

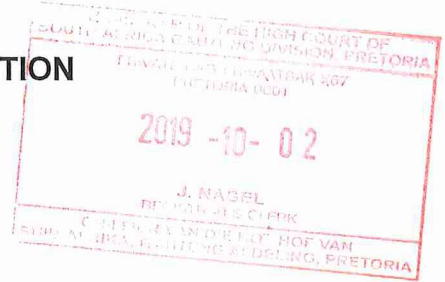
IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

CASE NO : 72624/19

In the matter between :

**SOUTH AFRICAN ARMS AND AMMUNITION  
DEALERS ASSOCIATION (SAAADA)**

Applicant



and



**THE MINISTER OF POLICE**

First Respondent

**THE NATIONAL COMMISSIONER OF THE  
POLICE SERVICES**

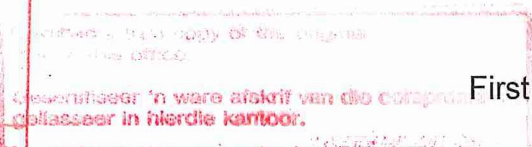
Second Respondent

**MAJOR GENERAL MAMOTHETHI, HEAD OF THE  
FLASH**

Third Respondent

**COLONEL PD SIKHAKHANE**

Fourth Respondent



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**URGENT NOTICE OF MOTION**

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**BE PLEASED TO TAKE NOTICE** that application shall be made to the above Honourable Court at 10h00 on **22 OCTOBER 2019** or as soon thereafter as counsel for the applicant may be heard for an order in the following terms:

**PART A**

1. That the court dispense with the prescribed time periods of notice and service as provided for in terms of rule 6(12) of the Uniform Rules of Court;

2. That an interim interdict be granted interdicting the Respondents from implementing the directive issued on 13 September 2019 in respect of the Alteration of firearms pending the finalisation of the relief set out in Part B hereof;
3. That respondents be ordered to pay the costs of this part of the application on a scale as between attorney and client, alternatively that the costs be reserved to be dealt with in Part B of this application;
4. Further and/or alternative relief.

**BE PLEASED TO TAKE FURTHER NOTICE** that the Founding Affidavit and the annexures thereto of **JONATHAN FOUCHÉ** will be used in support of this application.

**TAKE FURTHER NOTE** that the Applicant appoints the address of its attorneys of record below as address where all correspondence and process will be received in this matter.

**TAKE FURTHER NOTE** that should you intend to oppose Part A of this application, you must:

- a) give the Applicants' attorneys notice thereof in writing by no later than

**07 October 2019;**

- b) further that your Notice must contain an address as specified in Rule 6(5)(b) where you will accept Notices and service of all documents in this matter; and
- c) by no later than noon **14 October 2019** , deliver an Answering Affidavit to this part of the application, if any.

Should no Notice of Intention to Oppose be given, this application will be made on the date allocated on the front of this Notice of Motion at 10h00 or so soon thereafter as Counsel may be heard.

**KINDLY ENROL THE MATTER ACCORDINGLY.**

## **PART B**

**TAKE NOTICE** that application will be made to the above Honourable Court at a time and date as granted by the registrar of this court for an order in the following terms:

1. Reviewing and setting aside the decision and/or directive of the Third Respondent, alternatively all the Respondents as encapsulated in the e-mail dated 13 September 2019 instructing the members of the South African Police not to approve applications for the change of a barrel for a licenced firearm;
2. An order declaring that the directive issued on 13 September 2019 by third respondent and Lieutenant General Jephta, be declared to be

invalid and set aside, alternatively to be declared to be Ultra Vires the empowering legislation and set aside;

3. An order declaring that any only the minister of Police may issue directives, instructions or make policy decisions in respect of the Firearms control Act and the Regulations issued in terms thereof.
4. That the Respondents pay the cost of this application on the attorney and client scale.
5. Further and/or alternative relief.

**BE PLEASED TO TAKE FURTHER NOTICE** that the Founding Affidavit and the annexures thereto of **JONATHAN FOUCHÉ** will be used in support of this application.

**TAKE FURTHER NOTE** that the Applicant appoints the address of its attorneys of record below as address where all correspondence and process will be received in this matter.

**KINDLY FURTHER TAKE NOTICE** that the third respondent is called upon in terms of the provisions of Rule 53 (1)(a) of the Uniformed Rules of the Honourable Court, to show cause why such decision aforementioned should not be reviewed and set aside by this Honourable Court.

**KINDLY TAKE FURTHER NOTICE** that in terms of the provisions of Rule 53(1)(b) the said third respondent is required within 15 (fifteen) days after

receipt hereof to dispatch to the Registrar of this Honourable such reasons as it may be in law required to give or desired to make or to notify the Applicant that they had done so.

