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CASE STUDY

# When 'Within Reach' Is Not Enough!

## Travelling with firearms, nights away from home, the meaning of 'direct control' and the potential negative consequences.

By Shaun Lyle (Trustee, SAGA) and Damian Enslin (Chair, SAGA)
Assisted by Maria Ortelee (Associate, Matthews Enslin Inc.)

Responsible firearm owners know the routine at home. They know where their firearm is, who can reach it, the status of their safe and what security layers protect the property.

Then they travel. A shoot, a hunt, a training weekend or simply a night away can remove much of that familiar security environment.

## A Live Case Study

A recent incident involving experienced firearm owners provides a sobering case study: several licensed dedicated sport shooters were staying in private rural accommodation near an event. During the night, intruders entered the sleeping area and moved through it for a prolonged period without waking the occupants. Rooms were searched and personal property was stolen. A licensed handgun, kept immediately beside a sleeping owner, was also taken.

> ***Editorial Note:***
> *The incident has been deliberately anonymised and generalised. Names, exact location, event and other identifying details have been omitted. Legal references and official SAPS forms were checked against publicly available sources as at 5 October 2026.*

The all-important question worth asking is simple: ***When you sleep away from home, is a firearm merely close to you, or is it genuinely under your direct personal and physical control?***

## The Legal Test Is Control, Not Proximity

***Section 120(8)*** of the Firearms Control Act deals with safeguarding. In broad terms, a firearm must be locked in prescribed storage when it is not carried on the person **or** under the owner's direct control. It also creates liability where loss or dispossession results from a failure to lock the firearm away or to take reasonable steps against loss or theft while it is on the person or under direct control.

***Regulation 86(1)*** uses the expression "*direct personal and physical control*". If that control is absent, prescribed safe or strongroom storage is required. The Act therefore does not reduce the enquiry to a single question such as "***was it attached to your body?"*** Equally, physical closeness (proximity) alone does not automatically establish direct control.

Reported cases illustrate the risk, but do not create a simple rule for bedside firearms:

- In *Venter v S* the High Court treated "*direct control*" as control exercised directly by the authorised person, rather than through somebody else.
- In *Mongae v Chairperson, Firearms Appeal Board SAPS*, a handgun disappeared from beneath a pillow while its owner went to the bathroom; the later High Court review was dismissed on procedural grounds without deciding whether the safekeeping arrangements complied with the Act.



There is no special *"under-the-pillow"* exception in the Act. If an owner is asleep, the practical questions become obvious: who else can enter the room, is the room secured, can another person reach the firearm and what reasonable measures exist to prevent it being taken?

Ultimately, if you are going to sleep, the prudent course is to place the firearm in a prescribed compliant safe rather than relying on the fact that it is beside you, under a pillow or otherwise within reach. If something goes wrong, the question will **not only be** where the firearm was, but whether you had taken proper steps to prevent another person from gaining access to it.

The consequences of getting this wrong can extend well beyond the loss of the firearm itself. A theft or loss may lead to a criminal investigation and a separate fitness inquiry, even where the owner was also the victim of a crime. The sensible approach is therefore to adopt storage practices that are easy to justify afterwards: use the prescribed safe whenever there is any real doubt about whether the firearm remains under your direct control, and do not wait for an incident to expose a weakness in your arrangements.

**What has worked without incident for years does not, by itself, establish compliance.**

## Section 22 Is Not A Storage Solution

When licensed firearm owners travel together, another trap is assuming that one shooter can simply put everyone's firearms in his or her safe.

***Section 22*** deals with use of another person's firearm under the licensed owner's immediate supervision, where the use is lawful and safe. It is not a general overnight-storage provision.

***Regulation 86(4), reflected in SAPS 539*** provides a separate mechanism for a licensed person to store another person's firearm. The permission must be in writing, endorsed by the relevant DFO, and must identify the firearm, the parties, the authorised place of storage, the period and reason for the storage. The firearm must be kept in the prescribed safe at the authorised place. Importantly, the storage arrangement ***does not*** give the custodian a right to use the firearm. Transport to and from the approved place of storage is also regulated and may only take place in accordance with the authorisation contemplated by Regulation 86(4).

