

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 93067/19

In the matter between:

NATIONAL HUNTING AND SHOOTING
ASSOCIATION ("NHSA")

Applicant

and

MINISTER OF POLICE

First Respondent


THE NATIONAL COMMISSIONER
OF THE SOUTH AFRICAN POLICE SERVICE
Cited herein in his capacity as the
REGISTRAR OF FIREARMS

Second Respondent

FILING SHEET: APPLICANT'S SUPPLEMENTARY AFFIDAVIT.

Document to be served: Affidavit by Dr Herman Els.

DATED AT PRETORIA ON THIS THE 31st DAY OF DECEMBER 2019.



JUAN KOTZE ATTORNEYS
Attorneys for the Applicant
142 Leeuwpoortstreet, Boksburg.

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TO:
THE REGISTRAR OF THE
ABOVE HONOURABLE COURT
PRETORIA

AND TO:
THE MINISTER OF POLICE

AND TO:
THE NATIONAL COMMISSIONER
OF THE SOUTH AFRICAN POLICE SERVICE

First and Second Respondent

C/o THE STATE ATTORNEY
SALU Building
316 Thabu Sehume Street
PRETORIA
Ref: N Govender. 7448/2019/Z61

Acknowledge receipt hereof on
December 2019

STATE ATTORNEY



IN THE HIGH COURT OF SOUTH AFRICA

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GAUTENG DIVISION, PRETORIA

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THE NATIONAL COMMISSIONER OFTHE SOUTH AFRICAN POLICE SERVICE

Second Respondent

SUPPLEMENTARY FOUNDING AFFIDAVIT

I, the undersigned,

HERMAN ELS

COMMISSIONER OF OATHS (RSA) / KOMMISSARIS VAN EDE (RSA)
ROBERT FREDERIK YOUNG
Professional Accountant (SA) / Professionele Rekenmeester (SA)
13 Swart Street, Eldoraigne, 0157
Centurion

state under oath as follows:

1. I am the deponent to the Applicant's founding affidavit.

EFY

2. I wish to make the following supplementary affidavit to the Applicant's founding affidavit. 163
3. The information contained herein was not available to the applicant when I deposed to the founding affidavit and the Respondents will not be prejudiced by the addition.
4. I attach as **annexure "HE 22"** an affidavit deposed to on 24 December 2019 by Dr Pieter Groenewald, the leader of the Freedom Front Plus, a political party which is represented in the Parliament of South Africa. I refer to paragraph 131.3 of the Applicant's founding affidavit and submit that the Respondents will not be prejudiced by the inclusion of this affidavit in view of the fact that it had been disclosed at the time when the founding affidavit had been deposed to.
5. I attach as **annexure "HE 23"** a written reply, which was presented by the Respondents on 5 December 2019 as an answer to a parliamentary question, that **400 809** firearm licences had until then expired. This is the actual number of firearms that will be subject to be surrendered if the owners want to apply for new firearm licences in terms of the amnesty. This information was also not available to the Applicant at the time when I deposed to the founding affidavit. The Respondents will also not be prejudiced because it is information that falls within the Respondents' knowledge.
6. I attach hereto as **annexure "HE 24"** Government Notice 1527 dated 13 December 2019, which was published by the First Respondent on 13 December 2019, (the



day when the application was served on the Respondents), in an attempt to amend the terms of the amnesty.

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7. The amended notice intends to amend the date of the notice (28 August 2019) to 27 November 2019, which is after 23 October 2019, when the Parliamentary Portfolio Committee presented its report to Parliament. It is clear that the "amended notice" on which the First Respondent wants to rely, has on his own version, never been presented to Parliament as is required by section 139 (2) of the Act.
8. In the "amended notice", a list of 46 police stations which will not take part in the amnesty process, is provided. This amended list was also not presented to Parliament when the decision was taken to approve the amnesty. If the list is compared with the list of police stations mentioned in **annexure "HE 9"** (page 102), it appears that the Police Stations of Isipingo, Bellville South, and Kanyamazane, (which were initially excluded), are now being included amongst the Police stations which may receive firearms in terms of the amnesty. This causes not only uncertainty, but is also reason for concern.
9. The above again serves as proof that the Respondents didn't apply their minds properly and that the amnesty process was rushed through without any consideration being given to fairness to the firearm owners or the safety of firearms that will be surrendered to SAPS in terms of the amnesty.

