

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 3 March 2005

Status: Immediate

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal*

MINISTER OF SAFETY AND SECURITY v PEDRO SOUZA DE LIMA

On 6 March 1996 in Goodwood Mr de Lima was shot by his cousin, Mr Dos Santos, and he is now a paraplegic. The firearm used by Dos Santos was acquired by him in terms of a licence granted by the police. When he applied for the licence Dos Santos told the police that he had been charged with assault but that the charge had been withdrawn. Had the police made proper enquiries, they would have discovered that Dos Santos easily lost control of himself. His application for a firearm licence should have been refused in the light of this information.

The Supreme Court of Appeal confirmed the finding of the Cape High Court that the police had been negligent in not making the necessary

enquiries and that the Minister of Safety and Security was accordingly liable to compensate Mr de Lima for the injuries he has suffered in consequence of the shooting.

--ends--