

An Evaluation of The Firearms Control Act 60 Of 2000

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ABSTRACT: Firearms have become a leading cause of violent crimes in the country (Gun Free South Africa 2021). In 2017, there were 5.35 million firearms in the hands of civilians, and 2.35 million not registered in South Africa (Global Initiative Against Organised Crime, 2022). The rising brutality of firearm violence has forced the Republic of South Africa to implement more stringent regulatory measures (Poebe, 2015 and Kennedy, 2016). A qualitative approach was chosen as the research method to effectively evaluate the implementation of the FCA.

The researcher has added to the existing body of knowledge surrounding firearm violence by conducting a qualitative, phenomenological case study to collect the perspectives of firearm violence. Purposive sampling was employed to identify the participants. This study provided brief background information on the history of firearm violence which brought light on the government's ongoing efforts to decrease these incidents in the country.

The proposed research focused on the implementation of the FCA with specific attention to the proliferation of illegal firearms in the Gauteng province. Furthermore, the researcher examined whether the FCA had any impact in addressing the problem of firearm related fatalities and illegal firearm circulation within our communities.

KEYWORDS: Firearm license, Replica firearm, murder, firearm amnesty.

Date of Submission: 01-02-2026

Date of acceptance: 10-02-2026

I. INTRODUCTION

The rising brutality of firearm violence has forced the Republic of South Africa to implement more stringent regulatory measures (Poebe, 2015 and Kennedy, 2016). The measures that have been implemented are diverse, ranging from community-wide programs that promote firearm prohibition among high-risk groups, such as violent offenders and victims of violence, to school-wide programs that encourage children living in high-risk communities to make smart, healthy choices (Poebe, 2015 and Kennedy, 2016). However, one of the most fundamental means of regulating firearm control is to establish policies that strictly govern the production, distribution, and ownership of firearms (Wellford, Pepper and Petrie, 2005). This article focused on the implementation of the Firearms Control Act 60 of 2000 in Gauteng and its deficiencies and examined the effectiveness of the firearm amnesty initiatives towards addressing the proliferation of illegal firearms. In this context, the researcher, examined the challenges of illegal firearms killing people in the province every day.

Section 11 of the Constitution of the Republic of South Africa Act 108 of 1996 stipulates that the right to life for everyone is an unqualified right. Article 6 of the International Covenant on Civil and Political Rights recognises and protects the right of all human beings (Jaynes and Meek, 2010). The right to life is supreme, therefore no derogation is permitted, even in situations of armed conflict and other public emergencies that threaten the life of the nation (Jaynes and Meek, 2010). The Constitution places a duty on the state to respect, protect, promote and fulfil this right. The right to life imposes both positive and negative duties on anyone to refrain from taking someone's life (negative) (Jaynes and Meek, 2010).

In the efforts of the state to realise this precious right to life that is being threatened daily by the proliferation of illegal firearms in the republic, the Firearms Control Act 60 of 2000 was developed and promulgated (Davies, 2014). This Act is intended to establish a comprehensive and an effective system of control and to provide for matters connected therewith (Firearms Control Act 60 of 2000).

1.1 The aim of the article

This article is aimed at examining the effectiveness of Firearms Control Act 60 of 2000 with specific focus on its ability to curb the proliferation of illegal firearms in Gauteng province.

1.2 Study objectives.

This study sought to achieve the following objectives:

- To assess the effectiveness of the Firearms Control Act 60 of 2000.
- To determine the challenges that are encountered while implementing the FCA.
- To investigate the sources and circulation of illegal firearms in the Gauteng province.
- To determine measures that could be put in place to address the problem of proliferation of firearms.

