

## THE SECOND-HAND GOODS STANDARD OPERATING PROCEDURE

### Conduct an Compliance Inspection

#### 1. INTRODUCTION

The purpose of the inspection is:

- To see whether the dealer complies with the provisions of the Act;
- To see whether the association inspects the members; and
- To initiate investigations where applicable

During the business operating hours, regarding the second-hand goods dealer / recycler, a police official may, enter the premises of any registered dealer / recycler in order to inspect compliance with the Act in terms of Section 28.

It must be noted that although these powers are vested in any Police Official, it is directed by **this** National Instructions 1 of 2013 that the **Designated Second-Hand Goods Officer specifically assumes this responsibility and execution of power.**

A DSO must conduct at least one comprehensive annual inspection of each registered premises.

Unregistered premises should be inspected. The dealer / recycler must be allowed to hand in his/her registration application at the Station area where the dealer / recycler do business. **Important:** the dealer / recycler will not be allowed to continue with business until such time as the application has been finalized (approved).

During the compliance / routine inspection the following must be inspected:

- The Certificate of Registration applicable to the premises inspected;
- Any register, record, book or other document relating to the goods in or on the premises. Copies must be obtained of said documents or extracts thereof;
- Any goods found in or on the applicable premises for examination;
- Any entry or absence of any entry, relating to the goods found in or on the premises, in any register, book, record or document found therein.

In terms of Regulation 8, a dealer or recycler who keeps any register in an electronic format, must ensure and enable an inspecting police official to inspect such register through access to the software program with which such electronic register is kept.

Inspecting Designated Second-Hand goods Officers must take note that:

Members of an association may be granted certain exemptions or concessions in terms of compliance; however individuals not belonging to associations will have to fulfill all aspects of the approved legislation.

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

Where an Police Official (Second-Hand Goods Officer) inspects registers that is being implemented in terms of the Act, such police official must:

- a) Sign his or her name immediately after the last entry in that register, and
- b) Append his or her number and rank and the date on which the inspection was conducted; or
- c) Certify in the manner that the National Commissioner may from time to time direct, that the records were inspected.

It is obligatory that DSO's, when conducting a compliance inspection, take note of the fact that goods worth less than a R100-00 do not need to be included in a Dealer's Register. However, the R100-00 value of goods should be determined by the market related price of such goods and the price for which the Dealer will sell the goods.

2. **PROCESS FLOW: CONDUCT AN INSPECTION**

### 3. APPLICATION PROCEDURE

The Application Procedure as depicted in Diagram 16(Process Flow: Conduct an Inspection), will be explained in the following manner:

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

#### 3.1 **"A"** –SCHEDULE INSPECTION IN SYSTEM

##### PROCESS EXECUTION

When the Designated Second-Hand Goods Officer intent to conduct a routine inspection he must arranged a date and time with the Dealer/Recycler. The Designated Second-Hand Goods Officer must also arrange if the Dealer/Recycler computerised the information to be issued with a copy of the computerised information on CD in (.pdf) format for the purpose of inspection.

After a date was determined the date and time must be registered must be scheduled in the SAPS 607 (a) - Visitation Register: Visits to Second-Hand Goods Dealers/Recyclers/Associations by Police Officials.

The Designated Second-Hand Goods Officer must also prepare himself prior the inspection by gathering background information from the Dealer/Recycler file and make him/her knowledgeable of the history information obtained in the said file.



##### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



##### GOVERNANCE

Section **28(4)(a)**of the Act- Routine Inspections

***"(4) (a) A police official must conduct at least one comprehensive annual inspection of each registered premises, during which the records contemplated in section 21(1) must be examined."***



**Paragraph 5.9.5.1 of National Instruction 1/2013**

**5.9.5.1 “The DSO must conduct at least one comprehensive annual routine inspection of each registered premises, during which the records and corresponding goods of the dealer/recycler must be examined.”**

**APPLICABLE DOCUMENTATION**

The following documentation are attached:

SAPS 607 (a) - Visitation Register: Visits to Second-Hand Goods Dealers/Recyclers/Associations by Police Officials Proforma (Annexure .....)



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.2 **"B"** – OBTAIN DEALER / RECYCLER FILE

#### PROCESS EXECUTION

The Z20 Dealer and a Recycler file must be obtained for the purpose of filing the routine inspection report, findings and filing of all correspondence between the DSO and the Dealer.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

Paragraph **5.1.4.11** of National Instruction **1/2013**

**5.1.4.11** *"The DSO must open a Z20 Dealer/Recycler 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 file."*



#### APPLICABLE DOCUMENTATION

The following documentation are attached:

- Z20 Proforma (**Annexure .....**)
- Z20 Appeal File Completion Instruction (**Annexure .....**)



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.3 **"C"** – ATTACH SAPS 5 INSIDE THE DEALER / RECYCLER FILE

#### PROCESS EXECUTION

The Designated Second-Hand Goods Officer must add the SAPS 5 – Investigation Diary to the inside of the Dealer/Recycler file. Every activity, scheduled date and documentation filed in the Dealer/Recycler file must be documented in the SAPS 5 – Investigation Diary.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer



#### GOVERNANCE

Paragraph 4 (1); (2); (3) of Standing Order (General) 323

***“4 (1) An Investigation Diary must be maintained in such a manner that it***

- 
- (a) contains a complete chronological record of all work done in the case;***
- (b) serves as an index to all the statements and documents contained in the case docket;***
- (c) enables an inspecting officer to follow the investigation without difficulty and to satisfy himself or herself that all reasonable steps have been or are being taken to bring the case to a successful conclusion;***
- (d) serves as a proper and convenient medium for the conveyance of instructions by an inspecting officer or member, as well as requests by the prosecutor to an investigator;***
- (e) serves as reference in court should any aspect of the investigation process be brought into question;***
- (f) serves as a cross reference or supporting document to the investigating officer’s pocket book (SAPS 206) and the vehicle register (SAPS 132 (b)).”***

***“(2) Negative, destructive, virulent or flippant remarks in the Investigation Diary must at all times be avoided. The fact that departmental steps against a specific member is considered, may not be reflected in the Investigation Diary. The SAPS 5 must be completed on both sides. If a case, in respect of which a First Information of Crime (SAPS 4) is completed, requires no further investigation, it is not necessary to complete the Investigation Diary***



*on the reverse side. If there is any amendments are made or an entry is cancelled, the Investigation Diary must be initialled and dated in the margin next to the amendment or cancellation.”*

#### APPLICABLE DOCUMENTATION

The following documentation are attached:

- SAPS 5 Proforma (**Annexure .....**)
- SAPS 5 Completion Instruction (**Annexure .....**)



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.4 "D" – START INSPECTION BY MAKING REASON FOR VISIT KNOWN

#### PROCESS EXECUTION

Introduce yourself and explain to the dealer that you are there for the purpose of compliance inspection by showing your appointment Certificate. **Remember** that the Dealer/Recycler is your ally in controlling the second-hand goods trade. Handle him / her with respect and you will receive constructive and preventative corporation and information in future!



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer



#### GOVERNANCE

Paragraph 5.1.4.11 of National Instruction 1/2013

***3.2.5 "It is important to note that section 27 of the Act makes it obligatory for any police member entering a dealer's premises, to identify him- or herself to the dealer, owner, employee or person in charge of the premises in question by producing his or her appointment certificate. Such member must also state the reason for the visit."***



#### APPLICABLE DOCUMENTATION

The following documentation are attached:

- Appointment Certificate Proforma (Annexure .....)



