



SAGA SNIPPETS

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Is the Validity of "Green Licenses" Coming to an End?



SAGA MEDIA STATEMENT
14-09-2020

by John Welch

The Firearms Control Act, No. 60 of 2000 (FCA) came into operation in 2004 and all licensed firearm owners were granted until June 2009 to apply for new licenses.

Because thousands (some estimated as many as 900 000) of licensed owners failed to timeously apply for new licenses, SA Hunters and Game Conservation Association (SA Hunters) and the National Arms and Ammunition Collectors' Confederation of South Africa (NAACCSA), as friend of the court, brought an urgent application in the Gauteng Division of the High Court (Pretoria) which resulted in an interdict being granted on 26 June 2009, whereby it was ordered as follows:

"(1) It is ordered that all firearm licenses contemplated in sub-item 1 of Schedule 1 (These are licenses that should have been renewed) of the Firearms Control Act, 2000 (Act 60 2000) shall be deemed to be lawful and valid pending final adjudication of the main application; (2) This order

shall operate as an interim order with immediate effect pending final adjudication of the main application relating to this case; (3) The costs of this application will be the costs in the main application."

For whatever reason neither SA Hunters nor SAPS arraigned the main application for adjudication. Probably because of the recent successes by SAPS, firstly in the Constitutional Court against SA Hunters, and secondly, in the Supreme Court of Appeal against GOSA, the State Attorney has now informed SA Hunters in writing (letter attached) that its client requests SA Hunters to withdraw the main application and consent to the discharge of the interim order. The letter contains a direct threat that should SA Hunters not do as proposed by the State Attorney, a punitive costs order will be sought.

Mr. Fred Camphor, the CEO of SA Hunters, has advised that the Association's Board will convene on 17 September when it will take a decision on the matter. Since the temporary interdict was granted some people may have died or disposed of their firearms, however, there may still be many thousands who are affected and who would now have to take a decision about transitioning to the FCA licenses or disposing of their firearms.

According to the State Attorney, affected people have had three amnesty periods (the last of which is still running

until 31 January 2021) during which to legally dispose of their firearms or to apply for licenses under the FCA. It is important to note that since there is currently a valid court order protecting people in possession of "green" licenses issued under the repealed Arms and Ammunition Act, No. 75 of 1969, they neither had to dispose of their firearms nor apply for new licenses. According to the court order their "green" licenses are deemed valid.

However, since we have a firearms control regime under the Firearms Control Act, it is not a satisfactory situation to have people without competency certificates bearing firearms that are "licensed" under a repealed Arms and Ammunition Act. Since SAGA's views regarding the validity of "green" licenses, where firearm owners have transitioned to "white" licenses issued under the Firearms Control Act, and which have now expired since the owners failed to timeously renew them, are clear (despite various other legal opinions to the contrary), and such persons should utilise the firearm amnesty.

SAGA's advice to those persons who are only in possession of green licences under the old Arms and Ammunition Act, is that steps



1985

2015

Continued... Validity of "Green Licenses"

should now be taken to transition to the FCA, and affected members must do the required proficiency tests and obtain the relevant competency certificate(s) from SAPS and then apply for the relevant license(s). Since the "green" licenses are deemed valid, we are of the opinion that it never was (and still is) not necessary to surrender the firearm while awaiting the new "white" license. The SAPS (and others) may have a different opinion in this regard.

Whatever SA Hunters decide to do in reaction to the State Attorney's letter of demand, it would be wise to try to negotiate a period of 24 months (at least) during which affected people may transition to the licensing regime under the FCA.

The State Attorney and SAPS must understand that the "green" licenses are currently deemed valid; that, accordingly, the affected firearms need not be surrendered during the current amnesty while people apply for their new licenses (the owners are not in the illegal possession of their firearms); and that sufficient time be granted to do so. This argument is based on solid foundation since the previous Draft Amendment Bill of 2015 contained a transitional provision providing for a two-year period during which those still in possession of old Act licenses may transition to the FCA licenses.

