



CONSTITUTIONAL COURT OF SOUTH AFRICA

Justice Alliance of South Africa v Minister for Safety and Security and Others

CCT 02/13

Date of judgment: 21 May 2013

MEDIA SUMMARY

The following explanatory note is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.

Today, the Constitutional Court delivered a judgment dismissing an application for leave to appeal against a costs order of the Supreme Court of Appeal (SCA).

The matter originated from an order in the Western Cape High Court, Cape Town (High Court) requiring the Minister for Safety and Security (Minister) to comply with the obligation under the Firearms Control Act (Act) to publish Guidelines regulating compensation for surrendered firearms by the State in terms of the Act.

Guidelines were then published. In February 2010 the applicant sought a further order in the High Court alleging that the Minister had failed to properly comply with the Court order. The applicant contended that the Guidelines excluded the payment of compensation to persons who voluntarily surrendered their firearms to the State for destruction and that the amounts provided for in the Guidelines were unreasonably low. The High Court dismissed the application. The applicant was granted leave to appeal to the SCA.

The SCA dismissed the appeal with costs. The costs order was based on the finding that the appeal did not raise a constitutional issue. It is against this costs order that leave to appeal to the Constitutional Court was sought.

The Constitutional Court held that the challenge was not based on any alleged infringement of a fundamental right in the Constitution and that the challenge was based on the more general ground that the Guidelines fell beyond the powers granted in specific sections of the Act. The Court held that exceptional considerations which would justify interference with a costs order on appeal were not present. Leave to appeal was refused.