II. METHODOLOGY

The researcher employed a qualitative approach to gather data to achieve the objectives of the study. Qualitative study comprises of gathering of open-ended data through one-on-one and focus group interviews from the participants (Flick, 2007). The researcher employed both in-depth interview techniques as well as document analysis to gather data from the participants. In depth interviewing is a qualitative approach that involves conducting intensive individual and focus group interviews with small participants to discover their perspective on a particular idea, program, or situation (Boyce and Nesala 2006:03). Document analysis is a systematic process for reviewing or evaluating both printed and electronic documents (Bowen, 2009). A purposive sampling approach was followed to select the participants. A purposive sampling strategy was chosen to fit the purpose of the study. The researcher implemented the corridor-based model to identify police stations in the study. Gauteng province has five developmental corridors; the sampling process took cognizance of the corridor-based model. The researcher further narrowed down the study by focusing only on police stations with high levels of firearm related fatalities in the province.

Data collection

The one on one and focus group interviews involved asking participants questions related to the Firearms Control Act 60 of 2000 as implemented by the South African Police Service and other stakeholders. Follow-up questions related to the Act and other activities by the stakeholders where responses were not clear were also asked. Document analysis was conducted to scrutinize legislation, policies, National Instructions, Standing Orders and guidelines related to the implementation of the Act. The Researcher took notes and recorded the interviews of all participants.

Data analysis

Data was transcribed and classified preceding to thematic analysis. Thematic analysis was followed to analyse qualitative data. Qualitative data from the classified questions were discussed in proportion to qualitative data to display a broader analysis of the effectiveness of the Firearms Control Act of 2000. Moreover, the coding of data was followed as a procedure of putting together evidence and classifying ideas so that they gradually reflect a broader viewpoint. Finally, data was presented in the discussion herein.

III. DISCUSSION OF FINDINGS

This section presents the findings of this study as well as the discussion linked to the formulation of the findings. The study found that there are challenges that led to inadequate implementation of the Firearms Control Act 60 of 2000. These challenges hinder the effective implementation of initiatives that are designed to ensure the successful implementation of this Act in the Gauteng province. It should be taken into consideration that these inconsistencies caused by different stakeholders is the key problem that resulted in the poor implementation of this Act.

3.1 The participants understanding of the Firearms Control Act in relation to their daily duties

The participants general understanding of the Firearms Control Act 60 of 2000 was necessary in ensuring that the objectives of the Act would be realized. It also served as a guideline in relation to the roles and responsibilities of the different role players. It appears from the participants responses that there is a similar understanding of the Act amongst police officials. The Station Commanders revealed that the Act outlines its purpose and obligations therefore, everyone who possesses a legal firearm must abide by its provisions. Firearm owners must be held responsible for violations of the Act. This is meant to ensure that there is compliance with the Act by all parties involved in the implementation. Participants mentioned that the Act also illustrates the process of firearm applications including the required documentation. Next of kins are also interviewed to assess the suitability of the firearm applicants. The Firearms Control Act seeks to address the control of firearms in the country.

The Designated Firearm Officers stated that they understand the Firearms Control Act 60 of 2000, since it is legislation that guides them on how firearm applications are dealt with in terms of regulations. The act

also identifies the type of offences that are committed with firearms. Furthermore, the Designated Firearms Officers outlines their daily responsibilities in terms of the Act as follows:

- Receiving and processing of new firearm applications.
- Processing of license renewals,
- Conduct interviews with witnesses,
- Processing of competency certificate applications,
- Conducting safe inspections,
- Enforce compliance of security companies,
- Circulation of firearms,
- Conduct business inspections,
- Visit firearm dealers,
- Visit Security facilities,
- Conduct section 102 enquiry (whether a person is fit or not to possess a firearm).

The SAPS 13 officials mentioned that they play a critical role in preserving firearms and other evidential materials handed in as exhibits in the SAPS 13 store. The seized goods must be retained in the SAPS 13 store and a distinctive identification mark must be allocated to each of them. Participants emphasized they are focused on the SAPS 13 store work and their main responsibility is the management of exhibits in the safe. The SAPS 13 officials identified some of the following activities related to their daily responsibilities in line with the Act.

