

NATIONAL INSTRUCTION 7 OF 2019 SECOND-HAND GOODS: ACCREDITATION OF SECOND- HAND GOODS DEALERS' ASSOCIATIONS

Table of Contents

| | |
|---|----|
| CHAPTER 1: BACKGROUND, DEFINITIONS AND ABBREVIATIONS..... | 3 |
| 1. Background | 3 |
| 2. Purpose | 3 |
| 3. Scope of application | 3 |
| 4. Governance framework | 3 |
| 5. Definitions and Abbreviations | 4 |
| CHAPTER 2: PRINCIPAL ELEMENTS OF THE ACT | 12 |
| 6. Principal elements of the Act | 12 |
| (1) Objectives of the Act | 12 |
| (2) Routine inspections | 12 |
| (3) Second-Hand Goods Dealers' Forums..... | 13 |
| CHAPTER 3: IMPLEMENTATION OF THE ACT | 15 |
| 7. Implementation of the Act..... | 15 |
| (1) Forms and Registers | 15 |
| (2) Functions of Accredited Second-Hand Goods Dealers' Associations ... | 17 |
| (3) Reports..... | 18 |
| CHAPTER 4: PROCEDURES..... | 20 |
| 8. Procedures | 20 |
| (1) Introduction to the accreditation of a Second-Hand Goods Dealers' Association | 20 |
| (2) Introduction to the Amendment of Information | 35 |
| (3) Introduction to the Conditions Applicable on accredited SHG Dealers' Associations | 47 |
| (4) Introduction to the Process of Notification of Intent | 48 |
| (5) Introduction to the Written Representations Process | 54 |
| (6) Introduction to the Exemptions Processes | 60 |
| (7) Introduction to the Condonation and Extension of Time Processes | 66 |

| | | |
|----------------------------------|--|-----|
| (8) | Introduction to the Cancellation and Termination of Accreditation | 85 |
| (9) | Introduction to Compliance Inspections..... | 96 |
| (10) | Introduction to the Appeal Process | 104 |
| (11) | Introduction to the Issuing or Re-Issuing of a Second-Hand Goods Accreditation Certificate | 111 |
| (12) | Introduction to the Withdrawal of an Application or Notification submitted in terms of the Act | 122 |
| CHAPTER 5: GENERAL MATTERS | | 128 |
| 9. | Training | 128 |
| 10. | Delegation of powers..... | 128 |
| 11. | Administrative prescripts | 128 |
| 12. | Cancellation of serial controlled second-hand goods documentation | 129 |
| 13. | Communication and liaison | 130 |
| 14. | Reporting..... | 131 |
| 15. | Second-hand goods directives | 131 |
| 16. | Discipline | 132 |
| 17. | Financial implications | 132 |
| 18. | Requirements for identification | 132 |
| 19. | Association registers | 133 |
| 20. | Monitoring of the implementation of second-hand goods legislation, policies and instructions..... | 133 |
| 21. | Review..... | 133 |

CHAPTER 1: BACKGROUND, DEFINITIONS AND ABBREVIATIONS

1. Background

This National Instruction regulates the manner in which the Second-Hand Goods Act, 2009 (Act No 6 of 2009), and the Regulations for Accreditation of Second-Hand Goods Dealers' Associations, 2011, must be interpreted, implemented and enforced.

2. Purpose

The purpose of this Instruction is to regulate the processing of all Second Hand Goods accreditation applications and all related administrative procedures

3. Scope of application

This National Instruction is in particular applicable to Designated Second-Hand Goods Officers, but is also applicable to all members of the South African Police Service (including reservists).

4. Governance framework

This National Instruction is *inter alia* informed by the following:

- (a) Constitution of the Republic of South Africa, 1996;
- (b) Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (c) Competition Act , 1998 (Act No. 89 of 1998);
- (d) Firearms Control Act, 2000 (Act No.60 of 2000);
- (e) Regulations for Accreditation of Second-Hand Goods Dealers' Associations, 2011;
- (f) Regulations for Dealers and Recyclers, 2012 (issued in terms of Second-Hand Goods Act, 2009);

- (g) Second-Hand Goods Act, 2009 (Act No. 6 of 2009);
- (h) South African Police Service Act, 1995 (Act No. 68 of 1995); and
- (i) South African Police Service Discipline Regulations, 2016.

5. Definitions and Abbreviations

(1) Definitions

In this Instruction, unless the context otherwise indicates, —

- (a) “accreditation” means accreditation of a Second-Hand Goods 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 an association applying to be accredited as a Second-Hand Goods Dealers’ Association in terms of the Act;
- (e) “*application form*” means the relevant application form published on the internet web site of the South African Police Service from time to time;
- (f) “*association*” means dealers’ association and includes any Body Corporate;

- (g) “*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;
- (h) “*cable*” means conducting wire with insulation consisting of a cover of plastic or rubber;
- (i) “*certificate of accreditation*” means the certificate of accreditation contemplated in regulation 4 of the Regulations and includes all conditions determined by the National Commissioner;
- (j) “*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;
- (k) “*close corporation*” means a close corporation within the meaning of the Close Corporations Act, 1984 (Act No. 69 of 1984);
- (l) “*company*” means a company within the meaning of the Companies Act, 1973(Act No. 61 of 1973);
- (m) “*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;

- (n) “*Constitution*” includes the founding or constitutive documents of an association, the constitutional documents of a company and the trust instrument of a trust.
- (o) “*controlled metal*” means any metal contemplated in Schedule 2 of the Act;
- (p) “*dealer*” means a person who carries on a business of dealing in Second-Hand Goods, and includes a scrap metal dealer and a pawnbroker;
- (q) “*dealers’ association*” means an association of dealers formed in order to represent the interests of dealers;
- (r) “*deal in*” includes acquire and dispose of;
- (s) “*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;
- (t) “*dispose of*” means dispose of by any means, and includes exporting out of the Republic;
- (u) “*franchisor*” means a juristic person who owns the overall rights and trademarks of a company and allows its franchisees to use these rights and trademarks to do business as dealers;

- (v) “*general dealer*” means a dealer who deals in a majority of the goods specified in Annexure 1 of the Accreditation Regulations;
- (w) “*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;
- (x) “*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;
- (y) “*investigation*” means the work of inquiring into something thoroughly and systematically;
- (z) “*jeweler*” means a dealer who deals in jewellery, and includes such a dealer who recycles precious metals as defined in the Precious Metals Act, 2005 (Act No. 37 of 2005) in the course of his or her primary business;
- (aa) “*management*” includes the chief executive officer or chief operating officer of an accredited association who is responsible for the day to day control, direction or supervision of the association at the premises in question;
- (bb) “*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;

- (cc) “*operation*” means a planned activity involving many people responsible for various actions;
- (dd) “*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);
- (ee) “*pawned goods*” means any movable goods subject to a pledge;
- (ff) “*person*” includes a trust and a business trust;
- (gg) “*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);
- (hh) “*premises*” includes land, any building, structure, vehicle, conveyance, ship, boat or aircraft;
- (ii) “*precious metals*” means precious metals as defined in the Precious Metals Act, 2005 (Act No. 37 of 2005);
- (jj) “*prescribe*” means prescribe by regulation made in terms of section 41 of the Act;

- (kk) “*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;
- (ll) “*recycler*” means a person who carries on the business of recycling scrap metal;
- (mm) “*registers*” means registers prescribed in terms of the Act, and includes a print-out of registers kept electronically;
- (nn) “*responsible person*” means the natural person who is nominated in writing by an association to act on behalf of that association;
- (oo) “*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;
- (pp) “*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;
- (qq) “*scrap metal dealer*” means a person who carries on a business that consists wholly or partly of the buying or selling of scrap metal;

- (rr) "*statement*" means a statement made before a Commissioner of Oaths under oath or affirmation;
- (ss) "*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;
- (tt) "*the Accreditation Regulations*" means the Regulations for Accreditation of Second-Hand Goods Dealers' Associations, 2011;
- (uu) "*the Act*" means the Second-Hand Goods Act, 2009 (Act No. 6 of 2009) (the same meaning is assigned to "*SHG Act*");
- (vv) "*the Regulations*" means the Regulations for Dealers and Recyclers, 2012; and
- (ww) "*valuables*" means personal possessions that have a significant monetary value.

(2) Abbreviations

In this Instruction, unless the context otherwise indicates, —

- (a) "*CIO*" means Crime Information Officer;

- (b) “*CRC*” means the Criminal Record Centre
- (c) “*CR & CSM*” means Criminal Record and Crime Scene Management;
- (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 Services;
- (g) “*IMEI*” means the International Mobile Equipment Identity that uniquely identifies mobile communication equipment;
- (h) “*PIVA*” means Person Identification and Verification Application;
- (i) “*SHG*” means Second-Hand Goods;
- (j) “*SHGCS*” means Second-Hand Goods Control System
- (k) “*SIM*” means Subscriber Identity Module; and
- (l) “*VIS*” means Vehicle Identification Section.

CHAPTER 2: PRINCIPAL ELEMENTS OF THE SHG ACT

6. Principal elements of the SHG Act

(1) Objectives of the Act

- (a) The objectives of the Act are to —
 - (i) regulate the business of associations in Second-Hand Goods 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 associations comply with the provisions of the Act in respect of certificates of accreditation, the keeping of registers and other information required under the Act. For this purpose, the Act provides for *routine* inspections of accredited Second-Hand Goods Dealers' Associations.

(2) Routine inspections

- (a) In terms of section 20(2) of the Act, a Police Official may enter the premises of an accredited association *during business hours* in order to ensure compliance with the Act and check —
 - (i) the certificate of accreditation in relation to that premises; and
 - (ii) registers and records relating to the association.

- (b) Although these powers are vested in any Police Official, these powers are limited to a Police Official attached to the National Second-Hand Goods Control office.

- (c) The purpose of a routine inspection is not to investigate the legitimacy of the association, but to ensure compliance with the Act.
- (d) A Police Official who conducts a routine inspection at the premises of an accredited Second-Hand Goods Dealer's Association, must record the planned inspection in the SAPS 607 – Visitation Register: Second-Hand Goods Dealers, Recyclers or Association Premises ("SAPS 607") which is kept at the office of the National Second-Hand Goods Control office.
- (e) It is important to note that section 27 of the Act makes it obligatory for any police member entering an association's premises, to identify him- or herself to an 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 association's register, but also the SAPS 607 - Visitation Register: Second-Hand Goods Dealers, Recyclers or Association Premises ("SAPS 607"), which is kept at the Association premises.

(3) Second-Hand Goods Dealers' Forums

- (a) The Divisional Commissioner: Visible Policing, must ensure that the relevant Divisional Directives pertaining to the establishment, structuring and maintenance of a Second-Hand Goods Dealers' Forum be issued and complied with.

- (b) It must be ensured that all relevant internal and external role players are represented on the Second-Hand Goods Dealers Forum.
- (c) The purpose of the Second-Hand Goods Dealers Forum must be to promote ethical standards in the Second-Hand Goods trade.
- (d) The Second-Hand Goods Dealers' Forum 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. The Second-Hand Goods Dealers' Forum must also serve as a platform to establish good cooperation and communication between the SAPS and the second-hand goods fraternity.

CHAPTER 3: IMPLEMENTATION OF THE ACT**7. Implementation of the Act****(1) Forms and Registers**

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

| SAPS NUMBER | NAME OF DOCUMENT | AVAILABILITY |
|--------------|--|--------------|
| FORMS | | |
| SAPS 600 | Application for Registration as an Accredited Second-Hand Goods Dealers' Association | Electronic |
| SAPS 600(c) | Acknowledgement of Receipt of Second-Hand Goods Dealers' Association Documentation | Electronic |
| SAPS 600(d) | Application for Exemptions | Electronic |
| SAPS 600(e) | Application for Delegation of Powers | Electronic |
| SAPS 604 | Notification of Change of Information (including Termination) | Electronic |
| SAPS 605 | Notification or Re-Issuing of Lost, Stolen or Defaced Second-Hand Goods Certificates | 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 or Extension of | Electronic |

| | | |
|---------------------|---|----------------------------------|
| | Time | |
| SAPS 609 | Notice to Withdraw Application or Notification | Electronic |
| CERTIFICATES | | |
| SAPS 600(a) | Certificate of Accreditation | Electronic (National SHG Office) |
| SAPS 600(b) | Certificate of Temporary Registration as an Accredited Second-Hand Goods Dealers' Association | Electronic (National SHG Office) |
| REGISTERS | | |
| SAPS 602 | Register for Received Second-Hand Goods Dealer's Association Documentation | Electronic |
| SAPS 607 | Visitation Register: Second-Hand Goods Dealers, Recyclers or Association Premises | SCM (Stores) |
| SAPS 610 | Written Warning | 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 SHG Dealers' Associations. Certificates and Registers must be supplied through official Supply Chain Management requisitioning procedures.

(c) An Association may either submit all second-hand goods related applications or notifications by hand to the police station in which station precinct the Association is situated, or directly to the

National Second-Hand Goods Services office by means of one of the following methods:

- (i) Courier service (to the relevant street address where the office of the National Second-Hand Goods Services is situated);
 - (ii) hand Delivery (to the relevant street address where the office of the National Second-Hand Goods Services is situated);
 - (iii) registered post (to the relevant postal address of the office of the National Second-hand Goods Services); or
 - (iv) e-mail to accreditation@saps.gov.za.
- (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 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) Functions of Accredited Second-Hand Goods Dealers' Associations

Section 16 of the Act provides for functions to be performed by associations namely:

- (a) Establish its members in different categories of dealers taking into account the classes of second-hand goods that the members are dealing in;

- (b) establish and maintain minimum legal and ethical standards with regard to its members, and may establish different standards with regard to the different categories of dealers, which may not be of a lower standard than is required under this Act;
- (c) inspect any business practice, registers, stock and business premises of its members;
- (d) make recommendations to the National Commissioner in support of applications for registration;
- (e) assist its members with research and development regarding matters of interest; and
- (f) advise the National Commissioner, when requested to do so by the National Commissioner, on industry standards and technological developments in the industry which may affect the application of this Act.

(3) Reports

- (a) Section 20(1)(b) of the Act stipulates that an Accredited Second-Hand Goods Dealers' Association must submit an Annual Report to the National Commissioner.
- (b) The Annual Report must contain the following information:
 - (i) Particulars of all members of the association;
 - (ii) particulars of members or employees of the association who had been the subject of disciplinary action involving a contravention or failure to comply with a provision of the Act or any condition of accreditation;
 - (iii) the full names and the identification number of a person contemplated in paragraph (ii) supra and, where applicable,

particulars of the misconduct and the result of the disciplinary action;

- (iv) any new initiatives, road-shows or training programs initiated or presented by the accredited Second-Hand Goods Dealers' Associations;
- (v) a list of the number of visits conducted at the premises of association members indicating compliance or non-compliance to the Act or Association Code of Conduct; and
- (vi) a Certificate of compliance that the information under which the Association applied for accreditation remains the same, for example, the responsible person, address, contact details, constitution and minimum standards.

CHAPTER 4: PROCEDURES

8. Procedures

(1) Introduction to the accreditation of a Second-Hand Goods Dealers' Association

- (a) The National Commissioner may accredit a Second-Hand Goods Dealers' Association in the prescribed manner and different criteria may be prescribed in respect of the accreditation of different types of associations, which the National Commissioner must apply when issuing accreditation.

- (b) These criteria must include criteria relating to —
 - (i) trustworthiness and integrity;
 - (ii) capacity to perform functions in terms of the Act; and
 - (iii) capacity to advance the purposes of the Act.

- (c) The following additional documentation and information is required from an association when applying for accreditation:
 - (i) List of nominated Responsible Persons;
 - (ii) resolution containing nomination of a responsible person (letter of appointment of a responsible person);
 - (iii) certified copy of ID document of Responsible Person;
 - (iv) certified copy of ID of member(s) of the Association responsible for the day to day management of the Association;
 - (v) certified copy of relevant utility account or lease agreement verifying the address of the premises;
 - (vi) proof of bank account (Letter from bank);

(vii) Constitution of the Association, which must include the following:

- Code of Conduct (binding members & employees)
- Disciplinary Code (members & employees (where applicable))
- Minimum Standards for membership
- Clear Guidelines in terms of the prevention of contravention of the Competitions Act, 1998 (where applicable)
- Minimum entry level requirements (where applicable)
- Factors for categorization (where applicable)
- Minimum Standards (where applicable)
 - Type and layout of premises
 - Equipment (IT & Software)
 - Records or Registers
 - Manner of keeping of Registers (hard copy or data base)

(viii) Type of Association

(ix) Original Fingerprints of Responsible Person

(x) Original Fingerprints of every member of the Association Responsible for the day to day management of the Association

(xi) List of members

(xii) Organizational Structure

(d) The National DSO must be satisfied that the premises in question is adequate for its intended purpose and that the address exists.

