 4(2) and 5(2) of the Act. ✓ Regulation 3(e). ✓ SAPS 91(a) 	<ul style="list-style-type: none"> ✓ DSO ✓ Fingerprint Office
21.	<ul style="list-style-type: none"> • The DSO must check for the completeness of the SAPS 601(e) Renewal. • The DSO must ensure that the SAPS 601(e) Renewal comply with the relevant Checklist Guideline for the Application for Renewal of Registration as a <i>Dealer/Recycler</i>. 	<ul style="list-style-type: none"> ✓ Section 4 and 5 of the Act. ✓ Regulation 3 and 12. ✓ SAPS 601(e) ✓ Checklist Guideline. 	<ul style="list-style-type: none"> ✓ DSO
22.	<ul style="list-style-type: none"> • In the event that the SAPS 601(e) Renewal is incomplete, it must still be registered in the SAPS 603 Register as per relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 601(e) ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ DSO
23.	<ul style="list-style-type: none"> • In the event that the SAPS 601(e) Renewal is incomplete, the DSO must make a copy of the SAPS 601(e) Renewal and supporting documentation before returning it to the <i>applicant</i>. The copy must be filed in the Z20 <i>Dealer/ Recycler</i> file. • A copy of the Checklist Guideline, clearly indicating the information/documentation still outstanding must be provided to the <i>applicant</i>. 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ Checklist Guideline. ✓ Z20 <i>Dealer/ Recycler</i> File ✓ Checklist Guideline 	<ul style="list-style-type: none"> ✓ DSO

	<ul style="list-style-type: none"> The <i>applicant</i> must be given ten (10) working days to submit the outstanding information/ documentation. 		
24.	<ul style="list-style-type: none"> If the <i>applicant</i> fails to submit the requested outstanding information and/or documentation within the ten (10) working day period OR where such outstanding information and/or documentation was submitted but is still insufficient, the <i>DSO</i> must indicate in red ink, in the relevant section of the SAPS 601(e) Renewal, all outstanding information and/or documentation. 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ Completion Instructions 	✓ <i>DSO</i>
25.	<ul style="list-style-type: none"> In the event that the <i>applicant</i> provides the outstanding information/ documentation within ten (10) working days, the <i>DSO</i> must issue the <i>applicant</i> with a SAPS 601(c) Acknowledgement of Receipt. 	<ul style="list-style-type: none"> ✓ SAPS 601(c) ✓ Completion Instructions 	✓ <i>DSO</i>
26.	<ul style="list-style-type: none"> In the event that the application is complete, the <i>DSO</i> must file the SAPS 601(e) Renewal in the Z20 Dealer/ Recycler File. In the event of an <i>applicant</i> renewing as both a Dealer and a Recycler on one SAPS 601(e) Renewal, a copy must be made of the SAPS 601(e) Renewal and filed separately in the Z20 Dealer File and Z20 Recycler File. 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ Z20 Dealers/ Recycler File 	✓ <i>DSO</i>
27.	<ul style="list-style-type: none"> The <i>DSO</i> must obtain a profile of the <i>applicant</i> and every person involved in the day to day management of the business. The profiling report must be obtained from the SAPS Criminal Record Information Management System (“<i>CRIM</i> System”) by the Station Crime Information Officer, Detective Services and/or <i>DSO</i>. If the <i>CRIM</i> System reflects that there are previous convictions that will disqualify the <i>applicant</i> in terms of Section 14 of the Act, the <i>DSO</i> must continue preparing the application with a recommendation to refuse registration as per phase 38 below. If the <i>CRIM</i> System reflects that there are no previous convictions the <i>DSO</i> must continue preparing the application with a recommendation to approve registration as per phase 42 and 44 below. 	<ul style="list-style-type: none"> ✓ SAPS <i>CRIM</i> System ✓ Z20 Dealer/ Recycler File. 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Station Crime Information Officer ✓ Detective Services

	<ul style="list-style-type: none"> The <i>DSO</i> must file the criminal profile report on the Z20 <i>Dealer or Recycler</i> File. 		
28.	<ul style="list-style-type: none"> The SAPS 91(a) - Fingerprint Enquiry Form ("SAPS 91(a)") must be forwarded with a SAPS 21 Covering Letter to the Local Criminal Record Centre ("LCRC") to obtain a Clearance Certificate. The SAPS 603 Register/<i>SHGCS</i> must be updated with the relevant information. 	<ul style="list-style-type: none"> ✓ SAPS 91(a) ✓ SAPS 21 Covering Letter ✓ SAPS 603 ✓ <i>SHGCS</i> 	✓ <i>DSO</i>
29.	<ul style="list-style-type: none"> Receive the SAPS 69(m) Clearance Certificate ("SAPS 69(m)") from the <i>LCRC</i> and check the status of the <i>applicant</i>. Make the required entries in Column 9 of the SAPS 603 Register for Received <i>Second-Hand Goods</i> Documentation. The <i>DSO</i> must file the SAPS 69(m) Clearance Certificate in the Z20 <i>Dealer or Recycler</i> file. 	<ul style="list-style-type: none"> ✓ SAPS 69(m) ✓ SAPS 603 ✓ Z20 <i>Dealer/ Recycler</i> File. 	✓ <i>DSO</i>
30.	<ul style="list-style-type: none"> If the SAPS 69(m) Clearance Certificate reflects that there are previous convictions that will disqualify the <i>applicant</i> in terms of Section 14 of the Act, the <i>DSO</i> must continue preparing the application with a recommendation to refuse registration as per phase 38 below. If the SAPS 69(m) Clearance Certificate reflects that there are no previous convictions the <i>DSO</i> must continue preparing the application with a recommendation to approve registration as per phase 42 and 44 below. 	<ul style="list-style-type: none"> ✓ Clearance Certificate ✓ Z20 <i>Dealer/ Recycler</i> File 	✓ <i>DSO</i>
31.	<ul style="list-style-type: none"> The <i>DSO</i> must determine if the <i>applicant</i> has indicated on the SAPS 601(e) Renewal whether any other <i>premises</i>, other than the one being applied for, will be utilized to store <i>Second-Hand Goods</i> Or alternatively have already been registered for purposes of trading in <i>SECOND-HAND GOODS</i>. 	<ul style="list-style-type: none"> ✓ SAPS 601(e) 	✓ <i>DSO</i>
32.	<ul style="list-style-type: none"> Should the <i>applicant</i> indicate, or if it is determined, that he or she has other registered <i>Second-Hand Goods premises</i> in other policing precinct(s), the <i>DSO</i> must contact the <i>DSO(s)</i> of the other precinct(s) requesting information 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ Z20 <i>Dealer/ Recycler</i> File ✓ SAPS 5 	✓ <i>DSO</i>

	<p>on the status of such business(es) which may have bearing on the application being processed.</p> <ul style="list-style-type: none"> If relevant information / documentation exists that may influence the application, the <i>DSO</i> must request that such pertinent information be sent to him/her in writing with supporting documentation which must be filed in the <i>Z20 Dealer or Recycler</i> File and considered during the application process. The SAPS 5 Investigation Diary must be updated in the <i>Z20 Dealer or Recycler</i> file to record the fact that Registration of the <i>applicant</i> in another policing precinct was confirmed. 		
33.	<ul style="list-style-type: none"> Before making a recommendation on the SAPS 601(e) Renewal, the <i>DSO</i> must collect and file all documentation/evidence in support of the recommendation he or she intends to make. A <i>DSO</i> must recommend the refusal of an SAPS 601(e) Renewal when: <ul style="list-style-type: none"> The <i>applicant</i> or a manager of the business is disqualified under Section 14 of the Act (including a person who has an interest in the <i>company</i>, <i>CC</i> or trust (Juristic person), a partner in a partnership or beneficiary under a trust). The application remains incomplete after one referral back to the <i>applicant</i>; The <i>applicant</i> does not return the application after ten (10) working days; The <i>applicant</i> returns the application after ten (10) working days, but the required information/documentation is still not sufficient; or Any other reason exists why the application should not be recommended as stated in a written report by the <i>DSO</i>. 	<ul style="list-style-type: none"> ✓ Sect 14 ✓ Z20 Dealer/ Recycler File ✓ SAPS 601(e) 	✓ <i>DSO</i>
34.	<ul style="list-style-type: none"> The street address of the <i>Second-Hand Goods premises</i> must be visited in order to verify the location. The <i>DSO</i> must update all relevant <i>Second-Hand Goods</i> related records 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ Checklist Guideline. 	✓ <i>DSO</i>

	<p>and/or systems after verifying the premises.</p> <ul style="list-style-type: none"> The DSO must complete the relevant of the SAPS 601(e) Renewal and state whether the premises exist and that the applicant is not a disqualified person. 		
35.	<ul style="list-style-type: none"> If additional reasons exist to refuse registration, other than those mentioned in the relevant section of the SAPS 601(e) Renewal, the DSO must compile a written report reflecting all relevant facts pertaining to the matter. 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ DSO Report 	✓ DSO
36.	<ul style="list-style-type: none"> The DSO MUST recommend the approval of registration if there are <u>no</u> reasons that exist in terms of the disqualifications listed under Section 14 of the Act. 	<ul style="list-style-type: none"> ✓ Section 14 of the Act. ✓ SAPS 601(e) 	✓ DSO
37.	<ul style="list-style-type: none"> The Z20 Dealer or Recycler File must be forwarded to the Station Deciding Authority for purpose of consideration. The Z20 Dealer or Recycler file must contain all relevant information/documentation which the Station Deciding Authority must utilize in order to make an informed decision. 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ Z20 Dealer/ Recycler File 	✓ DSO
38.	<ul style="list-style-type: none"> In the event that the Station Deciding Authority intends to refuse the SAPS 601(e) Renewal, a Notice of Intention to Refuse must be completed and must include the reasons for the intended refusal, as well as the 30 day period the applicant has as an option to either submit Written Representations or to apply for Condonation of any disqualification. In the event that an applicant wishes to apply for Condonation of any disqualification, the Station Deciding Authority must, before finally refusing the application, ensure that the applicant has exhausted all internal remedies, e.g. Submissions to the National Commissioner (Condonation Application, Appeal against Refusal to Condone etc.). In the event that the Station Deciding Authority intends to refuse the application the procedure in paragraph 5(6) of this National Instruction: <i>Second-Hand Goods</i>– Notice of Intent, must be followed. 	<ul style="list-style-type: none"> ✓ Notice of Intention to Refuse ✓ Z20 Dealer/ Recycler File ✓ SAPS 601(e) 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ DSO

	<ul style="list-style-type: none"> The Station Deciding Authority must indicate his/her agreement with the <i>DSO</i> recommendation and his own consideration of Intention to Refuse by signing and date stamping the SAPS 601(e) Renewal and the Notice of Intention to Refuse. 		
39.	<ul style="list-style-type: none"> The <i>DSO</i> must complete a SAPS 606 Return of Service ("SAPS 606"). The Notice of Intention to Refuse must be served on the <i>Dealer or Recycler</i> together with the SAPS 606 and have the <i>responsible person</i> sign to acknowledge receipt of the Notice of Intention to Refuse. The SAPS 606, bearing the <i>responsible person's</i> signature, must be filed in the <i>Z20 Dealer or Recycler File</i>, together with a copy of the served document(s). The <i>DSO</i> must bring the <i>Z20 Dealer or Recycler</i> file forward after thirty (30) days in order to determine whether the <i>applicant</i> has submitted any written representations against the intended refusal which was served on him/her. 	<ul style="list-style-type: none"> ✓ SAPS 606 ✓ <i>Z20 Dealer/ Recycler File</i> 	✓ <i>DSO</i>
40.	<ul style="list-style-type: none"> Before a Station Deciding Authority may refuse any application, a period of thirty (30) days must be afforded to the <i>applicant</i> to advance reasons why the application should not be refused. 	<ul style="list-style-type: none"> ✓ Section 6(2), 39 and 42(3) ✓ SAPS 601(e) Renewal ✓ Notice of Intention to Refuse. 	✓ Station Deciding Authority
41.	<ul style="list-style-type: none"> The Station Deciding Authority must take into consideration the Recommendation of the <i>DSO</i> and all information contained in the SAPS 601(e) Renewal and supporting documentation when taking a decision. 	<ul style="list-style-type: none"> ✓ SAPS 601(e) ✓ SAPS 601(a) ✓ SAPS 601(b) 	✓ Station Deciding Authority
42.	<ul style="list-style-type: none"> The Station Deciding Authority must indicate his/her agreement with the <i>DSO's</i> Recommendation and his own Consideration to approve the SAPS 601(e) Renewal by signing and date stamping the SAPS 601(e) Renewal. 	<ul style="list-style-type: none"> ✓ SAPS 601(e) 	✓ Station Deciding Authority
43.	<ul style="list-style-type: none"> If the Station Deciding Authority does not agree with the recommendation of the <i>DSO</i> during his/her consideration of the SAPS 601(e) Renewal, he or she must indicate the reasons in red ink on 	<ul style="list-style-type: none"> ✓ SAPS 601(e) 	✓ Station Deciding Authority

	the applicable space allocated on the SAPS 601(e) Renewal.		
44.	<ul style="list-style-type: none"> • Upon approval of the SAPS 601(e) Renewal by the Station Deciding Authority, the Z20 <i>Dealer or Recycler</i> File must be returned to the <i>DSO</i> for the preparation of the SAPS 601(a) (<i>Dealer Certificate</i>), SAPS 601(b) (<i>Recycler Certificate</i>) or SAPS 601(d) (Temporary Certificate) Certificates. • The expiry date on the SAPS 601(b) <i>Recycler Certificate</i> must reflect the same expiry date as was indicated on the SAPS 601(a) <i>Dealer Certificate</i>. • When the <i>DSO</i> has prepared the necessary Registration Certificates, the Station Deciding Authority must sign and date stamp the SAPS 601 (a), (b) or (d) Certificate on the designated space on the certificate. The SAPS 601 (a), (b) or (d) Certificate must be completed as per the relevant Completion Instructions. • The SAPS 601(a), (b) or (d) Certificates are completed in triplicate and must be issued as follows: <ul style="list-style-type: none"> - The original must be issued to the <i>applicant</i>, the first copy must be filed in the Z20 <i>Dealer or Recycler</i> File and the second copy must remain in the SAPS 601(a), (b) and/or (d) book. - The <i>DSO</i> must ensure that the signed SAPS 601(a), (b) and/or (d) Certificates is handed over to the <i>applicant</i> and must ensure that the <i>applicant</i> sign the acknowledgement of receipt in the SAPS 603 Register. 	<ul style="list-style-type: none"> ✓ SAPS 601(a) ✓ SAPS 601(b) ✓ SAPS 601(d) ✓ Z20 <i>Dealer/ Recycler</i> File ✓ SAPS 603 ✓ Completion Instructions ✓ SAPS 601(e) 	✓ <i>DSO</i>
45.	<ul style="list-style-type: none"> • The <i>DSO</i> must ensure that all relevant <i>Second-Hand Goods</i> related records and/or systems are continuously updated before final issuing of the <i>Second-Hand Goods Dealer or Recycler Certificate</i>. 	<ul style="list-style-type: none"> ✓ <i>SHGCS</i> ✓ SAPS 603 	✓ <i>DSO</i>

(4) Amendment of Information

- (a) The holder of a *certificate of registration* must notify the National Commissioner in writing within thirty (30) days if:

- (i) There is any change with regard to any information that was submitted in respect of the application for registration;
- (ii) There is a change in the control or ownership of the dealer; or
- (iii) There is any change that impacts on the ability of the *Dealer or Recycler* to meet all or any of the requirements for their registration in terms of the Act.
- (b) A SAPS 604 - Notification of Change of Information (“SAPS 604”), under Section 8 of the Second-Hand Goods Act, 2009 (Act No 6 of 2009), must be submitted to the *DSO* in one of the following instances:
- (i) Change of Address;
- (ii) Change of *Responsible person*/Persons responsible for the day-to-day management of the business;
- (iii) Change of classes of *goods*;
- (iv) Changes which impacts on the ability of a *Dealer or Recycler* to meet all or any of their requirements for Registration in terms of the Act; and
- (v) Termination of registration by the *Dealer/Recycler*.
- (c) The following process must be followed during the amendment of information of a registered Second-Hand Goods Dealer/*Recycler*:

AMENDMENT OF INFORMATION			
The following procedures must be followed by the <i>Designated Second-Hand Goods Officer (DSO)</i> when a Notification of Change of Information under the Second-Hand Goods Act, 2009 (Act No 6 of 2009) is received by the police station in which precinct the second-hand <i>goods</i> business is situated.			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> • The SAPS 604 – Notice of Change of Information (“SAPS 604”) is received by the <i>DSO</i> from a registered <i>Dealer/Recycler</i>. • The SAPS 604 Notice must be completed as per the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ Section 8 of the Act. ✓ SAPS 604 	✓ <i>DSO</i>
2.		✓ SAPS 604	✓ <i>DSO</i>

	<ul style="list-style-type: none"> • The <i>DSO</i> needs to determine whether the <i>applicant</i> is able to: <ul style="list-style-type: none"> - understand English; - understand the content of the SAPS 604 Notice; and - Whether the <i>applicant</i> can complete the applicable form in English. • Should the <i>applicant</i> have difficulty with any of the three instances above, the <i>DSO</i> must <i>acquire</i> the services of an internal or external interpreter to explain and assist in completing the SAPS 604 Notice. • All costs for interpretation services must be borne by the South African Police Service. 	<ul style="list-style-type: none"> ✓ Completion Instructions. 	<ul style="list-style-type: none"> ✓ Interpreter
3.	<ul style="list-style-type: none"> • The <i>DSO</i> must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 604 Notice. 	<ul style="list-style-type: none"> ✓ SAPS 604 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Interpreter
4.	<ul style="list-style-type: none"> • The SAPS 604 Notice and all relevant supporting documents must be handed to the <i>DSO</i> or Second-Hand Goods Clerk for recording/capturing purposes in the relevant recording systems. 	<ul style="list-style-type: none"> ✓ SAPS 604 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
5.	<ul style="list-style-type: none"> • In the case of a notification of change of address, the location of the new street address of the second-hand <i>goods premises</i> must be verified in order to determine if the address still falls within the current police precinct. 	<ul style="list-style-type: none"> ✓ Checklist Guideline. 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
6.	<ul style="list-style-type: none"> • The <i>DSO</i> must comply with the following process should the new business address resort within another policing precinct: <ul style="list-style-type: none"> - Retrieve the existing <i>Z20 Dealer or Recycler</i> file; - Compile and provide a Referral Letter to the <i>applicant</i> whereby the application is referred to the station in which precinct the new address is situated; - Provide a certified copy of the existing SAPS 601(a) and/or (b) to the <i>applicant</i>; 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer/ Recycler</i> File ✓ Referral Letter ✓ SAPS 601(a) ✓ SAPS 601(b) ✓ SAPS 5 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

	<ul style="list-style-type: none"> - File the Referral Letter on the existing Z20 Dealer or Recycler File; and - Arrange that the Z20 Dealer or Recycler File is brought forward after thirty (30) days in order for the DSO to confirm that the Dealer or Recycler did hand in his/her SAPS 604 Notice to the DSO in whose precinct the new business premises resorts. • The DSO should inspect the business premises of the Dealer or Recycler to establish whether the Dealer or Recycler has vacated the premises or not. • Retrieve original SAPS 601(a) and/or (b). • Should the Dealer or Recycler have vacated the business premises, the DSO must provide a copy of the content of the Z20 Dealer or Recycler file to the DSO at the station precinct in which the new address is situated and the Z20 Dealer or Recycler File must then be archived. • Should the Dealer or Recycler NOT have vacated the business premises, the reasons should be obtained and noted in the SAPS 5 Investigation Diary. 		
7.	<ul style="list-style-type: none"> • The DSO must record the application in the SAPS 603 - Register for Received Second-Hand Goods Documentation ("SAPS 603"), whether the application is complete or not. The SAPS 603 Register must be completed as per the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ DSO ✓ Second-Hand Goods Clerk
8.	<ul style="list-style-type: none"> • The DSO must capture the entire SAPS 604 Application on the SHGCS (if available) and the System generated reference number must be entered in the SAPS 603 Register as well as on the SAPS 604 Notice. 	<ul style="list-style-type: none"> ✓ SAPS 604 ✓ SAPS 603 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ DSO ✓ Second-Hand Goods Clerk
9.	<ul style="list-style-type: none"> • The applicable SAPS 603 Register reference number must be recorded in the appropriate space allocated on the SAPS 604 Notice. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 604 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ DSO

10.	<ul style="list-style-type: none"> The <i>DSO</i> must retrieve the existing Z20 <i>Dealer or Recycler</i> File and file the SAPS 604 Notice and supporting documentation therein. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer / Recycler</i> File ✓ SAPS 604 ✓ Checklist Guideline 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
11.	<ul style="list-style-type: none"> Where the Notification entails a change of <i>Responsible person</i> or persons responsible for the day-to-day management of the business, fingerprints must be taken on a SAPS 91(a) form by the relevant functionary at the police station (no payment required). The wording "Application for Registration as a Second-Hand Goods <i>Dealer/Recycler</i>" must be written on the SAPS 91(a) form under the heading "REASON FOR ENQUIRY" 	<ul style="list-style-type: none"> ✓ SAPS 91(a) 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Fingerprint Office
12.	<ul style="list-style-type: none"> The <i>DSO</i> must issue a SAPS 601(c) - Acknowledgement of Receipt of Second-Hand Goods Documentation ("SAPS 601(c)") to the <i>applicant</i> on receipt of the SAPS 604 Notice and file the SAPS 604 Notice and all supporting documents in the Z20 <i>Dealer or Recycler</i> File. 	<ul style="list-style-type: none"> ✓ SAPS 601(c) ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
13.	<ul style="list-style-type: none"> The <i>DSO</i> must check for the completeness of the SAPS 604 Notice. The <i>DSO</i> must ensure that the SAPS 604 Notice comply with the relevant Checklist Guideline. 	<ul style="list-style-type: none"> ✓ SAPS 604 ✓ Checklist Guideline 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
14.	<ul style="list-style-type: none"> In the event that the SAPS 604 Application is incomplete, the <i>DSO</i> must record any outstanding documentation/information in red ink in the relevant section of the SAPS 604 Notice. The <i>DSO</i> must make a copy of the SAPS 604 Notice and supporting documentation before returning it to the <i>applicant</i>. The copy must be filed on the Z20 <i>Dealer or Recycler</i> File. The <i>DSO</i> must provide the <i>applicant</i> with a copy of the Checklist Guideline and a letter (SAPS 21), clearly indicating the information/ documentation still outstanding before returning the incomplete SAPS 604 Notice to the <i>applicant</i>. 	<ul style="list-style-type: none"> ✓ SAPS 604 ✓ Checklist Guideline ✓ SAPS 603 ✓ Z20 <i>Dealer/ Recycler</i> File 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

