

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO. 46684/18

PRETORIA 27 JULY 2018

BEFORE THE HONOURABLE MR JUSTICE PRINSLOO

In the matter between:

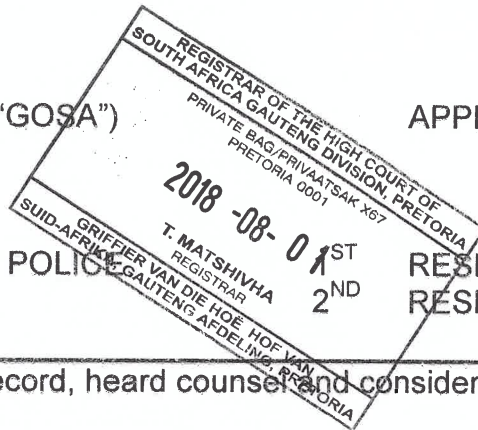
GUN OWNERS OF SOUTH AFRICA ("GOSA")

APPLICANT

AND

THE NATIONAL COMMISSIONER OF POLICE
THE MINISTER OF POLICE

RESPONDENT
RESPONDENT



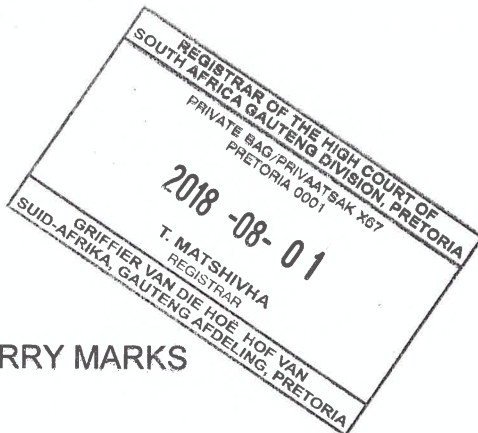
HAVING read the documents filed of record, heard counsel and considered the matter:

IT IS ORDERED THAT

1. The South African Police Station as represented herein are by the first and second respondents are prohibited from implementing any plans of action or from accepting any firearms for which the license expired at its police stations or at any other places, for the sole reason that the license for the firearm expired and the SAPS is prohibited from demanding that such firearms be handed over to it, for the sole reason that license to such firearm has expired, and this order will operate as interim interdict, pending the further determination of this application as prayed for in prayers 2 – *infra*;
2. This matter is postponed to the crossed motion roll for further determination in the normal course of the roll and for further determination as prayed for by applicant;
3. By declaratory order of court the parties referred to in sections 27 and or 24 and 28 of the fire arms control Act, Act 60 of 2000 may be extended in order for people that hold expired licenses to apply for the renewal thereof, on for the good cause shown, within a period determined by a court;
4. The first respondent is to withdraw the circular issued by the acting national commissioner on 3rd of February 2016;
5. The first respondent is to issue a directive that the information technology system of the Central Firearms Register be restored to a position that it is able to accept

application for renewal of licenses which are late because they are lodged inside the 90 (ninety) days period envisaged in Section 24(1) of Act 60 of 2000 ("the Act");

6. The first respondent is to issue a directive that the information technology system of the Central Firearms Register be restored to a position that it is able to accept applications for renewal of licenses which have expired because the period of renewal validity contemplated in Section 27 of the Act has expired;
7. Any applications for renewal contemplated in 5 and 6 above shall be subject to the requirement of "god cause" as contemplated in section 28(6) of the Act;
8. Any applicant who has lodged an application for renewal and who has prima face provided good cause in the relevant space provided in SAPS form 5 1 8(a) shall be deemed to be in lawful possession of the firearm until application is being decided;
9. Further and/or alternative relief;
10. The cost of this application, inclusive of costs of 2 counsel if applicable, are reserved for decision in main application.



BY THE COURT

REGISTRAR
VZ

Attorney: LARRY MARKS