

THE SECOND-HAND GOODS STANDARD OPERATING PROCEDURE
Processing of the amendment of general information received on the Notification
from an Overseer

1. INTRODUCTION

In the event that a Dealer/Recycler dies, or is declared by any court to be incapable of managing his or her own affairs, or becomes mentally ill as contemplated in the Mental Health Care Act, 2002 (Act No. 17 of 2002), or if the estate of such dealer is sequestrated or if such dealer is liquidated, the executor, curator, administrator, trustee or liquidator of such person, as the case may be, may, subject to any law relating to deceased estates, mental health or insolvency, during the currency of the certificate of registration and without formal transfer of the certificate, conduct the business in question on such premises, either personally or through an agent approved by the National Commissioner in writing.

For the period pending the appointment of such executor, curator, administrator, trustee or liquidator, the person managing the affairs of the dealer concerned must, be regarded as being such a dealer's executor, curator, administrator, trustee or liquidator, as the case may be.

The process must thus be initiated by such an Overseer, as mentioned above, who will in writing Notify the National Commissioner via the DSO of his executorship. The process steps that follow will take place.

2. **PROCESS FLOW: AMEND GENERAL INFORMATION ON NOTIFICATION OF OVERSEER**

3. APPLICATION PROCEDURE

The Application Procedure as depicted in Diagram 8(Process Flow: Amend general information of Second-Hand Goods entity), will be explained in the following manner:

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

3.1 **A** – ISSUE AN ACKNOWLEDGEMENT OF RECEIPT

PROCESS EXECUTION

The DSO must issue an Acknowledgement of Receipt (SAPS 601(c)) to the applicant on receipt of the Notification.



RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



GOVERNANCE

Paragrah **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.”



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).



3.2 **"B"** – ENSURE THAT ALL SUPPORTING DOCUMENTATION WHERE PROVIDED I T O REQUIREMENTS

PROCESS EXECUTION

Verify that the documents received are relevant, complete and correct.



RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



GOVERNANCE

Paragraph **5.4.3.4** of National Instruction 1/2013: Second-Hand Goods

"The DSO must check for the completeness of the SAPS 604 Notification. The SAPS 604 Form must be completed as per the relevant Completion Instructions and ensure that the supporting documents to the SAPS 604 Notification complies with the relevant Checklist Guideline."



APPLICABLE DOCUMENTATION

SAPS 604 Form



SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.3 **"C"** – REQUEST ADDITIONAL INFORMATION FROM DEALER/RECYCLER

PROCESS EXECUTION

Write a letter to the Executor requesting any Outstanding/Additional information or documents



RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



GOVERNANCE

Paragraph 5.4.3.6 of National Instruction 1/2013: Second-Hand Goods

“ In the event that the notification is incomplete/ outstanding, the DSO must return the notification to the applicant with a copy of the Checklist Guideline and a letter on the (SAPS 21) clearly indicating the information/ documents still outstanding.

The applicant must be given ten (10) working days to submit the outstanding information/ documents.”



APPLICABLE DOCUMENTATION

SAPS 21 - Letter: Requesting Outstanding/Additional Information or Documentation



SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.4 "D" – UPDATE REGISTER/SECOND-HAND GOODS SYSTEM

PROCESS EXECUTION

The DSO must update the SAPS 603 Register and if available the Second-Hand Goods Control System.



RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



GOVERNANCE

Paragraph **5.4.3.14** of National Instruction 1/2013: Second-Hand Goods

"The required information must be entered into the fields provided by the SAPS 603 Register and/or the Second-Hand Goods Control System."



APPLICABLE DOCUMENTATION

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



SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.5 **PRECONDITION !**
Requested information or documentation must be brought back within the specified time.

3.6 **"E" – RECEIVE REQUESTED ADDITIONAL INFORMATION FROM DEALER/ RECYCLER**

PROCESS EXECUTION



The DSO must receive and check the requested additional information upon receipt thereof for correctness and completeness. The documents must be handed in within the ten working day period allocated for submission of outstanding/ additional documents or information from the time of request by the DSO.

