

APPEAL

Licence application not successful – what now?

You apply for a firearm licence. The application is refused. Now what?

Appeal!

No question – you **MUST** appeal, and it is recommended that you do this through an attorney because of the legal procedures involved.

Firstly, get the decision of disapproval in writing, with the name and rank of the official who informed you of the decision, or who took the decision not to issue the licence. The State is obliged to give a valid reason for refusal to issue a licence. Once you have this detail in writing (not verbally), contact your attorney to lodge an appeal with the Firearms Appeal Board (remember to keep the envelope in which the refusal was posted as the postal date may very well be later than 3 months from time of refusal and then you have proof why you only appeal now)

If your attorney is not conversant with the FCA you can contact the Licensing Helpline of the NHSA (012-343-1078 – office hours – members only) who will provide you with names and addresses or lawyers who specialise in firearm issues.

Appeal Procedures

An appeal by a firearm licence applicant must be noted by the person self or by his/her legal representative within 90 days after the date on which the CFR made the decision not to award the license. They don't always furnish these documents within 90 days – so keep the envelope in which you received the reasons for refusal and attach a copy thereof to your appeal documents.

The appeal must be entered on the prescribed form (SAPS 530 – [here](#) – scroll down the page and download the pdf-file). An appeal notice must clearly indicate the decision that was taken by the CFR, and the date of their decision.

The grounds for the appeal must be clearly motivated. Attach written submissions in support of the appeal.

Sometimes additional information becomes available after application – submit that now and say why it was not submitted with the original application. Don't include detail that you clearly had in your possession when you applied originally and did not include then – it makes for a bad case (but then, if it's all you have, use it). The Appeal Board may condone the late submission of an appeal notice on good cause shown by the appellant.

An appeal must be submitted to the Appeal Board by hand, fax or by post and must be addressed to:

The Chairperson of the Appeal Board

Private Bag X811, Pretoria, 0001;

Physical address: Ground Floor, Veritas Building, Volkstem Avenue, Pretoria;

Fax: (012) 353 6211;84

E-mail: cfr-appealboard@saps.gov.za.

The Appeal Board must acknowledge receipt of an appeal notice and the date of such receipt in writing, and must inform the relevant official who made the decision in question of the appeal. They will request him/her to respond in writing within 21 days as to why the appeal should not be upheld. The Appeal Board may request an appellant or the appellant's legal representative to address the Board during the hearing of that appeal.

The Appeal Board may request additional evidence of facts from any party, in order to allow it to come to a just and fair decision.

The Appeal Board must finalise an appeal within 45 days after expiry of the 21 days mentioned above. The Board must notify the appellant, or his/her legal representative in writing of the outcome of an appeal, within 14 days of the Appeal Board's decision. NSA cannot vouch for these timescales to be upheld by the Appeal Board.

The Appeal Board is not a court functioning under section 103 of the ACT.

Sometimes it is better to submit a totally new application because the appeals process can take very long to finalise.

THEY DO YOUR APPEAL FOR YOU

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