

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

93067/19

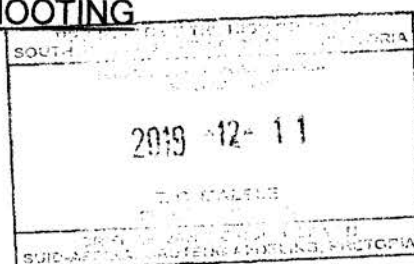
CASE NO:

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

NOTICE OF MOTION

TAKE NOTICE THAT the Applicant will make application to the above Honourable Court on 24 DECEMBER 2019 at 10h00 for an order in the following terms:

1. The non-compliance with the Uniform Rules of Court pertaining to time periods, forms and service are condoned;

2. Notice no 42858, published by the First Respondent, in the Government Gazette of 27 November 2019, in terms of which he announced an amnesty as contemplated in Sections 138 and 139(1) of the Firearms Control Act, 60 of 2000 (the Act), is hereby reviewed and set aside; alternatively
3. Notice no 42858 is declared invalid, and/or *ultra vires* the provisions of Section 139(2) of the Act;
4. The First Respondent is prohibited from declaring an amnesty as contemplated in Section 139(1) of the Act until such time as reasonable notice, and a reasonable opportunity has been afforded all or any person/s, association/s and/or entity/ies, (including the Applicant), who may have an interest in an intended amnesty, to make representations to the First Respondent, and/or the Parliamentary standing committee for Police, concerning the conditions such amnesty, and the First Respondent is directed to consider such representations before submitting to Parliament for its approval, any notice of a proposed amnesty as required by Section 139(2) of the Act;

5. In the event of the First Respondent again applying to Parliament for the approval of an amnesty notice, as required by Section 139(1) and (2) of the Act, then and in such event, the First Respondent shall include in such notice, conditions which provide for owners of firearms, licenced in terms of the act (new order firearm licences) whose licences had lapsed because of their failure to renew their licences, to apply for the renewal of such licences, in terms of Section 139(4)(a) of the Act, and in the event that it be required that such renewal applications were only to be accepted from holders of valid competency certificates, then and in such event, any application for the renewal of firearms licences in terms of Section 139(4)(a) of the Act shall be accepted, but not finalised until such time as, the particular applicant/s have had a reasonable opportunity to also apply for the required competency certificate/s, and the final outcome of their respective applications;
6. That pending the submission of a substitute amnesty notice to Parliament for the approval, as required by Sections 139(1) and (2) of the Act, the First and Second Respondents are prohibited from confiscating and destroying any firearms of owners thereof, and/or to arrest and prosecute owners of firearms and ammunition for the illegal possession thereof, on account of firearms and ammunition,

the new order licences to hold, in respect of which had lapsed for want of renewal thereof within the time limits provided for in the Act;

4

7. Costs of the application;
8. Further and/or alternative relief.

TAKE NOTICE FURTHER that the founding affidavit of Dr HERMAN ELS, together with annexures thereto will be used in support hereof.

TAKE NOTICE FURTHER that the Applicant has appointed the address of JUAN KOTZE ATTORNEYS, as stated hereinbelow, as an address as referred to in Rule 6(5)(b) at which the Applicant will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing this application you are required:

- (a) to notify the Applicant's attorney in writing on or before Thursday, 12 December 2019 at 16h00 of such intention to oppose this

application; and

5

- (b) by no later than 14h00 on Tuesday, 17 December 2019, after you have so given notice of your intention to oppose the application, to file your answering affidavits, if any; and further
- (c) that you are required to appoint in such notification an address referred to in Rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose be given, then this application will be made on 24 DECEMBER 2019, at 10h00, or as soon thereafter as counsel for the Applicant may be heard.

DATED AT PRETORIA ON THIS THE 11 th DAY OF DECEMBER 2019.



JUAN KOTZE ATTORNEYS
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PRETORIA.
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6

TO:
THE REGISTRAR OF THE
ABOVE HONOURABLE COURT
PRETORIA

AND TO:
THE MINISTER OF POLICE
First Respondent
C/o THE STATE ATTORNEY
SALU Building
316 Thabu Sehume Street
PRETORIA

SERVICE BY SHERIFF

AND TO:
THE NATIONAL COMMISSIONER
OF THE SOUTH AFRICAN POLICE SERVICE
Cited herein in his capacity as the
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