We shall keep our members informed of the SA Hunters' decision and provide further advice on how to deal with the challenge.

The sincerest form of trust a government can show is to allow constitutional freedom of choice for responsible and law-abiding citizens to keep and bear firearms.

From the SAGA Office....

Telephones

For the last month or two the SAGA Office has been experiencing downtime with their telephone lines. The problem is still ongoing as lines in the area are being worked. If you have been struggling to get through to the office by telephone please keep trying or send your query by email to saga@saga.org.za

Postal Service

Members are advised that although the postal service is working again, there is still a backlog as various post offices and hubs are having to open and close as Covid-19 cases occur.

This means that post is taking a very long time to be delivered. Your understanding and patience in this regard is appreciated.

Membership Renewals

Thank you to those members who have been renewing their memberships since lockdown levels allowed the office to re-open.

If you have not heard from us and think your membership is due for renewal please contact the office to check the database by emailing saga@saga.org.za

The Lee Enfield Rifle Association of SA (LERA)



The Lee Enfield Rifle Association of South Africa started in July 2009 and was affiliated with LERA in England on 29 December 2009. The main reason for establishing the Association here in SA was the fact that there are so many Lee Enfield rifle owners that never shoot their rifles. In most instances it is always the "old" .303 Enfield rifles that are handed in at the Police by uninformed owners. After all, where is the glamour in these old rifles? Why keep it?



- Our Aim is to promote the shooting, collection and study of the Lee Enfield series of rifles.
- Our Mission is to limit the destruction of these incredible rifles and educating current owners before they hand these rifles in for destruction.
- To ensure that these old war horses are given their rightful place in history and to restore their credibility in the shooting fraternity.

The Lee Enfield rifle is the oldest military bolt action rifle design that is still in daily use in current wars and police forces, like Afghanistan, Iraq, India, Pakistan,

Canada and Malawi Police to name but a few. Canada and South Africa are probably the countries where most active Lee Enfield rifles are in use by hunters and sport shooters.

The most common Lee Enfield rifles are the Short Magazine Lee Enfield (SMLE) No.1 Mk.III and the No.4 Mk.1 & Mk.2. The rifles are divided into different classes, reflected by their design dates and accuracy. The classification is:

- Vintage: (Victorian Era) Lee Metford, Long Lee Enfield and Martini Enfield
- Veteran: (World War 1 Era) Short Magazine Lee Enfield and P14
- Classic: (World War 2 Era) No.4 Mk.1 and No.5 Mk.1 (Jungle Carbine)
- Modern: (Post War) No.4 Mk.2, L42A1, L39A1, Envoy, Enforcer, 2A1 Ishapore
- Modified: Any Lee Enfield rifle that is modified (Sporterised)

Matches are fired on military type A11 and A12 targets. The targets are used for practice and competitions. It is designed with a black figure on a bright yellow background and gives no readily-discernible aiming mark. Considerable skill is needed to keep the shots in the centre of the target.

Shooting is done as follows:
Practice 1-100m; Standing position with no support accept the rifle sling.
Practice 2-200m; Sitting or kneeling with no support accept for the rifle sling.

Practice 3-300m;
Prone with no support accept the rifle sling.

We do various other shooting competitions including gong shooting and .22 competitions.

LERA SA shoots once a month on a Saturday morning at the Rooikraal Shooting Range as well as the Bothaville Shooting Range in the Free State. Inter-branch shooting competitions are held annually.

On the grounds of the Association's affiliation with LERA England, LERA Ireland, LERA Australia, LERA International and the Canadian Lee Enfield Collectors; there are several international postal shooting competitions annually. The Association is accredited with the SAPS as a Sport Shooting body. This makes it possible for motivating license renewals and new applications, as well as qualification as a Dedicated Sportsman under Section 16 of the Firearms Act.

