



SAGA FACT SHEET EDUCATION SERIES

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504

Signal Flares and Flare Launchers under the Firearms Control Act

Purpose

This factsheet considers whether signal flare devices, flare guns, flare launchers and flare cartridges fall under South African firearms legislation, and whether an FCA firearm licence is required for the device or the cartridges.

This factsheet deals with signal and distress devices. It does not deal with ordinary firearms, blank-firing firearms, converted devices, or devices adapted to discharge conventional firearm ammunition.

Signal devices may include:

- handheld flare sticks or disposable emergency flares;
- one-shot disposable signal devices;
- pencil launchers with screw-on rimfire cups;
- 12-gauge plastic flare pistols;
- 26.5mm Very pistols or military-surplus flare guns; and
- marine, emergency, rescue or distress-signal flare cartridges.

Short Answer – FCA Licensing

A genuine flare gun is not a firearm for purposes of the Firearms Control Act 60 of 2000. The FCA expressly lists “a flare gun” as one of the devices not regarded as firearms for purposes of the Act. On the ordinary reading of the Act, a true signal flare gun or signal flare launcher should therefore not require a firearm licence under the FCA.

That does not mean that flares, flare cartridges, pyrotechnic signal cartridges or launch charges are uncontrolled. They may still be controlled under explosives legislation, maritime safety rules, municipal by-laws, import rules, supplier controls and ordinary public-safety laws.

The practical distinction is this: the device may be excluded from FCA licensing if it is a genuine flare gun, while the flare cartridge or pyrotechnic signal article may still be regulated under other laws.

Core FCA Position

The FCA defines “firearm” broadly. It includes devices designed to discharge or propel a projectile through a barrel or cylinder by means of burning propellant, as well as devices designed to discharge rimfire, centre-fire or pin-fire ammunition.

However, the definition must be read with section 5 of the FCA.

Section 5 is headed:

Devices not firearms for purposes of this Act

It lists various devices which are not regarded as firearms for purposes of the FCA, including: “**a flare gun**”

On the ordinary reading of section 5, a genuine flare gun is therefore not a firearm for FCA licensing purposes.

That conclusion depends on the item being a true flare gun or signal flare launcher. It should not be applied to converted, adapted, modified or dual-use devices.

Device-by-Device Guide

<u>Device Type</u>	<u>FCA licence for device?</u>	<u>SAGA Comment</u>
Handheld flare stick / disposable flare	No	Not a firearm. It is a pyrotechnic or emergency-safety article. Other safety, transport, storage or disposal rules may apply.
One-shot disposable signal device	Usually No	If self-contained and not a reusable gun-type launcher, it is not normally an FCA firearm. It should still be treated as a pyrotechnic safety item.
Pencil launcher with screw-on rimfire cups	Caution	The launcher may be intended as a signal device, but rimfire cups, primers or launch charges create a more complicated FCA and explosives-law question. Do not assume these are automatically licence-free.
12-gauge plastic flare pistol	No, if it is a true flare gun	Section 5 excludes a flare gun. However, if the device can chamber or discharge ordinary 12-gauge shotgun ammunition, or has been modified or adapted for that purpose, the risk changes sharply.
26.5mm Very pistol / military-surplus flare gun	No, if it is a true flare gun	A classic signal flare gun is excluded by section 5. Surplus military status may create import, storage, cartridge, provenance and explosives-law issues.
Modified or converted flare launcher	High Risk	A modified, adapted or converted device should not be treated as a simple flare gun. Written clarity should be obtained before purchase, possession, importation or use.
Device capable of firing conventional ammunition	High Risk	If the item can safely or practically discharge conventional firearm ammunition, it may fall outside the ordinary flare-gun exclusion and may create serious FCA risk.

Important Warning on Modified or Dual-Use Devices

SAGA's position applies only to genuine signal flare devices.

It **should not** be applied to:

- modified flare guns;
- converted flare launchers;
- sleeves or inserts intended to fire conventional ammunition;
- devices capable of discharging ordinary shotgun, handgun or rifle ammunition;
- surplus military devices without clear provenance;
- projectiles that are not ordinary signal or distress flares; or
- any item marketed as a flare gun but practically capable of firearm use.

Note: Creative and innovative criminals may adapt any seemingly legitimate device for illegal purposes which makes safe storage and control paramount.

Note: Where there is any doubt, the member should not rely on informal advice. Written clarification should be obtained before purchase, possession, importation, storage or use.

Cartridges, Flares and Launch Charges

This is where caution is required.

A genuine flare gun may be excluded from the FCA firearm definition, but that does not automatically mean that every flare cartridge, launch cup, primer, rimfire charge or pyrotechnic signal article is unregulated.

