

**THE SECOND-HAND GOODS STANDARD OPERATING PROCEDURE**  
**Processing the Representation of a Dealer/ Recycler**

**1. INTRODUCTION**

A Representation may be made by the Dealer/ Recycler in response to any refusal in terms of the Second-Hand Goods Act, 2009 (Act No. 6 of 2009) must be dealt with according to the following process.

If the Dealer/ Recycler intend to make a representation upon receiving a Notification of Intent to Refuse then he/she must make such representation within 30 days of receipt thereof in writing to the DSO.

During the following process the representation will be administered, duly considered and a written response of the outcome will be forwarded to the Dealer/ Recycler.

2. PROCESS FLOW: DEAL WITH REPRESENTATION OF DEALER OR RECYCLER

### 3. APPLICATION PROCEDURE

The Application Procedure as depicted in Diagram 10 (Process Flow: Deal with representation of dealer or recycler), will be explained in the following manner:

- Every process step (block) is alphabetically lettered and individually explained.

#### 3.1 **A** – RECEIVE DEALER/ RECYCLER REPRESENTATION

##### PROCESS EXECUTION

The DSO receives a representation from the Dealer/ Recycler.



##### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



##### GOVERNANCE

**Section 6 of the Act – Refusal to register**

***“6. (1) If a dealer fails to comply with the requirements for an application, the National Commissioner must refuse the application and inform the dealer of that fact.***

***(2) Before refusing the application, the National Commissioner must—***

***(a) give the dealer written notice of the National Commissioner’s intention to refuse the application;***

***(b) give the dealer 30 days to submit written representations as to why the National Commissioner should not make the intended decision; and***

***(c) duly consider any such representations and the facts pertaining to the matter.***

***(3) The National Commissioner must notify the dealer in writing of any decision***



*taken under this section and state the reasons for and the date on which the decision takes effect in such notice.*

**APPLICABLE DOCUMENTATION**

Written Representations



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



### 3.2 **"B"** – RECORD DETAILS OF RECEIVED DEALER/ RECYCLER REPRESENTATION

#### PROCESS EXECUTION

The DSO must record the received Representation in the SAPS 603 Register for Received Second-Hand Goods Documentation.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

Paragraph **5.7.3.1.** of National Instruction: Second-Hand Goods, 2013

***"The DSO must record the Representation in the SAPS 603 Register (Register for Received Second-Hand Goods Documentation). The SAPS 603 Register must be completed as per the relevant Completion Instructions"***



#### APPLICABLE DOCUMENTATION

Written Representations

SAPS 603 Register for Received Second-Hand Goods Documentation



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



### 3.3 **"C"** –FILE REPRESENTATION IN DEALER/ RECYCLER REGISTRATION FILE

#### PROCESS EXECUTION

The DSO must File the Representation in the Z20 Dealer/ Recycler file.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

Paragraph **5.7.3.2.** of National Instruction: Second-Hand Goods, 2013

***"The DSO must file the Representation in the Z20 Dealer/ Recycler File."***



#### APPLICABLE DOCUMENTATION

Z20 – Dealer/ Recycler File

Written Representations



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.4 **"D"** – ISSUE AN ACKNOWLEDGEMENT OF RECEIPT FOR RECEIVED DEALER/ RECYCLER REPRESENTATION

**PROCESS EXECUTION**

The DSO must issue an Acknowledgement of Receipt (SAPS 601(c)) to the applicant on receipt of the Dealer/ Recycler's Representation.



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand Goods Officer (DSO)



**GOVERNANCE**

Paragraph **5.7.3.3** of National Instruction 1/2013: Second-Hand Goods

***"The DSO must issue a SAPS 601(c) (Acknowledgement of Receipt of Second-Hand Goods Documentation) to the applicant on receipt of the Representation".***



**APPLICABLE DOCUMENTATION**

SAPS 601(c) Acknowledgement of Receipt



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.5 **"E"** – SEND DEALER/ RECYCLER REPRESENTATION TO PROVINCIAL LEGAL SERVICES FOR LEGAL OPINION

**PROCESS EXECUTION**

Send the Representation to Legal Service to obtain a legal opinion upon which a decision can be based and update SAPS 603 (Received Second-Hand Goods Documentation Register) accordingly.



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand Goods Officer (DSO)



**GOVERNANCE**

Paragraph 5.7.3.4 of National Instruction 1/2013: Second-Hand Goods

**"The DSO must forward the Representation to Legal Service requesting a legal opinion on the Representation."**



**APPLICABLE DOCUMENTATION**

Representation

SAPS 21 (Covering Letter)

SAPS 603 (Received Second-Hand Goods Documentation Register)



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.6 **"F" –PROVINCIAL LEGAL SERVICES RENDERS A LEGAL OPINION ON DEALER / RECYCLER REPRESENTATION**

**PROCESS EXECUTION**

Legal Service will assess the content of the Representation and render a legal opinion.



