

Firearms Control Briefing

Implications of Supreme Court of Appeal judgement upholding SA's firearm licence renewal system

Introduction

On 23 July 2020 the Supreme Court of Appeal (SCA) upheld an application filed by the National Police Commissioner and the Minister of Police against an urgent interim interdict granted by Judge Prinsloo on 27 July 2018 in the North Gauteng High Court.¹ The interdict, granted in response to an urgent application launched by Gun Owners of South Africa (GOSA), prevented the South African Police Service (SAPS) from enforcing various provisions relating to the renewal of firearm licences – see Box 1.

“The application is dismissed with costs, including the costs of two counsel.” Supreme Court of Appeal, 23 July 2020²

The SCA judgement was scathing of Judge Prinsloo and GOSA's litigation and has a range of implications for firearm licence renewals in South Africa, which this Briefing explores. First, though, it summarises the SCA judgement.

Box 1: *Firearm licence renewals*³

Gun licences in South Africa have historically lasted for life (see firearm licence renewal timeline on page 8). This changed in 2000 when the Firearms Control Act (FCA) established a system for the regular renewal of firearm licences:

- Section 24 requires the holder of a firearm licence to apply to renew this at least 90 days before the licence expires.
- Section 27 lists the periods of validity of various types of licences issued under the FCA, e.g. a licence to possess a firearm for self-defence is valid for five years.
- Section 28 deals with the termination of a firearm licence: Under subsection 1a, a licence terminates when the validity period has expired unless the licence has been renewed. Once a licence is terminated for whatever reason, including failure to renew it before it lapsed, the holder is then in unlawful possession of a firearm, which is a criminal offence. The holder must dispose of the firearm in accordance with the FCA.

¹ Schippers, Ashton (Judge). 2020. Judgement of the Supreme Court of Appeal, Case 561/2019 in the matter between the National Commissioner of Police (First Appellant) and Minister of Police (Second Appellant) and the Gun Owners of South Africa (Respondent) and Gun Free South Africa (Amicus Curiae), 23 July. (Online). Available at www.supremecourtofappeal.org.za/index.php/component/jdownloads/summary/33-judgments-2020/3405-national-commissioner-of-police-and-another-v-gun-owners-of-south-africa-561-2019-2020-zasca-88-23-july-2020 (accessed 29 August 2020).

² Ibid, p. 3.

³ Firearms Control Act (No 60 of 2000).

Supreme Court of Appeal judgement

“GOSA brought an application which was without merit, based on assertions and inadmissible evidence, and then insisted on being heard on an urgent basis. It flouted the most basic rules of litigation. The litigation was conducted in a ‘manifestly inappropriate’ manner.” Supreme Court of Appeal, 23 July 2020⁴

The hard hitting SCA judgement overturned an urgent interim interdict issued by Judge Prinsloo in favour of GOSA, which stopped the SAPS from enforcing various provisions of the FCA. The interdict was a serious blow to gun control in South Africa because it disabled the system of firearm licence renewal and termination by prohibiting the SAPS from demanding or accepting the surrender of firearms by licence-holders whose licences had expired.

The SCA judgement upholds the validity of firearms licence renewal as a cornerstone of the FCA: It affirmed that the Act prohibits the possession of a firearm unless the holder has a valid licence, permit or authorisation to do so, thereby criminalising the unlawful possession of a firearm.

The SCA judgement further affirmed that *“the core premise of the gun control regime [in South Africa] is that gun ownership is not a fundamental right under the Bill of Rights, but a privilege regulated by the law under the Act.”*⁵

In its urgent application in the High court, GOSA sought multiple and far reaching orders against the SAPS, including that firearm licences be extended to the lifetimes of gun owners. It did so without attacking the constitutionality of the FCA, even though the relief sought would substantially alter the Act. Recognising that much of the relief sought was incompetent, Judge Prinsloo engineered various deletions and amendments to the relief sought by GOSA during the 2018 hearing.

The SCA judgement was particularly scathing of the conduct of Judge Prinsloo. It described his three month delay in signing his own judgement as conduct which *“is unfortunate and weakens public confidence in the judicial process.”*⁶

The SCA described Judge Prinsloo’s attempt to salvage the case of GOSA during the hearing as *“unusual, troubling and regrettable”*.⁷ It held that such judicial interventions *“may render the court susceptible to an accusation of bias”*⁸ and called on judges *“to remember that their function is that of*

⁴ Schippers, Ashton (Judge). 2020. Judgement of the Supreme Court of Appeal, Case 561/2019 in the matter between the National Commissioner of Police (First Appellant) and Minister of Police (Second Appellant) and the Gun Owners of South Africa (Respondent) and Gun Free South Africa (Amicus Curiae), 23 July. (Online). Available at www.supremecourtofappeal.org.za/index.php/component/jdownloads/summary/33-judgments-2020/3405-national-commissioner-of-police-and-another-v-gun-owners-of-south-africa-561-2019-2020-zasca-88-23-july-2020 (accessed 29 August 2020), p. 28.