	<ul style="list-style-type: none"> The <i>applicant</i> must be given ten (10) working days to submit the outstanding information/documentation. 		
15.	<ul style="list-style-type: none"> If the <i>applicant</i> fails to submit the requested outstanding information and/or documentation within the allocated ten (10) working day period the <i>DSO</i> must follow the following process: <ul style="list-style-type: none"> The <i>DSO</i> must compile a Notice of Intention not to Amend. The <i>DSO</i> must forward the Z20 Dealer or Recycler File containing the SAPS 604 Notice and the Notice of Intention not to Amend to the Station Deciding Authority for purpose of consideration. The Station Deciding Authority must confirm his/her agreement to not amend any information by signing and date stamping the Notice of Intention not to Amend. The <i>DSO</i> must complete an SAPS 606 Return of Service where after the Notice of Intention not to Amend must be served on the <i>applicant</i>. The <i>DSO</i> must obtain the signature of the <i>applicant</i> on the SAPS 606 as proof that he or she did receive the Notice of Intention not to Amend. The <i>DSO</i> must file the SAPS 606 and a copy of the Notice of Intention not to Change information in the Z20 Dealer or Recycler File. The <i>DSO</i> must schedule a "bring forward" of the Z20 Dealer/ Recycler File for thirty (30) days after the Notice of Intention not to Change Information was served on the <i>applicant</i>. 	<ul style="list-style-type: none"> ✓ SAPS 604 ✓ Completion Instructions ✓ Notice of Intention not to Amend ✓ Z20 Dealer/ Recycler File ✓ SAPS 606 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ <i>DSO</i>
16.	<ul style="list-style-type: none"> In the event that the <i>applicant</i> did return the application within ten (10) working days but the documentation/ information is still not sufficient, the <i>DSO</i> must indicate the outstanding documentation/ information in 	<ul style="list-style-type: none"> ✓ SAPS 604 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

	red ink in the relevant section of on the SAPS 604 Notice.		
17.	<ul style="list-style-type: none"> In order to proceed with the application on receipt of the outstanding documentation / information, the <i>DSO</i> must determine if the validity of the <i>Dealer or Recycler</i> Registration is in any way affected by the request for the amendment of information. 	✓ SAPS 604	✓ <i>DSO</i>
18.	<ul style="list-style-type: none"> In the event that the validity of the <i>Dealer or Recycler</i> Registration is not compromised, the following process must be followed: <ul style="list-style-type: none"> The <i>DSO</i> must update all relevant <i>Second-Hand Goods</i> related records and/or systems. Compile a Letter of Confirmation of Amendment. The <i>DSO</i> must complete a SAPS 606 Return of Service where after the Letter of Confirmation of Amendment must be served on the <i>applicant</i>. The <i>DSO</i> must obtain the signature of the <i>applicant</i> on the SAPS 606 as proof that he or she did receive the Letter of Confirmation of Amendment. The <i>DSO</i> must file the SAPS 606 and a copy of the Letter of Confirmation of Amendment in the <i>Z20 Dealer or Recycler</i> File. 	<ul style="list-style-type: none"> ✓ SAPS 604 ✓ SAPS 21 Letter of Confirmation of Amendment ✓ SAPS 606 ✓ <i>Z20 Dealer/ Recycler</i> File 	✓ <i>DSO</i>
19.	<ul style="list-style-type: none"> In the event that the validity of the <i>Dealer or Recycler</i> Registration is compromised in terms of the <i>responsible person</i>, the following process must be followed: <ul style="list-style-type: none"> The <i>DSO</i> must obtain a profile of the <i>applicant</i> - <ul style="list-style-type: none"> The profiling report must be obtained from the SAPS Criminal Record Information Management System ("<i>CRIM</i> System") by the Station Crime Information Officer, Detective Services and/or <i>DSO</i>. The printed Criminal Profile must be filed on the <i>Z20 Dealer or Recycler</i> File. 	<ul style="list-style-type: none"> ✓ SAPS <i>CRIM</i> System ✓ Criminal Profile Report ✓ SAPS 91(a) ✓ SAPS 21 Covering Letter ✓ <i>Z20 Dealer/ Recycler</i> File 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Station Crime Information Officer ✓ Detective Service

	<ul style="list-style-type: none"> - If the <i>CRIM</i> System reflects that there are previous convictions that will disqualify the <i>applicant</i> in terms of Section 14 of the Act, the <i>DSO</i> must continue preparing the application with a recommendation to refuse registration. - If the <i>CRIM</i> System reflects that there are no previous convictions the <i>DSO</i> must continue preparing the application with a recommendation to approve registration. o The <i>DSO</i> must obtain an SAPS 69(m) Clearance Certificate - <ul style="list-style-type: none"> - The SAPS 91(a) - Fingerprint Enquiry Form ("SAPS 91(a)") must be forwarded with a SAPS 21 Covering Letter to the Local Criminal Record Centre ("LCRC") to obtain a Clearance Certificate. - The SAPS 603 Register/<i>SHGCS</i> must be updated with the relevant information. - On receipt of the SAPS 69(m) Clearance Certificate ("SAPS 69(m)") from the <i>LCRC</i> the status of the <i>applicant</i> must be verified. - Make the required entries in the relevant section of the SAPS 603 Register for Received <i>Second-Hand Goods</i> Documentation. - The <i>DSO</i> must file the SAPS 69(m) Clearance Certificate in the Z20 <i>Dealer or Recycler</i> File. - If the SAPS 69(m) Clearance Certificate reflects that there are previous convictions that will disqualify the <i>applicant</i> in terms of Section 14 of the Act, the <i>DSO</i> must continue preparing the application with a recommendation to not amend information. - If the SAPS 69(m) Clearance Certificate reflects that there 		
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	are no previous convictions the <i>DSO</i> must continue preparing the application with a recommendation to amend information.		
20.	<ul style="list-style-type: none"> • In the event that the validity of the <i>Dealer or Recycler</i> Registration is compromised in terms of the <i>premises</i>(address), the following process must be followed: <ul style="list-style-type: none"> ○ The <i>DSO</i> must inspect the business <i>premises</i> - <ul style="list-style-type: none"> - The street address of the <i>Second-Hand Goods premises</i> must be visited in order to verify the location. - The <i>DSO</i> must update all relevant <i>Second-Hand Goods</i> related records and/or systems after verifying the <i>premises</i>. - The <i>DSO</i> must complete the relevant Section of the SAPS 604 Application and state whether the <i>premises</i> exist 	✓ SAPS 604	✓ <i>DSO</i>
21	<ul style="list-style-type: none"> • In the event that the validity of the <i>Dealer or Recycler</i> Registration is compromised in terms of the classes of <i>goods</i> in relation to the principal business activities (type of <i>dealer</i> or <i>recycler</i>), the following process must be followed: <ul style="list-style-type: none"> - The <i>DSO</i> must identify the current classes of <i>goods</i> as well as the principal business activities which are indicated on the Registration Certificate. - The current principal business activities must be compared with the request to amend the classes of <i>goods</i> of the <i>applicant</i> as indicated on the SAPS 604. - The <i>DSO</i> must determine if the current principal business activities relates to the newly requested classes of <i>goods</i>. • In the event that the classes of <i>goods</i> do relate to the principal business activities of the current registration, the <i>DSO</i> must continue preparing the 	✓ SAPS 604	✓ <i>DSO</i>

	<p>application with a recommendation to amend information.</p> <ul style="list-style-type: none"> In the event that the classes of <i>goods</i> do not relate to the principal business activities of the current registration, the <i>DSO</i> must continue preparing the application with a recommendation not to amend information. 		
22.	<ul style="list-style-type: none"> If additional reasons exist to refuse registration, other than those mentioned in the relevant section of the SAPS 604 Application, the <i>DSO</i> must compile a written report reflecting all relevant facts pertaining to the matter. 	<ul style="list-style-type: none"> ✓ SAPS 604 ✓ <i>DSO</i> Report 	✓ <i>DSO</i>
23.	<ul style="list-style-type: none"> When the <i>DSO</i> makes a recommendation, the relevant section on the SAPS 604 Notification must be completed, and the <i>DSO</i> must state, where applicable, whether there are still any outstanding information and/or documentation, whether the <i>premises</i> exist and/or if the <i>responsible person(s)</i> is disqualified in terms of the Act, or not and if the classes of <i>goods</i> is applicable on the type of <i>dealer</i> or <i>recycler</i> 	<ul style="list-style-type: none"> ✓ SAPS 604 	✓ <i>DSO</i>
24.	<ul style="list-style-type: none"> The <i>DSO</i> must forward the Z20 <i>Dealer/ Recycler</i> File to the Station Deciding Authority for purpose of consideration. The Z20 <i>Dealer or Recycler</i> file must contain all relevant information/documentation which the Station Deciding Authority must utilize in order to make an informed decision. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer/ Recycler</i> File ✓ SAPS 604 ✓ <i>DSO</i> Report 	✓ <i>DSO</i>
25.	<ul style="list-style-type: none"> The Station Deciding Authority must consider the SAPS 604 Notice. Should the Station Deciding Authority not be in agreement with the recommendation of the <i>DSO</i>, he or she must indicate the reasons for his disagreement in red ink in the relevant section of the SAPS 604 Notice. In the event that the Station Deciding Authority intends to refuse the SAPS 604 Notice, the following process must be followed: <ul style="list-style-type: none"> The <i>DSO</i> must compile a Notice of Intention not to Change Information. 	<ul style="list-style-type: none"> ✓ Notice of Intention to Refuse ✓ Z20 <i>Dealer/ Recycler</i> File ✓ SAPS 604 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ <i>DSO</i>

	<ul style="list-style-type: none"> - The <i>DSO</i> must forward the Z20 <i>Dealer or Recycler</i> File containing the SAPS 604 Notice and the Notice of Intention not to Change Information to the Station Deciding Authority for purpose of consideration. - The Station Deciding Authority must confirm his/her agreement to not amend any information by signing and date stamping the Notice of Intention not to change Information. - The <i>DSO</i> must complete a SAPS 606 Return of Service where after the Notice of Intention not to Change Information must be served on the <i>applicant</i>. - The <i>DSO</i> must obtain the signature of the <i>applicant</i> on the SAPS 606 as proof that he or she did receive the Notice of Intention not to Change Information. - The <i>DSO</i> must file the SAPS 606 and a copy of the Notice of Intention not to Change information in the Z20 <i>Dealer or Recycler</i> File. - The <i>DSO</i> must schedule a "bring forward" of the Z20 <i>Dealer/ Recycler</i> File for thirty (30) days after the Notice of Intention not to Change Information was served on the <i>applicant</i>. • In the event that the Station Deciding Authority approves the SAPS 604 Notice, the following process must be followed: <ul style="list-style-type: none"> - The Station Deciding Authority must confirm his/her agreement to amend any information by signing and date stamping the SAPS 604 Notice. - The <i>DSO</i> must update all relevant <i>Second-Hand Goods</i> related records and/or systems. - Compile a Letter of Confirmation of Change of Information. - The <i>DSO</i> must complete an SAPS 606 Return of Service where after the Letter of Confirmation of Change of 		
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	<p>Information must be served on the <i>applicant</i>.</p> <ul style="list-style-type: none"> - The <i>DSO</i> must obtain the signature of the <i>applicant</i> on the SAPS 606 as proof that he or she did receive the Letter of Confirmation of Change of Information. - The <i>DSO</i> must file the SAPS 606 and a copy of the Letter of Confirmation of Change of Information in the Z20 <i>Dealer or Recycler</i> File. 		
26.	<ul style="list-style-type: none"> • Upon approval of the SAPS 604 Notice by the Station Deciding Authority, where the change of information necessitates the re-issuing of a Registration Certificate, the Z20 <i>Dealer or Recycler</i> File must be returned to the <i>DSO</i> for the preparation of the SAPS 601(a) (<i>Dealer</i> Certificate), SAPS 601(b) (<i>Recycler</i> Certificate) or SAPS 601(d) (Temporary Certificate) Certificate(s). • The <i>DSO</i> must utilize the same expiry date on the SAPS 601(a), (b) or (d) Certificate which was utilized on the original Registration Certificate(s) – if such Registration Certificate(s) have not yet expired. • When the <i>DSO</i> has issued the necessary Registration Certificate(s), the Station Deciding Authority must sign and date stamp the SAPS 601 (a), (b) or (d) Certificates on the designated space on the certificate. The SAPS 601 (a), (b) or (d) Certificate(s) must be completed as per the relevant Completion Instructions. • The SAPS 601(a), (b) and (d) Certificates are completed in triplicate and must be issued as follows: <ul style="list-style-type: none"> - The original must be issued to the <i>applicant</i>, the first copy must be filed in the Z20 <i>Dealer or Recycler</i> File and the second copy must remain in the SAPS 601(a), (b) and (d) book. - The <i>DSO</i> must ensure that the signed SAPS 601(a), (b) or (d) Certificates is handed over to the <i>applicant</i> and must ensure that the <i>applicant</i> sign the 	<ul style="list-style-type: none"> ✓ SAPS 601(a) ✓ SAPS 601(b) ✓ SAPS 601(d) ✓ Z20 <i>Dealer/ Recycler</i> File ✓ SAPS 603 ✓ Completion Instructions ✓ SAPS 604 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ <i>DSO</i>

	<p>acknowledgement of receipt in the SAPS 603 Register.</p> <ul style="list-style-type: none"> The <i>DSO</i> must ensure that all previous second-hand <i>goods</i> certificates in the possession of a second-hand <i>goods Dealer or Recycler</i> are surrendered to the person who issues the new certificate to the <i>applicant</i>. The old certificates must be cancelled and filed in the Z20 <i>dealers/recyclers</i> file. 		
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(5) Conditions Applicable on Dealers or Recyclers Registration as well as the Limitation or Variation of such Conditions

(a) The SAPS may set reasonable conditions that must be adhered to by individual *Dealers* or *Recyclers*. These conditions are prescribed in the Act and regulations and are limited to:

(i) Classes of Goods

This condition refers to the classes of *goods* which relates to the principal business activity of the *dealer* or the main category of *dealer*, namely –

- General *Dealer*;
- Auctioneer;
- Jeweller;
- Motor Vehicle *Dealer*;
- *Scrap metal Dealer*; or
- *Recycler*.

The main categories mentioned above also have sub-categories, namely:

- General Dealer
Communication equipment (Cell Phones/Cell Phone Repairers), Books, *Antiques*, *Household and office equipment* etc.
- Motor Vehicle Dealer
Motor Vehicle Parts, Vehicles and Vehicle Parts, Panel Beaters, Tyre *Dealers*, Caravans, Trucks, Caravans etc.

(ii) Business Hours

This condition refers to the operating hours of the business and may not restrict a *Dealer or Recycler* unduly. The business hours must reflect the normal operating hours for similar business practices in the industry and *DSO's* may check for any by laws that regulate business hours within certain areas.

The SAPS do not have the power to decide whether or not a *Second-Hand Goods Dealer or Recycler* may operate over weekends, or on public holidays.

Where an *applicant* requests to operate during business hours that falls out of the "normal business hour standard" (eg. 08:00 to 17:00) or request to operate on a 24 hour basis, it will be a requirement for the *applicant* to attach a full motivation for the requested operating hours to the SAPS 601 Application.

The motivation must be duly considered as there can be specific reasons for the request such as for example, many *Dealers/Recyclers* operate in a business centre or shopping mall where the lease agreement requires that *dealers* operate during certain business hours. Another example is where *Vehicle Dealers* receive consignment vehicles during the night because of transport realities. In these cases, the *DSO* may place a restriction on the operating time by defining the functions that may be performed during the 24 hour period. As an example, and dependent on the motivation provided by the *applicant*, the *DSO* may indicate that such a *dealer* may only deal with the public during specific business hours and further indicate that the rest of the requested 24 hours may be utilized for operating of machinery only or receiving of consignment vehicles only.

(iii) Acquiring and/or disposal of goods to registered dealers/recyclers only

This condition prohibits registered *Dealers/Recyclers* to conduct business with any unregistered (illegal) *Dealers/Recyclers*.

(iv) Keeping separate dealer registers

This condition may be utilized in those instances where a *Second-Hand Goods Dealer* is trading in more than one category of *goods* on the same *premises*.

The keeping of separate *registers* will be required in order to fulfil the obligations of *the Regulations for Dealers and Recyclers, 2012* which requires specific information for different principal business activities.

As an example, a General *Second-Hand Goods Dealer* (eg. Pawn Shop) who deals in various different *goods* (as described in Schedule 1 of the Act) of which, as an example, jewellery is part of, must be requested to keep separate *registers* for the Pawn Shop and a separate register for the jewellery.

- (b) The National Commissioner may limit or vary any or all of the conditions of registration if there is a change in the circumstances of a registered *dealer* requiring a limitation or variation of his/her Conditions on the Registration Certificate. Any Limitations or Variations of Conditions may be issued to a Category of *Second-Hand Goods Dealer* depending on the specific type of *goods* which forms part of the crime trend.
- (c) Any limitation or variation of conditions of registration may only be executed in terms of regulation 4(3) and 13(3) of the Act. The placement of additional conditions on a *Second-Hand Goods Dealer or Recycler* should only be considered when specific action is required to address a crime trend within a station area. These additional conditions may only be imposed after the Crime Information Officer at Station, Cluster, Provincial or National level issued a report that indicates that there is a specific crime trend and that there are reasonable grounds to believe that such crime trends are aggravated by the *Second-Hand Goods* environment in the station area.
- (d) The following conditions, as contained in Regulation 4(3)(a) to (c) and Regulation 13(3)(a) to (c), may only be imposed as a temporary measure and must be reviewed after a maximum of three (3) months:
 - (i) The *dealer* must make a daily/weekly/monthly report to the *DSO* reporting on all transactions regarding a certain type or category of *goods*;

- (ii) The *dealer* must deliver a copy of any records that must be kept in terms of the Act or as a condition of membership to an accredited *association* to the *DSO* on a daily, weekly or monthly basis; or
- (iii) The *dealer* must make a daily/weekly/monthly report to the *DSO* containing the full particulars of any person in the employment of the *dealer* where such *dealer* knows or suspects or should reasonably know or suspect that such employee would be disqualified from registration in terms of Section 14 (1) (a);(b);(c) or (e) of the Act.
- (e) The following process must be followed during the administration process for the Limitation and/or Variation of Conditions of an existing *Second-Hand Goods Dealer/Recycler*:

CONDITIONS, LIMITATIONS AND/OR VARIATION OF CONDITIONS			
The following procedures must be followed by the Designated <i>Second-Hand Goods Officer (DSO)</i> when Limitations and/or Variation of Conditions is made on a <i>Dealer or Recycler</i> Registration under the <i>Second-Hand Goods Act, 2009 (Act No 6 of 2009)</i> .			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> • The <i>DSO</i> must receive a report from the <i>CIO</i> indicating that certain crime trends exist in a specific policing precinct which warrant a limitation or variation in the conditions under which a <i>Dealer or Recycler</i> was Registered. • The <i>DSO</i> must study the Crime Pattern Analysis and then he or she must make an appropriate/reasonable recommendation to the Station Deciding Authority in order to counter or reduce any crime or threat of crime, where the second-hand <i>goods</i> environment may have an impact. 	<ul style="list-style-type: none"> ✓ Section 9 of the Act ✓ Regulation 4(3) and 13(3) 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>CIO</i>
2.	<ul style="list-style-type: none"> • The <i>DSO</i> must make a recommendation to the Station Deciding Authority in terms of the information received from the <i>CIO</i> for the limitation or variation of conditions which must address the following issues: <ul style="list-style-type: none"> - The relation between the crime trend and the <i>Second-Hand Goods</i> environment; - An explanation on how the varying or limiting of conditions of a 	<ul style="list-style-type: none"> ✓ <i>DSO</i> Recommendation Report 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

	<p>Second-Hand Goods Dealer or Recycler Registration will address the crime trend;</p> <ul style="list-style-type: none"> - What type of limitation/variation will be placed; and - The time frame of the conditions (which must not be more than 3 months at a time). 		
3.	<ul style="list-style-type: none"> • The DSO must open a Z20 - Enquiry Sub-File in which the Crime Pattern Analysis (CPA), the DSO's Recommendation Report together with any other supporting documentation or evidence must be filed in order to give the Station Deciding Authority enough information to make an informed decision. • The Z20 – Enquiry Sub-File must be submitted to the Station Deciding Authority. • The Station Deciding Authority must decide on whether to limit or vary conditions of Dealers or Recyclers based on the content of the Z20 - Enquiry Sub-File. The Station Deciding Authority must identify the category of Second-Hand Goods Dealers in the precinct that may have an impact on the crime trends identified. 	<ul style="list-style-type: none"> ✓ Section 9(2). ✓ Z20 – Enquiry Sub-File ✓ Notice of Intention to Vary or Limit conditions. 	<ul style="list-style-type: none"> ✓ Station Deciding Authority
4.	<ul style="list-style-type: none"> • In the event that the Station Deciding Authority <u>DOES CONCUR</u> with the DSO's Recommendation Report <u>NOT</u> to Limit or Vary the Conditions of a Dealer or Recycler's Registration, the Station Deciding Authority must indicate that he or she is in agreement by commenting, signing and date stamping the Recommendation Report of the DSO. • The Z20 Enquiry Sub-File must be reverted back to the DSO who will archive the documents under Second-Hand Goods (General Correspondence) – the process is then deemed to be finalized. • In the event that the Station Deciding Authority <u>DOES NOT CONCUR</u> with the DSO's Recommendation Report <u>NOT</u> to Limit or Vary the Conditions of a Dealer or Recycler, the Station Deciding Authority must indicate "in red ink" that he or she is <u>NOT</u> in agreement by commenting, signing and date stamping 	<ul style="list-style-type: none"> ✓ Section 6(2), 39 and 42(3) ✓ SAPS 601. ✓ Notice of Intention to Vary or Limit conditions. 	<ul style="list-style-type: none"> ✓ Station Deciding Authority

	the Recommendation Report of the DSO.		
5.	<ul style="list-style-type: none"> In the event that the Station Deciding Authority <u>DOES NOT CONCUR</u> with the DSO's Recommendation Report TO LIMIT OR VARY THE CONDITIONS of a Dealer or Recycler then the Station Deciding Authority must indicate "in red ink" that he or she is <u>NOT</u> in agreement by commenting, signing and date stamping the Recommendation Report of the DSO. The Z20 - Enquiry Sub-File must then be reverted back to the DSO who will archive the documents under Second-Hand Goods (General Correspondence) – the process is then deemed to be finalized. In the event that the Station Deciding Authority <u>DOES CONCUR</u> with the DSO's Recommendation Report TO LIMIT OR VARY THE CONDITIONS of a Dealer or Recycler then the Station Deciding Authority must indicate that he or she is in agreement by commenting, signing and date stamping the Recommendation Report of the DSO. The Z20 – Enquiry Sub-File must be sent back to the DSO. Complete the SAPS 21 – Notice of Intent to Limit or Vary Conditions. This notice must include the reasons for the intention to limit or vary the conditions. 	<ul style="list-style-type: none"> ✓ SAPS 21 - Notice of Intention to Vary or Limit conditions. ✓ Z20 Enquiry Sub-File 	✓ DSO
6.	<ul style="list-style-type: none"> The DSO must retrieve the Z20 - Dealer or Recycler Files of the businesses that are going to be affected by the Station Deciding Authority's intention to impose a limitation or variation in conditions, and update the SAPS 5. The prepared SAPS 21 - Notice(s) of Intention to Limit or Vary Conditions must then be submitted to the Station Deciding Authority for signature. 	<ul style="list-style-type: none"> ✓ SAPS 601 (a) and/or (b) ✓ SAPS 21 - Notice of Intention to Vary or Limit conditions. 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ DSO
7.	<ul style="list-style-type: none"> If the Station Deciding Authority is still satisfied that the information constitutes the Limitation or Variation of Conditions, the SAPS 21 - Notice of Intention to Limit or Vary Conditions must be signed by him or her. 	<ul style="list-style-type: none"> ✓ SAPS 21 - Notice of Intention to Vary or Limit conditions. 	✓ Station Deciding Authority
8.	<ul style="list-style-type: none"> The DSO must complete an SAPS 606 Return of Service 	<ul style="list-style-type: none"> ✓ Z20 Dealer or 	✓ DSO

	<ul style="list-style-type: none"> The <i>DSO</i> must serve the Notice of Intention to Limit or Vary Conditions on the <i>Responsible person</i> of the affected <i>Dealer</i> or <i>Recycler's</i> business. The Notice and reasons must be explained to the <i>Responsible person</i> as well as his or her rights to make Written Representations within thirty (30) days of receiving the Notice should he or she want to contest the Intention to Limit or Vary Conditions by the Station Deciding Authority. The <i>Responsible person</i> must sign the SAPS 606 Return of Service, acknowledging receipt of the SAPS 21 - Notice of Intention to Limit or Vary Conditions of a <i>Dealer</i> or <i>Recycler</i>. The <i>DSO</i> must then file the SAPS 606 Return of Service and a copy of the Notice(s) of Intention to Limit or Vary Conditions in the Z20 - <i>Dealer</i> or <i>Recycler</i> File(s). The Z20 - <i>Dealer</i> or <i>Recycler</i> File(s) must be brought forward thirty (30) days after the date of service of the Notice(s) on the <i>Dealer(s)</i> or <i>Recycler(s)</i> in order to check whether a <i>Dealer</i> or <i>Recycler</i> have submitted Written Representations. 	<i>Recycler</i> File ✓ SAPS 606	
9.	<ul style="list-style-type: none"> The <i>DSO</i> must ensure that all relevant <i>Second-Hand Goods</i> related records and/or systems are continuously updated before final issuing of the <i>Second-Hand Goods dealers</i> or <i>recyclers</i> certificate. 	✓ <i>SHGCS</i> ✓ SAPS 603	✓ <i>DSO</i>

(6) Notification of Intent

Any administrative process conducted, or any decision taken in terms of this Act must be conducted or taken in accordance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) unless otherwise provided for in this Act.