- Safe keeping of firearms,
- Send firearms to Ballistics,
- Trace owners of recovered firearms,
- Receive firearms from the Community Service Centre for safe keeping,
- Forward firearms for Integrated Ballistic Identification System for testing,
- Conduct safe inspections,
- Manage booking of exhibits in and out of the safe,
- Process surrendered firearms,
- Transport firearms for destruction.

The Investigators, Community Service Centre and Crime Prevention Unit officers stated that they are an important role player in the processing of exhibits at station level. They reiterated what the Station Commanders and the Designated Firearm Officers had already alluded to that the Firearms Control Act is meant to regulate firearms applications in the country. The Act also provides procedures on how one should conduct themselves as a firearm owner in the country. The participants also mentioned that there are multiple stakeholders that they work with at local level such as Metro Police, Home Affairs, Correctional Services, Gauteng Traffic Police, Crime Prevention Wardens, Private Security Companies, Car Tracking Companies and Custom officials. They have a very good relationship and complement one another in the fight against crime in the province. These participants also reiterated the importance of the safekeeping of firearms. Additionally, the participants emphasized the necessity of circulating stolen firearms to ensure relevant authorities know how many illegal firearms are in the wrong hands. The Act also seeks to ensure fit and proper persons are allowed to own firearms. The Station Commanders alluded that Firearms Control Act contains information about the safe usage, circulation and licensing of firearms.

The Community Policing Forum, Youth Desk Volunteers and Patrollers identified important community structures that play a critical role in the fight against the proliferation of firearms. Chapter 7, section 18 (1) of the South African Police Act 68 of 1995, clearly outlines its purpose as to establish and strengthen the partnership between the community and the police. They bring the police and the community together, assisting in bridging the gap between the public and the police to solve crime challenges. The participants responded by stating they do not think that the Act is effective because many suspects are arrested in possession of illegal firearms but are released. Furthermore, they alluded the system fails them in dealing with perpetrators of illegal firearms because there are not convictions.

The above findings conformed with the responsibilities of the Designated Firearm Officers and SAPS 13 officials as outlined in the Firearms Control Act 60 of 2000 and the Standard Operating Procedure: Property and Exhibit Management. This is a reflection that the officials are familiar with their daily duties and can perform their work effectively and efficiently. The SAPS participants demonstrated a similar understanding of the Act, hence, securing a platform on which this could be implemented in a proper manner. They are all in agreement that the FCA was designed to establish a comprehensive system for firearms control including the registration, purchase, licensing and use.

3.2 The main sources of illegal firearms in the province

The participants stated part of the SAPS mandate in terms of section 205 of the Constitution of the Republic of South Africa, 1996, is to: prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of the country and their property. The SAPS as the custodian of policing in the country has a duty to eliminate the problem of proliferation of firearms in the province. For the SAPS to completely address the problem of firearms, it has a duty to identify the source of illegal firearms circulating freely and used in committing crimes in communities. Some of the CPF, Patrollers and the Youth Desk Volunteers stated members of the SAPS are also responsible for illegal firearms in circulation because rotten police officers confiscate them from criminals however, these are later sold back to criminals.

During the course of the research study some Community Policing Forum members, Youth Desk Volunteers and Patrollers stated they have little knowledge on the origins of illegal firearms. Participants speculated illegal firearms come from robberies of legal owners. Police officers are also robbed of their official firearms. Other firearms are found during house breakings. As a result of high levels of violence in the province, it is of utmost importance to identify hotspots and sources of illegal firearms. Without any knowledge of where illegal firearms emanate, it would be an impossible task to address the proliferation of firearms in the province. It should be noted that most of the firearms that are in the hands of criminals were once legal. The Station Commanders, Investigators, Community Service Centre Members and Crime Prevention Unit members mentioned the following prominent sources of illegal firearms that are circulating in their respective policing areas.