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.5 "E" – SIGN DEALER VISITATION REGISTER

#### PROCESS EXECUTION

After the Designated Second-Hand Goods Officer introduced him / her and made the purpose of the visit known the SAPS 607 (b) - Visitation Register: Visits at Second-Hand Goods Dealers/Recyclers/Associations must be completed.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer



#### GOVERNANCE

Paragraph 5.9.5.4 of National Instruction 1/2013

***"5.9.5.4 The DSO must complete the Dealer/Recycler Visitation Register after each compliance inspection."***



#### APPLICABLE DOCUMENTATION

The following documentation are attached:

- SAPS 607 (b) - Visitation Register: Visits at Second-Hand Goods Dealers/Recyclers/Associations Proforma (**Annexure .....**)
- SAPS 607 (b) - Visitation Register: Visits at Second-Hand Goods Dealers/Recyclers/Associations Completion Instruction (**Annexure .....**)



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.6 **"F"** – CHECK DEALER / RECYCLER CERTIFICATES

#### PROCESS EXECUTION



At the beginning of the inspection the Designated Second-Hand Goods Officer inspects the Dealer/Recycler Certificate by evaluating whether the information on it is the same as the copy in the file, the certificate expiry date is still in the future and the certificate is still valid. Also ensure that the certificate is displayed in a manner to be visible to all persons dealing with the Dealer/Recycler.

#### RESPONSIBLE PERSON(S)



- Designated Second-Hand Goods Officer

#### GOVERNANCE



##### Section 28(1)(a) of the Act- Routine Inspections

***“28. (1) A police official may, during times when business activity in respect of second-hand goods is taking place, enter the premises of any registered dealer in order to investigate compliance with this Act and require the dealer, owner, an employee or the person in control of the premises to—  
(a) produce the certificate of registration relating to that premises for inspection;”***

##### Section 15(1)(A) of the Act- Display and maintenance of certificates

***“Where a certificate has been issued in terms of this Act, the original certificate must be—  
(a) displayed in a prominent place clearly visible to the public on the premises for which such certificate has been issued;”***

##### Paragraph 5.9.5.4 of National Instruction 1/2013

***“5.9.5.2 The DSO must conduct a compliance inspection as per the relevant Routine Inspection Checklist Guideline.”***

### APPLICABLE DOCUMENTATION



The following documentation are attached:

- SAPS 601(a) - Certificate of Registration as a Second-Hand Goods Dealer Proforma (**Annexure .....**)
- SAPS 601(a) - Certificate of Registration as a Second-Hand Goods Dealer Completion Instruction (**Annexure .....**)
- SAPS 601(b) - Certificate of Registration as a Second-Hand Goods Recycler Proforma (**Annexure .....**)
- SAPS 601(b) - Certificate of Registration as a Second-Hand Goods Recycler Completion Instruction (**Annexure .....**)

### SYSTEM FUNCTIONS



TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)

### 3.7 **"G"** – CHECK DEALER / RECYCLER EXEMPTIONS

#### PROCESS EXECUTION



To ensure that the inspection does not cover areas that the Dealer/Recycler where exempted from the Designated Second-Hand Goods Officer need to from the dealer/ Recycler of such exemptions and also ensure that the exemptions where Gazetted. The Dealer/Recycler who is exempted must have a printed copy of the Government Gazette in which the exemptions where documented and affirmed on a specific date by the President.

#### RESPONSIBLE PERSON(S)



- Designated Second-Hand Goods Officer

#### GOVERNANCE



Paragraph **5.9.5.4** of National Instruction **1/2013**

***“3.6.3 Where these rules are effectively applied, the Minister of Police may exempt members from compliance with similar provisions in the Act. All such exemptions will be published in the Government Gazette and a dealer that is exempted must make the Gazette available on demand.”***

Paragraph **5.9.3** of National Instruction **1/2013**

***“5.9.3 Members of an association may be granted certain exemptions or concessions in terms of compliance; however individuals not belonging to associations will have to fulfill all aspects of the approved legislation. These exemptions will be published in the Government Gazette and Regulation 5(2) provides that the dealer or recycler must have a copy of that Gazette available.”***

#### APPLICABLE DOCUMENTATION



The following documentation are attached:

- Government Gazette with exemptions example (**Annexure .....**)

**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.8 "H" – CONDUCT INSPECTION

#### PROCESS EXECUTION



The Designated Second-Hand Goods Officer must conduct the inspection in two main Phases. The first phase is to inspect the registers for completeness and continuation (whether there are no gaps in the dates of entry, that the seller's information is correct and complete; and that there are no irregularities in the register / computerized data). The second phase is to inspect whether the goods / item's information found on the premises are indeed captured in the Register with the applicable information where it was obtained from.

#### RESPONSIBLE PERSON(S)



- Designated Second-Hand Goods Office

#### GOVERNANCE



##### **Section 9 of the Act- Registers**

***"9. A dealer or recycler must keep the applicable register set out in Annexure "B" that corresponds with the description of the principal business activity of that particular dealer or recycler on his or her certificate of registration."***

##### **Section 21(1)-(7) of the Act- Records by Dealers**

***"21. (1) Unless otherwise provided in this Act, a dealer must keep a register in the prescribed form and record in the register the prescribed particulars regarding every acquisition or disposal of second-hand goods.***

***(2) The particulars must at least include—***

***(a) particulars in respect of the identity of the person from whom the second-hand goods are acquired, including—***

***(i) the person's full names, contact address and contact telephone number;***

***(ii) the manner in which the person's identity was verified; and***  
***(iii) the person's identity number.***

***(b) a description of the second-hand goods and serial number or distinguishing mark or feature of the second-hand goods;***

***(c) the purchase price paid by the dealer;***

***(d) the number assigned to the second-hand goods by the dealer;***

- (e) the name and signature of the person who conducted the transaction on behalf of the dealer; and*
- (f) the date and time of the transaction, the date on which the second-hand goods were sold or an account of how and when the second-hand goods were otherwise disposed of.*
- (3) If the certificate of registration in question is issued with a condition which requires separate registers, such separate registers must be kept in respect of the acquisition and disposal of different classes of second-hand goods.*
- (4) A person acquiring second-hand goods from, or disposing of goods to, a dealer, must furnish such dealer with his or her full name, physical address and an original identity document or passport as proof of his or her identity.*
- (5) A dealer must obtain and keep a copy of the identity document or passport contemplated in subsection (4).*
- (6) A dealer must retain a register contemplated in subsection (1) and copies of the documents contemplated in subsection (4) for a period of not less than five years, calculated from the date of the relevant transaction.*
- (7) Every entry in a register in respect of an acquisition or disposal of second-hand”*

**Section 28(1)(a)-(d) of the Act- Routine Inspections**

*“Section 28. (1) A police official may, during times when business activity in respect of second-hand goods is taking place, enter the premises of any registered dealer in order to investigate compliance with this Act and require the dealer, owner, an employee or the person in control of the premises to—*

- (a) produce the certificate of registration relating to that premises for inspection;*
- (b) produce any register, record, book or other document relating to the goods in or on the premises for inspection or for the purposes of obtaining copies thereof or extracts there-from;*
- (c) produce any goods found in or on such premises for examination; or*
- (d) explain any entry or absence of any entry in any register, book, record or document found therein or thereon.”*