(a) Form of Notification

When notifying an *Applicant*, *Dealer* and/or *Recycler* of an administrative action which materially affects the rights or legitimate expectation of any person, such notice must be procedurally fair and should have at least the following elements:

- (i) Adequate notice of the nature and purpose of the proposed administrative action;
- (ii) Reasonable opportunity to make representations;
- (iii) Clear statement of the administrative action;
- (iv) Adequate notice of any right of review or internal appeal (where applicable); and
- (v) Adequate notice of the right to request reasons for the decision.

(b) Notice of Intent

The following Notices of Intent are addressed in the Act:

- (i) Notice of intention to refuse;
- (ii) Notice of intention to limit or vary conditions;
- (iii) Notice of intention to cancel registration; and
- (iv) Notice of intention not to amend.

(c) Thirty (30) Days Rule

Before refusing an application, limiting or varying conditions or cancelling registration, the Deciding Authority must:

- (i) Give the *Applicant, Dealer or Recycler* written notice of the intended decision;
- (ii) Give the *Applicant, Dealer or Recycler* thirty (30) days to submit written representations as to why the National Commissioner should not make the intended decision; and
- (iii) Duly consider any such representations and the facts pertaining to the matter.

(d) Final Notification

After consideration of the representations submitted by the *Applicant, Dealer or Recycler*, the Deciding Authority must make a final decision on the original application and the *DSO* must inform the *Applicant, Dealer or Recycler* in writing of any decision taken. Where the application was refused the *applicant* must be informed of the reasons for such refusal as well as his or her right to lodge an appeal against the decision. The SAPS 603 Register and/or *SHGCS* must be updated accordingly.

- (e) The following process must be followed during the Notification process:

NOTIFICATION OF INTENT			
The following procedures must be followed by the Designated <i>Second-Hand Goods Officer (DSO)</i> when issuing any Notifications of Intent to a <i>Dealer or Recycler</i> under the <i>Second-Hand Goods Act, 2009 (Act No 6 of 2009)</i> .			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> The Z20 <i>Dealer or Recycler</i> File must be forwarded to the Station Deciding Authority with a recommendation that an application is refused, the conditions be limited or varied or that registration be cancelled. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer or Recycler</i> File 	<ul style="list-style-type: none"> ✓ DSO
2.	In the event that an application is not recommended, or the Station Deciding Authority intends to limit or vary the conditions or wants to cancel registration, a Notice of Intention must be completed by the <i>DSO</i> under signature of the Station Deciding Authority. The Notice must include the reasons for the intended decision as well as the fact that the <i>applicant, dealer or recycler</i> has thirty (30) days to submit written representations as to why the National Commissioner should not make the intended decision.	<ul style="list-style-type: none"> ✓ Section 6(2) of the Act. ✓ SAPS 601. ✓ Notice of Intention. 	<ul style="list-style-type: none"> ✓ Station Deciding Authority
3.	<ul style="list-style-type: none"> The notice must be served on the <i>applicant, dealer or recycler</i> by the <u>DSO in person</u> and the Return of Service (confirmation that the notice was served) and a copy of the Notice must be filed in the relevant Z20 <i>Dealer</i> File. The applicable sections of the SAPS 603 and <i>Second-Hand Goods</i> System must be updated accordingly. The SAPS 603 Register must be completed as per the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ Section 35 and 36 of the Act ✓ SAPS 601. ✓ SAPS 603 Register ✓ Notice of Intention. ✓ SAPS 606. 	<ul style="list-style-type: none"> ✓ DSO
4.	<ul style="list-style-type: none"> The representations must be submitted by the <i>dealer or recycler</i> within thirty (30) days to the office of the <i>DSO</i>. Upon receipt of the representations, update the SAPS 603 and <i>Second-Hand Goods</i> System and submit the representations to the Station Deciding Authority. A legal opinion may be obtained from Cluster or Provincial Legal Services, if necessary. The Station Deciding Authority must make a final decision based on the outcome of the representations submitted by the <i>Dealer or Recycler</i> on the original 	<ul style="list-style-type: none"> ✓ Section 6(2) and 9(2) of the Act ✓ SAPS 603 ✓ Legal Opinion 	<ul style="list-style-type: none"> ✓ DSO ✓ Station Deciding Authority ✓ Prov Legal Services

	application, limitation or variation of conditions or cancellation of registration.		
5.	<ul style="list-style-type: none"> Where an application for registration has been refused, a Refusal Letter must be drafted by the <i>DSO</i> under signature of the Station Deciding Authority. The Refusal Letter must include the reasons for the decision as well as the right to appeal against the decision. In the event that the Station Deciding Authority approves the limitation or variation of conditions the <i>Z20 Dealer</i> or <i>Recycler</i> File must be returned to the <i>DSO</i> for the preparation of the SAPS 601 (a) (<i>Dealers Certificate</i>) or (b) (<i>Recycler Certificate</i>) after which the Station Deciding Authority must sign and date stamp the SAPS 601 (a) or (b) certificates on the designated area. The SAPS 601(a) and SAPS 601(b) must be completed as per the relevant Completion Instructions. The SAPS 601(a) and (b) certificates are completed in triplicate and must be issued as follows: The original must be issued to the <i>applicant</i>, the first copy must be filed in the <i>Z20 dealers</i> or <i>recyclers</i> file and the second copy must remain in the SAPS 601(a) or (b) book. The <i>DSO</i> must ensure that all previous <i>Second-Hand Goods</i> certificates in the possession of the <i>Second-Hand Goods Dealer</i> or <i>Recycler</i> are surrendered to the person who issues the Notice. The old certificates must be cancelled and filed in the <i>Z20 Dealers</i> or <i>Recyclers</i> File. The <i>DSO</i> must ensure that the signed SAPS 601 (a) or (b) certificate is handed over to the <i>applicant</i> and must ensure that the <i>applicant</i> sign the acknowledgement of receipt in the SAPS 603 Register. 	<ul style="list-style-type: none"> ✓ Section 6(3), 9(3) and 10(5) of the Act ✓ SAPS 601(a) and (b) ✓ SAPS 603 ✓ <i>Z20 Dealer</i> or <i>Recycler</i> File ✓ Completion Instructions ✓ Refusal letter 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ Station Deciding Authority ✓ <i>DSO</i>
6.	<ul style="list-style-type: none"> In the event that the Station Deciding Authority approves the cancellation of registration, a final Cancellation Notice must be issued to the <i>dealer</i> or <i>recycler</i> by the <i>DSO</i>, under signature of the Station Deciding Authority, informing the <i>Dealer</i> or <i>Recycler</i> of the reasons for cancellation as well as the right to appeal against the decision. The notice must be served on the <i>dealer</i> or <i>recycler</i> by the <i>DSO</i> in person and the SAPS 606 Return of Service must be filed in the relevant <i>Z20 Dealers</i> or <i>Recyclers</i> File. The applicable 	<ul style="list-style-type: none"> ✓ Section 35 and Section 36 of the Act ✓ SAPS 601(a) and (b) ✓ SAPS 603 ✓ <i>Z20 Dealer</i> or <i>Recycler</i> File 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ <i>DSO</i>

	<p>sections of the SAPS 603 register and <i>SHGCS</i> must be updated accordingly.</p> <ul style="list-style-type: none"> The <i>DSO</i> must ensure that all previous <i>Second-Hand Goods</i> certificates in the possession of the <i>Second-Hand Goods Dealer or Recycler</i> are surrendered to the person who issues the Notice. The old certificates must be cancelled and filed in the <i>Z20 Dealers or Recyclers File</i>. 	<ul style="list-style-type: none"> ✓ Completion Instructions ✓ Cancellation Notice ✓ SAPS 606 	
7.	<ul style="list-style-type: none"> In the event that the <i>SDA</i> refuse the amendment of information, a refusal letter must be drafted by the <i>DSO</i> under signature of the <i>SDA</i>. The refusal letter must include the reasons for the decision as well as the right to appeal against the decision. 	✓	✓
8.	<ul style="list-style-type: none"> The <i>DSO</i> must ensure that all relevant <i>Second-Hand Goods</i> related records and/or systems are continuously updated. 	<ul style="list-style-type: none"> ✓ <i>SHGCS</i> ✓ SAPS 603 	✓ <i>DSO</i>

(7) Representations Process

- (a) A refusal of any kind, in terms of the Act, must be preceded by a Notification of Intent. This Notification must be served on the *Dealer or Recycler* and allow the *Dealer or Recycler* to make written representations within 30 days after receipt of a Notification of Intent, in order to motivate why such refusal should not be considered.
- (b) Representations may be submitted by a *Dealer or Recycler* in response to any of the following in terms of the Act:
- Intended refusal of an application for Registration;
 - Intended cancellation of existing Registration;
 - Intended limitation or variation of conditions; and
 - Intention not to amend *Dealer or Recycler* information.
- (c) Any written representations must be duly processed and considered before a final decision is made by the Deciding Authority.
- (d) The following process must be followed during the Representation process:

Representations			
The following procedures must be followed by the <i>Designated Second-Hand Goods Officer (DSO)</i> when a Written Representation is received under the <i>Second-Hand Goods Act, 2009 (Act No 6 of 2009)</i> .			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> • The <i>DSO</i> must record the SAPS 608(b) Representation, on receipt thereof, in the SAPS 603 Register (Register for Received Second-Hand Goods Documentation). The SAPS 603 Register must be completed as per the relevant Completion Instructions. • The <i>DSO</i> must capture the entire SAPS 608(b) Representation on the <i>SHGCS</i> (if available) and the System generated reference number must be entered in the SAPS 603 Register as well as on the SAPS 608(b). • The applicable SAPS 603 Register reference number must be recorded in the appropriate space allocated on the SAPS 608(b) Notice of Representation 	<ul style="list-style-type: none"> ✓ SAPS 608(b) ✓ SAPS 603 	✓ <i>DSO</i>
2.	<ul style="list-style-type: none"> • The <i>DSO</i> must issue an SAPS 601(c) (Acknowledgement of Receipt of Second-Hand Goods Documentation) to the <i>applicant</i> on receipt of the Representations. 	✓ SAPS 601(c)	✓ <i>DSO</i>
3.	<ul style="list-style-type: none"> • The <i>DSO</i> must file the SAPS 608 (b) Representations as well as all supporting documentation in the existing Z20 <i>Dealer</i> or <i>Recycler</i> File. 	<ul style="list-style-type: none"> ✓ SAPS 608(b) ✓ Z20 <i>Dealer</i> or <i>Recycler</i> File 	✓ <i>DSO</i>
4.	<ul style="list-style-type: none"> • The <i>DSO</i> must determine the complexity of the Representations and if a need arise, forward the Representations to the Provincial Legal Services, requesting a legal opinion on the Representations. 	✓ Written Representations	✓ <i>DSO</i>
5.	<ul style="list-style-type: none"> • Legal Service will assess the content of the Representations and render a legal opinion. 	<ul style="list-style-type: none"> ✓ Legal Opinion ✓ Written Representations 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Prov Legal Officer
6.	<ul style="list-style-type: none"> • The <i>DSO</i> will receive the Representations and legal opinion (if applicable) and make a recommendation based on the content of the 	✓ Legal Opinion	✓ <i>DSO</i>

	representations and the legal opinion received.	✓ Written Representations	
7.	<ul style="list-style-type: none"> The Z20 Dealer or Recycler File containing the recommendation, Legal Opinion (if applicable) as well as the written representations and supporting documentation must be submitted to the Station Deciding Authority for final consideration. Should the Station Deciding Authority not concur with any recommendation submitted to him or her, the reasons for not concurring must be noted with red ink in the relevant section on the SAPS 608(b). The Station Deciding Authority concurs with the recommendation by appending his or her signature and date stamp at the recommendation. 	<ul style="list-style-type: none"> ✓ Z20 Dealer or Recycler File ✓ Recommendation Report ✓ Legal Opinion ✓ Written Representations 	<ul style="list-style-type: none"> ✓ DSO ✓ Station Deciding Authority
8.	<ul style="list-style-type: none"> On receipt of the Z20 Dealer or Recycler File back from the Station Deciding Authority, the DSO must determine if the Representations was considered in favour of the Dealer or Recycler (the Station Deciding Authority upheld the Representations) or refused the representations (did not uphold the representations). 	✓ SAPS 608(b)	✓ DSO
9.	<ul style="list-style-type: none"> Where the Written Representations was upheld (approved) by the Station Deciding Authority the DSO must compile a letter addressed to the Dealer or Recycler whereby the applicant is informed of the fact that the Written Representations was upheld. The Z20 Dealer or Recycler File containing the letter of outcome must be submitted to the Station Deciding Authority who signs and date must stamp the Letter after which the DSO must duly serve the letter on the Dealer or Recycler by means of a SAPS 606 – Return of Service. The DSO must complete and serve a copy of the Letter of Outcome by means of a SAPS 606 on the applicant or responsible person. The applicant or responsible person must sign the SAPS 606 as acknowledgement of receipt of the Letter of Outcome. 	<ul style="list-style-type: none"> ✓ Letter of outcome of Written Representations ✓ SAPS 606 ✓ Z20 Dealer or Recycler File 	<ul style="list-style-type: none"> ✓ DSO ✓ Station Deciding Authority

	<ul style="list-style-type: none"> The <i>DSO</i> must update the SAPS 603 Register as well as the Second-Hand Goods Control System (if available) before serving the Letter of Outcome on the <i>applicant</i> or <i>responsible person</i>. The letter of outcome as well as the signed Return of Service must be filed in the relevant Z20 <i>Dealer</i> or <i>Recycler</i> File. 		
10.	<ul style="list-style-type: none"> The <i>DSO</i> must comply with the following where the <i>Dealer</i> or <i>Recycler</i> (<i>applicant</i>) did not submit any Written Representations or where the Written Representations was not upheld (refused) by the Station Deciding Authority : <ul style="list-style-type: none"> Depending on the type of application or notification (new application, notification to change information, etc.) submitted by the <i>Dealer</i> or <i>Recycler</i>, the <i>DSO</i> must compile either a Final Refusal Letter, Final Notice of Cancellation or a Final Notice of Limitation or Variation of Conditions. Should a <i>Dealer</i> or <i>Recycler</i> applied for change of information, a letter of confirmation that the change of information was not carried out, must be compiled. The applicable documentation (Refusal Letter, Final Cancellation Notice, etc.) must be filed on the relevant Z20 <i>Dealer</i> or <i>Recycler</i> File after which the file must be forwarded to the Station Deciding Authority. The Station Deciding Authority must sign and date stamp the applicable documentation. The <i>DSO</i> must duly serve the applicable documentation by means of a SAPS 606 – Return of Service. The <i>DSO</i> must complete and serve a copy of the applicable documentation by means of a SAPS 606 on the <i>applicant</i> or <i>responsible person</i>. The <i>applicant</i> or <i>responsible person</i> must sign the SAPS 606 as acknowledgement of receipt of the applicable documentation. The <i>DSO</i> must update the SAPS 603 Register as well as the Second-Hand Goods Control System (if available) 	<ul style="list-style-type: none"> ✓ Final Refusal Letter ✓ Final Notice of Cancellation ✓ Final Notice of Limitation or Variation of Conditions ✓ SAPS 606 ✓ Z20 <i>Dealer</i> or <i>Recycler</i> File 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Station Deciding Authority

	<p>before serving the applicable documentation on the <i>applicant</i> or <i>responsible person</i>.</p> <ul style="list-style-type: none"> The signed Return of Service and relevant document must be filed in the Z20 <i>Dealer or Recycler</i> File. 		
11.	<ul style="list-style-type: none"> The <i>DSO</i> must comply with the following where the Written Representations was not upheld (refused) and a final Cancellation Notice must be served on the <i>Dealer</i> or <i>Recycler</i>: <ul style="list-style-type: none"> The <i>DSO</i> MUST conduct a physical inspection of the <i>Dealer</i> or <i>Recycler</i> business <i>premises</i> to ensure that all business activities have ceased. The <i>Dealer</i> or <i>Recycler</i> Register must be closed off in order to prevent further trading in second-hand <i>goods</i>. The <i>DSO</i> must collect the original <i>Dealer</i> or <i>Recycler</i> Certificate(s) as well as a copy of the <i>Dealer</i> or <i>Recycler</i> records (<i>registers</i> or <i>database</i>) and must make an entry in the SAPS 607 Visitation Register kept at the <i>Dealer</i>. 	<ul style="list-style-type: none"> ✓ <i>Dealer</i> or <i>Recycler</i> Register(s) ✓ <i>Dealer</i> or <i>Recycler</i> Database ✓ SAPS 607 Visitation Register ✓ SAPS 601(a) ✓ SAPS 601(b) 	✓ <i>DSO</i>
12.	<ul style="list-style-type: none"> The <i>DSO</i> must ensure that all relevant Second-Hand <i>Goods</i> related records or Second-Hand <i>Goods</i> System are updated continuously. 	<ul style="list-style-type: none"> ✓ <i>SHGCS</i> ✓ SAPS 603 	✓ <i>DSO</i>

(8) Condonation and Extension of Time Processes

In terms of Section 39 of the Act the National Commissioner may, on good cause shown and on grounds which are not in conflict with the objectives of the Act, condone any disqualification contemplated in Section 14 of the Act or extend any period contemplated in the Act.

(a) Condonation

- (i) A *person* is disqualified from being registered as a *dealer* if such a *person* is disqualified in terms of Section 14 of the Act.
- (ii) The people referred to in par. 5(8)(a)(i) supra, may include a major shareholder in a *company*, *close corporation*, a partner in a partnership or the beneficiary of a trust.

- (ii) Any *person* who is disqualified from being registered as a *Dealer or Recycler* may apply for Condonation of any or all disqualification(s).
- (iii) A Condonation application is made on a SAPS 608(c) – Application for Condonation or Extension of Time form (“SAPS 608(c)”), to the National *Second-Hand Goods* Office by the station *DSO* via the Provincial *FLASH* office.
- (iv) The following documentation must be provided to the National *Second-Hand Goods* Office:
- The original SAPS 608(c) Condonation Application and supporting documents;
 - The original Background Report with recommendations; and
 - Copies of all the content of the Z20 *Dealer or Recycler* File.
- (b) Extension of Time
- (i) The National Commissioner may, on good cause shown and on grounds which are not in conflict with the objectives of the Act, extend any period contemplated in the Act.
- (ii) A *Dealer or Recycler* may for example apply for the extension of time regarding the late Renewal of his or her Registration Certificate (as per Section 11 (1) of the Act).
- (iii) An application for the extension of time must be made on a SAPS 608(c) – Application for Condonation or Extension of Time (“SAPS 608(c)”), to the Provincial *FLASH* Office through the office of the relevant station *DSO*.
- (iv) A The following documentation must be provided to the Provincial *FLASH* Office:
- The original SAPS 608(c) Extension of Time Application and supporting documents;
 - The original Background Report with recommendations; and
 - Copies of all the content of the Z20 *Dealer or Recycler* File.

