



FACT SHEET SERIES

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Library Ref:

204

SAGA Education Series – Gun-Free and Firearm-Free Zones: What the Law Actually Says

South African firearm owners regularly encounter signs reading “**NO FIREARMS**”, “**GUN-FREE ZONE**” or “**FIREARM-FREE ZONE**”.

They are not necessarily the same thing in law. The consequences depend on whether the premises have actually been declared a statutory Firearm-Free Zone under section 140 of the Firearms Control Act, 2000 (FCA), or whether an owner or occupier is simply imposing a private condition of entry.

NOTE: A sign can communicate a rule. Only a Ministerial declaration published in the Government Gazette can create a statutory Firearm-Free Zone under section 140 of the FCA.

1. The Core Legal Distinction

Question	Private “No Firearms” / Gun-Free Policy	Statutory Firearm-Free Zone
How created?	By the owner/occupier as an access or workplace policy.	By the Minister by notice in the Government Gazette under FCA section 140.
Does section 140 apply?	No - the sign or policy does not by itself create a section 140 offence.	Yes - the statutory prohibitions, search/seizure powers and penalties apply.
Practical effect	The owner may refuse entry or require compliance with lawful conditions of entry.	Unless authorised by the Gazette notice, firearms and ammunition may not be allowed, carried or stored in the zone.

NOTE: If you do not accept a private venue’s firearm policy, the proper course is not to force entry. The venue may refuse admission or ask you to leave. Any separate trespass, employment or contractual consequences depend on the facts and are distinct from section 140 of the FCA.

2. What Section 140 of the Firearms Control Act Says

Section 140 gives the Minister power, after the required consultation, to declare premises or categories of premises to be Firearm-Free Zones by notice in the Government Gazette where the declaration is in the public interest and accords with the objects of the FCA.

Unless the Gazette notice authorises otherwise, section 140(2) provides that no person may:

- allow any firearm or ammunition to be in a Firearm-Free Zone;
- carry any firearm or ammunition in a Firearm-Free Zone; or
- store any firearm or ammunition in a Firearm-Free Zone.

Section 140(3) gives a police official specific powers in a statutory Firearm-Free Zone to:

- search a building or premises without a warrant where there are reasonable grounds to suspect that a firearm or ammunition is present in contravention of the declaration;
- search any person present in the Firearm-Free Zone; and
- seize a firearm or ammunition present in contravention of the declaration.

NOTE: Those section 140(3) powers are conferred on police officials. A private security officer does not acquire these statutory police powers merely because a venue displays a “no firearms” sign. Private screening or searches may operate on a different lawful basis, such as consent or a condition of entry.

3. How Premises Become a Statutory Firearm-Free Zone

Regulation 109 of the Firearms Control Regulations, 2004 sets out the application and operational requirements. The process is more than simply putting up a sign.

1. **Application** - the owner or lawful occupier applies on the prescribed SAPS 517(f) form through the relevant Designated Firearms Officer.
2. **Motivation** - the application must explain why the premises should be declared a Firearm-Free Zone.
3. **Capacity** - the applicant must motivate its capacity to maintain the premises as a Firearm-Free Zone.
4. **Communication** - the application must state how the public will be informed.
5. **Ministerial declaration** - statutory status arises through the section 140 declaration published in the Government Gazette.

Once declared, Regulation 109 requires, amongst other things, that:

- the premises be clearly identified and demarcated;
- notices be posted at main entrances or strategic places, in English and, where applicable, the predominant local language;
- the notices and signs remain clearly visible and unobscured;
- the institution endeavour to reflect its Firearm-Free Zone status in correspondence; and
- the applicant notify the relevant Designated Firearms Officer of changes to information supplied in the application.

4. SAPS 517(f): The Official Application Route

SAPS continues to publish form SAPS 517(f), "Application to Declare Premises a Firearm Free Zone", together with official instructions. The form records the date of declaration and Government Gazette reference and is routed through multiple levels of SAPS/CFR and the Ministerial process.

The form and instructions reinforce an important practical point: a statutory Firearm-Free Zone is an official administrative and Gazette process - not a status created unilaterally by wording on a sign.

NOTE: For legal certainty, rely on the FCA, Regulation 109 and the applicable Government Gazette notice.

5. Criminal Consequences and Maximum Penalties

Contravention of section 140(2) is not a minor technicality. Schedule 4 to the FCA prescribes the following maximum periods of imprisonment:

<i>FCA provision</i>	<i>Conduct</i>	<i>Maximum imprisonment</i>
s 140(2)(a)	Allow a firearm or ammunition in the zone	5 years
s 140(2)(b)	Carry a firearm or ammunition in the zone	10 years
s 140(2)(c)	Store a firearm or ammunition in the zone	25 years

These are statutory maximum penalties, not automatic sentences. The point is that the legal distinction between an ordinary private sign and an actual section 140 declaration has serious consequences.

