

Arms Act 1983

Unofficial version showing amendments proposed by Arms Legislation Bill (as introduced)

This document has been prepared to assist public submissions and select committee consideration of the amendment Bill.

Note:

- **It does NOT have official status**
- **It does NOT have the status of a Bill**
- **It shows text as at 13 September 2019 (the date of introduction of the amendment Bill).**

Key

This document shows amendments as follows:

<u>text inserted</u>	new text as proposed by the amendment Bill as introduced
text deleted	text proposed to be deleted by the amendment Bill as introduced
unamended text	unamended text shown to put amendments in context
.....	unamended text not shown

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~~An Act to consolidate and amend the law relating to firearms and to promote both the safe use and the control of firearms and other weapons~~

1 Short Title and commencement

- (1) This Act may be cited as the Arms Act 1983.
- (2) This Act shall come into force on 1 June 1984.

Part 1

Preliminary provisions

1A Purposes of this Act

- (1) The purposes of this Act are to—
 - (a) promote the safe possession and use of firearms and other weapons; and
 - (b) impose controls on the possession and use of firearms and other weapons.
- (2) The regulatory regime established by this Act to achieve those purposes reflects the following principles:
 - (a) that the possession and use of arms is a privilege; and
 - (b) that persons authorised to import, manufacture, supply, sell, possess, or use arms have a responsibility to act in the interests of personal and public safety.

2 Interpretation

- (1) In this Act, unless the context otherwise requires,—
airgun includes—
 - (a) any air rifle; and
 - (b) any air pistol; and
 - (c) any weapon from which, by the use of gas or compressed air (and not by force of explosive), any shot, bullet, missile, or other projectile can be discharged

ammunition seller means a person who is responsible for the day-to-day management of a business that includes selling or supplying ammunition

anti-personnel mine has the meaning given to it by section 3 of the Anti-Personnel Mines Prohibition Act 1998

antique firearm means—

- (a) any firearm that—
 - (i) is held in the possession of any person solely as an antique (but not as a copy or replica of an antique); and
 - (ii) is not designed for firing, and is not capable of firing, rimfire or centrefire cartridge ammunition; or
- (b) any firearm declared by regulations made under this Act to be an antique firearm for the purposes of this Act; or

antique firearm—

- (a) means—
 - (i) any firearm that—
 - (A) is held in the possession of any person solely as an antique (but not as a copy or replica of an antique); and
 - (B) is not designed for firing, and is not capable of firing, rimfire or centerfire cartridge ammunition; or
 - (ii) any firearm declared by regulations made under this Act to be an antique firearm for the purposes of this Act; but
- (b) does not include any firearm manufactured after 1899

arms item means an item of any of the following classes of arms:

- (a) firearms (including prohibited firearms):
- (b) magazines (including prohibited magazines):
- (c) parts (including prohibited parts):
- (d) airguns:
- (e) pistols:
- (f) restricted weapons

arms office means any Police station or Police office appointed as such by the Commissioner

blank-firing gun—

- (a) means anything that—
 - (i) has the shape of a firearm or restricted weapon, or otherwise resembles a firearm or restricted weapon; and
 - (ii) is capable of firing blank cartridges, but incapable of discharging any shot, bullet, missile, or other projectile; and

(b) includes a starting pistol that fires a blank cartridge or a cap

cluster munition has the meaning given to it by section 6 of the Cluster Munitions Prohibition Act 2009

Commissioner means the Commissioner of Police

Customs officer has the meaning given in section 5(1) of the Customs and Excise Act 2018

dealer activity means any activity of a kind specified in section 5(1)

exempt person means a person listed in section 4A(1)

explosive—

- (a) means any substance or mixture or combination of substances which in its normal state is capable either of decomposition at such rapid rate as to result in an explosion or of producing a pyrotechnic effect; and
- (b) without limiting paragraph (a), includes gunpowder, nitroglycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, coloured flares, fog signals, fuses, rockets, percussion caps, detonators, cartridges, and ammunition of all descriptions; and
- (c) without limiting paragraph (a) or paragraph (b), includes any device, contrivance, or article, which uses any substance or mixture or combination of substances to which paragraph (a) or paragraph (b) applies as an integral part of it for the purposes of producing an explosion or a ballistic or pyrotechnic effect; but does not include a firearm; and
- (d) does not include any firework as defined in section 2 of the Hazardous Substances and New Organisms Act 1996

firearm—

- (a) means anything from which any shot, bullet, missile, or other projectile can be discharged by force of explosive; and
- (b) includes—
 - (i) anything that has been adapted so that it can be used to discharge a shot, bullet, missile, or other projectile by force of explosive; and
 - (ii) anything which is not for the time being capable of discharging any shot, bullet, missile, or other projectile but which, by its completion or the replacement of any component part or parts or the correction or repair of any defect or defects, would be a firearm within the meaning of paragraph (a) or subparagraph (i); and
 - (iii) anything (being a firearm within the meaning of paragraph (a) or subparagraph (i)) which is for the time being dismantled or partially dismantled; and
 - (iv) any specially dangerous airgun

firearms licence means a firearms licence issued under section 24

health practitioner has the meaning given in section 5(1) of the Health Practitioners Competence Assurance Act 2003

imitation firearm means anything that has the appearance of being a firearm capable of discharging any shot, bullet, missile, or other projectile, whether or not it is capable of discharging any shot, bullet, missile, or other projectile

improvement notice means a notice issued under section 60

kea gun means a single shot pistol that is chambered for a .410 inch shot cartridge

licensed dealer means a holder of a dealer's licence issued under this Act

manufacture, in relation to an item, includes the assembly of that item

member of the Police means a Police employee within the meaning of section 4 of the Policing Act 2008

part—

- (a) in relation to a pistol or a restricted weapon, includes any thing, such as a butt, stock, magazine, silencer, or sight, that, although not essential for the discharge by a pistol or a restricted weapon of any shot, bullet, missile, or other projectile, is designed to be, or is intended to be, an integral part of the pistol or restricted weapon; and
- (b) in relation to a prohibited firearm, includes any thing, such as a butt, stock, magazine (other than a prohibited magazine), silencer, or sight, that, although not essential for the discharge by the prohibited firearm of any shot, bullet, missile, or other projectile, is designed to be, or is intended to be, an integral part of the prohibited firearm; and
- (c) in relation to any firearm (other than a pistol, restricted weapon, or prohibited firearm), means the action for that firearm and, if relevant, includes the upper receiver and lower receiver, whether together or individually; and
- (d) in relation to any firearm, includes any thing, such as bolt carrier group parts, trigger group parts, lower parts kits, barrel, gas block, gas tube, folding or telescoping stock, silencer, magazine loader, sub-calibre conversion kits, and carbine stock

pistol means any firearm that is designed or adapted to be held and fired with 1 hand; and includes any firearm that is less than 762 millimetres in length

prohibited ammunition has the meaning given in section 2D

prohibited firearm has the meaning given in section 2A

prohibited item means a prohibited firearm, a prohibited magazine, a prohibited part, or any or all of those things, as the case requires

prohibited magazine has the meaning given in section 2B

prohibited part has the meaning given in section 2C

public place has the meaning given to it by section 2 of the Summary Offences Act 1981

registry means the registry kept and operated under section 92

restricted airgun means an airgun that,—

- (a) without any of the attachments with which it is customarily used, has the appearance of being a pistol, prohibited firearm, or restricted weapon; or
- (b) with some or all of the attachments with which it is customarily used, has the appearance of being a pistol, prohibited firearm, or restricted weapon; or
- (c) is designed for use in airsoft or paintball sports and,—
 - (i) without any of the attachments with which it is customarily used, has the appearance of being a firearm capable of full automatic fire; or
 - (ii) with some or all of the attachments with which it is customarily used, has the appearance of being a firearm capable of full automatic fire

restricted weapon means any weapon, whether a firearm or not, declared by the Governor-General, by Order in Council made under section 4, to be a restricted weapon

sale includes—

- (a) barter; and
- (b) offering or attempting to sell, or having in possession for sale, or exposing for sale, or sending or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale; and **to sell** has a corresponding meaning

semi-automatic firearm means a firearm that (if it is loaded), with each pull of the trigger,—

- (a) fires a cartridge and ejects its case; and
- (b) (unless all cartridges loaded have been fired) chambers another cartridge

senior manager, in relation to a body corporate, means a person who is not a director but occupies a position that allows the person to exercise significant influence over the management or administration of the body corporate (for example, a chief executive)

specially dangerous airgun means any airgun declared by the Governor-General, by Order in Council made under section 4, to be a specially dangerous airgun

visitor means a visitor to New Zealand who intends to be in New Zealand for less than 1 year

working day means any day of the week other than—

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and
 - (ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
 - (b) a day in the period commencing with 25 December in any year and ending with 15 January in the following year.
- (2) For the purposes of the definition of **restricted airgun** in subsection (1), an airgun can have the appearance of a pistol, restricted weapon, prohibited firearm, or firearm capable of full automatic fire without having the appearance of any particular model of pistol, restricted weapon, prohibited firearm, or firearm capable of full automatic fire.

Compare: 1958 No 21 s 2; 1966 No 18 s 2; 1968 No 21 s 2(1); 1971 No 46 s 2; 1974 No 68 s 2; 1976 No 151 s 2; SR 1959/5 r 2; SR 1964/32 r 2; SR 1976/143 r 9(2)

2A Meaning of prohibited firearm

In this Act, unless the context otherwise requires, **prohibited firearm**—

- (a) means any of the following firearms:
 - (i) a semi-automatic firearm (except a pistol), other than—
 - (A) a semi-automatic firearm that is capable of firing only 0.22 calibre or lower rimfire cartridges and that has a magazine, whether or not detachable or otherwise externally fed, that is capable of holding no more than 10 cartridges commensurate with that firearm's chamber size:
 - (B) a semi-automatic shotgun with a non-detachable tubular magazine or magazines that are capable of holding no more than 5 cartridges commensurate with that firearm's chamber size:
 - (ii) a pump-action shotgun that is capable of being used with a detachable magazine:
 - (iii) a pump-action shotgun that has a non-detachable tubular magazine or magazines that are capable of holding more than 5 cartridges commensurate with that firearm's chamber size:
- (b) includes any other firearm declared by Order in Council made under section 74A to be a prohibited firearm for the purposes of this Act.

2B Meaning of prohibited magazine

In this Act, unless the context otherwise requires, **prohibited magazine**,—

- (a) in relation to a shotgun, means a magazine, whether or not detachable, that is capable of holding more than 5 cartridges commensurate with that shotgun's chamber size:

- (b) in relation to any other firearm (except a pistol),—
 - (i) means any detachable magazine—
 - (A) that is capable of holding 0.22 calibre or lower rimfire cartridges and that is capable of holding more than 10 of those cartridges:
 - (B) that is capable of holding more than 10 cartridges and being used with a semi-automatic or fully automatic firearm:
 - (ii) means any other magazine, whether or not detachable, that is capable of holding more than 10 cartridges:
- (c) includes any other magazine declared by Order in Council made under section 74A to be a prohibited magazine for the purposes of this Act.

2C Meaning of prohibited part

In this Act, unless the context otherwise requires, **prohibited part** means—

- (a) a part of a prohibited firearm:
- (b) a component that can be applied to enable, or take significant steps towards enabling, a firearm to be fired with, or near to, a semi-automatic or automatic action.

2D Meaning of prohibited ammunition

In this Act, **prohibited ammunition** means any ammunition declared by the Governor-General by Order in Council made under section 74A to be prohibited ammunition for the purposes of this Act.

3 Act to bind the Crown

- (1) Subject to subsections (2) and (3), this Act binds the Crown.
- (2) Nothing in this Act renders unlawful the carriage or possession of firearms, air-guns, pistols, magazines, parts, restricted weapons, ammunition, or explosives—
 - (a) by any person in the course of that person's duties as—
 - (i) a member of the New Zealand Defence Force or a member of the Cadet Forces; or
 - (ia) a member of a visiting force under the Visiting Forces Act 2004; or
 - (ii) a member of the Police or an armourer employed or engaged by the Police; or
 - (iii) a person employed by the Police to provide firearms training to members of the Police; or
 - (iv) an officer as defined by section 4 of the Anti-Personnel Mines Prohibition Act 1998; or

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- (iva) an officer as defined by section 7 of the Cluster Munitions Prohibition Act 2009; or
 - ~~(v) a person authorised by the Commissioner to provide training to members of the Police in the use of a restricted weapon that is a gas or some other disabling substance, or a device designed to discharge such a substance; or~~
 - (v) a person authorised by the Commissioner or the Chief of Defence Force to provide training to members of their respective organisations referred to in this paragraph in the use of any firearm, pistol, restricted weapon, ammunition, magazine, part, or explosive; or
 - (va) a civilian employee of the Ministry of Defence, so long as the person carries or possesses any firearms or other items under the direct supervision of a member of the New Zealand Defence Force; or
 - (vb) a Customs officer; or
 - (vi) an employee of the body that, immediately before the commencement of the Arms Amendment Act 2000 was known as the Institute of Environmental Science and Research Ltd; or
 - (vii) a person working in any forensic laboratory or facility that provides forensic services to the Police:
- (ab) by a member of the New Zealand Defence Force or a member of the Police in the course of exercising any power or performing any function under the Customs and Excise Act 2018:
 - (b) by any other person authorised pursuant to regulations made under this Act to carry or possess firearms, airguns, pistols, magazines, parts, restricted weapons, ammunition, or explosives belonging to the Crown.
- (3) Nothing in this Act renders unlawful—
- (a) the importation by the Crown of firearms, airguns, pistols, magazines, parts, restricted weapons, ammunition, or explosives; or
 - (ab) the importation or possession by any agent of the Crown of firearms, airguns, pistols, magazines, parts, restricted weapons, ammunition, or explosives imported on behalf of the Crown, so long as the importation or possession is within the scope of the agent's written authority; or
 - (ac) the manufacture by the Crown, or on behalf of the Crown by any agent of the Crown, of any firearms, airguns, pistols, magazines, parts, restricted weapons, ammunition, or explosives, so long as any assembly or manufacture by an agent is within the scope of the agent's written authority; or
 - (b) the sale or supply by the Crown or to the Crown of firearms, airguns, pistols, magazines, parts, restricted weapons, ammunition, or explosives.

- (4) Nothing in this Act makes unlawful the importation, carriage, or possession of any firearm or other item regulated by this Act by any person who is a visiting law enforcement officer from another country and is authorised by the Commissioner to import, carry, or possess the firearm or other item while in New Zealand.
- (5) The following requirements of this Act do not apply in relation to any firearms, airguns, pistols, magazines, parts, restricted weapons, ammunition, or explosives, or other items regulated by this Act that are owned by the Crown, except to the extent provided by regulations made under section 74:
- (a) any requirement to notify or report any event or circumstance to the Police:
 - (b) any requirement to mark any firearm or other item with a unique number:
 - (c) any requirement to provide any particulars to the Police for inclusion in the registry:
 - (d) any requirement to record any particulars, whether in the registry or elsewhere.

Compare: 1958 No 21 s 26; 1974 No 68 s 9

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

4 Power to declare weapons to be restricted weapons or specially dangerous airguns

- (1) For the purposes of this Act, the Governor-General may from time to time, by Order in Council, declare—
- (a) any weapon (including an airgun) to be a restricted weapon; or
 - (b) any airgun to be a specially dangerous airgun.
- (2) Any Order in Council made under this section may relate to any weapon or airgun specified by its name or trade name, or to any class of weapons or airguns identified by a description of that class.
- (3) An Order in Council made under this section is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

4A Persons who may apply to import, manufacture, sell, supply, possess, or use prohibited items

- (1) Only the following persons may apply to import, sell, supply, possess, or use a prohibited item in accordance with the provisions of this Act and in their capacity as—

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- (a) a licensed dealer ~~or an employee or agent of a licensed dealer~~:
 - (b) a bona fide collector of firearms:
 - (c) a person to whom the prohibited item has special significance as an heirloom or a memento:
 - (d) a director or curator of a bona fide museum:
 - (e) an approved employee or approved member referred to in section 29(2)(e):
 - (f) a person who is employed or engaged by the Department of Conservation and involved in operations for the purpose of controlling wild animals or animal pests in accordance with a specified Act (subject to prescribed limits, if any):
 - (g) a person who is the holder of a concession granted by the Minister of Conservation to undertake wild animal recovery operations in accordance with a specified Act (subject to prescribed limits, if any):
 - (h) a person who is employed or engaged by a management agency as defined in section 100 of the Biosecurity Act 1993 and involved in operations for the purpose of controlling wild animals or animal pests in accordance with that Act (subject to prescribed limits, if any):
 - (i) a person whose sole business, or a substantial part of whose business, is providing services to control any prescribed wild animals or animal pests, or a person employed or engaged by that person for that purpose (subject to prescribed limits, if any):
- (1A) A person who before 12 April 2019 was in the business of manufacturing prohibited parts for the purposes of permitted supply is an exempt person in their capacity as a manufacturing business if the person continues, for the purposes of permitted supply, to manufacture prohibited parts.
- (1B) A person who before 12 April 2019 was in the business of permitted supply is an exempt person in their capacity as a permitted supply business if the person continues, for the purposes of carrying out permitted supply, to use prohibited items to test and demonstrate prohibited parts.
- (1C) A person employed or engaged by a person referred to in subsection (1A) or (1B) is an exempt person for the purpose of carrying out their duties in accordance with their contract of employment or engagement.
- (2) In subsection (1)(f) and (g), **specified Act** means—
- (a) the Wildlife Act 1953:
 - (b) the Wild Animal Control Act 1977:
 - (c) the Conservation Act 1987:
 - (d) the Biosecurity Act 1993.
- (3) In this section, **permitted supply** means—

- (a) the supply of prohibited parts to the Crown that is permitted under section 3(2) or (3):
- (b) the export of prohibited parts to any person that is permitted or authorised under the Customs and Excise Act 2018:
- (c) the supply of prohibited parts to other persons expressly permitted or authorised under this Act to possess prohibited parts (other than by clause 5 of Schedule 1).

Licensed dealers

Part 2
Licensed dealers

5 Dealers to be licensed

- (1) ~~No person may, unless they hold a dealer's licence under this Act issued by a commissioned officer of the Police,—~~
 - (a) ~~in the way of business sell any firearm, prohibited magazine, prohibited part, airgun, pistol, or restricted weapon; or~~
 - (b) ~~manufacture for sale any firearm, prohibited magazine, prohibited part, airgun, pistol, or restricted weapon.~~
- (2) ~~Every application for a dealer's licence shall be made on a form provided by a member of the Police.~~
- (3) ~~A dealer's licence shall be issued if the commissioned officer of Police to whom the application is made is satisfied that the applicant is a fit and proper person to carry on the business of a dealer in, or manufacturer for sale of, firearms, prohibited magazines, airguns, pistols, and restricted weapons.~~
- (3A) ~~Despite subsections (1) to (3), no dealer's licence is to be issued for the carrying on of business as a dealer in, or manufacturer for sale of, anti-personnel mines or cluster munitions.~~
- (3B) ~~Despite subsections (1) to (3), no dealer's licence may be issued for the manufacture for sale of prohibited items.~~
- (4) ~~Every person commits an offence against this Act and is liable on conviction to a fine not exceeding \$1,000 who contravenes subsection (1).~~

~~Compare: 1958 No 21 s 3(1), (4)~~

5 Dealers to be licensed

- (1) A person must not carry on any of the following activities in relation to a class of arms items without a dealer's licence that authorises the person to carry on the activity in relation to that class of arms items:
 - (a) selling, hiring, lending, or otherwise supplying, in the course of carrying on business, a class of arms items:

- (b) possessing, for the purposes of an auction, a class of arms items:
 - (c) repairing or modifying, in the course of carrying on business, a class of arms items:
 - (d) displaying, as the director or curator of a bona fide museum, a class of arms items:
 - (e) manufacturing for sale, hire, lending, or other supply a class of arms items:
 - (f) manufacturing (for the purposes of permitted supply (as defined in section 4A(3))) prohibited parts and using prohibited items to test and demonstrate those prohibited parts.
- (2) A dealer's licence may not be issued for the carrying on of any of the activities specified in subsection (1) in relation to—
- (a) anti-personnel mines; or
 - (b) cluster munitions.
- (3) Despite subsection (1), a body corporate may carry on any of the activities specified in that subsection in relation to a class of arms items if a senior manager of the body corporate has a dealer's licence authorising the senior manager to carry on the activities in relation to the class of arms items.
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes subsection (1).

