



**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

Case No: 097482/2024

(1) REPORTABLE: No	
(2) OF INTEREST TO OTHER JUDGES: No	
(3) REVISED: ✓	
 _____ SIGNATURE	23 June 2025 _____ DATE

In the matter between:

**THE SOUTH AFRICAN PROFESSIONAL FIREARMS
TRAINERS COUNCIL NPC**

Applicant

and

**THE QUALITY COUNCIL FOR TRADES AND
OCCUPATIONS**

First Respondent

**THE SAFETY AND SECURITY SECTORAL EDUCATION
TRAINING AUTHORITY**

Second Respondent

THE SOUTH AFRICAN QUALIFICATIONS AUTHORITY

Third Respondent

**MR VIJAYEN NAIDOO: CHIEF EXECUTIVE OFFICER OF
THE QUALITY COUNCIL FOR TRADES AND
OCCUPATIONS**

Fourth Respondent

**MR THAMSANQA MDONTSWA: CHIEF EXECUTIVE
OFFICER OF THE SAFETY AND SECURITY SECTORAL
EDUCATIONAL TRAINING AUTHORITY**

Fifth Respondent

**THE NATIONAL COMMISSIONER OF THE SOUTH
AFRICAN POLICE SERVICES**

Sixth Respondent

This judgment is prepared and authored by the Judge whose name is reflected as such and is handed down electronically by circulation to the parties / their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date for handing down is deemed to be 23 June 2025.

JUDGMENT

RELIEF J

INTRODUCTION

[1] The Applicant, by way of urgency, sought to interdict the First and Second respondents [Respondents] from developing and implementing an occupational skills programme for firearm training [interdictory relief]. The interdictory relief was sought on an interim basis pending the finalisation of Part B. Part B was with reference to relief sought under case number 066460/2024 [Part B] in which an order, Part A, was granted in July 2024 and which finds application in this matter.

[2] This application was struck from the urgent roll for lack of urgency. It now serves before this Court on the normal opposed roll. The First, Second, Fourth and Fifth respondents [respondents] filed their intention to oppose the relief and subsequently filed opposing papers. The Sixth respondent, according to the

applicant, was cited for information purposes only. It however opposed the application but did not file an answering affidavit.

[3] Unfortunately the papers filed in case number 066460/2024, to give context to Part B thereof, did not form part of the papers before this Court. The Applicant however attached the Court order obtained in Part A dated the 11 July 2024 granted by Minnaar AJ. The order reads: "*The status quo as it existed prior to the 30 June 2024 in respect of qualification 50480 is extended pending the decision of the fourth respondent (Minister of Higher Education and Training-own emphasis) to extend, replace or realign the qualification with a new qualification, whichever the case maybe.*" and Part B was postponed *sine die* [the July order]. No evidence on these papers demonstrates that the Minister of Higher Education and Training [the Minister] has made a decision to extend, replace or realign the qualification with a new qualification 50480 and nor did the Applicant deem it necessary to join the Minister in these proceedings.

[4] The Applicant's interdictory relief is premised on its concern that the skills programme for firearm training which is being developed and implemented by the Respondents has been initiated to replace qualification 50480 notwithstanding the fact that it has duly submitted a realignment qualification application for its replacement to the First Respondent. The Applicant bemoans that, it as a major stakeholder, has not been part of the development of the skills programme process, a process which it now too contends is invalid. Other than the interdictory relief, the Applicant also sought contempt relief against the Respondents contending that the development and implementation of the skills programme was an act in wilful disobedience of the July order. In consequence, they sought to declare the Executive Chief Officers of the respondents in contempt of Court and prayed for their committal and imprisonment for a period of 30 days [contempt relief]. The committal relief was however sought to be suspended pending the finalisation of Part B. At the date of the hearing, the Applicant's Counsel informed this Court that the Applicant no longer wished to pursue the contempt relief.

