

SA Jagters en Wildbewaringsvereniging SA Hunters and Game Conservation Association

Bewaring deur Volhoubare Benutting / Conservation through Sustainable Utilisation

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PRESS RELEASE

The SA Hunters and Game Conservation Association (SAHGCA) is glad to report that on 26th June 2009 the Northern Gauteng Division of the High Court granted an interim interdict against the Minister of Safety and Security confirming that firearm licenses which were issued in terms of the "Old" Firearms Act (1969) will be deemed to remain valid until the main application has been finalised.

The interim interdict was granted pending the outcome of the main application, which will determine the constitutionality of the transitional provisions contained in the Firearms Control Act (Act 60 of 2000). The Court will have to decide whether the constitutional principles in respect of the protection of private property, the principle against criminal prosecution as well as fair administrative procedures had been complied with.

SAHGCA made a valuable contribution to ensure that thousands of South African firearm owners will not be criminally prosecuted for the illegal possession of firearms after 30 June 2009.

The judgement is a victory for law abiding firearm owners. During the Court application insufficient proof was given that legitimate firearms (and in particular hunting firearms) are being used during the commissioning of crimes and that the possession of such firearms should be restricted.

SAHGCA and the SAPS are founder members of the Hunters Forum and will continue to work with the SAPS and the other accredited hunting associations in a constructive manner to implement the provisions of the Firearms Control Act. SAHGCA will, on behalf of legal firearm owners continue to insist on effective and fair administrative procedures.

SAHGCA thanks its attorney, Mr George Nell as well as Advocate George Diamond and Advocate Bertus Bergenthuyne (SC), the management of SAHGCA and every member who made this positive judgement possible.

The joining in the application of the Professional Hunters (PHASA) as well as the SA Firearms and Collectors Association also strengthened the case. The collaboration with other accredited hunting associations and the SAPS on the Hunters Forum enabled SAHGCA to assist in the protection of the hunting industries' interests.



In short the judgment means that:

- Existing old “green licenses” (issued in terms of the Firearms Act of 1969) will remain valid until finalisation of the main application, and cannot be criminally charged for the illegal possession of such a firearm;
- It is no longer necessary to apply for Section 21 – temporary authorisations;
- Storage permits which are valid until after 30 June 2009, will remain valid until its expiry date;
- There is no reason to hand firearms in at the SAPS for safekeeping or destruction before or on 30 June 2009;
- If a firearm owner has not applied for the re-licensing of his firearm such application must be done not later than 30 June 2009. Such applications can only be made if the applicant was ill, or outside the country or was not submitted due to circumstances beyond his control.

Consequently legal firearm owners may possess and use their firearms until the main application has been decided and the “old green licence” will be sufficient proof of the legal possession of firearms.

SAHGCA thanks all its members, outside institutions and individuals who have made substantial contributions to the Associations’ Legal Aid Fund.

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