5A Application for dealer's licence

- (1) An application for a dealer's licence must—
- (a) be made on a form provided by a member of the Police, or in any way approved by a member of the Police; and
 - (b) specify—
 - (i) the dealer activities for which the dealer's licence is sought; and
 - (ii) the class or classes of arms items in respect of which those activities will be carried on.
- (2) An application for a dealer's licence to carry on the dealer activity specified in section 5(1)(e) in relation to the manufacture of any prohibited items may only be made by a person described in section 4A(1A).
- (3) An application for a dealer's licence to carry on the dealer activity specified in section 5(1)(f) may only be made by a person described in section 4A(1A).

5B Issue of dealer's licence

- (1) A commissioned officer of Police may issue a dealer's licence to an applicant authorising the applicant to carry on 1 or more dealer activities in respect of 1 or more classes of arms items if—

- (a) the applicant holds a firearms licence; and
- (b) the commissioned officer of Police is satisfied that the applicant—
 - (i) is a fit and proper person to carry on the dealer activity or activities; and
 - (ii) has secure storage facilities appropriate for the class and number of arms items that may be possessed in the course of carrying out the activity or activities.
- (2) A dealer's licence that is issued to an applicant for the carrying on of a dealer activity in respect of any of the following classes of arms items must bear an appropriate endorsement made under section 30 or 30B:
 - (a) prohibited firearms;
 - (b) prohibited magazines;
 - (c) pistols;
 - (d) restricted weapons.
- (3) A dealer's licence is personal to the person to whom it is issued and may not be transferred to any other person, and must specify—
 - (a) the dealer activity or activities the person may carry on; and
 - (b) the class or classes of arms items in respect of which that activity or those activities may be carried on.
- (4) However, if the person to whom a dealer's licence is issued is a senior manager of a body corporate, the senior manager may, on behalf of the body corporate, carry out the dealer activities specified in the dealer's licence in relation to the class or classes of arms items specified in the dealer's licence.

6 Dealer's licence to be personal to holder

~~A dealer's licence shall be personal to the person to whom it is issued, and shall not be transferable or vest by operation of law in any person other than the person to whom it is issued.~~

6 Fit and proper person to hold dealer's licence

In deciding whether, for the purposes of section 5B(1)(b)(i), an applicant is a fit and proper person to hold a dealer's licence, the commissioned officer of Police—

- (a) must take into account the character and reputation of the applicant, and whether the applicant—
 - (i) has the competencies and resources to carry on the dealer activity or activities for which the dealer's licence is sought; and
 - (ii) has ever been adjudicated bankrupt, or been a director of a company that has been put into receivership or liquidation in New Zealand or overseas; and

- (iii) has any convictions; and
 - (iv) has a sound knowledge of firearms; and
 - (v) understands the legal obligations of a holder of a dealer's licence; and
 - (vi) understands the legal obligations of a holder of a firearms licence, including an understanding of the endorsements that may be made on a firearms licence, and is able to provide advice on those obligations; and
- (b) in the case of an applicant who is a senior manager of a body corporate, and who, in reliance on section 5(3), is applying for a dealer's licence to enable the body corporate to carry on a dealer activity, the commissioned officer of Police must take into account whether—
- (i) the body corporate has suitable staff; and
 - (ii) the body corporate has appropriate record-keeping systems and other systems to comply with the requirements of this Act and any regulations made under this Act; and
 - (iii) the applicant will have appropriate oversight and control of the proposed dealer activity or activities for which the dealer's licence is sought; and
- (c) may take into account any other matters the commissioned officer of Police considers relevant.

6A Conditions of dealer's licence

- (1) Every dealer's licence is issued subject to the conditions that any person who is in possession of a pistol, restricted weapon (other than an air pistol), prohibited firearm, or prohibited magazine by virtue of that licence must—
- (a) produce that pistol, restricted weapon (other than an air pistol), prohibited firearm, or prohibited magazine to any member of the Police on demand; and
 - (b) permit the member of the Police to inspect the pistol, restricted weapon (other than an air pistol), prohibited firearm, or prohibited magazine and the place where it is kept, and, for that purpose, to enter at all reasonable times upon the premises where the place is situated.
- (2) It is the duty of every member of the Police exercising any power conferred by subsection (1)—
- (a) to identify themselves to the person in possession of the pistol, restricted weapon, prohibited firearm, or prohibited magazine; and
 - (b) to tell the person in possession of the pistol, restricted weapon, prohibited firearm, or prohibited magazine that the power is being exercised under subsection (1); and

- (c) if they are not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that they are a member of the Police.

6B Special condition of dealer's licence relating to manufacture of firearms, etc

- (1) Every dealer's licence issued for the purpose of carrying on a dealer activity relating to the manufacture for sale, hire, lending, or other supply of any of the following classes of arms items is issued subject to the condition in subsection (2):
 - (a) non-prohibited firearms:
 - (b) non-prohibited magazines:
 - (c) non-prohibited parts:
 - (d) airguns:
 - (e) pistols:
 - (f) restricted weapons.
- (2) Before manufacturing of any class of arms items referred to in subsection (1), a dealer must obtain the Commissioner's written approval for the manufacture of that class of item.
- (3) An approval may, for any class of arms items specified in subsection (1), specify the number, or maximum number, of arms items of that class that the dealer may manufacture.
- (4) The Commissioner, when considering whether to approve the manufacture of any class of arms items specified in subsection (1), must be satisfied that there are special reasons why the arms items that are proposed to be manufactured should be in New Zealand.

7 Place of business

A dealer's licence shall be issued in respect of 1 place of business only.

Compare: 1958 No 21 s 3(2)

7A Gun shows

- (1) Notwithstanding anything in ~~sections 6 and 7~~ section 7, a dealer's licence may, with the consent of a commissioned officer of Police, apply from time to time, for a period not exceeding 5 days at any one time, in respect of a place of business other than the place of business in respect of which the dealer's licence was issued.
- (2) A commissioned officer of Police may give his or her consent under subsection (1) only if satisfied—
 - (a) that the licensed dealer will, during the period in respect of which the consent is sought, use the place of business in respect of which the consent is sought only for the purposes of conducting a gun show; and

- (b) that the security of the place of business in respect of which the consent is sought will be sufficient.
- ~~(3) Any consent given under subsection (1) shall be given subject to the condition specified in subsection (4) and to such other conditions (if any) as are specified by the commissioned officer of Police.~~
- (3) Any consent given under subsection (1) may be given subject to any conditions specified by the commissioned officer of Police.
- ~~(4) It shall be a condition of any consent given under subsection (1) that the licensed dealer close, for the duration of the period in respect of which the consent is given, the place of business in respect of which the dealer's licence was issued.~~

8 Duration of dealer's licence

A dealer's licence, unless sooner revoked under section 9, shall continue in force for 1 year from the date on which it is issued, and may from time to time be renewed for the next succeeding year.

Compare: SR 1959/5 r 6

9 Revocation of dealer's licence

- (1) A dealer's licence may be revoked at any time by the Commissioner.
- (2) When a dealer's licence is revoked,—
- (a) the dealer must immediately surrender the licence to a member of the Police; and
- (b) an employee of the dealer may not carry on a dealer activity for the dealer.

Compare: 1958 No 21 s 3(3)

10 Restriction on possession of pistol, prohibited items, prohibited firearm, prohibited magazine, or restricted weapon by licensed dealer

- ~~(1) No licensed dealer may take a pistol, prohibited firearm, prohibited magazine, or restricted weapon into their possession for sale unless the licensed dealer obtains it—~~
- ~~(a) pursuant to a permit issued for the purposes of section 16(1) or under section 35 or 35A; and~~
- ~~(b) either—~~
- ~~(i) from a holder of a firearms licence that bears an endorsement made under section 30 or 30B; or~~
- ~~(ii) from another licensed dealer.~~
- (1) A licensed dealer may not take an arms item that is a pistol, restricted weapon, prohibited firearm, or prohibited magazine into their possession for the purpose of carrying on a dealer activity, unless the licensed dealer—

Arms Act 1983

Unofficial version showing amendments proposed by
Arms Legislation Bill (as introduced)

Part 2 s 11

- (a) is the holder of a dealer's licence that—
 - (i) specifies that the dealer may carry on that activity in respect of a pistol, restricted weapon, prohibited firearm, or prohibited magazine; and
 - (ii) bears an appropriate endorsement made under section 30 or 30B; and
- (b) obtains the arms item under—
 - (i) a permit to import issued under section 18; or
 - (ii) a permit to possess issued under section 35 or 35A from—
 - (A) the holder of a firearms licence endorsed under section 30 or 30B; or
 - (B) another licensed dealer.
- (2) No licensed dealer may take a prohibited part into their possession for sale unless the licensed dealer obtains it—
 - (a) from a holder of a firearms licence that bears an endorsement made under section 30B; or
 - (b) pursuant to a permit issued for the purposes of section 16(1); or
 - (c) from another licensed dealer.
- (3) ~~Every person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine not exceeding \$2,000.~~
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes subsection (1) or (2).
- (4) Subsection (3) is subject to section 59A(1).

~~11 Dealers and their employees and agents to hold firearms licences~~

- (1) ~~No natural person, being—~~
 - (a) ~~a licensed dealer; or~~
 - (b) ~~an employee or agent of a licensed dealer,—~~~~shall sell any firearm, airgun, pistol, prohibited item, or restricted weapon unless he is the holder of a firearms licence.~~
- (2) ~~Every person commits an offence and is liable on conviction to a fine not exceeding \$500 who contravenes subsection (1).~~

11 Employees of licensed dealer to hold firearms licence bearing appropriate endorsements

- (1) An employee of a licensed dealer must not perform any duties that include carrying on a dealer activity unless the employee holds a firearms licence.

- (2) If the employee's duties include the carrying on of a dealer activity in respect of pistols, restricted weapons, prohibited firearms, or prohibited magazines, the employee's firearms licence must also bear appropriate endorsements made under section 30 or 30B that authorise the employee to possess any such items in connection with their duties as an employee.
- (3) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes this section.

12 Record of dealings by licensed dealers

- (1) ~~Every licensed dealer shall keep at the place of business referred to in his licence a book in which he shall record such particulars as may be prescribed by regulations made under this Act, relating to the receipt, sale, or manufacture by him of any firearms, airguns, pistols, prohibited items, or restricted weapons.~~
- (1) A licensed dealer must keep at the place of business referred to in their licence a book that records the particulars prescribed by regulations made under this Act relating to—
- (a) the transactions conducted in the course of carrying on a dealer activity; and
 - (b) the firearms, airguns, pistols, prohibited items, or restricted weapons received, sold, supplied, or manufactured in the course of carrying on their business.
- (1A) A licensed dealer who keeps their book under subsection (1) in hard copy form must retain the book for at least 10 years from the date of the last entry in the book.
- (1B) A licensed dealer who keeps their book under subsection (1) electronically must retain each electronic record for at least 10 years from the date on which the record is entered.
- (2) Every licensed dealer shall at all times—
- (a) permit any member of the Police to inspect and make copies of any entries in the book so kept by him pursuant to subsection (1); and
 - (b) afford, on demand, to any member of the Police all further information in his possession with respect to any dealings by him relating to firearms, airguns, pistols, prohibited items, or restricted weapons; and
 - (c) permit any member of the Police to inspect—
 - (i) any firearms, airguns, pistols, prohibited items, or restricted weapons in his possession; and
 - (ii) the premises in which, and the conditions under which, his stock of firearms, airguns, pistols, prohibited items, or restricted weapons is kept.

Arms Act 1983

Unofficial version showing amendments proposed by
Arms Legislation Bill (as introduced)

Part 2 s 13

- (2A) If a person's dealer's licence is revoked under this Act, the person must immediately surrender to a member of the Police every book and associated document kept by the person for the purposes of this section.
- (3) ~~Every licensed dealer commits an offence and is liable on conviction to a fine not exceeding \$500 who acts in contravention of subsection (1) or subsection (2).~~
- (3) Every licensed dealer commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes subsection (1), (2) or (2A).
- (4) Subsection (3) is subject to section 59A(2).
- (5) Despite subsection (1), a licensed dealer need not record particulars under that subsection if—
- (a) the particulars are declared by regulations made under section 74 to be exempt from the requirement in that subsection; or
 - (b) the dealer provides the particulars to the Police for inclusion in the registry in accordance with the regulations.

Compare: 1958 No 21 s 4; 1968 No 21 s 3

13 ~~Seizure of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons held by licensed dealers~~ Seizure of items held by licensed dealer

- (1) Any member of the Police may, on being authorised to do so by warrant under the hand of the Commissioner, seize and take possession of all or any firearms, magazines, parts, ammunition, airguns, pistols, prohibited items, or restricted weapons in the possession of or under the control of a licensed dealer.
- (2) For the purpose of executing a warrant issued under subsection (1), the member of the Police authorised by that warrant may enter into or upon any land or building in or upon which any such firearms, magazines, parts, ammunition, airguns, pistols, prohibited items, or restricted weapons may be, and in so doing may use such force as may be necessary.
- (3) It is the duty of everyone executing a warrant issued under subsection (1)—
- (a) to have it with him; and
 - (b) to produce it on initial entry and, if requested, at any subsequent time; and
 - (c) if he is not in uniform, to produce on initial entry and, if requested, at any subsequent time, evidence that he is a member of the Police.
- (4) Subject to section 14, all firearms, magazines, parts, ammunition, airguns, pistols, prohibited items, or restricted weapons seized under this section may be detained by the Police for such period as the Commissioner thinks fit, or may, in the discretion of the Minister of Police, become the property of the Crown,

free and discharged from all right, title, estate, or interest possessed in respect thereof by any other person.

- (5) Where any firearms, magazines, parts, ammunition, airguns, pistols, prohibited items, or restricted weapons have become the property of the Crown pursuant to subsection (4), the Minister of Finance shall pay compensation therefor out of a Crown Bank Account.

Compare: 1958 No 21 s 5

14 ~~Disposal of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons of dealer whose licence is revoked~~ Disposal of items of dealer whose licence is revoked

Where a dealer's licence is revoked under section 9, the dealer may, within 3 months thereafter or within such longer period as the Commissioner may allow, sell, or otherwise dispose of, to persons approved for the purpose by a commissioned officer of Police the firearms, magazines, ammunition, airguns, pistols, prohibited items, and restricted weapons in his possession or under his control at the date of the revocation of the licence.

15 ~~Offence for licensed dealer to carry on business following revocation of his licence~~

- (1) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who, being a person whose dealer's licence has been revoked under section 9,—~~
- (a) ~~sells by way of business; or~~
- (b) ~~has any business interest in—~~
- ~~any firearm, ammunition, airgun, pistol, prohibited item, or restricted weapon.~~
- (2) ~~Nothing in subsection (1) applies in respect of—~~
- (a) ~~any firearms, ammunition, airguns, pistols, prohibited items, or restricted weapons being sold or otherwise disposed of in accordance with section 14; or~~
- (b) ~~any person who, after the revocation or the last revocation, as the case may be, of his dealer's licence, has again been issued with a dealer's licence.~~

15 Offence to carry on dealer activities following revocation of dealer's licence

- (1) A licensed dealer whose dealer's licence is revoked under section 9 or 27C may not—
- (a) carry on any dealer activity; or
- (b) have any business interest in any of the kinds of items specified in section 14.

- (2) However, nothing in subsection (1) applies to a dealer who—
- (a) sells or otherwise disposes of any of the kinds of items specified in section 14 in accordance with that section; or
 - (b) after the revocation of their dealer’s licence is, at any subsequent time, issued with another dealer’s licence.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the person contravenes this section.

Importation of firearms and ammunition

Part 3

Permits to import

16 Offence to import firearms, etc, without permit

- (1) ~~A person must have a permit to bring or cause to be brought or sent into New Zealand any of the following items:~~
- (a) ~~a firearm (other than a prohibited firearm), pistol, starting pistol, restricted airgun, or restricted weapon:~~
 - (b) ~~any part of a firearm (other than a prohibited firearm), pistol, starting pistol, or restricted weapon:~~
 - (c) ~~a prohibited item.~~
- (2) ~~In this section **New Zealand** does not include the harbours and other territorial waters of New Zealand.~~
- (3) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year or to a fine not exceeding \$2,000 or to both who acts in contravention of subsection (1)(a) or (b).~~
- (4) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who acts in contravention of subsection (1)(c).~~
- Compare: 1958 No 21 s 6(1), (5), (6); 1974 No 68 s 3(a); 1976 No 151 s 3(1); SR 1959/5 r 11A; SR 1970/13 r 2

16 Offence to import firearms, etc, without permit

- (1) A person must have a permit to bring or cause to be brought into or sent within New Zealand any of the following items:
- (a) a firearm (other than a prohibited firearm), pistol, restricted airgun, restricted weapon, or blank-firing gun:
 - (b) any part of a firearm (other than a prohibited firearm), pistol, restricted weapon, or blank-firing gun:
 - (c) non-prohibited ammunition:

(d) a prohibited item.

- (2) In subsection (1), **New Zealand** does not include the harbours and other territorial waters of New Zealand.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the person contravenes subsection (1)(a), (b), or (c).
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years if the person contravenes subsection (1)(d).

16A Offence to import prohibited ammunition

- (1) ~~A person must not, without reasonable excuse, bring or cause to be brought or sent into New Zealand any prohibited ammunition.~~
- (2) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who acts in contravention of subsection (1).~~

16A Offence to import prohibited ammunition

- (1) A person must not, without reasonable cause, bring or cause to be brought or sent into New Zealand any prohibited ammunition.
- (2) In subsection (1), **New Zealand** does not include the harbours and other territorial waters of New Zealand.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years if the person contravenes subsection (1).

17 Burden of proof

~~In any proceedings against any person in respect of any offence against section 16(1)(a) or (b) in which it is proved that he did any act in relation to a firearm, pistol, starting pistol, restricted airgun, or restricted weapon (or a part of a firearm, pistol, starting pistol, or restricted weapon) which would have amounted to an offence if that act were not done pursuant to a permit issued to him by a member of the Police, the burden of proving that he did that act pursuant to any such permit shall lie on him.~~

~~Compare: 1958 No 21 s 6(6)~~

18 Issue of permit to import

- (1) A member of the Police to whom an application is made for the issue of a permit for the purposes of section 16(1) may require the applicant to produce for examination and testing samples of any firearms, pistols, ~~starting pistols,~~ restricted airguns, prohibited magazines, prohibited parts, or restricted weapons ~~restricted airguns, restricted weapons, blank-firing guns, prohibited magazines, prohibited parts, or non-prohibited ammunition~~ restricted airguns, restricted weapons, blank-firing guns, prohibited magazines, prohibited parts, or non-prohibited ammunition of any kind referred to in the application that the member of the Police considers necessary.

