

REPUBLIC OF SOUTH AFRICA

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

Case Number: 070985/26

(1)	REPORTABLE: YES / NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED: YES/NO
03/09/2026	SIGNATURE

In the matter between:

**NO SECOND PLACE SECURITY TRADING AS
DELTA BLUE SECURITY 2023/777471/07
PSIRA REGISTRATION NO. 1925640
FIREARM CODE OF BODY 18490**

Applicant

And

**THE NATIONAL COMMISSIONER OF THE
SOUTH AFRICAN POLICE SERVICES
(IN HIS CAPACITY AS REGISTRAR OF
FIREARMS)**

First Respondent

MINSTER OF POLICE

Second Respondent

**LIEUTENANT GENERAL MAMOTHETI
HEAD VISIBLE POLICING**

Third Respondent

BRIGADIER (DR) L S BOPAPE SECTION HEAD:
FIREARMS COMPLIANCE AND ENFORCEMENT

Fourth Respondent

BRIGADIER PN SIKHAKHANE N. O.
(IN HER CAPACITY AS SECTION HEAD CENTRAL
FIREARMS REGISTRY AND IN HER PERSONAL CAPACITY)

Fifth Respondent

JUDGMENT

Lenyai J

Introduction

[1] This is an application brought by No Second Place Security, trading as Delta Blue Security ("*the Applicant*"), concerning the cancellation of its firearm licences by the Central Firearms Registry. The application is brought in two parts. Part A concerns the relief which the Applicant seeks pending the determination of Part B, in which the Applicant intends to challenge the decision to cancel its firearm licences by way of judicial review. The immediate consequence of the cancellation is significant. The Applicant conducts a private security business involving the use of firearms and contends that, unless the implementation of the cancellation is restrained, it will be unable to continue conducting its armed security operations.

[2] The application must, however, be considered against the factual circumstances which preceded the cancellation. The cancellation did not arise in isolation or from a single administrative discrepancy. It followed an investigation by members of the South African Police Service ("SAPS") into the Applicant's compliance with the Firearms Control Act¹ ("the FCA"). During that investigation, serious concerns were raised concerning the Applicant's ability to account for firearms registered to it, the manner in which its firearm registers were maintained,

¹ 60 of 2000.

the circumstances in which firearms came to be in the possession of persons not authorised to possess them, and the Applicant's compliance with the statutory requirements governing the storage, control and reporting of firearms.

[3] The Applicant does not accept the lawfulness of the cancellation. Its case is, in broad terms, that the process followed by the Respondents was procedurally unfair; that it reasonably understood the section 28 notice issued on 25 August 2025 to have been suspended by the subsequent court order of 28 August 2025; that the decision-maker relied upon information obtained after the section 28 notice without giving the Applicant a further opportunity to respond; and that the statutory distinction between a juristic person and its responsible person was not properly considered. The Applicant further contends that it should be permitted to approach this Court without first exhausting the internal appeal remedy provided for in section 133 of the FCA.

[4] The Respondents oppose the application. They submit that the Applicant has not established the exceptional circumstances necessary to excuse its failure to utilise the statutory appeal mechanism. They contend that the Applicant was afforded an opportunity to make representations following the section 28(3) of the FCA notice but elected not to do so, instead adopting the position that the notice had become invalid by virtue of the order of 28 August 2025. They further contend that the order did not suspend or terminate the statutory process and that the Applicant's interpretation of the order is no more than a unilateral interpretation advanced by its attorneys.

[5] The Respondents place particular reliance upon the nature and extent of the alleged compliance failures. They contend that, following the inspections conducted during August 2025, hundreds of firearms could not initially be accounted for and that, even after further investigation, 377 firearms remained unaccounted for. They submit that the Court cannot consider the Applicant's commercial interests without simultaneously considering the statutory obligation upon SAPS and the Registrar to ensure that firearms are properly controlled and do not fall into the hands of persons who are not authorised to possess them.

[6] It is necessary at the outset to record that the issue of urgency does not arise for determination in this judgment. Part A was initially brought as an urgent application and was struck from the roll for lack of urgency in April 2026. When the matter subsequently came before the Court on 3 August 2026, counsel for the Applicant expressly indicated that urgency had fallen away. The parties accordingly addressed the Court on the substantive issues arising from Part A. The Court therefore proceeds on that basis.