**RESPONSIBLE PERSON(S)**

- Legal Service



**GOVERNANCE**

Paragraph **5.7.3.5** of National Instruction 1/2013: Second-Hand Goods

***"Legal Service will assess the content of the Representation and render a legal opinion."***



**APPLICABLE DOCUMENTATION**

N/A



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



### 3.7 **G** – RECEIVE DEALER/ RECYCLER LEGAL OPINION FROM LEGAL SERVICES

#### PROCESS EXECUTION

The DSO will receive the Representation and legal opinion from the Legal Service and update SAPS 603 (Register for Received Second-Hand Goods Documentation) accordingly.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

Paragraph 5.7.3.6 of National Instruction 1/2013: Second-Hand Goods

*“The DSO will receive the Representation and legal opinion and make a recommendation based on the content of the application and the legal opinion received.”*



#### APPLICABLE DOCUMENTATION

SAPS 21 Covering Letter

SAPS 603 (Register for Received Second-Hand Goods Documentation)



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



### 3.8 **"H"** – RECOMMEND ON DEALER/ RECYCLER REPRESENTATION

#### PROCESS EXECUTION

The DSO must consider the legal opinion submitted by Legal Service and the supporting documents available and make a recommendation on the Representation.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

Paragraph **5.7.3.6** of National Instruction 1/2013: Second-Hand Goods

***"The DSO will receive the Representation and legal opinion and make a recommendation based on the content of the application and the legal opinion received."***



#### APPLICABLE DOCUMENTATION

Information Note



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



### 3.9 "1" – SEND RECOMMENDATION FOR DECISION

#### PROCESS EXECUTION

The Commander will take the recommendation of the DSO into consideration as well as the legal opinion of Legal Service and supporting documents contained in the Representation when making a decision.



#### RESPONSIBLE PERSON(S)

- Provincial FLASH Commander
- Cluster Commander
- Station Commander



#### GOVERNANCE

Paragraph 5.7.3.7 of National Instruction 1/2013: Second-Hand Goods

***“The recommendation on the Representation must be sent to the Provincial FLASH Commander/ Cluster Commander/ Station Commander as the case may be, for a decision to be taken either to approve or refuse the Representation.”***



#### APPLICABLE DOCUMENTATION

N/A



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.10 **“J”** – MAKE DECISION ON RECEIVED DEALER/ RECYCLER INFORMATION

**PROCESS EXECUTION**

The Commander must approve the representation if it complies with the required criteria or refuse the representation if it does not comply with the required criteria.



**RESPONSIBLE PERSON(S)**

- Provincial FLASH Commander
- Cluster Commander
- Station Commander



**GOVERNANCE**

Paragraph **5.7.3.7** of National Instruction 1/2013: Second-Hand Goods

*“The recommendation on the Representation must be sent to the Provincial FLASH Commander/ Cluster Commander/ Station Commander as the case may be, for a decision to be taken either to approve or refuse the Representation.”*



**APPLICABLE DOCUMENTATION**

N/A



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



### 3.11 **K** – UPDATE THE REGISTER/ SECOND-HAND GOODS SYSTEM

#### PROCESS EXECUTION

Update column 13 of the SAPS 603 Register for Received Second-Hand Goods Documentation, where the final consideration is recorded.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

Paragraph **5.7.3.7** of National Instruction 1/2013: Second-Hand Goods

*“...The DSO must ensure that all relevant Second-Hand Goods related records/ or Second-Hand Goods System are updated.”*



#### APPLICABLE DOCUMENTATION

SAPS 603 Register for Received Second-Hand Goods Documentation (Column 13)



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.12 **"L"** – RECOMMEND REGISTRATION OF DEALER/ RECYCLER

**PROCESS EXECUTION**

The Representation was considered and Registration recommended for approval.



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand Goods Officer (DSO)



**GOVERNANCE**

Paragraph **5.7.3.8** of National Instruction 1/2013: Second-Hand Goods

*“If the Representation considered is in favour of the Dealer/ Recycler then Registration of the Dealer/ Recycler may be recommended for approval.”*



**APPLICABLE DOCUMENTATION**

N/A



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



### 3.13 **"M"** – COMPLETE RETURN OF SERVICE DOCUMENT

#### PROCESS EXECUTION

The DSO completes a return of service document (SAPS 606).



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

**Section 36** of the Act – Return of service

*“36. A document that is signed by a police official indicating that the service was effected in accordance with section 35(1) is, upon production in a court, prima facie evidence of service of the document.”*



#### APPLICABLE DOCUMENTATION

SAPS 606 – Return of Service



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.14 **"N"** – SERVE NOTIFICATION TO DEALER/ RECYCLER OF REFUSAL

**PROCESS EXECUTION**

Serve a letter of refusal (SAPS 21) to the applicant.



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand Goods Officer (DSO)



**GOVERNANCE**

**Section 35 of the Act – Service of documents**

***"35. (1) The manner of service of a notice or other document to be served on or given to a person in terms of this Act may be prescribed.  
(2) This section does not apply to notices or other documents served or given during the course of any proceedings in a court of law."***



**APPLICABLE DOCUMENTATION**

SAPS 21 – Letter of Refusal



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



### 3.15 "O" – SIGN RETURN OF SERVICE

#### PROCESS EXECUTION

The Dealer/ Recycler must sign the Return of Service



#### RESPONSIBLE PERSON(S)

- Dealer/ Recycler



#### GOVERNANCE

Section 36 of the Act – Return of service

*“36. A document that is signed by a police official indicating that the service was effected in accordance with section 35(1) is, upon production in a court, prima facie evidence of service of the document.”*



#### APPLICABLE DOCUMENTATION

Z20-Dealer/ Recycler File



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



### 3.16 "P" – FILE RETURN OF SERVICE IN DEALER/ RECYCLER FILE

#### PROCESS EXECUTION

The DSO files the completed return of service document (SAPS 606) in the dealer/recycler file.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

Paragraph 5.7.3.9 of National Instruction 1/2013: Second-Hand Goods

*The signed Return of Service must be filed in the relevant Z20 Dealer/ Recycler file. The applicable columns of the SAPS 603/ SHG System must be updated accordingly."*



#### APPLICABLE DOCUMENTATION

Z20-Dealer/ Recycler File



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).

