

Firearms Briefing: Firearm licence renewal in South Africa: the growing crisis of non-compliance

Executive summary

South Africa's Firearms Control Act (2000) requires that all gun owners hold a valid firearm licence, which must be regularly renewed. Under the FCA it is a criminal offence carrying a maximum sentence of 15 years' imprisonment to possess a firearm without a valid licence.

After years of legal challenges, South Africa's highest courts have repeatedly upheld the constitutionality of firearm licence renewals.

However, following a 2022 Constitutional Court ruling confirming ownership of a firearm when the licence has expired, firearm relicensing applications have collapsed, dropping by 74% from 213,631 in 2021/22 to just 55,936 in 2024/25. While some of this reflects owners correctly applying for new licences as expired licences cannot be renewed under a 2020 Supreme Court of Appeal ruling – the data point to a significant and growing proportion of gun owners who are simply not engaging with the system at all.

The result is a rapidly expanding pool of illegally held firearms outside any legal controls, posing a serious and growing threat to public safety that demands urgent action from government.

1. What the law says about firearm licensing and renewal

After four years of being phased in, the Firearms Control Act, No. 60 of 2000 (FCA) came into full effect on 1 July 2004. It replaced the apartheid-era Arms and Ammunition Act (1969), which had no system of regular licence renewal – gun licences simply lasted for life. The FCA introduced a totally different approach: regulated, time-limited licensing.

The core principle: no valid licence means illegal possession

Section 3(1)(a) of the FCA is unambiguous: "No person may possess a firearm unless he or she holds for that firearm a licence, permit or authorisation issued in terms of this Act." Possession of a firearm without a valid licence is a criminal offence. The penalty is a maximum of 15 years' imprisonment.

Licence validity periods

Section 27 of the FCA sets out the validity periods for different categories of licence. For example, a licence to possess a firearm for self-defence is valid for five years. A dedicated hunter's or sports person's licence is valid for ten years. All licences are time-limited; none are issued for life.

The renewal obligation: section 24

Section 24(1) places a clear obligation on the holder of a firearm licence to apply for renewal at least 90 days before the licence expires. The section is silent, however, on what happens if a renewal application is submitted after this 90-day deadline but before the licence has actually



expired – a gap in the legislation that needs to be addressed. What happens after the expiry date is, however, addressed clearly by section 28.

Termination of a licence: section 28

Section 28 deals with what happens when a licence expires or is cancelled:

- Under subsection 1(a), a licence terminates when the validity period has expired – unless it has been renewed.
- Once terminated, a firearm licence cannot be renewed as it no longer exists in law. This was explicitly confirmed by the Supreme Court of Appeal (SCA) in July 2020, which ruled that an expired licence "comes to an end by the operation of law; it is no longer valid and thus cannot be extended."¹ A gun owner with an expired licence must therefore apply for a new licence under the FCA.
- A gun owner whose licence has terminated is, at that point, in unlawful possession of a firearm.
- Subsection 2(b) gives the Registrar (the National Police Commissioner) the right to cancel a licence if the holder has contravened or failed to comply with the Act.
- Subsections 4 and 5 require that when a licence is cancelled or terminated, the firearm must be disposed of through a licensed dealer within 60 days – or else be forfeited to the state.

2. Renewal in practice

As illustrated in the graph and table below, a longitudinal view of firearm licence renewal applications reveals some significant spikes and dips, as gun owners respond to changes in enforcement and legal challenges.