-
- (2) A member of the Police may grant an application for the issue of a permit for the purposes of section 16(1) in respect of the following items:
- (a) any firearm (other than a firearm referred to in subsection (2A)) or ~~starting pistol~~ blank-firing gun; or
 - (b) any part of an item described in paragraph (a); or
 - (c) any non-prohibited ammunition.
- (2A) The Commissioner may grant an application for the issue of a permit for the purposes of section 16(1) in respect of the following items:
- (a) a pistol, prohibited item, restricted airgun, or restricted weapon; or
 - (b) any part of a pistol or restricted weapon.
- (2B) The Commissioner may issue a permit under subsection (2A) only if—
- (a) the Commissioner is satisfied that there are special reasons why the item should be allowed into New Zealand; and
 - (b) in case of an application by—
 - (i) a licensed dealer in respect of a prohibited item, the Commissioner is satisfied that the dealer is acting as an agent for a person who is the holder of a firearms licence that bears an endorsement made under section 30B that permits the person to possess the prohibited item; or
 - (ii) a person other than a licensed dealer in respect of a prohibited item, the person is the holder of a firearms licence that bears an endorsement under section 30B that permits the person to possess the prohibited item.
- (2C) If the application for the issue of a permit for the purposes of section 16(1) is in relation to a prohibited part that may be used by a licence holder on or with a firearm that is not a prohibited firearm (a **non-prohibited firearm**), the Commissioner—
- (a) must be satisfied that the part will only be used by the licence holder with or on a non-prohibited firearm; and
 - (b) may impose conditions on the permit that enable the Police to verify the use of that part.
- (3) Any permit issued for the purposes of section 16(1) is personal to the person to whom it is issued and may not be transferred to any other person.
- ~~(4) Any permit issued for the purposes of section 16(1) may be at any time revoked by a commissioned officer of Police.~~
- (4) A permit issued for the purposes of section 16(1)—
- (a) may be revoked at any time by a commissioned officer of Police; and
 - (b) is automatically revoked if—
 - (i) the applicant's firearms licence is revoked; or

- (ii) the applicant's dealer's licence is revoked (if the applicant is a licensed dealer); or
 - (iii) the firearms licence of the person for whom a licensed dealer is acting as agent is revoked.
- (5) A permit for the purposes of section 16(1) is in no case to be granted in respect of an anti-personnel mine or a cluster munition.
- (6) A permit may be issued under subsection (2) or (2A) in relation to items that are to be brought into or sent within New Zealand in a single consignment at the same time.
- (7) If, subsequent to the issue of a permit referred to in subsection (6), any item to which the permit relates is not included in the consignment (an **outstanding item**), the permit ceases to apply to that outstanding item.

18A Expiry of permits to import

Unless sooner revoked under section 18(4), a permit issued for the purposes of section 16(1) shall expire 12 months after the date on which that permit was issued.

18B Samples

- (1) ~~Where an applicant is, pursuant to a requirement made under section 18(1)(a) by a member of the Police, required to produce for examination and testing a sample of any firearm, pistol, prohibited item, starting pistol, restricted airgun, or restricted weapon, the applicant shall, as soon as practicable, produce that sample in accordance with that requirement and shall ensure that the sample has not been modified in any way before it is so produced.~~
- (2) ~~Where any firearm, pistol, prohibited item, starting pistol, restricted airgun, or restricted weapon which is brought into New Zealand pursuant to a permit issued for the purposes of section 16(1) and which is required by its description in that permit to correspond with a sample produced to a member of the Police does not so correspond and is not otherwise approved for importation into New Zealand, the person who brought the firearm, pistol, prohibited item, starting pistol, restricted airgun, or restricted weapon into New Zealand or caused it to be brought or sent into New Zealand shall, within 12 months after being informed in writing by a member of the Police that it does not so correspond and that it is not otherwise approved for importation into New Zealand, export it, or cause it to be exported, from New Zealand.~~
- (3) ~~If any firearm, pistol, prohibited item, starting pistol, restricted airgun, or restricted weapon to which subsection (2) relates is not exported from New Zealand within the period of 12 months specified in that subsection, that firearm, pistol, prohibited item, starting pistol, restricted airgun, or restricted weapon may be disposed of in such manner as the Commissioner may direct.~~

18B Production of samples

- (1) If an applicant is required, under section 18(1), to produce for examination and testing a sample of a firearm, pistol, prohibited item, restricted airgun, restricted weapon, blank-firing gun, or non-prohibited ammunition, the applicant must produce the sample as soon as practicable.
- (2) Before producing a sample, an applicant must ensure it has not been modified in any way.
- (3) The Crown is not liable to pay compensation in respect of any damage caused to a sample resulting from the examination and testing of the sample.
- (4) If, following examination and testing, the sample is not approved, the applicant who produced it must, within 12 months after being informed in writing by a member of the Police that the sample is not approved,—
 - (a) export the sample from New Zealand; or
 - (b) cause the sample to be exported from New Zealand.
- (5) If the sample is not exported as required by subsection (4), the sample must be disposed of or dealt with in the manner that the Commissioner directs.

18C Export of specified items not corresponding with sample or otherwise approved for importation

- (1) This section applies if—
 - (a) a specified item is brought into New Zealand under a permit issued for the purposes of section 16(1); and
 - (b) the specified item—
 - (i) does not correspond with a sample produced to a member of the Police as required by the description of the specified item in the permit; or
 - (ii) is not otherwise approved for importation into New Zealand.
- (2) If this subsection applies, the person who brought the specified item into New Zealand or caused it to be brought or sent into New Zealand must, within 12 months after being informed in writing by a member of the Police that the specified item does not correspond with the sample or is not otherwise approved for importation into New Zealand, export or cause to be exported from New Zealand—
 - (a) the specified item; and
 - (b) the sample.
- (3) If a specified item or sample to which subsection (2) relates is not exported as required by that subsection, the specified item or sample must be disposed of or dealt with in the manner that the Commissioner directs.

- (4) In this section, **specified item** means any firearm, pistol, prohibited item, restricted airgun, restricted weapon, blank-firing gun, or non-prohibited ammunition.

19 Seizure of illegally imported items

- (1) ~~A member of the Police or officer of the Customs who suspects on reasonable grounds that a firearm, pistol, prohibited item, starting pistol, restricted airgun, or restricted weapon (or a part of a firearm, pistol, prohibited item, starting pistol, or restricted weapon) has been brought into New Zealand in breach of section 16(1), or has been brought into the harbours or other territorial waters of New Zealand and is intended to be brought into New Zealand in breach of section 16(1),—~~

- (a) ~~may seize and detain it; and~~
(b) ~~in effecting its seizure, may use any reasonably necessary force.~~

- (1) Subsection (1A) applies if a member of the Police or a Customs officer suspects on reasonable grounds that an item that is a firearm, pistol, restricted airgun, restricted weapon, prohibited item, blank-firing gun, or non-prohibited ammunition (or a part of a firearm, pistol, restricted weapon, prohibited firearm, or blank-firing gun)—

- (a) has been brought into New Zealand in breach of section 16(1); or
(b) has been brought into the harbours or other territorial waters of New Zealand and is intended to be brought into New Zealand in breach of section 16(1).

- (1A) If this subsection applies, the member of the Police or the Customs officer may—

- (a) seize and detain the item; and
(b) use any reasonable necessary force to seize the item.

- (1B) If an item is seized and detained under subsection (1A), sections 65 and 70 apply, with all necessary modifications, in respect of that item.

- (2) A member of the Police or an officer of the New Zealand Customs Service who suspects on reasonable grounds that any prohibited ammunition has been brought or sent into New Zealand in breach of section 16A—

- (a) may seize and detain the prohibited ammunition; and
(b) in effecting the seizure, may use any reasonably necessary force.

Part 4

General restrictions

General restrictions on possession of firearms, airguns, magazines, parts, and ammunition

19A Restriction on possession of prohibited firearms and prohibited magazines

- (1) No person may have in their possession a prohibited firearm or prohibited magazine unless the person is—
 - (a) the holder of a dealer’s licence and has obtained the prohibited firearm or prohibited magazine in any of the ways specified in section 10(1)(b); or
 - (b) the holder of a firearms licence and—
 - (i) has been issued, under section 35A, a permit to possess a prohibited firearm or prohibited magazine; and
 - (ii) the endorsement made on the person’s firearms licence under section 30B is made specific to the prohibited firearm or prohibited magazine in respect of which the permit referred to in subparagraph (i) was issued.
- (2) This section does not apply to an employee of a licensed dealer when—
 - (a) acting in their capacity as an employee; and
 - (b) carrying on a dealer activity (if they are qualified under section 11 to do so).
- (3) A person who contravenes this section commits an offence under section 50A or 50B (as the case may be).

19B Restriction on possession of prohibited parts

- (1) No person may have in their possession a prohibited part unless the person—
 - (a) is an exempt person of or over the age of 18 years; and
 - (b) either—
 - (i) is the holder of a dealer’s licence that bears an endorsement made under section 30B permitting the holder to possess a prohibited firearm or prohibited magazine and the holder has obtained the prohibited part in any of the ways specified in section 10(2); or
 - (ii) is the holder of a firearm’s licence that bears an endorsement made under section 30B that permits the holder to possess a prohibited firearm.
- (2) This section does not apply to an employee of a licensed dealer when—
 - (a) acting in their capacity as an employee; and

- (b) carrying on a dealer activity (if they are qualified under section 11 to do so).
- (3) A person who contravenes this section commits an offence under section 50C.

General restrictions on possession of firearms and airguns

20 Restrictions on possession of firearms ~~Restriction on possession of non-prohibited firearms~~

- (1) Except as provided in this Act or as otherwise provided in regulations made under this Act, no person shall have a ~~firearm~~ non-prohibited firearm in his possession unless he is of or over the age of 16 years and is the holder of a firearms licence.
- (2) The holding of a firearms licence shall not in itself entitle any person to have a pistol, ~~prohibited item~~, or restricted weapon in that person's possession.
- (3) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who contravenes subsection (1).~~
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the person contravenes subsection (1).

21 Restrictions on possession of airguns

- (1) Except as otherwise provided in this Act or as otherwise provided in regulations made under this Act, no person shall have an airgun in his possession unless—
- (a) he is of or over the age of 18 years; or
- (b) he is between 16 years and 18 years of age and is the holder of a firearms licence.
- (2) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who acts in contravention of subsection (1).~~
- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$1,000 if the person contravenes subsection (1).
- (3) Nothing in this section applies in relation to the possession of specially dangerous airguns.

22 Exemptions

- (1) Nothing in section 20 or section 21 makes it an offence for any person to be in possession of—
- (a) any firearm of the kind known as:
- (i) a bolt gun or a stud gun:

- (ii) a humane killer:
 - (iii) a tranquilliser gun:
 - (iv) a stock marking pistol:
 - (v) an underwater spear gun:
 - (vi) a flare pistol:
 - (vii) a deer net gun:
 - (viii) a pistol that is part of rocket or line throwing equipment:
 - (ix) a miniature cannon; or
 - (b) any antique firearm; or
 - (c) any other make, type, or manufacture of firearm exempted from the provisions of section 20 or section 21 by regulations made under this Act.
- (2) It is a good defence to a prosecution for an offence against section 20 or section 21 if the defendant proves,—
- (a) in the case of a prosecution relating to the possession of a firearm (not being a pistol, prohibited firearm, or restricted weapon) by any person,—
 - (i) that the firearm was in the possession of that person for use under the immediate supervision of the holder of a firearms licence; and
 - (ii) that at all times while that person was in possession of the firearm, that person was under the immediate supervision of the holder of a firearms licence; or
 - (b) in the case of a prosecution relating to the possession of an airgun (not being a specially dangerous airgun),—
 - (i) that the airgun was in the possession of that person for use under the immediate supervision of either a person of or over the age of 18 years or the holder of a firearms licence; and
 - (ii) that at all times while that person was in possession of the airgun, that person was under the immediate supervision of either a person of or over the age of 18 years or the holder of a firearms licence.

22A Restriction on possession of non-prohibited magazines and non-prohibited parts

- (1) A person must not have in their possession either of the following unless the person is the holder of a firearms licence:
- (a) a magazine that is not a prohibited magazine:
 - (b) a part that is not a prohibited part.

- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes subsection (1).

22B Restriction on possession of ammunition

- (1) A person must not have in their possession any ammunition unless the person—
- (a) is the holder of a firearms licence; or
 - (b) is not the holder of a firearms licence, but is under the immediate supervision of a person who is the holder of a firearms licence; or
 - (c) is an employee of an ammunition seller who is performing their duties at their place of work under the immediate supervision of a person who is the holder of a firearms licence.
- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes subsection (1).

Restrictions on sale or supply of ammunition

22C Restrictions on selling or supplying ammunition

- (1) A person who sells or supplies ammunition must hold a firearms licence.
- (2) A person may only sell or supply ammunition to a person who holds a firearms licence.
- (3) Subsection (1) does not apply to an employee of an ammunition seller performing their duties under the supervision of a person who is the holder of a firearms licence.
- (4) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes subsection (1) or (2).
- (5) It is a defence to a prosecution for an offence against subsection (1) or (2) if—
- (a) the defendant proves that the defendant took reasonable steps to ascertain whether the person to whom the defendant sold or supplied the ammunition (A) was the holder of a firearms licence; or
 - (b) the defendant proves that—
 - (i) the ammunition was sold or supplied to A for use under the immediate supervision of another person who holds a firearms licence (B); and
 - (ii) at all times while A was in possession of the ammunition, A was under the immediate supervision of B.
- (6) Nothing in subsection (3) applies in relation to any ammunition sold or supplied for a firearm of the kind described in section 22(1)(a), (b), or (c).

22D Ammunition seller to keep record of ammunition sales

- (1) An ammunition seller must keep at their place of business a book that records the following details in respect of all ammunition sold or supplied in the course of their business:
 - (a) the name of the person to whom the ammunition was sold or supplied; and
 - (b) the quantity and type of ammunition sold or supplied to the person; and
 - (c) the person's firearms licence number, or, if the ammunition was sold or supplied to the person for use under the immediate supervision of another person who holds a firearms licence, the name and firearms licence number of that other person.
- (2) Despite subsection (1), an ammunition seller need not record details under that subsection if—
 - (a) the details are declared by regulations made under section 74 to be exempt from the requirement in that subsection; or
 - (b) the dealer provides the details to the Police for inclusion in the registry in accordance with the regulations.
- (3) An ammunition seller must, at all times, permit any member of the Police to inspect and make copies of any entries in the book referred to in subsection (1).
- (4) If an ammunition seller's firearms licence is revoked or cancelled under this Act, the ammunition seller must immediately surrender to a member of the Police the book referred to in subsection (1).
- (5) An ammunition seller who keeps their book under subsection (1) in hard copy form must retain the book for at least 10 years from the date of the last entry in the book.
- (6) An ammunition seller who keeps their book under subsection (1) electronically must retain each electronic record for at least 10 years from the date on which the record is entered.
- (7) An ammunition seller commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the ammunition seller, without reasonable excuse, contravenes any of subsections (1) to (4).

Restriction on ownership of firearms, airguns, and restricted weapons by visitors

22E Visitors may not take ownership of firearm, airgun, or restricted weapon

- (1) A visitor who holds a firearms licence may not, during their stay in New Zealand, acquire ownership of any firearm or restricted weapon for possession in New Zealand.
- (2) If a person contravenes subsection (1), that person's firearms licence is automatically revoked.

Restriction on manufacture of prohibited items

22F Restriction on manufacture of prohibited items

- (1) No person may manufacture a prohibited item.
- (2) Subsection (1) does not apply to an exempt person described in section 4A(1A).
- (3) A person who contravenes this section commits an offence under section 50A, 50B, or 50C (as the case may be).

Firearms licences

Part 5

Firearms licences, endorsements, and permits to possess

Firearms licences

22G Persons disqualified from holding a firearms licence

A person is disqualified from holding a firearms licence if—

- (a) the person has, within the previous 10 years, been convicted, or been released from custody after being convicted, of any of the following offences:
 - (i) an offence under section 16(4), 16A, 44A, 50A, 50D, 51A, 53A, 54, 54A, 55, 55A, 55D, 55E, or 55F;
 - (ii) a serious violent offence as defined in section 86A of the Sentencing Act 2002;
 - (iii) an offence under section 92, 98, 98A, 189A, 199, 202C, 238, 267(1), 269(1) and (3), or 306 of the Crimes Act 1961;
 - (iv) an offence under section 6, 9, 10, 11, 12, 12A, 12AB, or 12F of the Misuse of Drugs Act 1975; or
- (b) the person has, or has had within the previous 10 years, a protection order, other than a temporary order, made against them under—
 - (i) section 79 of the Family Violence Act 2018; or
 - (ii) section 14 of the Domestic Violence Act 1995.

23 Application for firearms licence

- (1) Any person who is of or over the age of 16 years may apply at an Arms Office to a member of the Police for a firearms licence.
- (1) A person may apply to a member of the Police for a firearms licence if the person—
 - (a) is of or over the age of 16 years; and

- (b) has not had a firearms licence revoked in the previous 5 years; and
- (c) is not disqualified under section 22G from holding a firearms licence.
- (2) Every application under subsection (1) shall be made on a form provided by a member of the Police.
- (2A) An applicant must, at the time of making an application for a firearms licence, provide to a member of the Police the name and contact details of their health practitioner.
- (3) A person who is the holder of a firearms licence may, before the expiration of that firearms licence, apply for a new firearms licence.

24 Issue of firearms licence

- (1) ~~Subject to subsection (2), a firearms licence shall be issued if the member of the Police to whom the application is made is satisfied that the applicant—~~
 - (a) ~~is of or over the age of 16 years; and~~
 - (b) ~~is a fit and proper person to be in possession of a firearm or airgun; and~~
- (1) Subject to subsection (2), a firearms licence may be issued by a member of the Police who is satisfied that—
 - (a) the applicant—
 - (i) is of or over the age of 16 years; and
 - (ii) is a fit and proper person to be in possession of a firearm or airgun; and
 - (b) the applicant's storage facilities for their firearms and ammunition have been inspected by a member of the Police and are compliant with the requirements for the secure storage of firearms and ammunition.
- (2) A firearms licence shall not be issued to a person if, in the opinion of a commissioned officer of Police, access to any firearm or airgun in the possession of that person is reasonably likely to be obtained by any person—
 - (a) whose application for a firearms licence or for a permit under section 7 of the Arms Act 1958, or for a certificate of registration under section 9 of the Arms Act 1958 has been refused on the ground that he is not a fit and proper person to be in possession of a firearm or airgun; or
 - (b) whose certificate of registration as the owner of a firearm has been revoked under section 10 of the Arms Act 1958 on the ground that he is not a fit and proper person to be in possession of a firearm; or
 - (c) whose firearms licence has been revoked on the ground that he is not a fit and proper person to be in possession of a firearm or airgun; or
 - (d) who, in the opinion of a commissioned officer of Police, is not a fit and proper person to be in possession of a firearm or airgun.

