



UMNGENI LOCAL MUNICIPALITY: FIREARM CONTROL POLICY

2025

FIREARM CONTROL POLICY

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1. PURPOSE/OBJECTIVES OF THIS POLICY

- The aim of the policy is to ensure that the use of firearms is regulated accordingly within the uMngeni Local Municipality. This will ensure that firearms are stored and used in a safe and responsible manner. Law enforcement officers are often exposed to potentially dangerous situations and the uMngeni Local Municipality intends to ensure that officers can protect themselves, the public and property at any given time.
- This policy is guided by the Firearm Control Act (Act 60 of 2000) and all laws pertaining to the use of firearms and all regulations governing the use of firearms especially the Firearm Control Regulations (GNR.345 of 26 March 2004) [the regulations].
- The onus is on the individual officers to know and understand the contents of the policy. It is presumed that on acknowledgement of this policy the affected officers agree that they know and understand the contents.
- In this policy the designation “Chief Traffic Officer” shall include all such officers designated by the “Chief Traffic Officer” to fulfill specific duties with specific powers.

2. DEFINITIONS

Words in this policy shall have the meaning assigned thereto in either the Firearms Control Act, or the Firearms Control Regulations.

“**the act**” means the Firearms Control Act, Act 60 of 2000

“**ammunition**” means a primer or complete cartridge.

“**cartridge**” means a complete object consisting of a cartridge case, primer, propellant and bullet.

“**competency certificate**” means a competency certificate contemplated in Chapter 5 of the Fire Arms Control Act 60 of 2000.

“**firearm**” means any

- (a) device manufactured or designed to propel a bullet or projectile through a barrel or cylinder by means of burning propellant, at a muzzle energy exceeding 8 joules (6ft – 1bs)
- (b) device manufactured or designed to discharge rim-fire, center-fire or pin-fire ammunition.
- (c) device which is not at the time capable of discharging any bullet or projectile, but which can be readily altered to be a firearm within the meaning of paragraph (a) or (b)
- (d) device manufactured to discharge a bullet or any other projectile of .22 caliber or higher at a muzzle energy of more than 8 joules (6 ft-lbs), by means of compressed gas and not by means of burning propellant.
- (e) barrel, frame or receiver of a device referred to in paragraphs (a), (b), (c) or (d)

“official institution” means the uMngeni Local Municipality

“the municipality” means the uMngeni Local Municipality

“the official” means the officer to whom a firearm has been issued and is an employee of the uMngeni Local Municipality

“the Regulations” means the Firearms Control Regulations, GNR. 345 of 26 March 2004

“the responsible person” means the officer(s) designated as such in terms of the Municipality’s accreditation as an Official Institution.

3. APPLICATION OF THIS POLICY

- The “Chief Traffic Officer” of the Municipality’s Community Safety component will be responsible for all firearms under his/her command in respect of, but not limited to the following:
 - Quarterly inspection of all firearms and ammunition issued to all staff under his/her command.
 - Firearm inspection reports are to be forwarded by the responsible officer to the Chief Protection Officer during the first week of each quarter.
 - Certification by the inspecting officer that reflects the correct status of the firearm concerned.

- Inspect all equipment issued to officers including ammunition.
- The “Chief Traffic Officer” referred to above may delegate a specific officer from his/her area to perform these functions.

4. LEGAL FRAMEWORK

Firearms Control Act 60 of 2000
Criminal Procedure Act 51 of 1977

5. GENERAL PROVISIONS FOR THE POLICY

- 5.1 To establish a comprehensive and an effective system of firearms control; and
- 5.2 To provide for matters connected therewith.

6. ADMINISTRATION OF THIS POLICY

All irregularities in the handling of firearms and ammunition must immediately be reported in writing to the “Chief Traffic Officer” or his / her delegated officer who must submit the report to the Manager: Social and Community Services as soon as possible for his attention and action.