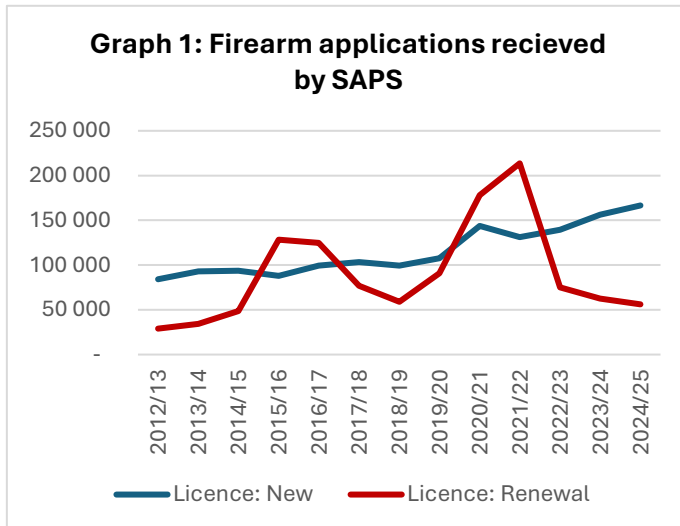
Renewal applications rose steadily from 28,975 in 2012/13 to a peak of 128,419 in 2015/16 – coinciding with a national instruction issued by SAPS on 3 February 2016 aimed at standardising firearm licence renewals, which had been unevenly enforced across the country.² Paragraph 8 of the instruction reads as follows: "In the case where a person want to renew or apply for a licence, but the validity of the licence has already expired, the person must be informed that he/she is not anymore in lawful possession of the firearm and the firearm must be surrendered to the nearest police station." In the four years before the directive, an average of approximately 40,000 renewal applications were submitted annually; in 2015/16 and 2016/17, the average jumped to 126,613 per year.³ The lesson is straightforward: when SAPS issued clear, consistent instructions and enforced them, compliance followed.

¹ National Commissioner of Police and Another v Gun Owners of South Africa (561/2019) (Supreme Court of Appeal, 23 July 2020). www.saflii.org/za/cases/ZASCA/2020/88.html (accessed 10 April 2026), p. 22.

² South African Police Service. 2016. Renewal of Firearm Licences in Terms of Section 24 of the Firearms Control Act (No. 60 of 2000). National instruction issued by Acting National Police Commissioner Khomotso Phahlane, 3 February. www.saga.org.za/cm4all/iproc.php/SAPS%20Instruction%203Feb2016.pdf (accessed 10 April 2026).

³ South African Police Service Annual Reports.





However, the 2016 directive sparked a series of court challenges (summarised in Appendix 1, page 10 below). The associated legal uncertainty, compounded by disinformation from gun lobby groups (see Box 1 on page 4 below), saw renewal applications decline sharply – falling to a low of 58,856 in 2018/19 – before recovering following the Supreme Court of Appeal's 2020 ruling confirming the constitutionality of the renewal system and clarifying that expired licences cannot be renewed.⁴

Against the backdrop of two six-month amnesties – including the 1 August 2020 to 31 January 2021 amnesty held in response to the SCA ruling, which allowed firearm owners with expired licences to hand them into the police while they applied for a new licence – applications climbed steadily, peaking at 213,631 in 2021/22.

That recovery has since reversed dramatically, falling 74% from 213,631 in 2021/22 to just 55,936 in 2024/25. This decline follows a 2022 Constitutional Court (ConCourt) ruling in a property rights case involving Fidelity Security Services, which had allowed licences for some 700 of its firearms to lapse. The Court confirmed that a firearm remains the property of its owner even if the licence has expired, and ruled that Fidelity – and any other gun owner in the same position – may apply for a new licence for a firearm for which the licence has expired.⁵

The seriousness of the decline in relicensing applications in recent years is underscored by two further observations. First, new licence applications have risen steadily, from 84,127 in 2012/13 to 166,603 in 2024/25. While some of this increase reflects gun owners with expired licences following the correct legal process – applying for a new licence rather than a renewal – the total number of licensed firearms increased by 161,669 between 2016 and 2022,⁶ confirming that a share of new applications represents genuinely new gun owners entering the system. Second, the surge in new licences issued from 2016 onwards means a growing number of those licences were due for renewal from approximately 2021 – exactly when renewals began to collapse. The balance of evidence therefore points to a significant and growing proportion of gun owners who are simply not engaging with the system while being in possession of an unlicensed firearm.⁷

⁴ National Commissioner of Police and Another v Gun Owners of South Africa (561/2019) (Supreme Court of Appeal, 23 July 2020). www.saflii.org/za/cases/ZASCA/2020/88.html (accessed 10 April 2026).

⁵ Minister of Police and Others v Fidelity Security Services (Pty) Limited (ZACC 16) (Constitutional Court, 27 May 2022). <https://www.saflii.org/za/cases/ZACC/2022/16.html> (accessed 10 April 2026).