**Paragraph 5.9.5.2 of National Instruction 1/2013**

*“5.9.5.2 The DSO must conduct a compliance inspection as per the relevant Routine Inspection Checklist Guideline.”*

### APPLICABLE DOCUMENTATION



The following documentation are attached:

- Acquisition Register: General Dealer (**Annexure .....**)
- Disposal Register: General Dealer (**Annexure .....**)
- Acquisition Register: Auctioneer (**Annexure .....**)
- Disposal Register: Auctioneer (**Annexure .....**)
- Acquisition Register: Jeweler (**Annexure .....**)
- Disposal Register: Jeweler (**Annexure .....**)
- Acquisition Register: Vehicle Dealer (**Annexure .....**)
- Disposal Register: Vehicle Dealer (**Annexure .....**)
- Register of Acquisition: Scrap Metal Dealers (**Annexure .....**)
- Register of Disposal: Scrap Metal Dealers (**Annexure .....**)

### SYSTEM FUNCTIONS



TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)

### 3.9 "1" – REQUEST PRINTOUT OR CD FOR INSPECTION

#### PROCESS EXECUTION



Where a dealer or recycler keeps any register in an electronic format, that dealer or recycler must, in terms of Regulation 8, ensure that an inspecting police official may inspect such register through access to the software program with which such electronic register is kept. To assist the Second-Hand goods Officer the Dealer/Recycler are requested to make available the Dealer/Recycler computerised information as printable copy of the computerised information on CD in (.pdf) format (*to protect the information integrity of any manipulation or editing*) for the purpose of inspection.

#### RESPONSIBLE PERSON(S)



- Designated Second-Hand Goods Office

#### GOVERNANCE



**Paragraph 8.3 of National Instruction 1/2013**

***“8(3) Where a dealer or recycler keeps registers in an electronic format and in the event of an inspection by a police official in terms of section 28( 1 ) of the Act, the dealer, recycler, owner, employee or person in charge of the premises must***

***(a) provide the police official inspecting the register with***

***(i) the most recent certificate contemplated in section 28( 4)(b )(ii) of the Act; and***

***(ii) a compact disk or other similar storage device with an electronic copy of or extract from the register reflecting all transactions since the most recent certificate contemplated in (i); and***

***(b) comply with any reasonable request from such police official to produce a printout of or an extract from the register which reflects the stock that dealer or recycler has on hand at the premises in question.”***

#### APPLICABLE DOCUMENTATION



The following documentation are attached:

- Acquisition Register: General Dealer (**Annexure .....**)
- Disposal Register: General Dealer (**Annexure .....**)
- Acquisition Register: Auctioneer (**Annexure .....**)

- Disposal Register: Auctioneer (**Annexure .....**)
- Acquisition Register: Jeweler (**Annexure .....**)
- Disposal Register: Jeweler (**Annexure .....**)
- Acquisition Register: Vehicle Dealer (**Annexure .....**)
- Disposal Register: Vehicle Dealer (**Annexure .....**)
- Register of Acquisition: Scrap Metal Dealers (**Annexure .....**)
- Register of Disposal: Scrap Metal Dealers (**Annexure .....**)

### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.10 "J" – INSPECT THE DEALER / RECYCLER DATABASE

#### PROCESS EXECUTION

The Designated Second-Hand goods Officer must inspect every entry since the last compliance inspection for completeness and continuation (whether there are no gaps in the dates of entry, that the seller's information is correct and complete; and that there are no irregularities in the register / computerized data).

Where there is any questionable information the Designated Second-Hand goods Officer must enquire about the irregularity and the Dealer/Recycler have to provide an acceptable explanation.

Once again, this must be done with respect in order for you to gain trust in order to receive constructive and preventative corporation and information in future!



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Office



#### GOVERNANCE

**Section 28(2);(3) of the Act- Routine Inspections**

***“28(2) If, upon any inspection, a police official discovers that any method of dealing, recording of transactions in registers or storage that is being used is in contravention of this Act, the police official may—***

***(a) demand immediate discontinuation of the method; and***

***(b) afford the dealer a period of no more than seven days to rectify such method in order to ensure compliance with the Act.***

***(3) The dealer, owner, employee or person in charge of premises contemplated in subsection (1) must assist the police official in the performance of his or her functions under this Act.”***



#### APPLICABLE DOCUMENTATION

The following documentation are attached:

- Acquisition Register: General Dealer (**Annexure .....**)
- Disposal Register: General Dealer (**Annexure .....**)
- Acquisition Register: Auctioneer (**Annexure .....**)
- Disposal Register: Auctioneer (**Annexure .....**)
- Acquisition Register: Jeweler (**Annexure .....**)
- Disposal Register: Jeweler (**Annexure .....**)
- Acquisition Register: Vehicle Dealer (**Annexure .....**)



- Disposal Register: Vehicle Dealer (**Annexure .....**)
- Register of Acquisition: Scrap Metal Dealers (**Annexure .....**)
- Register of Disposal: Scrap Metal Dealers (**Annexure .....**)

**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.11 "K" – CHECK PRINTOUT INFORMATION FOR COMPLETENESS

#### PROCESS EXECUTION



The Designated Second-Hand Goods Officer must check the every entry since the last compliance inspection in the computerized database which will be in the form of a printout or Computer disc in (.pdf) format for completeness and continuation (whether there are no gaps in the dates of entry, that the seller's information is correct and complete; and that there are no irregularities in the register / computerized data).

#### RESPONSIBLE PERSON(S)



- Designated Second-Hand Goods Office

#### GOVERNANCE



Section 29(1)(a)-(f) of the Act- Entry, search, seizure and seal-off

***"29. (1) A police official, on the authority of a warrant issued in terms of section 30, may—***

- (a) enter any premises specified in that warrant;***
- (b) direct the person in control of or any person employed at the premises to—***
  - (i) disclose any register, record, book, other document or information that pertains to the investigation and is in the possession or under the control of that person; and***
  - (ii) render such assistance as the police official requires in order to enable such police official to perform his or her functions under this Act;***
- (c) inspect any register, record, book or other document and make copies thereof or excerpts therefrom;***
- (d) examine any goods or other articles found on the premises;***
- (e) against the issue of a written receipt, seize records, books, documents or electronic data-storing devices that may be used as evidence of a contravention of any provision of this Act; and***
- (f) seal or seal off the premises at, on or in which second-hand goods are found, in order to prevent a person from conducting business in contravention of this Act."***

**Paragraph 8.3 of National Instruction 1/2013**

***“8(3) Where a dealer or recycler keeps registers in an electronic format and in the event of an inspection by a police official in terms of section 28( 1 ) of the Act, the dealer, recycler, owner, employee or person in charge of the premises must***  
***(a) provide the police official inspecting the register with***  
***(i) the most recent certificate contemplated in section 28( 4)(b )(ii) of the Act; and***  
***(ii) a compact disk or other similar storage device with an electronic copy of or extract from the register reflecting all transactions since the most recent certificate contemplated in (i); and***  
***(b) comply with any reasonable request from such police official to produce a printout of or an extract from the register which reflects the stock that dealer or recycler has on hand at the premises in question.”***

**APPLICABLE DOCUMENTATION**

The following documentation are attached:

- Acquisition Register: General Dealer (**Annexure .....**)
- Disposal Register: General Dealer (**Annexure .....**)
- Acquisition Register: Auctioneer (**Annexure .....**)
- Disposal Register: Auctioneer (**Annexure .....**)
- Acquisition Register: Jeweler (**Annexure .....**)
- Disposal Register: Jeweler (**Annexure .....**)
- Acquisition Register: Vehicle Dealer (**Annexure .....**)
- Disposal Register: Vehicle Dealer (**Annexure .....**)



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.12 **"L"** – INSPECT DEALER / RECYCLER REGISTER

#### PROCESS EXECUTION

The Designated Second-Hand Goods Officer must check the every entry in the Dealer/Recycler Register since the last compliance inspection or completeness and continuation (whether there are no gaps in the dates of entry, that the seller's information is correct and complete; and that there are no irregularities in the register / computerized data).



