

MHLONTLO LOCAL MUNICIPALITY

FIREARM POLICY

POLICY FIREARM: MHLONTLO LOCAL MUNICIPALITY

RESOLVED:

(a) That the firearms policy attached to this report as Annexure "A" BE ACCEPTED for the Mhlontlo Local Municipality.

(b) That the Chief Traffic Officer is nominated as responsible person in terms of section 7 of the Firearms Control Act, Act 60 of 2000 as per accreditation Certificate dated 2006-08-2005.

(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 Municipal Manager or his nominee remains the Head of the Official Institution (Mhlontlo Local Municipality).

Contemplated in section 98 of the said Act and that the HOD: Public Safety be delegated to Ensure that all the requirements and prescriptions contained in the Firearms Control 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.

PURPOSE

To provide for a firearm policy for Mhlontlo Municipal 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 Mhlontlo Municipal Council.

1.4 Head of Department

The Director Community Services is the head of department or any official in the employ of the Directorate of Community Services delegated by the Head of Community Services 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 police as Schedule "B" and shooting exercises have similar meanings.

1.8 Licence Holder

The Mhlontlo Municipal 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 Traffic Police.

1.11 Standing Orders

Standing Orders issued by the Head Public Safety.

1.12 Training Certificate

A certificate issued by the accredited institution after the successful completion of an Approved firearm training course.

1.13 FIREARM REGISTER

Register where firearms are recorded both in and out by the members.

2. KEEPING OF 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 Community services.

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 authority and 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 make shooting:

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 by Chief Traffic Officer to:

- Municipal Manger
- 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 pay out 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.

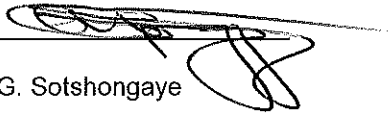
Policy Approval

Signed on behalf of council by:



N. Dywili

Mayor



S.G. Sotshongaye

Municipal Manager