

THE SECOND-HAND GOODS STANDARD OPERATING PROCEDURE
Processing Cancellation of Dealer / Recycler Registration

1. INTRODUCTION

- 1.1 Registration as a dealer/recycler **may** be cancelled by the National Commissioner if the dealer/recycler fails to comply with any condition of registration or of any of the provisions of the Act.
- 1.2 Registration as a dealer/recycler **must** be cancelled by the National Commissioner if the dealer/recycler is registered on the basis of incorrect or false information or is convicted of an offence of which dishonesty is an element.
- 1.3 Cancellation of Registration as a Second-Hand Goods Dealers/Recycler may be effected by the Station Commander due to the above mentioned reasons which will result in the termination of his/her registration.
- 1.4 A notice of intention to cancel is submitted to the dealer/recycler.

2. **PROCESS FLOW: CANCEL DEALER/RECYCLER REGISTRATION**

3. CANCELLATION OF REGISTRATION PROCEDURE

The Procedure as depicted in Diagram 6 (Process Flow: Cancel Dealer / Recycler registration), will be explained in the following manner:

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

3.1 **A –CAPTURE REASONS FOR INTENTION OF CANCELLING THE REGISTRATION**

PROCESS EXECUTION

Reasons for the intended cancelling of registration must be recorded such as failing to comply with any condition of registration or any of the provisions of the Act or the fact that a dealer/recycler is registered on the basis of incorrect or false information or where a dealer/recycler is convicted of an offence of which dishonesty is an element..



RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



GOVERNANCE

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

“In the event that the Station Commander is satisfied that the information constitutes the cancellation of registration, a Notice of Intention to Cancel Registration must be completed which must include the reasons for intention to cancel registration.”

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

***“10(3)(a) The National Commissioner may cancel the registration of a registered dealer if the dealer fails to comply with any -
(i) condition of registration; or
(ii) of the provisions of this Act;***



***(b) The National Commissioner must cancel the registration of a registered dealer if the dealer -
(i) is registered on the basis of incorrect or false information;
or
(ii) is convicted of an offence of which dishonesty is an element.”***

***“10(4) Before cancelling the registration of a dealer, the National Commissioner must -
(a) give the dealer written notice of the intention to cancel;
(b) give the dealer 30 days to submit written representations as to why his or her registration should not be cancelled; and
(c) duly consider any such representations and the facts pertaining to the matter.”***

APPLICABLE DOCUMENTATION

Notice of Intention to Cancel Registration



SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.2 “B” – COMPLETE RETURN OF SERVICE DOCUMENT

PROCESS EXECUTION

The DSO must complete a Return of Service in preparing for the delivery of the Notice for intention to Cancel 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

*“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.”*

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).



3.3 **C – SERVE NOTIFICATION OF THE INTENTION TO CANCEL REGISTRATION ON THE DEALER/RECYCLER.**

| PROCESS EXECUTION |
|---|
| The DSO must hand deliver the Notice of Intention to cancel Registration to the dealer/recycler |



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



| GOVERNANCE |
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| <p>Paragraph 5.8.3.3 of National Instruction 1/2013: Second-Hand Goods</p> <p><i>“In the event that the Station Commander is satisfied that the information constitutes the cancellation of registration, a Notice of Intention to Cancel Registration must be completed which must include the reasons for intention to cancel registration.”</i></p> <p>Section 35 of the Act: Service of documents</p> <p><i>“(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 |
|--|
| Notice of Intention to Cancel Registration |



| SYSTEM FUNCTIONS |
|---|
| TO BE ADDED (SYSTEM NOT YET IMPLEMENTED). |



3.4 “D” – 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)

- Second-Hand Goods Dealer
- 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

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(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

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

SAPS 606 Proforma (**Annexure**)



SAPS 606 Completion Instructions (**Annexure**)

Z 20 Dealers/Recyclers File

SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.5 “E” – 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 5.6.5.3 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.”



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**)

Z 20 Dealers/Recyclers File



SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).