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Office



#### GOVERNANCE

Section **29(1)(a)-(f)** of the Act- Entry, search, seizure and seal-off



***"29. (1) A police official, on the authority of a warrant issued in terms of section 30, may—***

- (a) enter any premises specified in that warrant;***
- (b) direct the person in control of or any person employed at the premises to—***
  - (i) disclose any register, record, book, other document or information that pertains to the investigation and is in the possession or under the control of that person; and***
  - (ii) render such assistance as the police official requires in order to enable such police official to perform his or her functions under this Act;***
- (c) inspect any register, record, book or other document and make copies thereof or excerpts therefrom;***
- (d) examine any goods or other articles found on the premises;***
- (e) against the issue of a written receipt, seize records, books, documents or electronic data-storing devices that may be used as evidence of a contravention of any provision of this Act; and***
- (f) seal or seal off the premises at, on or in which second-hand goods are found, in order to prevent a person from conducting business in contravention of this Act."***

Paragraph **8.3** of National Instruction **1/2013**

***"8(3) Where a dealer or recycler keeps registers in an electronic format and in the event of an inspection by a police official in terms of section 28( 1 ) of the Act, the dealer, recycler, owner, employee or person in charge of***

***the premises must***  
***(a) provide the police official inspecting the register with***  
***(i) the most recent certificate contemplated in section 28( 4)(b )(ii) of the Act; and***  
***(ii) a compact disk or other similar storage device with an electronic copy of or extract from the register reflecting all transactions since the most recent certificate contemplated in (i); and***  
***(b) comply with any reasonable request from such police official to produce a printout of or an extract from the register which reflects the stock that dealer or recycler has on hand at the premises in question.”***

#### **APPLICABLE DOCUMENTATION**

The following documentation are attached:

- Acquisition Register: General Dealer (**Annexure .....**)
- Disposal Register: General Dealer (**Annexure .....**)
- Acquisition Register: Auctioneer (**Annexure .....**)
- Disposal Register: Auctioneer (**Annexure .....**)
- Acquisition Register: Jeweler (**Annexure .....**)
- Disposal Register: Jeweler (**Annexure .....**)
- Acquisition Register: Vehicle Dealer (**Annexure .....**)
- Disposal Register: Vehicle Dealer (**Annexure .....**)



#### **SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.13 **"M"** – CHECK GOODS AGAINST DEALER / RECYCLER REGISTRY INFORMATION

#### PROCESS EXECUTION



The Designated Second-Hand Goods Officer needs to ensure that the goods found on the premises are also captured in the register. It is important to focus on items that need specific or prescribed documentation to purchase and dispose off. Give attention to items that might look as if it is tampered with and check for items you know was stolen prior the inspections.

Important to note: Those dealers are authorized to deal in non-ferrous metals, and even in "prohibited" metals, as long as they do business and operate within the rules as set out in the act and regulations. The mere fact that such items is on the property does not make it illegal, it is the manner in acquiring it and disposing of it that makes it an illegal item.

Such inspection must be conducted with respect and care of the property of the Dealer/Recycler.

#### RESPONSIBLE PERSON(S)



Designated Second-Hand Goods Officer

#### GOVERNANCE



Section **29(1)(a)-(f)** of the Act- Entry, search, seizure and seal-off

***"29. (1) A police official, on the authority of a warrant issued in terms of section 30, may—***

- (a) enter any premises specified in that warrant;***
- (b) direct the person in control of or any person employed at the premises to—***
  - (i) disclose any register, record, book, other document or information that pertains to the investigation and is in the possession or under the control of that person; and***
  - (ii) render such assistance as the police official requires in order to enable such police official to perform his or her functions under this Act;***
- (c) inspect any register, record, book or other document and make copies thereof or excerpts therefrom;***
- (d) examine any goods or other articles found on the premises;***
- (e) against the issue of a written receipt, seize records, books, documents or electronic data-storing devices that may be used as evidence of a contravention of any provision of this Act; and***
- (f) seal or seal off the premises at, on or in which second-hand goods***

**are found, in order to prevent a person from conducting business in contravention of this Act.”**

**Paragraph 3.2.1 of National Instruction 1/2013**

**“3.2.1 In terms of section 28 of the Act, any Police Official may enter the premises of a registered dealer during business hours in order to investigate compliance with the Act and check the following—**

- a) the certificate of registration relating to that premises;**
- b) registers and records relating to the goods on the premises;**
- c) any goods found in or on the premises; and**
- d) an entry or absence of any entry in the registers.”**

**APPLICABLE DOCUMENTATION**

The following documentation are attached:

- Acquisition Register: General Dealer (**Annexure .....**)
- Disposal Register: General Dealer (**Annexure .....**)
- Acquisition Register: Auctioneer (**Annexure .....**)
- Disposal Register: Auctioneer (**Annexure .....**)
- Acquisition Register: Jeweler (**Annexure .....**)
- Disposal Register: Jeweler (**Annexure .....**)
- Acquisition Register: Vehicle Dealer (**Annexure .....**)
- Disposal Register: Vehicle Dealer (**Annexure .....**)



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.14 "N" – MAKE ENTRY IN DEALER / RECYCLER REGISTER

#### PROCESS EXECUTION

When the Designated officer is finished with the inspection both in the register and physical in the business area an inscription must be made under the last entry in the Dealer/Recycler register that the inspection was done, and what was found in terms of compliance or non-compliance.



#### RESPONSIBLE PERSON(S)

- Designated second-Hand Goods Officer



#### GOVERNANCE

Section 28(2) of the Act- Routine Inspections

***“28. (2) If, upon any inspection, a police official discovers that any method of dealing, recording of transactions in registers or storage that is being used is in contravention of this Act, the police official may—  
(a) demand immediate discontinuation of the method; and  
(b) afford the dealer a period of no more than seven days to rectify such method in order to ensure compliance with the Act.”***



Section 28(4)(b)(ii) of the Act- Routine Inspections

***“(4) (a) A police official must conduct at least one comprehensive annual inspection of each registered premises, during which the records contemplated in section 21(1) must be examined.  
(b) On each occasion when a police official inspects a register in terms of subsection (1)(b), such police official must—  
(i) sign his or her name immediately after the last entry in that register, and append his or her number and rank and the date on which the inspection was conducted; or  
(ii) certify in the manner that the National Commissioner may from time to time direct, that the records were inspected.”***

### APPLICABLE DOCUMENTATION



The following documentation are attached:

- Acquisition Register: General Dealer (**Annexure .....**)
- Disposal Register: General Dealer (**Annexure .....**)
- Acquisition Register: Auctioneer (**Annexure .....**)
- Disposal Register: Auctioneer (**Annexure .....**)
- Acquisition Register: Jeweler (**Annexure .....**)
- Disposal Register: Jeweler (**Annexure .....**)
- Acquisition Register: Vehicle Dealer (**Annexure .....**)
- Disposal Register: Vehicle Dealer (**Annexure .....**)

### SYSTEM FUNCTIONS



TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)

3.15 "O" – SIGN OFF ENTRY IN DEALER / RECYCLER REGISTER

**PROCESS EXECUTION**

The Designated Second-Hand Goods Officer must append its signature after the certificate and remarks are made in the dealer/Recycler Register.



