



FACT SHEET SERIES

Brought to you as an informative member service

Library Ref:
202

SAGA Education Series | A Guide to Your Legal Rights & Responsibility at a Roadblock – *What You Need to Know*

1. Purpose & Objective

Attorney Martin Hood's 2025 YouTube video on Roadblocks (refer acknowledgements) provides a concise, legally grounded walkthrough (**aka Hoods Rule**) of your rights and obligations when stopped at an official South Africa roadblock.

 **Hoods Rule** - Know your rights. Assert responsibly and accountably. Comply lawfully.

2. Legal Authority & Authorisation

Only properly authorised roadblocks are lawful under Section 13(8) of the SAPS Act.

A lawful roadblock:

- Is established with written authorisation by a Provincial or National Commissioner (or delegate).
- Specifies the location, date/time and purpose.
- Is clearly marked (cones, signage, uniforms).
- Includes officers who can show official SAPS ID or appointment cards.

 **Hoods Rule** - ask the question: "Is this a lawfully authorised roadblock? May I please see the authorisation?"

3. Documents You Must Produce

At a valid roadblock, you are legally required to present:

- ☐ Valid driver's licence
- ☐ Vehicle licence disc
- ☐ Firearm licence (if carrying a firearm)

4. Firearm Owners – Critical Guidance

If you are carrying a firearm:

 **Do:**

- Disclose that you are armed if asked
- Keep your firearm secured — in a holster, bag, or safe
- Present your firearm licence if requested

✗ Do NOT:

- Hand over your firearm, under the Law you are required to retain direct control.
- Remove it from the holster unless specifically instructed.

 **Hoods Rule** - “Do not hand your firearm to a police officer. Instead, retain control. If inspection is requested, advise the officer you will now access your firearm for inspection. Allow them to view the weapon (serial number) without relinquishing control.”

5. Firearms Inside Vehicles – Your Personal Space

Martin Hood further emphasises your vehicle is an extension of your personal/private space, therefore any threat by SAPS to arrest you if your firearm is not holstered is invalid and unlawful:

 Always keep your firearm secured and under your control - bagged, holstered or securely stowed.

 Do not leave firearms unholstered or exposed in the cabin — this can cause alarm, misinterpretation or escalation, even if the firearm is legal.

 **Hoods Rule** - “Control of your firearm matters; not just legally, but practically. In your vehicle your firearm should be under your direct control and not exposed.”

6. Roadblock Firearm Inspections – Key Principles

There is no fixed standard procedure expressly outlined in the Firearms Control Act (FCA) for how firearm serial number inspections (s107) must be conducted at a roadblock, any such process must comply with general safety principles, constitutional rights, and SAPS Standing Orders. A practically sound and safe practice is:

 If Asked to Present a Firearm for inspection:

1. You may question whether the officer has lawful grounds to inspect your firearm. “**Officer, are you requesting this under Section 107 of the Firearms Control Act?**”
2. Do NOT remove or present the firearm unless clearly instructed to do so and only if a safe protocol is agreed upon.
3. Politely request that the firearm inspection be done in a safe and secure location, not at the roadside or in public view. “**I will cooperate – however for safety reasons only in a safe area and following the correct procedure.**”
4. Remain calm, keep your hands visible and do not make sudden movements. Clearly state the location of the firearm (e.g. holstered, bagged, in a vehicle safe).
5. Under no circumstances should you unholster or handle the firearm in the officer’s presence without specific instructions - let SAPS direct the process, ideally in a controlled environment.
6. Only make the firearm safe (remove mag, unload and open the chamber) if expressly requested to do so - and then only in a safe location and under SAPS direct supervision.

 If you have doubts about the legitimacy of the roadblock, you are entitled to call **10111** and request verification of the roadblock’s legitimacy.

7. Roadblock Safety in South Africa: Stay Inside the Vehicle

For your own safety:

-  Do not exit the vehicle with a firearm on your person unless specifically instructed to do so by the officer and only if the officer ensures a controlled and safe environment.
-  Do not draw or display your firearm at the roadside or in public view.
-  Do not challenge or obstruct the officer in an aggressive manner - remain calm, cooperative, and respectfully assert your rights where appropriate.

You are within your rights to keep your doors locked and engage through a slightly open window until you:

-  Confirm SAPS identity - appointment cards, name tags,
-  See marked police vehicles and roadblock signage,
-  Are satisfied it is a lawfully authorised roadblock.

 *This caution is even more critical for women travelling alone. Exiting a vehicle unnecessarily can increase vulnerability to hijacking, assault, or intimidation — especially in rural areas or at night.*

8. Searches – Know What's Allowed

At a lawful roadblock:

-  Police may visually inspect your vehicle and check your licence & the disc status.
-  They may search your vehicle without a warrant.

At an informal roadside stop (non-roadblock):

-  Officers must have either your consent or reasonable suspicion of criminal activity.
-  You may lawfully refuse a search if neither condition is met.

 **Hoods Rule** - Refusing an unlawful search is **not** a criminal offence - refuse politely and calmly. Alternatively, you have the right to challenge any improper search after the fact.

9. If You Are Detained or Arrested

You have the RIGHT to:

-  Be told why you are being detained
-  Remain silent..
-  Contact a lawyer.
-  Be treated with dignity and respect under the Constitution.

Common arrest triggers include:

-  Obstructing a lawful search.
-  Committing an offence.
-  Outstanding arrest warrants.

 **Hoods Rule** - outstanding traffic fines are **not** enforceable at such a roadblock – do state you will resolve them at a later stage.

10. Best Practice for Firearm carrying Motorists

✓ DO	✗ DO NOT
Remain in your car unless instructed	Exit abruptly or act confrontational
Have documents ready and accessible	Hand over personal belongings without cause
Ask respectfully to see authorisation	Argue or escalate
Record officer names, badge numbers, time and place	Forget to document any rights violations
Discreetly record audio or video	Block or resist lawful instructions

11. Key Takeaways

- ✦ Roadblocks must be lawful and clearly authorised.
- ✦ You are obliged to provide ID and firearm documentation..
- ✦ Searches at informal stops require consent or suspicion.
- ✦ Do not hand over your firearm — retain control at all times.
- ✦ Firearms must remain holstered or secured inside your vehicle.
- ✦ Assert your rights calmly & follow up legally after the encounter.

 **Hoods Rule** - Rule of Thumb: “Be cooperative, not blindly compliant. Know your rights. Stay calm. Control your conduct like you control your firearm.”

E&o,e

*Issued as part of the SAGA Educational Series
guiding firearm owners on compliance & responsible firearm ownership.*



Saga@saga.org.za - www.saga.org.za
Tel 031-562-9951, Box 35203, Northway 4065

Acknowledgements:

- Drafted by SMS Lyle, endorsed by the SAGA Board
- Martin Hood (Attorneys) YouTube - Roadblocks, June 2025 <https://www.youtube.com/watch?v=5BBpc8VpUcl>
 - Firearms Control Act, No. 60, as amended
- Firearms Control Act (FCA), 2000: Section 107 - SAPS may inspect a firearm to confirm lawful possession.
 - SAPS Act (Act 68 of 1995): Section 13(8) governs roadblock legality.
 - SAPS Standing Order 251: Governs conduct at roadblocks.
- Constitution (Section 14): Protects right to privacy and freedom from arbitrary search.

Disclaimer:

SAGA further provides no guarantee express or implied and assumes no responsibility or liability for any errors or omissions in content. The information contained herein is presented for information purposes and does not constitute legal advice or opinion. It is provided on an "as is" basis with no guarantees of completeness, accuracy, usefulness or timeliness.