The nature of the relief sought

[7] The relief sought in Part A must be carefully distinguished from the relief which may ultimately be sought in Part B. The Applicant's ultimate challenge is directed at the legality and validity of the decision to cancel its firearm licences. That challenge has not yet been finally determined. Part A, however, seeks immediate protection pending the determination of that challenge. The Court is accordingly not presently called upon to decide whether the cancellation should ultimately be reviewed and set aside. The question is whether the Applicant has established a sufficient basis for this Court to restrain the implementation of the decision pending the determination of the review.

[8] This distinction is important because an interim interdict is not a mechanism by which a court finally determines the legality of administrative action before it has the benefit of the full record and before the review itself has been heard. The Court must therefore be cautious not to determine the ultimate merits prematurely. At the same time, the Court is required to consider whether the Applicant has established the recognised requirements for interim relief. Those requirements include the existence of a prima facie right, a reasonable apprehension of irreparable harm, a balance of convenience favouring the grant of relief and the absence of another satisfactory remedy.

[9] The Applicant additionally seeks an exemption from the obligation to exhaust the internal remedy provided for by section 133 of the FCA. That issue is anterior to the review itself but is separate from the requirements for an interim interdict. A finding that exceptional circumstances exist for purposes of section 7(2)(c) of

Promotion of Administrative Justice Act² (“PAJA”) does not automatically mean that an interim interdict must follow. Conversely, the existence of an internal remedy is a material consideration in determining whether interim relief should be granted.

Exhaustion of internal remedies

[10] Section 7(2)(a) of the Promotion of PAJA provides, subject to the provisions of the section, that a court shall not review administrative action in terms of PAJA unless any internal remedy provided for in any other law has first been exhausted. Section 7(2)(c), however, empowers a court, in exceptional circumstances and in the interests of justice, to exempt a person from the obligation to exhaust an internal remedy.

[11] The Constitutional Court in *Koyabe and Others v Minister for Home Affairs and Others*³ (“*Koyabe judgement*”), stated that—

“[38] The duty to exhaust internal remedies is therefore a valuable and necessary requirement in our law. However, that requirement should not be rigidly imposed. Nor should it be used by administrators to frustrate the efforts of an aggrieved person or to shield the administrative process from judicial scrutiny. PAJA recognises this need for flexibility, acknowledging in s 7(2)(c) that exceptional circumstances may require that a court condone non-exhaustion of the internal process and proceed with judicial review, nonetheless. Under s 7(2) of PAJA, the requirement that an individual exhaust internal remedies is therefore not absolute.”

[12] *Koyabe judgement*⁴ further states that—

“[39] What constitutes exceptional circumstances depends on the facts and circumstances of the case and the nature of the administrative action at issue. Thus, where an internal remedy would not be effective and/or where its pursuit would be futile, a court may permit a litigant to approach the court directly. So too where an internal appellate tribunal has developed a rigid policy which renders exhaustion futile.”

² 3 of 2000.

³ *Koyabe and Others v Minister for Home Affairs and Others (Lawyers for Human Rights as Amicus Curiae)* 2010 (4) SA 327 (CC) at para 38.

⁴ *Koyabe Judgment* (n 3 above) at para 39.

[13] In *Dengetenge Holdings (Pty) Ltd v Southern Sphere Mining & Development Co Ltd and Others*⁵ (“*Dengetenge judgement*”), the constitutional court described section 7(2) of PAJA in clear and peremptory terms and confirmed that, where an internal remedy is provided, a court should not review the administrative action until the remedy has been exhausted unless an exemption is granted. The section therefore reflects more than a procedural preference. It gives effect to a legislative choice that internal mechanisms should ordinarily be utilised before judicial review is pursued.

[14] The Applicant seeks to bring itself within the exception. The applicant submitted that the Firearms Appeal Board was not functional at the relevant time. The previous Board's term had expired in April 2025. Although a new Board was subsequently appointed, it was allegedly unable to function because of a dispute concerning remuneration. Counsel submitted that the remuneration dispute had only been resolved shortly before the present hearing.

[15] The Respondents dispute this proposition. The Respondent submitted that the evidence concerning the alleged dysfunction of the Board amounted to hearsay derived from an unrelated matter, referred to as “*Marksman Arms*”. More fundamentally, the Respondents emphasised that the Applicant never lodged an appeal. It therefore never placed the statutory mechanism into operation and cannot demonstrate from its own experience that the mechanism was unavailable or ineffective.