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Lessons Learnt from Three Recent Newsworthy Incidents

by John Welch
28 September 2020

1. Pointing or Production of a Firearm

The first incident arose from the EFF's incitement to violence and the damages caused to various Clicks stores because of an advertisement placed by the company that either was not understood by the EFF and/or that seriously offended them. In a shopping mall in Port Elizabeth a lady drew her pistol from her purse as she felt threatened by the protestors and/or the security personnel that confronted her. Since I have not viewed the video footage, I shall explain the law both regarding the pointing and production of a firearm.

Section 120 (6) of the Firearms Control Act. No. 60 of 2000 (the FCA) deals with the unlawful pointing of a firearm and provides as follows:

"It is an offence to point -
(a) *any firearm, an antique firearm or an airgun, whether or not it is loaded or capable of being discharged, at any other person, without good reason to do so; or*
(b) *anything which is likely to lead a person to believe that it is a firearm, an antique firearm or an airgun at any other person, without good reason to do so."*

Pointing a firearm at another person implies that it must be pointed in the general direction of a person, but not necessarily that, if discharged, the bullet would have hit the victim. Secondly, pointing it at oneself is not a crime, albeit stupid, however, chances are good that it will lead to the person's declaration of unfit to possess firearms. Thirdly, had it been anything else than the items referred to in sub-section (a), the victim must have believed that it was a firearm, muzzle loader or airgun being pointed at her/him.



Also bear in mind that, in addition to unlawful pointing of a firearm, the pointer could also be convicted of common law assault if the pointing caused her/him to fear for life or injuries. And talking about unlawful pointing, this is covered by the term "without good reason to do so". What is meant by this term? The only good reason for pointing a firearm is because of a threat of violence made towards the defender. You NEVER point a firearm towards anyone unless you have justification to discharge AND you are prepared to fire. To merely threaten someone without being willing to shoot serves no purpose and will probably get you killed should the attacker carry out his threat.

This brings me to the production of the firearm. Why would you produce a firearm, either by removing it from the holster or from a carry-bag? You would only do that to ready yourself to shoot and, if necessary, kill. In a public place, like a shopping mall, it is not wise to do so unless you feel threatened because of threats of violence. Obviously, should you be confronted by a violent or armed criminal (in a public or private place), you may have an advantage by having the gun in your hand.

Nothing in law prohibits you from producing your gun, provided you have good reason and that,

should you use it, you are justified doing so. Since all scenarios differ there is no hard and fast rule of how to deal with a situation, excepting that, if you have the convenience of time, disappear, or if not, be as ready as can be, and if that means holding onto the gun in the holster or the carry-bag, then that be it. In most cases that I have dealt with, the so-called victims (in many cases these so-called victims were in fact criminals) always believed that the gun was pointed at them. During cross-examination it emerged that they only perceived it to have been pointed at them. To avoid this from happening, keep your firearm hidden until you need to use it.

2. Estate Firearms

The second scenario depicts the withdrawal of charges of the unlawful possession of a firearm and ammunition, against the Surgeon-General of the SANDF, Lt. Gen. Dabula in the Temba magistrates' court.

A few weeks ago, Dabula was arrested by SAPS in the Temba district, close to Pretoria, when an unlicensed pistol and ammunition were found in his possession. From representations made by his lawyer it emerged that he is the executor of the estate of his late father, who was the licensed owner of the pistol. His father apparently died in the Eastern Cape. Why the pistol and ammunition were in Dabula's possession near Pretoria is not known.

It is correct that an executor of a deceased's estate must take possession of all assets, including firearms and ammunition, however, such executor is not entitled to use any of the assets, including a firearm. The incident happened only three weeks after the father's death, accordingly it is most unlikely that an executor's letter had

Continued.....Lessons Learnt

been issued by the Master of the High Court. Had the prosecutor (who withdrew the charges) not enquired and been satisfied about the reasons why Dabula had the pistol and ammunition with him in Temba, and indeed been convinced that Dabula was in fact the appointed executor, it amounts to a neglect of duty.