Whenever a staff member uses a firearm, whether discharged or not, including the pointing of a firearm, a Shooting Incident Report shall be submitted before the end of that tour of duty.

The Shooting Incident Report shall be submitted to the officer’s immediate supervisor who shall forward it to the “Chief Traffic Officer”. If the officer is unable to submit the report, this responsibility rests with the immediate supervisor who shall submit the report within 24 hours of the incident.

The supervisor must ensure that a CAS number is obtained from the SAPS in the event of a shooting incident that necessitates the opening of a criminal investigation and is therefore responsible to report any such contraventions which come to his / her attention to the local South African Police Service where the incident occurred.

Where a firearm has been discharged, whether a person has been injured or killed, the following procedure shall be followed:

The officer involved in the shooting incident must follow the standard operating procedures for making safe a firearm. The control room officer shall be informed immediately and an OB (occurrence book) entry recorded. The officer's immediate supervisor must be notified by the officer.

The following information must be supplied to the control room by the officer or his /her supervisor.

- The exact location
- Serial number of firearm
- Time of incident
- Officer call sign
- Brief synopsis of the incident
- Officer's name and staff number
- CAS number, if available
- Number of rounds fired, caliber and type of weapon and ammunition

6.1 SAFEKEEPING OF OFFICIAL FIREARMS

An employee of the uMngeni Local Municipality may not possess a firearm under the control of the uMngeni Local Municipality without a permit issued in terms of this Chapter.

The accounting officer of the municipality, or someone delegated in writing by him or her, may issue a permit to an employee of the municipality to possess and use a firearm under the control of the municipality.

A permit issued in terms of the act must contain such information as may be prescribed. The head of an Official Institution may authorize an employee to have the firearm in his/her possession after his/her working hours.

When an officer carries his/her official firearm on his/her person he/she must do so in the manner as prescribed in the Act. Failure to do so will result in disciplinary steps being instituted against the officer.

When an officer carries his/her official firearm on his/her person he/she must at all times be able to produce the relevant permit for that firearm.

Whenever a firearm is issued to an officer, and the officer has been granted permission to store such issued firearm at his/her place of residence, the officer shall at his/her own cost purchase a firearm safe that complies with the Regulations and install such safe in accordance with the Regulations.

Only after the responsible officer has approved of the safe and its installation, which approval shall be conveyed in writing to the officer, may the responsible officer issue a firearm to that officer. The "Chief Traffic Officer" may revoke permits or authorizations referred to in this policy.

The firearm shall remain holstered at all times except :

- For inspection;
- For use inline with the scope of the responsible officer's duties/authority;
- For the use at scheduled firearm practices;
- For storage;
- For cleaning.

Official firearms must be carried in accordance with Section 84 of the Act.

No officer shall repair, modify or adjust any issued weapons.

Officers on duty may use only approved holsters issued by the municipality.

Additional holsters must first be authorized by the "Chief Traffic Officer" of the Community Safety component.

All official firearms in need of maintenance or repair shall be taken to the officer responsible for firearms. The weapons will be held in the dedicated safe until such time as the repairs or maintenance can be affected.

The "Chief Traffic Officer" or responsible officer shall on a quarterly basis be responsible for the inspection of weapons, ammunition, firearm permit (authorization) and issued equipment of all officers issued with firearms.

The shift supervisor shall ensure that the cleanliness of firearms of officials under his supervision is upheld. Officials in possession of an official firearm shall, when the firearm is not under their direct and physical control, as well as when off duty, store the firearm for safekeeping in the safe provided for this purpose at his/her reporting office. The only exception will be when an officer is authorized in writing to take his / her firearm to his/her place of residence. The officer must store his/her firearm in a safe in terms of Regulation 86 (1) of the act.

The condition of a firearm while on patrol must be as follows:

- Loaded magazine in the firearm;
- No round in the chamber;
- Safety catches on firearm where applicable (not all firearms have this feature).

