

# FIREARMS IN THE ESTATES OF DECEASED PERSONS:

## FIREARMS CONTROL ACT, 2000 (ACT NO 60 OF 2000)

### 1. Introduction

In the case of the death of the holder of a firearm licence, the firearm in question must be disposed of as prescribed in the Firearms Control Act, 2000 (Act No 60 of 2000), ('the Act') and the Firearms Control Regulations, 2004 ('the Regulations'). Specific requirements are imposed on a person who, under any appointment, letter of executorship, letter of administration or letter of curatorship from the High Court or the Master of the High Court, acts as executor, administrator, trustee or curator of the estate of a person who possessed a firearm and/or ammunition.

### 2. Safe storage of firearms and ammunition

A person who has been appointed as executor, administrator, trustee or curator of the estate of a deceased person who possessed a firearm or ammunition, must take steps to ensure the safe custody of the firearm and ammunition and store the firearm and ammunition in a storage facility as prescribed in the Regulations.

If an heir of a deceased person's estate is a holder of a licence, authorisation or a permit issued in terms of the Act, that heir may provide for the safe custody of the firearm and ammunition, on condition that –

- » the executor does not have the required storage facilities
- » the executor issues a letter of consent to the heir for the safe keeping of the firearm, stating the details of the licence of the deceased and the make, type and calibre of the firearm, as well as the manufacturer's serial number or additional identification mark that is reflected on the firearm
- » a copy of the letter of consent is filed with the relevant Designated Firearms Officer for the area where the heir resides.

Firearms may only be stored and not used until the appropriate licence, authorization or permit has been obtained.

Prior to issuing a letter of Executorship by the Master, the executor nominated in the will of a deceased person who was the holder of a firearm licence, permit or authorization, may apply for temporary authorisation to possess the firearm of the deceased, to be issued in terms of section 21 of the Act. The heir, next of kin or close relative of the deceased, may similarly apply in instances where no executor was nominated in the deceased's will. Once the executor, administrator, trustee or curator has been properly appointed, that person may possess the firearms in the deceased's estate by virtue of such appointment.

### 3. Responsibilities of the executor, administrator, trustee or curator

Immediately after being appointed, the executor, administrator, trustee or curator of an estate must -

- » compile an inventory of all the firearms, ammunition and firearm parts of the deceased holder of a licence, permit or authorization, which must clearly indicate the -
  - make, type and calibre of the firearm
  - the manufacturer's serial number or additional identification marks indicated on the firearm
  - the quantity, calibre and make of ammunition
  - the details of the firearm parts.
- » within 14 days of receipt of the letter of appointment, deliver a letter, document or send a facsimile (notification) to the Central Firearms Register, which must contain the following details:
  - The full name, identity number and address of the deceased, who is the holder of the licence, permit or authorisation
  - The address where the firearms and ammunition are stored
  - A copy of the inventory of the firearms and ammunition
  - A copy of the letter of appointment as executor, administrator, trustee or curator
  - copy of the death notice of the deceased holder of the licence, permit or authorisation
  - The full names, identity numbers and addresses of all the beneficiaries, if the firearms and ammunition devolved by testamentary or intestate succession.

### These documents must be sent to the following address:

The Registrar  
Central Firearm Register  
Private Bag X811  
PRETORIA  
0001

The executor, administrator, trustee or curator must inform the Registrar of the progress that has been made and the steps which have been taken in respect of the transfer of the firearms and ammunition, as well as with the details of the person to whom the firearms or ammunition were transferred. This must be done in writing at least every three months.

### 4. Conclusion of a deceased person's estate

The executor, administrator, trustee or curator of an estate may only apply to the Master of the High Court to conclude the estate after notification has been received from the Registrar that all firearms involved, have been transferred in terms of the Act.

Applicable documentary proof must be provided to the Master to confirm that the firearms in the deceased person's estate, have been dealt with as required and may include -

- » if a firearm is sold - provide proof of the new licence holder
- » if a firearm is surrendered - provide a copy of the SAPS 522(b)
- » if a firearm is deactivated – provide a copy of the deactivation letter issued by the Registrar
- » if a firearm is lost - provide the name of the police station and CAS number where this was reported.

### 5. Inherited firearms

A person who inherits a firearm and wishes to keep it, must apply for an appropriate licence, permit or authorisation in terms of the Act.

The Registrar may issue temporary authorisation to allow a person who inherits a firearm reasonable time to dispose of it.

If a person who inherits a firearm does not wish to acquire the firearm or fails to obtain the appropriate licence, permit or authorisation, he/she must -

- » if the firearm is sold - provide proof of the new licence holder
- » if the firearm is surrendered - provide a copy of the SAPS 522(b)
- » if the firearm is deactivated - provide a copy of the deactivation letter issued by the Registrar.

### 6. Lost or stolen firearms in deceased person's estates

If the whereabouts of the firearm belonging to a deceased person, is unknown to the executor, next of kin or beneficiary and the firearm could not be found after a diligent search, a case must be opened at the local police station.