A compliant lock-away device may also form part of a firearm owner's travel planning. Regulation 86(12) expressly contemplates a qualifying device that can be securely affixed to another structure, including the body of a vehicle. However, the device itself, its installation and the circumstances in which it is used must comply with the applicable storage requirements. A lockable box bolted into a vehicle should therefore not automatically be assumed to constitute compliant firearm storage.

In short: ***"Please keep my firearm in your safe tonight"*** should not be improvised after arrival. Where third-party storage may be needed, arrange it lawfully before the trip.

## CCTV Records. Security Delays, Deters And Warns.

The incident also illustrates a distinction between surveillance and security. CCTV can be invaluable after an intrusion, but it does not necessarily prevent entry.

Doors, locks, alarms, external beams, window security, controlled access and compliant firearm storage are different layers. None guarantees safety, and the absence of any particular layer does not by itself decide legal negligence. But firearm owners travelling with valuable firearms and equipment should assess accommodation more critically than ordinary travellers.

## This Is Not Just A Rural Problem

The word *'rural'* can distract from the real risk. A farm stay, hunting lodge, guesthouse, range accommodation or established competition venue can all be insecure. An incident-free history is not, by itself, a security plan.

Events can concentrate valuable firearms and optics in one place. Organisers and accommodation providers should assess access control, alarms, perimeter and room security, and available lawful storage against that foreseeable risk. A precision rifle and optic can represent hundreds of thousands of rand.

Responsibility is fact-specific, but accountability should be clear. The licence holder retains the personal statutory duty to safeguard the firearm. The accommodation provider controls the physical environment and any storage it offers. Where an organiser, club or association selects or recommends accommodation, it should establish and communicate the basic security, storage and emergency arrangements, without assuming or implying custody it has not actually undertaken.

Match Directors, Range Officers and other event officials have a different operational role in terms of range safety, emergency procedures and accurate briefing information. Match information should identify the accommodation contact, nearest SAPS station, nearest medical facility, First Aid arrangements and what firearm-storage options are actually available. A dealer or sponsor supporting an event is not, merely by doing so, the custodian of competitors' firearms.

> ***Note:*** *Practical questions are consolidated into two usable checklists, Annexure A for the travelling firearm owner and Annexure B for organisers and accommodation providers.*

## Insurance Is Part Of The Planning

High-value shooting equipment can be worth far more than the firearm alone. Before travelling, confirm off-premises cover for the firearm, optic, accessories and, where applicable, ammunition; whether items must be specified; insured values and excesses; theft from temporary accommodation or a vehicle; and any storage or security conditions.

The same applies to an everyday-carry handgun and its accessories. Do not assume ordinary household or all-risk cover automatically follows the firearm.

## A first-class shooting venue does not automatically mean first-class overnight security!

## If a Firearm Is Stolen: Report Promptly - Preserve The Facts.

***Section 120(11)*** requires the loss or theft to be reported to the police station nearest the place where it occurred within 24 hours after the person becomes aware of it. ***SAPS 521(f)*** is the official notification form for lost, stolen or found firearms. When making the report, complete the prescribed form fully, accurately, and factually.

Importantly, beyond the information required for that notification, do not volunteer, make or sign any additional statement before obtaining legal advice. You may not appreciate when routine questions about how the theft occurred have shifted into an investigation of your own conduct and possible negligent safekeeping.

In particular, do not allow yourself to be pressured into agreeing that you were negligent, explaining why you believe you complied with the law, or signing a separate written statement merely because an official asks you to do so. A request for an additional statement is not, without more, the same as a legal compulsion to provide one. If the SAPS wishes to question you about possible criminal liability, ask in what capacity you are being questioned and obtain legal advice before responding substantively.