⁶ Central Firearms Registry. 2023. Current number of registered firearms and owners in South Africa. Promotion of Access to Information Act response, 6 December, published in GFSA. 2024. How many guns are in SA? Record-keeping is a crime-fighting tool, not an administrative task. Firearms Briefing 1, 6 September. <https://gfsa.org.za/download/briefing-1-of-2024-record-keeping-is-a-crime-fighting-tool/?wpdmdl=4774&refresh=66d9d21555cf11725551125>

⁷ Taking 2021/22 as a post-SCA baseline, new licence applications rose by 35,356 between 2021/22 and 2024/25, while renewal applications fell by 157,695 over the same period. Even assuming every additional new application above the 2021/22 level represents an expired-licence holder re-applying, this absorbs at most 22% of the renewal decline – leaving roughly 122,000 applications per year unaccounted for by licence-switchers alone.



Financial year	Licence: New		Licence: Renewal	
2012/13	84 127	–	28 975	–
2013/14	92 800	+8,673 (+10.3%)	34 449	+5,474 (+18.9%)
2014/15	93 732	+932 (+1.0%)	48 724	+14,275 (+41.4%)
			Increase likely reflects a natural renewal wave as licences issued during the FCA's Transitional Provisions period (2004–2009) came up for renewal	
2015/16	87 977	–5,755 (–6.1%)	128 419	+79,695 (+163.6%)
			164% increase attributable to the February 2016 SAPS directive standardising and enforcing the renewal process nationally	
2016/17	99 282	+11,305 (+12.8%)	124 807	–3,612 (–2.8%)
2017/18	103 205	+3,923 (+4.0%)	76 995	–47,812 (–38.3%)
2018/19	99 236	–3,969 (–3.8%)	58 856	–18,139 (–23.6%)
			Declines in 2017/18 and 2018/19 are consistent with legal uncertainty created by Judge Tolmay's 2017 ruling that sections 24 and 28 were unconstitutional, Judge Prinsloo's 2018 interdict halting relicensing enforcement, and disinformation spread by gun lobby groups – see Appendix 1 below for more detail	
2019/20	107 631	+8,395 (+8.5%)	90 880	+32,024 (+54.4%)
2020/21	143 803	+36,172 (+33.6%)	178 231	+87,351 (+96.1%)
			150% increase over two years follows the 2020 Supreme Court of Appeal's ruling restoring legal clarity, with gun owners who had deferred renewals during the period of uncertainty re-engaging with the system	
2021/22	131 247	–12,556 (–8.7%)	213 631	+35,400 (+19.9%)
2022/23	139 451	+8,204 (+6.3%)	75 008	–138,623 (–64.9%)
			65% decline coincides with the May 2022 ConCourt ruling on property rights and disinformation	
2023/24	156 386	+16,935 (+12.1%)	62 600	–12,408 (–16.5%)
2024/25	166 603	+10,217 (+6.5%)	55 936	–6,664 (–10.6%)

The role of misinformation

Organisations such as Gun Owners South Africa (GOSA) and AfriForum have actively – and in some cases deliberately – misled gun owners about their legal obligations. GOSA's 'Renewal Rescue Pack', which encouraged gun owners not to renew their licences, was promoted during the period in which GOSA pursued litigation to challenge the renewal system – litigation that ultimately failed when the Supreme Court of Appeal set aside GOSA's interim

⁸ South African Police Service Annual Reports.



interdict in July 2020.⁹ AfriForum’s commentary on the 2022 ConCourt ruling has likely encouraged a misreading of the law. Its framing – that gun owners retain property rights regardless of licence status – has been widely understood to mean that possession of an unlicensed firearm is acceptable.¹⁰ GFSA’s own social media accounts show that some gun owners believe an expired licence does not affect the legality of possession.¹¹ This misinformation and misunderstanding is having direct, measurable consequences on public safety by contributing to a growing pool of unlicensed firearms that, by their very nature, are beyond legal controls.