Compare: 1958 No 21 s 10(1); 1976 No 151 s 6

24A Fit and proper person to hold firearms licence

- (1) A member of the Police may, for the purposes of section 24(1)(a)(ii), find an applicant is not a fit and proper person to be in possession of a firearm or air-gun if the member of the Police is satisfied that 1 or more of the following circumstances exist:
- (a) the applicant has been charged with or convicted of an offence in New Zealand or overseas that is punishable by a term of imprisonment (including, but not limited to, an offence involving violence, drugs, or alcohol):
 - (b) the applicant has been charged with or convicted of an offence under this Act:
 - (c) the applicant has been charged with or convicted of an offence against—
 - (i) section 231A of the Crimes Act 1961; or
 - (ii) the Wildlife Act 1953; or
 - (iii) the Wild Animal Control Act 1977:
 - (d) the applicant has, or has had at any time, a temporary protection order made against them under—
 - (i) section 79 of the Family Violence Act 2018; or
 - (ii) section 14 of the Domestic Violence Act 1995:
 - (e) the applicant has engaged in any conduct involving non-compliance with any requirements of—
 - (i) this Act; or
 - (ii) any regulations made under this Act; or
 - (iii) any conditions to which a permit, licence, or endorsement previously issued to the applicant under this Act was subject:
 - (f) the applicant has exhibited significant mental health issues, including attempted suicide or other self-injurious behaviour, that might adversely affect their ability to safely possess firearms:
 - (g) the applicant abuses alcohol, or is dependent on alcohol, to an extent that affects detrimentally their judgement or behaviour:
 - (h) the applicant uses drugs (illegal or legal) in a way that affects detrimentally their judgement or behaviour:
 - (i) the applicant is a member of, or has close affiliations with, a gang or an organised criminal group:
 - (j) the applicant has shown patterns of behaviour demonstrating a tendency to exhibit, encourage, or promote violence, hatred, or extremism:
 - (k) the applicant has been assessed as a risk to a State's national security.

- (2) In determining whether, for the purpose of section 24(1)(a)(ii), an applicant is a fit and proper person to be in possession of a firearm or an airgun, the member of the Police may take into account—
- (a) whether the applicant—
 - (i) has a sound knowledge of the safe possession and use of firearms;
 - (ii) understands the legal obligations of a holder of a firearms licence, including the endorsements that may be made on a firearms licence; and
 - (b) any other matters the member of the Police considers appropriate.
- (3) The member of the Police may, for the purpose of determining whether a person is a fit and proper person to be in possession of a firearm or an airgun,—
- (a) seek and receive any information that the member of the Police thinks appropriate; and
 - (b) consider information obtained from any source.
- (4) If the member of the Police proposes to take into account any information that is or may be prejudicial to an applicant’s application, the member of the Police must, subject to subsection (5), disclose that information to the applicant and give the applicant a reasonable opportunity to refute or comment on it.
- (5) Nothing in subsection (4) requires the member of the Police to disclose any information to an applicant if that disclosure would be likely to—
- (a) endanger the safety of any person; or
 - (b) prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
 - (c) prejudice the entrusting of information to the Police, the New Zealand Security Intelligence Service, or the Government Communications Security Bureau on a basis of confidence by—
 - (i) the government of any other country; or
 - (ii) any international organisation.
- (6) In this section,—
- gang** has the meaning given in section 4 of the Prohibition of Gang Insignia in Government Premises Act 2013
- organised criminal group** has the meaning given in section 98A of the Crimes Act 1961.

24B General conditions of firearms licence

- (1) Every firearms licence is issued subject to the conditions that the holder of firearms licence must,—
- (a) when using a firearm, act in a way that does not pose a risk to themselves or others; and

- (b) produce any firearm within the licence holder's possession to a member of the Police on demand; and
 - (c) permit a member of the Police to inspect all firearms in the licence holder's possession, and the place or places where the firearms are kept and, for that purpose, to enter at all reasonable times upon the premises where that place or those places are situated; and
 - (d) permit a member of the Police to inspect the security arrangements in any vehicle used by the holder to transport the licence holder's firearms; and
 - (e) inform a member of the Police if, after the issue of the licence, any of the circumstances described in section 24A(1) apply to the licence holder.
- (2) It is the duty of every member of the Police exercising any power conferred by subsection (1)(c) or (d)—
- (a) to give notice of the proposed inspection under subsection (1)(c); and
 - (b) to identify themselves to the holder of the firearms licence; and
 - (c) to tell the holder of the firearms licence that the power is being exercised under subsection (1)(c) or (d), as the case may be; and
 - (d) if they are not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that they are a member of the Police.
- (3) Subsections (1)(c) and (2) are subject to section 31A if the licence bears an endorsement made under section 30 or 30B.

24C Special condition of firearms licence relating to sale or supply of ammunition

Every firearms licence issued to an ammunition seller relating to the sale or supply of ammunition is subject to the condition that the ammunition seller have appropriate facilities to ensure the secure storage of all ammunition that, at any time, they possess.

25 Duration of firearms licence

- (1) ~~Every firearms licence shall come into force on a date to be specified in the licence and, unless sooner revoked or surrendered, shall continue in force for the period of 10 years beginning on that date.~~
- (1) A firearms licence comes into force on the date specified in the licence and, unless revoked or surrendered earlier, expires 5 years from that date.
- (2) ~~Despite subsection (1), if a licence is granted to a person who states in the application form for the licence that he or she is a visitor to New Zealand and intends to reside in New Zealand for 1 year or less, the licence may be granted subject to a condition that it expires 1 year from the date of issue or expires on any earlier date specified in the licence.~~

- (3) If a licence has been granted subject to a condition referred to in subsection (2), the licence expires on the date of expiry referred to or specified in the licence, or on the date the person to whom the licence is granted leaves New Zealand, whichever occurs first.

26 Production of firearms licence

- (1) Every holder of a firearms licence—
- (a) shall produce the licence for inspection whenever required to do so by any member of the Police;
 - (b) shall maintain the licence in such a condition that it may be produced in an undefaced and legible condition.
- (2) The holder of a firearms licence issued pursuant to this Act shall be deemed to have complied with subsection (1)(a) if, within 7 days after having been so required to produce his licence or permit, he produces it at a place specified by the member of the Police.
- (3) Every person commits an offence and is liable on conviction to a fine not exceeding \$500 who, being the holder of a firearms licence, fails to comply with subsection (1).

27 Revocation and surrender of firearms licence

- (1) Where, in the opinion of a commissioned officer of Police,—
- (a) any person who has been issued with a firearms licence is not a fit and proper person to be in possession of a firearm or airgun; or
 - (b) access to any firearm or airgun in the possession of the person to whom a firearms licence has been issued is reasonably likely to be obtained by any person—
 - (i) whose application for a firearms licence or for a permit under section 7 of the Arms Act 1958, or for a certificate of registration under section 9 of the Arms Act 1958 has been refused on the ground that he is not a fit and proper person to be in possession of a firearm or airgun; or
 - (ii) whose certificate of registration as the owner of a firearm has been refused under section 10 of the Arms Act 1958 on the ground that he is not a fit and proper person to be in possession of a firearm; or
 - (iii) whose firearms licence has been revoked on the ground that he is not a fit and proper person to be in possession of a firearm or airgun; or
 - (iv) who, in the opinion of a commissioned officer of Police, is not a fit and proper person to be in possession of a firearm or airgun—

the commissioned officer of Police may, by notice in writing under his hand, revoke the firearms licence, and the person to whom that firearms licence has been issued shall upon demand surrender the licence to a member of the Police.

- (2) Any person may at any time surrender a firearms licence held by him.
- (3) Where a licence is revoked under subsection (1) or surrendered under subsection (2), the person to whom the licence has been issued shall cease to be licensed to possess firearms, airguns, pistols, or restricted weapons by virtue of that licence or any endorsement on it.

Compare: 1958 No 21 s 10(2); 1976 No 151 s 6

27A Family violence and firearms licences

- (1) ~~A commissioned officer of Police may, under either or both of sections 24 and 27, decide that a person is not a fit and proper person to be in possession of a firearm or airgun if that commissioned officer of Police is satisfied—~~
 - (a) ~~that there are grounds under the Family Violence Act 2018 for the making against that person of an application for a protection order; or~~
 - (b) ~~that such an order is in force under that Act in respect of that person.~~
- (2) ~~Subsection (1) declares the effect of, and does not limit, sections 24 and 27.~~

27A Family violence and firearms licences

Without limiting the generality of section 24A or 27, a commissioned officer of Police may decide that a person is not a fit and proper person to be in possession of a firearm or an airgun if that commissioned officer of Police is satisfied that there are grounds under the Family Violence Act 2018 for making an application for a protection order against that person.

27B Revocation and surrender of licence if holder becomes disqualified

If the holder of a firearms licence becomes disqualified under section 22G from holding a firearms licence,—

- (a) the holder's licence is immediately revoked; and
- (b) section 28 applies.

27C Revocation of suspended firearms or dealer's licence

- (1) A member of the Police may, by notice in writing to the holder of a firearms or dealer's licence that is temporarily suspended under section 60A, revoke the licence if the officer—
 - (a) has considered any submissions made by the holder before the day stated in the notice of suspension on whether the licence should be revoked on the ground stated in that notice; and
 - (b) is satisfied that the licence should be revoked on that ground.

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- (2) A member of the Police must give the holder written notice of a decision on whether to revoke a firearms or dealer's licence temporarily suspended under section 60A promptly after the decision is made.
 - (3) On the revocation of a firearms or dealer's licence, its holder ceases to be licensed to possess firearms, airguns, restricted weapons, magazines, parts, or ammunition by virtue of the licence or any endorsement on it.
 - (4) If a person's firearms licence is revoked, and the person holds a dealer's licence, the dealer's licence is automatically revoked.

28 Effect of revocation or surrender of firearms licence

- (1) On the revocation or surrender of a firearms licence, the person who was the holder of that licence shall, on demand, deliver every firearm, pistol, prohibited magazine, prohibited part, or restricted weapon in his possession or under his control to a member of the Police.
- (2) Any person whose firearms licence is revoked or surrendered may, at any time within 3 months thereafter or such longer period as the Commissioner may allow, sell or otherwise dispose of any firearm, pistol, prohibited magazine, prohibited part, or restricted weapon owned by him to a person approved for the purpose by a member of the Police.
- (3) Subject to subsection (2), all firearms, pistols, prohibited magazines, prohibited parts, or restricted weapons delivered to a member of the Police pursuant to this section may be detained for such period as the Commissioner thinks fit, or may, in the discretion of the Minister of Police, become the property of the Crown, free and discharged from all right, title, or interest possessed in respect thereof by any other person.
- (4) The Minister of Finance shall pay out of a Crown Bank Account compensation for the value of all firearms, pistols, prohibited magazines, prohibited parts, or restricted weapons delivered to a member of the Police under this section and which have become the property of the Crown as hereinbefore provided.
- (5) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who contravenes subsection (1).~~
- (5) A person commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes subsection (1).
- (6) See section 60B(2)(b) for the application of this section where a licence is temporarily suspended under section 60A.

Compare: 1958 No 21 s 11; 1974 No 68 s 5(3)

*Endorsements***29 Application for endorsements in respect of pistol or restricted weapon**

- (1) Any person, being—
- (a) ~~an applicant for a firearms licence or a holder of a firearms licence; and~~
 - (b) ~~a person who has been the registered owner of a kea gun since before 1 January 1984,—~~
- ~~may apply at an Arms Office to a member of the Police for an endorsement permitting that person to have possession of that kea gun.~~
- (2) Any person, being an applicant for a firearms licence or a holder of a firearms licence, ~~may apply at an Arms Office to a member of the Police for an endorsement to a member of the Police for an endorsement on their firearms licence~~ may apply to a member of the Police for an endorsement on their firearms licence permitting that person to have possession of a pistol or a restricted weapon (other than an anti-personnel mine or a cluster munition) in his capacity as—
- ~~(a) a member of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of this section; or~~
 - (a) a member of an incorporated pistol shooting club that holds a certificate of approval issued under section 38F; or
 - (b) a bona fide collector of firearms; or
 - (c) a person to whom the pistol or restricted weapon has special significance as an heirloom or memento; or
 - (d) the Director or Curator of a bona fide museum; or
 - (e) an approved employee or approved member of any body, being—
 - (i) a broadcaster within the meaning of the Broadcasting Act 1989; or
 - (ii) a bona fide theatre company or society or cinematic or television film production company or video recording production company; or
 - ~~(f) a licensed dealer or an agent or employee of a licensed dealer; or~~
 - (f) an employee of a licensed dealer; or
 - (g) a person of a class specified for the purposes of this section by regulations made under this Act.
- (2A) An applicant for a dealer's licence or the holder of a dealer's licence may apply to a member of the Police for an endorsement on their dealer's licence permitting them to possess a pistol or restricted weapon (other than an anti-personnel mine or a cluster munition).
- (3) For the purposes of subsection (2)(e), **approved**, in relation to any employee or member, means approved in writing for the purposes of that subsection by the chief executive officer of the body by which he is employed or of which he is a member.

- (4) ~~Every application under subsection (1) or subsection (2) shall be made on a form provided by a member of the Police.~~
- (4) An application under subsection (2) or (2A) must be made on a form provided by a member of the Police.

30 Power to make endorsement in respect of pistols or restricted weapons

- (1) On receiving an application under section 29, a member of the Police may, subject to any direction from the Commissioner, make the endorsement applied for if he is satisfied—
- (a) that the applicant is a fit and proper person to be in possession of the pistol or restricted weapon to which the application relates; and
 - (b) that the applicant should, on grounds or in a capacity specified in section 29, be permitted to have possession of the pistol or restricted weapon to which the application relates; and
 - (c) in the case of an application under section 29(2)(e), that possession of the pistol or restricted weapon by the employee or member is necessary for the purpose of—
 - (i) making a broadcast; or
 - (ii) producing or staging a play; or
 - (iii) filming a cinematic production or television film or making a video recording.
- (2) A person whose firearms licence or dealer's licence bears an endorsement made under this section is not entitled to lawfully possess a pistol or restricted weapon until—
- (a) the person is issued with a permit for the purposes of section 16(1) to bring or cause to be brought or sent into New Zealand a pistol or restricted weapon; or
 - (b) the endorsement is made specific to the pistol or restricted weapon in respect of which a permit has been issued under section 35.

~~30A Application for endorsement in respect of prohibited firearm or prohibited magazine~~

- (1) ~~An exempt person who is of or over the age of 18 years, and who is a holder of a firearms licence or is applying for a firearms licence, may apply for an endorsement on their licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an exempt person.~~
- (2) ~~Every application under subsection (1) shall be made on a form provided by a member of the Police.~~
- (2A) ~~An application must state in which capacity referred to in section 4A(1) the applicant is an exempt person.~~

- (3) ~~Every applicant shall permit a member of the Police to take, or to cause to be taken, for the purposes of the application, a photograph or photographs of the applicant.~~

30A Application for endorsement in respect of prohibited firearm or prohibited magazine

- (1) An exempt person described in any of paragraphs (b) to (i) of section 4A(1) who is of or over the age of 18 years, and who is the holder of a firearms licence or is applying for a firearms licence, may apply for an endorsement on their firearms licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an exempt person.
- (2) A person who is of or over the age of 18 years, and who is the holder of a dealer's licence or is applying for a dealer's licence, may apply for an endorsement on their dealer's licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as a licensed dealer.
- (3) A person who is of or over the age of 18 years, and who is the employee of a licensed dealer, may apply for an endorsement on their firearms licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an employee of the licensed dealer.
- (4) An application under this section must—
- (a) be made on a form provided by a member of the Police; and
 - (b) state in which capacity referred to in subsection (1), (2), or (3) the applicant is making the application.
- (5) An applicant must permit a member of the Police to take, or cause to be taken, for the purposes of the application, 1 or more photographs of the applicant.

30B Power to make endorsement in respect of prohibited firearm or prohibited magazine

- (1) On receiving an application under section 30A, a member of the Police may, subject to any direction of the Commissioner, make an endorsement on the applicant's firearms licence or dealer's licence permitting the applicant to possess a prohibited firearm or prohibited magazine if the member of the Police is satisfied that—
- (a) the applicant is a fit and proper person to possess a prohibited firearm or prohibited magazine to which the application relates; and
 - (b) it is appropriate for the applicant, in their capacity as an exempt person, to possess a prohibited firearm or prohibited magazine.
- (2) In the case of an application made by an exempt person described in section 4A(1)(c), the member of the Police must, before making an endorsement, be satisfied—
- (a) of the matters in subsection (1)(a); and

- (b) that in all the circumstances it is reasonable to grant the endorsement.
- (3) In the case of an application made by an exempt person described in section 4A(1)(e), the member of the Police must, before making an endorsement, be satisfied—
- (a) of the matters in subsection (1); and
- (b) that the possession of a prohibited firearm or prohibited magazine by the applicant is required for the purpose of—
- (i) making a broadcast; or
- (ii) producing or staging a play; or
- (iii) filming a cinematic production or television film or making a video recording.
- (4) In the case of an application made by an exempt person described in section 4A(1)(f), (g), (h), or (i), the member of the Police must, before making an endorsement, be satisfied—
- (a) of the matters in subsection (1); and
- (b) that the exempt person has a genuine need to possess the prohibited firearm or prohibited magazine; and
- (c) that the prohibited firearm or prohibited magazine will be used by the exempt person solely for the purpose of controlling wild animals or animal pests; and
- (d) that that purpose cannot effectively be achieved by the use of a non-prohibited firearm or non-prohibited magazine.
- (5) A person whose firearms licence or dealer's licence bears an endorsement made under this section is not entitled to lawfully possess a prohibited firearm or prohibited magazine until—
- (a) the person is issued with a permit for the purposes of section 16(1) to bring or cause to be brought or sent into New Zealand a prohibited firearm or prohibited magazine; or
- (b) the endorsement is made specific to the prohibited firearm or prohibited magazine in respect of which a permit has been issued under section 35A.

31 Possession of firearm, pistol, prohibited item, or restricted weapon for stage, film, or television purposes

Notwithstanding anything in this Act, a person who is not entitled under this Act to have possession of a firearm or pistol or prohibited item or restricted weapon may have possession of that firearm or pistol or prohibited item or restricted weapon for the purpose of making a broadcast or producing or staging a play or filming a cinematic production or television film if—

- (a) that person is under the immediate supervision of a person who is entitled under this Act to have possession of that firearm or pistol or prohibited item or restricted weapon; and
- (b) that person has possession of that firearm or pistol or prohibited item or restricted weapon only during the broadcast or the production or staging of the play or the filming of the cinematic production or television film; and
- (c) that person is not in possession of any ammunition (other than blank ammunition) for the firearm or pistol, or prohibited item or restricted weapon.

31A Conditions of endorsements

- (1) Every endorsement is granted subject to the conditions that any person who is in possession of a pistol, restricted weapon (other than an air pistol), prohibited firearm, or prohibited magazine by virtue of that endorsement must—
 - (a) produce that pistol, restricted weapon, prohibited firearm, or prohibited magazine to any member of the Police on demand; and
 - (b) permit the member of the Police to inspect the pistol, restricted weapon, prohibited firearm, or prohibited magazine and the place where it is kept, and, for that purpose, to enter at all reasonable times upon the premises where the place is situated.
- (2) It is the duty of every member of the Police exercising any power conferred by subsection (1)—
 - (a) to identify themselves to the person in possession of the pistol, restricted weapon, prohibited firearm, or prohibited magazine; and
 - (b) to tell the person in possession of the pistol, restricted weapon, prohibited firearm, or prohibited magazine that the power is being exercised under subsection (1); and
 - (c) if they are not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that they are a member of the Police.

32 Further conditions of endorsements in respect of pistols and restricted weapons

- (1) It is a condition of every endorsement made under section 30 that the holder of the firearms licence—
 - (a) observes, in respect of every pistol or restricted weapon or part of a restricted weapon in his possession, such security precautions as are required by regulations made under this Act; and
 - (b) ensures that every restricted weapon in his possession is both rendered inoperable by the removal of a vital part and maintained, by reason of the removal of a vital part, in an inoperable condition.