**RESPONSIBLE PERSON(S)**

- Designated second-Hand Goods Officer



**GOVERNANCE**

Section 28(4)(b)(ii) of the Act- Routine Inspections

*“(4) (a) A police official must conduct at least one comprehensive annual inspection of each registered premises, during which the records contemplated in section 21(1) must be examined.  
(b) On each occasion when a police official inspects a register in terms of subsection (1)(b), such police official must—  
(i) sign his or her name immediately after the last entry in that register, and append his or her number and rank and the date on which the inspection was conducted; or  
(ii) certify in the manner that the National Commissioner may from time to time direct, that the records were inspected.”*



**APPLICABLE DOCUMENTATION**

The following documentation are attached:

- Acquisition Register: General Dealer (**Annexure .....**)
- Disposal Register: General Dealer (**Annexure .....**)
- Acquisition Register: Auctioneer (**Annexure .....**)
- Disposal Register: Auctioneer (**Annexure .....**)
- Acquisition Register: Jeweler (**Annexure .....**)
- Disposal Register: Jeweler (**Annexure .....**)
- Acquisition Register: Vehicle Dealer (**Annexure .....**)
- Disposal Register: Vehicle Dealer (**Annexure .....**)



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.16 "P" – MAKE AN ARREST

#### PROCESS EXECUTION

If there were any goods that was not explained in a satisfactory manner during the process of the compliance inspection the Designated Second-Hand Goods Officer has three options to rectify the situation. One is to arrest the Dealer/Recycler. If the Designated Second-Hand goods Officer deemed it necessary for arresting any person who is contravening Second Hand Goods act he may do so in the appropriate manner.



#### RESPONSIBLE PERSON(S)

- Designated second-Hand Goods Officer



#### GOVERNANCE

##### Section 28(2) of the Act- Routine Inspections

***“28(2) If, upon any inspection, a police official discovers that any method of dealing, recording of transactions in registers or storage that is being used is in contravention of this Act, the police official may—  
(a) demand immediate discontinuation of the method; and  
(b) afford the dealer a period of no more than seven days to rectify such method in order to ensure compliance with the Act.”***



##### Section 39 of the Criminal Procedure Act- Manner and effect of arrest

***“39—(1) An arrest shall be effected with or without a warrant and, unless the person to be arrested submits to custody, by actually touching his body or, if the circumstances so require, by forcibly confining his body.  
(2) The person effecting an arrest shall, at the time of effecting the arrest or immediately after effecting the arrest, inform the arrested person of the cause of the arrest or, in the case of an arrest effected by virtue of a warrant, upon demand of the person arrested hand him a copy of the warrant.  
(3) The effect of an arrest shall be that the person arrested shall be in lawful custody and that he shall be detained in custody until he is lawfully discharged or released from custody.”***

**Section 40 of the Criminal Procedure Act- Arrest by peace officer without warrant.**

**“40—(1) A peace officer may without warrant arrest any person—**

- (a) who commits or attempts to commit any offence in his presence;**
- (b) whom he reasonably suspects of having committed an offence referred to in Schedule 1, other than the offence of escaping from lawful custody;**
- (c) who has escaped or who attempts to escape from lawful custody;**
- (d) who has in his possession any implement of housebreaking or car breaking as contemplated in section 82 of the General Law Third Amendment Act, 1993, and who is unable to account for such possession to the satisfaction of the peace officer;**
- (e) who is found in possession of anything which the peace officer reasonably suspects to be stolen property or property dishonestly obtained, and whom the peace officer reasonably suspects of having committed an offence with respect to such thing;**
- (f) who is found at any place by night in circumstances which afford reasonable grounds for believing that such person has committed or is about to commit an offence;**
- (g) who is reasonably suspected of being or having been in unlawful possession of stock or produce as defined in any law relating to the theft of stock or produce;**
- (h) who is reasonably suspected of committing or of having committed an offence under any law governing the making, supply, possession or conveyance of intoxicating liquor or of dependence-producing drugs or the possession or disposal of arms or ammunition;**
- (i) who is found in any gambling house or at any gambling table in contravention of any law relating to the prevention or suppression of gambling or games of chance;**
- (j) who wilfully obstructs him in the execution of his duty;**
- (k) who has been concerned in or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists that he has been concerned in any act committed outside the Republic which, if committed in the Republic, would have been punishable as an offence, and for which he is, under any law relating to extradition or fugitive offenders, liable to be arrested or detained in custody in the Republic;**
- (l) who is reasonably suspected of being a prohibited immigrant in the Republic in contravention of any law regulating entry into or residence in the Republic;**
- (m) who is reasonably suspected of being a deserter from the South African National Defence Force;**

- (n) who is reasonably suspected of having failed to observe any condition imposed in postponing the passing of sentence or in suspending the operation of any sentence under this Act;*
- (o) who is reasonably suspected of having failed to pay any fine or part thereof on the date fixed by order of court under this Act;*
- (p) who fails to surrender himself in order that he may undergo periodical imprisonment when and where he is required to do so under an order of court or any law relating to prisons;*
- (q) who is reasonably suspected of having committed an act of domestic violence as contemplated in section (1) of the Domestic Violence Act, 1998, which constitutes an offence in respect of which violence is an element.*

***(2) If a person may be arrested under any law without warrant and subject to conditions or the existence of circumstances set out in that law, any peace officer may without warrant arrest such person subject to such conditions or circumstances.”***

#### APPLICABLE DOCUMENTATION

The following documentation are attached:

- Arrest Statement Profroma (**Annexure .....**)



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.17 "Q" – OPEN DOCKET

#### PROCESS EXECUTION

During the process of compliance inspection DSO if he deemed to be necessary for opening case docket he may do so.  
In the case where the ownership of the goods cannot be identified or the goods was stolen and was not to be sold to the second-hand Goods Dealer/Recycler a docket needs to be opened. The docket must be registered and booked to detective for investigation purpose.