3. Why regular licence renewal matters

Renewal is not merely administrative. It is a cornerstone of effective firearms control. A system of regular renewal serves four distinct purposes, ensuring that the firearm owner:

1. Remains fit and proper to possess a firearm. This means confirming that there has been no material change in the person's circumstances – for example, that they have not developed a dependency on alcohol or other substances, have not been diagnosed with or are not experiencing a mental health condition that may affect their judgement or behaviour, have not been involved in violent incidents, and have not been convicted of any disqualifying offence.
2. Remains competent – that is, that they are knowledgeable of the law and any changes to it, and are able to safely handle their firearm.
3. Continues to have a genuine need for a firearm. Circumstances change over time: the specific threat or occupational need that originally justified ownership may no longer exist, and the nature or level of risk may have changed materially. Periodic renewal gives the state the opportunity to reassess whether the original motivation remains valid.
4. Continues to have their firearm in their possession.

Most countries require gun owners to renew their firearm licences regularly. A comparative study of firearm laws across 42 countries found that only Finland grants licences for an indefinite period – and even then, licences issued for employment purposes must be renewed every five years. In all other jurisdictions surveyed, licences last between one and ten years and must be renewed.¹²

⁹ GFSA. 2020. Implications of SCA judgement upholding SA's firearm licence renewal system. Firearms Briefing 2, 7 October. <https://gfsa.org.za/2020/10/07/briefing-2-of-2020-implications-of-supreme-court-of-appeal-judgement-upholding-firearm-licence-renewals/>

¹⁰ Venter, Zelda. 2022. Constitutional Court finds in favour of gun owners who failed to renew firearm licences before expiration. IOL, 27 May. <https://iol.co.za/pretoria-news/news/2022-05-27-constitutional-court-finds-in-favour-of-gun-owners-who-failed-to-renew-firearm-licences-before-expiration/> (accessed 10 April 2026).

¹¹ Posts from GFSA's social media accounts in July 2025 include the following public posts: Mark Golden: The court determined that a gun owner can re-apply for his expired gun license, it remains his property. Pierre Roets: And you could keep your firearm if the licence expired and you re applied. Suleiman Ebrahim: An expired license does not affect the legality of its ownership or possession. The law allows the license holder to simply apply for a new license. Wessel Meiring: As a SAPS officer told me at Huntex, a firearm with an expired license is still a legally licensed firearm, just with an expired license.

¹² Parker, Sarah. 2011. Balancing Act: Regulation of Civilian Firearm Possession. Chapter 9 States of Security. Geneva: Small Arms Survey.



4. Implications of failing to renew: a growing crisis

The scale of illegal gun possession

Every gun for which a licence has not been renewed is, by law, in illegal possession. In 2018 an estimated 450,000 gun owners had failed to renew their licences.¹³ By the time of the SCA ruling, this number had very likely grown, given the two-year period between the ConCourt and SCA judgements, as well as active encouragement of gun owners not to renew their licences – see Box 1 above. Despite this, a six-month amnesty held in response to the SCA judgement, under which owners of expired-licence firearms could either surrender them for destruction or hand them in while applying for a new licence, yielded just 80,263 firearms – less than 20% of the estimated total.

Since then, relicensing numbers have continued to fall sharply. The pool of unaccounted-for firearms – legally owned but now illegally possessed – is steadily growing.

This is compounded by a separate but related problem: the Western Cape Provincial Police Commissioner has stated that just 7,000 of approximately 36,000 estate firearms in the Western Cape alone have been tracked.¹⁴ Estate firearms – those belonging to deceased persons – represent another significant source of firearms that are illegally possessed and unaccounted for.

A further addition are gun owners who still hold 'green licences' issued under the apartheid-era Arms and Ammunition Act (1969), who, following a 2009 interdict stopping the full implementation of the FCA, remain outside the FCA's requirements (see page 10 below for more detail).¹⁵ Estimates of the number of gun owners in this position range from hundreds of thousands to as many as 2 million. These firearms are unlicensed under the FCA and their owners have never been assessed for fitness to possess a firearm under the current law. In 2025, the Minister of Police filed papers to discharge the 2009 interim order, which GFSA welcomes – but until that order is set aside and these owners are brought under the FCA, this represents a further significant pool of firearms outside South Africa's current gun law.

Taken together – expired FCA licences, untracked estate firearms, and green licence holders outside the FCA – South Africa is facing a serious and growing crisis of non-compliance that poses a direct threat to public safety.

