

**THE SECOND-HAND GOODS STANDARD OPERATING PROCEDURE**  
**Deal with application for condonation of Dealer/Recycler**

**1. INTRODUCTION**

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

2. PROCESS FLOW: DEAL WITH APPLICATION FOR CONDONATION OF DEALER/RECYCLER

### 3. APPLICATION PROCEDURE

The Application Procedure as depicted in Diagram 11 (Process Flow: Deal with condonation of dealer or recycler), will be explained in the following manner:

- Every process step (block) IS alphabetically numbered and individually explained

#### 3.1 **A** – RECEIVE APPLICATION FOR DEALER/RECYCLER CONDONATION

##### PROCESS EXECUTION

Receive an application for condonation from the Dealer/Recycler/ DSO including supporting documents/ information at National level.



##### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO - National level)



##### GOVERNANCE

**Section 39 of the Act – Condonation and extension of time**

*“(39) The National Commissioner may, on good cause shown and on grounds which are not in conflict with the objects of this Act, extend any period contemplated in this Act or condone any disqualification contemplated in section 14.”*

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

*“The condonation application must be submitted by the applicant to the National SHG Office via the DSO.*

*The DSO must record the receipt of the condonation application in the relevant columns of SAPS 603 (Received Second-Hand Goods Documentation Register).”*



##### APPLICABLE DOCUMENTATION

Application for Condonation (statement)



Supporting Documentation should include:

SAPS 601 Application Form  
Notification of intent to refuse document

**SYSTEM FUNCTIONS**

TO BE ADDED (System not yet implemented).



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

#### PROCESS EXECUTION

Record the particulars of the condonation application in the SAPS 603 (Received Second-Hand Goods Documentation Register)



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO - National level)



#### GOVERNANCE

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

*"...The DSO must record the receipt of the condonation application in the relevant columns of SAPS 603 (Received Second-Hand Goods Documentation Register)..."*



#### APPLICABLE DOCUMENTATION

SAPS 603 Proforma (**Annexure B.1**)

SAPS 603 Completion Instructions (**Annexure B.2**)



#### SYSTEM FUNCTIONS

TO BE ADDED (System not yet implemented)



### 3.3 "C" – OPEN A Z20 CONDONATION FILE

#### PROCESS EXECUTION

A Z20 Dealer file must be opened for archiving and control purposes.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO - National level)



#### GOVERNANCE

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

*“The DSO must open a Z20 Condonation File for the application with reference number 25/13/2, followed by the application register number in brackets. [e.g. 25/13/2 (001/2012)]. The mentioned reference number must be written in the “Lêer – File No.” block on the front cover of the Z20. The name of the business must be written in the “Onderwerp – Subject” block together with the SAPS 603 Application Register reference number as well as the Second-Hand Goods Control System reference number. The application must be filed in the Z20 Dealers File.*

*The DSO must attach an SAPS 5 Investigation Diary to the inside of the Z20 Dealers File to record all activities and incidents required from a DSO in these instructions.”*



#### APPLICABLE DOCUMENTATION

Z20 Dealers File Proforma (Annexure ...)

Z20 Dealers File Completion Instructions (Annexure ...)



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.4 **"D"** – FILE DEALER/RECYCLER CONDONATION APPLICATION AND SUPPORTING DOCUMENTS IN Z20 CONDONATION FILE

**PROCESS EXECUTION**

The National level DSO must file the Condonation Application and supporting documents in the Z20 Condonation File.



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand Goods Officer (DSO - National level)



**GOVERNANCE**

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

*“...The application must be filed in the Z20 Condonation File...”*



**APPLICABLE DOCUMENTATION**

Z20 Dealer/Recycler File Proforma (Annexure ...)

Z20 Dealer/Recycler File Completion Instructions (Annexure ...)



**SYSTEM FUNCTIONS**

TO BE ADDED (System not yet implemented)



### 3.5 "E" – ISSUE A SAPS 601(C) FORM (ACKNOWLEDGEMENT OF RECEIPT)

#### PROCESS EXECUTION

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



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO – National Level)



#### GOVERNANCE

Paragraph 5.7.3.6 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 application".*



#### APPLICABLE DOCUMENTATION

SAPS 601(c) Proforma (**Annexure C.1**)

SAPS 601(c) Completion Instructions (**Annexure C.2**)



#### SYSTEM FUNCTIONS

TO BE ADDED (System not yet implemented)



3.6 **"F"** – SEND DEALER/ RECYCLER APPLICATION FOR A LEGAL OPINION ON CONDONATION TO LEGAL SERVICES

**PROCESS EXECUTION**

Send the condonation application to legal services to obtain a legal opinion upon which a decision can be taken and update SAPS 603 (Received Second-Hand Goods Documentation Register) accordingly.



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand Goods Officer (DSO – National Level)



**GOVERNANCE**

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

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



**APPLICABLE DOCUMENTATION**

SAPS 21 Covering Letter

SAPS 603 (Received Second-Hand Goods Documentation Register)



**SYSTEM FUNCTIONS**

TO BE ADDED (System not yet implemented)



3.7 **"G"** – MAKE A LEGAL OPINION ON DEALER/RECYCLER CONDONATION APPLICATION

**PROCESS EXECUTION**

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



**RESPONSIBLE PERSON(S)**

- Legal Service



**GOVERNANCE**

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

*“Legal Service will assess the content of the Condonation Application and render a legal opinion...”*



**APPLICABLE DOCUMENTATION**

N/A



**SYSTEM FUNCTIONS**

TO BE ADDED (System not yet implemented)



3.8 **"H"** – SEND LEGAL OPINION ON DEALER/RECYCLER CONDONATION TO DSO OFFICE

**PROCESS EXECUTION**

Legal Service will send the Condonation Application and their legal opinion to the DSO in order to be recommended.