- (2) Any member of the Police may, on the direction of the Commissioner, impose, as conditions of an endorsement made by that member of the Police under section 30, such conditions with regard to the use or custody of the pistol or restricted weapon (being conditions additional to those specified in subsection (1)) as that member of the Police thinks fit.

33 Revocation of endorsements

- (1) If, in the opinion of a commissioned officer of Police, any person whose licence bears an endorsement made under section 30,—
- (a) would not, on an application made under section 29, be entitled to have that endorsement made on his firearms licence; or
- (b) has failed to observe any conditions of the endorsement,—
- that commissioned officer may, by notice in writing under his hand, revoke that endorsement, and that person shall, upon demand, surrender his firearms licence to a member of the Police for cancellation of the endorsement.
- (2) An endorsement in respect of a pistol shall not be revoked under subsection (1) if—
- (a) the holder of the firearms licence has owned that pistol since before 16 May 1969 and, immediately before that date, was registered under section 9 of the Arms Act 1958 as the owner of that pistol; and
- (b) the pistol, although less than 762 millimetres in length, has not been reduced below that length since 15 May 1969 and is not designed or adapted to be held and fired with 1 hand.
- (3) On the revocation of an endorsement pursuant to this section the holder of the firearms licence shall cease to be entitled to have possession of a pistol or a restricted weapon, as the case may require, whether or not the firearms licence is surrendered pursuant to subsection (1).
- (4) The provisions of this section are in addition to the provisions of sections 27 and 28.

33A Further conditions of endorsement in respect of prohibited firearm or prohibited magazine

- (1) An endorsement on a firearms licence in respect of a prohibited firearm or prohibited magazine made under section 30B is subject to the following conditions:
- (a) the holder of the firearms licence may only possess and use the prohibited firearm or prohibited magazine in their capacity as an exempt person; and
- (b) the holder of the firearms licence must observe in respect of every prohibited firearm or prohibited magazine in their possession all security precautions required by regulations made under this Act; and

- (c) the holder of the firearms licence who is an exempt person under section 4A(1)(b), (c), (d), or (e) must—
- (i) not use live ammunition in the prohibited firearm in their possession; and
 - (ii) ensure that the prohibited firearm is—
 - (A) rendered inoperable by removal of a vital part; and
 - (B) maintained, by reason of the removal of the vital part, in an inoperable condition; and
 - (iii) ensure that the removed vital part is kept at a separate address from the prohibited firearm; and
- (d) any other conditions regarding the use and custody of the prohibited item in their possession that the Commissioner thinks necessary.
- (2) In subsection (1)(c)(iii), **separate address** means an address approved by a member of the Police.

33B Revocation of endorsement in respect of prohibited firearm or prohibited magazine

- (1) If, in the opinion of a commissioned officer of Police, any person whose licence bears an endorsement made under section 30B—
- (a) would not, on an application made under section 30A, be entitled to have that endorsement made on that person's firearms licence; or
 - (b) has failed to observe any condition of that endorsement,—
- that commissioned officer may, by notice in writing signed by that commissioned officer, revoke that endorsement, and that person shall upon demand surrender that person's firearms licence to a member of the Police for cancellation of the endorsement.
- (2) On the revocation of an endorsement pursuant to this section, the holder of the firearms licence shall cease to be entitled to have possession of a prohibited firearm or prohibited magazine, whether or not the firearms licence is surrendered pursuant to subsection (1).
- (3) The provisions of this section are in addition to the provisions of sections 27 to 28.

33C Duration of endorsements

- (1) An endorsement made under section 30 or 30B on a firearms licence held by an employee of a licensed dealer continues in force for 1 year after the date on which the endorsement was made, unless one of the following first occurs:
- (a) the employee's firearms licence is surrendered or revoked; or
 - (b) the licensed dealer's licence expires; or
 - (c) the licensed dealer's licence is surrendered or revoked; or

- (d) the employee ceases to be employed by the licensed dealer.
- (2) However, unless earlier revoked or surrendered, an endorsement made under section 30B at any time after 12 April 2019 on a firearms licence held by a person described in section 4A(1)(f), (g), (h), or (i) continues in force until the earlier of the following dates:
- (a) the date that is 2 years after the date on which the endorsement was made:
- (b) the date on which the licence ceases to be valid or expires.
- (3) Unless earlier revoked or surrendered, an endorsement made under section 30 or 30B on a firearms licence held by any other person, or on a dealer's licence, continues in force for so long as the licence continues in force.

34 Notification of change of address

- (1) ~~Every holder of a firearms licence who changes his address shall, within 30 days after doing so, give notice in writing thereof to the Arms Office nearest to his new address:~~
- (1) A holder of a firearms licence who changes their address or any address at which a firearm in their possession is kept (if a different address) must, within the time and in the manner prescribed by regulations made under section 74, give notice of the change to the Police.
- (2) Every holder of a firearms licence, being a licence that bears an endorsement permitting the holder to have possession of a pistol, prohibited firearm, prohibited magazine, or restricted weapon, who intends to change his address, shall notify ~~an Arms Office~~ the Police in the manner specified in subsection (1) of the arrangements made for the safe custody of the pistol, prohibited firearm, prohibited magazine, or restricted weapon during its shift to the new address.
- (3) ~~Every person commits an offence and is liable on conviction to a fine not exceeding \$500 who contravenes subsection (1) or subsection (2):~~
- (3) A person commits an offence and is liable on conviction to a fine not exceeding \$2,000 if the person, without reasonable excuse, contravenes subsection (1) or (2).

Compare: SR 1959/5 rr 19, 20; SR 1976/143 r 5

Photographs

34A Power to require or take photographs of applicants

Regulations made under this Act or a member of the Police may require an applicant for a dealer's licence or an applicant for a firearms licence or a person who applies under section 29(1) or section 29(2) or section 30A or section 36 for an endorsement—

- (a) to supply, for the purposes of the application, a photograph or photographs of the applicant or person; or

- (b) to permit a member of the Police to take or to cause to be taken, for the purposes of the application, a photograph or photographs of the applicant or person; or
- (c) to comply with both paragraph (a) and paragraph (b).

34B Effect of non-compliance with requirements in relation to photographs or to calling-in of licences

Without limiting the generality of the provisions of sections 5, 9, 24, 27, 29, 30A, 33B, and 36, it is hereby declared that a commissioned officer of Police may, under any of those provisions, refuse an application or revoke a licence or an endorsement if that commissioned officer of Police is satisfied, that the applicant or licence holder—

- (a) has wilfully failed to comply with any requirements imposed by or under this Act in relation to the affixing to dealers' licences or firearms licences of photographs of licence holders or to the imaging into such licences of such photographs; or
- (b) has, on having his or her firearms licence called in by the Commissioner under section 33 of the Arms Amendment Act 1992, wilfully failed to deliver his or her firearms licence to an Arms Office a Police station in accordance with a notice given to that licence holder under that section.

Permits to possess pistols, restricted weapons, prohibited firearms, and prohibited magazines

35 Issue of permit to possess pistol or restricted weapon

- (1) A permit to possess a pistol or restricted weapon may be issued only by a member of the Police acting under a direction of the Commissioner.
- (2) ~~A permit to possess a pistol or restricted weapon may be issued if the member of the Police to whom the application is made is satisfied—~~
 - (a) ~~that the person to whom it is issued is a licensed dealer; or~~
 - (b) ~~that the person to whom it is issued is the holder of a firearms licence that bears an endorsement made under section 30 and that, by virtue of that licence and its endorsement, that person is permitted to have possession of the pistol or restricted weapon, as the case may be.~~
- (2) A permit to possess a pistol or restricted weapon may be issued if the member of the Police to whom the application is made is satisfied—
 - (a) that the applicant holds a dealer's licence that bears an endorsement made under section 30; or
 - (b) that the applicant (not being an employee of a licensed dealer) holds a firearms licence that bears an endorsement made under section 30 and that, by virtue of that licence and endorsement, the applicant is permitted to have possession of the pistol or restricted weapon, as the case may be.

- (3) Every permit issued under this section shall, unless sooner revoked, remain in force for such period, not exceeding 1 month, as may be specified in the permit.
- (4) Any permit issued under this section may at any time during its currency be revoked by a commissioned officer of Police.
- (5) No permit is to be issued under this section in respect of an anti-personnel mine or a cluster munition.

35A Issue of permit to possess prohibited firearm or prohibited magazine

- (1) A permit to possess a prohibited firearm or prohibited magazine may be issued only by a member of the Police acting under a direction of the Commissioner.
- (2) ~~A permit to possess a prohibited firearm or prohibited magazine may be issued if—~~
 - ~~(a) the applicant is the holder of a dealer’s licence; or~~
 - ~~(b) the applicant is not the holder of a dealer’s licence, but—~~
 - ~~(i) is the holder of a firearms licence; and~~
 - ~~(ii) that licence bears an endorsement made under section 30B that permits the applicant to possess a prohibited firearm or prohibited magazine; and~~
 - ~~(iii) the member of the Police to whom the application is made is satisfied that it is appropriate for the applicant to possess the prohibited firearm or prohibited magazine.~~

- (2) A permit to possess a prohibited firearm or prohibited magazine may be issued if—
 - (a) the applicant holds a dealer’s licence that bears an endorsement made under section 30B; or
 - (b) the applicant (not being an employee of a licensed dealer) holds a firearms licence that bears an endorsement made under section 30B permitting the applicant to possess a prohibited firearm or prohibited magazine and the member of the Police is satisfied that it is appropriate for the applicant to possess the prohibited firearm or prohibited magazine.

- (3) Unless sooner revoked, a permit issued under this section remains in force for the period specified in the permit, which must not exceed 1 month.
- (4) A permit may at any time be revoked by a commissioned officer of Police.

36 ~~Offence to carry pistol or restricted weapon without authority~~ Offence to carry pistol, prohibited firearm, prohibited magazine, or restricted weapon without authority

- (1) No person shall carry a pistol, prohibited firearm, prohibited magazine, or restricted weapon in any place beyond the curtilage of his dwelling, save under

and in accordance with the conditions endorsed on his firearms licence by a member of the Police.

- (2) Any such endorsement may be at any time revoked by any commissioned officer of Police.
- (3) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding \$1,000 or to both who carries a pistol or restricted weapon contrary to the provisions of subsection (1).~~
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person contravenes subsection (1).
- (4) ~~In any prosecution for an offence against subsection (3), in which it is proved that the defendant carried a pistol or restricted weapon in any place beyond the curtilage of his dwelling, the burden of proving that the pistol or restricted weapon carried by the defendant was carried by him under and in accordance with the conditions endorsed on his firearms licence by a member of the Police shall lie upon the defendant.~~
- (5) It is a good defence to a prosecution for an offence against subsection (3) if the defendant proves—
 - (a) that he is the holder of a firearms licence; and
 - (b) that he has owned the firearm to which the charge relates since before 16 May 1969; and
 - (c) that, immediately before 16 May 1969, he was registered under section 9 of the Arms Act 1958 as the owner of that firearm; and
 - (d) that, although that firearm is less than 762 millimetres in length, it has not been reduced below that length since 15 May 1969 and is not designed or adapted to be held and fired with 1 hand.

Compare: 1958 No 21 ss 13, 23A; 1974 No 68 s 8

37 Surrender of restricted weapon

- (1) Subject to subsection (2) or an endorsement made under section 30, no person shall at any time be in possession of a restricted weapon, or of any part or parts intended or adapted for use as part of a restricted weapon.
- (2) Before the expiry of 1 month after the notification in the *New Zealand Gazette* of an Order in Council declaring any weapon to be a restricted weapon, every person in possession of any such weapon or any part or parts intended or adapted for use as part of such a weapon shall cause the weapon, or the parts,—
 - (a) to be destroyed; or
 - (b) to be disposed of to a person approved by the Commissioner; or
 - (c) to be exported from New Zealand; or

- (d) to be delivered to a member of the Police.
- (3) The Minister of Finance shall, subject to subsection (4), pay compensation out of a Crown Bank Account for the value of all weapons in a serviceable condition, and for all parts, delivered to a member of the Police in accordance with subsection (2)(d).
- (4) Compensation shall not be paid under subsection (3) unless the Minister is satisfied—
- (a) that the person claiming compensation has acquired the weapon or parts lawfully; and
- (b) if he has brought the weapon or parts into New Zealand, that he has done so lawfully.

Compare: 1958 No 21 s 12(1)–(2); 1962 No 59 s 3

38 Removal of pistol, prohibited firearm, prohibited magazine, or restricted weapon out of New Zealand

- ~~(1) Every holder of a firearms licence who intends to remove any pistol, prohibited firearm, prohibited magazine, or restricted weapon out of New Zealand shall give not less than 4 days' notice of the intended removal to an Arms Office and shall deliver to that office his firearms licence for amendment of the endorsement.~~
- (1) A holder of a firearms licence who intends to remove any pistol, prohibited firearm, prohibited magazine, or restricted weapon from New Zealand must—
- (a) give not less than 4 days' notice of the intended removal to a member of the Police; and
- (b) deliver to a Police station their firearms licence for amendment of the endorsement.
- ~~(2) Every person commits an offence and is liable on conviction to a fine not exceeding \$500 who contravenes subsection (1).~~
- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$2,000 if the person, without reasonable excuse, contravenes subsection (1).

Compare: SR 1959/5 r 20; SR 1976/143 r 5(a)–(c)

Part 6

Shooting clubs and shooting ranges

38A Interpretation

In this Part,—

application for approval means an application made under section 38C to have a shooting club approved

application for certification means an application made under section 38K to have a shooting range certified

certified shooting range means a shooting range certified under section 38O

shooting activities—

- (a) means activities that are carried out using a firearm or airgun for the purpose of shooting at inanimate targets (whether fixed or moving); but
- (b) excludes—
 - (i) paintball shooting; and
 - (ii) airsoft shooting

shooting club means a voluntary association of people who—

- (a) act in accordance with a set of written rules; and
- (b) participate in, or intend to participate in, shooting activities on a regular basis

shooting range—

- (a) means a facility (whether indoor or outdoor), or a designated area of land, used by a shooting club or members of the public for the primary purpose of carrying out shooting activities; and
- (b) includes any defence area (as that term is defined in section 2(1) of the Defence Act 1990) used by a shooting club.

Shooting clubs

38B Shooting club must have certificate of approval

- (1) A shooting club that uses a shooting range for its shooting activities must hold a certificate of approval issued by the Commissioner.
- (2) A person who establishes or continues to operate a shooting club without the club holding a certificate of approval commits an offence and is liable on conviction to a fine not exceeding \$10,000.

38C Application to have shooting club approved

- (1) An application for approval of a shooting club must be made,—
 - (a) if the shooting club is a body corporate, by a person who is authorised to make the application; or
 - (b) if the shooting club is not a body corporate, by the club's representative who is authorised by the club to make the application.
- (2) An application for approval must be made to the Commissioner in the manner prescribed by regulations made under this Act, and must—
 - (a) be in a form approved by the Commissioner; and
 - (b) be supported by any information and documents that are prescribed; and

- (c) be accompanied by the prescribed application fee (if any).

38D Commissioner may make inquiries and request further information

On receipt of an application for approval made under section 38C, the Commissioner—

- (a) may make whatever inquiries the Commissioner considers necessary to determine whether the application should be granted; and
(b) may request the applicant to provide any further information or documents that the Commissioner considers necessary to determine whether the application should be granted.

38E Decision on application for certificate of approval

The Commissioner may grant an application for approval made under section 38C if the Commissioner is satisfied that the shooting club—

- (a) will be using a certified shooting range for its shooting activities; and
(b) has rules relating to the safe operation of firearms and promotes the safe possession and use of firearms; and
(c) is appropriately administered; and
(d) is able to safely manage its shooting activities.

38F Issue of certificate of approval

- (1) If the Commissioner grants an application for approval, the Commissioner must issue to the shooting club a certificate of approval.
(2) A certificate of approval may be granted subject to any conditions that the Commissioner considers appropriate.

38G Duration of certificate of approval

A certificate of approval granted to a shooting club continues until—

- (a) surrendered by the shooting club; or
(b) cancelled by the Commissioner.

38H Cancellation of certificate of approval

- (1) The Commissioner must cancel a shooting club's certificate of approval if the Commissioner is satisfied that—
(a) the shooting club is not using a certified shooting range for its shooting activities; or
(b) the shooting club is no longer carrying on its operations; or
(c) the shooting club no longer meets the requirements in section 38E.
(2) The Commissioner may cancel a shooting club's certificate of approval if the Commissioner is satisfied that—

- (a) the shooting club has failed to comply with any conditions to which its certificate of approval is subject; or
- (b) the shooting club has failed to report any serious firearms-related safety incident; or
- (c) any activity of the shooting club has raised any reasonable concern about the safety of its members or the public.

38I Renewal of certificate of approval

- (1) A certificate of approval may be renewed on 1 or more occasions.
- (2) Sections 38C to 38H apply to an application for renewal of a certificate of approval as if the application were an application for a certificate of approval.
- (3) A renewed certificate of approval is to be treated for all purposes as a new certificate issued under section 38F.

38J Annual reports

- (1) A shooting club must, not later than 3 months after the end of its financial year, provide to the Commissioner an annual report on its operation.
- (2) The annual report must include the particulars prescribed in regulations made under this Act.

Shooting ranges

38K Shooting ranges must be certified

- (1) A person may not operate a shooting range unless the shooting range is a certified shooting range.
- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person contravenes subsection (1).

38L Application to have shooting range certified

- (1) An application for certification of a shooting range may be made,—
 - (a) if the person who is proposing to operate the range is an individual, by that individual; or
 - (b) if the person who is proposing to operate the range is a body corporate, by a person who is authorised to make the application; or
 - (c) if the person who is proposing to operate the range is not an individual or a body corporate, by the person's representative who is authorised by the person to make the application.
- (2) An application for certification must be made to the Commissioner in the manner prescribed by regulations made under this Act, and must—
 - (a) be in a form approved by the Commissioner; and
 - (b) be supported by any information and documents that are prescribed; and

- (c) be accompanied by the prescribed application fee (if any).

38M Commissioner may make inquiries and request further information

On receipt of an application for certification made under section 38L, the Commissioner—

- (a) may make whatever inquiries the Commissioner considers necessary to determine whether the application should be granted; and
(b) may request the applicant to provide any further information or documents that the Commissioner considers necessary to determine whether the application should be granted.

38N Decision on application to have shooting range certified

The Commissioner may grant an application for certification made under section 38L if the Commissioner is satisfied that—

- (a) the shooting range meets all required safety standards published by the Commissioner; and
(b) all necessary local council and regional council consents to operate the shooting range have been obtained; and
(c) the owner of the shooting range has appropriate public liability insurance.

38O Grant of certification

If the Commissioner grants an application for certification in respect of a shooting range, the Commissioner must issue a certificate to the applicant.

38P Certification granted subject to conditions

- (1) A certificate granted under section 38O is subject to the condition that, at all times while the certified shooting range is in use, a manager is on duty who—
(a) holds a firearms licence; and
(b) is appropriately trained in shooting range management.
(2) Certification granted under section 38O may be made subject to any other conditions that the Commissioner considers appropriate, which may include conditions relating to—
(a) maintenance of the shooting range;
(b) public access to the shooting range;
(c) restrictions on the types of firearms and ammunition that may be used at the shooting range;
(d) competitions that may be conducted at the shooting range.