The public safety threat

In its July 2020 judgement, the Supreme Court of Appeal explicitly warned that illegally held firearms pose "a real risk" of being stolen or lost and ending up in the hands of criminals¹⁶ – a risk borne out by the fact that civilians reported an average of over 8,000 firearms lost or stolen

¹³ Gun Owners of South Africa v National Commissioner of Police and Minister of Police (46684/18) (North Gauteng High Court, 27 July 2018) (Prinsloo J) (interim order, page 10).

¹⁴ Ludidi, Velani. 2026. Over 7 000 inherited firearms traced in Western Cape as cops tackle guns of dead owners. News24, 5 March. <https://www.news24.com/southafrica/crime-and-courts/over-7-000-inherited-firearms-traced-in-western-cape-as-cops-tackle-guns-of-dead-owners-20260305-1006> (accessed 10 April 2026).

¹⁵ SA Hunters and Game Conservation Association v Minister of Safety and Security (33656/09) (North Gauteng High Court, 26 June 2009) (Prinsloo J) (interim order).

¹⁶ National Commissioner of Police and Another v Gun Owners of South Africa (561/2019) (Supreme Court of Appeal, 23 July 2020), paragraph 16, p. 12. www.saflii.org/za/cases/ZASCA/2020/88.html (accessed 10 April 2026).



each year between 2022/23 and 2024/25.¹⁷ It further cautioned that suspending the renewal and termination provisions of the Firearms Control Act would leave lethal weapons with people who may no longer be competent or capable of handling them safely, endangering their own lives and the lives of others.¹⁸ South Africa's crime statistics make clear why this matters:

- Firearms are the weapon most used to commit violent crime, including murder and attempted murder, in South Africa – with an average of 30 people shot dead and 43 people shot but surviving each day.¹⁹
- More people are shot dead than die on our roads in the Eastern Cape, Gauteng, KwaZulu-Natal and Western Cape.²⁰
- Gunshots are the leading cause of spinal cord injuries in the Western Cape.²¹

5. Enforcement drives compliance – but the law must be clear

The 2016 SAPS directive demonstrated that relicensing works when it is enforced consistently – renewal applications more than tripled in its wake. The current crisis is the product of prolonged legal uncertainty, compounded by active misinformation from gun lobby groups, and a failure of enforcement.

The evidence is plain: when gun owners receive clear, consistent messaging from SAPS – backed by meaningful consequences for non-compliance – they respond. The inverse is equally true: with uncertainty fed by poor enforcement and misinformation, compliance collapses.

Restoring compliance therefore requires two things: clarity on the legal position, and enforcement that reflects it. The 2022 Constitutional Court ruling acknowledged in paragraph 46 of its judgement that while surrendering a firearm with an expired licence to the police while applying for a new licence "might be the only way in which a law-abiding owner could avoid committing an offence," the FCA imposes no express obligation to do this.²² While the SAPS directive issued in response to the ruling has opted to not criminalise firearm owners in illegal possession who are acting to rectify this, even allowing them to retain possession of their firearms throughout the application process,²³ it is clear there is significant uncertainty by gun owners as to what their responsibility regarding licensing, as well as the consequences of non-compliance.

This is not a minor procedural oversight. It means that an unknown and growing number of firearms are currently in unlawful possession with no mechanism to remove them from

¹⁷ South African Police Service Annual Reports.

¹⁸ National Commissioner of Police and Another v Gun Owners of South Africa (561/2019) (Supreme Court of Appeal, 23 July 2020), paragraph 49, p. 26. www.saflii.org/za/cases/ZASCA/2020/88.html (accessed 10 April 2026).

¹⁹ South African Police Service. Quarterly Crime Statistics presentations. https://www.saps.gov.za/services/older_crimestats.php

²⁰ Roomaney, R.; et al. 2023. The third Injury Mortality Survey: A national study of injury mortality levels and causes in South Africa in 2020/21. Cape Town: South African Medical Research Council.

²¹ Joseph, C.; et al. 2015. Incidence and aetiology of traumatic spinal cord injury in Cape Town, South Africa: a prospective, population-based study. *Spinal Cord*, Vol. 53, pp. 692-696.

²² Minister of Police and Others v Fidelity Security Services (Pty) Limited (ZACC 16) (Constitutional Court, 27 May 2022). <https://www.saflii.org/za/cases/ZACC/2022/16.html> (accessed 10 April 2026).