This caution is important because a statement made immediately after a traumatic theft may later be relied upon in a criminal investigation or a section 102 inquiry. Something said casually, inaccurately or without appreciating the legal significance of concepts such as *"direct control" or "safekeeping"* can become central to a later allegation of negligence. Complete the prescribed notification truthfully but take legal advice before providing anything further.

Do not leave with only a verbal assurance that the matter has been "*put in the system*." Retain the CAS/case reference and, where possible, a copy or acknowledgement of the firearm notification.

Preserve the basic record:

- firearm make, model, calibre and serial number;
- licence particulars;
- CAS/case reference and ***SAPS 521(f)***;
- photographs and CCTV footage;
- witness details; and
- any evidence relevant to entry, security and where the firearm was immediately before the theft.

If your phone is stolen too, use another device for the necessary calls and, when lawful, photograph the scene without disturbing evidence. Preserve original files, date/time/location metadata and original CCTV exports where possible. Do not delay the SAPS report while collecting material.

Most importantly, keep the account factual. A police official may form a view about "***direct control"*** in that legal characterisation should not cause the underlying facts to be rewritten. If a statement is materially inaccurate or incomplete, obtain proper advice and correct or supplement it transparently. If the SAPS requests anything beyond the prescribed notification, consult an attorney before making or signing any further statement.

## Do not guess. Do not embellish and do not manufacture a better version after the event.

## Theft Does Not Automatically Mean Unfitness

A firearm theft can lead to an investigation into safekeeping. ***Section 102 a***llows the Registrar to consider unfitness where a person is alleged to have failed to take the prescribed steps for safekeeping.

But a theft is not, by itself, an automatic declaration of unfitness. ***Section 102*** provides a process: written notice, a reasonable opportunity to advance reasons, consideration of the evidence and a right to legal representation at the inquiry. An adverse administrative decision is subject to the statutory appeal process.

The distinction matters. In *Venter v S,* the safekeeping conviction was upheld, yet the High Court nevertheless set aside the finding of unfitness and declared the appellant fit to possess a firearm.

## If a theft begins developing into an allegation of negligent safekeeping or a Section 102 inquiry, obtain competent firearm-law advice early.

## Does the Stolen Firearm "*Come Off Your Name*"?

**No**. The more precise answer is in ***Regulation 99***. Once the theft or loss has been reported as required by ***Section 120(11),*** the licence, permit or authorisation applicable to that specific firearm is deferred indefinitely. It is not simply erased from the Central Firearms Register.



If the firearm is later recovered and returned, the deferment can lapse and the licence can again operate for its remaining validity, subject to the Act's licence limits. ***Regulation 99*** expressly anticipates that recovery may create an excess-licence situation and provides a mechanism for dealing with it.

## Keep proof of the original theft report and confirm that the firearm is correctly recorded as stolen and the licence appropriately deferred.

## A Replacement EDC?

A previous theft is not, by itself, a statutory prohibition on applying for another firearm. That assumes, of course, that the applicant remains legally fit to possess a firearm and is not otherwise disqualified under the FCA.

***SAPS 271*** specifically asks applicants whether firearms have previously been lost or stolen, whether a negligence case was opened, the circumstances and the outcome.

## Full disclosure is therefore essential.

For a replacement self-defence handgun, the normal licensing requirements still apply. ***Section 13*** also provides that a person may not hold more than one licence under that section, so the stolen/deferred firearm and any replacement application must be correctly reflected administratively.

You may begin the replacement process, including acquiring a firearm through a dealer for licensing purposes, but you may not take possession of and carry the replacement merely because the previous firearm was stolen. Lawful possession requires the appropriate licence, permit or authorisation.

***Section 21*** provides for temporary authorisations, but it is discretionary and fact-specific, not an automatic emergency replacement licence or a shortcut around the ordinary process. Where urgent possession is genuinely at issue, obtain current DFO/CFR guidance and, if necessary, case-specific legal advice before relying on that route.