COMMISSIONER OF OATHS (RSA) / KOMMISSARIS VAN EDE (RSA)
 ROBERT FREDERIK YOUNG
 Professional Accountant (SA) / Professionele Rekenmeester (SA)
 13 Swart Street, Eldoraigne, 0157
 Centurion



10. The question also arises as to how safe firearms which could have been surrendered between 1 December and 13 December 2019 at the 46 police stations now identified as unsafe to receive firearms by the Respondents, would have been kept.

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DEPONENT.



I, the undersigned commissioner of oaths, confirm that before the deponent signed the statement in my presence on 20 December 2019 at Centurion, he replied as follows to the following questions:
 Are you aware of the contents of the statement? Yes,
 Do you have any objection to taking the oath? No
 Do you consider the oath to be binding on your conscience? Yes
 "SO HELP ME GOD"

Commissioner of oaths:

Full names: Robert Frederik

Address; 13 Swart Street Eldoraigne 0157

Capacity: Professional Accountant (SA)



COMMISSIONER OF OATHS (RSA) / KOMMISSARIS VAN EDE (RSA)
 ROBERT FREDERIK YOUNG
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HE 22
/66IN THE HIGH COURT OF SOUTH AFRICAGAUTENG DIVISION, PRETORIA

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Second Respondent

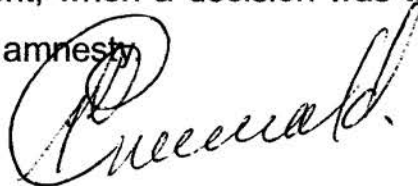
SUPPORTING AFFIDAVIT

I, the undersigned PETRUS JOHANNES GROENEWALD, hereby make
under oath and state as follows:

 RF
S.L

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1. I am a major male and a member of Parliament. I am the leader of the Freedom Front Plus.
2. The facts herein contained fall within my personal knowledge and are true and correct.
3. I was present during the Parliamentary session which was held on 31 October 2019 when Parliament took a decision to announce the firearm amnesty which will run from 1 December 2019 until 31 May 2020.
4. I confirm that neither the draft notice dated 28 August 2019, nor the amended final notice to declare the amnesty from 1 December 2019, which was published in the Government Gazette number 42858 dated 27 November 2019, were part of the documents that were presented on 31 October 2019 by the Portfolio Committee on Police to Parliament, when a decision was taken by Parliament to declare the firearms amnesty.



Deponent.

I, the undersigned commissioner of oaths, confirm that before the deponent signed the statement in my presence on 24TH December 2019 at STILFONTEIN, he replied as follows to the following questions:

Are you aware of the contents of the statement? Yes,

Do you have any objection to taking the oath? No

Do you consider the oath to be binding on your conscience? Yes



S.L.

"SO HELP ME GOD"

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Commissioner of oaths: *Salleg*
 Full names: *S. L. SANYEKE*
 Address: *51 RUTH FIRST ROAD STURMANT*
 Capacity: *SERGEANT*

TIRELO YA MAPORISI A AFRICA BORWA COMMUNITY SERVICE CENTRE
2019 -12- 24
STILFONTEIN
SUID-AFRIKAANSE POLISIEDIENS SOUTH AFRICAN POLICE SERVICE

Rf
 J

HE 23

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36/1/4/1(201900328)

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION 1503

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 15 NOVEMBER 2019
(INTERNAL QUESTION PAPER NO 27-2019)

1503. Dr P J Groenewald (FF Plus) to ask the Minister of Police:

- (1) Whether, with reference to his reply to question 975 on 28 October 2019, he is now in a position to indicate (a) what the total number is, in respect of firearms, for which renewal of licence applications were not timeously made in accordance with the legislation and (b) what number of the specified firearms (i) have still not been renewed and (ii) were indeed renewed;
- (2) what number of the abovementioned firearms are there of each separate type of firearm;
- (3) whether he will make a statement on the matter?

