

POLICY FIREARM

ITEM PS 42-2001 FIREARM POLICY : EKURHULENI METROPOLITAN MUNICIPALITY
MC : 2001.11.29
CM 29.11.2001

RESOLVED:

- (a) **That** the firearms policy attached to this report as **Annexure "A" BE ACCEPTED** for the Ekurhuleni Metropolitan Municipality.
- (b) **That** the City Manager **BE NOMINATED** as responsible person in terms of section 7 of the Firearms Control Act, Act 60 of 2000.
- (c) **That** the necessary submissions **BE MADE** in terms of section 7(1), 20(2)(f) and 95(a)(vi) of the said Act.
- (d) **That** the City Manager or his nominee **BE IDENTIFIED** as Head of the Official Institution contemplated in section 98 of the said Act and that the IHOD: Public Safety **BE DELEGATED** to ensure that all the requirements and prescriptions contained in the Firearms Control Act, Act 60 of 2000 be complied with and specifically with reference to:
 - (i) the training of employees;
 - (ii) the control and safe-keeping over firearms;
 - (iii) the firearms register;
 - (iv) the acquisition/disposal/licensing of firearms;
 - (v) inspections;
 - (vi) liaison with the Registrar appointed in terms of the Act.
- (e) **That** for the purposes of Council activities, the position of City Manager **BE EQUATED** to that of Municipal Manager as contemplated in the Municipal Structures Act, 1998 (Act 117/1998) read with the Municipal Systems Act, 2000 (Act 32/2000) or any other applicable legislation.

FIREARM POLICY OF THE EKURHULENI METROPOLITAN COUNCIL

PURPOSE

To provide for a firearm policy for the Ekurhuleni Metropolitan Council to ensure proper control of all firearms and ammunition issued to officials to perform their functions and for self-defence in the line of their duties and to provide for matters incidental thereto. The Firearms Control Act, Act 60 of 2000, forms an integral part of this policy.

1. DEFINITIONS

1.1 The Act

The Firearms Control Act, 2000 (Act 60 of 2000).

1.2 Allocated Firearm

An official firearm allocated to an employee on a "permanent" basis due to the specific duties the employee performs.

1.3 The Council

The Ekurhuleni Metropolitan Council.

1.4 Head of Department

The Head of Public Safety or any official in the employ of the Directorate Public Safety delegated by the Head of Public Safety to perform any function provided for in this policy.

1.5 Official Firearm

A firearm licensed in the name of the Council in terms of Section 7 of the Act as well as the ammunition of the firearm.

1.6 Firearm Licence

A licence to possess a firearm in terms of Chapter 6 of the Act.

1.7 Firearm Training Course

The Firearm Training Course approved by the Head of Department Public Safety and/or any other training course approved by Council consisting of the curriculum or part of it attached to this policy as Schedule "B" and shooting exercises have similar meanings.

1.8 Licence Holder

The Ekurhuleni Metropolitan Council.

1.9 Official

Any official in the employ of the Council.

1.10 Police

Any member of the South African Police Services or a member of a Municipal Police Service.

1.11 Standing Orders

Standing Orders issued by the Head Public Safety.

1.12 Training Certificate

A certificate issued by the Directorate Public Safety after the successful completion of an approved firearm training course.

2. FIREARM REGISTER

The Head of Department: Public Safety shall ensure that Section 99 (2) of the Act which prescribes as follows, be complied with:

- (1) The head of an Official Institution must keep a register in the prescribed form.
- (2) The register must contain such particulars as may be prescribed, including —
 - (a) (i) in the case of the South African National Defence Force, the particulars of every firearm of a calibre of less than 20 millimetres; or
 - (ii) in the case of all other Official Institutions, the particulars of every firearm under its control;
 - (b) the particulars of every employee who, in terms of this Chapter, is allowed to be in possession of a firearm, and the particulars of each such firearm;
 - (c) the conditions specified in every permit issued in terms of this Chapter;
 - (d) particulars regarding the disposal, transfer, loss, theft or destruction of firearms contemplated in paragraph (a); and
 - (e) if a firearm is lost or stolen, particulars regarding the report of the loss or theft to the South African Police Service.
- (3) All firearms under the control of an Official Institution must bear such identification marks as may be prescribed.

