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SAPS Hunting Association Accreditation Number: 1300018 | SAPS Sport Shooting Association Accreditation Number: 1300104
NPO Registration Number: 241-187 NPO

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Dear CHASA Members

Re-applying for a licence for an expired licence firearm – Constitutional Court Judgement of Fidelity Security Services vs Minister of Police & others

You are probably aware of the ultimate constitutional court victory for Fidelity Security Services (FSS) in the appeal to the Constitutional Court (ConCourt) which clearly indicates that nothing precludes a person from re-applying for a new licence for a firearm for which he/she/it has allowed the previous licence to expire. CHASA has deliberately waited a short while before responding, in order to liaise with our own legal representative and fellow stakeholders and to assess the likely way forward which will give effect to this judgement. It is noteworthy that our own legal advisor, Martin Hood, is also the successful instructing attorney in the Fidelity litigation so successfully concluded.

Firstly, we need to express sincere appreciation to FSS and their CEO Wahl Bartmann. They have, in this case and others, been at the forefront of winning, at great expense, important cases which support all firearm owners. They have in fact even allowed expansion of their own specific needs within their court arguments to specifically ensure that the benefit of a finding will accrue to all other firearm owners too. This is highly commendable and generous and indicates a responsible and concerned corporate citizen philosophy which CHASA wishes to acknowledge.

Congratulations to Martin Hood (MJ Hood Attorneys) and advocate Marius Snyman SC, for again proving themselves the most able legal team when dealing with complex and often irrationally malicious resistance from state entities where common logic and honest dialogue should have sufficed. Unfortunately, too often the public funded state machine can only be made to deliver rational and fair service and governance by means of legal actions, and this team remain the best!

The exact process by which members with expired licences will be able to utilise this judgement to re-apply for legal possession (a firearm licence) still needs to be clarified. Although this prerogative is mostly vested within SAPS and its governance structures (Ministry/Civilian Secretariat), ideally, they should be discussing this with the litigant parties and other long-recognised firearm representative organisations. Their past history unfortunately indicates this pragmatism will be unlikely, however. CHASA would welcome any advances from SAPS et al, and will also stand in support of any initiatives in this regard from the litigating team of FSS/MJ Hood should they request it.

SAPS/DFOs are not currently in a position to take in firearms and accept applications, and we would suggest not approaching them just yet. In the meantime we suggest that all members needing to use this newfound opportunity should begin by getting their other issues in order. Check the status of your competency, prepare the motivation and supporting documentation, remembering that this will be dealt with as a completely new application, and also ensure your membership status and dedicated credentials are up to date should this be



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required for the category of application. We will certainly publicise the stipulated procedure the moment we are aware of it.

Remember, the best solution is always ensure you are acutely aware of the expiry dates of all your firearms, and ensure you apply for renewal in good time. As responsible gun owners, hunters and sport-shooters generally are more up to date with such things, so also be supportive of your relatives and friends who are owners but may not be as intimately engaged in shooting activities, helping them to also remember to renew in time.

Kind Regards

Riaan Meintjes

CHASA CHAIRMAN



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