- Firearms that are stolen or robbed from legal private owners.
- Firearms that have been lost or stolen or robbed from the South African Police Service, South African National Defence Force and other state departments.
- Homemade firearms.
- Firearms smuggled illegally from neighboring states or through porous borders.
- Informal settlements.
- Firearms robbed from Private Security Companies.
- Firearms found during house robberies.
- Stolen during house breaking.
- Hostels.
- Provincial migration (People migrating from other neighboring provinces with firearms into Gauteng).
- Firearms robbed during car Hijackings.
- Deceased estate firearms

The SAPS participants highlighted several illegal firearms that are recovered per month by the police from criminals differ from station to station. Other police stations mentioned that they can spend a month or two without recovering any illegal firearms. According to a National Assembly written reply dated 1 September 2023: internal question paper no: 27-2023 with reference no: 36/1/4/1 (202300259), on the question asked by General Terblanche to the Minister of Police General BH Cele, on the total number of firearms belonging to the members of SAPS that were reported stolen between 2021-22 until July 2023 financial years. During the financial year 2021/22 a total number of seven hundred and twelve (712) firearms were lost nationally. In 2022/23, seven hundred and forty-two (742) firearms were lost, and from the 1st of April 2023 to 30 July 2023 two hundred seventy-one (271) firearms were stolen. In total, about one thousand seven hundred and twenty-five (1725) firearms went missing during that period. However, the participants indicated between two (2) and ten (10) illegal firearms are recovered by stations in Gauteng per month. This number is very high. The province has one hundred and forty-four (144) police stations. This information indicates that on average about seven hundred and twenty (720) illegal firearms are recovered monthly in the province. Additionally, SAPS participants revealed that the most prevalent illegal firearms recovered are handguns, specifically 9mm pistols and revolvers. Furthermore, the participants emphasized that stations currently recover many toy guns (replica firearms) that look like a real firearm. The replica and pellet guns are used by criminals to perform criminal activities such as hijacking and robberies. SAPS officials who conduct roadblocks, stop and searches stated that during their operations and work-related activities they seize a great deal of toy guns.

3.3 The challenges experienced during the implementation of the Firearms Control Act 60 of 2000

Station Commanders have acknowledged that there are challenges in the implementation of the Firearm Control Act 60 of 2000. They identified various challenges experienced during the performance of their daily responsibilities. The commanders indicated they are unable to monitor and keep records of lawful firearm owners because once an applicant is granted a firearm license, he/she will come back after 5 years for renewal. The participants went further to highlight that lawful firearm license holders are negligent and ignorant because

they do not look after their firearms as prescribed in the Act. For example, firearms are put under pillows and mattresses instead of storing them in a lockable firearm safe. In terms of the Firearm Control Act 60 of 2000, if a firearm is not in the possession of the lawful owner, it must be locked in a mounted safe in line with the set standard. Additionally, participants stated in other instances of house breaking where firearms are stolen, suspects are able to remove the safes from where they are mounted.

The Designated Firearm Officers asserted they have several challenges that affect the proper implementation of this Act. Key to their difficulties is lack of transport, shortage of person power, workload and inadequate resources such as stationary, paper for printing and photocopying. Sometimes printing and photocopying machines are broken for a long period. Participants also stated that the office of the Designated Firearm Officer requires constant movement from one place to another daily. They are expected on a weekly basis to transport firearm application forms to the provincial office or conduct site visits to firearm dealers and visit clients to conduct safe inspections. Lack of transport affects the proper functioning of the office. The participants lamented they feel neglected by the stations. Hence, these challenges hinder their daily duties. Designated Firearm Officers asserted they try their utmost best to efficiently serve communities, however at times language barriers and load shedding affect service delivery. The problem of load shedding is serious because without electricity service delivery stops as some police stations are without generators. Without power supply computers do not function, and no copies could be made. At times the photocopy machine does not work for up to 18 months. The participants also feel overworked because at times they are assigned other duties but also, leave their daily duties and are compelled to join station operations.

