



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

National Commissioner of Police and Another v Gun Owners of South Africa (Case no 561/2019)
[2020] ZASCA 88 (23 July 2020)

From: The Registrar, Supreme Court of Appeal

Date: 23 July 2020

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgment of the Supreme Court of Appeal

Today the Supreme Court of Appeal (SCA) upheld an appeal against an interim interdict issued by the Gauteng Division of the High Court, Pretoria (Prinsloo J). The interdict prohibited the South African Police Service (the SAPS) from demanding or receiving any firearms with expired licences under the Firearms Control Act 60 of 2000 (the Act).

The respondent, Gun Owners of South Africa (GOSA), had applied for the interdict against the appellants, the National Commissioner of Police (the Commissioner) and the Minister of Police, to prevent the SAPS from implementing any plans of action or from demanding or accepting any firearms in respect of which the licences had expired. The interdict was sought pending the determination of an application to extend the validity periods of existing firearm licences as well as the time within which expired firearm licenses could be renewed.

The SCA held that GOSA did not meet the requisites for the grant of an interim interdict. More specifically, the interdict issued by the high court violated the doctrine of the separation of powers since it prevented the police from exercising their powers under the Act. The high court judge was criticised for amending GOSA's claim of his own accord, when it did not make out a case for the relief sought. The SCA held that this conduct rendered a court susceptible to an allegation of bias. It further held that the interim interdict granted was constitutionally inappropriate.

In the result, the appeal was upheld with costs, including the costs of two counsel.