- (iv) Where an Extension of time application was approved, it will be deemed as if an Application or Notification was submitted in time
- (c) The following process must be followed during the Condonation process:

CONDONATION			
The following procedures must be followed by the Designated <i>Second-Hand Goods Officer (DSO)</i> when an application for Condonation is dealt with under the <i>Second-Hand Goods Act, 2009 (Act No 6 of 2009)</i> .			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> • The SAPS 608(c) – Application for Condonation or Extension of Time (“SAPS 608(c)”) must be submitted by the <i>applicant</i> to the <i>DSO</i> in which precinct his or her business is situated. • The <i>DSO</i> needs to determine whether the <i>Dealer or Recycler</i> is able to: <ul style="list-style-type: none"> - understand English; - understand the content of the SAPS 608(c) Application for Condonation or Extension of Time; and - Whether the <i>applicant</i> can complete the applicable form in English. • Should the <i>Dealer or Recycler</i> have difficulty with any of the three instances above, the <i>DSO</i> must <i>acquire</i> the services of an internal or external interpreter to explain and assist in completing the SAPS 608(c) Application for Condonation or Extension of Time. All costs for interpretation services must be borne by the South African Police Service. 	<ul style="list-style-type: none"> ✓ Section 34 of the Act. ✓ SAPS 608(c) ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>Applicant</i> ✓ <i>DSO</i>
2.	<ul style="list-style-type: none"> • The <i>DSO</i> must record the application in the SAPS 603 - Register for Received <i>Second-Hand Goods</i> Documentation (“SAPS 603”). The SAPS 603 Register must be completed as per the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 603. ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
3.	<ul style="list-style-type: none"> • The <i>DSO</i> must capture the entire SAPS 608(c) Application for Condonation or Extension of Time on the <i>SHGCS</i> (if available) and the System generated reference number must be entered in the SAPS 603 Register as well as on the SAPS 608(c). 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ SAPS 603. ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>

4.	<ul style="list-style-type: none"> The applicable SAPS 603 reference number must be recorded in the appropriate space allocated on the SAPS 608(c) Application for Condonation or Extension of Time. 	<ul style="list-style-type: none"> ✓ SAPS 603. ✓ SAPS 608(c) ✓ Completion Instructions 	✓ DSO
5.	<ul style="list-style-type: none"> The DSO must issue an SAPS 601(c) - Acknowledgement of Receipt of <i>Second-Hand Goods</i> Documentation ("SAPS 601(c)") to the <i>applicant</i> on receipt of the SAPS 608(c) Application for Condonation or Extension of Time. 	<ul style="list-style-type: none"> ✓ SAPS 601(c) ✓ Completion Instructions 	✓ DSO
6.	<ul style="list-style-type: none"> The DSO must compile a report on the facts contained in the SAPS 608(c) Application for Condonation or Extension of Time and the Station Deciding Authority must make a recommendation thereupon. 	<ul style="list-style-type: none"> ✓ DSO Report ✓ Deciding Authority Recommendation 	<ul style="list-style-type: none"> ✓ DSO ✓ Station Deciding Authority
7.	<ul style="list-style-type: none"> The DSO must update the SAPS 603 Register as well as the <i>Second-Hand Goods</i> Control System (if available) before forwarding the SAPS 608(c) Application for Condonation or Extension of Time to the National <i>Second-Hand Goods</i> Control Office. 	<ul style="list-style-type: none"> ✓ SAPS 603 Register ✓ SHGCS 	✓ DSO
8.	<ul style="list-style-type: none"> The DSO must forward the SAPS 608(c) Application for Condonation or Extension of Time and all supporting documents to the National <i>Second-Hand Goods</i> Control Office for processing. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ DSO Report 	✓ DSO
9.	<ul style="list-style-type: none"> The National <i>FLASH</i> office MUST issue an acknowledgement of receipt to the police station upon receipt of the SAPS 608(c) Application for Condonation or Extension of Time. Acknowledgement of receipt must be executed on the <i>SHGCS</i> as well as by means of the issuing of an SAPS 601(c) Acknowledgement of Receipt. 	<ul style="list-style-type: none"> ✓ SHGCS ✓ SAPS 601(c) 	✓ Nat DSO
10.	<ul style="list-style-type: none"> The DSO at the National <i>Second-Hand Goods</i> Control Office must open a Z20 Condonation File for the application with reference number 25/13/2, followed by the application register number in brackets. [e.g. 25/13/2 (001/2012)]. The mentioned reference number must be written in the "Lêer – File No." block on the front cover of the Z20. The name of the business must be written in the "Onderwerp – Subject" block together with the SAPS 603 	<ul style="list-style-type: none"> ✓ Z20 Condonation File ✓ SAPS 5 	✓ Nat DSO

	<p>Application Register reference number as well as the <i>SHGCS</i> reference number. The application must be filed in the Z20 Condonation File.</p> <ul style="list-style-type: none"> • An SAPS 5 Investigation Diary must be attached to the inside of the Z20 Condonation File to record all activities and incidents. • The <i>DSO</i> at the National <i>Second-Hand Goods</i> Control Office must file the SAPS 608(c) application for Condonation or Extension of Time and all relevant supporting documents in the Z20 Condonation File. 		
11.	<ul style="list-style-type: none"> • The National <i>DSO</i> must forward the Z20 Condonation File with all relevant documentation to National Legal Services for purpose of obtaining a legal opinion on the facts contained in the SAPS 608(c) Application for Condonation or Extension of Time. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Z20 Condonation File ✓ 	✓ Nat <i>DSO</i>
12.	<ul style="list-style-type: none"> • The responsible Legal Officer at National Legal Service must provide a legal opinion on the facts as contained in the SAPS 608(c) Application for Condonation or Extension of Time. • After providing a legal opinion, the Legal Officer at National Legal Services must send the Z20 Condonation File, containing all relevant documentation, back to the <i>DSO</i> at the National <i>Second-Hand Goods</i> Control Office for further processing. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Nat Legal Opinion ✓ Z20 Condonation File 	✓ Nat Legal Officer
13.	<ul style="list-style-type: none"> • The <i>DSO</i> at National Level must receive back the SAPS 608(c) Application for Condonation or Extension of Time containing the Legal Opinion. • The <i>DSO</i> at National Level must take the content of the SAPS 608(c) Application for Condonation or Extension of Time as well as the Legal Opinion into consideration and make a recommendation thereon. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Nat Legal Opinion 	✓ Nat <i>DSO</i>
14.	<ul style="list-style-type: none"> • The National <i>DSO</i> must forward the Z20 Condonation File, containing the SAPS 608(c) Application for Condonation or Extension of Time and all other relevant documents, to the National Deciding Authority for a decision to be taken to approve or refuse the SAPS 608(c) Application for Condonation or Extension of Time. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Nat Legal Opinion 	<ul style="list-style-type: none"> ✓ Nat <i>DSO</i> ✓ Nat Deciding Authority

15.	<ul style="list-style-type: none"> The National Deciding Authority must duly consider the SAPS 608(c) Application for Condonation or Extension of Time after taking all supporting documents into consideration in order to make an informed decision. In the event that the National Deciding Authority is in agreement with the recommendation of the National DSO, he or she must indicate his or her agreement by signing and date stamping the SAPS 608(c) Application for Condonation or Extension of Time. In the event that the National Deciding Authority does not concur with the recommendation of the National DSO, he or she must indicate his or her reasons for disagreement on the SAPS 608(c) Application for Condonation or Extension of Time in red ink. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Nat DSO Recommendation ✓ Nat Legal Opinion 	<ul style="list-style-type: none"> ✓ Nat Deciding Authority
16.	<ul style="list-style-type: none"> In the event that the SAPS 608(c) Application for Condonation or Extension of Time was approved, the National DSO must draft a Letter of Outcome of Condonation Application in order to inform the <i>applicant</i> as well as the relevant DSO. In the event that the SAPS 608(c) Application for Condonation or Extension of Time was refused, the National DSO must draft a Letter of Outcome of Condonation Application, stating the reasons for refusal and informing the <i>applicant</i> that he or she has thirty (30) days to Appeal the decision of the National Deciding Authority in terms of Section 33 of the Act. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Legal Opinion ✓ Letter of Outcome 	<ul style="list-style-type: none"> ✓ Nat DSO
17.	<ul style="list-style-type: none"> The National DSO must ensure that the National Deciding Authority signs and date stamps the Letter of Outcome of Condonation Application which will inform the <i>applicant</i> of the refusal or approval of his or her SAPS 608(c) Application for Condonation or Extension of Time. The National DSO must forward the Letter of Outcome to the relevant DSO at station level in order for the Letter of Outcome to be served on the <i>applicant</i>. 	<ul style="list-style-type: none"> ✓ Letter of Outcome 	<ul style="list-style-type: none"> ✓ National Deciding Authority ✓ Nat DSO
18.	<ul style="list-style-type: none"> Upon receipt of the Letter of Outcome of the Condonation application, the DSO must retrieve the original Z20 	<ul style="list-style-type: none"> ✓ SAPS 601(a) and (b) 	<ul style="list-style-type: none"> ✓ Station Deciding Authority

	<p><i>Dealer or Recycler</i> File, file a copy of the Letter of Outcome on the Z20 <i>Dealer or Recycler</i> File and forward the application of registration or appointment of a <i>responsible person</i> to the Station Deciding Authority for final consideration.</p> <ul style="list-style-type: none"> • The <i>DSO</i> must complete and serve a copy of the Letter of Outcome of Condonation Application by means of a SAPS 606 on the <i>applicant</i> or <i>responsible person</i>. • The <i>applicant</i> or <i>responsible person</i> must sign the SAPS 606 as acknowledgement of receipt of the Letter of Outcome of Condonation Application. • The <i>DSO</i> must update the SAPS 603 Register as well as the <i>Second-Hand Goods</i> Control System (if available) before serving the Letter of Outcome of Condonation Application on the <i>applicant</i> or <i>responsible person</i>. • The <i>DSO</i> must forward a signed SAPS 606 Return of Service to the National <i>Second-Hand Goods</i> Office as proof that the Letter of Outcome of Condonation Application was served on and received by the <i>applicant</i>. The National <i>DSO</i> must file the SAPS 606 in the Z20 Condonation File. • The <i>DSO</i> must file the signed copy of the SAPS 606 as well as a copy of the Letter of Outcome of the Condonation application in the relevant Z20 <i>Dealer or Recycler</i> file. The applicable columns of the SAPS 603 and <i>Second-Hand Goods</i> System must be updated accordingly. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 606 ✓ Z20 <i>Dealer or Recycler</i> File ✓ Refusal letter ✓ Letter of Outcome 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
19.	<ul style="list-style-type: none"> • The Z20 <i>Dealer or Recycler</i> file must be forwarded to the Station Deciding Authority who must make a final consideration on the application for registration or change of <i>responsible person</i> in light of the outcome of the condonation application. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer or Recycler</i> File ✓ SAPS 604 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Station Deciding Authority
20.	<ul style="list-style-type: none"> • The <i>DSO</i> must ensure that all relevant <i>Second-Hand Goods</i> related records and/or systems are continuously updated. 	<ul style="list-style-type: none"> ✓ <i>SHGCS</i> ✓ SAPS 603 Register ✓ SAPS 5 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

(d) The following process must be followed during the Extension of

Time process:

EXTENSION OF TIME			
The following procedures must be followed by the Designated <i>Second-Hand Goods Officer (DSO)</i> when an application for Extension of Time is dealt with under the <i>Second-Hand Goods Act, 2009 (Act No 6 of 2009)</i> .			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> • The SAPS 608(c) – Application for Condonation or Extension of Time (“SAPS 608(c)”) must be submitted by the <i>applicant</i> to the <i>DSO</i> in which precinct his or her business is situated in. • The <i>DSO</i> needs to determine whether the <i>Dealer or Recycler</i> is able to: <ul style="list-style-type: none"> - understand English; - understand the content of the SAPS 608(c) Application for Condonation or Extension of Time; and - Whether the <i>applicant</i> can complete the applicable form in English. • Should the <i>Dealer or Recycler</i> have difficulty with any of the three instances above, the <i>DSO</i> must <i>acquire</i> the services of an internal or external interpreter to explain and assist in completing the SAPS 608(c) Application for Condonation or Extension of Time. All costs for interpretation services must be borne by the South African Police Service. 	<ul style="list-style-type: none"> ✓ Section 34 of the Act. ✓ SAPS 608(c) ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>Applicant</i> ✓ <i>DSO</i>
2.	<ul style="list-style-type: none"> • The <i>DSO</i> must record the SAPS 608(c) Application for Condonation or Extension of Time in the SAPS 603 - Register for Received <i>Second-Hand Goods</i> Documentation (“SAPS 603”). The SAPS 603 Register must be completed as per the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 603. ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
3.	<ul style="list-style-type: none"> • The <i>DSO</i> must capture the entire SAPS 608(c) Application for Condonation or Extension of Time on the <i>SHGCS</i> (if available) and the System generated reference number must be entered in the SAPS 603 Register as well as on the SAPS 608(c) Application for Condonation or Extension of Time. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ SAPS 603. ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
4.	<ul style="list-style-type: none"> • The applicable SAPS 603 Register and reference number must be recorded in the appropriate space allocated on the 	<ul style="list-style-type: none"> ✓ SAPS 603. ✓ SAPS 608(c) 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

	SAPS 608(c) Application for Condonation or Extension of Time.	✓ Completion Instructions	
5.	<ul style="list-style-type: none"> The <i>DSO</i> must issue an SAPS 601(c) - Acknowledgement of Receipt of <i>Second-Hand Goods</i> Documentation ("SAPS 601(c)") to the <i>applicant</i> on receipt of the SAPS 608(c) Application for Condonation or Extension of Time. 	<ul style="list-style-type: none"> ✓ SAPS 601(c) ✓ Completion Instructions 	✓ <i>DSO</i>
6.	<ul style="list-style-type: none"> The <i>DSO</i> must compile a report on the facts contained in the SAPS 608(c) Application for Condonation or Extension of Time and the Station Deciding Authority must make a recommendation there- upon. 	<ul style="list-style-type: none"> ✓ SAPS 601(c) ✓ <i>DSO</i> Report ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Station Deciding Authority
7.	<ul style="list-style-type: none"> The <i>DSO</i> must update the SAPS 603 Register as well as the <i>SHGCS</i> (if available) before forwarding the SAPS 608(c) Application for Condonation or Extension of Time to the Provincial <i>FLASH</i> Office. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ <i>SHGCS</i> ✓ SAPS 608(c) 	✓ <i>DSO</i>
8.	<ul style="list-style-type: none"> The <i>DSO</i> must forward the SAPS 608(c) Application for Condonation or Extension of Time and all supporting documents to the Provincial <i>FLASH</i> Office for processing. 	✓ SAPS 608(c)	✓ <i>DSO</i>
9.	<ul style="list-style-type: none"> The Provincial <i>FLASH</i> office MUST issue an acknowledgement of receipt to the police station upon receipt of the SAPS 608(c) Application for Condonation or Extension of Time. Acknowledgement of receipt must be executed on the <i>SHGCS</i> as well as by means of the issuing of an SAPS 601(c) Acknowledgement of Receipt. 	<ul style="list-style-type: none"> ✓ SAPS 601(c) ✓ SAPS 608(c) ✓ <i>SHGCS</i> 	<ul style="list-style-type: none"> ✓ Prov <i>DSO</i> ✓ Prov <i>DSO</i> Clerk
10.	<ul style="list-style-type: none"> The <i>DSO</i> at the Provincial <i>Second-Hand Goods</i> Control Office must open a Z20 Extension of Time File for the application with reference number 25/13/2, followed by the application register number in brackets. [e.g. 25/13/2 (001/2012)]. The mentioned reference number must be written in the "Lêer – File No." block on the front cover of the Z20. The name of the business must be written in the "Onderwerp – Subject" block together with the SAPS 603 Application Register reference number as well as the <i>SHGCS</i> reference number. The application must be filed in the Z20 Extension of Time File. 	<ul style="list-style-type: none"> ✓ Z20 Extension of Time File ✓ SAPS 5 	<ul style="list-style-type: none"> ✓ Prov <i>DSO</i> ✓ Prov <i>DSO</i> Clerk

	<ul style="list-style-type: none"> An SAPS 5 Investigation Diary must be attached to the inside of the Z20 Extension of Time File to record all activities and incidents. 		
11.	<ul style="list-style-type: none"> The Provincial DSO must determine the complexity of the SAPS 608(c) Application for Condonation or Extension of Time and if required forward the Z20 Extension of Time File with all relevant documentation to Provincial Legal Services for purpose of obtaining a legal opinion on the facts contained in the SAPS 608(c) Application for Condonation or Extension of Time. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Z20 Extension of Time File 	<ul style="list-style-type: none"> ✓ Prov DSO
12.	<ul style="list-style-type: none"> The responsible Legal Officer at Provincial Legal Service must provide a legal opinion on the facts as contained in the SAPS 608(c) Application for Condonation or Extension of Time. After providing a legal opinion, the Legal Officer at Provincial Legal Services must send the Z20 Extension of Time File, containing all relevant documentation, back to the Provincial DSO for further processing. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Prov Legal Opinion ✓ Z20 Extension of Time File 	<ul style="list-style-type: none"> ✓ Prov Legal Officer
13.	<ul style="list-style-type: none"> The DSO at Provincial Level must receive back the SAPS 608(c) Application for Condonation or Extension of Time containing the Legal Opinion. The DSO at Provincial Level must take the content of the SAPS 608(c) Application for Condonation or Extension of Time as well as the Legal Opinion into consideration and make a recommendation thereon. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) Prov Legal Opinion 	<ul style="list-style-type: none"> ✓ Prov DSO
14.	<ul style="list-style-type: none"> The Provincial DSO must forward the Z20 Extension of Time File, containing the SAPS 608(c) Extension of Time Application and all other relevant documents, to the Provincial Deciding Authority for a decision to be taken to either approve or refuse the SAPS 608(c) Application for Condonation or Extension of Time. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Prov Legal Opinion 	<ul style="list-style-type: none"> ✓ Prov DSO ✓ Prov Deciding Authority
15.	<ul style="list-style-type: none"> The Provincial Deciding Authority must duly consider the SAPS 608(c) Application for Condonation or Extension of Time after taking all supporting documents into consideration in order to make an informed decision. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Prov DSO Recommendation ✓ Prov Legal Opinion 	<ul style="list-style-type: none"> ✓ Prov Deciding Authority

	<ul style="list-style-type: none"> In the event that the Provincial Deciding Authority is in agreement with the recommendation of the Provincial <i>DSO</i>, he or she must indicate his or her agreement by signing and date stamping the SAPS 608(c) Application for Condonation or Extension of Time. In the event that the Provincial Deciding Authority does not concur with the recommendation of the Provincial <i>DSO</i>, he or she must indicate his or her reasons for disagreement on the SAPS 608(c) Application for Condonation or Extension of Time in red ink. 		
16.	<ul style="list-style-type: none"> In the event that the SAPS 608(c) Application for Condonation or Extension of Time was approved, the Provincial <i>DSO</i> must draft a Letter of Outcome of extension of time application in order to inform the <i>applicant</i>. In the event that the SAPS 608(c) Application for Condonation or Extension of Time was refused, the Provincial <i>DSO</i> must draft a Letter of Outcome of extension of time application, stating the reasons for refusal and informing the <i>applicant</i> that he or she has thirty (30) days to Appeal the decision of the Provincial Deciding Authority in terms of Section 33 of the Act. 	<ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Legal Opinion 	✓ Prov <i>DSO</i>
17.	<ul style="list-style-type: none"> The Provincial <i>DSO</i> must ensure that the Provincial Deciding Authority signs and date stamps the Letter of Outcome of extension of time application which will inform the <i>applicant</i> of the refusal or approval of his or her SAPS 608(c) Application for Condonation or Extension of Time. The Provincial <i>DSO</i> must forward the Letter of Outcome of Extension of Time application to the relevant <i>DSO</i> at station level in order for the Letter of Outcome to be served on the <i>applicant</i>. 	<ul style="list-style-type: none"> ✓ Letter of Outcome of extension of time application 	<ul style="list-style-type: none"> ✓ Provincial Deciding Authority ✓ Prov <i>DSO</i>
18.	<ul style="list-style-type: none"> Upon receipt of a Letter of Outcome of Extension of Time application, the <i>DSO</i> must retrieve the original Z20 <i>Dealer or Recycler</i> File; file a copy of the Letter of Outcome of Extension of Time application on the Z20 <i>Dealer or Recycler</i> File. The <i>DSO</i> must complete a SAPS 606 and serve a copy of the Letter of 	<ul style="list-style-type: none"> ✓ SAPS 601(a) and (b) ✓ SAPS 603 ✓ SAPS 606 ✓ Z20 <i>Dealer</i> or 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ <i>DSO</i>

	<p>Outcome of Extension of Time application on the <i>applicant</i> or <i>responsible person</i>.</p> <ul style="list-style-type: none"> • The <i>applicant</i> or <i>responsible person</i> must sign the SAPS 606 as acknowledgement of receipt of the Letter of Outcome of Extension of Time application. • The <i>DSO</i> must update the SAPS 603 Register as well as the <i>Second-Hand Goods</i> Control System (if available) before serving the Letter of Outcome of Extension of Time application on the <i>applicant</i> or <i>responsible person</i>. • The <i>DSO</i> must forward a signed SAPS 606 Return of Service to the Provincial <i>Second-Hand Goods</i> Office as proof that the Letter of Outcome of Extension of Time application was served on and received by the <i>applicant</i>. The Provincial <i>DSO</i> must file the SAPS 606 in the Z20 Extension of Time File. • The Z20 <i>Dealer</i> or <i>Recycler</i> file must be forwarded to the Station Deciding Authority who must make a final consideration on the Application or Notification originally submitted late by the <i>applicant</i>, in light of the outcome of the application for extension of time. 	<p>Recycler File</p> <ul style="list-style-type: none"> ✓ Refusal letter ✓ Letter of Outcome of extension of time application 	
19.	<ul style="list-style-type: none"> • The <i>DSO</i> must ensure that all relevant <i>Second-Hand Goods</i> related records and/or systems are continuously updated. 	<ul style="list-style-type: none"> ✓ SHGCS ✓ SAPS 603 	✓ <i>DSO</i>

(9) Termination and Cancellation of Registration

Section 10 of the Act provides that registration may either be terminated or cancelled under certain circumstances.

(a) Termination

- (i) Section 10 of the Act deals with the termination of registration as a *Second-Hand Goods Dealer* or *Recycler*. Termination of Registration is effected by a *Dealer* or *Recycler* him- or herself (own choice) or by means of expiry of the Registration Certificate without applying for Renewal thereof, in which case it will be regarded as an automatic Termination of Registration.