[5] The appetite for the Applicant's to finalise Part B is unclear from a reading of the papers. However, what is clear is that until the Minister makes a decision, the

status quo of qualification 50480, as it was prior to the 30 June 2024, is secured by order. This is probably why the Respondents' Counsel at the hearing in his opening argument stressed that that Applicant has not dealt with the requisites for interdictory relief in its founding papers and it is therefore unclear what *prima facie* right the Applicant wished to protect from harm with an interdictory remedy.

[6] The Applicant's Counsel was unable to take the Court to the papers where such right, albeit established *prima facie* right was clearly demonstrated. Therefore the Counsel, in an attempt to expand the reach of what was in the papers attempted to argue that the Applicant brought the interdictory relief to protect the security of the public. A submission which has not been underscored by the evidence. The contempt relief has been abandoned and no evidence is before this Court which demonstrates that the Minister will or is going to accept the skills programme as a 'qualification' and make a decision bearing the skills programme in mind. The Minister has not been joined to address any version on the papers. The *status quo* on the papers, therefore appears undisturbed and the need to protect the safety of the public, at this stage, is unclear.

[7] This then begs the question what is the basis and the need for the Applicant to seek interdictory relief at this time and, can this Court give context to Part B when considering the Applicant's relief? To this end, this Court begins by considering who the parties are within the firearm competency industry. This should give context to the issue. This Court too will explore whether a difference between a qualification and a skills programme exists within the applicable legislative framework. Such considerations will be done bearing in mind that the July order specifically refers to a decision being made in respect of a qualification and not a skills programme.

THE PARTIES

[1] The Applicant is a non-statutory professional body together with the Third Respondent who, by virtue of a written delegation concluded between itself and the First Respondent from 1 April 2013 to the 30 June 2024, was delegated a quality assurance function for the registered NQF qualification 50480 in place of the Second Respondent [delegation]. The scope of the delegation was limited to the quality

assurance of the qualification or part qualifications listed in the schedule. The delegation would expire once the qualification listed is reviewed and replaced by a qualification developed and registered on the Occupational Qualifications Framework [OQF] or until the qualification reaches its registration end date and check out periods or when the qualification is withdrawn by the First Respondent. It is common cause that qualification 50480 expired on the 30 June 2024 and with that, the Applicant's delegatory function. The necessity then of the July order apparent.

[2] The First Respondent however is a statutory body who is mandated to regulate trade and occupations and whose principal power is to ensure quality assurance in respect of occupational standards and qualifications as well as the learning in and for the workplace. It operates in terms of a delegation model in terms of which certain functions are delegated to a SETA. In this way it therefore delegated certain of its quality assurance powers to the Second Respondent. This credence is echoed in section 32 of the NQF Act¹ which provides that a quality council, such as the First Respondent, has the power to delegate any of its functions to a committee of any other body capable of performing the delegated function. These functions are, however, subject to certain formalities and requirements of course.

[3] The Second Respondent is the Safety and Security Sector Education and Training Authority [SASSETA]. The Second Respondent is a statutory body

¹ Section 32 of the NQF Act reads as follows:

"32. Delegation

The SAQA and the QCs have the power to delegate any of their functions to a committee, any other body capable of performing the function or an employee, but a delegation-

- (a) *must be in writing and available for inspection on request by a member of the public;*
- (b) *must specify the terms and conditions of the delegation;*
- (c) *must be consistent with this Act and the Act by which the relevant QC is established;*
- (d) *must be accompanied by sufficient funds to perform the function;*
- (e) *does not exempt the SAQA or the QC, as the case may be, from responsibility for the function; and*
- (f) *does not prevent the performance of the function by the SAQA or the QC, as the case may be."*

established in terms of the Skills Development Act [SDA].² It is common cause that the First Respondent delegated certain of its functions to the Second Respondent but, as stated, revoked certain of its functions to the Applicant by virtue of the delegation.

THE 50480 QUALIFICATION

[4] It is common cause that a person who applies for a firearm license must be in possession of a training certificate. That certificate indicates *inter alia* that the candidate has passed the prescribed test on knowledge of the Firearms Control Act³ and that the candidate has successfully undergone practical training in the safe and efficient use of a firearm. The South African Police Services [SAPS] issues such firearm licenses to a candidate and will only do so upon receipt of a training certificate which indicates that the candidate understands the law that applies pertaining to the safe handling and use of a firearm.