## The Real Lesson

This is not about blaming the victim of a carefully executed burglary. The criminals remain responsible for the crime. It is about recognising that lawful firearm ownership carries a second layer of responsibility in anticipating what happens when the security environment you control disappears.

The same lesson scales up. Major national and international matches should use a documented security and emergency plan covering firearm transport and lawful storage, accommodation security, temporary import or authorisation requirements, competent range and safety officials, SAPS and medical contacts, emergency communications and incident response. The larger the event and the number of visiting teams, the less acceptable ad hoc arrangements become.

Before the next hunt, competition, course or road trip, do not only ask: ***Where am I sleeping?*** Ask: ***Where will I keep my firearm while I am asleep, who can get to it, and what is the plan if something goes wrong?*** Because "*it was right next to me*" may be a poor time to discover that within reach and under direct control are not necessarily the same thing.

## Plan - Secure - Document and Stay in Control.

***Disclaimer:***
*This article is a general educational discussion of firearm safeguarding and administration. It is not legal advice and does not express a view on the culpability, fitness or legal position of any person involved in the anonymised incident. Individual facts matter. Anyone facing a criminal investigation, a disputed safekeeping allegation or proceedings under sections 102 or 103 should obtain case-specific advice from a suitably qualified legal practitioner.*

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**endorsed by the Board of Trustees**
**saga@saga.org.za | www.saga.org.za**
Tel 031 562 9951 | PO Box 35203, Northway, 4065

**Sources & Acknowledgements**

- Legal references: Firearms Control Act 60 of 2000, particularly s 13(3), 21, 22, 28, 102, 120(8), 120(11) and 133; Firearms Control Regulations, 2004, particularly regs 86, 91 and 99;
- Official SAPS Forms 271, 518, 521(f) and 539.
- Case-law reference: Venter v S (A505/2016) [2017] ZAGPPHC 384 (21 July 2017), particularly paras 7-12. Mongae v Chairperson, Firearms Appeal Board SAPS (49025/2021) [2023] ZAGPPHC 240 (4 April 2023) is noted only as a factual/procedural illustration; the review was dismissed without the Court determining the safekeeping merits.
- SAGA source material: Factsheet 108 - Temporary Firearm Usage versus Storage; Factsheet 114b - Legally Using Another Person's Licensed Firearm (s22); Factsheet 202 - Travelling with Firearms & Ammunition.
- SAGA also acknowledges the earlier practical guidance of Adv John Welch, former SAGA Chair, on transporting and safeguarding sporting and hunting firearms.

## ANNEXURE A

# FIREARM OWNER TRAVEL CHECKLIST

A practical pre-trip and overnight checklist. It supplements - and does not replace - the Firearms Control Act, Regulations or case-specific legal advice.

## BEFORE DEPARTURE

1. ☐ Record the full accommodation address, responsible contact person and event contact; keep a copy somewhere other than only on your phone.
2. ☐ Save the nearest SAPS station details, nearest hospital or emergency facility, and the event or venue first-aid contact.
3. ☐ Keep your firearm make, model, calibre, serial number and licence particulars readily accessible for an emergency.
4. ☐ Confirm travel/off-premises insurance for the firearm, high-value optic, accessories, EDC handgun and, where applicable, ammunition; check specified values, excesses and security conditions.
5. ☐ If accommodation has been selected or booked for you, ask what security and lawful firearm-storage arrangements actually exist before you arrive.

## AT THE ACCOMMODATION

1. ☐ Is a prescribed safe or strongroom storage available, and is it physically capable of accommodating the firearm - particularly a long rifle - without improvisation?
2. ☐ Who can access the storage? If another licence holder is to store your firearm, has the Regulation 86(4) / SAPS 539 arrangement been lawfully completed beforehand?
3. ☐ Check the room lock, windows and obvious access points, as well as alarms, external beams, perimeter security, CCTV and controlled access.
4. ☐ Do not treat a locked hard case, an ordinary cupboard or an unattended bedroom as a substitute for prescribed storage when direct control is absent.
5. ☐ If the firearm is bedside while you sleep, do not assume proximity alone establishes direct personal and physical control. Consider who can enter and reach it.
6. ☐ When moving to dining or common areas, re-assess control and storage. Do not leave a firearm unattended merely because the accommodation feels secure.