38Q Duration of certification

A certificate issued in respect of a shooting range remains in force 5 years after the date it is issued unless the certificate is sooner surrendered or cancelled.

38R Cancellation of certification

The Commissioner may cancel certification in respect of a shooting range if the Commissioner is satisfied that—

- (a) the shooting range is no longer being operated as a shooting range; or
- (b) the shooting range is not being operated with proper regard to individual or public safety; or
- (c) the owner or operator of the shooting range is not complying with any conditions imposed under section 38P; or
- (d) having regard to the matters specified in section 38N, it is no longer appropriate that the shooting range be certified.

38S Renewal of certification

- (1) A certificate granted under section 38O may be renewed on 1 or more occasions.
- (2) Sections 38L to 38R apply to an application for renewal of certification as if the application were an application for certification.
- (3) A renewed certificate is to be treated for all purposes as a new certification granted under section 38O.

*Compliance***38T Inspections of shooting clubs and shooting ranges**

- (1) For the purpose of ensuring that a shooting club or shooting range is operated in accordance with this Act, a person who is a member of the Police and authorised in writing by the Commissioner may—
 - (a) enter and inspect the shooting club or shooting range;
 - (b) inspect, print, copy, or remove any documents that the person believes on reasonable grounds to be those of the shooting club or shooting range.
- (2) The provisions of Part 4 of the Search and Surveillance Act 2012 (apart from subpart 3) apply.

Compare: 1989 No 80 s 319; 2002 No 40 s 39

38U Improvement notices

- (1) This section applies if a person carrying out an inspection reasonably believes that a shooting club or shooting range is contravening, or is likely to contravene, a provision of this Act or regulations made under this Act.

- (2) If this section applies, the person may issue an improvement notice to the shooting club or shooting range that requires the shooting club or shooting range, within a reasonable period of time specified in the notice, to—
- (a) remedy the contravention; or
 - (b) prevent a likely contravention from occurring.

Compare: 2015 No 70 s 101

38V Suspension

If the shooting club or shooting range fails to comply with an improvement notice, it must suspend operations on the date specified in the notice.

Part 7

Direct access by certain government agencies to registry

38W Interpretation

In this Part,—

accessing agency means—

- (a) the Department of Conservation; and
- (b) the Ministry of Foreign Affairs and Trade; and
- (c) the New Zealand Customs Service

arms item has the meaning given in section 2(1) and includes, as an additional class of item, ammunition

direct access, in relation to the registry, means to do either or both of the following (whether remotely or otherwise):

- (a) search the registry;
- (b) copy any information stored on the registry

import and export information, in relation to a licence holder, means details relating to—

- (a) any permit to import issued to the licence holder under section 18(2) or (2A);
- (b) any class or classes of arms items exported by the licence holder

licence holder means—

- (a) a person who is the holder of a firearms licence; and
- (b) a person who at any time held a firearms licence

licence information, in relation to a licence holder, means—

- (a) the licence holder's—
 - (i) name; and
 - (ii) date of birth; and

- (iii) residential address; and
- (b) the following details about the licence holder's firearms licence:
 - (i) the firearms licence number; and
 - (ii) the date of expiry of the firearms licence; and
 - (iii) any endorsements on the firearms licence.

38X Relationship between this Part and other law

This Part does not prevent or limit the collection, use, or disclosure of information that—

- (a) is authorised or required by or under any enactment; or
- (b) is permitted under any enactment.

38Y Direct access to licence information

- (1) The Department of Conservation may have direct access to a licence holder's licence information recorded in the registry.
- (2) The purpose of the direct access is to provide administrative assistance to the Director-General of Conservation in relation to the issue, under section 38 of the Conservation Act 1987, of permits for hunting.

38Z Direct access to import and export information recorded in registry

- (1) The Ministry of Foreign Affairs and Trade and the New Zealand Customs Service may have direct access to a licence holder's import and export information recorded in the registry.
- (2) The purpose of the direct access is to assist the agencies in performing or exercising their functions, duties, and powers more effectively or efficiently.

38ZA Direct access must be in accordance with direct access agreement

All direct access authorised by section 38Y or 38Z must be in accordance with a written direct access agreement entered into between—

- (a) the Minister responsible for the accessing agency; and
- (b) the Minister of Police.

38ZB Matters to which Ministers must have regard before entering into direct access agreement

Before entering into a direct access agreement, the Ministers referred to in section 38ZA must be satisfied—

- (a) that—
 - (i) in the case of direct access authorised by section 38Y, the direct access will enable the Director-General of Conservation to more effectively or efficiently issue permits for hunting; or

- (ii) in the case of direct access authorised by section 38Z, the direct access will enable the Ministry of Foreign Affairs and Trade or the New Zealand Customs Service to perform and exercise their functions, duties, and powers more effectively or efficiently; and
- (b) that there are adequate safeguards to protect the privacy of individuals, including that the proposed compliance and audit requirements for the direct access, use, disclosure, and retention of the information are sufficient; and
- (c) that the agreement includes appropriate procedures for direct access, use, disclosure, and retention of the information.

38ZC Consultation before entering into direct access agreement

- (1) Before entering into a direct access agreement, the Ministers referred to in section 38ZA must consult and invite comment on the proposed agreement from—
 - (a) the Privacy Commissioner; and
 - (b) the advisory group established under section 88.
- (2) When consulted on a direct access agreement, the Privacy Commissioner must have particular regard to the matters that the Ministers need to be satisfied of before entering into the agreement that are specified in section 38ZB(b) and (c).
- (3) The Ministers must have regard to any comment received from the Privacy Commissioner and the advisory group on the proposed agreement.

38ZD Content of direct access agreements

A direct access agreement must specify—

- (a) the particular information in relation to licence holders that may be accessed;
- (b) the particular purpose or purposes for which the information may be accessed;
- (c) the particular function, duty, or power being, or to be, performed or exercised by the accessing agency for which the information is required;
- (d) the mechanism by which the information is to be accessed;
- (e) the position or designation of the person or persons in the accessing agency who may access the information;
- (f) the records to be kept in relation to each occasion on which the registry is accessed;
- (g) the safeguards that are to be applied for protecting information;
- (h) the requirements relating to storage, retention, and disposal of information obtained from the registry;

- (i) the circumstances (if any) in which the information may be disclosed to another agency, and how that disclosure may be made:
- (j) the requirements for reviewing the agreement.

38ZE Variation of direct access agreement

Sections 38ZB and 38ZC apply with any necessary modifications in respect of a proposal to enter into an agreement varying a direct access agreement.

38ZF Publication of direct access agreements

- (1) An agreement, and all variations to the agreement, must be published on—
 - (a) an Internet site maintained by or on behalf of the accessing agency; and
 - (b) an Internet site maintained by or on behalf of the Police.
- (2) However, subsection (1) does not apply to—
 - (a) an agreement or a variation of an agreement that may be withheld on a request made under the Official Information Act 1982;
 - (b) a provision of an agreement or a variation of an agreement that may be withheld on a request made under the Official Information Act 1982.
- (3) If, in reliance on subsection (2)(a), an agreement or a variation of an agreement is not published, a summary of the agreement or variation of the agreement must be published on—
 - (a) an Internet site maintained by or on behalf of the accessing agency; and
 - (b) an Internet site maintained by or on behalf of the Police.

*Miscellaneous obligations***39 Loss, theft, or destruction**

- (1) This section applies if—
 - (a) a firearm, pistol, prohibited magazine, prohibited part, or restricted weapon is lost or stolen; or
 - (b) a firearm, pistol, prohibited magazine, prohibited part, or restricted weapon is destroyed.
- (1A) The owner of the firearm, pistol, prohibited magazine, prohibited part, or restricted weapon must—
 - (a) immediately give written notice of the loss, theft, or destruction to a member of the Police; and
 - (b) give all information in their possession relating to the loss, theft, or destruction to a member of the Police.
- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$500 who contravenes subsection (1).

Compare: SR 1959/5 r 21

40 Person in possession of firearm, etc, must give identifying information to Police

- (1) ~~Every person in possession of any firearm, airgun, pistol, prohibited magazine, prohibited part, or restricted weapon shall, on demand, give his full name, address, and date of birth to any member of the Police who is in uniform or who produces evidence that he is a member of the Police.~~
- (2) ~~If any person refuses to give his name, address, or date of birth or gives false particulars thereof, any member of the Police—~~
 - (a) ~~may caution that person; and~~
 - (b) ~~if that person persists in such refusal or fails or continues to fail to give the correct particulars,—~~~~may arrest him without warrant.~~
- (3) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who, in response to a demand under subsection (1), refuses to give his name, address, or date of birth or gives false particulars thereof to any member of the Police.~~

41 Powers of Police to require surrender of airguns or antique firearms

- (1) ~~Where any person who is not the holder of a firearms licence or a dealer's licence is in possession of an airgun or an antique firearm, a commissioned officer of Police may, by notice in writing served on that person, require that person to surrender the airgun or antique firearm to a member of the Police, if that officer is of the opinion that that person is not a fit and proper person to be in possession of the airgun or antique firearm.~~
- (2) ~~Where any person is served with a notice pursuant to subsection (1), that person shall, on demand, deliver the airgun or antique firearm to a member of the Police and subsections (2) to (4) of section 28 shall apply accordingly with all necessary modifications.~~
- (3) ~~Any person required, under this section, to surrender an airgun or antique firearm may appeal under section 62 against the requirement, and that section shall apply accordingly with all necessary modifications.~~
- (4) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who fails to comply with a notice given to him pursuant to subsection (1).~~

Compare: 1958 No 21 s 11A; 1968 No 21 s 4; 1976 No 151 s 7

41A Marking of firearms

- (1) This section applies to all firearms, parts, and magazines possessed by firearm licence holders, including those manufactured in or imported into NZ, but does not apply to antique firearms.

- (2) Firearms, parts, and magazines to which this section applies must be marked in accordance with regulations made under section 74.
- (3) The Crown is not liable to pay compensation in respect of—
- (a) the loss of value in the case of any firearm, part, or magazine that results from it being marked in accordance with the regulations; or
 - (b) the cost of marking the firearm, part, or magazine.

Offences

Part 8
Offences

42 Offences in respect of licencees

- (1) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who—~~
- (a) ~~adds to a licence any words or figures extraneous to the licence as issued; or~~
 - (b) ~~alters on or erases from any licence any words or figures; or~~
 - (c) ~~uses or retains any licence—~~
 - (i) ~~to which have been added any words or figures extraneous to the licence as issued; or~~
 - (ii) ~~from which any words or figures have been erased from the licence as issued; or~~
 - (iii) ~~on which any words or figures on the licence as issued have been altered; or~~
 - (d) ~~being the holder of a licence, parts with possession of that licence in order that it may be used by any other person; or~~
 - (e) ~~uses or attempts to use a licence issued in the name of another to procure possession of any firearm, airgun, pistol, or restricted weapon; or~~
 - (f) ~~supplies particulars or answers in any application for a licence under this Act, knowing them to be incorrect or misleading.~~
- (2) ~~Nothing in paragraph (a) or paragraph (b) of subsection (1) applies in respect of any addition, alteration, or erasure made by a member of the Police acting pursuant to this Act or by any other person acting under regulations made under this Act.~~
- (3) ~~It is not an offence against paragraph (c) of subsection (1) to use or retain a licence if the only addition, alteration, or erasure to it was made by a member of the Police acting under this Act or by any other person acting under regulations made under this Act.~~

42 Offences in respect of licences

A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$20,000, if the person,—

- (a) with intent to deceive,—
 - (i) adds to a licence any words or figures extraneous to the licence as issued; or
 - (ii) alters on or erases from any licence any words or figures; or
 - (iii) uses or retains any licence—
 - (A) to which have been added any words or figures extraneous to the licence as issued; or
 - (B) from which any words or figures have been erased from the licence as issued; or
 - (C) on which any words or figures on the licence as issued have been altered; or
- (b) being the holder of a licence, wilfully parts with possession of that licence in order that it may be used by another person; or
- (c) uses or attempts to use a licence issued in the name of another person with the intention of procuring the possession of any firearm, airgun, pistol, restricted weapon, magazine, or ammunition; or
- (d) supplies particulars or answers in any application for a licence under this Act, knowing them to be incorrect or misleading.

43 Selling or supplying firearm or airgun to unlicensed person

- (1) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who—~~
 - (a) ~~sells or supplies a firearm (other than a pistol, prohibited item, or restricted weapon) to any person who is not the holder of a firearms licence or a dealer's licence or a permit issued for the purposes of section 16(1); or~~
 - (b) ~~sells or supplies an airgun to any natural person who is under the age of 18 years and is not the holder of a firearms licence.~~
- (2) ~~In any prosecution for an offence against subsection (1) in which it is proved,—~~
 - (a) ~~in the case of a prosecution for an offence against paragraph (a) of that subsection, that the defendant sold or supplied a firearm to any person, the burden of proving that that person was the holder of a firearms licence shall lie on the defendant; and~~
 - (b) ~~in the case of a prosecution for an offence against paragraph (b) of that subsection, that the defendant sold or supplied an airgun (not being a specially dangerous airgun) to a person under the age of 18 years, the~~

burden of proving that that person was the holder of a firearms licence shall lie on the defendant.

- (3) ~~It is a good defence to a prosecution for an offence against paragraph (a) or paragraph (b) of subsection (1) if the defendant proves,—~~
- (a) ~~in the case of a prosecution relating to the possession of a firearm (not being a pistol, prohibited item, or restricted weapon) by any person,—~~
- (i) ~~that the firearm was in the possession of that person for use under the immediate supervision of the holder of a firearms licence; and~~
- (ii) ~~that at all times while that person was in possession of the firearm, that person was under the immediate supervision of the holder of a firearms licence; or~~
- (b) ~~in the case of a prosecution relating to the possession of an airgun (not being a specially dangerous airgun),—~~
- (i) ~~that the airgun was in the possession of that person for use under the immediate supervision of either a person of or over the age of 18 years or the holder of a firearms licence; and~~
- (ii) ~~that at all times while that person was in possession of the airgun, that person was under the immediate supervision of either a person of or over the age of 18 years or the holder of a firearms licence.~~
- (4) ~~A defendant may, in the case of a prosecution relating to the sale or supply of a firearm or airgun to any person, discharge the burden of proof placed on him by subsection (2) by proving that he took reasonable steps to ascertain whether that person was the holder of a firearms licence or was of or over the age of 18 years, as the case may require.~~

Compare: 1958 No 21 ss 7(2), (4), 7B; 1976 No 151 s 5

43 Selling or supplying firearm or airgun to unlicensed person

- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$20,000, if the person—
- (a) sells or supplies a firearm (other than a pistol, prohibited item, or restricted weapon) to any person who is not the holder of a firearms licence, a dealer's licence, or a permit issued for the purposes of section 16(1); or
- (b) sells or supplies an airgun to any individual who is under the age of 18 years and is not the holder of a firearms licence.
- (2) It is a defence to a prosecution for an offence against subsection (1)(a) if the defendant proves—
- (a) that the defendant took reasonable steps to ascertain whether the person to whom they sold or supplied the firearm (A) was the holder of a firearms licence; or
- (b) that—

- (i) the firearm was sold or supplied to A for use under the immediate supervision of another person, not being a visitor to New Zealand, who holds a firearms licence (B); and
 - (ii) at all times, while A was in possession of the firearm, A was under the immediate supervision of B.
- (3) It is a defence to a prosecution for an offence against subsection (1)(b) if—
- (a) the defendant proves that the defendant took reasonable steps to ascertain whether the individual to whom they sold or supplied the airgun (not being a specially dangerous airgun) (C) was the holder of a firearms licence and was a person of or over the age of 18 years; or
 - (b) the defendant proves—
 - (i) that the airgun was sold or supplied to C for use under the immediate supervision of another person (D) who holds a firearms licence and was a person of or over the age of 18 years; and
 - (ii) that at all times while C was in possession of the airgun, C was under the immediate supervision of D.

43AA Possessing, selling, or supplying prohibited ammunition

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years who, without reasonable excuse,—

- (a) possesses prohibited ammunition; or
- (b) sells or supplies prohibited ammunition.

43A ~~Mail order sale of firearm or ammunition~~

- (1) ~~Every person commits an offence and is liable on conviction to a fine not exceeding \$1,000 who sells by mail order a firearm or any ammunition for a firearm or restricted weapon otherwise than pursuant to a written order—~~
- (a) ~~signed by the purchaser; and~~
 - (b) ~~bearing an endorsement signed by a member of the Police and stating that the member of the Police—~~
 - (i) ~~has inspected the purchaser's firearms licence; and~~
 - (ii) ~~is satisfied that the purchaser is a fit and proper person to purchase that firearm or ammunition.~~
- (2) ~~Nothing in this section applies in relation to—~~
- (a) ~~any pistol, restricted weapon, or prohibited item; or~~
 - (b) ~~any ammunition for a firearm to which paragraph (a) or paragraph (b) or paragraph (c) of section 22(1) applies.~~

43A Mail order or Internet sale of arms items or ammunition

- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, sells by mail order or a transaction on the Internet any arms item, or any ammunition for a firearm or restricted weapon, otherwise than under a written order—
- (a) signed by the purchaser; and
 - (b) stating the identification number marked on the arms item; and
 - (c) bearing an endorsement signed by a member of the Police and stating that the member of the Police—
 - (i) has inspected the purchaser's firearms licence; and
 - (ii) is satisfied that the purchaser is a fit and proper person to purchase the arms item or ammunition.
- (2) Nothing in this section applies in relation to—
- (a) any pistol, restricted weapon, or prohibited item; or
 - (b) any ammunition for a firearm of the kind described in section 22(1)(a), (b), or (c).

43B Restriction on sales of ammunition

- (1) ~~Every person commits an offence and is liable on conviction to a fine not exceeding \$1,000 who sells or supplies ammunition for any firearm or restricted weapon to a person who is not—~~
- ~~(a) the holder of a firearms licence; or~~
 - ~~(b) a licensed dealer.~~
- (2) ~~In any prosecution for an offence against subsection (1) in which it is proved that the defendant sold or supplied ammunition for a firearm or restricted weapon to any person, the burden of proving that that person was—~~
- ~~(a) the holder of a firearms licence; or~~
 - ~~(b) a licensed dealer,—~~
- ~~shall lie on the defendant.~~
- (3) ~~It is a good defence to a prosecution for an offence against subsection (1) if the defendant proves—~~
- ~~(a) that the ammunition was supplied to a person for use under the immediate supervision of the holder of a firearms licence; and~~
 - ~~(b) that at all times while the person to whom the ammunition was supplied was in possession of the ammunition, that person was under the immediate supervision of the holder of a firearms licence.~~
- (4) ~~A defendant may, in the case of a prosecution for an offence against subsection (1), discharge the burden of proof placed on the defendant by subsection (2) by~~

proving that the defendant took reasonable steps to ascertain whether the person to whom the ammunition was sold or supplied was —

- (a) the holder of a firearms licence; or
- (b) a licensed dealer.

- (5) Nothing in this section applies in relation to any ammunition for a firearm to which paragraph (a) or paragraph (b) or paragraph (c) of section 22(1) applies.

44 Selling or supplying pistol or restricted weapon to person who does not hold permit to possess

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$4,000 or to both who sells or supplies a pistol or restricted weapon to any person other than a person who is authorised —

- (a) by a permit issued for the purposes of section 16(1) to bring or cause to be brought or sent into New Zealand that pistol or restricted weapon; or
- (b) by a permit issued under section 35 to procure that pistol or restricted weapon.