[16] I accept that a truly non-functional internal appeal body may constitute exceptional circumstances. Section 7(2)(c) would serve little purpose if a litigant were required to pursue a remedy which objectively could not operate. But the existence of such circumstances must be established on the evidence. The mere assertion that an appeal would have been ineffective does not discharge that burden.

[17] In the present case, the Applicant did not lodge an appeal under section 133 of the FCA. It did not attempt to invoke the mechanism and place before the Court

⁵ *Dengetenge Holdings (Pty) Ltd v Southern Sphere Mining & Development Co Ltd and Others* 2014 (5) SA 138 (CC) at para 119.

an appeal which could not be heard. Nor did it establish, by admissible and cogent evidence, that the Board was incapable of functioning throughout the period relevant to the Applicant's proposed appeal.

[18] The Applicant relies further upon the anticipated duration of an appeal. It was submitted that an appeal could take between 90 and 180 days, while the FCA requires the Applicant to surrender or dispose of its firearms within the relevant statutory period. The submission was that by the time the appeal was determined "the horse would have bolted".

[19] That submission demonstrates the commercial difficulty confronting the Applicant, but it does not answer the statutory requirement. In *Koyabe*, the Constitutional Court did not hold that an applicant may simply bypass an internal remedy because it anticipates that the process will be slow. The question remains whether, objectively assessed, the remedy is incapable of providing effective relief in the circumstances.

[20] The Applicant has not placed sufficient evidence before this Court to establish that the section 133 remedy was incapable of providing effective relief. The Court is therefore being asked to infer futility from the alleged delay and from the alleged dysfunction of the Board without the Applicant having attempted to invoke the remedy.

[21] This is not a case in which the Applicant lodged an appeal and was informed that no Board existed to hear it. Nor is it a case in which the Board refused to entertain the appeal. The Applicant made a deliberate litigation choice not to utilise the statutory mechanism. The circumstances do not, in my view, rise to the level contemplated by section 7(2)(c) of PAJA.

[22] I accordingly find that exceptional circumstances have not been established. The Applicant's application for an exemption from the obligation to exhaust the internal remedy under section 133 of the FCA must fail.

The effect of the order of 28 August 2025

[23] I turn to the Applicant's contention that the section 28 notice was suspended and rendered null and void by the order of 28 August 2025. This contention is central to the Applicant's explanation for why it did not submit substantive representations in response to the section 28(3) notice.

[24] The Applicant submits that the order created a cooperative investigative process concerning the seized firearms and that the continuation of that process necessarily overtook the section 28 proceedings. It relies upon the letter of 1 September 2025 in which its attorneys recorded that the notice had been suspended and rendered null and void.

[25] The Respondents adopt a fundamentally different interpretation. They submit that the order dealt with the practical arrangements for the return, exchange and ballistic testing of the firearms. It did not declare the section 28 notice invalid, stay the Registrar's powers, or impose a moratorium upon the statutory process.

[26] The starting point must be the order itself. A court order must be interpreted according to its terms and cannot be expanded by unilateral correspondence. The correspondence of an attorney may record a party's understanding of an order, but it cannot amend the order or confer upon it legal consequences which the order does not contain.

[27] On the facts placed before me, the order of 28 August 2025 did not expressly declare the section 28 notice invalid. It did not expressly stay the section 28 process. Nor did it prohibit the Registrar from exercising statutory powers under the FCA.

[28] The Applicant's interpretation therefore amounts to an inference which it seeks to draw from the circumstances surrounding the order. It does not flow from the language of the order itself. The subsequent acknowledgment by SAPS on 2 February 2026 does not alter this position. That acknowledgment recorded that representations would be considered when the section 28 process was finalised. It cannot reasonably be construed as an admission that the section 28 notice had ceased to exist.

[29] The Applicant's failure to submit substantive representations must consequently be considered against that background. The Applicant was not

prevented by a court order from making representations. It chose not to do so because it held the view that the notice had been suspended.

[30] I therefore find that the order of 28 August 2025 did not suspend or invalidate the section 28 notice. The Applicant's contrary interpretation was not supported by the express terms of the order and cannot justify its failure to utilise the opportunity afforded to it by the section 28(3) notice.

Procedural fairness and the audi alteram partem principle

[31] The Applicant's next contention is that the cancellation was procedurally unfair because the Registrar relied upon evidence obtained after the section 28 notice, including an affidavit allegedly obtained from the former responsible person, Mr Mepi, without affording the Applicant an opportunity to respond.

