

**SSG and others vs CFR and others**

North Gauteng High Court case no [26438/2010](#)  
(<http://www.mjhood.co.za/uploads/files/SSG%20JUDGMENT.pdf>)

This was an application to compel the police, due to extenuating circumstances, to issue Section 21 temporary authorisations to a number of security companies to possess firearms for the World Cup and for work that they had on hand subsequent to the World Cup.

The application was precipitated by the now well-known and well documented delays that the Central Firearms Registry experiences in issuing any form of process that it is obligated to do in terms of the Firearms Control Act.

These delays are alluded to in the judgment itself.

There was a previous judgment of the Honourable Mr Justice Prinsloo in the matter of Fidelity and others vs Brigadier Bothma N.O. (which was a similar application) where Judge Prinsloo indicated that Section 21 permits should be processed within 7 days.

The Applicants made application for their Section 21 permits and gave the police well in excess of 7 days to process the applications.

The court papers are in excess of 1200 pages and go into detail about the delays and problems experienced by the Applicants.

The South African Police Services admitted in their court papers that they had a policy of only issuing licences once a security company had the requisite number of competency certificates.

The reason why the security companies wanted temporary authorisations was because, in their interpretation of the legislation, a competency certificate was not necessary, to use a firearm possessed in terms of a temporary authorisation.

The police opposed the application on the basis that competency certificates were necessary and on the basis that temporary authorisations were not designed for anyone other than a natural person.

The police brought a counter application to effectively amend the Act by way of a declaration of what the Act was intended to state.

As can be seen from the judgment and court order this application was dismissed with costs by the presiding judge.

The judge indicated that in his view competency certificates were not necessary. He further ruled that the matter was urgent and that extenuating circumstances existed that exempted the Applicant's from lodging an internal administrative appeal.

He gave an order which effectively unpacked all of the arguments of Brigadier Bothma and dismissed them in toto.

He ordered that the permits be issued to the security companies.

Subsequent to this court order and three hours before the permits were due to be issued, Brigadier Bothma lodged a notice of appeal. As a result of this the Applicants then brought an application in terms of the High Court Rules to allow immediate execution of the court order.

This resulted in a settlement agreement which is the document after the judgment and court order.

The matter is still going to go on appeal on the basis of the principles of what is necessary to issue a Section 21 permit.

Further commentary will be added in due course once the appeal is decided.

**MARTIN HOOD**