The FCA defines “ammunition” as a primer or complete cartridge. It also defines “cartridge” as a complete object consisting of a cartridge case, primer, propellant and bullet.

Section 90 of the FCA then provides that no person may possess ammunition unless that person has the required firearm licence, permit, dealer authority, manufacturer authority, gunsmith authority, import or export permit, transporter permit, or is otherwise authorised.

Ordinary marine or emergency signal flares should not automatically be treated as ordinary firearm ammunition merely because they may be launched from a flare device. A signal flare cartridge is normally a pyrotechnic signal article rather than a cartridge intended for use as firearm ammunition.

However, caution remains necessary because some signal systems may involve:

- primers;
- rimfire cups;
- launch cartridges;
- blank-type launch charges;
- 12-gauge format flare cartridges;
- pyrotechnic projectiles;
- military-surplus flare cartridges; or
- cartridges that physically resemble firearm ammunition.

For this reason, SAGA's practical advice is conservative:

Do not assume that all flare cartridges, cups, primers or launch charges are automatically licence-free or uncontrolled.

They should be acquired, stored, transported, used and disposed of only through lawful suppliers and lawful safety channels.

Explosives and Pyrotechnic Controls

Flares and flare cartridges may fall under explosives or pyrotechnic controls even where the flare gun itself is not a firearm under the FCA.

Explosives legislation deals broadly with substances or articles used to produce an explosive or pyrotechnic effect, and includes rockets, cartridges and adaptations or preparations of explosives.

This means that signal flares, pyrotechnic distress flares and flare cartridges may be subject to controls relating to:

- manufacture;
- sale;
- supply;
- acquisition;
- storage & transport;
- importation & exportation;
- use, expiry and disposal.

Members should therefore avoid treating flare cartridges as ordinary consumer goods. They are safety items with legal and practical risks.

Maritime and Emergency Use

In the boating and maritime context, flares are also treated as safety equipment.

SAMSA and small-vessel safety materials refer to projectile flare sets and other distress-signal equipment in relevant vessel categories. Members who carry flares for boating, offshore, coastal, rescue or emergency use should distinguish between three separate questions:

1. **FCA licensing:** Is the device a firearm under the FCA?
2. **Explosives/Pyrotechnic control:** Are the flares or cartridges controlled as pyrotechnic or explosive articles?
3. **Maritime safety compliance:** Are the correct approved, unexpired flares carried for the vessel and operating category?

Compliance with one area does not automatically mean compliance with the others. For example, a flare gun may not require an FCA firearm licence, but the flares may still need to be approved, unexpired, lawfully acquired, safely stored and properly disposed of.

12-Gauge Flare Pistols

Particular caution should be applied to 12-gauge flare pistols. If the device is genuinely designed and used only to project signal flares, it should fall under the FCA section 5 flare-gun exclusion.

However, risk changes if:

- the device can chamber ordinary 12-gauge shotgun cartridges;
- the device can safely discharge ordinary shotgun ammunition;
- the device has been sleeved, reinforced, altered or adapted;
- the device is used with non-signal cartridges;
- the device is marketed as a flare gun but functions as a firearm; or
- the user attempts to fire conventional ammunition through it.

A plastic flare pistol is not a shotgun merely because it is in a 12-gauge format. But a device that is capable of discharging ordinary shotgun ammunition, or has been altered to do so, should be treated as a serious legal risk.

26.5mm Very Pistols and Military-Surplus Flare Guns

Classic 26.5mm Very pistols and similar flare guns were designed for signalling. If they are genuine flare guns, the FCA section 5 exclusion should apply.

However, military-surplus items require special caution. Members should consider:

- provenance & import history;
- proof that the item is a flare gun and not another launcher;
- whether any projectiles are explosive, smoke, illumination or pyrotechnic articles;
- whether the cartridges were lawfully imported or supplied;
- storage, transport, expiry and disposal requirements; and
- whether written clarity is required.

Military-surplus does not automatically mean unlawful. But it does mean higher risk and a greater need for documentation.

Pencil Launchers, Rimfire Cups and Launch Charges

Pencil launchers and similar emergency signal devices require special care. Some systems use small rimfire cups, primer-type components or launch charges. Because the FCA definition of ammunition includes a primer, these items may raise a more complicated legal question than an ordinary handheld flare.

SAGA does not recommend advising members that rimfire cups, primer cups or similar launch charges are automatically free from FCA or explosives-law control.

Where a member has such a device, or is considering buying one, the cautious approach is:

- buy only from a lawful and reputable supplier;
- keep proof of purchase and product information;
- use only the correct signal components;
- do not modify the device;
- do not substitute firearm components;
- do not reload or improvise components;
- store safely and separately from firearms and ammunition where appropriate;
- dispose of expired or damaged items through proper channels; and
- obtain written guidance where classification is unclear.