²³ South African Police Service. 2022. Guidelines and Directive for Processing of Expired Firearm Licence, Competency Certificate, Temporary Authorisation and Permits. Issued by Divisional Commissioner: Visible Policing and Operations, Lieutenant General MM Motlhalo, 1 July.



circulation. Proposed amendments to the Firearms Control Amendment Bill must urgently address this gap.

6. Recommendations

GfSA has developed this briefing to alert SAPS, the Police Ministry, the Civilian Secretariat for Police and Parliament's Portfolio Committee on Police to the growing crisis of unlicensed firearms resulting from collapsed firearm licensing compliance, prolonged legal uncertainty, and the failure of SAPS to enforce the renewal and termination provisions of the Firearms Control Act – so that urgent action can be undertaken to bring these firearms back within the legal framework of South Africa's gun law. We make the following recommendations:

1. Issue urgent public communication to clarify the law

Issue a clear, public statement confirming that the 2022 Constitutional Court ruling on property rights does not exempt gun owners from the requirement to hold a valid firearm licence under section 3(1)(a) of the FCA. The statement must clarify what the process is to comply with the law, and consequences for non-compliance. This should be communicated directly to firearm owners through all available channels.

2. Develop a coordinated compliance strategy

Develop and implement a coordinated national strategy to identify gun owners in illegal possession due to licence non-renewal, contact them directly, and give them a defined period to comply before enforcement action is taken, including applying section 28(2)(b) of the FCA under which the Registrar can cancel a licence if the holder fails to comply with the Act.

3. Clarify renewal process in law

The proposed amendments to the FCA must recognise that renewal is not an administrative task but a core crime-fighting tool, and must ensure that the four distinct purposes of renewal are met. Specifically, the Act must: clarify the distinction between owning, possessing and using a firearm; include explicit provision for the removal of a firearm that a person owns but whose licence has expired; close the gap in section 24(1) by specifying what happens when a renewal application is submitted after the 90-day deadline but before the licence has actually expired; and address the absence of any express obligation on gun owners in illegal possession to surrender their firearm while applying for a new licence – a gap explicitly acknowledged by the Constitutional Court in paragraph 46 of its 2022 judgement.

4. Declare a national firearms amnesty

Given the scale of non-compliance, a national firearms amnesty must be considered, allowing gun owners to surrender illegally held firearms or apply for new licences – with clear timelines and communication to maximise uptake. Any firearms surrendered must be destroyed, and we call for this to be done in front of the person surrendering the firearm to build public trust that firearms handed in are not leaked back into communities.



Conclusion

Firearm licensing and renewal are a core feature of South Africa's Firearms Control Act, which has been tested in the highest courts in the land and found to be constitutional, rational and proportionate.

The law is clear. Gun ownership is not a right – it is a privilege. That privilege comes with obligations, and the most fundamental of these is to hold a valid licence. A gun owner who has not renewed their licence is in unlawful possession of a firearm.

The collapse in relicensing applications since 2022 is one part of a broader and deeply concerning crisis of non-compliance. Unrenewed FCA licences, untracked estate firearms, and up to 2 million green licence holders who have never been brought under the FCA represent a growing pool of firearms outside South Africa's current gun law. The state cannot afford to allow this pool to expand further.

"There is a real risk that some or many [firearms for which licences have expired], which are now illegally in the possession of their owners, may be stolen or lost and end up in the hands of criminals who may injure or kill others."

Supreme Court of Appeal, 23 July 2020



Appendix: The history of firearm licence renewal in South Africa

South Africa's firearm licence renewal system has been marked by sustained resistance from gun lobby groups, including repeated litigation, and inconsistent implementation by SAPS. The timeline below sets out the key developments.