[32] The principle of *audi alteram partem* is deeply entrenched in South African administrative law. In *Administrator, Transvaal, and Others v Traub and Others*⁶, the Appellate Division recognised the principle as one of natural justice and explained that where a public official is empowered to take a decision prejudicially affecting an individual's rights or interests, the affected person ordinarily has a right to be heard before the decision is taken. The Court also emphasised the importance of fairness in the exercise of public power.

[33] The principle does not, however, require an administrator to conduct an endless series of hearings every time additional information is obtained during an investigation. The content of procedural fairness depends upon the circumstances.

[34] The Applicant was given a section 28(3) notice on 25 August 2025. That notice informed it that cancellation of its firearm licences was under consideration and afforded it 30 days to show cause why cancellation should not occur. The Applicant accordingly had notice that its compliance with the FCA was under scrutiny and that cancellation was a potential consequence.

⁶ *Transvaal, and Others v Traub and Others* 1989 (4) SA 731 (A) at 748G-H.

[35] The Applicant did not respond substantively to that notice. It adopted the position that the notice had been suspended by the court order. The question therefore becomes whether the material subsequently gathered by SAPS was so materially different from the case contained in the section 28 notice that fairness required a new opportunity to make representations.

[36] The Applicant relies particularly upon the September affidavit of Mr Mepi. The Court accepts that, if an administrator relies upon materially prejudicial information which fundamentally changes the case against an affected party, fairness may require that party to be afforded an opportunity to address it.

[37] But the present evidence does not establish that the post-August investigation constituted a fundamentally new case. The investigation remained directed at the Applicant's compliance with the FCA. The allegations concerning missing firearms, inadequate record keeping, unauthorised possession and the Applicant's ability to account for its firearms all arose from the same underlying statutory concern: whether the Applicant was complying with the regulatory regime governing firearm possession.

[38] The Applicant's complaint may ultimately have substance once the full administrative record is before the Court in Part B. It may transpire that the decision-maker relied upon material of which the Applicant ought properly to have been informed. That is a matter capable of being examined in the review. But at the interim stage, the Applicant has not established a sufficiently clear *prima facie* case of procedural unfairness to justify the relief sought.

[39] The Applicant also relies upon the fact that, in November 2025, the Central Firearms Registry approved licences permitting it to possess 27 restricted self-loading rifles. It argues that this is inconsistent with the subsequent conclusion that it was sufficiently non-compliant to justify cancellation.

[40] The Applicant has therefore not established, for purposes of Part A, that the subsequent evidence necessarily rendered the cancellation procedurally unfair. The issue remains appropriately capable of determination in Part B after consideration of the complete record.

The juristic person and the responsible person

[41] The Applicant further relies upon section 7 of the FCA. Counsel for the Applicant submitted that the Applicant, as a juristic person, must be distinguished from the natural person designated as the responsible person. He contended that the compliance failures relied upon by SAPS were attributable to the former responsible person and that the Applicant replaced that person. The submission is that it would be disproportionate to destroy the Applicant's entire business because of the failures of an individual who is no longer responsible for the company's firearm control.

[42] The Respondents submit that the argument improperly divorces the responsible person from the juristic person. They point out that the responsible person operated within the Applicant's organisational structure and, according to the submissions, was also the sole director of the Applicant. They further contend that the company itself bears statutory responsibilities concerning its firearms and cannot avoid the consequences of historical non-compliance simply by appointing a replacement responsible person.

[43] The statutory context is again important. In *National Commissioner of Police and Another v Gun Owners South Africa*⁷ ("*Gun Owners*"), the Supreme Court of Appeal explained that the core premise of the FCA is that firearm ownership is not a fundamental right under the Bill of Rights, but a privilege regulated by law. The Court in *Gun Owners*⁸ further explained the licensing system and emphasised the connection between the firearm, the licence and the person responsible for it.

[44] The significance of *Gun Owners* is that the Applicant's possession of firearms cannot be separated from the statutory obligations accompanying the licences. The licences do not confer an unconditional right to possess firearms irrespective of compliance with the FCA. They exist within a regulatory system in which the

⁷ *National Commissioner of Police and Another v Gun Owners South Africa* 2020 (6) SA 69 (SCA) at para 30.

⁸ *Gun Owners* (n 7 above) at para 31.

Registrar is required to ensure that firearm possession remains subject to statutory control.

