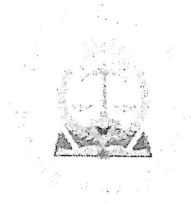


IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA



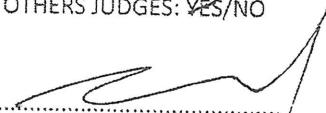
Case number: 2025-238120

Date of hearing: 13 January 2026

Date delivered: 2 February 2026

DELETE WHICHEVER IS NOT APPLICABLE  
(1) REPORTABLE: YES/NO  
(2) OF INTEREST TO OTHERS JUDGES: YES/NO  
(3) REVISED

2/2/26  
DATE

  
SIGNATURE

In the application between:

**MARKSMAN ARMS AND FIREARM TRAINING CC** Applicant

and

**THE NATIONAL COMMISSIONER OF POLICE** First Respondent

**BRIGADIER PN SIKHAKHANE** Second Respondent

**CAPTAIN WJ CROUKAMP** Third Respondent

**COLONEL S MANGADI** Fourth Respondent

**THE MINISTER OF POLICE**

**Fifth Respondent**

**THE FIREARMS APPEAL BOARD**

**Sixth Respondent**

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**JUDGMENT**

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**SWANEPOEL J:**

[1] The applicant is a firearms dealer which is authorized to sell firearms in terms of the Firearms Control Act, 60 of 2002 ("the Act"). It is incorporated as a close corporation in accordance with the provisions of the Close Corporations Act, 69 of 1984. In terms of section 7 of the Act, a juristic person who applies for a license in terms of the Act must nominate a natural person to act as the 'responsible person'.

[2] During June 2025 the deponent to the founding affidavit, Mr Hendrik van Zyl ("Van Zyl") purchased the entire member's interest in the close corporation from Isaac David Nel, the previous responsible person. He then advised the first respondent that he had been nominated by the applicant as the new responsible person under the Act, and he requested that the police's system be so endorsed.

[3] On 28 November 2025 the fourth respondent advised Van Zyl that due to the "change of ownership" of the business the applicant was obliged to apply afresh for a dealer's license. On 3 December 2025 the fourth respondent amplified the reasons for the refusal to comply with Van Zyl's request. Firstly, the fourth respondent denied that Van Zyl was

authorized to apply to change the responsible person on behalf of the applicant as the business had been sold. Secondly, the fourth respondent again reiterated his belief that the applicant should apply afresh for a dealer's license.

[4] The respondents' refusal to change the identity of the responsible person resulted in this application being launched. The applicant sought an order that the respondents be ordered to change the name of the responsible person. It also sought a punitive costs order *de bonis propriis* against the second, third and fourth respondents, the officials who were directly responsible for the refusal of the applicant's request.

[5] The respondents argued that the matter was not urgent, a contention so lacking in merit that I do not intend to expand on my reasons to hear the matter urgently, save to state that the applicant's business has been paralyzed by the respondents' refusal to change the identity of the responsible person on its system. The matter is self-evidently urgent.

[6] Having heard the matter, I made the following order:

[6.1] The decision of the second, third and fourth respondents not to change the responsible person of the Applicant dated 3 December 2025 is reviewed and set aside.

[6.2] The second, third and fourth respondents must in writing acknowledge and effect the change of responsible person for the

applicant on the records of the Registrar of Firearms with immediate effect.

[6.3] The respondents are to receive and process any SAPS 350 (a) or 350 (b) firearm forms submitted by the applicant manually or through the e-submission system to reflect firearms entering the stock of applicant or leaving the stock of applicant.

[6.4] The respondents must process SAPS 271 application forms issued by the applicant for firearms in its stock sold to third party purchasers.

[6.5] The second, third and fourth respondents were ordered to deliver supplementary affidavits as to why they should not be ordered to pay the costs of the application on an attorney/client scale, de bonis propriis.

[6.6] Judgment on costs was reserved.

[7] In the answering affidavit the deponent, the fourth respondent, stated that where she made submissions of a legal nature the submissions were made on the advice of the respondent's legal representatives. As will become clear hereunder, that statement is astounding, considering what defence the respondents have put up.

[8] Having acknowledged that the applicant is a close corporation, the fourth respondent stated:

“The change of responsible person cannot be effected without an appointment letter signed by the directors of the company.”