#### RESPONSIBLE PERSON(S)

- Designated second-Hand Goods Officer



#### GOVERNANCE

##### Paragraph 2(1)(a)-(c) of National Instruction 3/2011

***“2 (1) When a crime or alleged crime is reported at a police station or to a member on patrol attending to complaints, irrespective of whether the crime was committed in the station area of that police station or the station area of another police station, the member receiving the report must —***

***(a) interview the complainant (reporter) and, by using the Definitions of Crime Manual as a guideline, ensure that what is alleged to have happened does indeed constitute a crime and if so, take down an affidavit depicting all the elements of the crime and describe in detail what happened by utilizing the “what”, “when”, “who”, “where”, “why”, and “how” principles;***

***(b) open a case docket (SAPS 3M) and complete it; and***

***(c ) hand over the completed case docket (SAPS 3M) to the Community Service Centre Commander for perusal and registration on CAS.”***



##### Paragraph 3 of Standing Order (General) 321

***“3 (1) For each case captured on the Crime Administration System (CAS) there must be either a First Information of Crime (SAPS 4M) or Case docket (SAPS 3M) together with any other statements or documents containing the information whereby it is to be decided whether a prosecution must be instituted and according to which evidence can be led in court. In an important case where there is likely to be a large number of documents, necessitating a protective cover, form SAPS 3M***

*must be used for that purpose, but in a less important case where a report of all the evidence, likely to be required, can be included in the FIC.*

*(2) A FIC may only be completed if a direct arrest was made, e.g. the crime was committed in the presence of a police official, and where no further investigation is required. A FIC may not be opened in cases where further investigation is required, in such cases a case docket (SAPS 3M) must be opened.*

*(3) In a case in which a case docket cover [SAPS 3M] was not initially used and if should later require the use of a case docket cover, one can always be used.”*

#### **APPLICABLE DOCUMENTATION**

The following documentation are attached:

- SAPS 3M Case Docket (**Annexure .....**)



#### **SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



3.18 **"R"** – ISSUE A J534 SPOT FINE

**PROCESS EXECUTION**



Also during the process of the compliance inspection the Designated Second-Hand Goods Officer may instead of an arrest deemed it fit to issue a J534 Spot fine where the Dealer/Recycler did not adhere to the Act; Regulations or rectifying orders from a previous inspection after the period of seven days in the case of aspects which had to be rectified to be compliant.

**RESPONSIBLE PERSON(S)**



- Designated second-Hand Goods Officer

**GOVERNANCE**



NI to be developed

**APPLICABLE DOCUMENTATION**



The following documentation are attached:

- J534 (Annexure .....)

**SYSTEM FUNCTIONS**



TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)

3.19 **"S"** – OPEN FIRST INFORMATION OF CRIME (FIC)

**PROCESS EXECUTION**

During of Prior the issuing of the J534 the Designated Police Officer must also open and register a SAPS 4M- (First Information Of Crime) where no further investigation will be required.



**RESPONSIBLE PERSON(S)**

- Designated second-Hand Goods Officer



**GOVERNANCE**

**Paragraph 3 of Standing Order (General) 321**

***"3 (1) For each case captured on the Crime Administration System (CAS) there must be either a First Information of Crime (SAPS 4M) or Case docket (SAPS 3M) together with any other statements or documents containing the information whereby it is to be decided whether a prosecution must be instituted and according to which evidence can be led in court. In an important case where there is likely to be a large number of documents, necessitating a protective cover, form SAPS 3M must be used for that purpose, but in a less important case where a report of all the evidence, likely to be required, can be included in the FIC.***

***(2) A FIC may only be completed if a direct arrest was made, e.g. the crime was committed in the presence of a police official, and where no further investigation is required. A FIC may not be opened in cases where further investigation is required, in such cases a case docket (SAPS 3M) must be opened."***



**APPLICABLE DOCUMENTATION**

The following documentation are attached:

- SAPS 4M First Information of Crime (**Annexure .....**)



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



3.20 **"T"** – GIVE A WARNING TO RECTIFY INCORRECT ACTIVITIES OR DETAILS

**PROCESS EXECUTION**



In such cases where the compliance of the Dealer/Recycler is affected and the continuation of such practices does not constitute gross violation of the Act or Regulations and the aspect which renders the Dealer/Recycler to be non-compliant can be rectified within 7 days, the Designated Second-Hand Goods Officer may issue a warning to the Dealer/Recycler in which the Dealer/Recycler is warned to bring such aspects in line to become complaint again within 7 days from date of inspection.

**RESPONSIBLE PERSON(S)**



- Designated second-Hand Goods Officer

**GOVERNANCE**



**Section 28(2) of the Act- Routine Inspections**

***"28 (2) If, upon any inspection, a police official discovers that any method of dealing, recording of transactions in registers or storage that is being used is in contravention of this Act, the police official may—  
(a) demand immediate discontinuation of the method; and  
(b) afford the dealer a period of no more than seven days to rectify such method in order to ensure compliance with the Act."***

**APPLICABLE DOCUMENTATION**



The following documentation are attached:

- SAPS Warning: Second Hand Goods Dealer/Recycler (**Annexure .....**)

**SYSTEM FUNCTIONS**



TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)

### 3.21 "U" – MAKE ENTRY OF WARNING IN DEALER / RECYCLER REGISTER

#### PROCESS EXECUTION

After the warning is given to the Dealer/Recycler the Designated Second-Hand Goods Officer must make an inscription in the Dealer/Recycler register under the last entry indicating what the aspects are that need to be rectified within seven days.



#### RESPONSIBLE PERSON(S)

- Designated second-Hand Goods Officer



#### GOVERNANCE

To Be Developed



#### APPLICABLE DOCUMENTATION

The following documentation are attached:

- Acquisition Register: General Dealer (**Annexure .....**)
- Disposal Register: General Dealer (**Annexure .....**)
- Acquisition Register: Auctioneer (**Annexure .....**)
- Disposal Register: Auctioneer (**Annexure .....**)
- Acquisition Register: Jeweler (**Annexure .....**)
- Disposal Register: Jeweler (**Annexure .....**)
- Acquisition Register: Vehicle Dealer (**Annexure .....**)
- Disposal Register: Vehicle Dealer (**Annexure .....**)



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



3.22 **V** – ALLOW SEVEN DAYS TO RECTIFY

**PROCESS EXECUTION**

To allow the Dealer / Recycler a fair time period in terms of the Act is seven days. The Dealer/Recycler must amend such aspects as indicated to become compliant again in terms of the Act and Regulations within the time period of seven days.



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand goods Officer



**GOVERNANCE**

To be developed



**APPLICABLE DOCUMENTATION**

The following documentation are attached:

- SAPS Warning: Second Hand Goods Dealer/Recycler (**Annexure .....**)



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



3.23 **“W”** – DECIDE WHAT ACTION IS THE MOST APPROPRIATE

**PROCESS EXECUTION**



With the expiration of the Seven Days the Designated Second-Hand Goods Officer must return to the Dealer/Recycler to ensure that the outstanding issues were rectified and that compliancy is reached. If after seven days the matters were not resolved, no extensions will be given and the Designated Second-Hand goods Officer must take a decision to what will be done. The options are only to:

- Make an arrest if the Dealer/Recycler is grossly neglecting and ignoring the compliance aspects and continues operating outside the parameters of the Act and is non-compliant in terms of Section 10(3) of the Act and did not give adherence to the warning was issued.
- Issue a J534 where aspects was not resolved indicated in the warning, but does not affect the overall compliance of the Dealer/Recycler. In such circumstances only that items in question or aspect is addressed by a J534 spot fine. Items will be confiscated.

When the Dealer/Recycler is arrested the process to give notice of intention to cancel registration must also be activated.

**RESPONSIBLE PERSON(S)**

- Designated Second-Hand goods Officer



**GOVERNANCE**

To be Developed



**APPLICABLE DOCUMENTATION**

The following documentation are attached:

- SAPS Warning: Second Hand Goods Dealer/Recycler (**Annexure .....**)



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



3.24 **"X"** – SEIZE GOODS WHICH IS NOT ALLOWED TO BE IN THE POSSESSION OF THE DEALER / RECYCLER

**PROCESS EXECUTION**

When items were identified and confirmed to be seized as depicted in the Warning the DSO must seize such items for further investigation as evidence.