[45] The Applicant's argument that the former responsible person has been replaced may be relevant to the ultimate merits. It does not, however, answer the historical compliance concerns. The allegations are not confined to a single isolated act of misconduct by an employee. They concern the Applicant's systems for recording, storing, controlling and accounting for hundreds of firearms.

[46] The fact that a new responsible person has been appointed cannot retrospectively render accurate records that were allegedly inaccurate, account for firearms that were allegedly missing, or erase the circumstances in which firearms were allegedly found in the possession of unauthorised persons.

[47] It would also be inconsistent with the statutory purpose of the FCA if a juristic person could avoid regulatory consequences flowing from systemic compliance failures simply by replacing the natural person responsible for administering its firearm system after the failures had occurred.

[48] I accordingly find that the replacement of the responsible person does not establish a prima facie right to continued possession of the Applicant's firearms. Whether the Registrar correctly applied section 7 and whether the statutory requirements for cancellation were satisfied remain matters for the final review.

The requirements for an interim interdict

[49] The requirements for an interim interdict are trite. In *Setlogelo Appellant v Setlogelo Respondent*⁹ the Court identified the traditional requirements of interim interdict as follow:

- (a) a clear right;
- (b) injury actually committed or reasonably apprehended;
- (c) balance of convenience; and
- (d) the absence of similar protection by any other ordinary remedy.

⁹ *Setlogelo Appellant v Setlogelo Respondent* 1914 AD 221 at 227.

[50] These requirements remain applicable, but they must be considered in their constitutional setting. In *Gun Owners*,¹⁰ the SCA expressly reaffirmed the four requirements as a prima facie right; a well-grounded apprehension of irreparable harm if the relief is not granted; that the balance of convenience favours the granting of an interim interdict; and the absence of another satisfactory remedy and stressed that they must be applied in a manner consistent with the normative scheme and democratic principles underpinning the Constitution.

[51] The present application also implicates the exercise of statutory power by an organ of state. This brings into consideration the principles articulated by the Constitutional Court in *National Treasury and Others v Opposition to Urban Tolling Alliance and Others*¹¹ the Constitutional Court explained that an interim interdict which prevents a public functionary from exercising statutory powers implicates separation-of-powers considerations and requires particular caution. The balance of convenience must therefore include consideration of the institutional harm caused by restraining the exercise of statutory power.

[52] The principle was reaffirmed in *Economic Freedom Fighters v Gordhan and Others*¹² where the Constitutional Court explained that—

“We were cautioned by this court in *OUTA* that, where legislative or executive power will be transgressed and thwarted by an interim interdict, an interim interdict should only be granted in the clearest of cases and after careful consideration of the possible harm to the separation of powers principle. Essentially, a court must carefully scrutinise whether granting an interdict will disrupt executive or legislative functions, thus implicating the separation and distribution of power.”

Prima facie right

[53] The Applicant contends that its prima facie right arises from its firearm licences and its right to conduct its business. It submits that it was lawfully licensed and that the cancellation should therefore be suspended until its review is determined.

¹⁰ *Gun Owners* (n 7 above) at para 36.

¹¹ *National Treasury and Others v Opposition to Urban Tolling Alliance and Others* 2012 (6) SA 223 (CC) at paras 44-47.

¹² *Economic Freedom Fighters v Gordhan and Others* 2020 (6) SA 325 (CC) at para 48.

[54] The submission must be approached with caution. As the SCA explained in *Gun Owners*, firearm possession is a statutory privilege rather than a fundamental right. The Court described the licensing and competency regime and emphasised that the licence and competency certificate constitute the State's recognition that the person is fit and proper to possess the particular firearm.

[55] The Applicant undoubtedly has a right to lawful and procedurally fair administrative action. It has a right to challenge a cancellation decision which it alleges to be unlawful. But those rights do not amount to an unconditional right to continued possession of firearms pending the outcome of a review.

[56] The factual allegations confronting the Applicant are serious. A firearm registered to the Applicant was allegedly found in the possession of an unauthorised person. The inspection at Krugersdorp allegedly revealed serious deficiencies in the firearm registers. Most significantly, the Applicant initially could not account for 440 of 704 firearms and, after further investigation, 377 allegedly remained unaccounted for.

[57] These circumstances distinguish the present matter from one involving a technical or trivial licensing irregularity. The statutory control of firearms depends upon the ability of the State to identify the firearm, identify the person responsible for it and establish where it is located. The inability of a licence holder to account for hundreds of firearms goes directly to the integrity of that control system.

