

**IN THE HIGH COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)**

Case Number

In the matter between:

JUSTICE ALLIANCE OF SOUTH AFRICA First Applicant

and

FALSE BAY GUN CLUB Second Applicant

and

**NATIONAL MINISTER OF SAFETY
AND SECURITY First Respondent**

and

**NATIONAL COMMISSIONER OF SAPS
(REGISTRAR OF FIREARMS) Second Respondent**

and

APPEAL BOARD OF FIREARMS Third Respondent

NOTICE OF MOTION

PLEASE TAKE NOTICE that the Applicants intend to make Application to this Honourable Court for Orders as follows:

1. A DECLARATION that the refusal of the Respondents and each of them to perform their statutory duties under Section 137 of the Firearms Control Act 60 of 2000 over a period of 4 years since the said section of the Act came into force on 1 July 2004, and the refusal to give written reasons for their failure to do so, constitute a breach of Section 33(1) and (2) of the Constitution of South Africa, 1996.
2. A DECLARATION that the refusal of the Respondents and each of them to perform their statutory duties under Section 137 of the Firearms Control Act 60 of 2000 constitutes a breach of Section 25 of the Constitution of South Africa, 1996.
3. An ORDER that the Second and Third Respondents forthwith properly and without undue delay receive, hear and determine all applications and appeals relating to compensation in respect of surrendered firearms pursuant to Section 137 of the Firearms Control Act 60 of 2000 subject to any amendments of the aforesaid section ordered by this Honourable Court.
4. An ORDER that the First Respondent fulfil his duty to draw up guidelines for compensation as required by section 137(5) of the Firearms Control Act 60 of 2000 subject to any amendment of the said sub-section ordered by this Honourable Court.

5. A DECLARATION that the criterion for compensation contained in Section 137(5)(a) of the Firearms Control Act 60 of 2000 offends against section 25 of the Constitution.

6. A DECLARATION that subsections 137(3), (4) and (7) of the Act offend against section 34 of the Constitution in that they do not permit an appeal to a Court in respect of a refusal by the Second Respondent to award any compensation.

7. APPROPRIATE RELIEF pursuant to sections 38 and 172 of the Constitution.

8. An ORDER for COSTS against the Respondents

9. Further and alternative relief.

AND PLEASE TAKE NOTICE that the accompanying affidavit of JOHN JACKSON SMYTH, together with supporting affidavits, will be used in support thereof.

AND PLEASE TAKE NOTICE that the Applicants have appointed **Grant Gunston Inc**, Attorneys, of 202, House Vincent, Ebenezer Road, Wynberg 7800, Telephone 021-762-7863, Fax 021-762-7847 as the address at which they will accept notice and service of all process in these proceedings.

AND PLEASE TAKE FURTHER NOTICE that if you intend opposing this application you are required (a) to notify the Applicant's attorney in writing on or before, and (b) within 15 days after so giving notice of intention to oppose this application, to file your answering affidavits, if any; and further you are required to appoint in such notification an address referred to in Rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose be given, the application will be made onat.....

Grant Gunston Inc, Attorneys,
202, House Vincent, Ebenezer Road,
Wynberg 7800
Telephone 021-762-7863
Fax 021-762-7847

Please Take Notice that the aforesaid Applicants' Attorneys have appointed the following agents to accept service of all documents on their behalf:

TO:
The Registrar of this Honourable Court

AND
The State Attorney (on behalf of the Respondents)
4th Floor
Liberty Life Centre
22 Long Street
Cape Town 8001