NW2823E

REPLY:

- (1)(a) A total of 400 805 firearm renewal of licence applications were not timeously made, in accordance with legislation.
- (1)(b)(i) A total of 400 805 of the specified firearms have still not been renewed.
- (1)(b)(ii) None.

(2)

Type of Firearm	Total
Combination	635
Main Firearm Component	25
Pistol	242 953
Revolver	100 667
Rifle	35 354
Self-loading: Pistol, Calibre- Rifle/Carbine	521
Self-loading: Rifle, Calibre- Rifle/Carbine	543
Shotgun	20 107
Total	400 805

- (3) No.

↑
2F

Reply for question 1503 recommended/~~not recommended~~



GENERAL
KJ SIFOLE (SOEG)

Date: 2019-12-03

Reply for question 1503 approved/~~not approved~~



GENERAL BH CELE (MP)
MINISTER OF POLICE

Date: 05/12/2019



HE 24

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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DEPARTMENT OF POLICE

NO. 1661

13 DECEMBER 2019

**FIREARMS CONTROL ACT, 2000 (ACT NO. 60 OF 2000)
AMENDMENT OF NOTICE 1527 DATED 27 NOVEMBER 2019**

The Minister of Police has, under section 139 of the Firearms Control Act, 2000 (Act No. 60 of 2000) amended Notice 1527, dated 27 November 2019, as set out in the Schedule. The Notice is issued in pursuance of the approval by the National Assembly on 21 November 2019 of the Report of Portfolio Committee on Police on **Firearms Amnesty Declaration** (Announcements, Tablings and Committee Reports, 31 October 2019, p 8) (Minutes of Proceedings of the National Assembly No. 31 of 2019).



**MINISTER OF POLICE
GENERAL BH CELE, (MP)**

Date:

11/12/2019

RF

SCHEDULE

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1. Definition

In this notice, "the Notice" means the declaration of amnesty in terms of section 139 of the Firearms Control Act, 2000 (Act No. 60 of 2000), promulgated in Notice 1527, dated 27 November 2019.

2. Amendment of the Notice

(1) The date of signature as reflected in the Notice is substituted to read "27 November 2019".

(2) The Notice is hereby amended by substitution for the Annexure to the Notice with the following Annexure:

"Annexure

The following police stations are excluded in terms of paragraph (a) of the Notice.

Province	Station
Eastern Cape	• Engcobo
	• Balfour
	• Ngangelizwe
	• Kareedouw
	• Middeldrift
Free State	• Koffiefontein
	• Allanridge
	• Moloding

Handwritten signature and initials, possibly 'for LF'.

Gauteng	<ul style="list-style-type: none">• Bekkersdal• Dunnottar• Ekangala• Kagiso• Lenasia South• Protea Glen• Eersterust• Eden Park• Soshanguve
KwaZulu Natal	<ul style="list-style-type: none">• Ibisi• Kranskop• Elandslaagte• Lamontville
Limpopo	<ul style="list-style-type: none">• Macklenburg
Mpumalanga	<ul style="list-style-type: none">• Verena• Skukuza• kabokweni
North West	<ul style="list-style-type: none">• Phokeng• Ottoshoop
Northern Cape	<ul style="list-style-type: none">• Belmont• Douglas• Heuningvlei• Kuyasa• Lime Acres• Loxton• Middelpoos• Mothibistad• Plooyburg• Van Wyksvlei• Van Zylsrus• Vosburg• Witdraai• Winderson

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g.
RF

Western Cape

- Athlone
- Klapmuts
- Riversdale
- Legelethu-West
- Somerset West

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The abovementioned police stations will not accept firearms and ammunition in terms of this declaration of Amnesty, until otherwise determined by the National Commissioner of the South African Police Service."



RF