- (ii) If a *Dealer or Recycler* stops trading or is unable to carry on business in terms of this Act or any other law, the *Dealer or Recycler* must notify the National Commissioner in writing, within thirty (30) days, by means of a SAPS 604 – Notification of Change of Information (“SAPS 604”), in which case the registration is terminated by the Designated *Second-Hand Goods* Official.
- (iii) A *Dealer or Recycler* whose registration has terminated must immediately surrender all Registration Certificates relating to registration to the *police official* serving the Letter of Confirmation of Termination.
- (b) Cancellation
- (i) Section 10(3) of the Act deals with the cancellation of a *Second-Hand Goods Dealer or Recycler* registration and is effected by the South African Police Service in one of the following circumstances:
- If the *Dealer or Recycler* fails to comply with any of the conditions of registration or provisions of the Act;
 - If the *Dealer or Recycler* is registered on the basis of incorrect or false information; or
 - If the *Dealer or Recycler* is convicted of an offence of which dishonesty is an element.
- (ii) Before cancelling the registration of a *Dealer or Recycler*, the Designated *Second-Hand Goods* Officer must once again follow the administrative law process whereby he or she:
- gives the *Dealer or Recycler* written notice of the intention to cancel;
 - gives the *Dealer or Recycler* 30 days to submit written representations as to why his or her registration should not be cancelled; and
 - duly consider any such representations and the facts pertaining to the matter.
- (iii) The Designated *Second-Hand Goods* Officer must notify the *Dealer or Recycler* in writing of any decision taken under this section and state the reasons for and the date on which cancellation takes effect.

- (c) The following process must be followed during the Termination of Registration:

TERMINATION OF REGISTRATION			
The following procedures must be followed by the Designated <i>Second-Hand Goods</i> Officer (<i>DSO</i>) when Termination of Registration is dealt with under the <i>Second-Hand Goods Act, 2009</i> (Act No 6 of 2009).			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> Should a <i>Dealer or Recycler</i> choose to terminate his or her Registration, he or she must submit an SAPS 604 – Notification of Change of Information (“SAPS 604”) to the <i>DSO</i> at the police station in which precinct the business premises is situated. 	<ul style="list-style-type: none"> ✓ Section 10 (1) and (2) of the Act ✓ SAPS 604 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
2.	<ul style="list-style-type: none"> The <i>DSO</i> needs to determine whether the <i>Dealer or Recycler</i> is able to: <ul style="list-style-type: none"> - understand English; - understand the content of the SAPS 604 Notification of Change of Information; and - Whether the <i>applicant</i> can complete the applicable form in English. Should the <i>Dealer or Recycler</i> have difficulty with any of the three instances above, the <i>DSO</i> must <i>acquire</i> the services of an internal or external interpreter to explain and assist in completing the SAPS 604 Notification of Change of Information. All costs for interpretation services must be borne by the South African Police Service. 	<ul style="list-style-type: none"> ✓ SAPS 604 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
3.	<ul style="list-style-type: none"> The <i>DSO</i> must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 604 Notification of Change of Information. 	<ul style="list-style-type: none"> ✓ SAPS 604 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
4.	<ul style="list-style-type: none"> The SAPS 604 Notification and all relevant supporting documents must be handed to the <i>DSO</i> or <i>Second-Hand Goods Clerk</i> for recording or capturing purposes in the relevant recording systems.” 	<ul style="list-style-type: none"> ✓ SAPS 604 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
5.	<ul style="list-style-type: none"> The <i>DSO</i> must record the SAPS 604 - Notification of Change of Information (“SAPS 604”) in the SAPS 603 - Register for Received <i>Second-Hand Goods</i> Documentation (“SAPS 603”). The SAPS 	<ul style="list-style-type: none"> ✓ SAPS 603 Register ✓ SAPS 604 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>

	603 Register must be completed as per the relevant Completion Instructions.	✓ Completion Instructions	
6.	<ul style="list-style-type: none"> The <i>DSO</i> must capture the entire SAPS 604 - Notification of Change of Information (“SAPS 604”) on the <i>Second-Hand Goods</i> Control System (if available) and the System generated reference number must be entered in the SAPS 603 Register as well as on the SAPS 604. 	<ul style="list-style-type: none"> ✓ SAPS 604 ✓ SAPS 603 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods</i> Clerk
7.	<ul style="list-style-type: none"> The applicable SAPS 603 Register reference number must be recorded in the appropriate space allocated on the SAPS 604 Notification. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 604 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
8.	<ul style="list-style-type: none"> The <i>DSO</i> should retrieve the existing <i>Z20 Dealer or Recycler</i> File for the applicable business, update the SAPS 5 Investigation Diary and file the SAPS 604 Notification and any supporting documents. 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer or Recycler</i> File ✓ SAPS 5 ✓ SAPS 604 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods</i> Clerk
9.	<ul style="list-style-type: none"> The <i>DSO</i> must check for the completeness of the SAPS 604 Notification and ensure that the reason(s) for termination is/are valid. 	<ul style="list-style-type: none"> ✓ SAPS 604 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods</i> Clerk
10.	<ul style="list-style-type: none"> In the event that the SAPS 604 Notification is incomplete, it must still be registered in the SAPS 603 Register as per relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 604 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
11.	<ul style="list-style-type: none"> The SAPS 604 Notification must be referred back to the <i>Dealer or Recycler</i> where it has been determined that the request for Termination is invalid either due to the reason(s) submitted or due to an incomplete or incorrect SAPS 604 Notification type. The rectified SAPS 604 Notification must be resubmitted to the <i>DSO</i>. 	<ul style="list-style-type: none"> ✓ SAPS 604 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods</i> Clerk
12.	<ul style="list-style-type: none"> The <i>DSO</i> must issue an SAPS 601(c) - Acknowledgement of Receipt of <i>Second-Hand Goods</i> Documentation (“SAPS 601(c)”) to the <i>applicant</i> on receipt of the SAPS 604 Notification and must ensure that it is completed as per the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 601(c) ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods</i> Clerk
13.	<ul style="list-style-type: none"> If the <i>applicant</i> fails to submit the requested outstanding information and/or documentation within the ten (10) 	<ul style="list-style-type: none"> ✓ SAPS 604 	<ul style="list-style-type: none"> ✓

	working day period OR where such outstanding information and/or documentation was submitted but is still insufficient, the <i>DSO</i> must indicate in red ink, in the allocated space on the SAPS 604 Notification of Change of Information, all outstanding information and/or documentation.		
14.	<ul style="list-style-type: none"> The <i>DSO</i> must compile a Letter of Confirmation of Termination confirming that the Termination of Registration as a <i>Dealer or Recycler</i> has been effected, where after the <i>Z20 Dealer or Recycler File</i> must be forwarded to the Station Deciding Authority for signature on the Letter of Confirmation of Termination. The Letter of Confirmation of Termination—must include the fact that the <i>Dealer or Recycler</i> must hand in all existing Registration Certificates relating to the terminated registration to the <i>DSO</i>. 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer or Recycler File</i> ✓ SAPS 604 ✓ Letter of Confirmation of Termination 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
15.	<ul style="list-style-type: none"> The Station Deciding Authority receives the <i>Z20 Dealer or Recycler File</i> containing the Letter of Confirmation of Termination. The Station Deciding Authority must confirm the Termination of Registration as a <i>Dealer or Recycler</i> by signing the Letter of Confirmation of Termination. 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer or Recycler File</i> ✓ SAPS 604 ✓ Letter of Confirmation of Termination 	<ul style="list-style-type: none"> ✓ The Station Deciding Authority
16.	<ul style="list-style-type: none"> The <i>DSO</i> must complete an SAPS 606 Return of Service (“SAPS 606”). The Letter of Confirmation of Termination must be served on the <i>Dealer or Recycler</i> and the <i>responsible person</i> must sign the SAPS 606 to acknowledge receipt of the Letter of Confirmation of Termination. All certificates pertaining to the terminated Registration must be handed over to the <i>DSO</i> who serves the Letter of Confirmation of Termination. 	<ul style="list-style-type: none"> ✓ Section 10(6) of the Act ✓ Section 35 (1) of the Act ✓ SAPS 606 ✓ <i>Z20 Dealer or Recycler File</i> ✓ Letter of Confirmation of Termination ✓ SAPS 601 (a) and/or (b) 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
17.	<ul style="list-style-type: none"> After serving the Letter of Confirmation of Termination to the <i>Dealer or Recycler</i>, the <i>DSO</i> must conduct a physical inspection of the <i>premises</i> in order to: <ul style="list-style-type: none"> - verify that the <i>premises</i> is closed for business; and 	<ul style="list-style-type: none"> ✓ Section 10(6) of the Act ✓ SAPS 606 Return of Service 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>

	<ul style="list-style-type: none"> - close off the <i>Dealer</i> or <i>Recycler's</i> <i>Second-Hand Goods</i> Register after the last entry by inscribing in red ink the Termination of the <i>Dealer</i> or <i>Recycler</i> Registration (this process needs to be followed even where electronic databases are utilized – inscriptions must be made on the DVD/CD or Printout of the last transaction). • The <i>DSO</i> must ensure that all previous <i>Second-Hand Goods</i> Registration Certificates in the possession of <i>Dealer</i> or <i>Recycler</i> are surrendered to the <i>DSO</i>. • The Registration Certificate(s) pertaining to the Termination of Registration must be cancelled and filed together with the SAPS 606, bearing the <i>responsible person's</i> signature in the Z20 <i>Dealer</i> or <i>Recycler</i> File. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer</i> or <i>Recycler</i> File ✓ SAPS 601 (a) (b) and/or (d) 	
18.	<ul style="list-style-type: none"> • The <i>DSO</i> must collect a copy of all <i>Dealer</i> or <i>Recycler</i> records, and must also make an entry in the SAPS 607 Visitation Register, kept at the <i>Dealer</i> or <i>Recycler</i> premises. 	<ul style="list-style-type: none"> ✓ SAPS 607 Register ✓ <i>Dealer</i> or <i>Recycler</i> Records 	✓ <i>DSO</i>
19.	<ul style="list-style-type: none"> • The <i>DSO</i> must file all relevant documentation in the Z20 File 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer</i> or <i>Recycler</i> File 	✓ <i>DSO</i>
20.	<ul style="list-style-type: none"> • The <i>DSO</i> must ensure that all relevant <i>Second-Hand Goods</i> related records and/or systems are continuously updated before Termination of Registration is affected. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ <i>SECOND-HAND GOODSC</i> 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods</i> Clerk

(d) The following process must be followed during the Cancellation of Registration:

CANCELLATION OF REGISTRATION			
The following procedures must be followed by the Designated <i>Second-Hand Goods</i> Officer (<i>DSO</i>) when Cancellation of Registration is dealt with under the <i>Second-Hand Goods</i> Act, 2009 (Act No 6 of 2009).			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> • The <i>DSO</i> receives information or a report from the <i>CIO</i> indicating that the <i>Dealer</i> or <i>Recycler</i> fails to comply with any condition of registration, any provisions of the Act, that the <i>Dealer</i> or <i>Recycler</i> is registered on the basis of false or 	<ul style="list-style-type: none"> ✓ Section 10(3) and (4) of the Act 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>CIO</i>

	incorrect information or is convicted of an offence of which dishonesty is an element.		
2.	<ul style="list-style-type: none"> The <i>DSO</i> must verify any information brought under his or her attention which may negatively affect a <i>Dealer</i> or <i>Recycler's</i> Registration. Verification of information must be done by means of obtaining physical proof in the form of sworn statements from witnesses or other reliable documentary proof. 	<ul style="list-style-type: none"> ✓ Sworn Statements ✓ Applicable Documentary Proof 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>CIO</i>
3.	<ul style="list-style-type: none"> The <i>DSO</i> should retrieve the existing <i>Z20 Dealer or Recycler</i> File for the applicable business, update the <i>SAPS 5 – Investigation Diary</i> and file the Report relating to the possible Cancellation as well as any supporting documents. 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer or Recycler</i> File ✓ <i>SAPS 5</i> 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
4.	<ul style="list-style-type: none"> The <i>DSO</i> must make a recommendation to the Station Deciding Authority in terms of the information received for the cancellation of registration. 	<ul style="list-style-type: none"> ✓ Cancellation Report 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
5.	<ul style="list-style-type: none"> The <i>DSO</i> must compile a report and recommendation indicating if the Registration of the <i>Dealer or Recycler</i> must be or must not be Cancelled after which the <i>Z20 - Dealer or Recycler</i> file must be forwarded to the Station Deciding Authority for a decision to be taken. 	<ul style="list-style-type: none"> ✓ <i>Z20 - Dealer or Recycler</i> file ✓ compile a report 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
6.	<ul style="list-style-type: none"> The Station Deciding Authority receives the <i>Z20 - Dealer or Recycler</i> File containing the Report or Recommendation of the <i>DSO</i> and supporting documentation relating to the Cancellation of Registration. The Station Deciding Authority must examine the recommendation of the <i>DSO</i> and information submitted. Should the Station Deciding Authority NOT concur with the information and recommendation of the <i>DSO</i>, the Station Deciding Authority must indicate in red ink on the recommendation submitted by inscribing his or her reasons for NOT concurring with the <i>DSO's</i> recommendation. 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer or Recycler</i> File 	<ul style="list-style-type: none"> ✓ The Station Deciding Authority
7.	<ul style="list-style-type: none"> In the event that the Station Deciding Authority is satisfied that the information submitted <u>DOES</u> constitute 	<ul style="list-style-type: none"> ✓ Section 10(4). 	<ul style="list-style-type: none"> ✓ Station Deciding Authority

	<p>the Cancellation of Registration, a Notice of Intention to Cancel Registration must be completed and signed and date stamped by the Station Deciding Authority and must include the reasons for the intention to cancel registration.</p> <ul style="list-style-type: none"> In the event that the Station Deciding Authority is satisfied that the information submitted <u>DOES NOT</u> constitute the Cancellation of Registration, the Station Deciding Authority must co-sign and date stamps the recommendation. The <i>DSO</i> receives and must file all relevant documents after which the process is deemed as finalized. 	<ul style="list-style-type: none"> ✓ Notice of Intention to Cancel. 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
8.	<ul style="list-style-type: none"> The Station Deciding Authority must indicate his or her agreement with the <i>DSO</i>'s recommendation and his own consideration of Intention to cancel by signing and date stamping the Notice of Intention to Cancel registration. 	<ul style="list-style-type: none"> ✓ Notice of Intention to Cancel 	<ul style="list-style-type: none"> ✓ Station Deciding Authority
9.	<ul style="list-style-type: none"> The <i>DSO</i> must complete an SAPS 606 Return of Service ("SAPS 606"). The Notice of Intention to Cancel must be served on the <i>Dealer or Recycler</i> by the <i>DSO</i> in person. The SAPS 606 bearing the <i>responsible person's</i> signature must be filed in the relevant Z20 - <i>Dealer or Recycler</i> File. 	<ul style="list-style-type: none"> ✓ Section 35 and 36 of the Act ✓ SAPS 606 Return of Service ✓ Notice of Intention to Cancel. ✓ Z20 <i>Dealer or Recycler</i> File. 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
10.	<ul style="list-style-type: none"> The <i>DSO</i> must schedule the Z20 <i>Dealer or Recycler</i> File to be brought forward thirty (30) days after serving of the Notice of Intent to Cancel in order to determine whether the <i>Dealer or Recycler</i> submitted any written representations. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer or Recycler</i> File ✓ Notice of Intent to Cancel 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

(10) Compliance Inspections

(a) Purpose of compliance inspections

- (i) The execution of a compliance inspection has three basic objectives:

- To see whether the *dealer* complies with the provisions of the Act;
- To see whether an accredited *Second-Hand Goods Dealers' Association* inspects its members; and
- To initiate *investigations* where applicable

(b) What to inspect

(i) The following must be inspected by the *police official*:

- The *Certificate of registration* relating to that *premises*;
- Any register, record, book or other document relating to the *goods* in or on the *premises* for the purposes of obtaining copies thereof or extracts therefrom;
- Any *goods* found in or on such *premises* for examination; and
- Any entry or absence of any entry in any register, book, record or document found therein.

(ii) Where a *dealer* or *recycler* keeps any register in an electronic format, that *dealer* or *recycler* must, in terms of Regulation 8, ensure that an inspecting *police official* may inspect such register through access to the software program with which such electronic register is kept.

(c) Exemptions

(i) A *Dealer* or *Recycler* who is a member of an Accredited *Second-Hand Goods Association* may be granted certain exemptions or concessions in terms of compliance to the Act; however *Dealers* or *Recyclers* not belonging to an Accredited *Second-Hand Goods Association*, to whom exemptions were not granted, will have to fulfil all aspects of the approved legislation.

(ii) These exemptions will be published in the *Government Gazette* and Regulation 5(2) provides that the *dealer* or *recycler* must have a copy of such *Gazette* available.

(d) Visitation Register

- (i) The *DSO* must issue a SAPS 607 – Visitation Register: *Second-Hand Goods Dealers, Recyclers or Association Premises* – to every registered *Second-Hand Goods Dealer or Recycler premises* and must also maintain one at their own office.
 - (ii) Any and all *Police official* (including a *DSO* outside his or her normal policing precinct) who, in the line of his or her duty or functions, conducts a routine inspection at the *premises* of a *Second-Hand Goods Dealer or Recycler*, must inform the relevant *DSO* responsible for that policing precinct of such inspection. Informing the relevant *DSO* of a *Police official's* imminent visit to a Registered *Dealer or Recycler* must be carried out before the Actual visit takes place.
 - (iii) It is important to note that section 27 of the Act makes it obligatory for any police member entering a *dealer's premises*, to identify him- or herself to the *dealer*, owner, employee or person in charge of the *premises* in question by producing his or her appointment certificate. Such member must also state the reason for their visit.
 - (iv) When a routine inspection is performed, the inspecting member must not only sign the *dealer's* register in terms of section 28(4)(b)(i) of the Act, but also the SAPS 607 - Visitation Register, which is kept at the *Dealer or Recycler* as well as at the office of the *DSO*. In cases where a *dealer* is exempted from keeping a register, or where such *registers* are kept electronically, the inspecting member must note such fact in the SAPS 607 Visitation Register.
 - (v) Where all the pages of a SAPS 607 Visitation Register are completed (“the register is full”), such register must be returned to the relevant *DSO* upon the issuing of a new SAPS 607 Visitation Register. The *DSO* must keep such register for the period as prescribed.
 - (vi) The SAPS 607 Visitation Register must be submitted to the *DSO*, together with all Registration Certificates and records upon cancellation or termination of registration.
- (e) Certification of inspection

- (i) On each occasion where a *police official* inspects a *Dealer or Recycler Register*, such *police official* must:
- sign his or her name immediately after the last entry in that register;
 - complete the SAPS 607 Visitation Register as per the Completion Instructions.
 - append his or her number and rank and the date on which the inspection was conducted or certify in the manner that the National Commissioner may from time to time direct, that the records were inspected.
- (f) In terms of Section 28 of the 2009 Act, a *police official* may during times when business activity in respect of second-hand goods is taking place, enter the *premises* of any registered *dealer* in order to inspect compliance with the Act.
- (g) Although these powers are vested in any *Police official*, it is directed by this Instruction that a *DSO* specifically assumes this responsibility.
- (h) A *DSO* must conduct at least one comprehensive annual inspection of each registered *Second-Hand Goods Dealer or Recycler premises*. The *DSO* must compile a comprehensive report on his or her findings after each comprehensive annual inspection for each registered *Second-Hand Goods Dealer or Recycler premises* within his or her precinct. The Station Commander must note the inspection by signing and date stamping the comprehensive reports for each registered *premises*. The reports must be individually filed in the *Z20 Dealer or Recycler Files*.
- (i) The comprehensive annual inspection does not replace the normal weekly or bi-weekly inspections to be carried out by the *DSO*. A report will not be required for the weekly or bi-weekly inspections, but the *DSO* still have to record the weekly or bi-weekly inspection in the SAPS 607 Visitation Register at the *Dealer or Recycler premises* and the office of the *DSO* as well as completing the SAPS 5 Investigation Diary contained within the *Z20 Dealer or Recycler File*.
- (j) The *DSO* must take the necessary action against all illegal or unregistered *Second-Hand Goods Dealers or Recyclers*. No unregistered *Second-Hand Goods Dealers or Recyclers* must be allowed to conduct any business until such time as a formal application for registration was finalized and the Registration

approved.