⁵ Ibid, p. 18.

⁶ Ibid, p. 10.

⁷ Ibid, p. 17.

⁸ Ibid, p. 15.

a neutral umpire holding the balance between litigants” and they should not “descend into the arena and give the impression of acting as advocate.”⁹

Recognising that the issue of firearm ownership and control are emotionally charged, which make facts and data vital, the SCA was particularly harsh on Judge Prinsloo’s acceptance of “*newspaper reports, argument, inadmissible hearsay*”¹⁰ and the opinions of GOSA’s chairperson as “*proof*” that “*the matter was one of ‘life and death’*” and that there was “*a clear and pressing danger to the security of the state.*”¹¹ The SCA noted that none of these offer “*a shred of evidence*”¹² to support GOSA’s case. Instead, the Court argued, the evidence submitted showed that the vast majority of gun owners with firearms for self-defence (some 1.7 million people) had in fact renewed their firearm licences.

The judgement effectively ends the main relief pursued by GOSA, which sought a return to the apartheid era’s permissive Arms and Ammunition Act system of firearm ownership. The SCA ruled that “*GOSA simply did not make out a case for an interim interdict...The main relief had no reasonable prospect of success: it was doomed to failure from the outset.*”¹³

Implications of SCA ruling

The interim interdict granted by Judge Prinsloo in the North Gauteng Hight Court is “constitutionally inappropriate, it violates the principle of separation of powers, it guarantees the unlawful possession of firearms, and therefore it must be set aside.” Supreme Court of Appeal, 23 July 2020¹⁴

The SCA ruling made a number of important pronouncements which have various implications; these are summarised below.

Pronouncements

The SCA judgement affirmed:

1. The 2018 Constitutional Court ruling that gun ownership “is not a fundamental right under the Bill of Rights, but a privilege regulated by law under the [Firearms Control] Act.”¹⁵
2. That an expired firearm licence cannot be renewed: “When a firearm licence terminates as contemplated in s 24(1) of the Act, it comes to an end by the operation of law; it is no longer valid and thus cannot be extended.”¹⁶

⁹ Ibid, p. 18.

¹⁰ Ibid, p. 22.

¹¹ Ibid, p. 22.

¹² Ibid, p. 22.

¹³ Ibid, p. 27.

¹⁴ Ibid, p. 27.

¹⁵ Ibid, p. 18.

¹⁶ Ibid, p. 22.

3. That possession of a firearm without a valid licence is a contravention of Section 3(1)(a) of the FCA, which reads, “No person may possess a firearm unless he or she holds for that firearm a licence, permit or authorisation issued in terms of this Act.”¹⁷ The penalty for being in illegal possession of a firearm is a maximum period of 15 years imprisonment.¹⁸

Implications of SCA ruling

Although some 1,7 million firearm owners did renew their firearm licences for self-defence in time, there are more than 450,000 firearms for which licences have terminated due to non-renewal;¹⁹ a number amplified by GOSA’s active encouragement of firearm owners to not renew their firearm licences in time (See Box 2).

As noted, a firearm licence that has terminated is no longer valid, which means the firearm is in illegal possession and the owner risks imprisonment.

Fortunately for firearm owners with expired licences, within days of the SCA judgement, and following parliamentary approval, the Minister of Police declared a 6-month national firearms amnesty from 1 August 2020 to 31 January 2021.²⁰

Under the conditions of the amnesty a firearm owner illegally possessing a gun can apply for amnesty from prosecution for being in illegal possession. They have two options under the amnesty:

- To surrender the firearm(s) for destruction.
- To surrender the firearm(s) and apply for a new licence for said firearm.

The conditions of the amnesty do not allow a firearm owner to renew a firearm licence when that licence has expired as it de facto does not exist in law.

