



**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

1ST RESPONDENT
2ND RESPONDENT

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

IT IS ORDERED THAT

1. The South African Police Service ("SAPS") as represented herein 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 place 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 for such a firearm has expired, and this order will operate as an interim interdict, pending the further determination of this application as prayed for in paragraphs 3 to 9 below.
2. This matter is postponed to the opposed motion roll for further determination of the following relief, as prayed for by the applicant.
3. By declaratory order of court the periods referred to in sections 27 and/or 24(1) and 24(4) of the Firearms Control Act, Act 60 of 2000 ("the Act"), may be extended in terms of section 28(6) thereof in order for people that hold expired licenses to apply for the renewal thereof on good cause shown, within a period determined by the court.
4. The first respondent is to withdraw the circular issued by the Acting National Commissioner on 3 February 2016.

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2018 -08- 03

GD-PRET-006

GRIFFIER VAN DIE HOOGGEREGSHOF SUID-AFRIKA,
GAUTENG- AFDELING.


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 applications for renewal of licenses which are lodged inside the 90 (ninety) days' period envisaged in Section 24(1) of 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 their validity contemplated in section 27 of the Act has expired.
7. Any applications for renewal contemplated in paragraphs 5 and 6 above shall be subject to the requirement of "good 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 518(a), shall be deemed to be in lawful possession of the firearm until his application has been decided.
9. Further and/or alternative relief.
10. The costs of this application, inclusive of the costs of two counsel, if applicable, are reserved for decision in main application.

BY THE COURT



**REGISTRAR
VZ**

Attorney: LARRY MARKS

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA		
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