[5] The training itself and the safe handling and use of a firearm is done by accredited training providers. The test of knowledge of the FICA as well as the formal training and practical testing in the safe and effective handling of firearms must comply with the requirements of the South African Qualifications Act⁴ [SAQA] read with the Skills Development Act.⁵

[6] It is common cause that the qualification is known as the ID50480 "*Further Education and Training Certificate: Firearm Training*" which is a standard which addresses the legal requirements needed for any private person applying for a competency certificate or firearm license [qualification 50480].

² Section 26G(1) of the SDA.

³ Act 60 of 2000. See section 6(2) read with Firearms Control Regulations 13(1) and (2) [FCA].

⁴ Act 58 of 1995.

⁵ Act 67 of 2008.

[7] The function of the Applicant then is to receive applications for registration of a firearm license, to register it and to accredit such candidate. SAPS took a decision to only accept certificates, when issuing firearm licenses to candidates on the strength of training providers accredited by the Applicant.

[8] A further effect is that a training institution in respect of unit standards has to be accredited through the Applicant to constitute a legal effect. Qualification 50480 has an expiry date and as indicated that was reached on the 30 June 2024. In consequence after the date of cessation, the Applicant was to register with the First Respondent and the Second Respondent was to do the quality assurance of the Applicant. Both were not in a position to do so. Again, the necessity of the July order apparent.

[9] It is common cause that the Applicant has in terms of the First Respondent's procedures and policies, submitted its application in respect of a realigned qualification for firearm training specialist, range officer, assistant firearm instructor and tactical firearm instructor, ostensibly to replace qualification 50480. In August 2024, just before the Applicant launched this application, the First Respondent responded to the Applicant's application by reference: *"The South African Professional Firearm Trainers Council – Submission of Occupational Qualification(s)"* in which it, made a request for the Applicant to furnish further documents which it stated did not accompany the application [realignment application]. The First Respondent stated that such was required to enable it to make a proper consideration of the duly submitted alignment application. The Applicant did not demonstrate on the papers that it submitted the documents required by the First Respondent in its letter of August 2024.

[10] Simultaneously with the First Respondent's process, the Second Respondent, according to its statutory mandate and policies is developing a skills programme, the subject matter of this application which the Applicant confirms in its founding papers is to replace the 50480 qualification.

QUALIFICATION VS SKILLS PROGRAMME

[11] According to the Occupational Qualification Sub-Framework [OQSF] Policy, of 2021, a qualification is defined as: *"Means a registered national qualification consisting of a planned combination of learning outcomes which has a defined purpose or purposes, intended to provide qualifying learners with applied competence and a basis for further learning and which has been assessed in terms of exit level outcomes, registered on the National Qualification Framework and certified and awarded by a recognised body."*

[12] In turn, the definition for a skills programme is defined as: *"Chapter 5 of the SDA, Act 97 of 98 defines a skills programme as 'a skills programme that is occupationally based and when completed will constitute / contribute a credit towards a qualification registered on the NQF'."*

[13] Skills programmes were given recognition by the then Minister in the publication of Government Gazette 45401 in October 2021.

[14] The Respondents in their answering affidavit set out such differences which are in harmony with the OQSF in that it stated that the difference between a qualification and a skills programme is that a skills programme is not qualify assured in the same manner as a qualification and that it is often not regarded as part of a qualification, particularly where no qualification exists. In other words, if the Applicant's realigned qualification is accepted after the evaluation thereof and is as a result thereafter registered ion the NGF, then the skills programme can be fitted into this qualification and will form part of that qualification, as a credit. Furthermore, unlike the 50480 qualification, the skills programme is not currently recognised by the South African Police Services for the purpose and issuing of competency certificates.