- (e) The accreditation status of a Second-Hand Goods Dealers' Association will not expire unless the accreditation is terminated by the responsible person of the association or in the case of cancellation of accreditation by the SAPS.
- (f) The following process must be followed during the application process for the accreditation as a SHG Dealers' Association:

| APPLICATION FOR ACCREDITATION AS A SECOND-HAND GOODS DEALERS' ASSOCIATION | | | |
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| The following procedures must be followed when an application for accreditation as a SHG Dealers' Association is received by the SAPS: | | | |
| PHASE | PROCESS | GOVERNANCE | RESPONSIBILITY |
| 1. | <ul style="list-style-type: none"> • The SAPS 600 - Application for the Accreditation as a SHG Dealers' Association ("SAPS 600"), must be directly submitted to the national DSO appointed at the National Second-Hand Goods Office - either by hand, registered post, courier service or e-mail (accreditation@saps.gov.za); except where the Responsible Person is unable to: <ul style="list-style-type: none"> - understand English; - understand the content of the SAPS 600 application; or - is unable to complete the applicable form in English. • Should the Responsible Person have difficulty with any of the three instances above, he or she may approach the station DSO appointed at the station in | <ul style="list-style-type: none"> ✓ SAPS 600 ✓ Completion Instructions ✓ Section 17 of the Act. ✓ Accreditation Regulation 5 | <ul style="list-style-type: none"> ✓ Appointed Responsible Person ✓ National DSO ✓ Station DSO ✓ Interpreter |

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| | <p>which area the association is situated for assistance.</p> <ul style="list-style-type: none"> The station DSO may acquire the services of an internal or external interpreter to explain and assist in completing the SAPS 604. All costs for interpretation services must be borne by the South African Police Service. The station DSO must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 600. | | |
| 2. | <ul style="list-style-type: none"> The fingerprints of the applicant or responsible person or persons responsible for the day-to-day management of the business must be taken on a form SAPS 91(a) by the relevant functionary (police officer) at any police station in South Africa. No payment is required for the taking of fingerprints in terms of an application for accreditation as a SHG Association. The wording "Application for Accreditation as a SHG Association and or Recycler" must be written on the SAPS 91(a) form under the heading "REASON FOR ENQUIRY" | <ul style="list-style-type: none"> ✓ Accreditation Regulation 4(a). ✓ SAPS 91(a) | <ul style="list-style-type: none"> ✓ Station DSO or Station Fingerprint Office |
| 3. | <ul style="list-style-type: none"> The applicant must ensure that the SAPS 600 application and all supporting documentation is forwarded to the National Second-Hand Goods Office by any of the methods mentioned in paragraph 1 supra. | <ul style="list-style-type: none"> ✓ Section 17 of the Act. ✓ Accreditation Regulation 5. | <ul style="list-style-type: none"> ✓ National DSO |

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| | <ul style="list-style-type: none"> The SAPS 600 application is received by the national DSO from an applicant. No payment is required. The SAPS 600 application must be completed as per the relevant Completion Instructions. | <ul style="list-style-type: none"> ✓ SAPS 600 ✓ Completion Instructions. | |
| 4. | <ul style="list-style-type: none"> The national DSO must record the SAPS 600 application in the SAPS 602 - Register for Received SHG Dealers' Association Documentation ("SAPS 602"), whether the application is complete or not. The SAPS 602 Register must be completed as per the relevant Completion Instructions. | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 5. | <ul style="list-style-type: none"> The SAPS 600 Application must be captured on the SHGCS (if available) and the System generated reference number must be entered in the SAPS 602 Register as well as on the SAPS 600 Application | <ul style="list-style-type: none"> ✓ SAPS 600 ✓ SAPS 602 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 6. | <ul style="list-style-type: none"> The applicable SAPS 602 Register reference number must be recorded in the appropriate space allocated on the SAPS 600 Application. | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 600 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 7. | <ul style="list-style-type: none"> The national DSO must issue an SAPS 600(c) - Acknowledgement of Receipt of SHG Dealers' Association Documentation ("SAPS 600(c)") to the applicant on receipt of the SAPS 600 application. | <ul style="list-style-type: none"> ✓ SAPS 600(c) ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO |
| 8. | <ul style="list-style-type: none"> The national DSO must check for the completeness of the SAPS 600 Application. | <ul style="list-style-type: none"> ✓ Accreditation Regulation 6. ✓ SAPS 600 | <ul style="list-style-type: none"> ✓ National DSO |

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| | <ul style="list-style-type: none"> The DSO must ensure that the SAPS 600 Application comply with the relevant Checklist Guideline for the Application for Accreditation as a SHG Dealers' Association. | <ul style="list-style-type: none"> ✓ Checklist Guideline. | |
| 9. | <ul style="list-style-type: none"> In the event that the SAPS 600 Application is incomplete, it must still be recorded in the SAPS 602 Register as per relevant Completion Instructions. | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 600 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 10. | <ul style="list-style-type: none"> In the event that the SAPS 600 Application is incomplete, the national DSO must make a copy of the SAPS 600 application and supporting documentation before returning the original SAPS 600 application to the applicant. The copy must be filed in the Z20 Association File. The national DSO must compile a letter of outstanding information or documentation indicating the information or documentation still outstanding. The national DSO must also compile a SAPS 600(c) Acknowledgment of Receipt of SHG Dealers' Association Documentation, and provide all the above mentioned documents to the applicant. The applicant must be given ten (10) working days to submit the outstanding Information or documentation. In exceptional circumstances (e.g. unnecessary loss of income) the national DSO may recommend | <ul style="list-style-type: none"> ✓ Letter of outstanding information or documentation. ✓ SAPS 600 ✓ Z20 Association File ✓ SAPS 600(c) | <ul style="list-style-type: none"> ✓ National DSO |

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| | Temporary Accreditation while all outstanding information or documentation are awaited. | | |
| 11. | <ul style="list-style-type: none"> • If the applicant fails to submit the requested outstanding information or documentation within the 10 working day period OR where such outstanding information or documentation was submitted but is still insufficient, the national DSO must record the outstanding information or documentation, in red ink, in the relevant section on the SAPS 600 Application. | <ul style="list-style-type: none"> ✓ SAPS 600 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO |
| 12 | <ul style="list-style-type: none"> • The DSO must open a Z20 Association File in the following format: <ul style="list-style-type: none"> ○ Page 1 – The front page: <ul style="list-style-type: none"> ▪ Association's File Reference number (eg. 25/13/2(1/2018)); ▪ Type of Accreditation (eg. SHG Dealers' Association Accreditation); ▪ Association Name (eg. General Dealers Association of South Africa); ▪ Business Address of the Association (eg. 100 Smith Street, Johannesburg Central); ▪ 602 Reference Number (eg. 602/1/2018); ▪ Second-Hand Goods Control System Reference Number (eg. A17239/08/18); | <ul style="list-style-type: none"> ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |

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| | <ul style="list-style-type: none"> ▪ Police Office (eg. National Second-Hand Goods Services); ▪ Department (eg. SAPS); ▪ Volume Number (eg. 1) <ul style="list-style-type: none"> ○ Page 2 – A copy of the SAPS 600(a) Accreditation Certificate or SAPS 600(b) Temporary Accreditation Certificate (or both), marked as Annexure “B”; ○ Page 3 - SAPS 600 application marked as Annexure “C”, with - <ul style="list-style-type: none"> ▪ All supporting documents attached marked individually from Annexure “D” to “Z”. ▪ All correspondence must be placed on top of the SAPS 600 in sequence with the latest correspondence being on top without having to be numbered. ○ Page 4 – Certified copy of ID documents of the applicant and the day-to-day managers, as well as one photo, marked as Annexure “A1”, “A2” etcetera. <p>Page 5 – SAPS 5 Investigation Diary.</p> | | |
| 13. | <ul style="list-style-type: none"> • The national DSO must attach an SAPS 5 - Investigation Diary (“SAPS 5”) to page 5 of the Z20 Association File to record all activities and incidents relating to the normal file | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 5 | <ul style="list-style-type: none"> ✓ National DSO |

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| | administration, correspondence or inspections and other interactions with the Association. | | |
| 14. | <ul style="list-style-type: none"> The SAPS 600 Application must be filed in the Z20 Association File. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 600 | <ul style="list-style-type: none"> ✓ National DSO |
| 15. | <ul style="list-style-type: none"> The national DSO must forward the SAPS 91(a) - Fingerprint Enquiry Form(s) ("SAPS 91(a)"), of the applicant, responsible person, board of directors of the association and the persons responsible for the day-to-day management of the association to the Criminal Record Centre (CRC) by means of an SAPS 21 Forwarding Schedule, in order to obtain a SAPS 69(m) Clearance Certificate. The SAPS 602 Register or SHGCS must be updated with the relevant information pertaining to the sending of the SAPS 91(a) to the CRC. | <ul style="list-style-type: none"> ✓ SAPS 91(a) ✓ SAPS 21 Forwarding Schedule ✓ SAPS 602 | <ul style="list-style-type: none"> ✓ National DSO |
| 16. | <ul style="list-style-type: none"> Receive the SAPS 69(m) Clearance Certificate ("SAPS 69(m)") from the CRC and check the status of the applicant. Make the required entries in the relevant section of the SAPS 602 Register, indicating the date that the SAPS 69(m) was received back from CRC. The national DSO must file the SAPS 69(m) Clearance Certificate in the Z20 Association File. | <ul style="list-style-type: none"> ✓ SAPS 69(m) ✓ SAPS 602 ✓ Z20 Association File. | <ul style="list-style-type: none"> ✓ National DSO |

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| 17. | <ul style="list-style-type: none"> If the SAPS 69(m) Clearance Certificate reflects that there are previous convictions in terms of Section 14 of the Act which disqualifies the applicant, the national DSO must continue preparing the application with a recommendation to refuse accreditation. If the SAPS 69(m) Clearance Certificate reflects that there are no previous disqualifying convictions the national DSO must continue preparing the application with a recommendation to approve accreditation. | <ul style="list-style-type: none"> ✓ SAPS 69(m) ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |
| 18. | <ul style="list-style-type: none"> Should the applicant indicate, or if it is determined, that he or she also has other accredited SHG Dealers' Associations, the national DSO must ensure to establish the status of such associations which may have bearing on the outcome of the current application. If relevant information or documentation exist, relating to other accredited associations that may influence the application, the national DSO must ensure that such pertinent information be included in the application. Such information must be filed in the Z20 Association File and taken into consideration during the application process. The SAPS 5 Investigation Diary must be updated in the Z20 Association File to record the fact that other associations in the name of the | <ul style="list-style-type: none"> ✓ SAPS 600 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |

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| | applicant is also accredited and that the national DSO has confirmed such accreditations. | | |
| 19. | <ul style="list-style-type: none"> • Before making a recommendation on the SAPS 600 application, the national DSO must collect and file all documentation or evidence in support of the recommendation he or she intends to make. A national DSO must recommend the refusal of an SAPS 600 application when: <ul style="list-style-type: none"> - The applicant, responsible person or a day-to-day manager of the business is disqualified under Section 14 of the Act (including a person who has an interest in the company, CC or trust (juristic person), a partner in a partnership or beneficiary under a trust); - The application remains incomplete after one referral back to the applicant; - The applicant does not return the application after ten (10) working days; - The applicant returns the application after ten (10) working days, but the required information or 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 national DSO. | <ul style="list-style-type: none"> ✓ Sect 14 ✓ SAPS 600 | <ul style="list-style-type: none"> ✓ National DSO |

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| 20. | <ul style="list-style-type: none"> The street address of the SHG Dealers' Association premises must be visited in order to verify the location. The national DSO must update all relevant SHG related records or systems after verifying the premises. The national DSO must complete the relevant section in the SAPS 600 application and state whether the premises exist and that the applicant is not a disqualified person. | <ul style="list-style-type: none"> ✓ Checklist Guideline. ✓ SAPS 600 | <ul style="list-style-type: none"> ✓ National DSO |
| 21. | <ul style="list-style-type: none"> If additional reasons exist to refuse accreditation, other than those mentioned in the relevant section of the SAPS 600 Application, the national DSO must compile a written report reflecting all relevant facts pertaining to the matter. | <ul style="list-style-type: none"> ✓ SAPS 600 ✓ National DSO Report | <ul style="list-style-type: none"> ✓ National DSO |
| 22. | <ul style="list-style-type: none"> The national DSO MUST recommend the approval of accreditation 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. | <ul style="list-style-type: none"> ✓ SAPS 600 | <ul style="list-style-type: none"> ✓ National DSO |
| 23. | <ul style="list-style-type: none"> The Z20 Association file must be forwarded to the National Deciding Authority for purpose of final consideration. The Z20 Association File must contain all relevant information or documentation which the National Deciding Authority must utilize in order to make an informed decision. | <ul style="list-style-type: none"> ✓ SAPS 600 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |

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| 24. | <ul style="list-style-type: none"> In the event that the National Deciding Authority intends to refuse the SAPS 600 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 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 National 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 National Deciding Authority intends to refuse the application the final refusal process must be followed. The National Deciding Authority must indicate his or her agreement with the national DSO's recommendation and his own consideration of the Intention to Refuse by signing and date stamping the SAPS 600 Application and the Notice of Intention to Refuse. | <ul style="list-style-type: none"> ✓ Notice of Intention to Refuse ✓ Z20 Association File ✓ SAPS 600 | <ul style="list-style-type: none"> ✓ National Deciding Authority ✓ National DSO |
| 25. | <ul style="list-style-type: none"> The national DSO must complete an SAPS 606 Return of Service ("SAPS 606"). | <ul style="list-style-type: none"> ✓ SAPS 606 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |

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| | <ul style="list-style-type: none"> The Notice of Intention to refuse must be served on the responsible person of the Association by means of the SAPS 606. The responsible person must sign on the relevant space provided on the SAPS 606 in order to acknowledge receipt of the Notice of Intention to Refuse. The SAPS 606, bearing the responsible person's signature, must be filed in the Z20 Association File, together with a copy of the served document(s). The national DSO must bring the Z20 Association file forward after thirty (30) days in order to determine whether the applicant has submitted any written representations against the intended refusal which was served on him or her. | <ul style="list-style-type: none"> ✓ Notice of Intention to Refuse | |
| 26. | <ul style="list-style-type: none"> Before a National Deciding Authority may refuse any application, a period of thirty (30) days must be afforded to the applicant to advance reasons why the application should not be refused. | <ul style="list-style-type: none"> ✓ Section 18 ✓ SAPS 600 ✓ Notice of Intention to Refuse. | <ul style="list-style-type: none"> ✓ National Deciding Authority |
| 27. | <ul style="list-style-type: none"> The National Deciding Authority must take into consideration the recommendation made by the national DSO and all information contained in the SAPS 600 application and supporting documentation when taking a decision. | <ul style="list-style-type: none"> ✓ SAPS 600 National DSO recommendation | <ul style="list-style-type: none"> ✓ National Deciding Authority |

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| 28. | <ul style="list-style-type: none"> The National Deciding Authority must indicate his or her agreement with the national DSO recommendation and his own Consideration to approve the SAPS 600 application by signing and date stamping the SAPS 600 application. | ✓ SAPS 600 | ✓ Station Deciding Authority |
| 29. | <ul style="list-style-type: none"> If the National Deciding Authority does not agree with the recommendation of the national DSO during his or her consideration of the SAPS 600 application, he or she must indicate the reasons in red ink on the applicable space allocated on the SAPS 600 application. | ✓ SAPS 600 | ✓ National Deciding Authority |
| 30. | <ul style="list-style-type: none"> Upon approval of the SAPS 600 application by the National Deciding Authority, the Z20 Association File must be returned to the national DSO for the preparation of the SAPS 600(a) (Accreditation Certificate) or the SAPS 600(b) (Temporary Accreditation Certificate). When the national DSO has prepared the necessary Accreditation Certificate(s), the National Deciding Authority must sign and date stamp the SAPS 600(a) or SAPS 600(b) Accreditation Certificate in the designated space on the certificate. The SAPS 600(a) and SAPS 600(b) Accreditation Certificate must be completed as per the relevant Completion Instructions. | <ul style="list-style-type: none"> ✓ SAPS 600(a) ✓ SAPS 600(b) ✓ Z20 Association File ✓ SAPS 602 ✓ Completion Instructions ✓ SAPS 606 | <ul style="list-style-type: none"> ✓ National Deciding Authority ✓ National DSO ✓ Provincial DSO ✓ Station DSO |

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| | <ul style="list-style-type: none"> • The SAPS 600(a) or the SAPS 600(b) Accreditation Certificate is completed in duplicate and must be issued as follows: <ul style="list-style-type: none"> - The original must be issued to the applicant and the first copy must be filed in the Z20 Association File. - The national DSO must ensure that the signed SAPS 600(a) or SAPS 600(b) Accreditation Certificate is served on the applicant by means of a SAPS 606 Return of Service. - The SAPS 600(a) or SAPS 600(b) Accreditation Certificate may be served on the applicant by either a National, Provincial or Station DSO depending on the location of the Association premises. - The national DSO must ensure that the SAPS 606 is filed in the relevant Z20 Association File and that the SAPS 602 is updated. | | |
| 31. | <ul style="list-style-type: none"> • The national DSO must ensure that all relevant SHG related records and systems are continuously updated before final issuing of the Accreditation Certificate. | <ul style="list-style-type: none"> ✓ SHGCS ✓ SAPS 602 ✓ SAPS 5 Diary | <ul style="list-style-type: none"> ✓ National DSO |

(2) Introduction to the Amendment of Information

- (a) The holder of a certificate for accreditation as a Second-Hand Goods Dealers' Association 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 accreditation;
 - (ii) There is a change in the control of the association; or
 - (iii) There is any change that impacts on the ability of the association to meet all or any of the requirements for accreditation in terms of the Act.
- (b) An SAPS 604 - Notification of Change of Information (“SAPS 604”), must be submitted in one of the following instances:
- (i) Change of Address and contact details;
 - (ii) change of the appointed Responsible Person(s) responsible for the day-to-day management of the association;
 - (iii) change in the organizational structure, constitution or category of Trade or Industry of the association;
 - (iv) changes which impacts on the ability of the association to meet all or any of the requirements for accreditation in terms of the Act; and
 - (v) termination of accreditation by the Association.