The SAPS 13 officials lamented there is corruption in courts because people who are arrested with firearms are released and justice is not served. The participants also resonate with the issues already raised by the Station Commanders and Designated Firearm Officers regarding the shortage of resources such as vehicles. The participants added there is no vehicle dedicated to the Designated Firearm Officers offices and SAPS 13 stores. As part of their daily duties, these offices are expected to be on the ground transporting firearms for Integrated Ballistic Identification System testing, destruction and to the Forensic Science Laboratory for examination.

The Investigators, Community Service Center and Crime Prevention Unit members bemoaned they are frustrated because they are not registered in the firearm circulation system. As a result, they cannot independently verify the legitimacy of confiscated firearms. This impedes service delivery. During the study, the participants provided a practical example. They explained that there was a stop and search operation on the N1 south near Grasmere Toll Plaza. One unlicensed firearm was found in the vehicle. However, the case was withdrawn at court for lack of evidence. It could not be linked to anyone in the vehicle.

Moreover, the Community Policing Forum, Patrollers and the Youth Desk Volunteers stated that when patrolling their areas, they encounter people who intimidate them as their unlawful activities are disrupted. The participants also stated victims of firearm-related incidents, do not report their incident to the police because of fear of victimization.

3.4 The Measures put in place to improve policing of illegal firearms in the province

Participants made several suggestions on how to improve the policing of illegal firearms in the province. These would assist in ensuring that the proliferation of illegal firearms is eliminated within communities.

Station Commanders stated that to improve the policing of illegal firearms in the province unannounced station visits and inspections should be intensified. This should be done to ensure that SAPS 13 registers are well looked after and the content inside the store corresponds with what is captured in the registers. Participants mentioned safe keys must be handled by one person to ensure all exhibits in the store are accounted for. The introduction of random family visits to legal firearm owners should be done on a yearly basis whereby the firearms and safes are inspected. The Station Commanders also remarked that more roadblocks, stop and searches as well as recruitment of committed and reliable informers is crucial.

Some participants raised a different view by stating they do not want to mention operations and community engagements because it has been done all the time. However, firearm owners need to be sensitized about the dangers of negligent handling of firearms. Lately, criminals target legal firearm owners and that places their lives at risk. Firearm owners must protect their firearms by concealing them or keeping them in locked safes all the time. Station Commanders aver that awareness campaigns can play a big role in addressing the proliferation of firearms if the correct target group is reached. It is also important to warn community members of the dangers of being in possession of an illegal firearm.

The Designated Firearm Officers complemented what Station Commanders have already expressed, such as intelligence driven initiatives focusing on illegal firearms and ammunition, and the re-examination of

the police's operational readiness. It is important to ensure that all the tools of trade are made available all the time. This should be a collective effort because the police will not be able to address the problem alone.

The SAPS 13 officials emphasized a need to address challenges posed by firearms left behind by deceased persons. These firearms are falling into the wrong hands. Participants indicated deceased person's firearms need to be collected by the police (SAPS 13 officials) immediately after the message reaches them that the owner passed away. Furthermore, the SAPS 13 officials stress that awareness campaigns must be used to sensitize communities especially in an instance when a person passes away. The firearm must be surrendered to the police until a new license application is made by a family member or a decision is taken to surrender to the state. Additionally, the participants proposed the involvement of sector managers and social crime prevention officials to engage with the community and convince them to work together with the police in dealing with this issue of illegal firearms. They went further to emphasize the importance of operations focusing on hotspot areas. The participants also suggested that the law must be amended, and culprits must be given harsher sentences. The participants also remarked that ownership of private security companies in South Africa needs to be reviewed as most of them with high caliber weapons and ammunition are owned by foreigners.

The investigators, community service center and community policing unit officials reiterate what was already raised by the station commanders. The participants placed emphasis on subjecting culprits arrested for possession and use of illegal firearms, and ammunition to more harsher sentences. The participants also stressed the importance of operations that must be conducted continuously especially around porous borders. The borders are considered one of the main sources where illegal firearms enter the country. The borders are not secure as a result it is very easy for anyone to smuggle illegal firearms and ammunition into the country. The participants also indicated that a healthy relationship between the Community Policing Forum and other stakeholders could yield positive results.