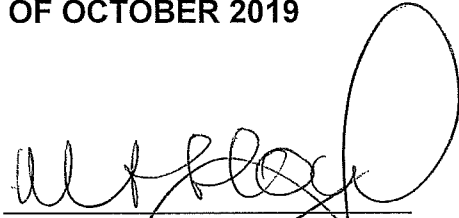
**KINDLY TAKE FURTHER NOTICE** that within ten (10) days of receipt of the reasons on record from the Registrar may by delivery of a notice and accompanying affidavit, amend, add to or vary the terms of its Notice of Motion and supplement its Founding Affidavit in terms of the provisions of Rule 53(4) of the Uniform Rules of the above Honourable Court.

**KINDLY FURTHER TAKE NOTICE FURTHER** that if any of the Respondents intends opposing this application, they are required:

- (a) To notify the applicant's attorneys in writing within fifteen (15) days of receipt of this notice of motion;
- (b) To file Answering Affidavits, if any, within thirty (30) days after expiry of the time period referred to Rule 53(4);
- (c) To appoint in such notification of your intention to oppose an address referred to in Rule 6(5) (b) at which you will accept notices and service of all documents in these proceedings.

Should no Notice of Intention to Oppose be given, this application will be made on the date allocated on the front of this Notice of Motion at 10h00 or so soon thereafter as Counsel may be heard.

DATED at WOODMEAD ON THIS THE 2<sup>nd</sup> DAY OF OCTOBER 2019



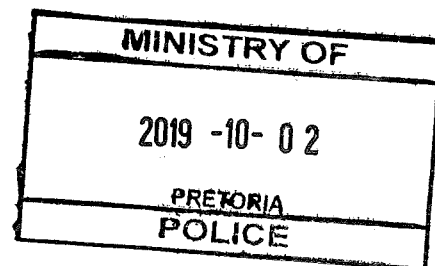
**M J HOOD & ASSOCIATES**  
**Attorneys for Applicant**  
 Molon Labe House, Unit 10  
 Woodview Office Park  
 1 Humber Street, Woodmead  
 Rivonia  
 Tel 011 234-7520/1  
 Ref: M Hood / rm /S0595

**C/O DOCEX**  
 General Post Office Building  
 271 Madiba Street  
 Church Square  
 Pretoria

**Urgent contact details:**  
**Martin Hood**  
**Cell: 082 553 9252**  
**Email: Martin@mjhood.co.za**

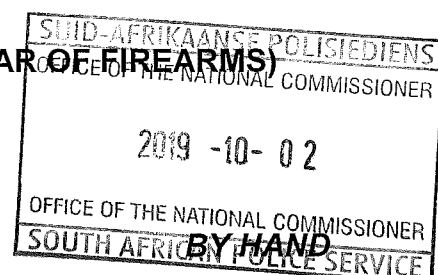
TO: THE REGISTRAR OF THE ABOVE  
 HONOURABLE COURT  
 PRETORIA

AND TO: THE MINISTER OF POLICE  
 FIRST RESPONDENT  
 C/O THE STATE ATTORNEY,  
 SALU BUILDING  
 255 SCHOEMAN STREET,  
 CNR ANDRIES STREET  
 PRETORIA

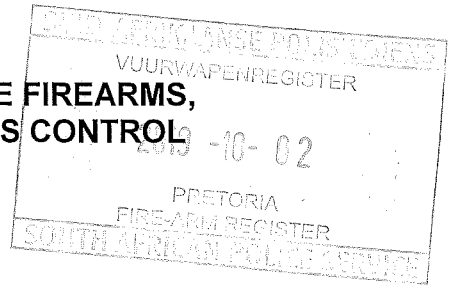


**BY HAND**

AND TO: THE NATIONAL COMMISSIONER OF THE  
 SOUTH AFRICAN POLICE SERVICES  
 GENERAL K J SITHOLE  
 (IN HIS CAPACITY AS REGISTRAR OF FIREARMS)  
 SECOND RESPONDENT  
 7<sup>TH</sup> FLOOR, WACHTHUIS  
 231 PRETORIUS STREET  
 PRETORIA

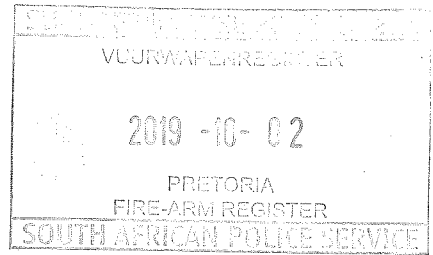


AND TO: **MAJOR GENERAL MAMOTHETI  
 (IN HER CAPACITY AS HEAD OF THE FIREARMS,  
 LIQUOR AND SECOND HAND GOODS CONTROL  
 DEPARTMENT "FLASH")  
 THIRD RESPONDENT  
 CENTRAL FIREARMS REGISTRY  
 VERITAS BUILDING  
 VOLKSTEM AVENUE  
 PRETORIA**



**BY HAND**

AND TO: **COLONEL SIKHAKHANE  
 FIREARMS, LIQUOR AND SECOND HAND GOODS CONTROL  
 DEPARTMENT "FLASH")  
 FOURTH RESPONDENT  
 CENTRAL FIREARMS REGISTRY  
 VERITAS BUILDING  
 VOLKSTEM AVENUE  
 PRETORIA**



**BY HAND**