3. PURCHASE OF FIREARMS

- 3.1 Provision to buy firearms shall be made on the annual budget estimates of the Directorate Public Safety.
- 3.2 Before any firearm is purchased a committee consisting of the relevant Head of Department/Directorate and the Head Public Safety shall meet to consider the following:
- necessity for the purchase of a firearm;
 - the type of firearm with the view of standardization; and
 - any other related matter.

4. LICENSING OF FIREARMS

- 4.1 The Head Public Safety shall be responsible to apply for all licences specified in the Act.
- 4.2 All firearm licences issued to the Council by the South African Police Service shall be kept by the Head Public Safety in a safe place and produced for inspections to the South African Police Service as and when requested to.
- 4.3 Lost or damaged licences shall be reported to Council via the Loss Control Committee (Thefts).

5. POSSESSION OF FIREARMS

- 5.1 No employee shall be in possession of a firearm without also being in possession of a permit issued in respect of such a firearm.
- 5.2 Officials dressed in civilian clothes shall carry the firearm if it is a handgun in a holster and in a concealed manner when in public places. (See Section 84 of the Act).
- 5.3 The official shall always be in control of the firearm issued to him/her.
- 5.4 Officials are not allowed, unless abnormal circumstances exist, to:

8. SHOOTING INCIDENTS

- 8.1 Any firearm discharged by an official, except during training and approved shooting exercise, shall as soon as possible after the shooting took place report the incident *in writing* to his/her supervisor.

The Supervisor shall report the incident in writing to the Head of Department through normal administrative channels.

- 8.2 The Head Public Safety will take the necessary steps in terms of council policy to investigate the incident and report the incident to Council via the Loss Control Committee.

9. SAFEKEEPING AND PROTECTION OF FIREARMS

- 9.1 Officials shall ensure that firearms, when not on their person are kept in an approved firearm safe which shall be locked or any other place in terms of the applicable legislation where it is protected from theft.
- 9.2 The Head Public Safety shall be responsible for the safekeeping of all firearms not allocated or issued to officials in terms of the prescriptions of the Act.
- 9.3 The loss and/or theft of a firearm shall be reported as soon as possible to:
- the nearest police station;
 - the Departmental Head/Director; and
 - the Head Public Safety
- 9.4 The Head Public Safety may at any time request an official to produce an allocated firearm for inspection.
- 9.5 The Head Public Safety shall be responsible to arrange for the investigation and report to Council in respect of the loss or theft of any council owned firearm(s).

10. RETRIEVING AND/OR RETURNING OF A FIREARM

- 10.1 The Head Public Safety may at any time after consultation with the Municipal Manager withdraw a firearm and the permission to carry/use the firearm when he is of the opinion that the further possession thereof:
- constitutes a danger to other employees, private persons and/or property;
 - is not in accordance with the provisions of the Act;
 - is not necessary due to the suspension of the official due to any misconduct investigation(s) in terms of the Conditions of Service;
 - is not required due to the reorganization; -evaluations and/or revaluation of the position of the incumbent in a department or directorate; or
 - is not in the interests of Council.
- 10.2 No official shall be in possession of a firearm without the permit required in terms of the Act.
- 10.3 Officials who resign from the employ of Council and to whom a firearm has been issued or allocated, shall return the firearm and the permit in respect of that firearm to the Head Public Safety, who shall issue a receipt to the said official, the latter which has to be produced prior to final clearance and payout by any pay office of Council.
- 10.4 Officials who go on leave or who will be absent from his/her office for a period exceeding five (5) working days shall hand the firearm in to the Directorate Public Safety for safe keeping.
- 10.5 The Head of Public Safety or his authorized designate may at any time when deemed fit, temporarily withdraw a firearm which has been issued to an employee.

11. GENERAL

The Head Public Safety may issue standing orders and operational procedures which further regulates the use of council owned and private firearms used by officials.