The Community Policing Forums, the Patrollers and the Youth Desk Volunteers mentioned that the government needs to sit down and consult with different stakeholders within society such as Faith Based Organisations, Non-Governmental Organisations –Civil Society organizations and Business Forums to address this problem of proliferation of firearms. Stakeholders should be provided with the necessary support including resources that will make their involvement fruitful. A structure such as the Community Policing Forum should be utilized effectively by ensuring that it is involved in all community initiatives. This might yield positive results because this fight cannot be won if the SAPS is working alone.

3.5 The effectiveness of the firearm amnesty in addressing the proliferation of illegal firearms

Participants were requested to indicate whether the firearm amnesty is effective in addressing the proliferation of illegal firearms in the province. Station Commanders mentioned that most people from black communities do not understand this firearm amnesty, but white people seem to understand the purpose and procedures in relation to this initiative. For example, in black communities there is a belief that one would inherit a deceased person's firearm without following due process. The Designated Firearm Officers mentioned firearm amnesty is not an effective exercise because during this period they receive two or three firearms from deceased persons estates which were kept in the house. The participants allege people in possession of illegal firearms are discouraged from handing in those firearms as they are required to complete forms on surrender. The completion of the surrender documentation scares people away because of fear of being held accountable for the crimes committed by these illegal firearms. The SAPS 13 official emphasised that amnesty is ineffective because those who surrender firearms have expired or inherited firearms from a family member. Criminals do not surrender illegal firearms in their possession at all. The participants made it clear that firearm amnesty does not work in dealing with illegal firearms because they are not being handed in. The participants stated that other legal firearm owners request stations for safe keeping until the renewal process is completed. The Investigators, Community Service Center and Crime Prevention Unit officials asserted in the past firearm amnesty used to be effective, people were surrendering unwanted and illegal firearms.

The SAPS 13 officials emphasized that currently the amnesty is not effective but suggested that it should take place every two years instead of 5 years. Furthermore, the participants indicated there is a contradiction during amnesty as people are encouraged to surrender firearms whilst firearm licenses are issued to citizens who fail to look after them. The Investigators, Community Service Center and Crime Prevention Unit officials assert that the only people who surrender firearms are old people however, criminals do not. The SAPS participants stated communities were discouraged to hand in illegal firearms because some of the firearms that were previously recorded as surrendered and destroyed were found in the hands of criminals. The Community Policing Forum members stated initially the amnesty used to be good as people were able to surrender their firearms and ammunitions but now people are very reluctant in returning firearms. Lately, the amnesty period is a futile exercise because only legal and unwanted firearms are surrendered, but illegal firearms remain in the hands of criminals.

3.6 The participants opinions on the proliferation of illegal firearms in the province

The Station Commanders stated that the reasons put forward by firearm applicants do not duly justify the issuing of firearm licenses. Before licenses are issued, it is important that the state should assess the applicants living conditions, threat level exposed to, personal circumstances and their lifestyle. The participants also remarked they understand the reasons advanced by the applicants because they are constitutionally recognized. These reasons passed constitutional scrutiny. The Designated Firearm Officers stated at times firearm applicants are unable to respond to some of the questions asked during a license application. The participants also stated that some of the applicants are not honest when providing a motivation for their firearm application because they apply licenses for self-defense whereas the firearm is utilised for work purposes. This is mostly done by security officers who work with their personal firearms.

The SAPS 13 officials emphasized that for a person to be granted a firearm license they must provide a good motivation. The participants reiterated that they do not think that the reasons provided for firearm applications are good enough. Firearm license applicants apply for firearm licenses for the sake of having it without valid reasons. Additionally, if a person applies for a firearm license for personal protection, factors such as the area in which they reside or work, and the type of transport used daily need to be considered. The Investigators, Community Service Center and Crime Prevention Unit officials argue the only suitable reason for firearm applications should be self-defense. For business purposes, firearm licenses must be issued for well-established businesses. The Community Policing Forums, Patrollers and Youth Desk Volunteers are of the opinion the reasons provided by the applicants are all valid based on personal circumstances. Additionally, the participants stated the only good reason that should be taken seriously is the reason provided by business owners for personal protection. The SAPS participants stated most of the people who apply for firearms for personal reasons end up losing those firearms.