Year	Development
Pre-2000	No renewal system. Gun licences issued under the Arms and Ammunition Act (1969) lasted for life.
2000	Firearms Control Act (No. 60 of 2000) enacted. Sections 24 and 28 introduce regular renewal for the first time.
1 July 2004	FCA comes into full effect. Transitional Provisions begin, aimed at bringing owners of 'green licence' firearms (that is, gun owners licensed under the 1969 Arms and Ammunition Act) under the new Act over five years.
30 June 2009	As the Transitional Provisions are coming to an end, Judge Prinsloo of the North Gauteng High Court grants an interim order to the SA Hunters and Game Conservation Association (SAHGCA), exempting 'green licences' from the FCA, pending final determination of SAHGCA's constitutional challenge. ²⁴ Seventeen years later, this order remains in place. Estimates of gun owners still holding 'green licences' – and who have never been required to meet the FCA's stricter standards, including renewal requirements – range from hundreds of thousands to over 2 million, representing a significant pool of firearms outside the reach of current gun law. In 2025, the Minister of Police filed papers to discharge the order – a step GFSa welcomes.
3 Feb 2016	SAPS issues an instruction to standardise firearm licence renewals, which had been unevenly enforced across the country, as some stations accepted expired licences while others did not. ²⁵ Following this directive, firearm relicensing applications increased by 164%, from 48,724 applications in 2014/15 to 128,419 in 2015/16. ²⁶
16 March 2016	SAHGCA launches a constitutional challenge to sections 24 and 28 of the FCA in the North Gauteng High Court. ²⁷ GFSa is admitted as amicus curiae (friend of the court).
4 July 2017	Judge Tolmay of the North Gauteng High Court rules sections 24 and 28 unconstitutional, giving Parliament 18 months to amend the Act. ²⁸ The case is referred to the Constitutional Court. GFSa is again admitted as amicus curiae.
7 June 2018	Constitutional Court upholds the constitutionality of renewals, ruling that: ²⁹

²⁴ SA Hunters and Game Conservation Association v Minister of Safety and Security (33656/09) (North Gauteng High Court, 26 June 2009) (Prinsloo J) (interim order).

²⁵ South African Police Service. 2016. Renewal of Firearm Licences in Terms of Section 24 of the Firearms Control Act (No. 60 of 2000). National instruction issued by Acting National Police Commissioner Khomotso Phahlane, 3 February. www.saga.org.za/cm4all/iproc.php/SAPS%20Instruction%203Feb2016.pdf (accessed 10 April 2026).

²⁶ South African Police Service Annual Reports.

²⁷ SA Hunters and Game Conservation Association v Minister of Safety and Security (21177/16) (North Gauteng High Court, 16 March 2016) (application).

²⁸ SA Hunters and Game Conservation Association v Minister of Safety and Security (21177/16) (North Gauteng High Court, 4 July 2017) (Tolmay J).

²⁹ Minister of Safety and Security v SA Hunters and Game Conservation Association (CCT 177/17) (Constitutional Court, 7 June 2018). www.saflii.org/za/cases/ZACC/2018/14.pdf (accessed 10 April 2026).



	<ol style="list-style-type: none"> 1. Sections 24 and 28 are not vague or irrational. The FCA "cannot be clearer" in identifying the steps a gun owner must take after failing to renew a licence. 2. They do not breach the right of equality. 3. They do not violate property rights under section 25 of the Constitution: "relinquishing some incidents of ownership in potentially life-threatening firearms is not too great a price to pay for one of the purposes of the Act, enhancing the constitutional rights to life and bodily integrity." 4. Gun ownership "is not a fundamental right under the Bill of Rights. It is a privilege regulated by law under the Firearms Control Act."
27 July 2018	Judge Prinsloo of the North Gauteng High Court grants an urgent interim interdict to Gun Owners South Africa (GOSA), halting SAPS from acting on the ConCourt ruling. ³⁰ This effectively disables the renewal and termination system. The case is referred to the Supreme Court of Appeal. GOSA is admitted as amicus curiae for a third time.
23 July 2020	Supreme Court of Appeal (SCA) sets aside Prinsloo's 2018 interim interdict. In a scathing judgement of Prinsloo and GOSA (including a cost order) it upholds the validity of the FCA's renewal system. ³¹ Critically, the SCA rules that an expired firearm licence "comes to an end by the operation of law; it is no longer valid and thus cannot be extended." ³² This means that a gun owner whose licence has expired cannot renew it – they must apply for a new licence. The SCA also explicitly warns that illegally held firearms pose "a real risk" of being stolen or lost and ending up in the hands of criminals. ³³
1 Aug 2020 – 31 Jan 2021	Following an initial six-month amnesty (1 December 2019 to 31 May 2020), the Minister of Police declares a second amnesty (1 August 2020 to 31 January 2021) following the SCA ruling to allow owners of illegally held firearms to surrender them or apply for new licences. ³⁴ By the end of the amnesty, 80,263 firearms had been handed in, of which 70,425 were unlawful ³⁵ – only about 16% of the estimated 450,000+ firearms reported to be in unlawful possession because of licence expiry. ³⁶
27 May 2022	Constitutional Court hands down a ruling in a property rights case that arose from a practical licensing problem faced by Fidelity Security Services. ³⁷ Fidelity had allowed licences for some 700 of its firearms to lapse and, when it sought to renew them, SAPS refused – on the legally correct basis that an expired licence terminates by operation of law and

