

## THE SECOND-HAND GOODS STANDARD OPERATING PROCEDURE

### Processing Termination of Dealer / Recycler Registration

#### 1 INTRODUCTION

- 1.1 The holder of a certificate of registration must notify the National Commissioner in writing within thirty (30) days if there is any change that impacts on the ability of the dealer to meet all or any of the requirements for its registration in terms of the Act.
- 1.2 Termination of Registration as a Second-Hand Goods Dealers/Recycler may be effected by the dealer/recycler due to business and or personal reasons which will result in the termination of his/her registration and therefore the ability to conduct business as a dealer/recycler.
- 1.3 The Notice of Termination is submitted to the DSO by the dealer/recycler who will acknowledge receipt thereof and adhere to the dealers request by updating all the relevant police records.
- 1.4 A new application must be submitted by the dealer/recycler in terms of the Second-Hand Goods Act, 2009 (Act No. 6 of 2009) where a dealer/recycler wish to continue with business after the termination of registration has been effected (termination of registration is permanent and can not be overturned).
- 1.5 Reasons submitted by a dealer/recycler for termination of registration **may** affect a future application to be registered as a second-hand goods dealer/recycler.

1. **PROCESS FLOW: TERMINATE DEALER/RECYCLER REGISTRATION**

## **TERMINATION OF DEALER/RECYCLER REGISTRATION**

The Procedure as depicted in Diagram 5 (Process Flow: Terminate Dealer/Recycler Registration), is explained in the following manner:

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

### 3.1 **"A" –Issue an acknowledgement of receipt for received notices**

#### **PROCESS EXECUTION**

Termination of registration is initiated by the dealer/recycler personally by notifying the DSO of his/her intention to terminate registration. The DSO must acknowledge receipt of the Notice of Termination by issuing the dealer/recycler with an Acknowledgement of Receipt.



#### **RESPONSIBLE PERSON(S)**

- Designated Second-Hand Goods Officer (DSO)



#### **GOVERNANCE**

##### **Paragraph 5.4.3.5 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 Notification and must ensure that it is completed as per the relevant Completion Instructions.”



##### **Section 10 of the Act: Termination and cancellation of registration**

***“(1) Registration in terms of this Chapter terminates—***

***(a) upon the expiry of the period referred to in section 7(5), unless it is renewed in terms of section 11;***

***(b) in the event that the dealer stops trading or is unable to carry on business in terms of this Act or any other law; or***

***(2) If a dealer stops trading or is unable to carry on business in terms of this Act or any other law contemplated in subsection (1)(b), such dealer must immediately notify the National Commissioner.”***

### APPLICABLE DOCUMENTATION

The SAPS 601 (c) – Acknowledgement of Receipt and SAPS 604 - Notification of Change of Information must be completed as per the relevant Completion Instructions.

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

SAPS 604 Proforma (**Annexure** )

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

SAPS 604 Completion Instructions (**Annexure** )



### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.2 “B” – ADHERE TO THE DEALER/RECYCLER TERMINATION REQUEST

PROCESS EXECUTION
The DSO must obtain the reasons of termination by the dealer/recycler and adhere to that request



RESPONSIBLE PERSON(S)
<ul style="list-style-type: none"><li>• Designated Second-Hand Goods Officer (DSO)</li></ul>



GOVERNANCE
<p>Paragraph <b>5.8.1</b> of National Instruction 1/2013: Second-Hand Goods</p> <p><b><u>“5.8.1 Termination</u></b></p> <p><b><i>5.8.1.1 Registration in terms of the Act terminates:7213</i></b></p> <p><b><i>a) Upon the expiry of the 5 year period referred to in Section 7(5) of the Act, unless the registration is renewed in terms of Section 11 of the Act;</i></b></p> <p><b><i>b) In the event that the dealer stops trading or is unable to carry on business in terms of this Act; or</i></b></p> <p><b><i>c) When the registration is cancelled.</i></b></p> <p><b><i>5.8.1.2 If a dealer stops trading or is unable to carry on business in terms of this Act or any other law, the dealer must immediately notify the National Commissioner in which case the registration is terminated by the Designated Second-Hand Goods Official.</i></b></p> <p><b><i>5.8.1.3 A dealer whose registration has terminated must immediately hand all certificates relating to the registration to the police official serving the notice of cancellation or return all certificates to the Designated Second-Hand Goods Officer in the event of voluntary termination.”</i></b></p>



**Section 10 of the Act: Termination and cancellation of registration**

***“(1) Registration in terms of this Chapter terminates—  
(a) upon the expiry of the period referred to in section 7(5), unless it is renewed in terms of section 11;  
(b) in the event that the dealer stops trading or is unable to carry on business in terms of this Act or any other law; or  
(2) If a dealer stops trading or is unable to carry on business in terms of this Act or any other law contemplated in subsection (1)(b), such dealer must immediately notify the National Commissioner.”***

**APPLICABLE DOCUMENTATION**

The SAPS 604 - Notification of Change of Information must be completed as per the relevant Completion Instructions.