Practical Compliance Guidance for Members

Members dealing with flares or flare launchers should follow the following practical steps:

1. Confirm the device type.

Is it a genuine flare gun, disposable flare, pencil launcher, Very pistol or something else?

2. Check whether the device is modified or dual-use.

Any alteration, insert, sleeve, strengthened barrel or adapted chamber changes the risk.

3. Confirm the cartridge type.

Is it an approved signal flare, pyrotechnic article, launch cup, rimfire cup, blank-type launch charge, or something else?

4. Use lawful suppliers & retain documents.

Buy only from reputable marine, emergency, safety or authorised suppliers. Keep invoices, packaging, product descriptions, safety data sheets, approvals and any written supplier advice.

5. Store safely and dispose of expired or damaged flares properly.

Store away from heat, flame, children, unauthorised persons, firearms and ordinary ammunition where appropriate. Do not fire expired flares casually. Do not throw them into ordinary refuse. Follow supplier, maritime, municipal or explosives guidance.

6. Get written clarity where uncertain.

For unusual, imported, military-surplus, modified, rimfire-activated or cartridge-based systems, obtain written confirmation from the lawful supplier, SAPS Explosives and, where necessary, the DFO or CFR on the firearm-classification question.

Common Questions

1. Do I need a firearm licence for a genuine flare gun?

Ordinarily, no. A genuine flare gun is listed in section 5 of the FCA as a device not regarded as a firearm for purposes of the Act.

2. Does that mean I can possess any flare cartridge without concern?

No. The device and the cartridge are separate questions. Flares and flare cartridges may be controlled as pyrotechnic or explosive articles, and some launch systems may raise ammunition or primer issues.

3. Are marine flares firearm ammunition?

Ordinary marine or emergency signal flares should not automatically be treated as ordinary firearm ammunition. They are generally pyrotechnic signal articles. But their sale, storage, transport, importation, expiry and disposal may still be controlled.

4. What about 12-gauge flare cartridges?

A 12-gauge flare cartridge used in a genuine flare pistol is not the same thing as ordinary shotgun ammunition. However, because of the 12-gauge format, members should take care to ensure the device and cartridges are genuine signal items and are not capable of ordinary firearm use.

5. What about 26.5mm military-surplus flare guns?

A genuine 26.5mm flare gun should fall within the flare-gun exclusion. However, surplus status increases the need for proof of provenance, lawful supply, lawful importation, correct cartridge classification and safe storage.

6. What about pencil launchers and rimfire cups?

These require caution. Rimfire cups, primers and launch charges may raise FCA and explosives-law issues. They should not be assumed to be uncontrolled.

7. May I modify a flare gun to fire other ammunition?

No. Modification or conversion may remove the device from the ordinary flare-gun position and may create serious criminal and safety risk.

8. May I use a flare gun for self-defence?

This factsheet does not recommend or advise the use of flare devices for self-defence. Flare guns and flares are emergency signalling and safety devices. Misuse can cause serious injury, fire risk and legal consequences.

SAGA's Position

SAGA's position is practical and compliance-based:

- A true flare gun is not a firearm under the FCA.
- A true flare gun should not require an FCA firearm licence.
- Flare cartridges and pyrotechnic signal articles are not ordinary consumer items.
- Some cartridges, rimfire cups, primers or launch charges may create additional legal questions.
- Explosives, pyrotechnic, maritime, import, storage and disposal rules may still apply.
- Modified, converted, dual-use or uncertain devices should be treated as high-risk until written clarity is obtained.

Bottom Line

Device:

A true flare gun is not a firearm under the FCA and should not require an FCA firearm licence.

Cartridges / flares:

Ordinary marine or emergency signal flares should not automatically be treated as ordinary firearm ammunition merely because they are launched from a flare device. However, they may still be controlled as pyrotechnic or explosive safety articles. Their possession, sale, supply, storage, transport, importation, use and disposal may be controlled under other legislation or safety rules.

Red flag:

Anything modified, dual-use, able to discharge conventional ammunition, military-surplus without clear provenance, or using rimfire cups, primers or separate launch charges should be treated as high-risk until written clarity is obtained.

This factsheet is for information purposes only and does not constitute legal advice.

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

Acknowledgements and Sources:

- Drafted by SMS Lyle – reviewed by S Grobler SAGA Trustees
- Firearms Control Act 60 of 2000 - definition of firearm, definition of ammunition, section 5 and section 90.
 - Firearms Control Regulations, where relevant.
 - Explosives Act and applicable explosives regulations, where relevant.
- SAMSA and small-vessel safety material, where maritime distress flares are concerned.
- SARS customs tariff material, as a supporting classification reference only and not as the primary firearm-law basis.

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