



Spurious refusals by the CFR

By Damian Enslin

Recently there have been a number of spurious rejections by the Central Firearm Registry (CFR), what I call 'machine gun' refusals.

Firstly, a client's alleged application for a 'machine gun' was refused late last year. I deemed this to be a once-off error by the CFR, as the client had applied for a semi-automatic rifle. We appealed successfully, and I thought nothing further of it.

However, since early February, we have seen a number of such 'machine gun' refusals for other types of firearms, and lately mainly for semi-automatic pistols. I quote the full reason, which appears to be a cut-and-paste scenario, as each refusal letter is virtually identical: 'Standard Reason (1): REFUSED – POSSESSION OF MACHINE GUNS PROHIBITED SEC 32(1)'.

SEMI-AUTOMATIC PISTOLS

Clearly the applicants did not apply for 'machine guns'. They applied mainly for semi-automatic pistols. I am unsure what Sec 32(1) of the Firearms Control Act (FCA) has to do with the reason provided, as this concerns dealers' licences. While the FCA makes no reference to 'machine guns', it does refer to prohibited firearms or fully automatic firearms.

In my view, such spurious refusal letters
are unlawful or illegal.

I wrote to Brigadier Bopape in February and March, pointing out these spurious refusal letters to him, but unfortunately Brigadier Bopape either does not understand the problem, or that there is a problem at all. In my view, such spurious refusal letters are unlawful or illegal, as the reason(s) advanced have no factual bearing on the applicant's application.

NO MOTIVATION SUBMITTED

Now there is also a spate of refusals stating that 'no motivation was submitted', or 'lack of motivation', where again, clearly, the applicant had supplied more than sufficient motivation, comprising five to ten pages of motivation, in addition to 20 to 30 pages of supporting documents. Although applicants refused for spurious or no factual reasons are faced with the dilemma of appealing or simply resubmitting, the problem with not appealing, in my view, is that the CFR and the decisionmakers are then getting away with these spurious refusals.

However, if you appeal, this should hopefully galvanise the Appeal Board into action, and address Brigadier Bopape and the CFR on this issue, that it cannot just refuse applications on spurious or no legal grounds, or for unlawful reasons.

Appeal instead of just merely resubmitting
your application.

DETAILED STATEMENT

Therefore I recommend that, if you receive such a spurious refusal, appeal instead of just merely resubmitting your application, as this will not rectify the main problem whatsoever. If you are going to appeal yourself, make sure you compile a fairly detailed statement, set out the facts and circumstances of your original application, and list the grounds of your appeal. When drafting your statement, indicate to the Appeal Board the most important points and reasons of your appeal. Refer to the motivational letter you submitted, as well as supporting documents, pointing out clearly that the reasons advanced by the CFR and the decisionmaker are incorrect. Mention why the decision is wrong, or missed factual facts, or give evidence or that the reasons advanced were completely incorrect.

SECTION 16 COMPLIANCE

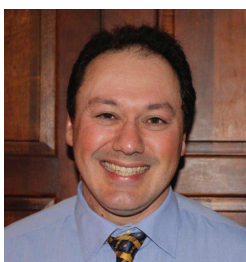
If you are a dedicated sports shooter/hunter, indicate your compliance with all of the requirements of Section 16. When you have completed your statement, initial each page, and sign and date it at the end. Do not forget to sign the SAPS 530 appeal form as well, as the Appeal Board will not capture your appeal if that form has not been signed or completed correctly. I suggest you email the appeal form as well as having one hand-delivered by courier, together with a tracking number, as registered post sometimes does take a long time.

If you are a member of a sports shooting or firearm lobby group, do advise your organisation accordingly, especially where there are spurious reasons, and send a copy of the same to your organisation, which can take this up with Brigadier Bopape of the CFR and Major General Bothma.

Firearm Appeal Board

Postal Address: Chairman of the Appeals Board, Private Bag X811 Pretoria, 0001

Physical Address: Chairman of the Appeals Board, Ground Floor, Veritas Building, Volkstem Avenue, Pretoria, 0001
Fax: 012 353 6041, Email: cfr-appealboard@saps.gov.za



Damian Enslin

Attorney, Notary and Conveyancer
MICHAEL MATTHEWS AND ASSOCIATES

Tel: +27 (0) 21 702-3070

Fax: +27 (0) 21 702-3080

email: damian@legalonline.co.za

website: www.michaelmatthewssa.com

Legal disclaimer

The views and opinions are of the author's alone and are not those of *Gun Africa*, its editorial or its clients, customers or suppliers. Any legal opinion or advice given herein are the author's alone and are as a result of his personal experience and are not to be considered proper legal advice as each particular person's situation must be taken on its own merits. This article is a guide only, and no reliance should therefore be placed upon this article without seeking proper legal advice.