Practical Guide for Licensed Firearm Owners

When you encounter a "*gun-free*" or "*firearm-free*" sign, deal with it methodically:

1. Read the sign and identify the rule being asserted. Do not assume every sign is a section 140 declaration.
2. Ask whether the premises are a statutory Firearm-Free Zone and, if so, request the Government Gazette number/date or other proof of the declaration.
3. Establish the exact boundary of the declared zone and whether the Gazette notice authorises any categories of persons or activities.
4. If it is a statutory Firearm-Free Zone, do not enter armed unless your presence with the firearm is clearly authorised under the declaration or other applicable law.
5. If it is a private policy only, decide whether to comply or leave. Your firearm licence does not create a right to insist on entry to private premises contrary to lawful access conditions.
6. Do not improvise storage. Ordinary FCA safekeeping duties continue to apply, and section 140(2)(c) specifically prohibits storage inside a statutory Firearm-Free Zone unless authorised.
7. Do not hand a firearm to a receptionist, guard or other person unless there is a lawful and secure basis for that person to take possession and store it. Transfer or storage of firearms is itself regulated under the FCA.

8. If there is genuine uncertainty, leave the firearm lawfully secured elsewhere and verify the position before entering. Do not create a test case at an entrance gate.

6. Security, Storage and Exemptions

A Firearm-Free Zone declaration does not, by itself, tell a visitor what security system replaces the lawful defensive capacity that has been excluded. Regulation 109 nevertheless requires the applicant to motivate its “*capacity to maintain*” the zone. That makes the security arrangements relevant to both the application and responsible implementation.

Particular attention should be paid to:

- controlled access and screening arrangements;
- the physical boundary of the declared zone;
- how armed police, security personnel, cash-in-transit services or other legitimate armed functions are dealt with;
- whether any secure storage facility is inside or outside the declared boundary and whether storage is lawfully authorised; and
- the content of the operative Gazette notice, including any authorisations or exceptions.

NOTE: Section 140(2) begins with the words “Unless authorised to do so in terms of a notice...”. A firearm licence, competency certificate, dedicated status or employment in a security-related role should not be treated as an automatic exemption from a statutory Firearm-Free Zone. Check the actual declaration and the applicable legal authority.

8. How to Verify a Claimed Firearm-Free Zone

For a statutory section 140 zone, the key document is the Government Gazette notice.

A practical verification sequence is:

- ask management/security for the Gazette number and date;
- check the official South African Government notices database or Government Gazette;
- confirm that the named premises or category matches the place you are entering;
- read the declaration for any conditions, boundaries or authorisations; and
- if necessary, confirm with the relevant DFO/CFR before carrying a firearm onto the premises.

Recent Use of Section 140

- Section 140 is not merely theoretical. Official Government records show a series of recent declarations, including:
- Government Notice 6844, Government Gazette 53721, 25 November 2025 - Government Pensions Administration Agency premises at 34 Hamilton Street, Arcadia, Pretoria;
- Government Notice 7131, Government Gazette 54128, 12 February 2026 - declaration of premises or a category of premises as a Firearm-Free Zone; and
- Government Notice 7217, Government Gazette 54316, 12 March 2026 - declaration of premises or a category of premises as a Firearm-Free Zone.

The practical lesson is simple: firearm owners should no longer assume that “*firearm-free zone*” terminology is merely informal. Where section 140 has been invoked, the statutory consequences are real and the Gazette notice must be checked.

10. Frequently Asked Questions

Does a “No Firearms” sign automatically create a section 140 offence?

No. A statutory Firearm-Free Zone requires a Ministerial declaration published in the Government Gazette. A private sign may still create a condition of entry or workplace rule.

Can I carry because my firearm is licensed and concealed?

Not in a statutory section 140 Firearm-Free Zone unless authorised. A valid licence does not override the statutory prohibition.

Can private security search or seize my firearm under section 140?

Section 140(3) gives its specific warrantless search and seizure powers to police officials. Private screening or searches may occur on another lawful basis, for example consent or access conditions, but that is legally distinct.

Can I leave my firearm at reception or in a locker?

Do not assume so. Firearm possession and storage remain regulated. Storage inside a statutory Firearm-Free Zone is itself prohibited by section 140(2)(c) unless authorised. Confirm the legal basis and security arrangement.

What if the sign says “*Firearm-Free Zone*” but nobody can provide a Gazette number?

Do not assume the wording is legally correct. Ask for the declaration and verify it. Until clarified, the prudent course is not to enter armed.

Conclusion

A private “*gun-free*” policy and a statutory Firearm-Free Zone are not the same legal creature. The first is principally an access or policy question. The second is a formal section 140 declaration with criminal prohibitions, specific police search and seizure powers, and potentially severe penalties.

SAGA’s position is that legal restrictions must be clear, properly published and matched by demonstrable security capacity. A sign is not a security plan, and ambiguous signage should never be allowed to expose otherwise law-abiding firearm owners to uncertainty about criminal liability.

BOTTOM LINE: A sign can set a rule. Only a Gazette declaration can create a statutory Firearm-Free Zone under section 140.

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*Issued as part of the SAGA Educational Series to guide
firearm owners on compliance and responsible firearm ownership.*

Acknowledgements

- Drafted by SMS Lyle, SAGA Board endorsed
- Firearms Control Act 60 of 2000 (as amended): sections 2, 121 and 140; Schedule 4
 - Firearms Control Regulations, 2004 (GN R345, GG 26156): Regulation 109
- SAPS 517(f): Application to Declare Premises a Firearm Free Zone and official instructions
- Government Notices 6844 (GG 53721, 25 Nov 2025), 7131 (GG 54128, 12 Feb 2026) and 7217 (GG 54316, 12 Mar 2026)

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