- (c) The following process must be followed where a notification for the amendment of information of an accredited Second-Hand Goods Dealers' Association is submitted:

| AMENDMENT OF INFORMATION | | | |
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| The following procedures must be followed when a Notification of Change of Information under the Second-Hand Goods Act, 2009 (Act No 6 of 2009) is received. | | | |
| PHASE | PROCESS | GOVERNANCE | RESPONSIBILITY |
| 1. | <ul style="list-style-type: none"> • The SAPS 604 – Notice of Change of Information (“SAPS 604”) must be directly submitted to the national DSO appointed at the National Second-Hand Goods Office by one of the following methods: <ul style="list-style-type: none"> • Delivery in person (by hand); • Per registered post; • Per courier service; or • Per E-Mail to - accreditation@saps.gov.za • Only in circumstances where the Responsible Person is unable to - <ul style="list-style-type: none"> - understand English; - understand the content of the SAPS 604; or - is unable to complete the SAPS 604 in English; <p>may he or she approach the station DSO appointed at the station in which area the association premises is situated for assistance.</p> • The station DSO may acquire the services of an internal or external interpreter to explain and assist in completing the SAPS 604. All costs for | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ Completion Instructions ✓ Accreditation Regulation 21(1)(a) and (b) | <ul style="list-style-type: none"> ✓ Appointed Responsible Person ✓ Station DSO ✓ Interpreter |

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| | <p>interpretation services must be borne by the South African Police Service.</p> <ul style="list-style-type: none"> The station DSO must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 604. | | |
| 2. | <ul style="list-style-type: none"> Where the change of information involves the appointment of a new responsible person or any other person involved in the day-to-day management of the association, a set of fingerprints must be obtained from the person(s) concerned on a form SAPS 91(a) – Fingerprint Enquiry Form (“SAPS 91(a)”) from the station DSO at the police station in which area the Association premises is situated (no payment required), before forwarding the SAPS 604 notice to the National SHG Office. The wording “Application for Accreditation as a Second-Hand Goods Dealers’ Association” must be | ✓ SAPS 91(a) | <ul style="list-style-type: none"> ✓ Appointed Responsible Person(s) ✓ Station DSO |

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| | written on the SAPS 91(a) form under the heading "REASON FOR ENQUIRY" | | |
| 3. | <ul style="list-style-type: none"> The SAPS 604 and all relevant supporting documents, must be handed to the national DSO or national SHG Clerk for recording or capturing purposes in the relevant recording systems upon receipt thereof at the National SHG Office. | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 4. | <ul style="list-style-type: none"> The national DSO must ensure that the SAPS 604 is recorded in the SAPS 602 – Register for Second-Hand Goods Dealers' Association Documentation ("SAPS 602"), as per the relevant Completion Instructions even if it is apparent that the notification is not complete, supporting documentation is outstanding or the reason(s) submitted by the association for termination is invalid. | <ul style="list-style-type: none"> ✓ SAPS 602 Register ✓ SAPS 604 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 5. | <ul style="list-style-type: none"> The national DSO must record the applicable SAPS 602 reference number in the appropriate space allocated on the SAPS 604. | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ SAPS 602 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 6. | <ul style="list-style-type: none"> The national DSO must ensure that the entire SAPS 604 is captured on the Second-Hand Goods Control system (SHGCS), if available and the system generated reference number must be recorded in the SAPS 602 as well as in the SAPS 604. | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 604 ✓ Completion Instructions ✓ SHGCS | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |

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| 7. | <ul style="list-style-type: none"> The national DSO must ensure that the existing Z20 Association File for the applicable association is retrieved, that the SAPS 5 Investigation Diary is updated and that the SAPS 604 and any supporting documents are properly filed. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 5 ✓ SAPS 604 | <ul style="list-style-type: none"> ✓ National DSO |
| 8. | <ul style="list-style-type: none"> The national DSO must verify the completeness of the SAPS 604 as per relevant checklist guideline and list all outstanding information or documentation in red ink in the allocated space on the SAPS 604, if any. The national DSO must update the SAPS 5 as well as the SHGCS in order to reflect the status of the incomplete SAPS 604. | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ SAPS 5 ✓ Checklist Guideline | <ul style="list-style-type: none"> ✓ National DSO |
| 9. | <ul style="list-style-type: none"> In the event that the SAPS 604 application is incomplete, the national DSO must make a copy of the SAPS 604 application and supporting documentation before returning the original SAPS 604 application to the applicant. The copy must be filed in the Z20 Association File. The national DSO must compile a letter of outstanding information or documentation indicating the information or documentation that is still outstanding. The national DSO must also compile a SAPS 600(c) Acknowledgment of Receipt of SHG Dealers' Association Documentation, and provide all the | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ Completion Instructions ✓ SAPS 600(c) ✓ Letter of outstanding information or documentation | <ul style="list-style-type: none"> ✓ National DSO |

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| | <p>above mentioned documents to the applicant.</p> <ul style="list-style-type: none"> The applicant must be given ten (10) working days to submit the outstanding information or documentation. | | |
| 10. | <ul style="list-style-type: none"> The national DSO must issue an SAPS 600(c) - Acknowledgement of Receipt of Second-Hand Goods Dealers' Association Documentation ("SAPS 600(c)"), as per relevant Completion Instructions, to the Association on receipt of a fully completed SAPS 604. | ✓ SAPS 600(c) | ✓ National DSO |
| 11. | <ul style="list-style-type: none"> In order to proceed with the application the national DSO must determine if the validity of the Accreditation is in any way affected by the request for the amendment of information. | ✓ SAPS 604 | ✓ National DSO |
| 12. | <ul style="list-style-type: none"> In the event that the validity of the Accreditation is not compromised, the following process must be followed: <ul style="list-style-type: none"> The national DSO must update all relevant SHG related records or systems reflecting the updated information and compile a Letter of Confirmation of Amendment. The national DSO must ensure that the Letter of Confirmation of Amendment is confirmed by the National Deciding authority after which the original signed letter is | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ Letter of Confirmation of Amendment ✓ Z20 Association File | ✓ National DSO |

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| | <p>forwarded to the relevant Association.</p> <p>- The national DSO must file a copy of the Letter of Confirmation of Amendment in the relevant Z20 Association File.</p> | | |
| 13. | <ul style="list-style-type: none"> • In the event that the validity of the Accreditation is compromised in terms of the person(s) responsible for the day-to-day management (Responsible Person), the following process must be followed: <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 (forwarding schedule) to the Criminal Record Centre ("CRC") to obtain a Clearance Certificate. - The SAPS 602 Register and SHGCS (if available) must be updated where applicable. - On receipt of the SAPS 69(m) Clearance Certificate, the national DSO must verify whether there are any previous convictions which might disqualify the responsible person in terms of Section 14 of the Act. - The national DSO must prepare a recommendation not to amend information in such instances where the SAPS 69(m) Clearance Certificate reflects that there are previous convictions which disqualifies the responsible person in terms of Section 14 of the Act. | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ SAPS 91(a) ✓ SAPS 21 Covering Letter (forwarding schedule) ✓ SAPS 69(m) Clearance Certificate ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ DSO ✓ SHG Clerk |

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| | <p>- The national DSO must continue preparing a recommendation to amend information where the SAPS 69(m) Clearance Certificate reflects that there are no previous convictions which would disqualify the responsible person in terms of section 14 of the Act.</p> | | |
| | <ul style="list-style-type: none"> • In the event that the validity of the Accreditation is compromised in terms of the category of Trade or Industry of the association, the following process must be followed: <ul style="list-style-type: none"> - The national DSO must identify the category of Trade or Industry under which the current accreditation certificate was issued and compare the information with the request for amendment as indicated on the SAPS 604. - The national DSO must determine if the current principal business activities relates to the newly requested Trade or Industry. • The national DSO must continue preparing a recommendation to amend information in the event that the Trade or Industry relates to the current principal business activities of the association. • The national DSO must continue preparing a recommendation not to amend information in the event that the Trade or Industry does not relate to the current principal business activities of the association. | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO ✓ SHG Clerk |

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| 14. | <ul style="list-style-type: none"> • The national DSO must forward the Z20 Association File to the National Deciding Authority for purpose of consideration. • The Z20 Association file must contain the original SAPS 604 and all relevant information or documentation which the National Deciding Authority may utilize in order to make an informed decision. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 604 ✓ National DSO Report | <ul style="list-style-type: none"> ✓ National DSO |
| 15. | <ul style="list-style-type: none"> • The National Deciding Authority must consider the SAPS 604 Notice and all the supporting documentation and recommendation by the national DSO. Where the National Deciding Authority is not in agreement with the recommendation by the national DSO, his or her reasons for disagreement must be listed 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 national DSO must compile a Notice of Intention not to Amend Information and forward the Z20 Association File containing the SAPS 604 Notice and the Notice of Intention not to Amend Information to the National Deciding Authority for consideration. - The National Deciding Authority must confirm his or her agreement to not amend any information by | <ul style="list-style-type: none"> ✓ Notice of Intention to Refuse ✓ Z20 Association File ✓ SAPS 604 ✓ SAPS 600(a) ✓ SAPS 600(b) ✓ SAPS 606 ✓ Letter of Confirmation of Amendment | <ul style="list-style-type: none"> ✓ National Deciding Authority ✓ National DSO ✓ Provincial DSO ✓ Station DSO |

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| | <p>signing and date stamping the Notice of Intention not to Amend.</p> <ul style="list-style-type: none"> - The national DSO must complete an SAPS 606 Return of Service and ensure that the Notice of Intention not to Amend Information is served on the applicant. Depending on the location of the Association Premises, the documentation may be served on the applicant by a National, Provincial or Station DSO. - The relevant DSO must ensure that the applicant signs the SAPS 606 as proof that he or she received the Notice of Intention not to Amend Information after which the signed SAPS 606 and a copy of the Notice of Intention not to Amend Information is filed in the Z20 Association File. - The national DSO must schedule a "bring forward" of the Z20 Association File for thirty (30) days after the Notice of Intention not to Amend Information was served on the applicant. • In the event that the National Deciding Authority approves the SAPS 604 Notice, the following process must be followed: <ul style="list-style-type: none"> - The National Deciding Authority must confirm his or her agreement to amend the requested information by signing and date stamping the SAPS 604 Notice. - The national DSO must update all relevant SHG related records or | | |
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| | <p>systems reflecting the updated information and compile a Letter of Confirmation of Amendment.</p> <ul style="list-style-type: none"> - The national DSO must ensure that the Letter of Confirmation of Amendment of Information is signed and date stamped by the National Deciding Authority after which the original signed letter is forwarded to the relevant association by any of the following methods: <ul style="list-style-type: none"> o E-Mail o Hand Delivery o Registered Post o Courier Service - The national DSO must file a copy of the Letter of Confirmation of Amendment of Information in the relevant Z20 Association File. • The Z20 Association File must be returned to the national DSO for the preparation of the SAPS 600(a) or SAPS 600(b) (Accreditation or Temporary Accreditation Certificate) where the change of information necessitates the re-issuing of the certificate. • The national DSO must utilize the same "starting date" as indicated on the original SAPS 600(a) or (b) Certificate(s). • The National Deciding Authority must sign and date stamp the SAPS 600 (a) or (b) at the designated space on the certificate. | | |
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| | <ul style="list-style-type: none"> - The national DSO must ensure that the original signed SAPS 600(a) or (b) is served on the Responsible Person of the relevant Association by means of a SAPS 606 Return of Service by either a National, Provincial or Station DSO. - The national DSO must ensure that a copy of the Accreditation Certificate as well as the signed SAPS 606 is filed in the relevant Z20 Association File. • The national DSO must ensure that the previously issued accreditation certificate in the possession of the Association is surrendered to the police officer who delivers the newly issued certificate to the Association, and that the previously issued certificate is cancelled and filed in the Z20 Associations File. | | |
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(3) Introduction to the Conditions Applicable on accredited SHG Dealers' Associations

- (a) In terms of Regulation 11(3) of the Accreditation Regulations, the SAPS may set reasonable conditions that must be adhered to by Associations, such as:
- (i) Uphold and enhance the provisions of the Second-Hand Goods Act, 2009 (Act No. 6 of 2009), relevant to Associations.
 - (ii) Maintain and enforce ethical standards within the association and its members.

- (iii) Maintain a database of members and visits or inspections to members.
- (iv) Compile an annual report as per requirements.

(4) Introduction to the Process of Notification of Intent

Any administrative process conducted, or any decision taken in terms of the 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 instruction.

(a) Form of Notification

When notifying an Association 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 kinds of Notice of Intent are addressed in the Act:

- (i) Notice of intention to refuse an accreditation application;
- (ii) Notice of intention to cancel accreditation; and
- (iii) Notice of intention not to amend information.

(c) Thirty (30) Day Rule

Before refusing an application for accreditation or cancelling accreditation, the national Deciding Authority must:

- (i) Give the responsible person of the Association written notice of the intended decision;
- (ii) Give the responsible person of the Association thirty (30) days to submit 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 an Association, the national Deciding Authority must make a final decision on the original application and the national DSO must inform the Association 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 602 Register and the SHGCS must be updated accordingly.

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

| NOTIFICATION OF INTENT | | | |
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| The following procedures must be followed by the national Designated SHG Officer (DSO) when issuing any Notifications of Intent to an Association under the SHG Act, 2009 (Act No 6 of 2009). | | | |
| PHASE | PROCESS | GOVERNANCE | RESPONSIBILITY |
| 1. | <ul style="list-style-type: none"> The Z20 Association File must be forwarded to the national Deciding Authority with a recommendation that an application be refused or that accreditation be cancelled. | <ul style="list-style-type: none"> ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |
| 2. | <ul style="list-style-type: none"> In the event that an application for accreditation is not recommended, or the national Deciding Authority intends to cancel accreditation, a Notice of Intention must be completed by the national DSO under signature of the national Deciding Authority. <p>The Notice must include the reasons for the intended decision as well as the fact that the applicant or the responsible person of the accredited association has thirty (30) days to submit representations as to why the National Commissioner should not make the intended decision.</p> | <ul style="list-style-type: none"> ✓ Section 6(2) of the Act. ✓ SAPS 600. ✓ Notice of Intention to Refuse an application. ✓ Notice of Intention to cancel accreditation. | <ul style="list-style-type: none"> ✓ National Deciding Authority ✓ National DSO |
| 3. | <ul style="list-style-type: none"> The notice must be served on the applicant or responsible person of the association by either the national, provincial or station <u>DSO in person</u> by means of a SAPS 606 Return of Service. | <ul style="list-style-type: none"> ✓ Section 35 and 36 of the Act ✓ Z20 Association File. | <ul style="list-style-type: none"> ✓ National DSO ✓ Provincial DSO ✓ Station DSO |

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| | <ul style="list-style-type: none"> The national DSO must ensure that the SAPS 606 is filed in the relevant Z20 Association File. The applicable sections of the SAPS 602 and SHGCS must be updated accordingly. The SAPS 602 Register must be completed as per the relevant Completion Instructions. | <ul style="list-style-type: none"> ✓ SAPS 602 Register ✓ Notice of Intention. ✓ SAPS 606 ✓ Completion Instructions | |
| 4. | <ul style="list-style-type: none"> The representations must be submitted by the applicant or responsible person of the association within thirty (30) days to the office of the national DSO. Upon receipt of the representations, the national DSO must update the SAPS 602 and SHGCS and submit the representations to the national Deciding Authority. A legal opinion may be obtained from National Legal Services, if necessary. The national Deciding Authority must make a final decision based on the outcome of the representations submitted by the applicant or responsible person of the accredited association on the original application. | <ul style="list-style-type: none"> ✓ Section 6(2) of the Act ✓ SAPS 602 ✓ National Legal Opinion | <ul style="list-style-type: none"> ✓ National Deciding Authority ✓ National Legal Services ✓ National DSO |
| 5. | <ul style="list-style-type: none"> Where a representations has been refused, a Refusal Letter must be drafted by the national DSO under signature of the national Deciding Authority. The Refusal Letter must include the reasons for the decision as well as the right to appeal against the decision. | <ul style="list-style-type: none"> ✓ Section 6(3) and 10(5) of the Act ✓ SAPS 600(a) ✓ SAPS 602 | <ul style="list-style-type: none"> ✓ National Deciding Authority ✓ National DSO ✓ National DSO |

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| | <ul style="list-style-type: none"> • In the event that the national Deciding Authority agrees with the representations the Z20 Association File must be returned to the national DSO for the preparation of the SAPS 600(a) Accreditation Certificate or SAPS 600(b) Temporary Accreditation Certificate. • The national Deciding Authority must sign and date stamp the SAPS 600(a) or (b) certificates on the designated area. • The SAPS 600(a) and (b) certificates must be completed as per the relevant Completion Instructions. • The SAPS 600(a) and (b) certificates are completed in duplicate and must be issued as follows: <ul style="list-style-type: none"> - The original must be issued to the applicant; and - The first copy must be filed in the Z20 Association File. • Depending on the location of the Association premises, the national, provincial or station DSO must ensure that the Certificate of Accreditation in the possession of the accredited association is surrendered to the person who issues the Notice. • The Certificate of Accreditation must be cancelled and filed in the Z20 Association File on national level. • The relevant DSO must ensure that the SAPS 600 (a) or (b) certificate is handed over to the responsible person of the accredited association and must ensure that the responsible person of the | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ Completion Instructions ✓ Refusal letter ✓ SAPS 606 Return of Service ✓ SAPS 600(a) Accreditation Certificate ✓ SAPS 600(b) Temp Accreditation Certificate | <ul style="list-style-type: none"> ✓ Provincial DSO ✓ Station DSO |
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| | accredited association sign the SAPS 606 Return of Service as proof that he or she received the Certificate. | | |
| 6. | <ul style="list-style-type: none"> In the event that the national Deciding Authority approves the cancellation of accreditation, a final Cancellation Notice must be issued to the responsible person of the accredited association by the national DSO, under signature of the National Deciding Authority, informing the accredited association of the reasons for cancellation as well as the right to appeal against the decision. The notice must be served on the association or recycler by the National or Station DSO in person and the SAPS 606 - Return of Service must be filed in the relevant Z20 Association File. The applicable sections of the SAPS 602 register and SHGCS must be updated accordingly. The National or Station DSO must ensure that the original Certificate of Registration in the possession of the accredited association is surrendered to the person who issues the Notice. The collected Certificate of Accreditation must be cancelled and filed in the Z20 Association File. | <ul style="list-style-type: none"> ✓ Section 35 and Section 36 of the Act ✓ SAPS 600(a) ✓ SAPS 602 ✓ Z20 Association File ✓ Completion Instructions ✓ Cancellation Notice ✓ SAPS 606 | <ul style="list-style-type: none"> ✓ National Deciding Authority ✓ National DSO ✓ Station DSO |
| 7. | <ul style="list-style-type: none"> In the event that the National Deciding Authority refuse the amendment of information, a refusal letter must be drafted the National DSO under signature of the National Deciding Authority. The refusal letter must include the reasons for the decision as well as the right to appeal against the decision. | <ul style="list-style-type: none"> ✓ Refusal Letter | <ul style="list-style-type: none"> ✓ National Deciding Authority |