IV. RECOMMENDATIONS

The recommendations of this study are based on the findings of this report that exposes the shortcomings faced in the implementation of the Firearms Control Act 60 of 2000. The recommendations are informed by the adverse finding that was reached at assessing all the data that was considered. The challenges that hinder efficient implementation are well documented by the SAPS. The recommendations are tabled for the consideration of all stakeholders:

4.1 The establishment of a multi-task team at district level

The study found that stakeholders are not working in unison in the fight against the proliferation of illegal firearms in the province. This problem requires an integrated approach. Therefore, a multi-disciplinary task team must be established at the district level with specific terms of reference to address the proliferation of illegal firearms. The team must include Crime Intelligence, Detectives, Dog Unit, Criminal Record Center officers and other relevant stakeholders. There must be operations focusing specifically on searching of illegal firearms. These operations must be intelligence driven.

4.2 Recruitment of dedicated and reliable informers

The study revealed Community Policing Forum members, Patrollers and Youth Desk Volunteers speculated where illegal firearms originate from, as a result it is recommended that stations must embark on a recruitment drive of credible informers. This will help stations to confiscate more firearms from the criminals. Additionally, it will assist in re-establishing police community relations that is at its lowest levels. For a successful fight against organized crime and other serious crimes, an effective and reliable informer network is a necessity.

4.3 The regulation of replica firearms (Toy guns)

The study showed that there is a new trend in the proliferation of replica firearms with almost all the features of a firearm; the sound, size, it has a magazine and bullets (blanks) and all other firearm features. Currently criminals are using these replica firearms to rob people. It is very difficult to know whether a criminal is holding a replica or a real firearm. Therefore, it is recommended that the Ministry of Police must investigate this matter and ensure that the sale and distribution of these replica firearms are regulated as a matter of urgency.

4.4 The confiscation of deceased firearms

The study discovered that firearms owned by the deceased are not processed properly and most of them land in the hands of criminals. At times family members do not surrender these firearms but retain such items. It is recommended that the state must develop strict guidelines on how these firearms are dealt with immediately

after the owner is reported deceased. It is also recommended that a link be created between the SAPS and the Department of Home Affairs, whereby once a death certificate is issued SAPS can retrieve the firearm from the deceased's family as soon as possible.

4.5 The allocation of vehicles

The study revealed that the offices of the Designated Firearm Officer and the SAPS 13 store do not have vehicles allocated to them. They rely on other sections to assist them and at times they do not get the required assistance on time, and this affects their work. They are required to conduct inspections, transport firearms to Integrated Ballistic Identification System, firearm destruction and other commitments linked to the office. It is recommended that these offices must be allocated a dedicated vehicle in order to execute their tasks.

4.6 The process of firearm destruction

The study found that illegal and unwanted firearms that were reported destroyed and captured as such, found their way back to criminals. This is a serious problem. The destruction of firearms must be monitored very closely. Someone must be held responsible for this challenge. Therefore, it is recommended that all stakeholders at station level must form part of the firearm destruction. Additionally, the officer responsible and the commander must sign a declaration to confirm that the firearm is indeed destroyed.

V. CONCLUSION

In conclusion, this study documented several challenges encountered in the evaluation of the implementation of the Firearms Control Act 60 of 2000. This study discovered that SAPS participants are knowledgeable on the Act in relation to their responsibilities. Some of the challenges could be addressed if the role players could have a similar understanding on the importance of rightfully implementing this Act. Gauteng province experiences high levels of firearm related incidents and people are attacked unnecessarily. All the efforts by the portfolio committee to provide direction on how this Act should be carried about is failing to yield the intended results. The study also confirmed that stakeholders are not working together to implement this Act.

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