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand goods Officer



**GOVERNANCE**

Section 29(6) of the Act- Entry, search, seizure and seal-off



*“(6) Any goods seized in terms of this section must be dealt with in the manner contemplated in Chapter 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), which applies with the changes required by the context.”*

Section 21 of the CPA Act- Article to be seized under search warrant.

*“21. Article to be seized under search warrant.—*

- (1) Subject to the provisions of sections 22, 24 and 25, an article referred to in section 20 shall be seized only by virtue of a search warrant issued—*
  - (a) by a magistrate or justice, if it appears to such magistrate or justice from information on oath that there are reasonable grounds for believing that any such article is in the possession or under the control of or upon any person or upon or at any premises within his area of jurisdiction; or*
  - (b) by a judge or judicial officer presiding at criminal proceedings, if it appears to such judge or judicial officer that any such article in the possession or under the control of any person or upon or at any premises is required in evidence of such proceedings.*
- (2) A search warrant issued under subsection (1) shall require a police official to seize the article in question and shall to that end authorize such police official to search any person identified in the warrant, or to enter and search any premises identified in the warrant and to search any person found on or at such premises.*
- (3) (a) A search warrant shall be executed by day, unless the person issuing the warrant in writing authorizes the execution thereof by night.*

*(b) A search warrant may be issued on any day and shall be of force until it is executed or is cancelled by the person who issued it or, if such person is not available, by a person with like authority.*

*(4) A police official executing a warrant under this section or section 25 shall, after such execution, upon demand of any person whose rights in respect of any search or article seized under the warrant have been affected, hand to him a copy of the warrant.”*

**Section 22 of the CPA Act- Circumstances in which article may be seized without search warrant.**

*“Police official may without a search warrant search any person or container or premises for the purpose of seizing any article referred to in section 20—*

*(a) if the person concerned consents to the search for and the seizure of the article in question, or if the person who may consent to the search of the container or premises consents to such search and the seizure of the article in question; or*

*(b) if he on reasonable grounds believes—*

*(i) that a search warrant will be issued to him under paragraph (a) of section 21 (1) if he applies for such warrant; and*

*(ii) that the delay in obtaining such warrant would defeat the object of the search.”*

**Paragraph 3.3 of National Instruction 1/2013**

*“3.4.1 Whenever a police official search premises or seizes second-hand goods, the provisions of National Instruction 2/2002 must be adhered to.”*

#### APPLICABLE DOCUMENTATION

N/A



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



3.25 **“Y”** – ISSUE SAPS 13D TO THE DEALER /RECYCLER

**PROCESS EXECUTION**

When seizing any goods the Designated Second-Hand Goods Officer must issue the Dealer/ Recycler with SAPS 13b.



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand goods Officer



**GOVERNANCE**

**Paragraph 3.3 of National Instruction 1/2013**



**3.4.2**“Paragraph 19(1) of National Instruction 2/2002 specifically requires that any member who seizes any article must complete the Property Acknowledgment of Receipt Register (SAPS 13(b)). The original SAPS13 (b) receipt must be handed to the person from whom the article was seized. Such person must sign the SAPS 13(b) receipt to acknowledge that the seized property was fully recorded on the SAPS 13(b) receipt. Such person must also sign the copy of the SAPS 13(b) receipt. The Visitation Register at the station must also be completed.”

**3.4.3**“If the person from whom the article was seized, is not on the premises upon which the article was seized, paragraph 19(2) states that the original SAPS 13(b) receipt must be handed to the person in charge of the premises. If the person in charge of the premises is not available, the original SAPS 13(b) receipt must be left at a prominent place on the premises. The officer/member must in such a case make an entry in his/her diary/pocket book that nobody was present and mention the place where the receipt was left. No goods may be seized without the SAPS 13(b) being issued.”

**APPLICABLE DOCUMENTATION**

The following documentation are attached:

- SAPS 13b (Annexure .....)



**SYSTEM FUNCTIONS**



TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)

### 3.26 “Z” – BOOK CONFISCATED GOODS INTO THE SAPS 13 STORE

#### PROCESS EXECUTION

All confiscated goods must be booked in at the Station in the SAPS13 register and stored in the 13 store for safekeeping.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand goods Officer



#### GOVERNANCE

Paragraph **3 and 6** of Standing Order (General) **334**



***“3 (1) Full particulars of found property and exhibits [including the serial numbers and denominations of all forms of payment such as bank notes, postal orders, travellers cheques, etcetera], that have been marked for a police operation or that in any other circumstance could possibly be required as an exhibit in a court of law.***

***(2) The make and serial numbers of firearms, cellular phones, bicycles, cameras, computers, sound systems, televisions and other serial numbered items; the registration, engine and tyre numbers (when available) of vehicles; the mass of and the number of items, or the contents (in litres) of liquids taken possession of as found property], must be recorded in the SAPS 13 and the entry must be signed by the Community Service Centre Commander and the member (or other person) handing in the property.***

***(3) If the property consists of a suitcase or similar container which is open or which can be unlocked or opened with as little damage as possible, the contents must be fully described. All serial numbered items must be circulated.***

***(4) The number of items must be written in words, eg "one", "two", "three".***

***“6 (1) A label (SAPS 13(a)) on which the number of the entry in the register is reflected must be attached to each item of the property taken charge of. The property must be carefully stored, care being taken to guard against loss or damage by moths or rodents.***

***(2) The inspecting officer must check property, item by item, during an inspection and compare it with the property register.”***

#### APPLICABLE DOCUMENTATION

The following documentation are attached:

- SAPS 13 Register (**Annexure .....**)



**SYSTEM FUNCTIONS**



TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)

### 3.27 **“AA”** – UPDATE SAPS 5 IN DOCKET

#### PROCESS EXECUTION

In every instance where an action was taken or where information is updated or amended, the SAPS 5 (Investigation Diary) must be written up and kept up to date.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand goods Officer



#### GOVERNANCE

**Paragraph 4 of Standing Order (General) 323**

***“(1) An Investigation Diary must be maintained in such a manner that it —***  
***(a) contains a complete chronological record of all work done in the case;***  
***(b) serves as an index to all the statements and documents contained in the case docket;***  
***(c) enables an inspecting officer to follow the investigation without difficulty and to satisfy himself or herself that all reasonable steps have been or are being taken to bring the case to a successful conclusion;***  
***(d) serves as a proper and convenient medium for the conveyance of instructions by an inspecting officer or member, as well as requests by the prosecutor to an investigator;***  
***(e) serves as reference in court should any aspect of the investigation process be brought into question;***  
***(f) serves as a cross reference or supporting document to the investigating officer’s pocket book (SAPS 206) and the vehicle register (SAPS 132 (b)).”***

***“(2) Negative, destructive, virulent or flippant remarks in the Investigation Diary must at all times be avoided. The fact that departmental steps against a specific member is considered, may not be reflected in the Investigation Diary. The SAPS 5 must be completed on both sides. If a case, in respect of which a First Information of Crime (SAPS 4) is completed, requires no further investigation, it is not necessary to complete the Investigation Diary on the reverse side. If there is any amendments are made or an entry is cancelled, the Investigation Diary must be initialled and dated in the margin next to the amendment or cancellation.”***