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| 8. | <ul style="list-style-type: none"> The National or Station DSO must ensure that all relevant SHG related records and systems are continuously updated. | <ul style="list-style-type: none"> ✓ SHGCS ✓ SAPS 602 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO ✓ Station DSO |
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(5) Introduction to the Written 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 responsible person of the accredited association and he or she must be allowed 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) Written Representations may be submitted by an Association in response to any of the following in terms of the Act:
- Intended refusal of an application for Accreditation ;
 - Intended cancellation of existing Accreditation ; and
 - Intention not to amend Association 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 Written Representations process:

| Written Representations | | | |
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| The following procedures must be followed by the national Designated Second-Hand Goods Officer (DSO) when Written Representations is received under the Second-Hand Goods Act, 2009 (Act No 6 of 2009). | | | |
| PHASE | PROCESS | GOVERNANCE | RESPONSIBILITY |
| 1. | <ul style="list-style-type: none"> • The national DSO must, after receiving the application, record the SAPS 608(b) Representations, in the SAPS 602 Register (Register for Received Second-Hand Goods Dealers' Association Documentation). The SAPS 602 Register must be completed as per the relevant Completion Instructions. • The national DSO must capture the entire SAPS 608(b) Notice of Representations on the SHGCS (if available) and the System generated reference number must be entered in the SAPS 602 Register as well as on the SAPS 608(b). • The applicable SAPS 602 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 602 | <ul style="list-style-type: none"> ✓ National DSO |
| 2. | <ul style="list-style-type: none"> • The national DSO must issue a SAPS 600(c) (Acknowledgement of Receipt of Second-Hand Goods Dealers' Association Documentation) to the applicant on receipt of the Written Representations. | <ul style="list-style-type: none"> ✓ SAPS 600(c) | <ul style="list-style-type: none"> ✓ National DSO |

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| 3. | <ul style="list-style-type: none"> The national DSO must file the SAPS 608(b) Notice of Representations as well as all supporting documentation in the existing Z20 Association File. | <ul style="list-style-type: none"> ✓ SAPS 608(b) ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |
| 4. | <ul style="list-style-type: none"> The national DSO must determine the complexity of the Written Representations and if required, forward the Written Representations to national Legal Service, requesting a legal opinion on the Written Representations. | <ul style="list-style-type: none"> ✓ Written Representations | <ul style="list-style-type: none"> ✓ National DSO ✓ National Legal Service |
| 5. | <ul style="list-style-type: none"> National Legal Service will assess the content of the Written Representations and render a legal opinion. | <ul style="list-style-type: none"> ✓ Legal Opinion ✓ Written Representations | <ul style="list-style-type: none"> ✓ National DSO ✓ National Legal Officer |
| 6. | <ul style="list-style-type: none"> The national DSO will receive the Written Representations and legal opinion (if applicable) back from national Legal Service and make a recommendation based on the content of the Written Representations and the legal opinion received. | <ul style="list-style-type: none"> ✓ Legal Opinion ✓ Written Representations | <ul style="list-style-type: none"> ✓ National DSO |
| 7. | <ul style="list-style-type: none"> The Z20 Association File containing the recommendation, Legal Opinion (if applicable) as well as the Written Representations and supporting documentation must be submitted to the national Deciding Authority for final consideration. Should the national Deciding Authority not concur with any recommendation | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ Recommendation Report ✓ Legal Opinion | <ul style="list-style-type: none"> ✓ National DSO ✓ National Deciding Authority |

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| | <p>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).</p> <ul style="list-style-type: none"> Should the national Deciding Authority concur with the recommendation, he or she must append his or her signature and date stamp the recommendation. | <ul style="list-style-type: none"> ✓ Written Representations | |
| 8. | <ul style="list-style-type: none"> On receipt of the Z20 Association File back from national Deciding Authority, the national DSO must determine if the Written Representations was considered in favour of the Association or not (National Deciding Authority upheld or did not uphold the Written Representations). | <ul style="list-style-type: none"> ✓ SAPS 608(b) ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |
| 9. | <ul style="list-style-type: none"> Where the Written Representations was upheld (approved) by national Deciding Authority the DSO must compile a letter of outcome addressed to the Association whereby the applicant is informed of the fact that the Written Representations was upheld. The Z20 Association File containing the letter of outcome must be submitted to national Deciding Authority who must sign and date stamp the Letter of outcome. The national, provincial or station DSO (depending on the location of the Association) must serve 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 | <ul style="list-style-type: none"> ✓ Letter of outcome of Written Representations ✓ SAPS 606 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO ✓ Provincial DSO ✓ Station DSO ✓ National Deciding Authority |

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| | <p>acknowledgement of receipt of the Letter of Outcome.</p> <ul style="list-style-type: none"> The national DSO must update the SAPS 602 Register as well as the Second-Hand Goods Control System (if available) after the Letter of Outcome was served on the applicant or responsible person. A copy of the letter of outcome as well as the signed Return of Service must be filed in the relevant Z20 Association File. | | |
| 10. | <ul style="list-style-type: none"> Where the Association (applicant) did not submit any Written Representations or where the Written Representations was not upheld (refused) by the national 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 Association, the national DSO must compile a letter of outcome to inform the Association of the decision taken. The Z20 Association File containing the Letter of Outcome must be submitted to the national Deciding Authority who must sign and date stamp the Letter of Outcome. The national, provincial or station DSO (depending on the location of the association) must serve the Letter of Outcome by means of a SAPS 606 on the applicant or responsible person. | <ul style="list-style-type: none"> ✓ Final Refusal Letter ✓ Final Notice of Cancellation ✓ Final Notice of Limitation or Variation of Conditions ✓ SAPS 606 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO ✓ Provincial DSO ✓ Station DSO ✓ National Deciding Authority |

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| | <ul style="list-style-type: none"> • The applicant or responsible person must sign the SAPS 606 as acknowledgement of receipt of the Letter of Outcome. • The national DSO must update the SAPS 602 Register as well as the Second-Hand Goods Control System (if available) after serving the Letter of Outcome on the applicant or responsible person. • The national DSO must file a copy of the Letter of Outcome as well as the signed Return of Service must be filed in the relevant Z20 Association File. | | |
| 11. | <ul style="list-style-type: none"> • Where the Written Representations was not upheld (refused) and a final Cancellation Notice must be served on the Association: <ul style="list-style-type: none"> - The national DSO MUST conduct a physical inspection of the Association business premises to ensure that - <ul style="list-style-type: none"> • The Association Registers is closed off. • The SAPS 607 Visitation Register is closed off and collected. • The original Accreditation Certificate (SAPS 608(a) or (b)) is collected, cancelled and filed in the Z20 Association File. - The national DSO must ensure that all members of an accredited association is informed by the | <ul style="list-style-type: none"> ✓ Association Register(s) ✓ Association Database ✓ SAPS 607 Visitation Register ✓ SAPS 600(a) ✓ SAPS 600(b) | <ul style="list-style-type: none"> ✓ National DSO |

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| | association of the status of their membership and that exemptions (if applicable) is no longer valid as part of their membership. | | |
| 12. | <ul style="list-style-type: none"> The national DSO must ensure that all relevant Second-Hand Goods related records or Second-Hand Goods Control System are updated continuously. | <ul style="list-style-type: none"> ✓ SHGCS ✓ SAPS 602 | <ul style="list-style-type: none"> ✓ National DSO |

(6) Introduction to the Exemptions Processes

- (a) In terms of Section 42(1)(b) of the Act, members of an Accredited SHG Dealers' Association may be exempted from any or all of the provisions of the Act where the Minister by notice in the Gazette has exempted such members.
- (b) Only Second-Hand Goods Dealers' Associations that is accredited by the National Commissioner of the SAPS, or his or her delegated authority, may apply for exemptions on behalf of their members.
- (c) An Accredited SHG Dealers' Association may apply for exemption on a form SAPS 600(d) - Application for Exemptions ("SAPS 600(d)").
- (d) An application for Exemption must be made to the national Second-Hand Goods office.
- (e) The following process must be followed when an application for Exemption has been submitted:

| APPLICATION FOR EXEMPTIONS | | | |
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| The following procedures must be followed when an application for Exemptions is submitted under the SHG Act, 2009 (Act No 6 of 2009). | | | |
| PHASE | PROCESS | GOVERNANCE | RESPONSIBILITY |
| 1. | <ul style="list-style-type: none"> • The SAPS 600(d) – Application for Exemptions (“SAPS 600(d)”) must be directly submitted to the national DSO appointed at the National Second-Hand Goods Office either by hand, registered post or courier service except where the Responsible Person is unable to: <ul style="list-style-type: none"> - understand English; - understand the content of the SAPS 600 (d); or - is unable to complete the applicable form in English. • Should the Responsible Person have difficulty with any of the three instances above, he or she may approach the station DSO appointed at the station in which area the association is situated for assistance. • The station DSO may acquire the services of an internal or external interpreter to explain and assist in completing the SAPS 600(d). All costs for interpretation services must be borne by the South African Police Service. • The station DSO must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 600(d). | <ul style="list-style-type: none"> ✓ SAPS 600(d) ✓ Completion Instructions ✓ Accreditation Regulation 21(1) (a) and (b) | <ul style="list-style-type: none"> ✓ Appointed Responsible Person ✓ National DSO ✓ Station DSO ✓ SHG Clerk ✓ Interpreter |
| 2. | <ul style="list-style-type: none"> • The SAPS 600(d) and all relevant supporting documents, must be handed | <ul style="list-style-type: none"> ✓ SAPS 600(d) | <ul style="list-style-type: none"> ✓ National DSO |

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| | to the national DSO or national SHG Clerk for recording or capturing purposes in the relevant recording systems upon receipt thereof at the National SHG Office. | ✓ Completion Instructions | ✓ National SHG Clerk |
| 3. | <ul style="list-style-type: none"> The national DSO must ensure that the SAPS 600(d) is recorded in the SAPS 602 – Register for Second-Hand Goods Dealers' Association Documentation ("SAPS 602") as per the relevant Completion Instructions even if it is apparent that the notification is not complete, supporting documentation is outstanding or the reason(s) submitted by the association for exemptions is inadequate. | <ul style="list-style-type: none"> ✓ SAPS 602 Register ✓ SAPS 600(d) ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 4. | <ul style="list-style-type: none"> The applicable SAPS 602 reference number must be recorded in the appropriate space allocated on the SAPS 600(d). | <ul style="list-style-type: none"> ✓ SAPS 600(d) ✓ SAPS 602 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 5. | <ul style="list-style-type: none"> The national DSO must ensure that the entire SAPS 600(d) is captured on the Second-Hand Goods Control system (SHGCS), if available, and the system generated reference number must be recorded in the SAPS 602 as well as on the SAPS 600(d). | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 600(d) ✓ Completion Instructions ✓ SHGCS | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 6. | <ul style="list-style-type: none"> The national DSO must ensure that the existing Z20 Association File for the applicable association is retrieved, that the SAPS 5 Investigation Diary is updated and that the SAPS 600(d) and any supporting documents are properly filed. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 5 ✓ SAPS 600(d) | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |

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| 7. | <ul style="list-style-type: none"> The national DSO must verify the completeness of the SAPS 600(d) as per relevant checklist guideline and list all outstanding information or documentation in red ink at the allocated space on the SAPS 600(d), if any. The national DSO must update the SAPS 600(d) as well as the SHGCS in order to reflect the status of the incomplete SAPS 600(d). | <ul style="list-style-type: none"> ✓ SAPS 600(d) ✓ Checklist Guideline | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 8. | <ul style="list-style-type: none"> An SAPS 600(c) - Acknowledgement of Receipt of Second-Hand Goods Dealers' Association Documentation must be issued where the SAPS 600(d) is either incomplete or information is outstanding. The national DSO must compile a Letter of Outstanding Information or Documentation indicating exactly what is required in order to complete the application. The original SAPS 600(d) and all the supporting documentation must be referred back to the association and a copy thereof must be filed in the relevant Z20 Association File where it has been determined that the SAPS 600(d) is either incomplete or information is outstanding. The rectified SAPS 600(d) and or outstanding information must be returned to the national DSO within ten (10) working days. If the Association fails to submit the requested outstanding information or documentation within the ten (10) | <ul style="list-style-type: none"> ✓ SAPS 600(c) ✓ SAPS 600(d) ✓ Completion Instructions ✓ Letter of Outstanding Information or Documentation ✓ Notice of Intention not to Amend ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |

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| | <p>working day period OR where such outstanding information or documentation was submitted but is still insufficient, the national DSO must list all the information or documentation which is still outstanding in red ink at the allocated space on the SAPS 600(d).</p> <ul style="list-style-type: none"> The national DSO must issue an SAPS 600(c) - Acknowledgement of Receipt of Second-Hand Goods Dealers' Association Documentation ("SAPS 600(c)"), as per relevant Completion Instructions, to the Association on receipt of a complete SAPS 600(d). | | |
| 9. | <ul style="list-style-type: none"> The national DSO must complete the recommendation area on the SAPS 600(d). The national DSO must forward the SAPS 600(d) to National Legal Services. The recommendation must be based on the facts pertaining to the application as well as any outstanding information or documentation which may not have been submitted by the association. | <ul style="list-style-type: none"> ✓ SAPS 600(d) ✓ Recommendation | ✓ National DSO |
| 10. | <ul style="list-style-type: none"> The national DSO must ensure that the SAPS 600(d) and all the supporting documentation are forwarded to the designated Legal Officer stationed at National Legal Services. | <ul style="list-style-type: none"> ✓ SAPS 600(d) ✓ Recommendation ✓ All supporting documentation | ✓ National DSO |
| 11. | <ul style="list-style-type: none"> The designated Legal Officer must evaluate the recommendation made by the national DSO and draft a memorandum to the Minister of Police after which the Memorandum and all the | <ul style="list-style-type: none"> ✓ SAPS 600(d) ✓ Recommendation | ✓ National Legal Officer |

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| | applicable supporting documentation must be forwarded to the office of the Minister of Police, via the office of the Divisional Commissioner: Visible Policing for final consideration. | ✓ Ministerial Memorandum | <ul style="list-style-type: none"> ✓ National DSO ✓ Minister of Police ✓ Divisional Commissioner: Vispol |
| 12. | <ul style="list-style-type: none"> • After receipt of the Memorandum containing the outcome of the consideration by the Minister of Police, the designated Legal Officer must forward a confirmation of the outcome of the application to the National SHG office. | ✓ Confirmation of outcome | ✓ National Legal Officer |
| 13. | <ul style="list-style-type: none"> • Where the application for exemptions was approved by the Minister of Police, the following process must be followed: <ul style="list-style-type: none"> - The designated national Legal Officer must ensure that the approved decision by the Minister is gazetted in the Government Gazette. - The national DSO must compile a Letter of Outcome that the application for exemptions was approved by the Minister. - The national DSO must ensure that the Letter of Outcome of the approval is signed and date-stamped by the National SHG Verifying Authority. - The national DSO must ensure that the Letter of Outcome of the approval is forwarded to the Responsible | <ul style="list-style-type: none"> ✓ Government Gazette ✓ Letter of Outcome | <ul style="list-style-type: none"> ✓ National Verifying Authority ✓ National Legal Officer ✓ National DSO ✓ Responsible Person of the Association |

| | Person attached to the association who applied for the exemptions. | | |
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| 14. | <ul style="list-style-type: none"> • Where the application for exemptions was denied by the Minister of Police, the following process must be followed: <ul style="list-style-type: none"> - The national DSO must compile a Letter of Outcome that the application for exemptions was denied by the Minister. - The national DSO must ensure that the Letter of Outcome of the refusal is signed and date-stamped by the National SHG Verifying Authority. - The national DSO must ensure that the signed Letter of Outcome of the refusal is forwarded to the Responsible Person attached to the association who applied for the exemptions. | <ul style="list-style-type: none"> ✓ Letter of Outcome | <ul style="list-style-type: none"> ✓ National Verifying Authority ✓ National DSO ✓ Responsible Person of the Association |
| 15. | <ul style="list-style-type: none"> • The national DSO must ensure that all relevant SHG related records or systems are continuously updated when dealing with an application for exemptions. | <ul style="list-style-type: none"> ✓ SHGCS ✓ SAPS 602 ✓ SAPS 5 Diary | <ul style="list-style-type: none"> ✓ National DSO |

(7) Introduction to the Condonation and Extension of Time Processes

In terms of Section 39 of the Act read with Regulation 4 of the Regulations, 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 appointed as a responsible person for an association if such a person is disqualified in terms of Section 14 of the Act.
- (ii) The Responsible Person, a member of the Board of Directors of an Association or even a Day-to-Day Manager of such an Association may be found to be disqualified in terms of Section 14 of the Act. In such cases the whole application will be in jeopardy if such person(s) does not apply for condonation of any or all of the relevant disqualification(s).
- (iii) Any person who is disqualified in terms of Section 14 of the Act may apply for condonation of any or all disqualification(s).
- (iv) An application for condonation is made on a form SAPS 608(c) – Application for Condonation or Extension of Time (“SAPS 608(c)”), to the national SHG Office in one of the following two methods –
 - In the case of an SHG Dealers' Association - directly to the national SHG Office via E-mail (accreditation@saps.gov.za), registered mail, hand delivery or by courier service (in the case of Second-Hand Goods Dealers' Associations)
 - In the case of a Dealer or Recycler – directly to the station DSO at the relevant police station where the original application for registration was made. The

station DSO must, after proper processing of the Condonation Application, forward the application to the National SHG Office via the Provincial FLASH Office.

(v) The following documentation must be provided to the National SHG Office:

- The original SAPS 608(c) Condonation Application and supporting documents (application by associations, dealers or recyclers);
- The original station Deciding Authority Background Report with recommendations (application by Dealers or Recyclers only);
- Copies of the content of the Z20 Dealer or Recycler File (application by Dealers or Recyclers only); and
- A statement in terms of Regulation 4 of the Accreditation Regulations (association application only).