SAPS 604 Proforma (**Annexure** )

SAPS 604 Completion Instructions (**Annexure** )



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



### 3.3 “C” – UPDATE PROFILE IN SECOND-HAND GOODS SYSTEM

#### PROCESS EXECUTION

The DSO must update the Application Register (SAPS 603) as well as the Second-Hand Goods Control System where applicable with regard to the termination of that Registration.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

Paragraph **5.8.3.7** of National Instruction 1/2013: Second-Hand Goods

*“The DSO must ensure that all relevant second-hand goods related records and/or systems are continuously updated before cancellation of registration.”*



#### APPLICABLE DOCUMENTATION

The SAPS 603 Register – (Register for Second-Hand Goods Documentation) must be completed as per the relevant Completion Instructions.

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

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



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



### 3.4 “D” – COMPLETE RETURN OF SERVICE DOCUMENT

#### PROCESS EXECUTION

The DSO must complete a Return of Service in preparation for the delivery of the Notice of Termination of Registration.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

Paragraph 5.6.5.3 of National Instruction 1/2013: Second-Hand Goods

*“The notice must be served on the applicant, dealer or recycler by the DSO in person and the Return of Service (confirmation that the notice was served) must be filed in the relevant Z20 Dealers File. The applicable columns of the SAPS 603 and SHG System must be updated accordingly. The SAPS 603 Register must be completed as per the relevant Completion Instructions.”*

Section 35 of the Act: Service of documents

*“(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.”*

Section 36 of the Act: Return of Service

*“ 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

The SAPS 606 – Return of Service must be completed as per the relevant Completion Instructions.



SAPS 606 Proforma (**Annexure ....**)

SAPS 606 Completion Instructions (**Annexure .....**)

**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.5 **E – SERVE NOTIFICATION ON THE DEALER/RECYCLER OR ESTATE OVERSEER OF CHANGES MADE.**

**PROCESS EXECUTION**

The DSO must hand deliver the Notice of Acceptance for Termination of Registration to the dealer/recycler or estate overseer



**RESPONSIBLE PERSON(S)**

- Designated Second-Hand Goods Officer (DSO)
- Second-Hand Goods Dealer/Recycler or overseer



**GOVERNANCE**

Paragraph 5.8.3.3 of National Instruction 1/2013: Second-Hand Goods

*“In the event that the Station Commander approves the cancellation, the DSO must notify the dealer in writing of any decision taken and state the reasons for and the date on which the decision takes effect.”*

Section 10 of the Act: Termination and cancellation of registration

*“(5) 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 cancellation takes effect in such notice.”*



**APPLICABLE DOCUMENTATION**

Final Notice of Termination



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.6 “F” – RESPONSIBLE PERSON SIGN RETURN OF SERVICE

PROCESS EXECUTION
The DSO must complete a return of service on which the Dealer/ Responsible person will acknowledge receipt thereof.



RESPONSIBLE PERSON(S)
<ul style="list-style-type: none"><li>• Second-Hand Goods Dealer</li><li>• Designated Second-Hand Goods Officer (DSO)</li></ul>



GOVERNANCE
<p><b>Paragraph 5.6.5.3 of National Instruction 1/2013: Second-Hand Goods</b></p> <p><i>“The notice must be served on the applicant, dealer or recycler by the <u>DSO in person</u> and the Return of Service (confirmation that the notice was served) must be filed in the relevant Z20 Dealers File. The applicable columns of the SAPS 603 and SHG System must be updated accordingly. The SAPS 603 Register must be completed as per the relevant Completion Instructions.”</i></p> <p><b>Section 35 of the Act: Service of documents</b></p> <p><i>“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.</i></p> <p><i>(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.”</i></p>



APPLICABLE DOCUMENTATION
<p>The SAPS 606 – Return of Service must be completed as per the relevant Completion Instructions.</p> <p>SAPS 606 Proforma (<b>Annexure ....</b>)</p> <p>SAPS 606 Completion Instructions (<b>Annexure .....</b>)</p>



**SYSTEM FUNCTIONS**

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



### 3.7 “G” – FILE RETURN OF SERVICE

#### PROCESS EXECUTION

The DSO files the completed return of service document (SAPS 606) in the dealers file Z20.



#### RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



#### GOVERNANCE

Paragraph 5.8.3.6 of National Instruction 1/2013: Second-Hand Goods

***“The DSO must ensure that all previous second-hand goods certificates in the possession of a second-hand goods dealer/recycler are surrendered to the DSO. The old certificates must be cancelled and filed in the Z20 Dealers File.”***



#### APPLICABLE DOCUMENTATION

The SAPS 606 – Return of Service must be completed as per the relevant Completion Instructions.

SAPS 606 Proforma (**Annexure ....**)

SAPS 606 Completion Instructions (**Annexure .....**)

Z20 Dealers/Recyclers File



#### SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).