- (k) It is obligatory that *DSO's*, when conducting a routine inspection, take note of the fact that *goods* worth less than a R100-00 do not need to be included in a *Dealer's Register*. However, the R100-00 value of *goods* should be determined by the market related price of such *goods* and the price for which the *Dealer* will sell the *goods*.
- (l) The following process must be followed during the conducting of compliance inspections:

COMPLIANCE INSPECTIONS			
The following procedure must be followed by the Designated Second-Hand Goods Officer (<i>DSO</i>) during compliance inspections at registered second-hand <i>goods dealers</i> or <i>recyclers</i> in terms of the Second-Hand Goods Act, 2009 (Act No 6 of 2009).			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> The <i>DSO</i> must pre-plan inspections and schedule such inspections in his or her Diary as well as on the <i>SHGCS</i> (if available). 	✓ Diary	✓ <i>DSO</i>
2.	<ul style="list-style-type: none"> The <i>DSO</i> must retrieve the existing <i>Z20 Dealer or Recycler File</i> in order to gather background information about the <i>Dealer</i> or <i>Recycler</i>. 	✓ <i>Z20 Dealer or Recycler File</i>	✓ <i>DSO</i>
3.	<ul style="list-style-type: none"> The <i>DSO</i> must introduce him or herself to the <i>Dealer or Recycler</i> and explain the purpose of his or her visit. 	✓ Section 27 of the Act	✓ <i>DSO</i>
4.	<ul style="list-style-type: none"> The <i>DSO</i> must complete the <i>SAPS 607 Visitation Register: Second-Hand Goods Dealer, Recycler or Association Premises</i> kept at the Station ("SAPS 607") before and after each Compliance Inspection and in accordance with the completion instructions. 	✓ SAPS 607	✓ <i>DSO</i>
5.	<ul style="list-style-type: none"> When conducting a Compliance Inspection, the <i>DSO</i> must inspect the following: <ul style="list-style-type: none"> - The <i>Certificate of registration</i> relating to that <i>premises</i> (which must be in full display to the public); - Any register, record, book or other document relating to the <i>goods</i> in or on the <i>premises</i> for the 	✓ Section 28(1)(a) of the Act	✓ <i>DSO</i>

	<p>purposes of obtaining copies thereof or extracts therefrom;</p> <ul style="list-style-type: none"> - Any <i>goods</i> found in or on such <i>premises</i> for examination; - Any entry or absence of any entry in any register, book, record or document found therein; - Any exemptions as indicated in a <i>Government Gazette</i>; <ul style="list-style-type: none"> • Where a <i>dealer</i> or <i>recycler</i> keeps any register in an electronic format, that <i>dealer</i> or <i>recycler</i> must, in terms of Regulation 8, ensure that an inspecting <i>police official</i> may inspect such register through access to the software program with which such electronic register is kept. 		
6.	<ul style="list-style-type: none"> • The <i>DSO</i> must enquire from the <i>Dealer</i> or <i>Recycler</i> whether he or she has got any exemptions granted. • If the <i>Dealer</i> or <i>Recycler</i> is exempted from any requirement of the Act, he or she must have a printed copy of the <i>Government Gazette</i> in which the exemptions were documented and affirmed on a specific date set by the President. 	✓ <i>Government Gazette</i>	✓ <i>DSO</i>
7.	<ul style="list-style-type: none"> • The <i>DSO</i> must conduct at least one comprehensive annual routine inspection of each registered <i>premises</i>, during which the records and corresponding <i>goods</i> of the <i>Dealer</i> or <i>Recycler</i> must be examined. 	✓ Section 28(4) of the Act	✓ <i>DSO</i>
8.	<ul style="list-style-type: none"> • The <i>DSO</i> may during the conducting of a compliance inspection, issue a warning (SAPS 610) to the <i>Dealer</i> or <i>Recycler</i> for non-compliance to the Act and afford the <i>Dealer</i> or <i>Recycler</i> seven (7) days to rectify the 	✓ <i>Dealer</i> or <i>Recycler</i> Register	✓ <i>DSO</i>
9.	<ul style="list-style-type: none"> • The <i>DSO</i> may issue a J534 – Written Notice to Appear in Court (“J534”) if the <i>DSO</i> found any non-compliance of a less serious nature at the <i>Dealer</i> or <i>Recycler</i> <i>Premises</i> or Records. 	✓ J534	✓ <i>DSO</i>
10.	<ul style="list-style-type: none"> • The <i>DSO</i> must confiscate suspected stolen <i>goods</i> which were found during the conducting of a compliance inspection. 	✓ SAPS 13 Exhibit Register	✓ <i>DSO</i>

	<ul style="list-style-type: none"> Confiscated <i>goods</i> must be recorded in the SAPS 13 Exhibit Register and an SAPS 13(b) Receipt must be issued to the <i>Dealer or Recycler</i> as proof that <i>goods</i> were confiscated. The <i>goods</i> can only be returned to the owner if the court has made a disposal judgment in that regard. 		
11.	<ul style="list-style-type: none"> The <i>DSO</i> or any <i>Police official</i> who opened a case docket must update the SAPS 5 and forward the case docket to the Detectives for further <i>investigation</i>. 	✓ SAPS 5	✓ <i>DSO</i>
12.	<ul style="list-style-type: none"> The <i>DSO</i> must ensure that all relevant Second-Hand <i>Goods</i> related Records or Second-Hand <i>Goods</i> Control System is updated. 	✓ <i>SHGCS</i>	✓ <i>DSO</i>
13.	<ul style="list-style-type: none"> After the Inspection was completed a comprehensive feedback report must be compiled by the <i>DSO</i> and filed in the relevant <i>Z20 Dealer or Recycler</i> File. A copy of the report must be forwarded to the Station Deciding Authority. 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer or Recycler</i> File ✓ Inspection Report 	✓ <i>DSO</i>
14.	<ul style="list-style-type: none"> The <i>DSO</i> must complete the required information into the fields provided by the SAPS 607 Visitation Register (as per the relevant Completion Instructions) as well as update the Second-Hand <i>Goods</i> Control System (if available). 	✓ SAPS 607	✓ <i>DSO</i>

(11) Operations and Investigations

(a) Operations

- (i) “*Operation*” is defined in paragraph 2(1)(y), *supra*.
- (ii) *Operations* in terms of the Act may be conducted by any *police official* appointed under the South African Police Service Act, 1995 (Act No 68 of 1995). These may include, inter alia, the *DSO*, Visible Policing and Detective Services.
- (iii) The Minister may, by Notice in the *Government Gazette*, either generally or subject to such conditions as may be specified in the notice, extend the policing powers of the Act to any person employed by a public entity or any other statutory body (eg. Telkom, Eskom, Transnet, International Trade Administration Commission, South African Revenue Services, Economic Development Department, etc.), if that

person is a peace officer contemplated in section 1 of the Criminal Procedure Act, 1977 (Act No 51 of 1977).

The above mentioned notice in the *Government Gazette* will set out:

- The extent to and the conditions under which such powers are extended to such person ; and
 - The directives that are applicable to such person in the exercise of such powers.
- (iv) *Operations* must be intelligence driven and must focus on crime trends in the policing area. *Operations* must be directed towards specific outcomes.
- (v) The definition of an *operation* excludes normal compliance inspections as described in paragraph 5(10) supra.
- (vi) A *police official* must conduct second-hand goods *operations* on the authority of a warrant issued in terms of Section 30 of the Act.
- (vii) A warrant to enter, search, seize and seal off *premises* in terms of the Act must be issued by a magistrate or a judge of the High Court who has jurisdiction in the area in which the *premises* in question are situated and only if it appears from information on oath or affirmation that there are reasonable grounds to believe that a provision of this Act has been or is being contravened.
- (viii) A warrant issued under Section 30 of the Act must specify:
- The *premises* which may be entered and which of the Actions mentioned in section 29(1) of the Act may be performed by the *police official*;
 - Direct the person in control of or any person employed at the *premises* to -
 - disclose any register, record, book, other document or information that pertains to the *investigation* and is in the possession or under the control of that person;

- render such assistance as the *police official* requires in order to enable such *police official* to perform his or her functions under the Act;
 - inspect any register, record, book or other document and make copies thereof or excerpts there from;
 - examine any *goods* or other articles found on the *premises*; and
 - Seize records, books, documents or electronic data-storing devices that may be used as evidence of a contravention of any provision of this Act, against the issue of a written receipt.
- If applicable, the period for which the *premises* may be sealed off for purposes to prevent a *person* from conducting business in contravention of the Act, which may not exceed seven days; and
 - Whether the warrant authorizes execution by night.
- (ix) A warrant remains in force until it has been executed, cancelled by the person who issued it, one month from the date of its issue or the purpose for which the warrant was issued no longer exists, whichever occurs first.
- (x) Any *goods* seized in terms of the warrant must be dealt with in the manner contemplated in Chapter 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) which applies with the changes required by the context.
- (xi) A *person* from whom any register, record, book or other document has been taken may at his or her expense and under supervision of a *police official* make copies thereof or excerpts therefrom.
- (xii) A *police official*, may without a warrant, enter any *premises* and search for, seize and remove anything contemplated in Section 29(1) of the Act if:

- The person who is competent to do so consents to such entry, search, seizure and removal; and
 - There are reasonable grounds to believe that a warrant would be issued to the *police official* if he or she applied for such warrant and a delay in obtaining such warrant would defeat the purpose of the search.
- (xiii) Police members must ensure that they comply with, inter alia, the following governance when conducting second-hand goods operations because the abuse or non-compliance thereto will constitute an unlawful act:
- section 28 of the Act (searches under the guise of inspections);
 - sections 21 and 22 of the Criminal Procedure Act, 1977 (Act No 51 of 1977) (unlawful and irregular searches without warrants). This includes the legal principle that no person who is not a SAPS member may accompany the SAPS when a warrant is executed;
 - sections 13(8)(a); 13(8)(d) or 13(11)(a) of the South African Police Service Act, 1995 (Act No 68 of 1995) (unlawful or irregular roadblocks);
 - National Instruction 2 of 2002 and SO(G) 323 (especially with regards to paragraph 19 (SAPS 13(b)) and paragraph 20 (search register) of NI 2/2002); and
 - Circular dated, 2005-04-28 in respect of arrest and detention.

(b) Investigations

- (i) “*Investigation*” is defined as per paragraph 2(1)(u), supra.
- (ii) The definition of *investigation* clearly distinguishes itself from an *operation* and normal compliance inspections (routine inspections) in that it is re-active and specifically focussed on the solving of crime.

- (iii) When police members conduct *investigations* at second-hand *goods premises*, a warrant issued under Section 30 of the Act must be obtained as reflected in paragraph 5(11)(vii), supra. It is important to note that all circulars regarding the use of the J51 warrant under the Criminal Procedure Cat, 1977 must be complied with and that the new J51 be used.
- (iv) *Investigations* must be carried out by *police officials* trained specifically as Detectives in their respective fields of responsibility (e.g. Vehicle Identification Section (VIS), Organized Crime, and General Detectives etc.).
- (v) An investigating officer may only utilize those persons employed by a public entity or any other statutory body to whom the Minister of Police has granted extension of powers in terms of the Second-Hand Goods Act, 2009 (Act No.6 of 2009), during their *investigations*, unless the warrant states otherwise. Officials from parastatals to whom these powers have not been extended may not accompany the SAPS on a search and seizure operation, unless the Second Hand Goods Act, 2009 specifically provides for that (an amendment to that effect is in the process of being forwarded to Parliament).
- (vi) A DSO will not be responsible for the *investigation* of second-hand *goods* related case dockets. The DSO will only be responsible for the opening of a First Information of Crime Statement (where applicable). The case docket must be fully investigated by the Detective Services.
- (d) The following process must be followed during the *investigation* of illicit activities:

INVESTIGATE ILLICIT ACTIVITIES			
The following procedure must be followed by the Designated Second-Hand Goods Officer (DSO) during <i>investigation</i> of illicit activities at registered second-hand <i>goods dealers</i> or <i>recyclers</i> in terms of the Second-Hand Goods Act, 2009 (Act No 6 of 2009).			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> The DSO must obtain a sworn statement regarding information received which implicates possible illicit activities conducted by a <i>Dealer</i> or <i>Recycler</i>. 	✓ Sworn Statement	✓ DSO

2.	<ul style="list-style-type: none"> The <i>DSO</i> must retrieve the existing Z20 <i>Dealer or Recycler</i> File in order to gather background information about the <i>Dealer or Recycler</i> 	✓ Z20 <i>Dealer</i> or <i>Recycler</i> File	✓ <i>DSO</i>
3.	<ul style="list-style-type: none"> The <i>DSO</i> must compile an information note on the facts contained in the sworn statement regarding the allegations 	✓ Information Note	✓ <i>DSO</i>
4.	<ul style="list-style-type: none"> The <i>DSO</i> must file the sworn statement as well as the information note in the Z20 <i>Dealer or Recycler</i> File. 	✓ Z20 <i>Dealer</i> or <i>Recycler</i> File	✓ <i>DSO</i>
5.	<ul style="list-style-type: none"> The <i>DSO</i> must forward the Z20 <i>Dealer or Recycler</i> File containing the sworn statement as well as the information note to the Station Deciding Authority. 	✓ Z20 <i>Dealer</i> or <i>Recycler</i> File	✓ <i>DSO</i>
6.	<ul style="list-style-type: none"> The Station Deciding Authority must make a decision on the submitted Information Note (Concur or Do Not Concur with the provided information). In the event where the Station Deciding Authority does not concur with the facts contained in the Information Note, he or she must record the reasons for not concurring in red ink on the Information Note, after which the matter will be regarded as finalized. In the event that the Station Deciding Authority concurs with the facts contained in the Information Note, the <i>DSO</i> must identify all role players in order to convene a meeting. 	✓ Information Note	✓ Station Deciding Authority ✓ <i>DSO</i>
7.	<ul style="list-style-type: none"> The <i>DSO</i> must plan an <i>operation</i>, compile an Operational Plan and obtain the necessary Warrants in order to address any illicit activities conducted by a <i>Dealer</i> or <i>Recycler</i>. 	✓ Operational Plan	✓ <i>DSO</i>
8.	<ul style="list-style-type: none"> The <i>DSO</i> must, after obtaining the relevant Warrants, brief all the role players that are going to be involved during the <i>operation</i>. 	✓ Operational Plan ✓ Warrants	✓ <i>DSO</i>
9.	<ul style="list-style-type: none"> The <i>DSO</i> or Investigating officer may during <i>investigation</i>, where there are suspected stolen or tampered <i>goods</i> that must be confiscated, seize the <i>goods</i> and keep it until after the finalization of the case. The confiscated <i>goods</i> must be recorded in the SAPS 13 Register and an SAPS 13(b) Receipt must be issued to the 	✓ SAPS 13 Register	✓ <i>DSO</i> ✓ Investigating Officer

	<i>person</i> from whom the <i>goods</i> were seized.		
10.	<ul style="list-style-type: none"> The <i>DSO</i> or Investigating officer must complete the SAPS 607 Visitation Register: <i>Second-Hand Goods Dealer, Recycler</i> or <i>Association Premises</i> ("SAPS 607") kept at the <i>DSO</i> as well as at the <i>Dealer</i> or <i>Recycler</i> after each <i>investigation</i> or compliance inspection. 	✓ SAPS 607	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Investigating Officer
11.	<ul style="list-style-type: none"> The <i>DSO</i> or Investigating officer may hand back the <i>goods</i>, which for practical reasons cannot be confiscated, to the lawful owner after ownership was determined and confirmed and an SAPS 299 was completed. The owner must be informed to keep the <i>goods</i> safe until after the finalization of the court case. 	✓ SAPS 299	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Investigating Officer
12.	<ul style="list-style-type: none"> The <i>DSO</i> or Investigating officer who opened a case docket must update the SAPS 5 and forward the case docket to the Detective for further <i>investigation</i>. 	✓ SAPS 5	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Investigating Officer
13.	<ul style="list-style-type: none"> The <i>DSO</i> must ensure that all relevant <i>Second-Hand Goods</i> related Records or <i>Second-Hand Goods</i> Control System are updated. 	✓ SAPS 607	✓ <i>DSO</i>
14.	<ul style="list-style-type: none"> The <i>DSO</i> must after executing the operational plan de-brief all the role players that were involved during the <i>operation</i>. 	✓ SAPS 5	✓ <i>DSO</i>
15.	<ul style="list-style-type: none"> After the <i>Investigation</i> or <i>Operation</i> was completed a comprehensive feedback report must be compiled by the <i>DSO</i> and filed in the relevant <i>Z20 Dealer</i> or <i>Recycler</i> File. A copy of the report must be forwarded to the Station Deciding Authority. 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer</i> or <i>Recycler</i> File ✓ Inspection Report 	✓ <i>DSO</i>

(e) The following process must be followed during the *Investigation* of Tampered or Stolen Goods:

INVESTIGATE TAMPERED OR STOLEN GOODS

The following procedure must be followed by the Designated *Second-Hand Goods* Officer (*DSO*), Detective or other *Police official* during the *Investigation* of Tampered or Stolen Goods suspected at or seized from a Registered *Second-Hand Goods Dealer* or *Recycler* in terms of the *Second-Hand Goods Act, 2009* (Act No 6 of 2009).

PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
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1.	<ul style="list-style-type: none"> The <i>DSO</i> or any other <i>police official</i> must, upon receipt of information regarding Tampered or Suspected Stolen Goods from any <i>Second-Hand Goods Dealer</i> or <i>Recycler</i>, make an entry or cause an entry to be made in the SAPS 10 – Occurrence Book (“OB”) regarding such suspicion. The <i>DSO</i> or other <i>Police official</i> must provide the SAPS 10 – OB Reference Number to the <i>Dealer</i> or <i>Recycler</i>. 	<ul style="list-style-type: none"> ✓ Section 22 of the Act ✓ SAPS 10 	✓ <i>DSO</i>
2.	<ul style="list-style-type: none"> A <i>police official</i> who received the report must furnish the <i>DSO</i> with copies of the OB entry and/or all relevant documentation in regard to the report and of how the report was dealt with. The <i>DSO</i> must obtain the Z20 – <i>Dealer</i> or <i>Recycler</i> File in order to file the documentation or report received. The <i>DSO</i> must file all the relevant documentation in the Z20 – <i>Dealer</i> or <i>Recycler</i> File (in a sub-file) and the SAPS 5 must be updated. 	<ul style="list-style-type: none"> ✓ SAPS 10 ✓ Z20 <i>Dealer</i> or <i>Recycler</i> File 	✓ <i>DSO</i>
3.	<ul style="list-style-type: none"> The <i>DSO</i> must record the details of the report of tampered or stolen goods in the SHGCS (if available) as well as the SAPS 5 in the Z20 - <i>Dealer</i> or <i>Recycler</i> File. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer</i> or <i>Recycler</i> File ✓ SAPS 5 ✓ SAPS 10 	✓ <i>DSO</i>
4.	<ul style="list-style-type: none"> The <i>DSO</i> must attend to the report by obtaining all the relevant information from any <i>police official(s)</i> who may have dealt with the report at an earlier stage. The <i>DSO</i> must visit the <i>Dealer</i> or <i>Recycler</i> in order to determine if the seller of the suspected stolen or tampered goods is still on the <i>Dealer</i> or <i>Recycler's premises</i>. The <i>DSO</i> must determine if the goods were indeed tampered with or not. Should the evidence obtained by the <i>DSO</i> warrant any further <i>investigation</i>, seizures or arrest(s), the <i>DSO</i> must cause such <i>investigation</i>, seizure or arrest to be effected by himself or herself or with the assistance of other Visible Policing Officials and/or Detectives. 	<ul style="list-style-type: none"> ✓ SAPS 607 	✓ <i>DSO</i>
5.	<ul style="list-style-type: none"> The <i>DSO</i> must determine the reason why goods were tampered with. 	<ul style="list-style-type: none"> ✓ None 	✓ <i>DSO</i>

	<ul style="list-style-type: none"> The <i>DSO</i> must also determine if the explanation rendered by the <i>Dealer or Recycler</i> or the Seller is reasonable, sufficient and can be verified. Should the <i>goods NOT</i> have been tampered with, the <i>DSO</i> or other <i>police official</i> must determine the legitimacy of the transaction, by examining the <i>goods</i> and records of the <i>Dealer or Recycler</i>. 		
6.	<ul style="list-style-type: none"> In cases where the <i>DSO</i> or other <i>police official</i> is satisfied that the <i>goods</i> in dispute are reasonably suspected to have been tampered with, the <i>DSO</i> or other <i>police official</i> must open a SAPS 3M – Case Docket for further investigation. 	✓ SAPS 3M Case Docket	✓ <i>DSO</i>
7.	<ul style="list-style-type: none"> The suspected stolen <i>goods</i> must be seized from the <i>Dealer or Recycler</i> or <i>person</i> disposing of the <i>goods</i> (Seller). Should the Seller or <i>person</i> disposing of the <i>goods</i> be present and if the circumstances require him or her to be arrested then an arrest must be made. An SAPS 13(b) – Receipt of seized <i>goods</i> must be provided to the <i>person</i> from whom the <i>goods</i> are being seized. The <i>goods</i> confiscated must be entered into the SAPS 13 – Exhibit or Property Register and must be stored until the <i>goods</i> are required to be presented as evidence or otherwise disposed of. The SAPS 5 – <i>Investigation</i> Diary in the docket must be updated, in terms of arrests and seizures. 	<ul style="list-style-type: none"> ✓ Sect 29 of the Act ✓ SAPS 13(b) ✓ SAPS 13 Register ✓ SAPS 5 	✓ <i>DSO</i>
8.	<ul style="list-style-type: none"> The <i>DSO</i> or Investigating officer must complete the SAPS 607- Visitation Register: Second-Hand Goods Dealer, Recycler or Association Premises (“SAPS 607”) kept at the <i>Dealer or Recycler</i> after each <i>investigation</i> or compliance inspection and record the particulars of any seized <i>goods</i> and Case Docket(s) registered. The particulars of the Visit or <i>Investigation</i> at the <i>Dealer or Recycler</i> must be recorded by the <i>DSO</i> in the SAPS 607 – Visitation Register: Second-Hand Goods Dealer, Recycler or Association Premises (“SAPS 607”) kept at the office of the <i>DSO</i>. 	<ul style="list-style-type: none"> ✓ SAPS 607 ✓ Z20 Dealer or Recycler File 	✓ <i>DSO</i>

	<ul style="list-style-type: none"> The <i>DSO</i> must also update the Z20 – <i>Dealer or Recycler</i> File and the <i>SHGCS</i> (if available). 		
9.	<ul style="list-style-type: none"> Once the docket and all the initial <i>investigations</i> have been done and documents have been compiled in the SAPS 3M – Case Docket, the docket must be transferred to the Detectives for further <i>investigation</i>. 	<ul style="list-style-type: none"> ✓ SAPS 3M Case Docket 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Detective

(12) Appeal Process

- (a) An *applicant* in terms of the Act, who is aggrieved by any decision taken by the National Commissioner, may lodge an appeal by submitting an SAPS 608(a), statement and all documents or copies of documents pertaining to the matter to the relevant *DSO*.
- (b) The statement must set out the circumstances of the appeal and all grounds upon which the appellant rely in order to enable the Minister to reach a final decision.
- (c) The Minister may confirm, set aside or amend the decision taken by the National Commissioner or make such order with regard thereto as may be fair and practicable.
- (d) The following process should be followed by the *DSO* when dealing with an Appeal:

APPEAL PROCEDURE			
The following procedure must be followed during the submission of an Appeal in terms of the <i>Second-Hand Goods Act, 2009 (Act No 6 of 2009)</i> .			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> An <i>applicant</i> who is aggrieved by <u>ANY</u> decision in terms of the Act may submit an appeal against that decision, on an SAPS 608(a) – Notice of Appeal (“SAPS 608(a)”) and supporting documentation or copies of documents relating to the matter, to his or her local <i>DSO</i>. 	<ul style="list-style-type: none"> ✓ Section 33 of the Act ✓ Regulation 14 ✓ SAPS 608(a) 	<ul style="list-style-type: none"> ✓ Appellant ✓ <i>DSO</i>
2.	<ul style="list-style-type: none"> The <i>DSO</i> or Administration Clerk attached to <i>Second-Hand Goods</i> must record the particulars of the SAPS 608(a) – Notice of Appeal in the SAPS 603 – Register for Received <i>Second-Hand Goods</i> Documentation and on the <i>SHGCS</i>. The <i>Second-Hand Goods</i> System generated reference number must be 	<ul style="list-style-type: none"> ✓ SAPS 608(a) ✓ SAPS 603 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>DSO</i> Clerk

	recorded in the SAPS 603 – Register for Received <i>Second-Hand Goods</i> Documentation and both the <i>SHGCS</i> generated reference number and the SAPS 603 – Register reference numbers must be recorded on the SAPS 608(a) – Notice of Appeal.		
3.	<ul style="list-style-type: none"> An SAPS 601(c) – Acknowledgement of Receipt of <i>Second-Hand Goods</i> Documentation must be issued to the appellant by the Station <i>DSO</i>. 	<ul style="list-style-type: none"> ✓ SAPS 601(c) ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ National <i>Second-Hand Goods</i> Control
4.	<ul style="list-style-type: none"> The <i>DSO</i> must compile a comprehensive report with supporting documentation regarding the refusal reasons on which the final decision was based. 	<ul style="list-style-type: none"> ✓ Appeal Report 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
5.	<ul style="list-style-type: none"> The <i>DSO</i> or <i>Second-Hand Goods</i> Clerk must update all recording systems available - <i>SHGCS</i>, SAPS 603 Register and SAPS 5 on the receipt and progress of the SAPS 608(a) – Notice of Appeal. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ <i>SHGCS</i> SAPS 5 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods</i> Clerk
6.	<ul style="list-style-type: none"> The <i>DSO</i>'s report with supporting documentation must be escalated to the <i>DSO</i> at the National <i>Second-Hand Goods</i> Control Office in order to furnish the National <i>DSO</i> with all the facts so that the National <i>DSO</i> will be in a position to compile a comprehensive Memorandum to the Minister of Police. Upon receipt of the SAPS 608(a) – Notice of Appeal, supporting documentation and the Written Report from the Station <i>DSO</i> – the <i>DSO</i> at the National <i>Second-Hand Goods</i> Control Office must acknowledge receipt of the documentation either on the system (if available) and by issuing the Station <i>DSO</i> with an SAPS 601(c) – Acknowledgement of Receipt or by signing the Station <i>DSO</i>'s Forwarding Schedule. 	<ul style="list-style-type: none"> ✓ SAPS 608(a) ✓ SAPS 601(c) 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>DSO</i> – National
7.	<ul style="list-style-type: none"> The National <i>DSO</i> must open a Z20 – Appeal File for control and archiving purposes. The Z20 – Appeal File must bear the reference number 25/13/2, followed by the Appeal Register number in brackets. [e.g. 25/13/2 (A001/2012)]. The “A” in front of the Appeal Reference Number will indicate that it is an Appeal. The mentioned reference number must be written in the “Lêer – File No.” block 	<ul style="list-style-type: none"> ✓ Z20 Appeal File ✓ SAPS 608(a) 	<ul style="list-style-type: none"> ✓ <i>DSO</i> – National