Box 2: GOSA’s misinformation campaign encourages gun owners to break the law

False and misleading information spread by GOSA has contributed to gun owners breaking the law by not applying to renew their licences in time, despite the Constitutional Court’s ruling upholding the constitutionality of sections 24 and 28 of the FCA.²¹

For instance, GOSA’s ‘Renewal Rescue Pack’, which was publicly launched before the 2018 North Gauteng High Court interdict, claims that “*By following the steps in this pack, using all the materials provided, you will be able to successfully renew your expired firearm licence. If SAPS refuse to accept your renewal we provide you with the resources you will require to*

¹⁷ Firearms Control Act (No 60 of 2000), Section 3: General prohibition in respect of firearms and muzzle loading firearms.

¹⁸ Firearms Control Act (No 60 of 2000), Schedule 4: Penalties.

¹⁹ On 15 June 2018, the SAPS reported that there were approximately 436,366 firearm licences that had terminated due to non-renewal. Source: National Police Commissioner K.J. (Khehla) Sitole. 2018. Instructions relating to processing firearms for which licences terminated in terms of Section 28(1)(a) of the Firearms Control Act, 2000 (Act No 60 of 2000). Letter addressed to All Provincial Commissioners, 15 June. When the SCA made its ruling in 2020, it estimated the figure to be 450,000. Source: Schippers, Ashton (Judge). 2020. Judgement of the Supreme Court of Appeal, Case 561/2019 in the matter between the National Commissioner of Police (First Appellant) and Minister of Police (Second Appellant) and the Gun Owners of South Africa (Respondent) and Gun Free South Africa (Amicus Curiae), 23 July. (Online). Available at www.supremecourtofappeal.org.za/index.php/component/jdownloads/summary/33-judgments-2020/3405-national-commissioner-of-police-and-another-v-gun-owners-of-south-africa-561-2019-2020-zasca-88-23-july-2020 (accessed 29 August 2020). It is likely this figure is higher, considering the two year time lag and GOSA’s misinformation campaign summarised in Box 2.

²⁰ Ministry of Police. 2020. Declaration of an amnesty in terms of Section 139 of the Firearms Control Act, 2000 (Act No. 60 of 2000). Government Gazette, Vol. 661, No. 43576, 31 July.

²¹ Froneman, Johan (Judge). 2018. Judgement of the Constitutional Court of South Africa, Case CCT 177/17 in the matter between the Minister of Safety and Security (Applicant), South African Hunters and Game Conservation Association (Respondent), Fidelity Security Services (PTY) Limited (First Amicus), and Gun Free South Africa (NPO) (Second Amicus), 7 June. (Online). Available at www.saflii.org/za/cases/ZACC/2018/14.pdf (accessed 12 June 2018).

Two months into the amnesty, the Minister has not reported how many firearms have been handed in or the measures put in place to safeguard them.

successfully appeal that refusal, right up to a judicial review. If you are a GOSA Silver member (or better) we will do all of this for FREE!"²²

It is imperative that SAPS urgently take the lead in developing a coordinated campaign to deal with the 450,000+ firearms in illegal possession due to licence termination. This entails:

- Identifying firearm owners in illegal possession, which involves collating the name and contacts of each owner and the type and number of weapons currently in illegal possession.
- Encouraging these owners to surrender their weapons during the amnesty – either for destruction or to apply for a new licence.
- Monitoring applications for amnesty from these firearm owners.
- Prosecuting firearm owners for being in illegal possession if they have not taken advantage of the firearm amnesty when it ends on 31 January 2021.

A further implication arising from the SCA ruling is that attention has now focussed on an earlier interim order granted by Judge Prinsloo. In 2009, as the FCA's Transitional Provisions were ending, the SA Hunters and Game Conservation Association (SAHGCA) legally challenged them. The case was heard in the North Gauteng High Court, and on 26 June 2009 Judge Prinsloo granted an interim court order to the Association under which 'green' ID book licences issued under the Apartheid era Arms and Ammunition Act (1969) remain valid pending the final outcome of the Association's application to have certain sections of the FCA declared unconstitutional.²³

While the 2009 interim order has still not been set down for a hearing (neither SAHGCA nor the Minister of Police has responded), as a direct consequence of the SCA judgement questions have been raised about the correctness of Judge Prinsloo's 2009 ruling in light of how damning the SCA is of his 2018 conduct, and action considered to have this ruling set aside.

Conclusion

In its judgement the SCA warns that there "is a real risk that some or many [of the firearms for which licences have expired], which are now illegally in the possession of their owners may be stolen or lost and end up in the hands of criminals who may injure or kill others."²⁴

While we do not know how many of these illegally held firearms have been lost or stolen, or have been used to kill, injure or threaten; the latest crime statistics show that a firearm is the weapon most used to commit crime in South Africa,²⁵ and that even under Covid-19 lockdown, when all

²² Gun Owners SA. 2018. The GOSA Renewal Rescue Pack (v1), 24 July.