RESPONSIBLE PERSON(S)



- Designated Second-Hand Goods Officer (DSO)

GOVERNANCE



Paragraph 5.4.3.4 of National Instruction 1/2013: Second-Hand Goods

"The DSO must check for the completeness of the SAPS 604 Notification. The SAPS 604 Form must be completed as per the relevant Completion Instructions and ensure that the supporting documents to the SAPS 604 Notification complies with the relevant Checklist Guideline."

Paragraph 5.4.3.6 of National Instruction 1/2013: Second-Hand Goods

"...The applicant must be given ten (10) working days to submit the outstanding information/ documents."

APPLICABLE DOCUMENTATION



SAPS 604 – Notification of Change of Information

SYSTEM FUNCTIONS



TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).

3.7 **"F"** – PREPARE DOCUMENTATION FOR RECOMMENDATION

PROCESS EXECUTION

Check the Correctness and completeness of the Received Documents



RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



GOVERNANCE

Paragraph **5.4.3.4** of National Instruction 1/2013: Second-Hand Goods

"The DSO must check for the completeness of the SAPS 604 Notification. The SAPS 604 Form must be completed as per the relevant Completion Instructions and ensure that the supporting documents to the SAPS 604 Notification complies with the relevant Checklist Guideline."



APPLICABLE DOCUMENTATION

SAPS 604 – Notification of Change of Information



SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.8 **"G"** – RECOMMEND RE-NOMINATION OF RESPONSIBLE/ NOMINATED ENTITY

PROCESS EXECUTION

The DSO must make a recommendation on the Re-nominated Dealer/ Recycler Notification.



RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



GOVERNANCE

Paragraph **5.4.3.17** of National Instruction 1/2013: Second-Hand Goods

"The Z20 Dealer/ Recycler File must be forwarded to the Station Commander with a recommendation that the amendment be refused or granted."



APPLICABLE DOCUMENTATION

SAPS 604 - Paragraph (L) Proforma (**Annexure**)

SAPS 604 Completion Instructions - Paragraph (L) (**Annexure**)



SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.9 **"H"** – RECOMMENDATION TO AMEND DEALER/ RECYCLER PROFILE INFORMATION

PROCESS EXECUTION

The DSO must make a recommendation to amend the profile information of a Dealer/ Recycler.



RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



GOVERNANCE

Paragraph **5.4.3.17** of National Instruction 1/2013: Second-Hand Goods

"The Z20 Dealer/ Recycler File must be forwarded to the Station Commander with a recommendation that the amendment be refused or granted."



APPLICABLE DOCUMENTATION

SAPS 604 - Paragraph (L) Proforma (**Annexure**)

SAPS 604 Completion Instructions - Paragraph (L) (**Annexure**)



SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.10 **“1”** – NOTIFY ESTATE OVERSEER TO RE-NOMINATE RESPONSIBLE PERSON

PROCESS EXECUTION



The DSO must, if the responsible person(s) is disqualified, the registered Dealer/Recycler who requested the changes must be issued with a Notice of Intention not to Amend his/her profile and be given the opportunity to nominate a new responsible person within thirty days (30) or alternatively apply for condonation.

RESPONSIBLE PERSON(S)



- Designated Second-Hand Goods Officer (DSO)

GOVERNANCE



Paragraph **5.4.3.16** of National Instruction 1/2013: Second-Hand Goods

“The DSO must complete the relevant section on the SAPS 604 Notification and state, where applicable, whether the premises exist and/or if the responsible person(s) is disqualified in terms of the Act, or not.

If the responsible person(s) is disqualified, the registered Dealer/Recycler who requested the changes must be issued with a Notice of Intention not to Amend his/her profile and be given the opportunity to nominate a new responsible person within thirty days (30) or alternatively apply for condonation. The Notice of Intention not to Amend must include the reasons. ...”

APPLICABLE DOCUMENTATION



SAPS 604 – Notification of Change of Information

SYSTEM FUNCTIONS



TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).

3.11 "J" – UPDATE REGISTER/SECOND-HAND GOODS SYSTEM

PROCESS EXECUTION

The DSO must update the SAPS 603 Register and if available the Second-Hand Goods Control System.