(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) An association may for example apply for the extension of time regarding the late submission of their Annual Report (as per Section 20(1)(b) of the Act). Dealers or Recyclers may for example apply for the extension of time regarding the 30 day period which is provided to make written representations.

- (iii) An application for extension of time must be made on a form SAPS 608(c) – Application for Condonation or Extension of Time (“SAPS 608(c)”), by means of one of the following two methods –
- In the case of an SHG Dealers’ Association - directly to the national SHG Office via E-mail (accreditation@saps.gov.za), registered mail, hand delivery or by courier service (in the case of Second-Hand Goods Dealers’ Associations)
 - In the case of a Dealer or Recycler – directly to the station DSO at the relevant police station where the original application for registration was made. The station DSO must, after proper processing of the Extension of Time Application, forward the application to the Provincial FLASH Office.
- (iv) The following documentation must accompany an extension of time application:
- The original SAPS 608(c) Extension of Time application and supporting documents (application by associations, Dealers or Recyclers);
 - The original station Deciding Authority Background Report with recommendations (application by Dealers or Recyclers only); and
- Copies of the content of the Z20 Dealer or Recycler File (application by Dealers or Recyclers only).

- (v) Where an Extension of Time application was approved in relation to a late renewal application, 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 | | | |
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| The following procedures must be followed when an application for condonation is dealt with under the SHG Act, 2009 (Act No 6 of 2009). | | | |
| 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 applicant to the national Second-Hand Goods Control Office either by hand, registered post or via email to accreditation@saps.gov.za, except where the responsible person or applicant is unable to: <ul style="list-style-type: none"> • understand English; - understand the content of the SAPS 608(c); and - whether the applicant can complete the applicable form in English. • Should the responsible person or applicant have difficulty with any of the three instances above, he or she may approach the station DSO appointed at the station in which area their business is situated for assistance. 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) ✓ Accreditation Regulation 4 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ Applicant ✓ Responsible Person of an Association ✓ National DSO ✓ Provincial DSO ✓ Station DSO |

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| | <ul style="list-style-type: none"> The station DSO must record the details of the interpreter in the relevant space allocated for this purpose on the SAPS 608(c) In the case of a second-hand goods Dealer or Recycler applying for condonation, the Condonation Application must be forwarded from the relevant police station (station DSO) via the Provincial FLASH office (provincial DSO to the national Second-Hand Goods office (national DSO). In the case of an Association applying for Condonation, the application must be forwarded directly to the national Second-Hand Goods Office (national DSO) – except in circumstances as mentioned in bullet one (1) supra. | | |
| 2. | <ul style="list-style-type: none"> The SAPS 608(c) and all relevant supporting documents must be forwarded to the national DSO or Clerk for recording or capturing purposes in the relevant register or system. The SAPS 602 must be completed as per relevant Completion Instructions. | <ul style="list-style-type: none"> ✓ SAPS 602. ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 3. | <ul style="list-style-type: none"> The national DSO must ensure that the SAPS 608(c) is recorded in the SAPS 602 Register in the case of Associations or SAPS 603 Register in the case of a second-hand goods Dealer or Recycler. | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ SAPS 602 ✓ SAPS 603 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 4. | <ul style="list-style-type: none"> The national DSO must capture the SAPS 608(c) on the SHGCS (if available) and the system generated | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 603 | <ul style="list-style-type: none"> ✓ National DSO |

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| | reference number must be recorded in the SAPS 602or603 Register as well as on the SAPS 608(c). | ✓ SAPS 608(c) | |
| 5. | <ul style="list-style-type: none"> The applicable SAPS 602 or 603 reference number must be recorded in the appropriate space allocated on the SAPS 608(c). | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 603 ✓ SAPS 608(c) | ✓ National DSO |
| 6. | <ul style="list-style-type: none"> The national DSO must ensure that the existing Z20 Association file for the applicable association is retrieved, that the SAPS 5-Investigation diary is updated and that the SAPS 608(c) and any supporting documents are properly filed. | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Z20 Association File | ✓ National DSO |
| 7. | <ul style="list-style-type: none"> The national DSO must verify the completeness of the SAPS 608(c) - Application for Condonation or Extension of Time and must ensure that the SAPS 608(c) complies with the relevant checklist. | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Checklist | ✓ National DSO |
| 8. | <ul style="list-style-type: none"> The national DSO must indicate in red ink on the SAPS 608(c) Application for Condonation or Extension of Time all the outstanding information or documentation. | ✓ SAPS 608(c) | ✓ National DSO |
| 9. | <ul style="list-style-type: none"> The details of the incomplete SAPS 608(c)-Application for Condonation or Extension of Time form must be recorded in the SAPS 602 Register before being referred back to the applicant for rectification. | ✓ SAPS 608(c) | ✓ National DSO |
| 10. | <ul style="list-style-type: none"> The national DSO must issue a SAPS 600(c) Acknowledgement of Receipt of | ✓ SAPS 600(c) | ✓ National DSO |

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| | Second-Hand Goods documentation to the applicant on receipt of the SAPS 608(c) Application for Condonation or Extension of Time. | | |
| 11. | <ul style="list-style-type: none"> In the event that the SAPS 608(c) - Application for Condonation or Extension of Time is incomplete, the national DSO must make a copy of the SAPS 608(c) and supporting documentation before returning it to the applicant. The copy must be filed in the Z20 Association File. A Letter of Outstanding Information or documentation must be compiled by the national DSO, clearly indicating the information or documentation still outstanding, and provided to the applicant. The applicant must be given ten (10) working days to submit the outstanding information or documentation.” | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Letter of Outstanding Information or Documentation | ✓ National DSO |
| 12. | <ul style="list-style-type: none"> If the applicant failed to submit the requested outstanding information or documentation within the (10) working days period OR where such outstanding information or documentation was submitted but is still insufficient, the national DSO must indicate in red ink on the SAPS 608(c) - Application for Condonation or Extension of Time all outstanding information or documentation. | ✓ SAPS 608(c) | ✓ National DSO |
| 13. | <ul style="list-style-type: none"> The national DSO must issue an Acknowledgement of Receipt of Second-Hand Goods Documentation (“SAPS 600(c)”) to the applicant on | ✓ SAPS 600(c) | ✓ National DSO |

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| | receipt of the SAPS 608(c) - Application for Condonation or Extension of Time". | | |
| 14. | <ul style="list-style-type: none"> The national DSO must file the SAPS 608(c) - Application for Condonation or Extension of Time and supporting documentation in the existing Z20 Association File. | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |
| 15. | <ul style="list-style-type: none"> The national or station DSO (where applicable) must compile a background report with supporting documentation regarding the reasons that led to the Condonation application | <ul style="list-style-type: none"> ✓ Written Background Report | <ul style="list-style-type: none"> ✓ National DSO ✓ Station DSO |
| 16. | <ul style="list-style-type: none"> The national DSO must forward the Z20 Association File with all relevant documentation to National Legal Service 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 Association File | <ul style="list-style-type: none"> ✓ National DSO |
| 17. | <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 Service must send the Z20 Association File, containing all relevant documentation, back to the national DSO at National SHG Control Office for further processing. | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ National Legal Opinion ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National Legal Officer |
| 18. | <ul style="list-style-type: none"> The national DSO must receive back the SAPS 608(c) Application for | <ul style="list-style-type: none"> ✓ SAPS 608(c) | <ul style="list-style-type: none"> ✓ National DSO |

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| | <p>Condonation or Extension of Time containing the national Legal Opinion.</p> <ul style="list-style-type: none"> The national DSO must take the content of the SAPS 608(c) Application for Condonation or Extension of Time as well as the national Legal Opinion into consideration and make a recommendation thereon. | <ul style="list-style-type: none"> ✓ National Legal Opinion | |
| 19. | <ul style="list-style-type: none"> The national DSO 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 either to approve or refuse the SAPS 608(c) Application for Condonation or Extension of Time. | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ National Legal Opinion | <ul style="list-style-type: none"> ✓ National DSO ✓ National Deciding Authority |
| 20. | <ul style="list-style-type: none"> 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 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 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 | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ DSO Recommendation ✓ National Legal Opinion | <ul style="list-style-type: none"> ✓ National Deciding Authority |

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| | 608(c) Application for Condonation or Extension of Time in red ink. | | |
| 21. | <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 compile a Letter of Outcome of Condonation Application in order to inform the applicant. In the event that the SAPS 608(c) Application for Condonation or Extension of Time was refused, the national DSO must compile a Letter of Outcome of Condonation Application, stating the reasons for refusal and informing the applicant 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"> ✓ National DSO |
| 22. | <ul style="list-style-type: none"> The national DSO must complete the letter of outcome, let the deciding authority sign and date stamp it and then serve it on the applicant or responsible person by means of a SAPS 606 Return of Service. In the case of a Dealer or Recycler Condonation, the national DSO must forward the Letter of Outcome back to the police station of origin and instruct that the station DSO serve the Letter of Outcome on the applicable Dealer or Recycler by means of an SAPS 606 Return of Service. In the case of an Association Condonation, the national DSO can either serve the Letter of Outcome | <ul style="list-style-type: none"> ✓ Letter of Outcome ✓ SAPS 606 Return of Service | <ul style="list-style-type: none"> ✓ National Deciding Authority ✓ National DSO ✓ Provincial DSO ✓ Station DSO |

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| | directly to the Association or, depending of the location of the Association, request that the Provincial DSO or Station DSO serve the letter on the Association via a SAPS 606 Return of Service. | | |
| 23. | <ul style="list-style-type: none"> The applicant or responsible person must sign the SAPS 606 as acknowledgement of receipt of the Letter of Outcome of Condonation Application. The national DSO must update the SAPS 602 Register as well as the SHG Control System (if available) after serving the Letter of Outcome on the applicant or responsible person or receiving back a copy of the signed SAPS 606. The DSO must file the signed SAPS 606 as well as a copy of the Letter of Outcome of the Condonation application in the relevant Z20 Association file. The applicable columns of the SAPS 602 and SHG System (if available) must be updated accordingly. | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 606 ✓ Z20 Association File ✓ Letter of Outcome | ✓ National DSO |

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

| EXTENSION OF TIME | | | |
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| The following procedures must be followed when an application for Extension of Time is dealt with under the SHG Act, 2009 (Act No 6 of 2009). | | | |
| 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 applicant to the national Second-Hand Goods Control Office either by hand, registered post or via email to accreditation@saps.gov.za, except where the responsible person or applicant is unable to: <ul style="list-style-type: none"> • understand English; - understand the content of the SAPS 608(c); and - whether the applicant can complete the applicable form in English. • Should the responsible person or applicant have difficulty with any of the three instances above, he or she may approach the station DSO appointed at the station in which area their business is situated for assistance. All costs for interpretation services must be borne by the South African Police Service. • The station DSO must record the details of the interpreter in the relevant space allocated for this purpose on the SAPS 608(c) • In the case of a second-hand goods Dealer or Recycler applying for Extension of Time, the application must | <ul style="list-style-type: none"> ✓ Section 34 of the Act. ✓ SAPS 608(c) ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ Applicant ✓ Station DSO ✓ National DSO |

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| | <p>be forwarded from the relevant police station (station DSO) to the Provincial FLASH office (provincial DSO).</p> <p>In the case of an Association applying for Extension of Time, the application must be forwarded directly to the national Second-Hand Goods Office (national DSO) – except in circumstances as mentioned in bullet one (1) supra.</p> | | |
| 2. | <ul style="list-style-type: none"> The SAPS 608(c) -Application for Condonation or Extension of Time and all relevant supporting documents must be handed to the DSO or Clerk for recording or capturing purposes in the relevant register or system. The SAPS 602 must be completed as per relevant Completion Instructions. | <ul style="list-style-type: none"> ✓ SAPS 602. ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 3. | <ul style="list-style-type: none"> The national or station DSO must ensure that the SAPS 608(c) - Application for Condonation or Extension of Time is recorded in the SAPS 602 - Register for received Second-Hand Goods Association' documentation, in the case of an Association or the SAPS 603 – Register for received Second-Hand Goods Dealer or Recycler Documentation, in the case of a Dealer or Recycler. | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ SAPS 602. ✓ SAPS 603 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk ✓ Station DSO ✓ Station DSO Clerk |
| 4. | <ul style="list-style-type: none"> The national or station DSO must capture the SAPS 608(c) - Application for Condonation or Extension of Time on the SHGCS (if available) and the system generated reference number must be recorded in the SAPS | <ul style="list-style-type: none"> ✓ SAPS 602. ✓ SAPS 603 ✓ SAPS 608(c) | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk ✓ Station DSO |

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| | 602or603 register as well on the SAPS 608(c). | | ✓ Station DSO Clerk |
| 5. | <ul style="list-style-type: none"> The applicable SAPS 602or603 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 602. ✓ SAPS 603 ✓ SAPS 608(c) | <ul style="list-style-type: none"> ✓ National DSP ✓ Station DSO |
| 6. | <ul style="list-style-type: none"> The national DSO must ensure that the existing Z20 Association file for the applicable association is retrieved, that the SAPS 5-Investigation diary is updated and that the SAPS 608(c) and any supporting documents are properly filed. | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |
| 7. | <ul style="list-style-type: none"> The national DSO must verify the completeness of the SAPS 608(c) - Application for Condonation or Extension of Time and must ensure that the SAPS 608(c) complies with the relevant checklist. | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Checklist | <ul style="list-style-type: none"> ✓ National DSO |
| 8. | <ul style="list-style-type: none"> The national DSO must indicate in red ink on the SAPS 608(c) Application for Condonation or Extension of Time all the outstanding information or documentation. | <ul style="list-style-type: none"> ✓ SAPS 608(c) | <ul style="list-style-type: none"> ✓ National DSO |
| 9. | <ul style="list-style-type: none"> The details of the incomplete SAPS 608(c) - Application for Condonation or Extension of Time form must be recorded in the SAPS 602 Register before being referred back to the applicant to be corrected or rectified. | <ul style="list-style-type: none"> ✓ SAPS 608(c) | <ul style="list-style-type: none"> ✓ National DSO |
| 10. | <ul style="list-style-type: none"> The national DSO must issue a SAPS 600 (c) Acknowledgement of Receipt of | <ul style="list-style-type: none"> ✓ SAPS 600(c) | <ul style="list-style-type: none"> ✓ National DSO |

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| | Second-Hand Goods documentation to the applicant on receipt of the SAPS 608(c) Application for Condonation or Extension of Time. | | |
| 11. | <ul style="list-style-type: none"> In the event that the SAPS 608(c) - Application for Condonation or Extension of Time is incomplete, the national DSO must make a copy of the SAPS 608(c) and supporting documentation before returning it to the applicant. The copy must be filed in the Z20 Association File. A Letter of Outstanding Information or documentation must be compiled by the national DSO, clearly indicating the information or documentation still outstanding, and provided to the applicant The applicant must be given ten (10) working days to submit the outstanding information or documentation. | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Letter of Outstanding Information or Documentation | ✓ National DSO |
| 12. | <ul style="list-style-type: none"> If the applicant failed to submit the requested outstanding information or documentation within the (10) working days period OR where such outstanding information or documentation was submitted but is still insufficient, the national DSO must indicate in red ink on the SAPS 608(c) - Application for Condonation or Extension of Time all outstanding information or documentation. | ✓ SAPS 608(c) | ✓ National DSO |
| 13. | <ul style="list-style-type: none"> The national DSO must issue an Acknowledgement of Receipt of Second-Hand Goods Documentation | ✓ SAPS 600(c) | ✓ National DSO |

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| | (“SAPS 600(c)”) to the applicant on receipt of the SAPS 608(c) - Application for Condonation or Extension of Time. | | |
| 14. | <ul style="list-style-type: none"> The DSO must file the SAPS 608(c) - Application for Condonation or Extension of Time and supporting documentation in the existing Z20 Association File. | ✓ SAPS 608(c) | ✓ National DSO |
| 15. | <ul style="list-style-type: none"> The national or station DSO (where applicable) must compile a background report with supporting documentation regarding the reasons that led to the application for Extension of Time. | ✓ Written Background Report | <ul style="list-style-type: none"> ✓ National DSO ✓ Station DSO |
| 16. | <ul style="list-style-type: none"> The national DSO must forward the Z20 Association File with all relevant documentation to National Legal Service 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 Association File | ✓ National DSO |
| 17. | <ul style="list-style-type: none"> The 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 national Legal Officer at National Legal Service must send the Z20 Association File, containing all relevant documentation, back to the DSO at National SHG Control Office for further processing. | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ National Legal Opinion ✓ Z20 Association File | ✓ National Legal Officer |
| 18. | <ul style="list-style-type: none"> The national DSO must receive back the SAPS 608(c) Application for | ✓ SAPS 608(c) | ✓ National DSO |

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| | <p>Condonation or Extension of Time containing the Legal Opinion.</p> <ul style="list-style-type: none"> The national DSO 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"> ✓ National Legal Opinion | |
| 19. | <ul style="list-style-type: none"> The national DSO must forward the Z20 Association 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 either to approve or refuse the SAPS 608(c) Application for Condonation or Extension of Time. | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ Z20 Association File ✓ Nat Legal Opinion | <ul style="list-style-type: none"> ✓ National DSO ✓ National Deciding Authority |
| 20. | <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 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 national Deciding Authority does not concur with the recommendation of the national DSO, he or she must indicate his or her | <ul style="list-style-type: none"> ✓ SAPS 608(c) ✓ DSO Recommendation ✓ National Legal Opinion | <ul style="list-style-type: none"> ✓ National Deciding Authority |

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| | reasons for disagreement on the SAPS 608(c) Application for Condonation or Extension of Time in red ink. | | |
| 21. | <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 compile a Letter of Outcome in order to inform the applicant. In the event that the SAPS 608(c) Application for Condonation or Extension of Time was refused, the national DSO must compile a Letter of Outcome stating the reasons for refusal and informing the applicant 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"> ✓ National DSO |
| 22. | <ul style="list-style-type: none"> The national DSO must complete the Letter of Outcome, let the deciding authority sign and date stamp it and then serve it on the applicant or responsible person by means of a SAPS 606 - Return of Service. In the case of a Dealer or Recycler Extension of Time application, the national DSO must forward the Letter of Outcome back to the police station of origin and instruct that the station DSO serve the Letter of Outcome on the applicable Dealer or Recycler by means of an SAPS 606 Return of Service. In the case of an Association Extension of Time application, the national DSO can either serve the Letter of Outcome | <ul style="list-style-type: none"> ✓ Letter of Outcome ✓ SAPS 606 Return of Service | <ul style="list-style-type: none"> ✓ National Deciding Authority ✓ National DSO ✓ Provincial DSO ✓ Station DSO |

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| | directly to the Association or, depending of the location of the Association, request that the Provincial DSO or Station DSO serve the letter on the Association via a SAPS 606 Return of Service. | | |
| 23. | <ul style="list-style-type: none"> The applicant or responsible person must sign the SAPS 606 as acknowledgement of receipt of the Letter of Outcome of Condonation Application. The national DSO must update the SAPS 602 Register as well as the SHG Control System (if available) after serving the Letter of Outcome on the applicant or responsible person or receiving back a copy of the signed SAPS 606. The national DSO must file the signed SAPS 606 as well as a copy of the Letter of Outcome of the Condonation application in the relevant Z20 Association file. The applicable columns of the SAPS 602 and SHG System (if available) must be updated accordingly. | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 606 ✓ Z20 Association File ✓ Letter of Outcome | ✓ National DSO |

(8) Introduction to the Cancellation and Termination of Accreditation

Section 19 of the Act provides that accreditation may be cancelled under certain circumstances.