²³ Prinsloo, Bill (Judge). 2009. Interim Order of the North Gauteng High Court, Case 33656/09 in the matter between SA Hunters A.O. (Applicant), and Minister of Safety and Security (Respondent), 26 June.

²⁴ Schippers, Ashton (Judge). 2020. Judgement of the Supreme Court of Appeal, Case 561/2019 in the matter between the National Commissioner of Police (First Appellant) and Minister of Police (Second Appellant) and the Gun Owners of South Africa (Respondent) and Gun Free South Africa (Amicus Curiae), 23 July. (Online). Available at www.supremecourtofappeal.org.za/index.php/component/jdownloads/summary/33-judgments-2020/3405-national-commissioner-of-police-and-another-v-gun-owners-of-south-africa-561-2019-2020-zasca-88-23-july-2020 (accessed 29 August 2020), p. 12.

²⁵ See:

other crimes dropped, the proportion of firearm-related murders in the Western Cape increased (from 52% in 2019 to 75% in 2020).²⁶

As ruled by the Constitutional Court and upheld by the SCA, firearm ownership is not a right in South Africa, it is a privilege regulated by law; with both citizens and the state having responsibilities:

Gun owners:

While breaking the law was encouraged by GOSA and approved by Judge Prinsloo, who is described as, “The judge who kept unlicensed guns on our streets,”²⁷ non-compliance by gun owners is a massive disservice to law abiding gun owners across the country, and firearm associations and organisations would do well to actively encourage full compliance with the law by their membership.

The state:

As noted in the SCA judgement, SAPS has the power and the duty granted by the legislature to enforce the law. The evidence shows that when SAPS exercises its power and performs its duty in relation to gun control, firearm owners respond: When SAPS issued a directive in February 2016 to standardise the firearm licence renewal process, which had been unevenly enforced around the

country (it is this directive that kickstarted the process resulting in the Constitutional Court and SCA rulings),²⁸ the impact was immediate. As soon as the law was implemented, compliance levels rose, with figures for gun licence renewal applications increasing significantly in 2015/16 and 2016/17 (when an average of 126,613 gun licence renewal applications were submitted annually) compared to the previous four years (when an average of 40,000 applications were submitted).²⁹ As described under the *Implications of the SCA*

Box 3: Dealing with corruption in SA's firearms control management system

Following the assassination of Anti-Gang Unit section head Lt-Col Charl Kinnear on 18 September and reports linking his murder to a nationwide ‘guns to gangs’ syndicate involving corrupt police members in the Central Firearms Registry (CFR),³⁰ Gun Free SA has called

- South African Police Services. 2020. Crime situation in Republic of South Africa: Twelve (12) months (April to March 2019-20). Presentation to the Portfolio Committee of Police, 31 July. (Online). Available at www.saps.gov.za/services/april_to_march_2019_20_presentation.pdf (accessed 3 August 2020).
- South African Police Services. 2020. Police recorded crime statistics: Crime situation in Republic of South Africa: Three months (April to June 2020). Presentation, 14 August. (Online). Available at www.saps.gov.za/services/April_June%202020_2021.pdf (accessed 3 August 2020).

²⁶ Western Cape Government Department of Community Safety. 2020. Violent crime in 11 priority areas of the Western Cape during the Covid-19 lockdown, 18 August. (Online). Available at www.westerncape.gov.za/files/20200629_violent_crime_during_lockdown_-_report_final_with_recommendations_1.pdf (accessed 6 October 2020).

²⁷ Webster, Dennis. 2020. The judge who kept unlicensed guns on our streets. New Frame, 7 September. (Online). Available at www.newframe.com/the-judge-who-kept-unlicensed-guns-on-our-streets/ (accessed 8 September 2020).

²⁸ Acting National Police Commissioner J.K. (Khomotso) Phahlane. 2016. Renewal of firearm licences in terms of section 24 of the Firearms Control Act, 2000 (Act 60 of 2000). Letter addressed to the National Head, Directorate for Priority Crime Investigation; Divisional Commissioners; Provincial Commissioners; Head, Corporate Communication; All Heads and Section Heads, Head Office; All Commanders, SAPS Academy and Training Centres; All Deputy National Comisene's; and Chief of Staff, Ministry of Police, 3 February. (Online). Available at www.saga.org.za/cm4all/iproc.php/SAPS%20Instruction%203Feb2016.pdf?cdp=a (accessed 3 November 2016).