Although a prosecutor's decision does not bind other prosecutors or any courts, it has nevertheless created a precedent that other persons, under similar circumstances, could possibly raise in their representations to also have charges withdrawn. I can understand if the prosecutor withdrew the charges on humanitarian grounds (although this was never stated), but certainly not because of the rank or position or past or present status within the ANC of the accused.

This case illustrates how unjust the Firearms Control Act is. This is a very technical transgression which could very easily have been disposed of by the imposition of an administrative fine. People who failed to timeously renew their licenses are in much the same situation – they are technically in the unlawful possession of a firearm, just like Dabula. The FCA ought to deal fairly with these technical transgressions by allowing for late renewal and perhaps (after the lapse of a prescribed period) for payment of an administrative fine. For the law to bluntly criminalise such people at the expiry of their licenses is irrational and harsh.

3. Wrong Ammunition

The third incident that made headlines is the unlawful killing of the 16-year-old Nathaniel Julies at the hands of three police officials. What exactly Julies' business was at the unrest area is not clear. What is, however, clear, is that he was unarmed, did not agitate the police and did not participate in the unrest. According to the female police official she did not know that the shotgun was loaded with "real" ammunition and secondly, she acted on instructions of another (more senior) police official.

There are two lessons to be learnt from this incident. Firstly, you cannot rely on the defence of an official instruction if that instruction was unlawful. The test is, would the instructor be guilty of the crime had he personally committed it, then the instruction would also be unlawful. A lower-ranking official is accordingly entitled to disobey an unlawful instruction. The person receiving the instruction must establish herself the severity of the threat and then decide whether to execute the instruction. Since I am not privy to all the facts of the case and thus not pre-empting it, any official giving the unlawful instruction and any other official interfering with the crime-scene, would be guilty of conspiracy to commit murder (if agreed to before the commission of the crime) and/or as a co-perpetrator or an accomplice to murder.

Secondly, the female official cannot rely on a factual error that she did not know that the shotgun was loaded with "real" ammunition. As a trained police official she knew she was to ascertain for herself that the gun was loaded and with what. Had she thought that it was loaded with rubber balls, she was supposed to have checked and made sure.

I have previously written extensively on this topic and have warned that you do not trust anyone but yourself to ensure whether a firearm is loaded and, that it is loaded with the correct ammunition.

In the same vein, you do not trust manual safeties in or on a firearm. If your firearm is always considered loaded; always pointed in a safe direction; you are sure of your target (paper, silhouette, human or animal) at which you are prepared to lawfully fire; and your finger does not touch the trigger until you are ready and prepared to fire, you cannot make a mistake. Although mechanical defects and failures do occur, they are so few and far between that they can be omitted. And even should a mechanical defect or failure occur, the result would be nothing more than a bruised ego, since the gun was pointed in a safe direction.

Why Shooters Should ALWAYS Wear Eye & Ear Protection



by W.H. "Chip" Gross
Tuesday, September 15, 2020

Wearing eye and ear protection while on the shooting range or in the hunting field should become second nature, to the point that you feel naked without such safety equipment. Unfortunately, protective shooting gear is an expense that some new or inexperienced shooters are tempted to skim on. After all, it's more fun putting those extra dollars in your pocket toward upgrading a firearm or buying more ammunition, right? Wrong!

I was reminded of that important fact recently when a professional shooting coach I was talking with, Dan Bailey, pulled out his cellphone, scrolled to a recent photo, and said "Look at this." What I saw in the picture was a 12-gauge shotgun with a large bulge about 8 inches down the barrel from the chamber, the steel split open like someone had stepped on a ripe banana.

"No one was hurt, thankfully," he said, "but you just never know..."

The shooter in that incident was Jonathan Rumbarger, a 16-year-old sporting clays competitor from Waynesville, Ohio. He began shotgun shooting at age 13 and

has been shooting competitively for the past three years with the national Scholastic Clay Target Program (SCTP).