[15] Notwithstanding the above, the Applicant in reply persists that the skills development programme is intended to be developed to specifically undermine the Applicant's mandate and successors in that no other qualification exists to warrant the development of the skills programme. It too bemoans that the Second

Respondent has relegated the Applicant as a stakeholder, a minor one at that and, should have approached it as a partner, being part of the skills development programme.

[16] The Applicants further contend that the skills programme is invalid, not rational, and that no consultations or compliance with the policy took place.

DISCUSSION

[17] As a direct result of the July order the qualification 50480 and as such, the quality assured firearms training was and still is available to the public and quality assured by the Applicant.

[18] It appears that it is not the Applicant's case that the Respondents are not entitled to develop or initiate a skills programme but, they question the rational thereof in circumstances where no qualification has been registered attracting the need for such credits to be attained by an applicant through such a skills programme. The Applicant therefore, other than contending that it was told that the skills programme is to replace its 50480 qualification, now also contends that absent another registered qualification, the skills programme will be converted into a firearm qualification which is not in the public interest and forms part of a process which they have not been part of. The Respondents should therefore be interdicted.

[19] Having regard to the Applicant's case as a whole and, how it framed its relief by pinning it to the finalisation of Part B irrespective of the Part B's success, it becomes clear that irrespective of the skills programme, or the possibility of its conversion as a "qualification", the status *quo* remains until the Minister makes a decision.

[20] It is trite that the requirements of interdictory relief must be dealt with by an Applicant whether it seeks final or interim relief. This requires an Applicant to engage fully with the requirements so that a Court may consider all the different requisites (a *prima facie* right, well-grounded apprehension of irreparable harm, balance of

convenience and no other satisfactory remedy) all in conjunction with one another in order to determine whether it should exercise its discretion in favour of granting the interim interdictory relief.

[21] The fact that the Minister was not cited means that the Minister has not been able to inform this Court when she intends to make the decision. Nor whether the Applicant's fears in respect of the skills programme being converted into a qualification to replace qualification 50480 is, a fact, to try and bolster a well-founded, albeit whether a reasonable well-founded apprehension of irreparable harm exists. The Respondents in correspondence, before this application was even launched informed the Applicant that the intention of the skills programme was not to replace qualification 50480 nor any other aligned qualification and that the development of the skills programme has no bearing on the status of qualification 50480 nor the outcome of the Applicant's alignment application. A stance the Respondents maintained under oath in answer. Yet the Applicant forged ahead to set the matter down on the urgent Court. Any well-founded apprehension of irreparable harm has not been established.

[22] The Applicant has failed dismally to demonstrate that it, under these circumstances has a *prima facie* right which it wishes to protect, as previously reasoned. Furthermore the inability of this Court to consider all the facts, including the possible success of the Applicant's case in Part B without the papers makes the determination of the relief having regard to all the facts impossible. The requisite balance of convenience therefore cannot fully be determined. A requirement for interim interdictory relief.

[23] The Applicant can't usurp the function of Organ of State like the Respondents who are lawfully mandated to develop programmes like the skills programme by means of interdictory relief. If, the Applicant is unhappy with any decision taken by any functionary, like that taken by the Respondents, such decision can be reviewed if such falls within the ambit of the Promotion of Administrative Act 3 of 2000. The facts demonstrate that the Applicant is already in possession of a satisfactory remedy, the July order.

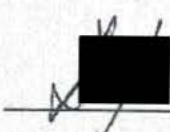
[24] The Applicant has failed to satisfy the requisites of interdictory relief and this Court is not inclined to exercise a discretion in favour of granting the interdictory relief and as such, the Applicant's application for interim relief fails.

COSTS

[25] There is no reason why costs should not follow the result, the Applicant in its notice of motion sought costs of the application. The Respondents' Counsel sought costs including the costs of Counsel on scale C in its heads of argument. There is no reason why costs on scale C should not be granted having regard to all the matter as a whole.

[26] Following order:

1. The application is dismissed.
2. The Applicant is to pay the First, Second, Fourth and Fifth Respondents' party and party costs, Counsels fees to be taxed on scale C.



L.A. RETIEF

Judge of the High Court
Gauteng Division

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