[58] The Applicant may ultimately demonstrate in Part B that the Registrar misunderstood the evidence, applied the wrong statutory test, acted irrationally or failed to comply with procedural fairness. But the existence of grounds upon which a review may arguably be brought does not itself establish a prima facie right to suspend the cancellation.

[59] I accordingly find that the Applicant has failed to establish the requisite prima facie right.

Irreparable harm

[60] The Applicant's case concerning harm is substantial. Counsel for the applicant submitted that cancellation of the licences will prevent the Applicant from performing its armed-security contracts, result in contractual breaches, cause the loss of clients and ultimately destroy the business. It was submitted that approximately 500 employees and their dependants would be affected.

[61] I accept that the consequences are potentially severe. The Court should not minimise the effect which the loss of firearm licences may have upon a security company whose operations depend upon armed personnel. Nor should the Court disregard the interests of employees whose livelihoods depend upon the continued operation of the Applicant.

[62] But the enquiry is not whether the Applicant will suffer prejudice. Clearly it will. The question is whether the Applicant has established a well-grounded apprehension of irreparable harm in the context of all the circumstances and whether that harm justifies restraining the implementation of the statutory decision.

[63] In *Gun Owners*, the SCA considered an interim interdict which similarly sought to restrain SAPS from implementing the FCA. The Court held that the absence of an alternative remedy and the balance of convenience must be assessed together with the constitutional and statutory framework.

[64] The Applicant in this matter has placed more substantial allegations before the Court concerning its commercial position. Nevertheless, the commercial consequences, although severe, do not automatically outweigh the public interest in firearm control. The Applicant's ultimate remedy lies in the review proceedings, where the cancellation may be set aside if it is established that the Registrar acted unlawfully.

[65] I therefore accept that the Applicant has established substantial prejudice but am not persuaded that this factor, standing alone, warrants the extraordinary interim relief sought.

Balance of convenience and public safety

[66] It is in relation to the balance of convenience that the application encounters its most substantial difficulty.

[67] The Applicant submits that the balance overwhelmingly favours it because refusal of relief may result in the destruction of its business, while granting relief merely preserves the status quo until the review is determined.

[68] The Respondents submit that this formulation understates the consequences of the proposed order. They contend that granting the interdict would require the Registrar to permit the Applicant to retain possession of firearms notwithstanding the cancellation decision and notwithstanding the fact that hundreds of firearms remain unaccounted for.

[69] The SCA's decision in *Gun Owners* is particularly instructive. The Court emphasised the statutory nature of firearm possession. The consequences flowing from the termination of a firearm licence was explained. It was reaffirmed that the balance of convenience in an interim interdict involving the FCA must be considered within the statutory and constitutional framework.

[70] The public-safety considerations in this matter are materially different from an ordinary commercial dispute. If the allegations concerning the 377 unaccounted-for firearms are ultimately established, the issue is not merely that the Applicant failed to maintain an administrative record to the desired standard. It means that a substantial number of firearms registered to a single licence holder cannot presently be accounted for.

[71] The Court is acutely aware that the allegations remain subject to the Applicant's challenge. I do not make a final finding that the 377 firearms are unlawfully circulating or that the Applicant has committed each of the alleged statutory breaches. Those are matters for the appropriate proceedings. The point is that the allegations are sufficiently serious that the Court cannot treat the public interest as an abstract consideration.

[72] The Registrar has been entrusted by Parliament with the regulation of firearm licences. The proposed interim order would effectively require the Registrar to refrain

from giving effect to a decision already taken in the exercise of those statutory powers.

[73] This does not mean that the Court is powerless to restrain unlawful administrative action. Judicial review is an essential component of the rule of law. But where an applicant seeks interim relief restraining the exercise of statutory powers, the Court must be satisfied that the requirements for such exceptional intervention have been clearly established.

[74] The Applicant seeks an order which would restrain the implementation of the Registrar's decision and effectively preserve the Applicant's firearm possession notwithstanding that decision, pending the final review.

[75] The Applicant's commercial prejudice is substantial, but the prejudice to the public interest which may result from restraining the statutory control of firearms is of a different character. The loss of contracts or employment, although serious, can potentially be addressed by appropriate final relief. The consequences of firearms remaining outside effective statutory control, if the Respondents' allegations are ultimately established, may involve risks to life and public safety which cannot readily be reversed.