**RESPONSIBLE PERSON(S)**

- Legal Service



**GOVERNANCE**

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

*"...Legal Service will send the Condonation Application and their legal opinion to the DSO."*



**APPLICABLE DOCUMENTATION**

SAPS 21 Covering Letter



**SYSTEM FUNCTIONS**

TO BE ADDED (System not yet implemented)



3.9 **"1"** – RECEIVE CONDONATION APPLICATION AND LEGAL OPINION FROM LEGAL SERVICE

**PROCESS EXECUTION**

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



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand Goods Officer (DSO – National Level)



**GOVERNANCE**

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

***"The DSO will receive the Condonation Application 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 (Received Second-Hand Goods Documentation Register)



**SYSTEM FUNCTIONS**

TO BE ADDED (System not yet implemented)



3.10 **“J”** – RECOMMEND ON DEALER/RECYCLER CONDONATION

**PROCESS EXECUTION**

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



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand Goods Officer (DSO – National Level)



**GOVERNANCE**

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

*“The DSO will receive the Condonation Application 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)



3.11 **"K"**– MAKE DECISION ON DEALER / RECYCLER CONDONATION RECOMMENDATION

**PROCESS EXECUTION**

The Head: FLASH will take the recommendation of the DSO into consideration as well as the legal opinion of Legal Service and supporting documents contained in the Condonation Application when making a decision.



**RESPONSIBLE PERSON(S)**

- Head: Firearm, Liquor and Second-Hand Goods Control



**GOVERNANCE**

Paragraph **5.7.3.10** of National Instruction 1/2013: Second-Hand Goods

***"The recommendation on the Condonation Application must be sent to the Head: FLASH for a decision to be taken to approve or refuse the Condonation Application."***



**APPLICABLE DOCUMENTATION**

N/A



**SYSTEM FUNCTIONS**

TO BE ADDED (System not yet implemented)



3.12 **"L"** – APPROVE REGISTRATION/AMENDMENTS

**PROCESS EXECUTION**

The decision taken by the Head: FLASH is to “approve” the Condonation Application after consideration.



**RESPONSIBLE PERSON(S)**

Head: Firearm, Liquor and Second-Hand Goods Control



**GOVERNANCE**

Paragraph **5.7.3.10** of National Instruction 1/2013: Second-Hand Goods

*“The recommendation on the Condonation Application must be sent to the Head: FLASH for a decision to be taken to approve or refuse the Condonation Application.”*



**APPLICABLE DOCUMENTATION**

N/A



**SYSTEM FUNCTIONS**

TO BE ADDED (System not yet implemented)



### 3.13 **"M"** – INFORM STATION DSO OF OUTCOME

#### PROCESS EXECUTION

The DSO at national level must inform the DSO at station level of the outcome of the Condonation Application (whether approved or refused).



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO – National Level)



#### GOVERNANCE

Paragraph **5.7.3.11** of National Instruction 1/2013: Second-Hand Goods

***"After consideration of the application for condonation, the outcome will be forwarded by the National Office to the applicant and a copy thereof to the relevant DSO."***



#### APPLICABLE DOCUMENTATION

SAPS 21 – Letter



#### SYSTEM FUNCTIONS

TO BE ADDED (System not yet implemented)



3.14 **"N"** – REFUSE REGISTRATION/AMENDMENTS

**PROCESS EXECUTION**

The decision taken by the Head: FLASH is to "refuse" the Condonation Application after consideration. Inform station DSO of the outcome.



**RESPONSIBLE PERSON(S)**

Head: Firearm, Liquor and Second-Hand Goods Control



**GOVERNANCE**

Paragraph **5.7.3.10** of National Instruction 1/2013: Second-Hand Goods

*"The recommendation on the Condonation Application must be sent to the Head: FLASH for a decision to be taken to approve or refuse the Condonation Application."*



**APPLICABLE DOCUMENTATION**

SAPS 21 – Letter



**SYSTEM FUNCTIONS**

TO BE ADDED (System not yet implemented)



### 3.15 "O" – 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)



### 3.16 "P" – SERVE LETTER OF REFUSAL TO APPLICANT

#### 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)



3.17 "Q" – RESPONSIBLE PERSON SIGNS RETURN OF SERVICE

**PROCESS EXECUTION**

The responsible person will sign the return of service acknowledging receipt of the "letter of refusal".



**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)



### 3.18 "R" – FILE RETURN OF SERVICE

#### PROCESS EXECUTION

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



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

Paragraph **5.7.3.12** of National Instruction 1/2013: Second-Hand Goods

*“...Where an application for registration has been refused, a refusal letter must be served to the applicant by the DSO informing him/her of the reasons as well as the right to appeal against the decision.*

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



#### APPLICABLE DOCUMENTATION

SAPS 606 – Return of Service

Z20 Dealer/Recycler File Proforma (Annexure ...)

Z20 Dealer/Recycler File Completion Instructions (Annexure ...)



#### SYSTEM FUNCTIONS

TO BE ADDED (System not yet implemented)

