



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL

From: The Registrar, Supreme Court of Appeal

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Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Outdoor Investment Holdings (Pty) Ltd & Another v The Minister of Police & Another (Case No 344/2022) [2023] ZASCA 72 (24 May 2023)

Today, the Supreme Court of Appeal (SCA) handed down judgment dismissing an appeal against a decision of the Gauteng Division of the High Court, Pretoria (the high court).

The issue before the SCA was whether regulation 67 of the Firearm Control Regulations (the regulations) entitles one firearms' dealer to store firearms at its licensed premises on behalf of another firearms' dealer.

The first appellant was Safari Outdoor, and the second appellant was Inyathi. Each of them had been issued with dealer's licences in terms of the Fire Control Act 60 of 2000 (the FCA) to trade in firearms and ammunition. Safari Outdoor conducts the business of a retailer in firearms and ammunition. Inyathi is a wholesaler in firearms and ammunition. A significant portion of the business of Inyathi is to provide storage facilities for firearms it sells to other retailers who are unable to take immediate delivery. When Safari Outdoor sells a firearm to a purchaser, the purchaser is required to apply for a licence to possess the firearm in terms of the FCA. The purchaser cannot take delivery of the firearm until he or she has been issued with a licence to possess the firearm. Safari Outdoor is, therefore, required to store the firearm until this happens. Safari stores these firearms at Inyathi's storage facilities.

The appellant's case was that based on the ordinary grammatical meaning of the words in regulation 67(3) of the regulations, a dealer may provide storage for firearms to another dealer, in the safe or strong room specified in the former's licence.

The SCA held that to interpret regulation 67 as permitting a dealer (as agent) to store firearms for another dealer, at its place of business specified in that dealer's licence, will be inconsistent with the injunction in s 39(1) of the FCA, which states that a dealer may trade in firearms and ammunition only on premises specified in the dealer's licence. It held that neither the FCA nor the regulations permits a dealer to provide storage for firearms to another dealer. This interpretation of the FCA and the regulations is consistent with the overall purpose of the FCA, which is to establish a comprehensive and effective system of firearm control and management. Accordingly, it was impermissible for Inyathi to provide storage for firearms on behalf of Safari Outdoor as its agent.

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