(a) Cancellation

- (i) Section 19(1) of the Act deals with the cancellation of accreditation of a SHG Association and is effected by the South African Police Service where an accredited association does not comply with any criteria or condition of accreditation.
- (ii) Accreditation may also be cancelled in one of the following circumstances:
- Where it is determined that an accredited association does not demonstrate trustworthiness or integrity;
 - Does not have the capacity to perform its functions under the SHG Act; or
 - Does not have the capacity to advance the objectives of the SHG Act.
- (iii) Before cancelling the accreditation of an Association, the following administrative law process must be followed:
- give the Association written notice of the intention to cancel;
 - give the Association 30 days to submit written representations as to why accreditation should not be cancelled; and
 - duly consider any such representations and the facts pertaining to the matter.
- (iv) The Association must be notified in writing of any decision taken under this section and state the reasons for and the date on which cancellation takes effect.

- (b) The following process must be followed during the Cancellation of Accreditation:

| CANCELLATION OF ACCREDITATION | | | |
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| The following procedures must be followed when Cancellation of Accreditation is dealt with under the SHG Act, 2009 (Act No 6 of 2009). | | | |
| PHASE | PROCESS | GOVERNANCE | RESPONSIBILITY |
| 1. | <ul style="list-style-type: none"> The national DSO must verify any information brought under his or her attention which may negatively affect an Association's Accreditation. 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 such as inspection reports. | <ul style="list-style-type: none"> ✓ Sworn Statements ✓ Applicable Documentary Proof ✓ Inspection Reports ✓ Section 10(3) and (4) of the Ac | ✓ National DSO |
| 2. | <ul style="list-style-type: none"> The national DSO should retrieve the existing Z20 Association File for the applicable association, update the SAPS 5 – Investigation Diary and file the Report relating to the possible Cancellation as well as any supporting documents. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 5 ✓ Applicable Documentary Proof | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 3. | <ul style="list-style-type: none"> The national DSO must compile a report and recommendation indicating whether the Accreditation of the Association should or should not cancelled after which the Z20 - Association file must be forwarded to the national Deciding Authority for a decision to be taken. | <ul style="list-style-type: none"> ✓ Z20 - Association File ✓ National DSO Report ✓ National DSO Recommendation ✓ Notice of Intention to | ✓ National DSO |

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| | | cancel Accreditation | |
| 4. | <ul style="list-style-type: none"> The national Deciding Authority receives the Z20 - Association File containing the Report or Recommendation of the national DSO and supporting documentation relating to the Cancellation of Accreditation. The national Deciding Authority must consider the recommendation of the national DSO and information submitted. Should the Deciding Authority NOT concur with the information and recommendation of the national DSO, the national Deciding Authority must indicate in red ink on the recommendation submitted, by inscribing his or her reasons for <u>NOT</u> concurring with the national DSO's recommendation. | <ul style="list-style-type: none"> ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National Deciding Authority |
| 5. | <ul style="list-style-type: none"> In the event that the national Deciding Authority is satisfied that the information submitted <u>DOES</u> constitute the Cancellation of Accreditation, a Notice of Intention to Cancel Accreditation must be completed and signed and date stamped by the Deciding Authority and must include the reasons for the intention to cancel accreditation. In the event that the national Deciding Authority is satisfied that the information submitted <u>DOES NOT</u> constitute the Cancellation of Accreditation, the national Deciding | <ul style="list-style-type: none"> ✓ Section 10(4). ✓ Notice of Intention to Cancel. | <ul style="list-style-type: none"> ✓ National Deciding Authority ✓ National DSO |

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| | <p>Authority must co-sign and date stamps the recommendation.</p> <ul style="list-style-type: none"> The national DSO receives and must file all relevant documents after which the process is deemed as finalized. | | |
| 6. | <ul style="list-style-type: none"> The national Deciding Authority must indicate his or her agreement with the national DSO's recommendation and his own consideration of Intention to cancel by signing and date stamping the Notice of Intention to cancel accreditation. | <ul style="list-style-type: none"> ✓ Notice of Intention to Cancel | <ul style="list-style-type: none"> ✓ National Deciding Authority |
| 7. | <ul style="list-style-type: none"> The national DSO must complete a SAPS 606 - Return of Service. The Notice of Intention to Cancel must be served on the Responsible Person of the Association by the national or provincial or station DSO in person (depending on the location of the Association). The SAPS 606, bearing the responsible person's signature, must be filed in the relevant Z20 Association 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 Association File. | <ul style="list-style-type: none"> ✓ National DSO ✓ Provincial DSO ✓ Station DSO |
| 8. | <ul style="list-style-type: none"> The national DSO must schedule the Z20 Association File to be brought forward thirty (30) days after serving of the Notice of Intent to Cancel in order to determine whether the Association submitted any written representations. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ Notice of Intention to Cancel | <ul style="list-style-type: none"> ✓ National DSO |

(c) Termination

- (i) Termination of Accreditation is effected by an Association itself (own choice).
- (ii) An Association must notify the National Commissioner in writing within thirty (30) days by means of a SAPS 604 – Notification of Change of Information (“SAPS 604”) if the Association is dissolved or is unable to comply with all the requirements for accreditation in terms of the Act or any other law, in which case the accreditation will be terminated by the National Commissioner.
- (iii) An Association of which accreditation has terminated must immediately surrender all original Accreditation Certificates relating to accreditation to the police official serving the Letter of Confirmation of Termination.

- (d) The following process must be followed during the Termination of Accreditation :

| TERMINATION OF ACCREDITATION | | | |
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| The following procedures must be followed when Termination of Accreditation is dealt with under the SHG Act, 2009 (Act No 6 of 2009). | | | |
| PHASE | PROCESS | GOVERNANCE | RESPONSIBILITY |
| 1. | <ul style="list-style-type: none"> Should an Association wish to terminate Accreditation, an SAPS 604 – Notification of Change of Information (“SAPS 604”) must be directly submitted to the national DSO appointed at the | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ Completion Instructions ✓ Reg. 21(1) (a) and (b) – Second- | <ul style="list-style-type: none"> ✓ Appointed Responsible Person ✓ Station DSO ✓ Station SHG Clerk |

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| | <p>National SHG office except where the Responsible Person is unable to:</p> <ul style="list-style-type: none"> - understand English; - understand the content of the SAPS 604; or - is unable to complete the applicable form in English. <ul style="list-style-type: none"> • Should the Responsible Person have difficulty with any of the three instances above, he or she may approach the DSO appointed at the station in which area the association is situated for assistance. • The DSO may acquire the services of an internal or external interpreter to explain and assist in completing the SAPS 604. All costs for interpretation services must be borne by the South African Police Service. • The DSO must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 604. | Hand Goods Dealers' Association Regulations | ✓Interpreter |
| 2. | <ul style="list-style-type: none"> • The SAPS 604 and all relevant supporting documents must be handed to the DSO or SHG Clerk for recording or capturing purposes in the relevant recording systems upon receipt thereof at the National SHG Office. | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 3. | <ul style="list-style-type: none"> • The DSO must ensure that the SAPS 604 is recorded in the SAPS 602 – Register for Second-Hand Goods Dealers' Association Documentation ("SAPS 602") as per the relevant Completion Instructions even if it is apparent that the notification is not complete, supporting documentation is | <ul style="list-style-type: none"> ✓ SAPS 602 Register ✓ SAPS 604 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |

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| | outstanding or the reason(s) submitted by the association for termination is invalid. | | |
| 4. | <ul style="list-style-type: none"> The applicable SAPS 602 reference number must be recorded in the appropriate space allocated on the SAPS 604. | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ SAPS 602 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 5. | <ul style="list-style-type: none"> The DSO must ensure that the entire SAPS 604 is captured on the Second-Hand Goods Control system (SHGCS), if available and the system generated reference number must be recorded in the SAPS 602 as well as on the SAPS 604. | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 604 ✓ Completion Instructions ✓ SHGC | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 6. | <ul style="list-style-type: none"> The DSO must ensure that the existing Z20 Association File for the applicable association is retrieved, that the SAPS 5 Investigation Diary is updated and that the SAPS 604 and any supporting documents are properly filed. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 5 ✓ SAPS 604 | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 7. | <ul style="list-style-type: none"> The DSO must verify the completeness of the SAPS 604 as per relevant checklist guideline and ensure that the reason(s) submitted by the association for termination is valid. The DSO must list all outstanding information or documentation in red ink at the allocated space on the SAPS 604 The DSO must update the SAPS 604 as well as the SHGCS in order to reflect the status of the incomplete SAPS 604. | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ Checklist Guideline | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 8. | <ul style="list-style-type: none"> The DSO must issue an SAPS 600(b) - Acknowledgement of Receipt of | <ul style="list-style-type: none"> ✓ SAPS 600(b) ✓ SAPS 600(c) | <ul style="list-style-type: none"> ✓ National DSO |

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| | <p>Second-Hand Goods Dealers' Association Documentation ("SAPS 600(b)"), as per relevant Completion Instructions, to the association on receipt of a complete SAPS 604.</p> <ul style="list-style-type: none"> An SAPS 600(c) - Acknowledgement of Receipt of Second-Hand Goods Dealers' Association Documentation must be issued where the SAPS 604 is either incomplete or reason(s) for termination is invalid. | <p>✓ Completion Instructions</p> | <p>✓ National SHG Clerk</p> |
| 9. | <ul style="list-style-type: none"> The original SAPS 604 and all the supporting documentation must be referred back to the association and a copy thereof must be filed in the relevant Z20 Association File where it has been determined that the SAPS 604 is incomplete or where the reason(s) for termination is invalid. The rectified SAPS 604 and or outstanding information must be returned to the DSO within ten (10) working days. | <p>✓ SAPS 600(b) ✓ SAPS 600(c) ✓ Completion Instructions ✓ SAPS 604</p> | <p>✓ National DSO ✓ National SHG Clerk</p> |
| 10. | <ul style="list-style-type: none"> If the association fails to submit the requested outstanding information or documentation within the ten (10) working day period OR where such outstanding information or documentation was submitted but is still insufficient, the DSO must list all outstanding information or documentation in red ink at the allocated space on the SAPS 604 which are still not sufficient. | <p>✓ SAPS 604</p> | <p>✓ National DSO ✓ National SHG Clerk</p> |

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| 11. | <ul style="list-style-type: none"> The DSO must compile a letter of confirmation of termination addressed to the applicable association confirming that the termination of accreditation was effected. The letter of confirmation must include the fact that the Association has to hand in all existing Accreditation Certificate relating to the terminated accreditation to the person serving the letter. The DSO must forward the Z20 Association File to the Deciding Authority. | <ul style="list-style-type: none"> ✓ Z20 Association ✓ Letter of Confirmation of Termination | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 12. | <ul style="list-style-type: none"> The Deciding Authority must upon receipt of the Z20 Association File confirm the termination of accreditation by signing and date stamping the letter of confirmation of termination. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 604 ✓ Letter of Confirmation of Termination | <ul style="list-style-type: none"> ✓ National Deciding authority |
| 13. | <ul style="list-style-type: none"> The DSO must complete an SAPS 606 - Return of Service ("SAPS 606"). The DSO must ensure that the letter of confirmation of termination must be served on the Responsible Person of the relevant Association who must sign the SAPS 606 to acknowledge receipt of the letter of confirmation of termination. | <ul style="list-style-type: none"> ✓ Section 35 (1) of the Act ✓ SAPS 606 ✓ Letter of Confirmation of Termination | <ul style="list-style-type: none"> ✓ National DSO ✓ Provincial DSO ✓ Station DSO ✓ Responsible Person |

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| 14. | <ul style="list-style-type: none"> • The Police Official who serves the letter of confirmation of termination must conduct a physical inspection of the premises in order to: <ul style="list-style-type: none"> - close off all registers pertaining to the Association by inscribing in red ink the date on which and the fact that termination of the association was effected (this process needs to be followed even where electronic databases are utilized – inscriptions must be made on the DVD or CD or Printout of the last transactions or reports); - collect a copy of all Association records; - make an entry in the SAPS 607 Visitation Register kept at the Association premises; and - Retrieve all the original Accreditation Certificate(s) in the possession of the Association. - Collect the SAPS 607 Register. | <ul style="list-style-type: none"> ✓ Association Registers ✓ SAPS 607 Register ✓ | <ul style="list-style-type: none"> ✓ National DSO ✓ Provincial DSO ✓ Station DSO |
| 15. | <ul style="list-style-type: none"> • The Accreditation Certificate(s) pertaining to the termination of accreditation must be duly cancelled and filed together with the signed SAPS 606 and any other relevant documentation in the Z20 Association File. | <ul style="list-style-type: none"> ✓ SAPS 600 (a) ✓ SAPS 606 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 16. | <ul style="list-style-type: none"> • The DSO must ensure that all relevant SHG related records and the Second-Hand Goods Control system (SHGCS), if available are updated as required. | <ul style="list-style-type: none"> ✓ SAPS 603 ✓ SHGC | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |

(9) Introduction to Compliance Inspections

(a) Purpose of compliance inspections

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

- To see whether the association complies with the provisions of the Act;
- To see whether an accredited Second-Hand Goods Associations inspects its members; and
- To initiate investigations where applicable.

(b) What to inspect

(i) The following must be inspected by the national DSO when conducting compliance inspections at the premises of an accredited SHG Dealers' Association:

- The Certificate of Accreditation relating to that premises (inclusive of any conditions of accreditation);
- Any register, record, book or other document relating to:
 - Membership totals;
 - Visits conducted by the association to its members;
 - Disciplinary action taken against non-complying members;
 - New applications for membership received;

- Applications refused;
 - Membership terminations;
 - Exemptions;
 - Annual Report;
 - Code of Conduct; and
 - Member development plan.
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- Any changes to the minimum standards of membership
 - Any new standards imposed or measures implemented that would enhance the requirements of the Act
 - Any IT developments or training initiatives that would enhance the requirements of the Act
 - Any changes to the Constitution of the Association
- (ii) Where an association keeps any register in an electronic format, that association must ensure that an inspecting police official may inspect such register through access to the software program with which such electronic register is kept.
- (c) Visitation Register
- (i) The SAPS must issue a SAPS 607 – Visitation Register: Second-Hand Goods Associations, Recyclers or Association Premises – to every accredited Second-Hand Goods Dealers' Association.

- (ii) When a routine inspection is performed, the inspecting member must not only sign the association's register but also the SAPS 607 - Visitation Register, which is kept at the Association.
- (iii) Where all the pages of a SAPS 607 Visitation Register are completed ("the register is full"), such register must be returned to the SAPS upon the issuing of a new SAPS 607 Visitation Register.
- (iv) The SAPS 607 Visitation Register must be submitted together with all Accreditation Certificates and records upon cancellation or termination of accreditation.
- (d) Certification of inspection
- (i) On each occasion where a police official inspects an Association, such police official must:
- sign his or her name immediately after the last entry in the Association 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.

- (e) In terms of Section 20 (1) (2) of the Act read with Section 28 of the Act, a police official may enter the premises of any accredited association in order to inspect compliance with the Act.
- (f) Although these powers are vested in any Police Official, it is directed by this Instruction that a DSO attached to the National SHG Control Office specifically assume this responsibility.
- (g) The DSO must compile a comprehensive report on his or her findings after each inspection for each accredited Second-Hand Goods Association premises. The Section Head: SHG Control must note the inspection by signing and date stamping the comprehensive reports for each accredited premises. The reports must be individually filed in the Z20 Association Files.
- (h) The DSO must take the necessary action against all illegal or unaccredited Second-Hand Goods Associations. No unaccredited Second-Hand Goods Associations must be allowed to conduct any business until such time as a formal application for accreditation was finalized and the Accreditation approved.