³⁰ Gun Owners of South Africa v National Commissioner of Police and Minister of Police (46684/18) (North Gauteng High Court, 27 July 2018) (Prinsloo J) (interim order).

³¹ National Commissioner of Police and Another v Gun Owners of South Africa (561/2019) (Supreme Court of Appeal, 23 July 2020). www.saflii.org/za/cases/ZASCA/2020/88.html (accessed 10 April 2026).

³² Ibid, p. 22.

³³ Ibid, p. 12.

³⁴ Republic of South Africa. 2020. Declaration of an Amnesty in Terms of Section 139 of the Firearms Control Act (No. 60 of 2000). Government Gazette, Vol. 661, No. 43576, 31 July.

³⁵ South African Police Service. 2021. Firearms Amnesty Report: Briefing to the Portfolio Committee on Police, 16 February. [https://pmg.org.za/files/210216Presentation to PCOP. Firearm Amnesty. 16 Feb 2021.pdf](https://pmg.org.za/files/210216Presentation%20to%20PCOP.%20Firearm%20Amnesty.%2016%20Feb%202021.pdf) (accessed 23 June 2025).

³⁶ Gun Owners of South Africa v National Commissioner of Police and Minister of Police (46684/18) (North Gauteng High Court, 27 July 2018) (Prinsloo J) (interim order, page 10).

³⁷ Minister of Police and Others v Fidelity Security Services (Pty) Limited (ZACC 16) (Constitutional Court, 27 May 2022). <https://www.saflii.org/za/cases/ZACC/2022/16.html> (accessed 10 April 2026).



	<p>cannot be renewed. Fidelity's only options at that point were to have the firearms destroyed or to challenge the refusal in court. Having lost in the North Gauteng High Court, Fidelity succeeded in the Supreme Court of Appeal, and the Minister of Police took the matter to the Constitutional Court. The Court upheld the SCA's finding, ruling that a firearm remains the property of its owner even if the licence has expired – and confirming that a gun owner with an expired licence can apply for a new licence and, if successful, reclaim the firearm. However, the ruling does not remove the obligation to hold a valid licence.</p> <p>This ruling was immediately seized upon by AfriForum and others to argue that it confirmed "the property rights gun owners possess in respect of their firearms as envisaged in section 25 of the Constitution, irrespective of their licensing status."³⁸</p>
1 July 2022	<p>SAPS issues an instruction in response to the 27 May ConCourt ruling.³⁹ The foundation for SAPS' <i>Guidelines and directive for processing of expired licences</i> is "not to criminalise", and thus to "not prosecute holders of firearms whose licences expired and wish to rectify the position." To this end, firearm owners can apply for a new firearm licence, and keep their firearms in their possession, while this process is underway.</p>
2022 - 2025	<p>Firearm relicensing applications collapse, falling 74% from 213,631 in 2021/22 to 55,936 in 2024/25 despite a steady increase in new firearm purchases, which would be eligible for relicensing in this time.⁴⁰</p>

³⁸ Venter, Zelda. 2022. Constitutional Court finds in favour of gun owners who failed to renew firearm licences before expiration. IOL, 27 May. <https://iol.co.za/pretoria-news/news/2022-05-27-constitutional-court-finds-in-favour-of-gun-owners-who-failed-to-renew-firearm-licences-before-expiration/> (accessed 10 April 2026).

³⁹ South African Police Service. 2022. Minister of Police and Others v Fidelity Security Services. National instruction issued by Divisional Commissioner: Visible Policing and Operations Lt General MM Motlhalo, 1 July.

⁴⁰ South African Police Service Annual Reports.