- (2) In any prosecution for an offence against subsection (1) in which it is proved that the defendant sold or supplied a pistol or a restricted weapon to any person, the burden of proving that that person was the holder of —

- (a) a permit which was issued for the purposes of section 16(1) and which authorised that person to bring or cause to be brought or sent into New Zealand that pistol or restricted weapon; or
- (b) a permit which was issued under section 35 and which authorised that person to procure that pistol or restricted weapon, —

shall lie on the defendant.

- (3) It is a good defence to a prosecution for an offence against subsection (1) if the defendant proves, in the case of a prosecution relating to the supply of a pistol to any person, —

- (a) that the pistol was supplied to that person for use both —
 - (i) on the range of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of section 29; and
 - (ii) under the immediate supervision of the holder of a firearms licence bearing an endorsement permitting that person to have possession of that pistol or a pistol of that kind; and
- (b) that at all times while that person was in possession of the pistol he was both on such a range and under the immediate supervision of the holder of such a firearms licence.

- (4) ~~A defendant may, in the case of a prosecution relating to the sale or supply of a pistol or restricted weapon to any person, discharge the burden of proof placed on him by subsection (2) by proving that he took reasonable steps to ascertain whether that person was the holder of a permit of the kind described in paragraph (a) or paragraph (b) of subsection (1).~~

~~Compare: 1958 No 21 s 7B; 1976 No 151 s 5~~

44 Selling or supplying pistol or restricted weapon to person who does not hold permit to possess

- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$30,000, if the person sells or supplies a pistol or restricted weapon to any person other than a person who is authorised—
- (a) by a permit issued for the purposes of section 16(1) to bring or cause to be brought or sent into New Zealand that pistol or restricted weapon; or
 - (b) by a permit issued under section 35 to possess that pistol or restricted weapon.
- (2) It is a defence to a prosecution for an offence against subsection (1) if—
- (a) the defendant proves that they took reasonable steps to ascertain whether the person to whom they sold or supplied the pistol or restricted weapon (A) was the holder of a permit of the kind described in subsection (1)(a) or (b); or
 - (b) the defendant proves, in the case of a prosecution relating to the sale or supply of a pistol,—
 - (i) that the pistol was supplied to A for use—
 - (A) on a range of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of section 29; and
 - (B) under the immediate supervision of another person (B) who holds a firearms licence bearing an endorsement permitting them to have that pistol or a pistol of that kind; and
 - (ii) that, at all times while A was in possession of the pistol, A was—
 - (A) on a range of the kind described in subparagraph (i)(A); and
 - (B) under the immediate supervision of B.

44A Offence to sell or supply prohibited firearm or prohibited magazine

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who, without reasonable excuse, sells or supplies a prohibited firearm or prohibited magazine to a person other than a person who holds—

- (a) a permit issued for the purposes of section 16(1) to bring or cause to be brought or sent into New Zealand that prohibited firearm or prohibited magazine; or
- (b) a permit issued under section 35A to possess that prohibited firearm or prohibited magazine.

44B Offence to sell or supply prohibited part

Every person commits an offence and is liable to imprisonment for a term not exceeding 2 years who, without reasonable excuse, sells or supplies a prohibited part to a person other than a person who holds an endorsement to possess a prohibited firearm.

45 Carrying or possessing firearms, etc, except for lawful, proper, and sufficient purpose

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 4 years or to a fine not exceeding \$5,000 or to both who, except for some lawful, proper, and sufficient purpose,—

- (a) carries; or
- (b) is in possession of—

any firearm, airgun, pistol, prohibited magazine, restricted weapon, or explosive.

- (2) In any prosecution for an offence against subsection (1) in which it is proved that the defendant was carrying or in possession of any firearm, airgun, pistol, prohibited magazine, restricted weapon, or explosive, as the case may require, the burden of proving the existence of some lawful, proper, and sufficient purpose shall lie on the defendant.

Compare: 1958 No 21 s 16(1), (3)

46 ~~Carrying of imitation firearm, except for lawful, proper, and sufficient purpose~~

- (1) ~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$4,000 or to both who, except for some lawful, proper, and sufficient purpose, carries an imitation firearm.~~

- (2) ~~In any prosecution for an offence against subsection (1) in which it is proved that the defendant was carrying an imitation firearm, the burden of proving the existence of some lawful, proper, and sufficient purpose shall lie on the defendant.~~

~~Compare: 1958 No 21 s 16(1A), (3); 1976 No 151 s 9~~

46 Carrying of imitation firearm, except for lawful, proper, and sufficient purpose

- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$4,000, if the person, except for some lawful, proper, and sufficient purpose, carries an imitation firearm.
- (2) In any prosecution for an offence against subsection (1) in which it is proved that the defendant was carrying an imitation firearm, the defendant has the burden of proving the existence of some lawful, proper, and sufficient purpose.

47 Being in charge of firearm, airgun, pistol, or restricted weapon while under the influence of drink or drug

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$3,000 or to both who, while in charge of any firearm, airgun, pistol, or restricted weapon, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the firearm, airgun, pistol, or restricted weapon.

Compare: 1958 No 21 s 16(2), (3)

48 Discharging firearm, airgun, pistol, or restricted weapon in or near dwellinghouse or public place

~~Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$3,000 or to both who, without reasonable cause, discharges a firearm, airgun, pistol, or restricted weapon in or near—~~

- ~~(a) a dwellinghouse; or
(b) a public place,—~~

~~so as to endanger property or to endanger, annoy, or frighten any person.~~

~~Compare: 1958 No 21 s 16(2B), (3); 1964 No 36 s 6(1)~~

48 Discharging firearm, airgun, pistol, or restricted weapon in or near dwellinghouse or public place

A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, discharges a firearm, airgun, pistol, or restricted weapon in or near a dwellinghouse or a public place so as to—

- (a) endanger property; or
(b) endanger, annoy, or frighten any person.

49 Using, discharging, or carrying certain firearms except for some lawful, proper, or sufficient purpose

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who, except for some lawful, proper, and sufficient purpose, uses, discharges, or carries anywhere any firearm of the kind known as—
- (a) a bolt gun or a stud gun:
 - (b) a humane killer:
 - (c) a tranquilliser gun:
 - (d) a stock marking pistol:
 - (e) an underwater spear gun:
 - (f) a flare pistol:
 - (g) a deer net gun:
 - (h) a pistol that is part of rocket or line throwing equipment:
 - (i) a miniature cannon.
- (2) In any prosecution for an offence against subsection (1) in which it is proved that the defendant used, discharged, or carried a firearm of a kind described in that subsection, the burden of proving the existence of some lawful, proper, and sufficient purpose shall lie on the defendant.

49A Unlawful possession of firearm, prohibited magazine, prohibited part, or airgun after revocation of firearms licence

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year or to a fine not exceeding \$4,000 or to both who, being a person whose firearms licence has been revoked, is in possession of a firearm, prohibited magazine, prohibited part, or airgun at a time when that person is not the holder of a firearms licence, and is not a person authorised, expressly or by implication, by or pursuant to this Act, to be in possession of that firearm, prohibited magazine, prohibited part, or airgun.

50 Unlawful possession of pistol or restricted weapon

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$4,000 or to both who—
- (a) is in possession of a pistol and is not a person authorised or permitted, expressly or by implication, by or pursuant to this Act, to be in possession of that pistol; or
 - (b) is in possession of a restricted weapon and is not a person authorised or permitted, expressly or by implication, by or pursuant to this Act, to be in possession of that restricted weapon.

- (c) *[Repealed]*
- (2) It is not an offence against this section to be in possession of a pistol that is an antique firearm.
- (3) In any prosecution for an offence against subsection (1) in which it is proved that the defendant was in possession of a pistol or restricted weapon, the burden of proving that the defendant was authorised or permitted, expressly or by implication, by or pursuant to this Act to be in possession of that pistol or restricted weapon shall lie on the defendant.
- (4) It is a good defence to a prosecution for an offence against subsection (1)(a) if the defendant proves—
- (a) that he is the holder of a firearms licence; and
 - (b) that he has owned the firearm to which the charge relates since before 16 May 1969; and
 - (c) that, immediately before 16 May 1969, he was registered under section 9 of the Arms Act 1958 as the owner of that firearm; and
 - (d) that, although that firearm is less than 762 millimetres in length, it has not been reduced below that length since 15 May 1969 and is not designed or adapted to be held and fired with 1 hand.
- (5) It is a good defence to a prosecution for an offence against subsection (1)(a) if the defendant proves—
- (a) that the pistol was in his possession for use both—
 - (i) on the range of an incorporated pistol club for the time being recognised by the Commissioner for the purposes of section 29; and
 - (ii) under the immediate supervision of the holder of a firearms licence bearing an endorsement permitting that person to have possession of that pistol or a pistol of that kind; and
 - (b) that at all times while the defendant was in possession of the pistol he was both on such a range and under the immediate supervision of such a person.

Compare: 1958 No 21 ss 7A, 7B(2), 12(1), (4), 23A; 1962 No 59 s 3; 1971 No 46 s 3; 1974 No 68 ss 4, 8; 1976 No 151 s 5; SR 1959/5 rr 12(4), 22A; SR 1964/32 rr 5, 7

50A Unlawful possession of prohibited firearm

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who—

- (a) is in possession of a prohibited firearm; and
- (b) is not authorised or permitted expressly by or pursuant to this Act to be in possession of that prohibited firearm.

50B Unlawful possession of prohibited magazine

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years who—

- (a) is in possession of a prohibited magazine; and
- (b) is not authorised or permitted expressly by or pursuant to this Act to be in possession of that prohibited magazine.

50C Unlawful possession of prohibited part

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years who without reasonable excuse is in possession of a prohibited part and who is not authorised by an endorsement made under section 30B to possess a prohibited firearm.

50D Unlawfully carrying or possessing prohibited firearm in public place

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding ~~7 years~~ 5 years who, without lawful purpose, carries or possesses a prohibited firearm in a public place.

51 Unlawful carriage or possession in public place of firearm, airgun, pistol, ammunition, explosive, or restricted weapon

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or a fine not exceeding \$4,000, or both, who, without lawful purpose,—
 - (a) carries a firearm (other than a prohibited firearm), an airgun, a pistol, a restricted weapon, ammunition, or an explosive in a public place; or
 - (b) possesses a firearm (other than a prohibited firearm), an airgun, a pistol, a restricted weapon, ammunition, or an explosive in a public place.
- (2) In any prosecution for an offence against subsection (1), in which it is proved that the defendant was carrying in any public place or had in his possession in any public place any firearm, airgun, pistol, ammunition, explosive, or restricted weapon, the burden of proving the existence of some lawful purpose shall lie on the defendant.

Compare: 1958 No 21 s 16B; 1974 No 68 s 7

51A Presenting prohibited firearm at other person

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years who, unless for some lawful purpose, presents at any other person—
 - (a) a prohibited firearm; or
 - (b) anything that, in the circumstances, is likely to lead that person to believe it to be a prohibited firearm.

- (2) For the purposes of an offence against subsection (1)(a), it does not matter whether the prohibited firearm is loaded or capable at the time of the offence of discharging any shot, bullet, missile, or other projectile.

52 Presenting firearm, airgun, pistol, or restricted weapon at other person

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding ~~3 months or to a fine not exceeding \$1,000 or to both 6 months, or to a fine not exceeding \$10,000,~~ who, except for some lawful and sufficient purpose, presents a firearm (other than a prohibited firearm), airgun, pistol, or restricted weapon (whether or not the firearm, airgun, pistol, or restricted weapon is loaded or capable at the time of the offence of discharging any shot, bullet, missile, or other projectile) at any other person.
- (2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding ~~3 months or to a fine not exceeding \$1,000 or to both 6 months, or to a fine not exceeding \$10,000,~~ who, except for some lawful or sufficient purpose, presents at any person anything which, in the circumstances, is likely to lead that person to believe that it is a firearm (other than a prohibited firearm), airgun, pistol, or restricted weapon.

Compare: 1958 No 21 s 18; 1964 No 36 s 7

53 Careless use of firearm, airgun, pistol, or restricted weapon

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$4,000 or to both who causes bodily injury to or the death of any person by carelessly using a firearm, airgun, pistol, or restricted weapon.
- (2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$4,000 or to both who, being a person who has in his charge or under his control a firearm, airgun, pistol, or restricted weapon loaded with a shot, bullet, cartridge, missile, or projectile, whether in its breech, barrel, chamber, or magazine, leaves that firearm, airgun, pistol, or restricted weapon in any place in such circumstances as to endanger the life of any person without taking reasonable precautions to avoid such danger.
- (3) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$4,000 or to both who, without reasonable cause, discharges or otherwise deals with a firearm, airgun, pistol, or restricted weapon in a manner likely to injure or endanger the safety of any person or with reckless disregard for the safety of others.
- (4) It shall be no defence to the crime of manslaughter that the guilty act or omission proved against the person charged is an act or omission constituting an offence against this section.

Compare: 1958 No 21 ss 16(2A), 16A; 1964 No 36 s 6(1); 1966 No 18 s 4; 1971 No 46 s 4

53A Use or attempted use of prohibited firearm to resist or prevent arrest or commit offence

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 10 years who makes, or attempts to make, any use whatsoever of any prohibited firearm with intent to resist or prevent the lawful arrest or lawful detention of—
 - (a) themselves:
 - (b) any other person.
- (2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding ~~7 years~~ 5 years who, at the time of committing an offence punishable by imprisonment for a term of 3 years or more, possesses a prohibited firearm.
- (3) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that they possessed the prohibited firearm for a lawful purpose.

54 Use or attempted use of ~~firearm~~ airgun, etc, to resist or prevent arrest or commit offence

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years who makes or attempts to make any use whatsoever of any airgun, restricted weapon, imitation firearm, ammunition, or explosive with intent to resist or prevent the lawful arrest or detention of himself or another person.
- (2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who, at the time of his committing an offence punishable by imprisonment for a term of 3 years or more, has in his possession any firearm (other than a prohibited firearm), airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive.
- (3) It is a good defence to a prosecution for an offence against subsection (2) if the defendant proves that he had the firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive in his possession for a lawful purpose.

Compare: 1958 No 21 s 18A; 1976 No 151 s 10(1)

54A Carrying prohibited firearm with criminal intent

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years who carries any prohibited firearm with intent to commit an offence.

55 Carrying firearm, etc, with criminal intent

- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who has with him any firearm (other than a

prohibited firearm), airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive, with intent to commit an offence punishable by imprisonment for a term of 3 years or more or to resist arrest or prevent the arrest of another person, in either case while he has the firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with him.

- (2) In a prosecution for an offence against subsection (1), proof that the defendant had any firearm (other than a prohibited firearm), airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with him and intended to commit an offence, or to resist or prevent arrest, is evidence that he intended to have it with him while doing so.

Compare: 1958 No 21 s 18B; 1976 No 151 s 10(1)

55A Offence to assemble prohibited firearm

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who, without lawful purpose,—

- (a) assembles a prohibited firearm; or
- (b) converts a firearm into a prohibited firearm.

55B Offence of failing to produce ~~firearm~~ prohibited firearm, etc, on demand or to permit inspection of firearm, etc

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding ~~3 months~~ 6 months, or to a fine not exceeding \$1,000 \$10,000, or both, who, having a dealer's licence or firearms licence endorsed under section 30 or 30B, ~~fails~~ fails without reasonable excuse to—

- (a) produce a pistol, restricted weapon, prohibited firearm, or prohibited magazine in their possession to any member of the Police upon demand; or
- (b) permit any member of the Police to inspect the pistol, restricted weapon, prohibited firearm, or prohibited magazine, or the place where it is kept, or to enter that place.

55C Offence of failing to produce firearm other than pistol, restricted weapon, or prohibited firearm on demand or to permit inspection of firearm

A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, fails to—

- (a) produce a firearm (other than a pistol, restricted weapon, or prohibited firearm) in their possession to a member of the Police on demand; or
- (b) permit a member of the Police to inspect a firearm (other than a pistol, restricted weapon, or prohibited firearm) or the place where it is kept, or to enter that place.

55D Offences relating to illegal manufacturing of arms items

- (1) A person commits an offence if the person—
- (a) intentionally manufactures or assembles a firearm using parts that have been illegally manufactured, imported, or trafficked; or
 - (b) intentionally enters into a contract or an arrangement, or arrives at an understanding, to manufacture or assemble a firearm using parts that have been illegally manufactured, imported, or trafficked; or
 - (c) does not hold a dealer’s licence, but intentionally manufactures for sale, transfer, rental, or other supply—
 - (i) a firearm, pistol, prohibited firearm, or restricted weapon; or
 - (ii) a part of a firearm, pistol, prohibited firearm, or restricted weapon; or
 - (d) does not hold a dealer’s licence, but intentionally enters into a contract or an arrangement, or arrives at an understanding, to manufacture for sale, transfer, rental, or other supply—
 - (i) a firearm, pistol, prohibited firearm, or restricted weapon; or
 - (ii) a part of a firearm, pistol, prohibited firearm, or restricted weapon; or
 - (e) intentionally fails to mark a firearm, or part of a firearm, manufactured by the person in accordance with this Act or regulations made under section 74.
- (2) A person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 10 years.
- (3) For the purposes of this section, anything that purports to be, or is intended to have the effect of, a contract, an arrangement, or an understanding must be treated as a contract, an arrangement, or an understanding (as the case may be).

55E Offences relating to illegal trafficking of firearms, parts, or ammunition

- (1) A person commits an offence if the person intentionally—
- (a) moves, delivers, sends, or transfers any firearm, pistol, prohibited firearm, or restricted weapon, or any part or ammunition, into New Zealand without lawful authority, or if the item is not marked in accordance with this Act and regulations made under section 74, whether or not the person intends to export the item from New Zealand; or
 - (b) moves, delivers, sends, or transfers any firearm, pistol, prohibited firearm, or restricted weapon, or any part or ammunition, from New Zealand to another country, without lawful authority, or if the item is not marked in accordance with this Act and regulations made under section 74; or

- (c) moves, delivers, sends, or transfers any firearm, pistol, prohibited firearm, or restricted weapon, or any part or ammunition, through or across New Zealand to another country without lawful authority; or
- (d) moves, delivers, sends, or transfers any firearm, pistol, prohibited firearm, or restricted weapon, or any part or ammunition, into another country from or through New Zealand without lawful authority.
- (2) A person commits an offence if the person intentionally enters into a contract or an arrangement, or arrives at an understanding, to do anything described in subsection (1)(a) to (d).
- (3) A person who commits an offence against subsection (1) or (2) is liable on conviction to imprisonment for a term not exceeding 10 years.
- (4) For the purposes of this section, anything that purports to be, or is intended to have the effect of, a contract, an arrangement, or an understanding must be treated as a contract, an arrangement, or an understanding (as the case may be).
- (5) Any firearm, pistol, prohibited firearm, or restricted weapon, or any part or ammunition, that is imported within the meaning of the Customs and Excise Act 2018 and that arrives in New Zealand in any manner in contravention of this section, must be treated, on importation, as a prohibited good for the purposes of the Customs and Excise Act 2018, except sections 388 and 389 of that Act.

55F Offences relating to falsifying firearm markings

- (1) A person commits an offence if the person intentionally—
 - (a) marks a complete firearm, or a complete but unassembled firearm, with false markings at the time of manufacture; or
 - (b) marks an imported firearm with false markings.
- (2) A person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 10 years.

55G Offences relating to removing or altering firearm markings

- (1) A person commits an offence if the person, without reasonable excuse, obliterates, removes, or alters a marking on a firearm or part.
- (2) A person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 3 years.
- (3) If any mark is removed for a lawful and proper purpose, the firearm or part must be re-marked in accordance with the marking requirements of this Act and regulations made under section 74.