- (i) The following process must be followed during the conducting of compliance inspections:

| COMPLIANCE INSPECTIONS | | | |
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| The following procedure must be followed during compliance inspections at accredited second-hand goods associations /recyclers 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 pre-plan inspections and schedule such inspections in his or her Diary as well as on the SHGCS (if available). | <ul style="list-style-type: none"> ✓ Diary ✓ SHGCS | ✓ National DSO |
| 2. | <ul style="list-style-type: none"> The DSO must retrieve the existing Z20 Association File in order to gather background information about the Association. | <ul style="list-style-type: none"> ✓ Z20 Association File | ✓ National DSO |
| 3. | <ul style="list-style-type: none"> The DSO must introduce him or herself to the Association and explain the purpose of his or her visit. | <ul style="list-style-type: none"> ✓ Section 27 of the Act | ✓ National DSO |
| 4. | <ul style="list-style-type: none"> In order to conduct a Compliance Inspection, the DSO must request the following from the Responsible person of the association (also refer to paragraph (9)(b)(i) supra): The Certificate of Accreditation relating to that premises (which must be in full display to the public) Visitation Register, Association member visitation register, list of members, last submitted annual report, exemptions documents, disciplinary action register as well as its disciplinary code and member development plan. | <ul style="list-style-type: none"> ✓ Accreditation Certificate ✓ SAPS 607 ✓ Section 28(1)(a) of the Act | ✓ National DSO |

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| | <ul style="list-style-type: none"> • Or any other document that may be deemed important. • Where an association keeps any register in an electronic format, that association 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. | | |
| 5. | <ul style="list-style-type: none"> • The DSO must enquire from the Association whether they have applied for any exemptions and whether exemptions were granted. • If the Association is exempted from any requirement of the Act, he or she must have a printed copy of the Government Gazette in which the exemptions were documented and affirmed on a specific date set by the President. | ✓ Government Gazette | ✓ National DSO |
| 6. | <ul style="list-style-type: none"> • The DSO must conduct at least one comprehensive annual routine inspection of each accredited association. | ✓ Section 28(4) of the Act | ✓ National DSO |
| 7. | <ul style="list-style-type: none"> • The DSO may during the conducting of a compliance inspection, issue a warning (SAPS 610) to the Association for non-compliance to the Act and afford the Association seven (7) days to rectify the | ✓ SAPS 607 ✓ SAPS 610 | ✓ National DSO |
| 8. | <ul style="list-style-type: none"> • The DSO may issue a J534 – Written Notice to Appear in Court if the DSO found any non-compliance of a less | ✓ J534 | ✓ National DSO |

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| | serious nature at the Association Premises or Records. | | |
| 9. | <ul style="list-style-type: none"> The DSO must initiate the process to cancel Accreditation of an Association, when the Association has violated any provision of the Act or Regulations or conditions of Accreditation which are regarded as of a very serious nature. | ✓ Section 19 of the Act | ✓ National DSO |
| 10. | <ul style="list-style-type: none"> After the Inspection was completed a comprehensive feedback report must be compiled by the DSO and filed in the relevant Z20 Association File. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ Inspection Report | ✓ National DSO |
| 11. | <ul style="list-style-type: none"> The DSO 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 Goods Control System (if available). | ✓ SAPS 607 | ✓ National DSO |

(10) Introduction to the Appeal Process

- (a) A person who is aggrieved by any decision taken by the National Commissioner in terms of the Act, 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.

- (a) 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.

- (b) 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.
- (c) The following process should be followed by the DSO when dealing with an Appeal:

| APPEAL PROCEDURE | | | |
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| The following procedure must be followed during the submission of an Appeal in terms of the SHG Act, 2009 (Act No 6 of 2009). | | | |
| PHASE | PROCESS | GOVERNANCE | RESPONSIBILITY |
| 1. | <ul style="list-style-type: none"> • The SAPS 608(a) – Notice of Appeal (“SAPS 608(a)”) must be submitted by the applicant to the national Second-Hand Goods Control Office either by hand, registered post or via email to accreditation@saps.gov.za, except where the responsible person or applicant is unable to: <ul style="list-style-type: none"> • understand English; - understand the content of the SAPS 608(c); and - whether the applicant can complete the applicable form in English. • Should the responsible person or applicant have difficulty with any of the three instances above, he or she may approach the station DSO appointed at the station in which area their business is situated for assistance. All costs for interpretation services must be borne by the South African Police Service. • The station DSO must record the details of the interpreter in the relevant space | <ul style="list-style-type: none"> ✓ SAPS 608(a) ✓ Regulation 21 (1) (a) and (b) ✓ Section 33 of the Act | <ul style="list-style-type: none"> ✓ Appellant ✓ National DSO |

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| | <p>allocated for this purpose on the SAPS 608(a)</p> <ul style="list-style-type: none"> In the case of a second-hand goods Dealer or Recycler handing in an Appeal, the Appeal application must be forwarded from the relevant police station (station DSO) via the Provincial FLASH office (provincial DSO to the national Second-Hand Goods office (national DSO). In the case of an Association appealing a specific decision, the Appeal application must be forwarded directly to the national Second-Hand Goods Office (national DSO) – except in circumstances as mentioned in bullet one (1) supra. | | |
| 2. | <ul style="list-style-type: none"> The DSO or Second-Hand Goods Clerk must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 608(a) Notice of Appeal.” | <ul style="list-style-type: none"> ✓ SAPS 608(a) ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National DSO Clerk |
| 3. | <ul style="list-style-type: none"> The SAPS 608(a) Notice of Appeal and all relevant supporting documents must be forwarded to the DSO or Second-Hand Goods Clerk for recording or capturing purposes in the relevant recording register or systems. | <ul style="list-style-type: none"> ✓ SAPS 608(a) ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National DSO Clerk |
| 4. | <ul style="list-style-type: none"> The DSO must record the application in the SAPS 602 - Register for Received Second-Hand Goods Dealer's Association Documentation. The SAPS 602 Register must be completed as per the relevant Completion Instructions.” | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National DSO Clerk |

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| 5. | <ul style="list-style-type: none"> The SAPS 608(a) Notice of Appeal must be captured on the SHGCS (if available) and the System generated reference number must be entered in the SAPS 602 Register as well as on the Notice of Appeal. | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 608(a) | <ul style="list-style-type: none"> ✓ National DSO ✓ National DSO Clerk |
| 6. | <ul style="list-style-type: none"> The applicable SAPS 602 Register reference number must be recorded in the appropriate space allocated on the SAPS 608(a) – Notice of Appeal. | <ul style="list-style-type: none"> ✓ SAPS 608(a) ✓ SAPS 602 | <ul style="list-style-type: none"> ✓ National DSO ✓ National DSO Clerk |
| 7. | <ul style="list-style-type: none"> The DSO must ensure that the existing Z20 Association File for the applicable association is retrieved, that the SAPS 5 Investigation Diary is updated and that the SAPS 608(a) and any supporting documents are properly filed | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 608(a) ✓ SAPS 5 | <ul style="list-style-type: none"> ✓ National DSO |
| 8. | <ul style="list-style-type: none"> The DSO must issue an Acknowledgement of Receipt of Second-Hand Goods Documentation to the applicant on receipt of the SAPS 608(a) – Notice of Appeal.” | <ul style="list-style-type: none"> ✓ SAPS 600(c) | <ul style="list-style-type: none"> ✓ National DSO |
| 9. | <ul style="list-style-type: none"> The DSO must file the SAPS 608(a) – Notice of Appeal and supporting documentation in the existing Z20 Association File.” | <ul style="list-style-type: none"> ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |
| 10. | | <ul style="list-style-type: none"> ✓ Written Report | <ul style="list-style-type: none"> ✓ National DSO |

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| | <ul style="list-style-type: none"> The DSO must compile a comprehensive report with supporting documentation regarding the refusal reasons on which the final decision was based. | | |
| 11. | <ul style="list-style-type: none"> Once the DSO has compiled the report then the DSO or SHG Administration Clerk must update the relevant SHG recording systems (Z20 Dealer's Association File "SAPS 5" and SAPS 602 Register as well as the SHGCS (if available)). | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 5 ✓ SAPS 602 | <ul style="list-style-type: none"> ✓ National DSO ✓ National DSO Clerk |
| 12. | <ul style="list-style-type: none"> The National DSO must forward the Z20 - Association File, containing the SAPS 608(a) – Notice of Appeal and all other supporting documents to the National Legal Service in order to obtain a legal opinion. | <ul style="list-style-type: none"> ✓ SAPS 608(a) ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |
| 13. | <ul style="list-style-type: none"> The Legal Office at National Legal Service must provide a legal opinion on the facts as contained in the SAPS 608(a) Notice of Appeal. After providing a legal opinion, the National Legal Service must send the Z20 Association File, containing all relevant documentation, back to the DSO for further processing. | <ul style="list-style-type: none"> ✓ Legal Opinion ✓ SAPS 608(a) ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO ✓ National Legal Service |
| 14. | <ul style="list-style-type: none"> The DSO must receive back the Z20 Association file containing the Legal Opinion." | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ Legal Opinion | <ul style="list-style-type: none"> ✓ National DSO |

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| 15. | <ul style="list-style-type: none"> A Memorandum must be prepared for the appeal by the National Functionary within the National SHG Control Office on a 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"> ✓ National DSO |
| 16. | <ul style="list-style-type: none"> The Z20 Association File containing the Memorandum to the Minister as well as all other applicable documentation must be forwarded to the office of the Verifying Authority. | <ul style="list-style-type: none"> ✓ Appeal Memorandum | <ul style="list-style-type: none"> ✓ National DSO ✓ National Verifying Authority |
| 17. | <ul style="list-style-type: none"> The Verifying Authority 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 Verifying Authority <u>NOT</u> concur with the Recommendation of the National DSO, 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 Service. Should the Verifying Authority <u>CONCUR</u> with the Recommendation of the National DSO, he or she must sign and date stamp the SAPS 608(a) – Notice of Appeal and Memorandum. | <ul style="list-style-type: none"> ✓ Appeal Memorandum ✓ SAPS 608(a) | <ul style="list-style-type: none"> ✓ National DSO ✓ National Verifying Authority ✓ Minister of Police |
| 18. | <ul style="list-style-type: none"> National DSO must forward the Z20 – Association File, containing all the applicable and relevant documentation, to the Minister of Police via the office of | <ul style="list-style-type: none"> ✓ Appeal Memorandum | <ul style="list-style-type: none"> ✓ National DSO ✓ Minister of Police |

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| | the National Commissioner for final consideration | | |
| 19. | <ul style="list-style-type: none"> Minister of Police 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 SHG Office once it has been finalised. | <ul style="list-style-type: none"> ✓ Appeal Outcome | <ul style="list-style-type: none"> ✓ Minister of Police |
| 20. | <ul style="list-style-type: none"> National SHG Office will receive back the Appeal Documentation with the outcome of the appeal and further directives from the Minister of Police. National DSO 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 National DSO must prepare a Letter of Outcome of Appeal to the Appellant, stating the reasons for the decision taken by the Minister of Police. The Component Head: FLASH must sign and date stamp the Letter of Outcome of Appeal addressed to the Appellant. | <ul style="list-style-type: none"> ✓ Z20 Appeal File ✓ Letter of Outcome of Appeal | <ul style="list-style-type: none"> ✓ Minister of Police ✓ National DSO |

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| 21. | <ul style="list-style-type: none"> The DSO must serve the Letter of Outcome of Appeal by means of a SAPS 606-Return of Service on the applicant or responsible person.” | <ul style="list-style-type: none"> ✓ SAPS 606 ✓ Letter of Outcome | <ul style="list-style-type: none"> ✓ National DSO |
| 22. | <ul style="list-style-type: none"> The DSO must file the signed SAPS 606 as well as a copy of the Letter of Outcome of the Appeal application in the relevant Z20 Association file. The applicable columns of the SAPS 602 and SHGCS (if available) must be updated accordingly.” | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 5 ✓ Letter of Outcome (copy) ✓ SAPS 606 | <ul style="list-style-type: none"> ✓ National DSO |

(11) Introduction to the Issuing or Re-Issuing of a Second-Hand Goods Accreditation Certificate

(a) Issuing of Accreditation Certificate

An Accreditation Certificate SAPS 600(a) – Certificate of Accreditation as a Second-Hand Goods Association in terms of this Act will be issued to a Second-Hand Goods Dealers' Association on the successful outcome of an application for Accreditation.

- (b) The following process must be followed during the issuing of an Accreditation Certificate:

| <u>ISSUING / RE-ISSUING OF AN ACCREDITATION CERTIFICATE</u> | | | |
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| The following procedures must be followed when a SAPS 600(a) or SAPS 600(b) is issued or re-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 Accreditation Certificate (SAPS 600(a)) or Temporary Accreditation Certificate (SAPS 600(b)), the DSO must determine the availability of the SHGCS. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 600(a) ✓ SAPS 600(b) | <ul style="list-style-type: none"> ✓ National DSO ✓ National Deciding Authority |
| 2. | <ul style="list-style-type: none"> In the event that the SHGCS is available, the DSO must print the Accreditation Certificate to be issued or re-issued. | <ul style="list-style-type: none"> ✓ Section 37 of the Act. ✓ SHGCS | <ul style="list-style-type: none"> ✓ National DSO |
| 3. | <ul style="list-style-type: none"> In the event that the SHGCS is not available the relevant Accreditation Certificate must be printed manually in duplicate. | <ul style="list-style-type: none"> ✓ SAPS 600(a) ✓ SAPS 600(b) | <ul style="list-style-type: none"> ✓ National DSO |
| 4. | <ul style="list-style-type: none"> The DSO must file the original and the copy of the SAPS 600 (a) or (b) Accreditation Certificate in the Z20 Association File. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 600(a) ✓ SAPS 600(b) | <ul style="list-style-type: none"> ✓ National DSO |
| 5. | <ul style="list-style-type: none"> The DSO must forward the Z20 Association File together with the printed SAPS 600(a) or (b) Accreditation Certificate to the Deciding Authority in order for him or | <ul style="list-style-type: none"> ✓ SAPS 600(a) ✓ SAPS 600(b) ✓ SAPS 600 | <ul style="list-style-type: none"> ✓ National DSO |

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| | her to sign the relevant Accreditation Certificate. | ✓ Z20 Association File | |
| 6. | <ul style="list-style-type: none"> The Deciding Authority receives the Z20 Association File with the relevant Accreditation Certificate from the DSO and must sign and date stamp the applicable Accreditation Certificate - SAPS 600(a) or (b). | <ul style="list-style-type: none"> ✓ SAPS 600(a) ✓ SAPS 600(b) ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO ✓ National Deciding Authority |
| 7. | <ul style="list-style-type: none"> The DSO must inform the Association's responsible person about the availability of the Issued or Re-issued Accreditation Certificate by means of an e-mail and whether the certificate will be collected from National SHG office or not | ✓ E-mail | ✓ National DSO |
| 8. | <ul style="list-style-type: none"> National SHG office must send the issued or re-issued SAPS 600(a) to the Station DSO closest to the Association. The station DSO must complete a SAPS 606 – Return of Service in order to serve the Accreditation Certificate on the Responsible Person of the Association. | <ul style="list-style-type: none"> ✓ SAPS 600(a) ✓ SAPS 600(b) ✓ SAPS 606 | <ul style="list-style-type: none"> ✓ National DSO ✓ Station DSO |
| 9. | <ul style="list-style-type: none"> The DSO must determine whether the Association was previously issued with a SAPS 600(a) or (b), or whether it is a first issue of a certificate. | <ul style="list-style-type: none"> ✓ SAPS 600(a) ✓ SAPS 600(b) | ✓ National DSO |
| 10. | <ul style="list-style-type: none"> The station DSO must obtain the original Accreditation Certificate before the re-issued Accreditation Certificate can be served on the Associations' | <ul style="list-style-type: none"> ✓ SAPS 600(a) ✓ SAPS 600(b) ✓ SAPS 606 | <ul style="list-style-type: none"> ✓ National DSO ✓ Station DSO |

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| | responsible person by means of a SAPS 606 – Return of Service. | | |
| 11. | <ul style="list-style-type: none"> The DSO must ensure that the responsible person sign the SAPS 606 – Return of Service. The station DSO must ensure that the original SAPS 600(a) or (b), together with the signed SAPS 606 is forwarded to the national DSO for filing purpose. | <ul style="list-style-type: none"> ✓ SAPS 606 ✓ SAPS 600(a) ✓ SAPS 600(b) | <ul style="list-style-type: none"> ✓ National DSO ✓ Station DSO |
| 12. | <ul style="list-style-type: none"> The original [or previously issued SAPS 600 (a) or (b)] must be cancelled by the national DSO and filed in the Z20 Association File together with a copy of the re-issued SAPS 600(a) or (b) and the SAPS 606 – Return of Service. | <ul style="list-style-type: none"> ✓ SAPS 600(a) ✓ SAPS 600(b) ✓ SAPS 606 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |

(c) Re-Issuing of Accreditation Certificates

(i) Reasons may exist and circumstances may change which will require the re-issuing of an Accreditation Certificate to an Association. The following instances will necessitate the re-issuing of an Accreditation Certificate:

- Amendment of Information of the Association
- Lost, Stolen or Defaced Accreditation Certificates

(ii) If an Accreditation Certificate, issued in terms of this Act is lost, stolen or defaced, the appointed responsible person must:

- Inform the National DSO in writing, within 30 days of the discovery of the loss, theft or defacement; and
 - Apply to the National DSO in writing, within 30 days of the discovery of the loss, theft or defacement for the re-issuing of an Association Accreditation Certificate.
- (iii) The Association must notify or inform the DSO of the loss, theft or defacement of his or her Accreditation Certificate on form SAPS 605 – Notification or Re-Issuing of Lost, Stolen or Defaced Second-Hand Goods or Accreditation Certificate (“SAPS 605”).
- (d) The following process must be followed during the notification and application process for the re-issuing of a lost, stolen or defaced Accreditation Certificate:

| <u>NOTIFICATION / RE-ISSUING OF LOST, STOLEN OR DEFACED ACCREDITATION CERTIFICATE</u> | | | |
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| The following procedures must be followed when a notification or application for lost, stolen or defaced Accreditation 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 or Re-Issuing of Lost, Stolen or Defaced Second-Hand Goods or Accreditation Certificate (SAPS 605) must be submitted by the applicant to the National DSO either by hand, registered post or via an e-mail at accreditation@saps.gov.za. | <ul style="list-style-type: none"> ✓ Section 37 of the Act. ✓ SAPS 605 | <ul style="list-style-type: none"> ✓ National DSO |