RESPONSIBLE PERSON(S)

- Second-Hand Goods Officer (DSO)



GOVERNANCE

Paragraph **5.4.3.14** of National Instruction 1/2013: Second-Hand Goods

"The required information must be entered into the fields provided by the SAPS 603 Register and/or the Second-Hand Goods Control System."



APPLICABLE DOCUMENTATION

SAPS 603 Register for Received Second-Hand Goods Documentation

Second-Hand Goods System (if available)



SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.12 "K" – NOTIFY ESTATE OVERSEER OF UPDATES

PROCESS EXECUTION

The DSO must, in writing (SAPS 21 – letter) notify the Overseer of updates to the Dealer/ Recycler profile.



RESPONSIBLE PERSON(S)

- Second-Hand Goods Officer (DSO)



GOVERNANCE

Paragraph 5.4.3.19 of National Instruction 1/2013: Second-Hand Goods

“In the event that the amendment is not recommended, or the Station Commander intends to refuse the amendment, a Notice of Intention to Refuse must be completed which must include the reasons for the intention to refuse, and where applicable, informing the applicant that he/she may apply for condonation of any disqualification.”



Paragraph 5.4.3.21 of National Instruction 1/2013: Second-Hand Goods

“In the event that the Station Commander approves the amendment the Z20 Dealers File must be returned to the DSO for the preparation of the SAPS 601 (a) (Dealers Certificate) and/or (b) (Recycler Certificate) after which the Station Commander must sign and date stamp the SAPS 601 (a) and/or (b) certificates on the designated area. The SAPS 601(a) and SAPS 601(b) must be completed as per the relevant Completion Instructions.”

APPLICABLE DOCUMENTATION

SAPS 601(a) and (b) Certificates

SAPS 21 Letter (Notice of Intention to Refuse)



SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.13 "L" – COMPLETE RETURN OF SERVICE DOCUMENT

PROCESS EXECUTION

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



RESPONSIBLE PERSON(S)

- Designated Second-Hand Goods Officer (DSO)



GOVERNANCE

Section 36 of the Act – Return of service

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



APPLICABLE DOCUMENTATION

SAPS 606 – Return of Service



SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.14 **"M" – SERVE NOTIFICATION ON DEALER/ RECYCLER OR ESTATE OVERSEER OF CHANGES MADE**

PROCESS EXECUTION



The DSO must inform/ notify the Estate Overseer in writing (SAPS 21) of all changes made, and request all old certificates to be handed if an amended certificate is issued.

RESPONSIBLE PERSON(S)



- 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.”***

Section 8 of the Act – Application for amendment of certificate

“8. (4) Upon receipt of the amended certificate, the dealer must immediately hand all previous certificates relating to the registration to the police official handing over the amended certificate.”

APPLICABLE DOCUMENTATION



SAPS 21 – Letter (Notification of Amendment)

SYSTEM FUNCTIONS



TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).

3.15 **"N"** – RESPONSIBLE PERSON SIGN RETURN OF SERVICE

PROCESS EXECUTION

The responsible person will sign the return of service acknowledging receipt of the Letter SAPS 21 (Notification of Amendment).



RESPONSIBLE PERSON(S)

- Dealer/ Recycler



GOVERNANCE

Section 36 of the Act - Return of service

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

Paragraph 5.4.3.22 of National Instruction 1/2013: Second-Hand Goods

“The DSO must ensure that the signed SAPS 601 (a) and/or (b) certificate is handed over to the applicant and must ensure that the applicant sign the acknowledgement of receipt in the SAPS 603 Register. ...”



APPLICABLE DOCUMENTATION

SAPS 606 - Return of Service



SYSTEM FUNCTIONS

TO BE ADDED (SYSTEM NOT YET IMPLEMENTED).



3.16 "O" – 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 5.4.3.23 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 is surrendered to the person who issues the new certificate to the applicant. The old certificates must be cancelled and filed in the Z20 dealers/recyclers file.”



APPLICABLE DOCUMENTATION

SAPS 601(a) and (b) Certificates

SAPS 603 Register

SAPS 606 Return of Service

Z20 Dealer/ Recycler File



SYSTEM FUNCTIONS

N/A