²⁹ South African Police Service Annual Reports. (Online). Available at www.saps.gov.za/about/stratframework/annualreports_arch.php (accessed 7 February 2019).

³⁰ Nombembe, Philani. 2020. Top cop Charl Kinnear was close to cracking 'guns-to-gangs' syndicate before murder. Sunday Times, 27 September. (Online). Available at www.timeslive.co.za/sunday-times/news/2020-09-27-top-cop-charl-kinnear-was-close-to-cracking-guns-to-gangs-syndicate-before-murder/ (accessed 6 October 2020).

ruling (page 4 above), SAPS needs to develop an action plan to respond to the ruling, spelling out how gun owners with expired licences will be dealt with during and beyond the 2020-21 national firearms amnesty.

In light of developments resulting from the SCA ruling, SAPS also needs to develop an action plan for the discharge of the 2009 interim interdict: If set aside this will mean that every gun owner with a 'green' licence issued under the 1969 Arms and Ammunition Act who has not relicensed under the FCA will be in illegal possession. SAPS, in consultation with the firearm owning fraternity, must develop a plan for how to bring these gun owners under the FCA.

on the Presidency to urgently put in place the mechanism to:³¹

- Conduct an independent forensic audit of all firearm licences, permits and authorisations issued by the CFR over the last five years (from January 2015) to investigate who was issued with which licence for what purpose.
- Systematically review the entire firearms control system to identify both operational and policy gaps to stop rampant and deadly corruption spanning over a decade; the office of the Auditor-General would be best placed to undertake this audit and review.

³¹ Gun Free South Africa. 2020. Media statement: Stop tinkering: Arrest crooked cops involved in gun-licensing fraud and conduct forensic audit on Central Firearms Registry, 29 September. (Online). Available at www.gfsa.org.za/component/jdownloads/send/3-media-releases/196-statement-stop-tinkering-arrest-crooked-cops-involved-in-gun-licensing-fraud-and-conduct-forensic-audit-on-cfr (accessed 6 October 2020).

Timeline of firearm licence renewals in South Africa and contestation by gun owners

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| 2001 | 4 April: President assents to the Firearms Control Act (No. 60 of 2000); sections 24 and 28 introduce a system of firearm licence renewals; prior to this firearm licences lasted for life |
| 2004 | 1 July: Firearms Control Regulations (2004) promulgated and the Firearms Control Act (FCA) fully implemented |
| 2005 | 1 January: The Transitional Provisions of the FCA (which aim to bring firearm owners with licences under the 1969 Arms and Ammunition Act under the FCA) begin, to be completed over 4 years, but extended by a further 6 months to end on 30 June 2009 |
| 2009 | 26 June: Judge Prinsloo of the North Gauteng High Court grants an interim interdict to the SA Hunters and Game Conservation Association (SAHGCA), whereby firearm licences issued under the 1969 Arms and Ammunition Act remain valid pending the final outcome of the SAHGCA's application to have certain sections of the FCA declared unconstitutional; ³² 11 years later the interdict remains in place as neither the Association nor the Minister of Police have responded 30 June: The Transitional Provisions period of the FCA ends |
| 2016 | 3 February: SAPS issues a National Instruction to standardise firearm licence renewals as the process is unevenly enforced and complied with around the country, with some police stations accepting expired licences and others not ³³ 16 March: The SA Hunters and Game Conservation brings an application to have sections 24 and 28 of the FCA declared constitutionally invalid in the High Court ³⁴ |
| 2017 | 4 July: Judge Tolmay of the North Gauteng High Court finds sections 24 and 28 of the FCA to be constitutionally invalid on three grounds: (1) irrationality and vagueness; (2) breaching the right of equality; and (3) violating the protection of property rights in section 25 of the Constitution; ³⁵ the case is referred to the Constitutional Court |
| 2018 | 7 June: The Constitutional Court rules that gun ownership is a privilege, not a right; that firearm licence renewals are constitutional; and that when a licence expires it terminates and so cannot be renewed ³⁶ |

³² Prinsloo, Bill (Judge). 2009. Interim Order of the North Gauteng High Court, Case 33656/09 in the matter between SA Hunters A.O. (Applicant), and Minister of Safety and Security (Respondent), 26 June.