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| 2. | <ul style="list-style-type: none"> • The DSO or Second-Hand Goods Clerk needs to determine whether the applicant is able to: <ul style="list-style-type: none"> • understand English; • understand the content of the SAPS 605 - Notification or Re-Issuing of Lost, Stolen or Defaced Second-Hand Goods Certificate; and • whether the applicant can complete the applicable form in English. <p>Should the Responsible Person have difficulty with any of the three instances above, he or she may approach the DSO appointed at the station in which area the association is situated for assistance.</p> <p>All costs for interpretation services, must be borne by the South African Police Service”</p> <p>The DSO or Second-Hand Goods Clerk must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 605 - Notification or Re-Issuing of Lost, Stolen or Defaced Second-Hand Goods Certificate.</p> | ✓ SAPS 605 | ✓ National DSO |
| 3. | <ul style="list-style-type: none"> • The SAPS 605 Notification and all relevant supporting documents must be forwarded to the National DSO or Second-Hand Goods Clerk for recording or capturing purposes in the relevant recording register or system. | ✓ SAPS 605 | ✓ National DSO |

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| 4. | <ul style="list-style-type: none"> The DSO must ensure that the SAPS 605 Notification is recorded in the SAPS 602 - Register for Received Second-Hand Goods Association Documentation ("SAPS 602"). The SAPS 602 Register must be completed as per the relevant Completion Instructions. | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 605 ✓ Completion Instructions | ✓ National DSO |
| 5. | <ul style="list-style-type: none"> The SAPS 605 Notification must be captured on the SHGCS (if available) and the System generated reference number must be entered in the SAPS 602 Register as well as on the SAPS 605 Notification. The applicable SAPS 602 Register reference number must be recorded in the appropriate space allocated on the SAPS 605 Notification. | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 605 | ✓ National DSO |
| 6. | <ul style="list-style-type: none"> The DSO must ensure that the existing Z20 Association File for the applicable association is retrieved, that the SAPS 5 Investigation Diary is updated and that the SAPS 605 and any supporting documents are properly filed. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 5 | ✓ National DSO |
| 7. | <ul style="list-style-type: none"> The DSO must verify the completeness of the SAPS 605 Notification and must ensure that the SAPS 605 Notification form comply with the relevant Checklist Guideline. | <ul style="list-style-type: none"> ✓ SAPS 605 ✓ Checklist Guidelines | ✓ National DSO |
| 8. | <ul style="list-style-type: none"> The DSO must indicate in red ink on the SAPS 605 Notification, all outstanding information or documentation. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 605 | ✓ National DSO |

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| 9. | <ul style="list-style-type: none"> The details of the incomplete SAPS 605 Notification form must be recorded in the SAPS 602 Register, before being referred back to the applicant to be corrected or rectified event that the SAPS 605 Notification is incomplete, the DSO must make a copy of the SAPS 605 Notification and supporting documentation before returning it to the applicant. The copy must be filed on the Z20 Association File. | <ul style="list-style-type: none"> ✓ SAPS 605 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |
| 10. | <ul style="list-style-type: none"> In the event that the SAPS 605 Notification is incomplete, the DSO must make a copy of the SAPS 605 Notification and supporting documentation before returning it to the applicant. The copy must be filed on the Z20 Association File. A copy of the Checklist Guideline, clearly indicating the information or documentation still outstanding must be provided to the applicant. The applicant must be given ten (10) working days to submit the outstanding information or documentation. | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 605 ✓ Checklist Guidelines | <ul style="list-style-type: none"> ✓ National DSO |
| 11. | <ul style="list-style-type: none"> The DSO must issue an Acknowledgement of Receipt of Second-Hand Goods Documentation SAPS 600(c) to the applicant on receipt of the SAPS 605 Notification.” | <ul style="list-style-type: none"> ✓ SAPS 600(c) ✓ SAPS 605 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |
| 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 an | <ul style="list-style-type: none"> ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO |

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| | Accreditation Certificate the DSO must prepare a recommendation to refuse the re-issuing of the Accreditation Certificate | ✓ National DSO recommendation | |
| 13. | <ul style="list-style-type: none"> The DSO's recommendation to refuse the re-issuing of the Accreditation Certificate, the SAPS 605 Notification and all supporting documentation must be forwarded to the Deciding Authority for consideration. | <ul style="list-style-type: none"> ✓ SAPS 605 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National DSO ✓ National Deciding Authority |
| 14. | <ul style="list-style-type: none"> The Deciding Authority must duly consider the SAPS 605 Notification by taking the DSO Recommendation and all other documentation and information contained in the Z20 Association File into consideration before making a final decision. | <ul style="list-style-type: none"> ✓ SAPS 605 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National Deciding Authority |
| 15. | <ul style="list-style-type: none"> In the event that the Deciding Authority intends to refuse the Re-issuing of the Accreditation 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 DSO to compile a Notice of Intention to Refuse the Re-issue of an Accreditation Certificate. | <ul style="list-style-type: none"> ✓ Notice of Intention to Refuse ✓ SAPS 605 ✓ Z20 Association File | <ul style="list-style-type: none"> ✓ National Deciding Authority ✓ National DSO |
| 16. | <ul style="list-style-type: none"> Once the Deciding Authority has confirmed the Notice of Intent by signing and date stamping the document then the DSO must update | <ul style="list-style-type: none"> ✓ SAPS 602 ✓ SAPS 5 | <ul style="list-style-type: none"> ✓ National DSO |

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| | the relevant SHG recording systems (SAPS 5 and SAPS 602 Register as well as the SHGCS (if available)). | ✓ Z20 Association File | |
| 17. | <ul style="list-style-type: none"> The The DSO must complete a SAPS 606 - Return of Service. The National DSO must serve the Notice of Intention to refuse document on the responsible person and the responsible person must sign SAPS 606 - Return of Service and the SAPS 606 bearing the responsible person's signature must be filed in the relevant Z20 Association File. | <ul style="list-style-type: none"> ✓ SAPS 606 ✓ Notice of Intention to Refuse ✓ Z20 Association File | ✓ National DSO |
| 18. | <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 Accreditation Certificate, the DSO must prepare a recommendation in order to approve the re-issue. | <ul style="list-style-type: none"> ✓ SAPS 605 ✓ DSO Recommendation | ✓ National DSO |
| 19. | <ul style="list-style-type: none"> The Z20 Association File must be forwarded to the Deciding Authority with the recommendation of the DSO to re-issue the relevant Accreditation Certificate. The Deciding Authority must duly consider the SAPS 605 Notification by taking the DSO Recommendation and all other documentation and information contained in the Z20 Association File into consideration before making a final decision. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 605 ✓ DSO Recommendation | ✓ National DSO |

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| 20. | <ul style="list-style-type: none"> If the Deciding Authority does not agree with the recommendation of the DSO during his or her consideration of the SAPS 605 Notification, he or she must indicate the reasons in red ink in the applicable space allocated on the SAPS 605 Application. | ✓ SAPS 605 | ✓ National Deciding Authority |
| 21. | <ul style="list-style-type: none"> Should the Deciding Authority CONCUR with the Recommendation Report of the DSO to re-issue the Association's lost, stolen or defaced Accreditation Certificate then the Deciding Authority must sign and date stamp the SAPS 605 Notification. | ✓ SAPS 605 ✓ SAPS 602 ✓ SAPS 5 ✓ Z20 Association File | ✓ National Deciding Authority ✓ National DSO |
| 22. | <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 Accreditation Certificate, then the Deciding Authority must make an inscription on the SAPS 605 Notification in "red ink" with full reasons for NOT concurring The SAPS 605 Notice must be filed in the Z20 Association File. The DSO must then update all the SHG recording (Investigation Diary, SAPS 602 Register and the SHGCS (if available)). | ✓ SAPS 605 ✓ SAPS 602 ✓ SAPS 5 ✓ Z20 Association File | ✓ National Deciding Authority ✓ National DSO |

**(12) Introduction to the Withdrawal of an Application or Notification
submitted in terms of the Act**

- (a) A Responsible Person appointed at an Association who have submitted an Application or Notification in terms of the Act may at any time withdraw the said Application or Notification.

- (b) A notification for the withdrawal of an Application or Notification submitted in terms of the Act must be lodged with the DSO attached to the National SHG Office 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:

(d)

| WITHDRAWAL OF APPLICATION/NOTIFICATION | | | |
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| The following procedures must be followed when a Withdrawal of a SHG Application or Notification is dealt with under the SHG Act, 2009 (Act No 6 of 2009). | | | |
| PHASE | PROCESS | GOVERNANCE | RESPONSIBILITY |
| 1. | <ul style="list-style-type: none"> • Should an Association decide to withdraw an Application or Notification submitted in terms of the Act, a duly completed SAPS 609 – Notice to Withdraw an Application or Notification (“SAPS 609”) must be directly submitted to the DSO appointed at the National office except where the Responsible Person is unable to: <ul style="list-style-type: none"> - understand English; - understand the content of the SAPS 609; or - is unable to complete the applicable form in English. • Should the Responsible Person have difficulty with any of the three instances above, he or she may approach the DSO appointed at the station in which area the association is situated for assistance. • The DSO may acquire the services of an internal or external interpreter to explain and assist in completing the SAPS 609. All costs for interpretation services must be borne by the South African Police Service. • The DSO must record the details of the Interpreter in the relevant space allocated specifically for this purpose on the SAPS 609. | <ul style="list-style-type: none"> ✓ SAPS 609 ✓ Completion Instructions ✓ Reg. 21(1) (a) and (b) – Second-Hand Goods Dealers' Association Regulations | <ul style="list-style-type: none"> ✓ Appointed Responsible Person ✓ Station DSO ✓ SHG Clerk ✓ Interpreter |

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| 2. | <ul style="list-style-type: none"> The SAPS 609 and all relevant supporting documents must be handed to the DSO or SHG Clerk for recording or capturing purposes in the relevant recording systems upon receipt thereof at the National SHG Office. | <ul style="list-style-type: none"> ✓ SAPS 609 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 3. | <ul style="list-style-type: none"> The DSO must ensure that the SAPS 609 is recorded in the SAPS 602 – Register for Second-Hand Goods Dealers' Association Documentation ("SAPS 602") as per the relevant Completion Instructions. The DSO must issue the applicant with a SAPS 600(c) – Acknowledgement of Receipt. | <ul style="list-style-type: none"> ✓ SAPS 602 Register. ✓ SAPS 600(c) ✓ SAPS 609. ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 4. | <ul style="list-style-type: none"> The applicable SAPS 602 Register reference number must be recorded in the appropriate space allocated on the SAPS 609. | <ul style="list-style-type: none"> ✓ SAPS 604 ✓ SAPS 602 ✓ Completion Instructions | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |
| 5. | <ul style="list-style-type: none"> The DSO must ensure that the entire SAPS 609 is captured on the Second-Hand Goods Control system (SHGCS), if available and the system generated reference number must be recorded in the SAPS 602 Register as well as on the SAPS 609. | <ul style="list-style-type: none"> ✓ SAPS 603. ✓ SAPS 609 ✓ Completion Instructions ✓ SHGC | <ul style="list-style-type: none"> ✓ National DSO |
| 6. | <ul style="list-style-type: none"> The DSO must ensure that the existing Z20 Association File for the applicable association is retrieved, that the SAPS 5 Investigation Diary is updated and that the SAPS 609 and any supporting documents are properly filed. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ SAPS 5 ✓ SAPS 609. | <ul style="list-style-type: none"> ✓ National DSO ✓ National SHG Clerk |

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| 7. | <ul style="list-style-type: none"> • The DSO must establish if the Deciding Authority already made a decision on the original application or notification which was previously submitted by the association and for which the withdrawal is requested. • The DSO must cancel all existing processes regarding the original application or notification which was previously submitted by the association and for which the withdrawal is requested if the Deciding Authority did not make a decision thereupon. • Where the Deciding Authority already made a decision on the original application or notification which was previously submitted by the association, the relevant procedures relating to Termination or Amendment of Information must be complied with as per paragraph supra. | ✓ SAPS 609. | ✓ National DSO |
| 8. | <ul style="list-style-type: none"> • The DSO must issue an SAPS 600(b) - Acknowledgement of Receipt of Second-Hand Goods Dealers' Association Documentation ("SAPS 600(b)"), as per relevant Completion Instructions, to the association on receipt of the SAPS 609. | ✓ SAPS 600(b) ✓ Completion Instructions | ✓ National DSO ✓ National SHG Clerk |
| 9. | <ul style="list-style-type: none"> • The DSO must compile a letter either confirming that the withdrawal of the original application or notification which was previously submitted has been effected or that the withdrawal could not be effected due to the original | ✓ Z20 Association File ✓ SAPS 609. ✓ Letter of Confirmation | ✓ National DSO ✓ National SHG Clerk |

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| | <p>application or notification which was already decided upon.</p> <ul style="list-style-type: none"> The DSO must forward the Z20 Association File to the Deciding Authority for signature and date stamping of the letter of confirmation of withdrawal or non-withdrawal. | of Withdrawal | |
| 10. | <ul style="list-style-type: none"> The Deciding Authority must upon receipt of the Z20 Association File, confirm the withdrawal or non-withdrawal by signing the letter of Confirmation. | <ul style="list-style-type: none"> ✓ Z20 Association File ✓ Letter of Confirmation of Withdrawal | ✓ The National Deciding Authority |
| 11. | <ul style="list-style-type: none"> The DSO must ensure that any further processing of the application or notification which was originally submitted by the Association and for which the withdrawal is requested, is seized and that all relevant SHG related records and the Second-Hand Goods Control system (SHGCS), if available are updated in this regard. | <ul style="list-style-type: none"> ✓ Originally submitted application or notification ✓ SAPS 603 ✓ SHGC | ✓ National DSO |
| 12. | <ul style="list-style-type: none"> The DSO must complete an SAPS 606 - Return of Service ("SAPS 606"). The DSO must ensure that the letter of confirmation of withdrawal or non-withdrawal be served on the Responsible Person of the relevant Association who must sign the SAPS 606 to acknowledge receipt of the letter of confirmation. | <ul style="list-style-type: none"> ✓ Section 35 (1) of the Act ✓ Letter of Confirmation of Withdrawal ✓ SAPS 606 | <ul style="list-style-type: none"> ✓ Applicant ✓ Appointed Responsible Person ✓ National DSO ✓ National SHG Clerk |
| 13. | <ul style="list-style-type: none"> The DSO must ensure that all the documentation pertaining to the | <ul style="list-style-type: none"> ✓ SAPS 609 ✓ SAPS 606 | ✓ National DSO |

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| | withdrawal of the original application or notification which was previously submitted are filed together with the signed SAPS 606 and any other relevant documentation in the Z20 Association File. | ✓ Z20 Association File | ✓ National SHG Clerk |
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CHAPTER 5: GENERAL MATTERS

9. 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 Learning Programme; and
- (c) Any other relevant learning programmes as may be determined by the Divisional Commissioner: Visible Policing.

10. 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.

11. Administrative prescripts

- (1) All fully completed Second-Hand Goods applications or notifications within the responsibility of the national office (with the exception of an Appeal application) must be finalized within a period of ten (10) working days from the date of receipt. Where such applications 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 and another 10 working days where such applications requires a legal opinion..
- (2) Designated Second-Hand Goods Officers must ensure that optimum levels of all relevant SAPS Second-Hand Goods Registers and

Certificates are maintained through the normal Supply Chain Management channels.

- (3) 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 thereto.

- (4) The manual issuing of Accreditation Certificates [SAPS 600(a) and SAPS 600(b)] will continue until such time as the Second-Hand Goods Control System is implemented and fully operational. The Second-Hand Goods Control System will make provision for the electronic generating and printing of Accreditation Certificates. After implementation of the Second-Hand Goods Control System, the issuing of manual Accreditation Certificates will only be required in instances when there is a system failure or as a result of the non-availability of the Second-Hand Goods Control System.

12. Cancellation of serial controlled second-hand goods documentation

- (1) The following instances will necessitate the cancellation of a serial controlled Second-Hand Goods document :
 - (a) Amendment of information
 - (b) Mistake during completion
 - (c) Cancellation of Accreditation
 - (d) Termination of Accreditation
 - (e) Re-issuing as a result of damage (defacement)

- (2) 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:
- (a) Two parallel lines must be drawn diagonally across the Accreditation Certificate in red ink;
 - (b) The word "CANCELLED" must be written between the parallel lines in red ink;
 - (c) 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 Accreditation Certificate is cancelled.
 - (d) Previously issued Accreditation Certificates which are cancelled must be filed in the relevant Z20 Association File.

13. Communication and liaison

- (1) The Divisional Commissioner: Visible Policing 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 Second-Hand Goods Dealers Forum and hold bi-annual meetings with all relevant functionaries.

14. Reporting

- (1) The National Designated Second-Hand Goods Officer must perform a Criminal Clearance Check on all relevant personnel within an Accredited Second-Hand Goods Dealers' Associations in order to ensure that all responsible persons still complies with the requirements of accreditation in terms of the Act.

- (2) The National Designated Second-Hand Goods Officer must ensure that all accredited Second-Hand Goods Dealers' Associations submit an annual report which must contain the following information:
 - (a) Members of the association;
 - (b) Members or employees of the association who had been the subject of disciplinary action involving a contravention or failure to comply with a provision of the Act or any condition of accreditation;
 - (c) The full names and the identification number of a person contemplated in paragraph (ii) supra and, where applicable, particulars of the misconduct and the result of the disciplinary action; and
 - (d) Any other information that the Divisional Commissioner: Visible Policing deem important and necessary to advance the objectives of the Act.

15. Second-hand goods directives

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

16. Discipline

Neglecting or failing to comply with the provisions of this Instruction is unacceptable and may constitute misconduct under the SAPS Discipline Regulations, 2016.

17. 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 accredited Second-Hand Goods Association. 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) Accrediting a new Second-Hand Goods Dealers' Association;
- (b) Fingerprints;
- (c) Criminal Clearance Certificate;
- (d) Interpretation Services; and
- (e) Any other service relating to the Act.

(2) All costs regarding the above mentioned procedures must be borne by the South African Police Service.

18. Requirements for identification

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.

19. Association registers

- (1) Section 20 of the Act provides that an association must keep a register in the prescribed form and record in the register the particulars regarding all the members of the association.
- (2) Association Registers may also be kept in an electronic format.

20. 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 or 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.

21. Review

This National Instruction will be reviewed at least every three (3) years from the date of its approval.