

Are Vehicle Firearm Safes Legal?

You might well ask because there is a lot of confusion and lack of clarity on what the law says about this. It is also best answered if you judge for yourself. With reference to the actual legal provisions, you can be confident of the basis of your position on the subject. This is how we see it.

There are three statutes which govern the storage of firearms and ammunition by civilians in vehicles in South Africa. These are the Firearms Control Act, the Firearms Control Regulations and SANS 953 Part 1.

Firearms Control Act

It all starts with the Firearms Control Act. The actual text is reproduced here in blue for convenience, but please look it up for yourself.

FIREARMS CONTROL ACT 60 OF 2000

Chapter 9

Storage, transport and carrying of firearms or ammunition

83. Storage and transport of firearms and ammunition

Firearms and ammunition must be stored and transported in the prescribed manner.

Firearms Control Regulations

As you can see, the FCA doesn't say much on the topic. That is because it is left to other organs of state to prescribe and promulgate the details and implement the policies which are set out in the Act. In this case the responsibility falls on the South African Police Services. This is done through the second statute, viz. the Firearms Control Regulations, with relevant text also reproduced in blue below. You will notice from the underlined text in bold that reference needs to be made to two clauses in the Regulations in order to identify the parts relevant to firearm storage in vehicles.

FIREARMS CONTROL REGULATIONS 2004

Chapter 10

Safe custody of firearms and ammunition : Safes and safe custody

86. (1) When a firearm is not under the direct personal and physical control of a holder of a licence, authorisation or permit to possess the firearm, **the firearm and its ammunition must be stored in a safe or strongroom that conforms to the prescripts of SABS Standard 953-1** and 953-2, unless otherwise specifically provided in these regulations.

(12) A lock-away safe, apparatus, device and instrument for safe custody of a firearm or ammunition, must to the satisfaction of the Registrar comply with the following requirements –

- (a) be manufactured from steel of at least 2 mm thick;
- (b) be capable of enclosing or covering the firearm concerned wholly;
- (c) have an effective integral locking mechanism;
- (d) have a hinge mechanism for the cover or lid thereof which shall ensure that when the locking pin thereof is removed, the cover or lid shall not be capable of being opened or removed;
- (e) have a facility with the aid or use of which **the lock-away safe**, apparatus, device or instrument **may be securely affixed to** another structure such as a wall or a floor, or **the body of a vehicle**

SABS Standard

The third statute is SANS 953-1. The intention in the Regulations is clearly for the SABS Standard to specify the detailed requirements for firearm safes, which then become legally enforceable by virtue of being prescribed in the Regulations.

There are six types of firearm safes described in the Standard, one of which (type B3) is specifically for vehicles. There are many parts of the Standard which apply to type B3 safes, most of which set out requirements for the design, materials, construction and testing of the safes and are relevant to the safe manufacturer producing safes that conform to the Standard. However, there are also important parts, reproduced in blue below, which apply specifically to installers and firearm owners and are therefore essential to know.

SANS 953-1:2018 STORAGE OF FIREARMS & AMMUNITION

Part 1: Safes

3.11 **Type B3 firearms safe**

a lighter safe intended for the temporary storage of firearms and ammunition in motor vehicles and caravans

4.6 **Means of securing a safe**

4.6.1 General

A safe of net mass 300 kg or less containing any firearm(s) shall always be permanently fixed either inside a structure (see 4.6.2) or in a vehicle (see 4.6.3). Safes shall never be left standing loose.

4.6.3 In Vehicles

When a safe is installed in a vehicle it shall be affixed non-conspicuously to the floor or the body of the vehicle, and the owner of the firearm shall obtain a certificate issued by the installer wherein the following particulars are specified:

- a) Date of installation;
- b) Name and address of installer;
- c) Registration number, engine and chassis number and make of vehicle; and
- d) That the vehicle is equipped with an immobilizer.

6.2 **Means of securing a type B safe**

6.2.4 Type B3 safes. In the case of a type B3 safe, there shall be an arrangement for bolting the safe to the body or to the floor of a vehicle.

Conclusion

It is clear from the above that the law makes full provision for the temporary storage of firearms in motor vehicles and caravans. If one thinks about it, this is a necessary provision not only for citizens carrying firearms who unexpectedly encounter gun free zones, but also for law enforcement agencies and the security industry who have a similar need from time to time. If this provision did not exist, they would necessarily be exposed to breaking one or more laws from time to time for reasons that would be outside of their control. Such a situation would be untenable and render many other provisions of the law unenforceable.

Let's Chat

If you would like to share insights or your views on this topic or have any questions, doubts, or concerns please feel free to contact the writer at Pangolin Security Products mario@kutha.co.za