	<p>on the front cover of the Z20. The name of the business must be written in the "Onderwerp – Subject" block together with the Appeal Register reference number as well as the <i>Second-Hand Goods</i> Control System reference number.</p> <ul style="list-style-type: none"> • The SAPS 608(a) – Notice of Appeal and all related documentation must be filed in the Z20 – Appeal File. • The National DSO must attach an SAPS 5 – <i>Investigation</i> Diary to the inside of the Z20 – Appeal File in order to record all activities, incidents and instructions. 		
8.	<ul style="list-style-type: none"> • The National DSO must forward the Z20 - Appeal File, containing the SAPS 608(a) – Notice of Appeal and all other supporting documents to the National Legal Services in order to obtain a legal opinion. 	<ul style="list-style-type: none"> ✓ SAPS 608(a) ✓ Z20 Appeal File 	<ul style="list-style-type: none"> ✓ DSO – National
9.	<ul style="list-style-type: none"> • National Legal Services will provide a legal opinion on the SAPS 608(a) – Notice of Appeal that will guide the National DSO to make an informed recommendation to the Deciding Authority. • The National DSO must receive back the Legal Opinion from National Legal Services. 	<ul style="list-style-type: none"> ✓ Legal Opinion ✓ SAPS 608(a) 	<ul style="list-style-type: none"> ✓ DSO – National ✓ National Legal Services
10.	<ul style="list-style-type: none"> • A Memorandum must be prepared for each appeal by the National Functionary within the National <i>Second-Hand Goods</i> Control Office on an SAPS 153 – Golden Letter Head. • The Memorandum to the Minister must be filed in the Z20 – Appeal File. 	<ul style="list-style-type: none"> ✓ Appeal Memorandum ✓ Legal Opinion 	<ul style="list-style-type: none"> ✓ DSO – National
11.	<ul style="list-style-type: none"> • The Z20 Appeal File containing the Memorandum to the Minister as well as all other applicable documentation must be forwarded to the office of the Divisional Commissioner: Visible Policing. 	<ul style="list-style-type: none"> ✓ Appeal Memorandum 	<ul style="list-style-type: none"> ✓ DSO – National
12.	<ul style="list-style-type: none"> • The Divisional Commissioner: Visible Policing will duly consider all documentation before making a recommendation and forwarding the documents to the Minister of Police via the office of the National Commissioner. • Should the Divisional Commissioner: Visible Policing <u>NOT</u> concur with the 	<ul style="list-style-type: none"> ✓ Appeal Memorandum ✓ SAPS 608(a) 	<ul style="list-style-type: none"> ✓ DSO – National ✓ Div Comm: VP

	<p>Recommendation of the National <i>DSO</i>, he or she must make an inscription on the SAPS 608(a) – Notice of Appeal in red ink stating the reasons for <u>NOT</u> concurring, after which the appeal documentation will be referred back to Legal Services.</p> <ul style="list-style-type: none"> Should the Divisional Commissioner: Visible Policing <u>CONCUR</u> with the Recommendation of the National <i>DSO</i>, he or she must sign and date stamp the SAPS 608(a) – Notice of Appeal and Memorandum. 		
13.	<ul style="list-style-type: none"> The National <i>DSO</i> must forward the Z20 – Appeal File, containing all the applicable and relevant documentation, to the Minister of Police via the office of the National Commissioner for final consideration 	✓ Appeal Memorandum	✓ <i>DSO</i> – National
14.	<ul style="list-style-type: none"> The Minister or his or her delegated authority may confirm, set aside or amend the decision taken by the National Commissioner or make such order with regard thereto as may be fair and practicable. The Minister of Police must make a ruling on the Appeal and must sign and date stamp the applicable documentation, and return the Appeal to the National <i>Second-Hand Goods</i> Office once it has been finalised. 	✓ Appeal Outcome	✓ Minister of Police
15.	<ul style="list-style-type: none"> The National <i>Second-Hand Goods</i> Office will receive back the Appeal Documentation with the outcome of the appeal and further directives from the Minister of Police. The National <i>DSO</i> must take cognisance of the reasons for the decision taken by the Minister of Police in terms of one of the following decisions: <ul style="list-style-type: none"> - Uphold Appeal - Uphold Appeal with Amendments - Set Aside Appeal The National <i>DSO</i> must prepare a Letter (Letter of Outcome of Appeal) to the Appellant, stating the reasons for the decision taken by the Minister of Police. The Section Head: <i>Second-Hand Goods</i> Control must sign and date stamp the Letter (Letter of Outcome of Appeal), addressed to the Appellant, and forward the Letter (Notification of Outcome of 	<ul style="list-style-type: none"> ✓ Z20 Appeal File ✓ Letter of Outcome of Appeal 	<ul style="list-style-type: none"> ✓ Minister of Police ✓ <i>DSO</i> – National

	Appeal) to the Station Deciding Authority in whose precinct the business premises of the Appellant is situated in.		
16.	<ul style="list-style-type: none"> The Station Deciding Authority or DSO will receive the Letter (Letter of Outcome of Appeal) from the National <i>Second-Hand Goods</i> Office and must then retrieve the relevant Z20 – <i>Dealer or Recycler</i> File and file a copy of the Letter (Letter of Outcome of Appeal) therein. 	<ul style="list-style-type: none"> ✓ Letter of Outcome of Appeal ✓ Z20 <i>Dealer or Recycler</i> File 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ DSO
17.	<ul style="list-style-type: none"> The DSO must complete an SAPS 606 – Return of Service. The Letter (Letter of Outcome of Appeal) must be served on the Appellant by the DSO in person and a copy of the SAPS 606 bearing the Appellant's signature must be filed in the relevant Z20 - <i>Dealer or Recycler</i> File. 	<ul style="list-style-type: none"> ✓ SAPS 606 ✓ Letter of Outcome of Appeal ✓ Z20 <i>Dealer or Recycler</i> File 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ DSO
18.	<ul style="list-style-type: none"> The DSO must send the original SAPS 606 – Return of Service to the National <i>Second-Hand Goods</i> Office, to be filed in the Z20 – Appeal File. 	<ul style="list-style-type: none"> ✓ SAPS 606 ✓ Z20 Appeal File 	<ul style="list-style-type: none"> ✓ DSO
19.	<ul style="list-style-type: none"> The DSO must update all <i>Second-Hand Goods</i> recording systems (SAPS 603, SHGCS and SAPS 5). 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 5 	<ul style="list-style-type: none"> ✓ DSO
20.	<ul style="list-style-type: none"> Where the Minister of Police have decided to Uphold, or Uphold the Appeal with Amendments against the decision taken by the National Commissioner, then the DSO must continue with the original Registration or Notification process, taking the directives stipulated by the Minister of Police in the Letter of Outcome of Appeal into consideration (if any). 	<ul style="list-style-type: none"> ✓ Letter of Outcome of Appeal 	<ul style="list-style-type: none"> ✓ DSO ✓ <i>Second-Hand Goods</i> Clerk ✓ DSO – National ✓ Station Deciding Authority

(13) Issuing or Re-Issuing of Second-Hand Goods Registration Certificates

(a) Issuing of New or Temporary Registration Certificates

- (i) A Registration Certificate in terms of this Act will be issued to a *Second-Hand Goods Dealer or Recycler* on the successful outcome of an application for Registration as a *Second-Hand Goods Dealer or Recycler*.

- (ii) The following types of *Dealer or Recycler* Registration Certificates can be issued by the South African Police Service in terms of the Act:
- SAPS 601(a) – *Certificate of registration as a Second-Hand Goods Dealer*
 - SAPS 601(b) – *Certificate of registration as a Second-Hand Goods Recycler*
 - SAPS 601(d) – *Certificate of Temporary Registration as a Second-Hand Goods Dealer or Recycler*
- (b) Re-Issuing of Registration Certificates
- (i) Reasons may exist and circumstances may change which require the *DSO* to re issue a Registration Certificate to a *Dealer or Recycler*. The following instances will necessitate the re issuing of a Registration Certificate:
- Amendment of Information of *Dealer or Recycler*
 - Limitation or Variation of *Dealer or Recycler* Conditions
 - Lost, Stolen or Defaced Registration Certificates
- (ii) If a Registration Certificate issued in terms of this Act is lost, stolen or defaced, the **holder** of the Registration Certificate must:
- Inform the *DSO* in writing, within 30 days of the discovery of the loss, theft or defacement; and
 - Apply to the *DSO* in writing, within 30 days of the discovery of the loss, theft or defacement for the re-issuing of a *Dealer or Recycler* Registration Certificate.
- (iii) The *Dealer or Recycler* must notify or inform the *DSO* of the loss, theft or defacement of his or her Registration Certificate on form SAPS 605 – Notification or Re-Issuing of Lost or Stolen or Defaced Second-Hand Goods or Accreditation Certificate (“SAPS 605”).
- (c) The following process must be followed during the issuing of a Registration Certificate:

**ISSUING OF A NEW OR TEMPORARY SECOND-HAND GOODS
REGISTRATION CERTIFICATE**

The following procedures must be followed by the Designated Second-Hand Goods Officer (DSO) when an SAPS 601(a), (b) or (d) is issued under the Second-Hand Goods Act, 2009 (Act No 6 of 2009).			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> In the event that the Deciding Authority approved the application for the issuing or re-issuing of the <i>Dealer or Recycler</i> Registration Certificate (SAPS 601(a) and/or (b)), or Temporary Registration Certificate (SAPS 601(d)) the Z20 – <i>Dealer or Recycler</i> File must be obtained by DSO for the preparation of the SAPS 601 (a), (b) or (d) Certificate(s). 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer or Recycler</i> File ✓ SAPS 605 ✓ SAPS 601(a) ✓ SAPS 601(b) ✓ SAPS 601(c) 	<ul style="list-style-type: none"> ✓ DSO ✓ Station Deciding Authority
2.	<ul style="list-style-type: none"> The DSO must determine the availability of the <i>SHGCS</i> when he or she wants to issue or re-issue a <i>Second-Hand Goods Dealer or Recycler</i> Registration Certificate(s). 	<ul style="list-style-type: none"> ✓ Section 37 of the Act. ✓ SAPS 605 Notification ✓ <i>SHGCS</i> 	<ul style="list-style-type: none"> ✓ DSO
3.	<ul style="list-style-type: none"> The relevant <i>Second-Hand Goods</i> Registration Certificate must be issued manually from the applicable Registration Certificate Book in triplicate should the <i>SHGCS</i> be unavailable or offline. 	<ul style="list-style-type: none"> ✓ SAPS 605 Notification ✓ SAPS 601 ✓ SAPS 601(a) ✓ SAPS 601(b) ✓ SAPS 601(c) 	<ul style="list-style-type: none"> ✓ DSO
4.	<ul style="list-style-type: none"> The DSO must forward the Z20 <i>Dealer or Recycler</i> File together with the printed (<i>SHGCS</i>) or hand written Registration Certificate Book to the Deciding Authority in order for him or her to sign the relevant Registration Certificate. 	<ul style="list-style-type: none"> ✓ SAPS 603 Register. ✓ SAPS 605 Notification ✓ SAPS 601 ✓ Z20 <i>Dealer or Recycler</i> File ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ DSO
5.	<ul style="list-style-type: none"> The Deciding Authority receives the Z20 <i>Dealer or Recycler</i> File with the relevant printed or completed re-issued Registration Certificate. The Deciding Authority must sign and date stamp the applicable printed or completed Registration Certificate/s - (SAPS 601(a), (b) or (d)). 	<ul style="list-style-type: none"> ✓ SAPS 601(a) ✓ SAPS 601(b) ✓ SAPS 601(c) ✓ Z20 <i>Dealer/ Recycler</i> File 	<ul style="list-style-type: none"> ✓ DSO ✓ Station Deciding Authority
6.	<ul style="list-style-type: none"> The DSO must complete hand written Registration Certificates in triplicate and issue them as follows: 	<ul style="list-style-type: none"> ✓ SAPS 601(a) ✓ SAPS 601(b) ✓ SAPS 601(c) 	<ul style="list-style-type: none"> ✓ DSO

	<ul style="list-style-type: none"> - The original must be issued to the <i>applicant</i>, - The first copy must be filed in the <i>Z20 Dealer or Recycler File</i>; and - The second copy must remain in the SAPS 601(a), (b) or (d) Registration Certificate Book(s). 	✓ Z20 Dealer/ Recycler File	
7.	<ul style="list-style-type: none"> • Where applicable the <i>DSO</i> must retrieve the original previously issued Registration Certificate(s) before the newly, issued or re-issued Registration Certificate can be handed to the <i>Dealer</i> or <i>Recycler</i>. 	<ul style="list-style-type: none"> ✓ SAPS 601(a) ✓ SAPS 601(b) ✓ SAPS 601(c) 	✓ <i>DSO</i>
8.	<ul style="list-style-type: none"> • The <i>DSO</i> must ensure that the signed SAPS 601 (a), (b) or (d) Registration Certificate(s) is handed over to the <i>applicant</i> or existing <i>Dealer</i> or <i>Recycler</i> and the <i>DSO</i> must ensure that the <i>applicant</i> signs the SAPS 603 Register as acknowledgement of receipt. 	<ul style="list-style-type: none"> ✓ SAPS 603 Register ✓ SAPS 601(a) ✓ SAPS 601(b) ✓ SAPS 601(c) 	✓ <i>DSO</i>
9..	<ul style="list-style-type: none"> • The <i>DSO</i> must file all relevant documentation in the <i>Z20 Dealer</i> or <i>Recycler File</i>. 	✓ Z20 Dealer or Recycler File	✓ <i>DSO</i>
10.	<ul style="list-style-type: none"> • The <i>DSO</i> must forward the updated <i>Z20 Dealer</i> or <i>Recycler File</i> to Registration for archiving. 	✓ Z20 Dealer or Recycler File	✓ <i>DSO</i>

- (d) The following process must be followed during the notification and application process for the Re-Issuing of a Lost, Stolen or Defaced Second-Hand Goods Registration Certificate:

**NOTIFICATION OR RE-ISSUING OF LOST, STOLEN OR
DEFACED SECOND-HAND GOODS REGISTRATION
CERTIFICATE**

The following procedures must be followed by the Designated Second-Hand Goods Officer (*DSO*) when a notification or application for lost, stolen or defaced Registration Certificates issued under the Second-Hand Goods Act, 2009 (Act No 6 of 2009) is received by the police station in which precinct the second-hand goods business is situated.

PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> • The SAPS 605 Notification must be submitted to the <i>DSO</i> by the <i>Dealer</i> or <i>Recycler</i> in the police precinct where his or her business is situated. 	<ul style="list-style-type: none"> ✓ Section 37 of the Act. ✓ SAPS 605 	✓ <i>DSO</i>
2.	<ul style="list-style-type: none"> • The <i>DSO</i> needs to determine whether the <i>applicant</i> is able to: <ul style="list-style-type: none"> - understand English; 	✓ SAPS 605	✓ <i>DSO</i>

	<ul style="list-style-type: none"> - understand the content of the SAPS 605 Application; and - whether the <i>applicant</i> can complete the applicable form in English. <ul style="list-style-type: none"> • Should the <i>applicant</i> have difficulty with any of the three instances above, the <i>DSO</i> must <i>acquire</i> the services of an interpreter to explain and assist in completing the SAPS 605 Notification. • All costs for interpretation services must be borne by the South African Police Service. 		
3.	<ul style="list-style-type: none"> • The <i>DSO</i> must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 605 Notification. 	✓ SAPS 605	✓ <i>DSO</i>
4.	<ul style="list-style-type: none"> • The <i>DSO</i> will forward the SAPS 605 Notification to the <i>Second-Hand Goods Administration Clerk</i> for the capturing of the information on the SAPS 605 Notification onto the available recording systems. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 605 ✓ Completion Instructions 	✓ <i>DSO</i>
5.	<ul style="list-style-type: none"> • The <i>DSO</i> or <i>Second-Hand Goods Clerk</i> must enter the information from the SAPS 605 Notification into the SAPS 603 Register and the SAPS 603 Register reference number must be recorded in the allocated space on the SAPS 605 Notification. • The <i>DSO</i> or <i>Second-Hand Goods Clerk</i> must capture the entire information from the SAPS 605 Notification onto the <i>SHGCS</i> (if available) and the system generated reference number must then be entered in the SAPS 603 Register as well as on the SAPS 605 Notification. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 605 	✓ <i>DSO</i>
6.	<ul style="list-style-type: none"> • The <i>DSO</i> must issue an SAPS 601(c) Acknowledgement of Receipt to the <i>applicant</i> upon receipt of the SAPS 605 Notification. • The SAPS 601(c) Acknowledgement of Receipt must be completed according to the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 601(c) ✓ Completion Instructions 	✓ <i>DSO</i>
7.	<ul style="list-style-type: none"> • The <i>DSO</i> must obtain the existing Z20 Dealer or Recycler File for the applicable Dealer or Recycler. • The <i>DSO</i> must file the SAPS 605 Notification and supporting 	<ul style="list-style-type: none"> ✓ Z20 Dealer or Recycler File 	✓ <i>DSO</i>

	documentation in the existing Z20 <i>Dealers or Recycler</i> File.		
8.	<ul style="list-style-type: none"> The <i>DSO</i> must verify the completeness of the SAPS 605 Notification and supporting documents. The SAPS 605 Notification must be completed as per the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 605 ✓ Completion Instructions 	✓ <i>DSO</i>
9.	<ul style="list-style-type: none"> The details of the incomplete SAPS 605 Notification must be recorded in the SAPS 603 Register, before being referred back to the <i>Dealer or Recycler</i> to be corrected or updated. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer or Recycler</i> File ✓ SAPS 605 	✓ <i>DSO</i>
10.	<ul style="list-style-type: none"> In the event that the SAPS 605 Notification is incomplete, the <i>DSO</i> must make a copy of the SAPS 605 Notification and supporting documentation before returning it to the <i>applicant</i>. The copy must be filed on the Z20 <i>Dealer or Recycler</i> File. A copy of the Checklist Guideline, clearly indicating the information or documentation still outstanding must be provided to the <i>applicant</i>. The <i>applicant</i> must be given ten (10) working days to submit the outstanding information or documentation. 	<ul style="list-style-type: none"> ✓ SAPS 605 ✓ Z20 <i>Dealer or Recycler</i> File 	✓ <i>DSO</i>
11.	<ul style="list-style-type: none"> If the <i>applicant</i> fails to submit the requested outstanding information and/or documentation within the 10 working day period OR where such outstanding information and/or documentation was submitted but is still insufficient, the <i>DSO</i> must indicate in red ink, in the relevant section of the SAPS 605 Notification, all outstanding information and/or documentation. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 605 ✓ <i>SHGCS</i> 	✓ <i>DSO</i>
12.	<ul style="list-style-type: none"> Should the application be submitted for a second time and the SAPS 605 Notification and documentation is still not sufficient to re-issue a Registration Certificate the <i>DSO</i> must prepare a recommendation to refuse the re-issuing of the Registration Certificate. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer or Recycler</i> File ✓ SAPS 601(a) or (b) Certificates 	✓ <i>DSO</i>
13.	<ul style="list-style-type: none"> The <i>DSO's</i> recommendation to refuse the re-issuing of the Registration Certificate, the SAPS 605 Notification and all supporting documentation must 	<ul style="list-style-type: none"> ✓ SAPS 605 ✓ Z20 <i>Dealer or</i> 	✓ <i>DSO</i> Station Deciding Authority

	be forwarded to the Deciding Authority for consideration.	<i>Recycler File</i>	
14.	<ul style="list-style-type: none"> The Deciding Authority must duly consider the SAPS 605 Notification by taking the <i>DSO</i> Recommendation and all other documentation and information contained in the <i>Z20 Dealer or Recycler File</i> into consideration before making a final decision. 	<ul style="list-style-type: none"> ✓ SAPS 605 ✓ <i>Z20 Dealer or Recycler File</i> ✓ Completion Instructions 	<ul style="list-style-type: none"> Station Deciding Authority ✓ <i>DSO</i>
15.	<ul style="list-style-type: none"> In the event that the Deciding Authority intends to refuse the Re-issuing of the Registration Certificate he or she must indicate his or her decision by signing and date stamping the Notice of Intention to Refuse Detailed reasons for the Deciding Authority's decision to refuse must be clearly inscribed by him or her in the relevant spaces on the SAPS 605 Notification. The Deciding Authority must instruct the <i>DSO</i> to compile a Notice of Intention to Refuse the Re-issue of a Registration Certificate. The <i>Z20 Dealer or Recycler File</i> containing the Notice of Intention to Refuse the Re-issue of the Registration Certificate must be forwarded to the Deciding Authority with all other relevant documentation. The Deciding Authority will confirm the Notice of Intention to Refuse by signing and date stamping the document. 	<ul style="list-style-type: none"> ✓ Notice of Intention to Refuse ✓ SAPS 605 ✓ <i>Z20 Dealer or Recycler File</i> 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ Station Deciding Authority
16.	<ul style="list-style-type: none"> Once the Deciding Authority has confirmed the Notice of Intent by endorsing the document then the <i>DSO</i> or <i>Second-Hand Goods Administration Clerk</i> must update the relevant <i>Second-Hand Goods</i> recording systems (<i>Z20 Dealer or Recycler File</i> "SAPS 5" and SAPS 603 Register as well as the <i>SHGCS</i> (if available)). 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 5 ✓ <i>Z20 Dealer or Recycler File</i> 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
17.	<ul style="list-style-type: none"> The <i>DSO</i> must complete an SAPS 606 Return of Service. The notice must be served on the <i>Dealer or Recycler</i> by the <i>DSO</i> in person and the SAPS 606 bearing the <i>responsible person's</i> signature must be filed in the relevant <i>Z20 Dealer or Recycler File</i>. 	<ul style="list-style-type: none"> ✓ SAPS 606 ✓ Notice of Intention to Refuse ✓ <i>Z20 Dealer or Recycler File</i> 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