[9] And furthermore:

“However, the notification was not supposed to be done by Mr van Zyl but by the directors of the company as recorded on the CK 2 annexed SM 1 that was submitted to the Registrar on its records, recorded as Izak David Nel.”

[10] These averments are repeated often in the answering affidavit and reflect an astounding lack of knowledge regarding the difference between a close corporation and a company, and by whom a close corporation is represented. Furthermore, the fourth respondent bemoans the fact that the members of the close corporation did not provide a resolution nominating Van Zyl as the responsible person. She does so when it was patently obvious that, to the fourth respondent’s knowledge, Van Zyl was the only member.

[11] The fourth respondent also stated that Nel was still reflected as the responsible person on “the system”, and therefore van Zyl could not apply for a change. That statement is ludicrous. If, for instance, a responsible person were to pass away, the fourth respondent could refuse indefinitely to effect a change because the deceased had not made the nomination.

[12] The fourth respondent also persisted with the allegation that a change in the ownership of a juristic person equals the transfer of the

business to a new entity, and requires a fresh application for a license. That averment is made despite the fact that in *Pretoria Arms (Pty) Ltd v The National Commissioner of Police and Others*<sup>1</sup> this court (per Kubushi J) put that argument to bed, when she held that a change in ownership of a juristic person did not necessitate a fresh application for a license. Despite the clear findings in that judgment, the respondents refused to give effect thereto until they were threatened with a contempt application. Only then did they comply.

[13] The respondent's approach to the matter is astonishing. Firstly, they expect a person who, having transferred his membership in a close corporation, and who has no further right to act on behalf of the close corporation, to represent it in changing the name of the responsible person. Secondly, they confuse a company with a close corporation and they do not understand who is entitled to represent a close corporation. They have also deliberately ignored the clear findings of the High Court in *Pretoria Arms*. Their conduct is, in my view, contemptuous of this Court.

[14] In an affidavit filed in accordance with my order, the second respondent, who was a respondent in the *Pretoria Arms* case, alleged that the police's Standing Operating Procedures dictate that a new application for a license has to be brought, and that the second, third and fourth respondents were merely giving effect to the prescribed procedures. More concerning is that while this case was pending, the procedures were amended (by Major General Mamothethi, a respondent in the *Pretoria Arms* case) without addressing the fact that the procedures

did not comply with *Pretoria Arms*. The respondents continue to enforce a procedure that has been held to be unlawful.

[15] The second respondent's explanation is that he acted on the instructions of his superiors, and that he was concerned that if he deviated from the procedure, he would lose his job. A police officer should realize that he should never obey an unlawful order. More concerning is that the police continue their unlawful behaviour. It is conduct that one does not expect from those tasked with applying the law.

[16] I directed that the first, second and third respondents should attend court personally, as I wanted to express to them my concerns at their conduct. Unfortunately they left the building before the matter could be finalized and before I could make my views known to them.

[17] The respondents are blatantly obstructive and contemptuous, and they display an astounding lack of knowledge about corporate structures. However, having said all that, I give the second, third and fourth respondents the benefit of the doubt; that they believed that they were obliged to follow the procedures, and that they would be dismissed or disciplined should they refuse to do so. Consequently, although I thought long and hard about making a *de bonis propriis* order, I shall refrain from doing so, but I will order the first, fifth and sixth respondents to pay punitive costs. However, I assure the second, third and fourth respondents that should they again find themselves in a similar situation, it is unlikely that they would be so fortunate.

[19] I do not know whether the Minister and the National Commissioner are aware of the appalling conduct of these officers, and therefore I will direct the Registrar to bring this judgment to their attention.

[20] I make the following further order:

[20.1] The first, fifth and sixth respondents shall pay the costs of the application jointly and severally, the one paying the other to be absolved, on the attorney/client scale.

[20.2] The Registrar is requested to bring this judgment to the attention of the Minister of Police and the National Commissioner of Police.



SWANEPOEL J  
JUDGE OF THE HIGH COURT  
GAUTENG DIVISION PRETORIA

Counsel for the applicant:	Adv. M Snyman SC
Instructed by:	MJ Hood & Associates
Counsel for the respondents:	Adv. M Maluleke
Instructed by:	The State Attorney
Heard on:	13 January 2026
Judgment on:	2 February 2026

<sup>1</sup> Case no. 033074/2022 (undated)