



*Specialised*  
Security Services



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**PROJECT:**  
**THE DANGERS OF  
FAKE FIREARMS  
AND THE LAW**  
*A Warning Project*

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*In South Africa, obtaining a firearms license can be a complicated and lengthy process, which drives some individuals to seek alternative methods of self-defence. One such method is to use fake pistols that shoot blanks or small pellets with realistic gun sounds. While these items may appear to be a quick and easy solution to personal safety concerns, they pose a significant risk to both the users and the public.*

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## **FAKE FIREARMS AND THE LAW:**

- According to the Explosives Act, the user does not require a license or permit to purchase or carry blank and pepper cartridges.
  - Users must produce a valid ID upon purchase of ammunition.
  - Blank guns are excluded from the Firearms Control Act.
  - In South Africa, the Firearms Control Act of 2000 regulates the possession, use, and carrying of firearms.
  - While the act primarily focuses on real firearms, there are provisions that may extend to imitation or replica firearms. Here are some key points to consider:
    - Definition of Firearms:
      - The Firearms Control Act broadly defines a firearm as any portable weapon that expels one or more projectiles, either through combustion or other means.
      - The definition may cover imitation or replica firearms if they meet certain criteria.
    - Licensing Requirements:
      - If imitation firearms are considered firearms under the law, individuals may be required to obtain licenses for their possession.
      - This could include restrictions on carrying them in public spaces.
    - Prohibitions and Restrictions:
      - The Firearms Control Act prohibits the possession and use of firearms in certain circumstances.
      - For example, brandishing an imitation firearm in a threatening manner in a public place.
    - Law Enforcement Perspective:
      - Law enforcement in South Africa may treat imitation firearms seriously, particularly if they are used in a manner that could cause public panic or if they are involved in criminal activities.
      - There may be challenges for law enforcement in distinguishing between real and fake firearms.
    - Educational and Theatrical Use:
      - There may be exceptions or specific regulations for the use of imitation firearms in educational settings, theatrical productions, or other authorized activities.
      - However, even in such cases, there may be requirements or restrictions in place.
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## **THE DANGERS OF FAKE FIREARMS:**

- **Misleading Appearance:**
    - Fake firearms that fire blanks or pellets often closely resemble real guns, making it difficult for law enforcement agencies and the public to distinguish them from real weapons.
    - When confronted by law enforcement agencies or concerned citizens, this can lead to potentially deadly misunderstandings.
  - **The Realistic Threat:**
    - These imitation firearms create a realistic threat when misused.
    - The loud gunshots and visible "barrelled flame" of blank weapons can easily be mistaken for real gunfire, causing panic and fear in the community.
  - **Legal Implications:**
    - The possession, display or use of fake firearms with the intent to intimidate, harm or commit a crime can have serious legal consequences, including arrest and charges for firearm-related offences.
  - **Escalation of Violence:**
    - Confrontation with armed criminals with fake firearms can turn potentially non-violent situations into dangerous, life-threatening conflicts.
    - Criminals may react aggressively in the belief that they are faced with real weapons.
  - **Lack of Training:**
    - Many individuals who resort to fake firearms for self-defence lack proper training in firearms safety, conflict mitigation techniques, and conflict resolution, increasing the likelihood of accidents or unintended harm.
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## **PUBLIC AWARENESS AND SOLUTIONS:**

It is of utmost importance to raise public awareness of the dangers associated with the use of fake firearms for self-defence. Instead of relying on these potentially dangerous alternatives, individuals in South Africa can consider the following alternative solutions:

- **Legal Resources:**
  - Consult legal help and research legal ways to protect yourself, such as pepper spray or self-defence classes.
- **Community Engagement:**
  - Encourage community discussions on safety and security issues to find joint solutions.

- Support Reform:
    - Advocate for more accessible and effective processes for obtaining firearms licenses to address the underlying problems of these concerns.
    - Public awareness and responsible decision-making are essential to ensure the safety and security of all citizens.
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## **THE LAW:**

In terms of section 120(10) of the FCA, it is further an offence to –

- (a) sell, supply or in any other manner give possession of a firearm or ammunition to a person who is not allowed in terms of this Act to possess that firearm or ammunition;
- or (b) be in possession of any firearm, imitation firearm or ammunition, with intent to commit an offence or to use the firearm or an imitation firearm to resist arrest or prevent the arrest of another person.”

## **LAWS PERTAINING TO THE USE OF AIRGUNS:**

Although airguns do not require a firearm licence, Section 120 of the FCA states that, whether using an airgun or a firearm, the same prohibitions apply.