18.	<ul style="list-style-type: none"> • Before a final decision is made by the Deciding Authority, a period of thirty (30) days must be afforded to the <i>Dealer or Recycler</i> should he or she wish to submit Representations against the Notice of Intention to Refuse the Re-issuing of a Registration Certificate. • The <i>DSO</i> must bring forward the Z20 <i>Dealer or Recycler File</i> thirty (30) days after the Notice of Intent was served on the <i>Dealer or Recycler</i> in order to ascertain whether or not the <i>Dealer or Recycler</i> made any written representations against the Deciding Authority's decision to refuse the Re-issuing of a Registration Certificate. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer or Recycler File</i> 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
19.	<ul style="list-style-type: none"> • Should the documentation submitted and the SAPS 605 Notification be sufficient to recommend the approval to re-issue the lost, stolen or defaced Registration Certificate, the <i>DSO</i> must prepare a recommendation in order to approve the re-issue. 	<ul style="list-style-type: none"> ✓ SAPS 605 ✓ <i>DSO</i> Recommendation 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
20.	<ul style="list-style-type: none"> • The Z20 <i>Dealer or Recycler File</i> must be forwarded to the Deciding Authority with the recommendation of the <i>DSO</i> to re-issue the relevant Registration Certificate. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer or Recycler File</i> ✓ SAPS 605 ✓ <i>DSO</i> Recommendation 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
21.	<ul style="list-style-type: none"> • Should the Deciding Authority <u>NOT</u> concur with the <i>DSO's</i> Recommendation Report then he or she must indicate the reasons for <u>NOT</u> concurring on the allocated spaces on the SAPS 605 Notification. 	<ul style="list-style-type: none"> ✓ SAPS 605 	<ul style="list-style-type: none"> ✓ Station Deciding Authority
22.	<ul style="list-style-type: none"> • Should the Deciding Authority CONCUR with the Recommendation Report of the <i>DSO</i> to re-issue the <i>Dealer's or Recycler's</i> lost, stolen or defaced Registration Certificate then the Deciding Authority must sign and date stamp the SAPS 605 Notification. • The SAPS 605 Notification must be filed in the Z20 <i>Dealer or Recycler File</i>. The <i>DSO</i> or <i>Second-Hand Goods Administration Clerk</i> must update all the <i>Second-Hand Goods</i> recording systems (Z20 <i>Dealer or Recycler File</i>, SAPS 603 Register and the <i>SHGCS</i> (if available)). 	<ul style="list-style-type: none"> ✓ SAPS 605 ✓ SAPS 603 ✓ SAPS 5 ✓ Z20 <i>Dealer or Recycler File</i> 	<ul style="list-style-type: none"> ✓ Station Deciding Authority ✓ <i>DSO</i>

	<ul style="list-style-type: none"> The steps, as per 4(13)(c) supra, must followed to issue the Actual Registration Certificate. 		
23.	<ul style="list-style-type: none"> If the Deciding Authority does NOT concur with the DSO's Recommendation Report to Approve the Re-issuing of the Registration Certificate then the Deciding Authority must make an inscription on the SAPS 605 Notification in "red ink" with full reasons for NOT concurring 	✓ SAPS 605	✓ Station Deciding Authority

(14) Withdrawal of a Second-Hand Goods Application or Notification

- (a) An *Applicant* may at any time withdraw a *Second-Hand Goods* Application or Notification submitted by him or her.
- (b) A notification for the withdrawal of a *Second-Hand Goods* Application or Notification must be lodged with the *DSO* on the form SAPS 609 Notice to Withdraw Application or Notification ("SAPS 609").
- (c) The following process must be followed during the withdrawal of a *Second-Hand Goods* Application or Notification:

WITHDRAWAL OF APPLICATION OR NOTIFICATION			
The following procedures must be followed by the Designated <i>Second-Hand Goods</i> Officer (<i>DSO</i>) when a Withdrawal of a <i>Second-Hand Goods</i> Application or Notification is dealt with under the <i>Second-Hand Goods</i> Act, 2009 (Act No 6 of 2009).			
PHASE	PROCESS	GOVERNANCE	RESPONSIBILITY
1.	<ul style="list-style-type: none"> Should a <i>Dealer</i> or <i>Recycler</i> choose to withdraw his or her <i>Second-Hand Goods</i> Application or Notification, he or she must submit an SAPS 609 – Notice to Withdraw an Application or Notification ("SAPS 609"), to the <i>DSO</i> at the police station where the Application or Notification was originally submitted. 	<ul style="list-style-type: none"> ✓ SAPS 609 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>Applicant</i> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods</i> Clerk
2.	<ul style="list-style-type: none"> The <i>DSO</i> needs to determine whether the <i>Dealer</i> or <i>Recycler</i> is able to: <ul style="list-style-type: none"> - understand English; - understand the content of the SAPS 609 – Notice to Withdraw an Application or Notification; and 	<ul style="list-style-type: none"> ✓ SAPS 609 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i>

	<ul style="list-style-type: none"> - Whether the <i>applicant</i> can complete the applicable form in English. • Should the <i>Dealer or Recycler</i> have difficulty with any of the three instances above, the <i>DSO</i> must <i>acquire</i> the services of an internal or external interpreter to explain and assist in completing the SAPS 609 – Notice to Withdraw an Application or Notification • All costs for interpretation services must be borne by the South African Police Service. 		
3.	<ul style="list-style-type: none"> • The <i>DSO</i> must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 609 – Notice to Withdraw an Application or Notification. 	<ul style="list-style-type: none"> ✓ SAPS 609 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
4.	<ul style="list-style-type: none"> • The SAPS 609 – Notice to Withdraw an Application or Notification and all relevant supporting documents (if applicable) must be handed to the <i>DSO</i> or <i>Second-Hand Goods Clerk</i> for recording or capturing purposes in the relevant recording systems. 	<ul style="list-style-type: none"> ✓ SAPS 609 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
5.	<ul style="list-style-type: none"> • The <i>DSO</i> must record the SAPS 609 – Notice to Withdraw an Application or Notification in the SAPS 603 - Register for Received <i>Second-Hand Goods</i> Documentation (“SAPS 603”). The SAPS 603 Register must be completed as per the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 603 Register. ✓ SAPS 609. ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
6.	<ul style="list-style-type: none"> • The <i>DSO</i> must capture the entire SAPS 609 – Notice to Withdraw an Application or Notification, on the <i>Second-Hand Goods Control System</i> (if available) and the System generated reference number must be entered in the SAPS 603 Register as well as on the SAPS 609. 	<ul style="list-style-type: none"> ✓ SAPS 609 ✓ SAPS 603. ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
7.	<ul style="list-style-type: none"> • The applicable SAPS 603 Register reference number must be recorded in the appropriate space allocated on the SAPS 609 Notice. 	<ul style="list-style-type: none"> ✓ SAPS 603. ✓ SAPS 609 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
8.	<ul style="list-style-type: none"> • The <i>DSO</i> must retrieve the existing Z20 <i>Dealer or Recycler</i> File for the applicable business, update the SAPS 5 <i>Investigation</i> Diary and file the SAPS 609 Notice and any supporting documents. 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer or Recycler</i> File ✓ SAPS 5 ✓ SAPS 609. 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>

9.	<ul style="list-style-type: none"> The <i>DSO</i> must check for the completeness of the SAPS 609 Notice and ensure that the reason(s) for withdrawal is/are valid. 	<ul style="list-style-type: none"> ✓ SAPS 609 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
10.	<ul style="list-style-type: none"> In the event that the SAPS 609 Notice is incomplete, it must still be registered in the SAPS 603 Register as per relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ SAPS 609 ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
11.	<ul style="list-style-type: none"> The SAPS 609 Notice must be referred back to the <i>Dealer or Recycler</i> where it is determined that the Notice is incomplete or where the incorrect Notice Type was indicated. The rectified SAPS 609 Notice must be resubmitted to the <i>DSO</i>. Any outstanding information or corrections on the SAPS 609 Notice must be rectified by the <i>Dealer or Recycler</i> immediately. 	<ul style="list-style-type: none"> ✓ SAPS 609 	<ul style="list-style-type: none"> ✓ <i>Applicant</i> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
12.	<ul style="list-style-type: none"> The <i>DSO</i> must issue an SAPS 601(c) - Acknowledgement of Receipt of <i>Second-Hand Goods</i> Documentation ("SAPS 601(c)") to the <i>applicant</i> on receipt of the SAPS 609 Notice and must ensure that it is completed as per the relevant Completion Instructions. 	<ul style="list-style-type: none"> ✓ SAPS 601(c) ✓ Completion Instructions 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>
13.	<ul style="list-style-type: none"> The <i>DSO</i> must determine the status of the existing Application or Notification. If the existing Application or Notification has already been decided upon, the relevant procedures relating to Termination or Amendment of Information must be complied with. If the Existing Application or Notification has not been decided upon, the <i>DSO</i> must cancel all existing processes regarding such Application or Notification. 	-	<ul style="list-style-type: none"> ✓ <i>DSO</i>
14.	<ul style="list-style-type: none"> The <i>DSO</i> must compile a Letter of Confirmation of Withdrawal, either confirming that the withdrawal of the Application or Notification has been effected or that the withdrawal could not be effected due to it being already decided upon – informing the <i>applicant</i> what will be required of the <i>applicant</i> to effect the requested withdrawal. The <i>DSO</i> must forward the Z20 <i>Dealer or Recycler</i> File to the Station Deciding Authority for signature and date 	<ul style="list-style-type: none"> ✓ Z20 <i>Dealer or Recycler</i> File ✓ SAPS 609. ✓ Letter of Confirmation of Withdrawal 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods Clerk</i>

	stamping of the Letter of Confirmation of Withdrawal or non-withdrawal.		
15.	<ul style="list-style-type: none"> The Station Deciding Authority receives the <i>Z20 Dealer or Recycler</i> File containing the Letter of Confirmation of Withdrawal or non-withdrawal. The Station Deciding Authority confirms the <i>DSO's</i> "recommendation" by signing the Letter of Confirmation of Withdrawal or non-withdrawal. 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer or Recycler</i> File ✓ SAPS 609. ✓ Letter of Confirmation of Withdrawal 	<ul style="list-style-type: none"> ✓ The Station Deciding Authority
16.	<ul style="list-style-type: none"> The <i>DSO</i> must complete an SAPS 606 Return of Service ("SAPS 606"). The Letter of Confirmation of Withdrawal or non-withdrawal must be served on the <i>Dealer or Recycler</i> and the <i>responsible person</i> must sign the SAPS 606 to acknowledge receipt of the Letter of Confirmation. 	<ul style="list-style-type: none"> ✓ Section 10(6) of the Act ✓ Section 35 (1) of the Act ✓ SAPS 606 ✓ <i>Z20 Dealer or Recycler</i> File ✓ Letter of Confirmation of Withdrawal 	<ul style="list-style-type: none"> ✓ <i>Applicant</i> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods</i> Clerk
17.	<ul style="list-style-type: none"> The <i>DSO</i> must file all applicable documentation in the <i>Z20</i> File 	<ul style="list-style-type: none"> ✓ <i>Z20 Dealer or Recycler</i> File 	<ul style="list-style-type: none"> ✓ <i>DSO</i>
18.	<ul style="list-style-type: none"> The <i>DSO</i> must ensure that all relevant <i>Second-Hand Goods</i> related records and/or systems are continuously updated before Withdrawal of an Application or Notification is affected. 	<ul style="list-style-type: none"> ✓ SAPS 603 ✓ <i>SECOND-HAND GOODSC</i> 	<ul style="list-style-type: none"> ✓ <i>DSO</i> ✓ <i>Second-Hand Goods</i> Clerk

CHAPTER 5 GENERAL MATTERS

6. Training

All *police officials* appointed as Designated Second-Hand Goods Officers or Police Members or Officers performing the functions of Second-Hand Goods Control, at all levels, must receive the following training:

- (a) Designated Second-Hand Goods Officers Learning Programme;
- (b) Second-Hand Goods Control System; or
- (c) Any other relevant learning programmes as may be determined by the Divisional Commissioner: Visible Policing.

7. Delegation of powers

The functions, responsibilities and powers, as stipulated in the Second-Hand Goods Delegation of Powers, must be adhered to at all times.

8. Disposal of non-ferrous metals in SAPS 13 stores

- (1) The storing of found, unclaimed and/or forfeited non-ferrous metals in the SAPS 13 Stores has become a concern due to the limited availability of storage space within these stores and as a result of the non-adherence to Standing Orders relating to disposals in this regard.
- (2) The disposal of non-ferrous metals (eg. Copper and Aluminium *cabl*e) in the SAPS 13 Stores must be dealt with according to normal disposal procedures as reflected in Standing Order(General) 333, read with Standing Order (Stores) 13 and Standing Order (Stores) 15.
- (3) Any provincial directives and/or instructions issued in terms of the disposal of non-ferrous metals within the SAPS 13 stores which is in contradiction with the above mentioned Standing Orders, must be officially withdrawn and rectified to be in line with all official existing directives in this regard.

9. Administrative prescripts

- (1) Designated Second-Hand Goods Officers must be appointed, in writing, by the Provincial Commissioners within each province.
- (2) A fully completed Second-Hand Goods registration application must be finalized within a period of ten (10) working days from the date of receipt. Where such registration application is incomplete, an additional period

of ten (10) calendar days must be added to cater for the process of referring the incomplete application back to the *applicant*.

- (3) Designated Second-Hand Goods Officers must ensure that optimum levels of all relevant SAPS Second-Hand Goods Registers and Certificates are maintained at station level through the normal Supply Chain Management channels.
- (4) All SAPS Second-Hand Goods Forms, Completion Instructions, Checklist Guidelines and Process Flows are available in electronic format on the SAPS Inter- and Intranet (www.saps.gov.za), and DSO must ensure access there to.
- (5) The manual (hand written) issuing of Registration Certificates (SAPS 601(a), SAPS 601(b) and SAPS 601(d)) will be used until such time as the Second-Hand Goods Control System is implemented and fully operational.
- (6) The Second-Hand Goods Control System will make provision for the electronic generating and printing of Registration Certificates. After implementation of the Second-Hand Goods Control System, the issuing of manual (hand written) Registration Certificates will only be used for the amendment of information in respect of —
 - (a) mistake during completion;
 - (b) cancellation of registration;
 - (c) termination of registration;
 - (d) re-issuing as a result of damage (defacement); orrequired in instances when there is a system failure or as a result of the non-availability of the Second-Hand Goods Control System.

10. Cancellation of serial controlled second-hand goods documentation

- (1) The following serial controlled Second-Hand Goods documentation are applicable on the instruction contained in paragraph 6(5)(b), *supra*:
 - (a) SAPS 601(a) - *Certificate of registration as a Second-Hand Goods Dealer*
 - (b) SAPS 601(b) - *Certificate of registration as a Second-Hand Goods Recycler*
 - (c) SAPS 601(d) - *Certificate of Temporary Registration as a Second-Hand Goods Dealer or Recycler*
 - (d) SAPS 610 – *Written Warning*
- (2) The following instances will necessitate the cancellation of a serial controlled Second-Hand Goods document :

- (a) When a serial controlled Second-Hand Goods document needs to be cancelled as a result of one of the above mentioned reasons, the following method of cancellation must be utilized:
- (i) Two parallel lines must be drawn diagonally across the Registration Certificate in red ink;
 - (ii) The word "CANCELLED" must be written between the parallel lines in red ink;
 - (iii) The *police official* responsible for the cancellation must sign all copies and record his or her name, rank and PERSAL number and the date on which the Registration Certificate is cancelled.
 - (iv) The *police official* responsible for the cancellation must ensure that the original cancelled document as well as the two copies must remain in the relevant *registers* (books). Previously issued Registration Certificates which are cancelled must be filed in the relevant Z20 Dealer or Recycler File.

11. Communication and liaison

- (1) The various Provincial Commissioners of the South African Police Service must ensure that a Communication Strategy and Plan, which must include Awareness Campaigns, is in place and regularly revised in order to inform and educate the Community as well as the Second-Hand Goods Industry on issues related to the Act and Regulations.
- (2) The Divisional Commissioner: Visible Policing must maintain a National Non-Ferrous Metals Crime Combating Committee (NFMCCC) and hold quarterly meetings with all relevant internal and external functionaries.
- (3) The various Provincial Commissioners must maintain a Provincial Non-Ferrous Metals Crime Combating Committee (PNFMCCC) and hold monthly meetings with all relevant internal and external functionaries.
- (4) The Divisional Commissioner: Visible Policing, the various Provincial Commissioners and the Station Deciding Authorities of the South African Police Service must ensure the establishment and maintenance of a Second-Hand Goods Dealers' Forum (SDF) at all relevant levels within the South African Police Service (see paragraph 3(5) supra).

12. Reporting

- (1) The Divisional Commissioner: Visible Policing may from time to time, as the need arises, request ad-hoc or monthly reports from Provincial

Commissioners, Provincial Heads: Visible Policing, Provincial Commanders: Firearms, Liquor and Second-Hand Goods Control, Station Deciding Authorities, Designated Second-Hand Goods Officers and/or any other internal SAPS Functionaries with regard to any operational or other relevant second-hand goods related issues.

- (2) Designated Second-Hand Goods Officers must perform an annual *CRIM* System check on all Registered Second-Hand Goods Dealers or *Recyclers* in order to ensure that all *responsible persons* and managers responsible for the day-to-day management of a Second-Hand Goods business still complies with the requirements of registration in terms of the Act.

13. Second-Hand Goods directives

The Divisional Commissioner: Visible Policing may from time to time issue Second-Hand Goods Directives, which are not in conflict with this National Instruction, in order to further the objectives of the Act and this National Instruction.

14. Financial implications

- (1) Any requirements by the South African Police Service relating to second-hand goods will be at no cost to a second-hand goods applicant or registered Second-Hand Goods Dealer or *Recycler*. The following examples of services rendered to a second-hand goods applicant by the South African Police Service which must be provided at no cost to such applicant:
 - (a) Registering as a new Second-Hand Goods Dealer or *Recycler*;
 - (b) Renewing of a Dealer or *Recycler* Registration;
 - (c) Fingerprints;
 - (d) Clearance Certificate (SAPS 69(m));
 - (e) Interpretation Services; and
 - (f) Any other service relating to the Act.
- (2) All costs regarding the above mentioned procedures must be borne by the South African Police Service.

15. Requirements for identification

- (1) The following documents are to be regarded as acceptable for purpose of section 21 of the Second-Hand Goods Act, 2009 (Act No. 6 of 2009):
 - (a) A temporary South African identity certificate;
 - (b) An identity document or identity card issued in terms of the Identification Act, 1997 (Act No. 68 of 1997);
 - (c) A valid current passport in the case of foreign nationals; or

- (d) A valid current driving license card issued in terms of regulation 108 of the National Road Traffic Regulations, 2000 of 17 March 2000.

16. Documentation for vehicles

- (1) Where vehicles are sold to scrap yards, the registration documents must form part of the transaction, including the de-registration/disposal documentation.
- (2) In cases where the vehicle can no longer be described as a vehicle - i.e. when it consists of the body only - registration documents are not necessary. The "character, form and function" test as described by the court in *Khan v Minister of Law and Order* 1991 (3) SA 439 (T), is applicable. The test is that when the vehicle can no longer be regarded as a vehicle in terms of its character, form or function, it will be regarded as scrap.

17. DEALER OR RECYCLER REGISTERS

- (1) Section 21 of the Act provides that a *dealer* must keep a register in the prescribed form and record in the register the prescribed particulars regarding every acquisition or disposal of second-hand *goods*.
- (2) Regulation 8 prescribes that the register contemplated in section 21(1) of the Act must essentially be in the form and contains the particulars as set out in Annexure "B" to *the Regulations*.
- (3) The format prescribed in Annexure "B" of *the Regulations* is not compulsory, but a guideline. As a minimum requirement the register must contain the following particulars:
- (a) particulars in respect of the identity of the *person* from whom the second-hand *goods* are *acquired*, including—
 - the person's full names, contact address and contact telephone number;
 - the manner in which the person's identity was verified; and
 - the person's identity number.
 - (b) a description of the second-hand *goods* and serial number or distinguishing mark or feature of the second-hand *goods*;
 - (c) the purchase price paid by the *dealer*;
 - (d) the number assigned to the second-hand *goods* by the *dealer*;
 - (e) the name and signature of the person who conducted the transaction on behalf of the *dealer*; and
 - (f) the date and time of the transaction, the date on which the second-hand *goods* were sold or an account of how and when the second-hand *goods* were otherwise disposed of.

- (a) A *Dealer or Recycler Register* may also be kept in an electronic format as long as the particulars as contained in paragraph 6(13)(c) supra and Regulation 8(2) and (3) is adhered to.

18. Mobile dealers

- (1) Mobile *Dealer* is defined in paragraph 2(1)(w), and includes a motor vehicle, conveyance, ship, boat or aircraft.
- (2) To register a Mobile *Dealer*, the *DSO* must follow the normal application process for a new registration.
- (3) The registration papers of such vehicle, conveyance, ship boat or aircraft must form part of the required documentary proof.
- (4) A Mobile *Dealer* must apply to be registered as a Second-Hand Goods *Dealer* at the police station in the precinct the vehicle registration address is situated.
- (5) When issuing the SAPS 601(a) *Dealer* Registration Certificate, the *DSO* must ensure that the vehicle registration number, VIN number, engine number, make, model and colour of the vehicle are reflected as part of the "Physical Business Address".
- (6) All provisions in terms of record keeping, display of the certificate and the seven (7) day storage of *goods*, as required by the Act, is also applicable on a Mobile *Dealer* as it would be on a normal second-hand *goods premises*.
- (7) A Mobile *Dealer* may register a separate storage facility to assist with the seven (7) day storage of *acquired goods*.

19. Monitoring of the implementation of *second-hand goods* legislation, policies and instructions

The relevant functionaries within the Second-Hand *Goods* environment on National, Provincial, Cluster and Station Level must monitor the implementation of the Act on a daily, weekly and monthly basis and must ensure that the appropriate endorsements are made in all relevant *registers*, books and files and that all irregularities are addressed in the appropriate manner.