## IF A FIREARM OR PHONE IS STOLEN

1. ☐ Report firearm loss or theft to the SAPS station nearest the place where it occurred within 24 hours after becoming aware of it; complete SAPS 521(f) and retain the CAS/case reference or acknowledgement.
2. ☐ Preserve the scene, photographs, original CCTV, witness details and evidence of entry and security. Do not disturb evidence unnecessarily.
3. ☐ If your phone is also stolen, use another device for urgent calls and preserve any available account, device-location, date/time or other original electronic information.
4. ☐ Keep the account factual. If negligent safekeeping or a section 102 process emerges, obtain competent firearm-law advice early.

Email: saga@saga.org.za
Website: www.saga.org.za
Tel 031 562 9951

P O Box 35203
Northway, 4065
KwaZulu-Natal
South Africa



## ANNEXURE B

# EVENT ORGANISER / ACCOMMODATION PROVIDER CHECKLIST

A planning and accountability checklist for clubs, associations, Match Directors, venue owners and accommodation providers. Legal liability remains fact specific.

## EVENT ORGANISER / MATCH DIRECTOR

1. ☐ Publish or brief the full accommodation address and responsible contact, nearest SAPS station, nearest hospital or emergency facility, first-aid location and emergency contacts.
2. ☐ Where accommodation is selected or recommended for competitors, verify what security and firearm-storage arrangements actually exist and communicate them accurately before arrival.
3. ☐ Clarify who is, and is not, assuming custody or storage responsibility. Hosting, sponsoring or recommending an event does not by itself make a dealer, club or other party the custodian of competitors' firearms.
4. ☐ If firearm storage is offered, confirm lawful capacity for the expected number and type of firearms, including long rifles. Do not leave this to improvised arrangements after arrival.
5. ☐ Ensure Match Directors, Range Officers and safety officials are competent and appropriately appointed for the applicable range and event requirements, with clear emergency procedures.
6. ☐ For larger events, use a written security and emergency plan covering accommodation, storage, transport, communications, medical response, SAPS liaison and preservation of evidence after an incident.
7. ☐ For international teams, confirm in advance with SAPS/CFR and other relevant authorities the applicable temporary import/authorisation, transport, storage and accommodation-information requirements, and brief teams before travel.

## ACCOMMODATION PROVIDER / LANDOWNER

1. ☐ Assess security against the actual foreseeable risk created by hosting firearm owners and concentrated high-value equipment. An incident-free history is not, by itself, a security plan.
2. ☐ Review doors, locks, windows, access control, perimeter security, alarms, beams, CCTV, response arrangements and key/staff access before the event.
3. ☐ If firearm storage is represented as available, confirm that it is prescribed, secure, access-controlled and of sufficient size and capacity. Do not represent ordinary lockable rooms or cupboards as compliant storage.
4. ☐ Give organisers and guests accurate information about what security and storage is available, and what is not. Avoid assumptions created by the venue's association with a shooting event.
5. ☐ Have an incident-response process: immediate SAPS notification where required, preservation of CCTV and access records, protection of the scene and a responsible person available to assist investigators.

***ACCOUNTABILITY PRINCIPLE***

***The firearm owner remains responsible for personal statutory safeguarding. Organisers, officials, venue owners and accommodation providers should identify and manage the risks they actually control or have undertaken. For major events, those separate responsibilities should be defined before competitors arrive - not after something has gone wrong.***

Email: saga@saga.org.za
Website: www.saga.org.za
Tel 031 562 9951

P O Box 35203
Northway, 4065
KwaZulu-Natal
South Africa