In terms of section 120 of the FCA, it is an offence to:

- “Cause bodily injury to any person or cause damage to property of any person by negligently using a firearm, an antique firearm or an airgun.”
- “Discharge or otherwise handle a firearm, an antique firearm or an airgun in a manner likely to injure or endanger the safety or property of any person or with reckless disregard for the safety or property of any person.”
- “Have control of a loaded firearm, an antique firearm or an airgun in circumstances where it creates a risk to the safety or property of any person and not to take reasonable precautions to avoid the danger.”
- “Handle a firearm, an antique firearm or an airgun while under the influence of a substance which has an intoxicating or a narcotic effect.”
- “Point 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.”

- “Discharge a firearm, an antique firearm or an airgun in a built-up area or any public place, without good reason to do so.”
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*Included in the “good reasons” to use a firearm in the above manner, is a claim of self-defence.*

## **THE PRINCIPLES OF SELF DEFENCE:**

Private defence/self-defence is defined as:

- “A person who is the victim of an unlawful attack upon person, property or other recognised legal interest may resort to force to repel such attack. Any harm or damage inflicted upon an aggressor in the course of such private defence is not unlawful.”

In accordance with common law relating to criminal law, in order to raise the defence that the use of force to protect yourself was lawful and should be considered self-defence, either;

- The attack must be imminent and cause imminent threat;
  - The defence must have stemmed from an unlawful activity (e.g. Burglary, theft, looting etc.);
  - The defence must be for the purpose of protecting your life, your property, another life or dignity;
  - Acting in self-defence must have been necessary;
  - The act of self-defence was directed only towards the attacker;
  - There was no other option available other than to use force to protect yourself.
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*It is important to remember that the act of self-defence also needs to be reasonable. This is the most important underlying principle to keep in mind when in a position where you are forced to use self-defence.*

*For example, it would be argued that shooting an unarmed person who stole a loaf of bread is unreasonable and would constitute excessive force in the protection of your property (namely, the loaf of bread).*

*However, if someone threatens you with a gun and you shoot first to protect yourself, your family and your property. That would be considered a reasonable force. It is also important to note that just because someone has a gun, it does not permit you to shoot them.*

*Overall, the extent of the defensive action needs to be proportioned to the attack and the attack must be imminent.*

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*Visit our Facebook page and our website for other current projects:*

- <https://www.facebook.com/MikeBolhuisOfficial>
  - <http://www.mikebolhuis.co.za>
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*Specialised Security Services invites the public to the Mike Bolhuis Daily Projects WhatsApp Group.*

*We have decided to close the previous WhatsApp channel to avoid any duplication and to centralise our efforts in one place.*

*This group is important in delivering insights into the latest crime trends, awareness, warnings and the exposure of criminals.*

## **HOW TO JOIN THE MIKE BOLHUIS DAILY PROJECTS WHATSAPP GROUP:**

- Simply follow the link to our dedicated WhatsApp group: <https://chat.whatsapp.com/Ew1H1dbUR988qoG8gei2sE>
- Hit the "FOLLOW" button to ensure you never miss our daily updates.
- Tap on the "BELL" icon to receive instant notifications whenever a new post is placed.
- Please share this with family, friends and colleagues.

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***ALL INFORMATION RECEIVED WITH REGARD TO THE PROJECTS WILL BE TREATED IN THE STRICTEST CONFIDENTIALITY AND EVERY IDENTITY WILL BE PROTECTED.***

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***You may forward this document.***

Regards,

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**EXTREMELY IMPORTANT:** All potential clients need to be aware that owing to the nature of our work as specialist investigators there are people who have been caught on the wrong side of the law - who are trying to discredit me - Mike Bolhuis and my organisation Specialised Security Services - to get themselves off the hook.

This retaliation happens on social media and creates doubt about our integrity and ability. Doubt created on social media platforms is both unwarranted and

untrue.

We strongly recommend that you make up your minds concerning me and our organisation only after considering all the factual information - to the exclusion of hearsay and assumptions.

Furthermore, you are welcome to address your concerns directly with me should you still be unsatisfied with your conclusions. While the internet provides a lot of valuable information, it is also a platform that distributes a lot of false information. The distribution of false information, fake news, slander and hate speech constitutes a crime that can be prosecuted by law. Your own research discretion and discernment are imperative when choosing what and what not to believe.

**STANDARD RULES APPLY:** Upon appointment, we require a formal mandate with detailed instructions. Please take note that should you not make use of our services – you may not under any circumstance use my name or the name of my organisation as a means to achieve whatever end.

**POPI ACT 4 of 2013 South Africa:** Mike Bolhuis' "Specialised Security Services" falls under Section 6 of the act. Read more here: <https://mikebolhuis.co.za/popi-act-4-of-2013-section-6-mike-bolhuis/>

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**SSS TASK TEAM:**

<https://mikebh.link/sss-task-team>

**SSS CYBERCRIME UNIT:**

<https://mikebh.link/sss-cyber-team>



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