"The accident happened just a few weeks ago at our local shooting range," said Jonathan. "I was practicing with some team members and we were on the second station of the course. I shot the first two pairs of clays just fine, but on my second shot at the third pair is when everything bad happened. There was a louder-than-normal report from the gun and it recoiled more than usual, too. Pieces of wood from the forearm went flying everywhere..." Rumbarger's face was blackened with gunpowder residue from the blowback, but he was not injured in any way. Protecting his eyes was a pair Pilla Outlaw X6 shooting glasses, and protecting his ears was a set of custom ear plugs molded to fit his ears.

Jonathan and his coaches are not sure why the gun barrel exploded, and they may never know. A wad from a previous shotshell could have lodged in the barrel, causing an obstruction, but that's just speculation. The lesson to learn here is that even when using new, factory-loaded ammunition in a well-maintained modern firearm, there is still a chance that a mishap can occur. Guns and ammo are mechanical devices that can and do fail. You must be prepared.

Shooter's Ear

The generic term "shooter's ear" is defined as high-frequency hearing loss caused by shooting firearms while not wearing adequate ear protection.

"And the damage can be asymmetrical," said Dr. Anne Jenkins, an audiologist practicing in Columbus, Ohio, "meaning worse in one ear than the other. It depends upon how you hold and fire a gun, for instance a handgun versus a rifle or shotgun."

The threshold noise level at which damage begins occurring in the human ear is 85 decibels. A 12-gauge shotgun produces around 150 decibels of sound. Length of time can play a role, too, as the damage is cumulative.

For instance, someone listening to loud sounds - music, for example - at the 85-decibel level for lengthy periods of time can suffer hearing loss. The distance you are from a loud noise is also a factor, as is shooting at an indoor range versus an outdoor range - indoor ranges are usually louder because the sound doesn't dissipate as readily. The sobering fact is that hearing loss is nearly always permanent. Once your hearing is gone, it's gone.

However, Jenkins said that if someone does experience a sudden, extremely loud noise, getting to a doctor as soon as possible can help mitigate the hearing loss. "The doctor will often prescribe a steroid, as the injury is usually an inflammation," she said.

"Symptoms to be concerned about are severe ringing in the ears and normal sounds such as voices being muffled, distorted or garbled. Hopefully, with treatment, a person's hearing will return to near-normal levels, but you often never get it all back."

Watch this space ...for more interesting firearm snippets

Continued...Why Shooters Should ALWAYS Wear Eye & Ear Protection

For sportsmen and women, young and old, Jenkins recommends double protection: wearing foam ear plugs covered by ear muffs when shooting or hunting.

"The problem with soft plugs alone is that some people don't use them correctly; they don't insert them deeply enough into the ear canal, so the plugs don't stay in place," she said.

Electronic ear protection is also an excellent choice, as these devices allow you to hear normal conversations while on the range and natural sounds while hunting, yet they mute the blast of a firearm. When purchasing such electronic hearing protection look for a Noise Reduction Rating (NRR) of at least 30 decibels. If you wear hearing aids, do not wear them when you shoot or hunt, even with hearing protection in place.

According to Dr. Jenkins, evidence of hearing loss can be detected in even young shooters if their ears are not properly protected. Regardless of age, your hearing can be permanently damaged with just one shot if that shot is too close to the ear.

That happened to a buddy of mine who was waterfowl hunting while not wearing hearing protection, which was his first mistake. He shoots left-handed, so therefore he was positioned on the far right side of a duck blind. (That way he could swing on a bird flying far to the right better than a right-hander.)

"Some ducks decoyed into the pond, landed on my side of the blind, and I stood up to shoot," my friend recalled. "However, the hunter to my left rose up at the same time, stuck the muzzle of his shotgun in front of my face, and pulled the trigger. The muzzle blast was so intense that both of my ears were ringing immediately. The blast gave me an instant headache, and the shot was so close to my left ear that I thought my eardrum had burst.

"My ear hurt so bad that later that day I went to a hospital to have it checked out. The eardrum wasn't broken, but the concussion from the shot had caused severe, permanent damage - hearing loss I still suffer from today."