6.2 CARRYING OF FIREARMS

Section 98 (5) of the Act provides that at the end of each period of the officer's duty he/she must return the firearm in question to the place of storage designated for this purpose by the municipality unless authorized in writing that he/she may store the firearm at his/her place of residence.

Section 98 (4) of the Act provides that the Head of an Official Institution may impose conditions on the possession and use of the firearms and ammunition under the control of that Official Institution.

The carrying of official firearms when outside the area of jurisdiction of the uMngeni Local Municipality is strictly forbidden unless specifically authorized in writing by the head of the official institution.

No officially issued firearm shall be used, carried or kept in any vehicle at any time when off duty.

No private firearms may be carried when on duty unless authorized by the head of the official institution.

6.3 ISSUING OF FIREARMS

The shift supervisor shall ensure that all officers on duty are in possession of the required equipment which includes holsters and magazine pouches prior to the issue of firearms on commencement of their tour of duty.

The shift Supervisor shall ensure that the firearms are made safe, and the chamber is free of any round or ammunition prior to issue, this must be done in the Firearm Safety Zone (fumble zone).

Every officer shall receive the firearm and magazine, visually ensure that it is safe, place it in the holster, sign the firearm register and record the issue in their pocketbooks.

The shift Supervisor shall counter sign the issue of each firearm in both the firearm register and pocketbook.

Officers who have been granted permission to store firearms at their place of residence must ensure that firearms are holstered accordingly and are in possession of spare magazines when reporting for duty and throughout the tour of duty. Supervisors must ensure that safety precautions are always adhered to.

6.4 RETURN OF FIREARMS

Any Officer who is permitted to keep a firearm at his/her private residence should return the firearm to his supervisor under the following instances,

- Taking leave for 3 days and more,
- Off sick for 3 days or more,
- On study leave for 3 days or more,
- Immediately on resignation or termination of employment,
- Immediately should he/she become unfit to possess/carry such firearm,
- Immediately should he/she be declared unfit to possess/carry the firearm by the Court of Law or any competent authority,
- Immediately if he/she is charged for a crime where violence is an element or domestic violence.

Failure to comply with the above conditions may lead to disciplinary steps being taken against the said officer.

The Shift Supervisor must ensure that all firearms are made safe and checked in the Firearm Safety Zone before they are registered on the firearm register.

6.5 LOSS, THEFT AND UNAUTHORISED USE OF OFFICIAL FIREARM

Any official firearm lost, stolen or used without authorization must be reported immediately. Such report shall be submitted to the “Chief Traffic Officer”: Community Safety through the chain of command setting forth the detailed circumstances of the loss, theft, or unauthorized use of the firearm. In addition, the shift supervisor shall ensure that the crime and incident report is prepared, reported and entered into the register at the relevant South African Police Station.

The municipality shall lodge an objective and comprehensive investigation into the matter. The investigator shall fully co-operate with the South African Police Services.

All the information and statements shall be compiled and forwarded through the chain of command to the office of the Manager: Community Social Services.

7. COMMENCEMENT

7.1 This policy will come into effect on the date of adoption by the Council.

8. INTERPRETATION OF THIS POLICY

- 8.1 All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.
- 8.2 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.
- 8.3 The Office of the Municipal Manager shall give a final interpretation of this policy in case of a written dispute.
- 8.4 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council or Arbitration.

9. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

- 9.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis after consultation with Management and Trade Unions.
- 9.2 Notwithstanding clause No. 9.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

10. AMENDMENT AND/OR ABOLITION OF THIS POLICY

10.1 This policy may be amended or repealed by the Council after consultation between Management and Trade Unions.

11. COMPLIANCE AND ENFORCEMENT

11.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

11.2 It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.

<p>CSPS/PS.... CR.... / 31 / 01 / 2025</p>
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MR M. HLOBA
MUNICIPAL MANAGER

CLLR C. J. PAPPAS
MAYOR

CLLR J. HOLMES
SPEAKER