**“(3) Generic entries to be made in the investigation diary**

- (a) The time and date of each entry must be reflected and each entry must be legibly signed.**
- (b) An entry must be made in respect of every statement or other supporting document filed in the case docket, indicating the reference number under which it is filed in the case docket next to the entry. The reference number used to index each statement and other documents in the case docket must correspond with the reference number reflected in the investigation diary.**
- (c) The pages of the investigation diary must be numbered chronologically "C 1", "C 2", "C3", etc.**
- (d) The first entry in the diary should be made by the member who took the FIC and without repeating any information already contained in the FIC, giving details which, although not regarded as evidence, may be of value to the member who was assigned to take over the investigation.**
- (e) The names, addresses and telephone numbers of witnesses or of persons who have supplied information to the complainant, must be recorded carefully in order that they may be interviewed by the investigator and proper statements obtained. This entry in the diary must then be signed by the member who obtained the first information.**
- (f) When a house or other place is visited or searched, or where an enquiry is made from any person in connection with any particular subject, the name and address of such place or person must always be stated.**
- (g) The description of the scene of crime, suspect, property, etc, which is not included in the statement, must be reflected in the diary.**
- (h) The forwarding of an SAPS 69, 11, 55, 92, etc and the fact that a copy was filed in the docket, must be mentioned. The receipt of an SAPS 69 or other document must also be mentioned.**
- (i) The diary must show in detail whether use has been made of informers and any reports made by them must be recorded in the diary. Their statements must be filed in the case docket if of evidential value.**
- (j) The progress of the case in court must be shortly described. Dates of trial, remand dates and anything of importance occurring in court, must be mentioned. The reason for the remand of the case or the discharge of an accused, must always be reflected.**
- (k) If the case docket is sent to another station for any purpose, the date of despatch and”**

**APPLICABLE DOCUMENTATION**

The following documentation are attached:

- SAPS 5 Investigation Diary (**Annexure .....**)



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



3.28 **“AB”** – MAKE SAPS 5 INSCRIPTION OF ACTION IN DEALER / RECYCLER FILE

**PROCESS EXECUTION**



After the complete Routine Inspection and subsequent actions taken a final inscription is being made to coincide with the inspection report for future reference. The Designated Second-Hand Goods Officer must make a punctual summary of such inspection and actions in the SAPS 5 (Investigation Diary) to close off the specific instance.

**RESPONSIBLE PERSON(S)**



- Designated Second-Hand goods Officer

**GOVERNANCE**



**Paragraph 4 of Standing Order (General) 323**

***“(1) An Investigation Diary must be maintained in such a manner that it —  
(a) contains a complete chronological record of all work done in the case;  
(b) serves as an index to all the statements and documents contained in the case docket;  
(c) enables an inspecting officer to follow the investigation without difficulty and to satisfy himself or herself that all reasonable steps have been or are being taken to bring the case to a successful conclusion;  
(d) serves as a proper and convenient medium for the conveyance of instructions by an inspecting officer or member, as well as requests by the prosecutor to an investigator;  
(e) serves as reference in court should any aspect of the investigation process be brought into question;  
(f) serves as a cross reference or supporting document to the investigating officer’s pocket book (SAPS 206) and the vehicle register (SAPS 132 (b)).”***

***“(2) Negative, destructive, virulent or flippant remarks in the Investigation Diary must at all times be avoided. The fact that departmental steps against a specific member is considered, may not be reflected in the Investigation Diary. The SAPS 5 must be completed on both sides. If a case, in respect of which a First Information of Crime (SAPS 4) is completed, requires no further investigation, it is not necessary to complete the Investigation Diary on the reverse side. If there is any amendments are made or an entry is cancelled, the Investigation Diary***

*must be initialled and dated in the margin next to the amendment or cancellation.”*

*“(3) Generic entries to be made in the investigation diary*

- (a) The time and date of each entry must be reflected and each entry must be legibly signed.*
- (b) An entry must be made in respect of every statement or other supporting document filed in the case docket, indicating the reference number under which it is filed in the case docket next to the entry. The reference number used to index each statement and other documents in the case docket must correspond with the reference number reflected in the investigation diary.*
- (c) The pages of the investigation diary must be numbered chronologically "C 1", "C 2", "C3", etc.*
- (d) The first entry in the diary should be made by the member who took the FIC and without repeating any information already contained in the FIC, giving details which, although not regarded as evidence, may be of value to the member who was assigned to take over the investigation.*
- (e) The names, addresses and telephone numbers of witnesses or of persons who have supplied information to the complainant, must be recorded carefully in order that they may be interviewed by the investigator and proper statements obtained. This entry in the diary must then be signed by the member who obtained the first information.*
- (f) When a house or other place is visited or searched, or where an enquiry is made from any person in connection with any particular subject, the name and address of such place or person must always be stated.*
- (g) The description of the scene of crime, suspect, property, etc, which is not included in the statement, must be reflected in the diary.*
- (h) The forwarding of an SAPS 69, 11, 55, 92, etc and the fact that a copy was filed in the docket, must be mentioned. The receipt of an SAPS 69 or other document must also be mentioned.*
- (i) The diary must show in detail whether use has been made of informers and any reports made by them must be recorded in the diary. Their statements must be filed in the case docket if of evidential value.*
- (j) The progress of the case in court must be shortly described. Dates of trial, remand dates and anything of importance occurring in court, must be mentioned. The reason for the remand of the case or the discharge of an accused, must always be reflected.*
- (k) If the case docket is sent to another station for any purpose, the date of despatch and”*

**APPLICABLE DOCUMENTATION**

The following documentation are attached:

- SAPS 5 Investigation Diary (**Annexure .....**)



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



3.29 **“AC”** – UPDATE SHG SYSTEM

**PROCESS EXECUTION**

The results and actions as taken must be entered into the Second-Hand Goods System.



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand Goods Officer (DSO)



**GOVERNANCE**

Paragraph **5.4.3.14** of National Instruction **1/2013**

**“The required information must be entered into the fields provided by the Second-Hand Goods Control System.”**



**APPLICABLE DOCUMENTATION**

The following documentation are attached:

- SAPS 5
- SAPS 13
- SAPS 13b
- Dealer / Recycler Register information



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)



### 3.30 **“AD”** – DRAFT A COMPREHENSIVE INSPECTION REPORT

#### PROCESS EXECUTION



After the inspection by the Designated Second-Hand Goods Officer was done an elaborate report must be written in which all the information, steps taken and outcome of the initial inspection is captured. Such report must be kept for future reference when that Dealer/ Recycler applies for renewal of registration.

#### RESPONSIBLE PERSON(S)



- Designated Second-Hand Goods Officer (DSO)

#### GOVERNANCE



Paragraph **5.9.5.3** of National Instruction **1/2013**

***5.9.5.3 “After the Compliance Inspection was completed a comprehensive report must be drafted by the DSO and filed in the relevant Z20 Dealers/Recyclers File. A copy of the report must be forwarded to the Station Commander.”***

#### APPLICABLE DOCUMENTATION



The following documentation are attached:

- Routine Inspection Proforma (**Annexure .....**)

#### SYSTEM FUNCTIONS



TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)

### 3.31 "AE" – FILE REPORT IN DEALER / RECYCLER FILE

#### PROCESS EXECUTION

The information is filed into the Dealer/Recycler file under a sub-file for future reference.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

To be Developed



#### APPLICABLE DOCUMENTATION

The following documentation are attached:

- Z20 - Dealer / Recycler Registration File



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED)