Obviously, the other hunter never should have swung and shot that far to his right, but things like that sometimes happen when an inexperienced shooter/hunter gets a little too excited. So be prepared, always wear your "Eyes and Ears" on the range and in the field. As the shooting coach who shared the cellphone photo with me said, "You just never know..."

<https://www.nrafamily.org/articles/2020/9/15/why-shooters-should-always-wear-eye-ear-protection/>

5 Ways COVID-19 Made Me a Better Gun Instructor

<https://www.nrafamily.org/articles/2020/9/21/5-ways-covid-19-made-me-a-better-gun-instructor/>

by Frank Melloni
Monday, September 21, 2020

COVID19 struck a blow to this country, levying losses that we cannot even begin to quantify. However, if you take an optimistic look at things you are likely to draw at least one positive outcome from this ongoing nightmare. For some it was more time at home with family; for others it was the gift of a permanent remote work position. For myself, it was new and creative ways to teach some of the millions of new gun owners that we are happy to welcome to the firearms community. Let's take a look at the top five ways that COVID-19 made me a better instructor:

1. I Came Up With New Ways To Relay Information.

No doubt you're aware of the record number of new gun sales this year. With the need for a rapid and ultra-basic instructional program, Renaissance Firearms Instruction drafted the two-hour New Gun Owners: 101 course. This course was designed to introduce students to basic safety and function of the most popular firearm platforms, followed up by a short live-fire session of the gun that they just purchased.

Well, the first class filled in just a matter of hours, and just a few short days later nearly every local range was shut down. We turned to a Facebook Live feed and conducted the entire classroom portion from my home office. We directed everybody who was enrolled in the postponed NGO101 session to watch from home as well as anybody else who needed basic information, absolutely free

of charge. During the session, we did everything that we intended to do in person (minus shooting of course) and it was so popular that Riton optics jumped in and donated an optic to give away!

Since then numerous digital forms of firearms education have popped up online and today we are left with many more options for gaining gun wisdom.

2. My Speech Became More Descriptive.

Ah yes, the dreaded social distancing. Requiring 6 feet of space between people eliminates much more than just movies and sporting events; it eliminates close quarters demonstration. Guns are built with some pretty small parts and these parts are easiest described by an "up close and personal" view of them I explain their function. Quickly we went from merely pointing to a 1911 magazine release to referring to it as "the little waffle on the left side." In short order, AR-15 bolts started to look like "a mushroom with a gear on it," and pumping a shotgun forend became "playing the trombone."

3. My Supervision Improved.

Situational awareness increases exponentially when you take even just a few steps back from the action. Six-foot distancing was still plenty close to immediately grab a muzzle and redirect it, but at the same time, it allowed me to see substantially more of the firing line at a glance. Of course, this enhances safety, but it also made me that much more aware of other shooters who might be struggling with stance or clearing a jam.

4. I Got Back To Basics.

While a great deal of satisfaction comes from hearing that a student won a match or passed their semi-annual pistol qualification, there

might not be anything more satisfying than seeing that smile on a new shooter's face when they successfully hit their first target. Working with more than 1,000 newbies in the past three months alone (I'm tired) reminded me that the greatest reward comes from the simplest instruction. Breath control, trigger squeeze, follow-through...all of these topics came up in spades this year and I got to exercise some stiff muscles again.

5. I Let Students Explore More On Their Own.

"I'll stop you if you are about to do something dangerous" is a phrase that I frequently tout as I let a student figure out how to clear their first malfunction or fill their first magazine. All the demonstrations in the world can't replace just a few minutes of actual handling. Not being able to safely touch students' gear reminded me that sometimes the best instruction is to do nothing at all. The key here is to stay close enough to intervene, but not so close that you are putting pressure on them. Oddly, 6 feet seemed to be optimal.

If you are one of the thousands who have started teaching this year, welcome to the most rewarding career in the firearms industry. For my friends who are simply teaching a friend or loved one how to shoot, I encourage you to think upon these words and hope they become a piece of the road map that makes you a better mentor. Among all, stay positive and try to find the bright side of things. Where some see spent cases, others see fresh brass to reload.