[76] The balance of convenience therefore favours the Respondents.

Alternative remedy

[77] The existence of the statutory appeal mechanism also weighs against the Applicant. The Applicant has not established that the section 133 remedy was unavailable. It chose not to invoke it.

[78] This is not a case where the Applicant has exhausted the statutory remedy and demonstrated that it provides no meaningful relief. Nor is it a case where the remedy is, on the evidence, legally unavailable. The Applicant's contention is essentially that the remedy would be too slow and that the Appeal Board was allegedly dysfunctional.

[79] I have already found that those circumstances have not been established sufficiently to justify an exemption under section 7(2)(c) of PAJA. For substantially the same reasons, the Applicant has failed to establish the absence of another satisfactory remedy for purposes of the interim interdict.

[80] The fourth requirement for an interim interdict has accordingly not been established.

Part A and the pending review

[81] I emphasise that this judgment does not finally determine the merits of the Applicant's intended review. Part B remains distinct. The Court hearing the review will be required to determine the legality of the cancellation upon the complete record and the grounds of review properly advanced by the Applicant.

[82] Nothing in this judgment should therefore be understood as a finding that every allegation made by SAPS has been established finally or that the Registrar's decision is immune from review. The present finding is confined to whether the Applicant has established the exceptional circumstances and requirements necessary to obtain interim relief pending the determination of Part B.

[83] The distinction is important. The refusal of an interim interdict does not amount to a final adjudication of the review. It means only that the Applicant has not satisfied the Court that the balance of interests, the statutory framework and the requirements of interim relief justify suspending the cancellation before the review is determined.

Conclusion

[84] I have considered the Applicant's submissions with due regard to the serious consequences which the cancellation of its firearm licences may have upon its business and employees. The Court does not underestimate those consequences.

[85] But the Applicant's predicament must be viewed within the statutory framework governing firearm possession. As the SCA held in *Gun Owners*, firearm ownership is a privilege regulated by law and not an unconditional fundamental right. The statutory scheme places substantial responsibilities upon licence holders to ensure that firearms remain properly controlled and accounted for.

[86] The Applicant was notified in August 2025 that cancellation was being considered. It was afforded an opportunity to make representations. It did not do so substantively because it adopted the position that the section 28 notice had been suspended by the order of 28 August 2025. I have found that the order did not have that effect.

[87] The Applicant has also failed to establish exceptional circumstances justifying exemption from the internal appeal mechanism under section 133 of the FCA. The alleged dysfunction of the Appeal Board was not established with sufficient evidential cogency, and the Applicant did not attempt to invoke the remedy before approaching this Court.

[88] The Applicant's complaint concerning post-August evidence may ultimately be relevant to the review. However, on the material before this Court it has not established that the later investigation constituted a fundamentally new case such that the cancellation is, at this stage, shown to be procedurally unfair.

[89] The argument concerning the replacement of the responsible person likewise does not establish a prima facie right. The alleged compliance failures concern the Applicant's firearm-control systems and the inability to account for a substantial number of firearms. The replacement of the responsible person does not retrospectively extinguish those concerns.

[90] Most importantly, the Applicant has not satisfied the requirements for an interim interdict. It has not established a sufficient prima facie right, has not established the absence of an alternative remedy, and has not demonstrated that the balance of convenience favours an order restraining the Registrar from exercising statutory powers under the FCA.

[91] The public interest weighs heavily in the opposite direction. The allegation that 377 firearms remained unaccounted for is serious. I make no final finding regarding the ultimate truth of that allegation, but its seriousness cannot be ignored when determining whether interim relief should be granted.

[92] In the circumstances, I am not satisfied that this is a case in which the extraordinary remedy of an interim interdict should be granted. The Applicant remains entitled to pursue its review in Part B and to challenge the lawfulness of the cancellation in those proceedings. What it has not established is an entitlement to suspend the cancellation pending that determination.

Order

[93] Under the circumstances the following order is made:

1. The application is dismissed with costs, such costs to include the costs of two counsel.

LENYAI J
JUDGE OF THE HIGH COURT
PRETORIA

For the Applicant:

Adv M Snyman SC instructed by MJ
Hood & Assoc

For the Respondent:

Adv K Mokotedi SC and Adv L
Mthimkhulu instructed by State
Attorney, Pretoria

Date of hearing: 3 August 2026

Date of Judgment: 3 September
2026