³³ Acting National Police Commissioner J.K. (Khomotso) Phahlane. 2016. Renewal of firearm licences in terms of section 24 of the Firearms Control Act, 2000 (Act 60 of 2000). Letter addressed to the National Head, Directorate for Priority Crime Investigation; Divisional Commissioners; Provincial Commissioners; Head, Corporate Communication; All Heads and Section Heads, Head Office; All Commanders, SAPS Academy and Training Centres; All Deputy National Comisene's; and Chief of Staff, Ministry of Police, 3 February. (Online). Available at www.saga.org.za/cm4all/iproc.php/SAPS%20Instruction%203Feb2016.pdf?cdp=a (accessed 3 November 2016).

³⁴ The South African Hunters and Game Conservation Association. 2016. Notice of Motion to the Gauteng High Court, Case 21177/16 in the matter between the South African Hunters and Game Conservation Association (Applicant) and Minister of Safety and Security (Respondent), 16 March.

³⁵ Tolmay, Ronel (Judge). 2017. Judgement of the North Gauteng High Court, Case 21177/2016 in the matter between the South African Hunters and Game Conservation Association (Applicant), and the Minister of Safety and Security of the Republic of South Africa (Respondent), 4 July.

³⁶ Froneman, Johan (Judge). 2018. Judgement of the Constitutional Court of South Africa, Case CCT 177/17 in the matter between the Minister of Safety and Security (Applicant), South African Hunters and Game Conservation Association (Respondent), Fidelity Security Services (PTY) Limited (First Amicus), and Gun Free South Africa (NPO) (Second Amicus), 7 June. (Online). Available at www.saflii.org/za/cases/ZACC/2018/14.pdf (accessed 12 June 2018).

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| | <p>15 June: SAPS issues a National Instruction in response to the ConCourt ruling to standardise the processing of firearms for which licences have terminated under section 28 of the FCA³⁷</p> <p>6 July: Gun Owners SA launches an urgent application in the High Court seeking an interim interdict to stop the police from acting on the ConCourt ruling pending determination of an application for one of two reliefs: (1) That firearm licences last for life or (2) That SAPS accept renewal applications for expired licences</p> <p>27 July: Judge Prinsloo of the North Gauteng High Court grants an interim order to Gun Owners SA, halting action by SAPS in response to the ConCourt ruling,³⁸ thereby disabling the system of firearm licence renewal and termination</p> <p>8 November: Judge Prinsloo signs a copy of his judgement</p> <p>7 December: Leave to appeal Judge Prinsloo’s interim interdict is granted to the National Police Commissioner and Minister of Police</p> |
| 2020 | <p>22 May: Appeal heard by the Supreme Court of Appeal</p> <p>23 July: The Supreme Court of Appeal upholds the appeal with costs and sets aside the interim order granted by Judge Prinsloo on 27 July 2018³⁹</p> <p>8 September: State Attorney writes to SAHGCA to discharge the 2009 interim order and formally withdraw the main application.⁴⁰ SAHGCA given until 17 September to respond, but has requested an extension.</p> |

³⁷ National Police Commissioner K.J. (Khehla) Sitole. 2018. Instructions relating to processing firearms for which licences terminated in terms of Section 28(1)(a) of the Firearms Control Act, 2000 (Act No 60 of 2000). Letter addressed to All Provincial Commissioners, 15 June.

³⁸ Prinsloo, Bill (Judge). 2018. Interim Order of the North Gauteng High Court, Case 46684/18 in the matter between Gun Owners of South Africa (Applicant), the National Commissioner of Police (First Respondent), and Minister of Police (Second Respondent), 27 July.

³⁹ Schippers, Ashton (Judge). 2020. Judgement of the Supreme Court of Appeal, Case 561/2019 in the matter between the National Commissioner of Police (First Appellant) and Minister of Police (Second Appellant) and the Gun Owners of South Africa (Respondent) and Gun Free South Africa (Amicus Curiae), 23 July. (Online). Available at www.supremecourtofappeal.org.za/index.php/component/jdownloads/summary/33-judgments-2020/3405-national-commissioner-of-police-and-another-v-gun-owners-of-south-africa-561-2019-2020-zasca-88-23-july-2020 (accessed 29 August 2020).

⁴⁰ Office of the State Attorney Pretoria. 2020. Letter to Carl Arnold (President of SAHGCA Board) and Fred Camphor (Chief Executive Officer of SAHGCA) regarding South African Hunters and Game Conservation Association v Minister of Safety and Security: Case N.: 33657/2009, 8 September.