55H Extraterritorial jurisdiction for offences against section 55D, 55E, 55F, or 55G

- (1) Even if the acts or omissions alleged to constitute the offence occurred wholly outside New Zealand, proceedings may be brought for any offence against section 55D, 55E, 55F, or 55G—
- (a) if the person to be charged—
 - (i) is a New Zealand citizen; or
 - (ii) is ordinarily resident in New Zealand; or
 - (iii) has been found in New Zealand and has not been extradited; or
 - (iv) is an entity incorporated or registered under the law of New Zealand; or
 - (b) if any of the acts or omissions are alleged to have occurred on board—
 - (i) a ship registered, or required to be registered, under the Ship Registration Act 1992; or
 - (ii) a ship used as a ship of the New Zealand Defence Force; or
 - (iii) an aircraft registered, or required to be registered, in New Zealand under the Civil Aviation Act 1990; or
 - (iv) an aircraft for the time being used as an aircraft of the New Zealand Defence Force; or
 - (v) an aircraft that is leased to a lessee whose principal place of business is in New Zealand, or who is a New Zealand citizen or a person ordinarily resident in New Zealand.
- (2) The following sections do not apply to an offence against section 55D, 55E, 55F, or 55G:
- (a) section 8 of the Crimes Act 1961 (which relates to jurisdiction in respect of crimes on ships or aircraft beyond New Zealand);
 - (b) section 400 of the Crimes Act 1961 (which requires the consent of the Attorney-General to proceedings in certain cases for offences on ships or aircraft).
- (3) Nothing in this section limits—
- (a) the application of section 55D, 55E, 55F, or 55G to acts or omissions that occurred wholly in New Zealand; or
 - (b) the application of section 7 of the Crimes Act 1961 to the occurrence in New Zealand of—
 - (i) an act or omission forming part of an offence; or
 - (ii) an event necessary to the completion of an offence; or
 - (c) the application of section 8A of the Crimes Act 1961.

55I Attorney-General's consent required

- (1) No charging document may be filed against any person in relation to an offence against section 55D, 55E, 55F, or 55G unless the Attorney-General consents to the filing of the charging document.
- (2) A person alleged to have committed an offence against section 55D, 55E, 55F, or 55G may be arrested without a warrant or a warrant for their arrest may be issued and executed, and they may be remanded in custody or on bail, even though the consent of the Attorney-General has not yet been obtained under subsection (1), but no further or other proceedings may be taken until the consent has been obtained.

56 Obstruction of member of Police

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who obstructs a member of the Police in the exercise of any right of entry, search, seizure, or detention conferred by this Act.

Compare: 1958 No 21 s 19

57 Offences committed by corporations

When an offence against this Act punishable by imprisonment (whether or not it is also punishable by a fine) is committed by a corporation, the corporation shall be liable on conviction to a fine not exceeding \$4,000.

Compare: 1958 No 21 s 22

58 Reporting of injuries caused by firearms, airguns, pistols, or restricted weapons

- (1) Every person who causes bodily injury to or the death of any person by the use of a firearm, airgun, pistol, or restricted weapon, shall, as soon as reasonably practicable, report the incident in person—
 - (a) at the nearest Police station; or
 - (b) to a member of the Police.
- (2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who contravenes subsection (1).

Compare: 1962 No 135 s 65(3), (6)

58A Offences relating to registry

- (1) A person commits an offence who, without reasonable excuse, fails to provide information to the Police in accordance with section 94.
- (2) A person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding \$10,000.

- (3) A person commits an offence if the person intentionally fails to provide information to the Police in accordance with section 94.
- (4) A person commits an offence if the person provides information to the Police for inclusion in the registry, knowing the information to be false or misleading in a material respect.
- (5) A person who commits an offence against subsection (3) or (4) is liable on conviction to a term of imprisonment not exceeding 2 years, or to a fine not exceeding \$20,000.

59 Unsafe firearms or pistols

- (1) Where, in the opinion of a commissioned officer of Police, any firearm or pistol is unsafe, that commissioned officer may, by notice in writing to the owner of that firearm or pistol, require the owner to ensure that that firearm or pistol is brought to a safe standard of repair and produced to a member of the Police within a period or by a date specified in the notice.
- (2) If the owner of any firearm or pistol fails to comply with a notice given to him under subsection (1) in respect of that firearm or pistol, a commissioned officer of Police may, by notice in writing to that owner, require him to surrender that firearm or pistol forthwith to a member of the Police.
- (3) Any owner of a firearm or pistol who is required—
 - (a) by a notice under subsection (1) to ensure that a firearm or pistol is brought to a safe standard of repair and produced to a member of the Police within a period or by a date specified in the notice; or
 - (b) by a notice under subsection (2) to surrender a firearm or pistol to a member of the Police,—may appeal under section 62 against the requirement, and that section shall apply accordingly with all necessary modifications.
- ~~(4) Every owner of a firearm or pistol commits an offence and is liable on conviction to a fine not exceeding \$500 who fails to comply with a notice given to him under subsection (2) in respect of that firearm or pistol.~~
- (4) An owner of a firearm or pistol commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the owner, without reasonable excuse, fails to comply with a notice given to them under subsection (2) in respect of that firearm or pistol.
- (5) Nothing in this section applies in respect of an antique firearm.

Compare: 1958 No 21 s 11A; 1968 No 21 s 4; 1976 No 151 s 7

Part 9

Miscellaneous provisions

Surrender or delivery of firearms, etc

59A Surrender by licensed dealer of firearms, etc

- (1) A licensed dealer does not contravene section 10 if, on obtaining possession of any pistol, restricted weapon, or prohibited item from any person, the licensed dealer ~~immediately~~ within 5 working days surrenders the pistol, restricted weapon, or prohibited item to the nearest ~~Arms Office~~ Police station for inspection and inquiries.
- (2) A licensed dealer does not contravene section 12 if the licensed dealer does not record the particulars of a firearm that is received by that dealer and, within 5 working days, surrenders it to the nearest ~~Arms Office~~ Police station for inspection and inquiries.

59B Voluntary delivery to Police of firearms, etc

- (1) If any firearm, airgun, restricted weapon, prohibited item, or prohibited ammunition is delivered to the Police by a person who is not authorised to be in possession of it, it is affirmed that the Police have the discretion not to prosecute where the offence is considered to be one of possession only and there is no public interest in proceeding with the prosecution.
- (2) *See also* Schedule 1 (which contains amnesty provisions).
Compare: 1961 No 43 s 59(4)

60 Improvement notices

- (1) This section applies if a member of the Police reasonably believes that a person with a firearms or dealer's licence, an ammunition seller, or a shooting range operator is failing, has failed, or is likely to fail to comply with—
 - (a) 1 or more applicable provisions of this Act or regulations made under this Act; or
 - (b) any conditions on a licence, an endorsement, or a permit.
- (2) The member of the Police may issue an improvement notice that—
 - (a) states the applicable provision or provisions, or condition or conditions, that the member of Police reasonably believes the person is failing, has failed, or is likely to fail to comply with; and
 - (b) requires the person to remedy the failure or prevent a failure from occurring; and
 - (c) states the date by which the person is required to remedy the failure or prevent a failure from occurring.

- (3) An improvement notice must be in writing and be sent to the person by post or electronic means to their last known address.
- (4) The member of Police may extend the time within which the person is required to remedy the failure or prevent a failure from occurring.
- (5) A person issued with an improvement notice must comply with the notice within the time specified in the notice (or within any extended time allowed by the officer). See sections 60A and 60B for possible suspension and revocation of a licence if a person fails to comply with an improvement notice.

60A Temporary suspension of licence pending possible revocation

- (1) A member of the Police may, by notice in writing to the holder of a firearms or dealer's licence, temporarily suspend the licence if satisfied that 1 or more of the following apply:
 - (a) the holder is not a fit and proper person to be in possession of any firearm or airgun, which includes a case where—
 - (i) the holder has failed or refused to secure any firearms, parts, magazines, ammunition, airguns, or restricted weapons in the person's possession, in accordance with regulations made under this Act; or
 - (ii) the holder has failed to comply with any conditions imposed on their licence; or
 - (iii) the holder has failed to comply with an improvement notice issued under section 60; or
 - (iv) the member of the Police is so satisfied on the basis of a notice given under section 91 by a health practitioner;
 - (b) the holder, being the holder of a dealer's licence, is not a fit and proper person to hold a dealer's licence;
 - (c) the licence has been seized under section 18 of the Search and Surveillance Act 2012;
 - (d) access to any firearm or airgun in the possession of the holder is reasonably likely to be obtained by—
 - (i) a person whose application for a firearms licence has been refused; or
 - (ii) a person whose firearms licence has been revoked; or
 - (iii) a person who, in the opinion of a member of the Police, is not a fit and proper person to be in possession of a firearm or an airgun; or
 - (iv) a person whose application for a permit under section 7 of the Arms Act 1958, or for a certificate of registration under section 9 of that Act, was refused on the ground that the person was not a fit and proper person to be in possession of a firearm or an airgun; or

- (v) a person whose certificate of registration as the owner of a firearm was revoked under section 10 of the Arms Act 1958 on the ground that the person was not a fit and proper person to be in possession of a firearm; or
 - (vi) a person, other than the holder, whose firearms licence has been temporarily suspended.
- (2) A notice of temporary suspension of a licence must state—
- (a) the ground on which the notice is given; and
 - (b) that the suspension is to enable the Police to consider revoking the licence on that ground; and
 - (c) that the holder may, at any time before a day stated in the notice, make oral or written submissions on whether the licence should be revoked on that ground; and
 - (d) that the suspension lasts until notice of the decision as to whether the licence has been revoked is given to the holder; and
 - (e) that the effect of the notice is that the holder is treated as not holding the licence for the purposes of this Act until a final determination on revocation of the licence is made (see section 60B); and
 - (f) that the holder may commit an offence if the holder carries on any activities that require the holder to be licensed under this Act; and
 - (g) that the holder may be required immediately to surrender to Police the holder's licence and the firearms, parts, magazines, ammunition, airguns, and restricted weapons in the holder's possession.
- (3) The day stated under subsection (2)(c) must not be sooner than, in the opinion of the Police, is reasonable to enable the holder to prepare and make submissions.

60B Effect of temporary suspension of licence

- (1) When, or at any time after, a temporary licence suspension notice is given to the holder, any member of the Police may require the holder (orally or in writing) to surrender the licence and, in that case, the holder must immediately do so.
- (2) On and after the date on which the holder of a firearms licence is given a notice,—
- (a) this Act applies as if the holder is not licensed to possess firearms, parts, magazines, ammunition, airguns, or restricted weapons by virtue of the licence or any endorsement on it; and
 - (b) section 28 (except subsections (3) and (4)) applies if the suspended licence is a firearms licence as if the licence had been revoked.

- (3) On and after the date on which the holder of a dealer's licence is given a notice,—
- (a) this Act applies as if the holder is not authorised to carry on any dealer activity; and
 - (b) an employee of the holder may not carry on a dealer activity for the holder.
- (4) On and after the date on which the holder is given a notice or if the holder fails to surrender the arms items concerned, a member of the Police may seize and take possession of all or any firearms, parts, magazines, ammunition, airguns, or restricted weapons in the possession or under the control of the holder.
- (5) If the suspended licence is a firearms licence, subsection (4) applies despite subsection (2)(b).
- (6) If a person's firearms licence is suspended, and the person holds a dealer's licence, the dealer's licence is automatically suspended while the firearms licence remains suspended.

Search and seizure of firearms

[Repealed]

60 Search of suspected persons and seizure of firearms, airguns, pistols, imitation firearms, restricted weapons, ammunition, or explosives

[Repealed]

60A Search of suspected persons and seizure of firearms in cases of domestic violence

[Repealed]

61 Search of land or buildings for firearms, airguns, pistols, imitation firearms, restricted weapons, ammunition, or explosives

[Repealed]

Appeals

62 ~~Right of appeal from official decisions~~

(1) ~~This subsection applies to—~~

(a) ~~*[Repealed]*~~

(b) a person whose application for 1 of the following has been refused:

(i) a dealer's licence:

(ii) consent under section 7A:

(iii) a permit for the purposes of section 16(1):

(iv) a firearms licence:

-
- (v) an endorsement under section 30, 30B, or 36;
 - (vi) a permit under section 35 to possess a pistol or restricted weapon;
 - (vii) a permit under section 35A to possess a prohibited item; and
- (e) a person who has had 1 of the following issued subject to conditions imposed by a member of the Police or revoked:
- (i) a dealer's licence;
 - (ii) a permit for the purposes of section 16(1);
 - (iii) a firearms licence;
 - (iv) an endorsement under section 30, 30B, or 36;
 - (v) a permit under section 35 to possess a pistol or restricted weapon;
 - (vi) a permit under section 35A to possess a prohibited item; and
- (d) a person who has been served with a notice under section 41 or 59.
- (1A) A person to whom subsection (1) applies may, by way of originating application, appeal to a District Court Judge from the determination, refusal, imposition of conditions, revocation, or service.
- (2) On the hearing of an appeal under subsection (1A), the District Court Judge may, subject to subsection (3), confirm, vary, or reverse the decision appealed against.
- (3) Where—
- (a) an application for a firearms licence has been refused on the ground set out in section 24(2); or
 - (b) a firearms licence has been revoked on the ground set out in section 27(1)(b)—
- the District Court Judge may, notwithstanding that he finds any such ground established, vary or reverse the decision appealed against if he is satisfied that, since the decision was given, adequate measures have been taken to deny access to the firearm to the person whose likelihood of access to it was the basis of the refusal or revocation.
- (4) Notwithstanding that any appeal under this section may have been determined in favour of the appellant, any commissioned officer of Police, in exercise of the powers conferred on him by this Act, may, subject to the like right of appeal, revoke any licence or permit to which the appeal related or any licence or permit granted in compliance with the decision of the District Court Judge on the appeal, on any sufficient grounds supported by facts or evidence discovered since the hearing of the appeal.
- (5) Subject to subsection (4) and to section 64, the decision of the District Court Judge on any appeal under this section shall be final and conclusive.

- (6) ~~No person shall be excused from complying with any of the provisions of this Act on the ground that an appeal is pending under this section.~~

~~Compare: 1958 No 21 s 14; 1974 No 68 s 6; 1976 No 151 s 8~~

62 Right of review of official decisions

- (1) This section applies to a decision to refuse an application for, or to revoke, a firearms licence.
- (2) A person who is the subject of a decision to which this section applies may apply in the prescribed manner to the Commissioner for a review of the decision.
- (3) An application must state—
- (a) the decision that the applicant wishes to be reviewed; and
 - (b) the reasons why the applicant thinks the decision should be reviewed; and
 - (c) the outcome the applicant is seeking.
- (4) An application must, subject to subsection (5), be made within 28 days after the date on which notice of the relevant decision is given to the person.
- (5) The Commissioner may accept a late application no later than 28 days after the closing date in subsection (4) if satisfied that there are extenuating circumstances that affected the ability of the claimant to make the application by the closing date.

62A How review to be conducted

- (1) The Commissioner must delegate the responsibility for reviewing a decision to which section 62 applies to 1 or more persons other than the person who made the original decision.
- (2) The reviewer must review the decision on the papers within 28 days after the date on which the application for review was lodged.
- (3) The Commissioner must give the applicant a written or an electronic notice of the reviewer's decision, and that decision has effect according to its terms.
- (4) The original decision remains in force until the reviewer's decision is notified to the applicant.

62B Right of appeal to District Court

- (1) A person who is the subject of a decision referred to in paragraph (a) or (b) or is a person described in paragraph (c) may, by way of originating application, appeal to a District Court Judge against the decision as follows:
- (a) a decision to refuse an application for any of the following:
 - (i) a dealer's licence;
 - (ii) consent under section 7A;

- (iii) a permit for the purposes of section 16(1):
- (iv) a firearms licence:
- (v) an endorsement under section 30, 30B, or 36:
- (vi) a permit under section 35 to possess a pistol or restricted weapon:
- (vii) a permit under section 35A to possess a prohibited item:
- (b) a decision to issue subject to conditions imposed by a member of the Police, or to revoke, any of the following:
 - (i) a dealer's licence:
 - (ii) a permit for the purposes of section 16(1):
 - (iii) a firearms licence:
 - (iv) an endorsement under section 30, 30B, or 36:
 - (v) a permit under section 35 to possess a pistol or restricted weapon:
 - (vi) a permit under section 35A to possess a prohibited item:
- (c) a person who has been served with a notice under section 41 or 59.
- (2) However, in the case of a decision to which section 62 applies, a person has no right of appeal under this section unless the person has—
 - (a) first applied under section 62 for a review of the decision; and
 - (b) been notified of the reviewer's decision.
- (3) On hearing an appeal under subsection (1), the District Court Judge may, subject to subsection (5), confirm, vary, or reverse the decision appealed against.
- (4) Subsection (5) applies if—
 - (a) an application for a firearms licence has been refused on the ground set out in section 24(2); or
 - (b) a firearms licence has been revoked on the ground set out in section 27(1)(b).
- (5) If this subsection applies, the District Court Judge may, even though the Judge finds that ground established, vary or reverse the decision appealed against if satisfied that, since the decision was given, adequate measures have been taken to deny access to the firearm to the person whose likelihood of access to it was the basis of the refusal or revocation.

62C Further provisions relating to appeals

- (1) Despite the fact that any appeal under section 62B may have been determined in favour of the appellant, any commissioned officer of Police, in the exercise of powers conferred on the officer by this Act, may, subject to the like right of appeal, revoke any licence or permit to which the appeal related, or any licence or permit granted in compliance with the decision of the District Court Judge on the appeal, on any sufficient grounds supported by facts or evidence discovered since the hearing of the appeal.

- (2) The decision of the District Court Judge on any appeal under this section is final and conclusive, subject to subsection (1) and to section 64.
- (3) No person is excused from complying with any of the provisions of this Act on the ground that—
- (a) the person has applied for a review under section 62 and the review is pending; or
 - (b) the person has appealed under section 62B and the appeal or the decision on the appeal is pending.

63 Appeal to District Court Judge in respect of compensation

The amount of compensation payable under any of the provisions of this Act in respect of any firearm, airgun, pistol, imitation firearm, prohibited magazine, prohibited part, restricted weapon, ammunition, explosive, or other property shall not in any case exceed the actual market value thereof, and in case of dispute shall be determined, upon application by way of originating application by a District Court Judge, whose decision, subject to section 64, shall be final.

Compare: 1958 No 21 s 15

64 Appeal on a question of law

- (1) Where any party to any appeal under ~~section 62~~ section 62B or to any application under section 63 is dissatisfied with the decision of the District Court Judge as being erroneous in point of law, he may appeal to the High Court on the question of law only.
- (2) Subpart 8 of Part 6 of the Criminal Procedure Act 2011 applies as far as applicable with the necessary modifications to every appeal under this section.

Restoration of articles seized

65 Restoration of articles seized

On application by way of originating application, a District Court Judge may make such order as he thinks just and expedient for the restoration of any firearm, airgun, pistol, imitation firearm, restricted weapon, prohibited magazine, ammunition, or explosive seized and detained in pursuance of the right of search, seizure, or detention conferred by this Act.

Compare: 1958 No 21 s 28; 1976 No 151 s 13

Foreign personal protection officers

[Repealed]

65A Interpretation

[Repealed]

65B Power to authorise foreign personal protection officer to carry and have possession of firearms, etc

[Repealed]

65C Power to permit temporary importation of firearms, etc, by foreign personal protection officer

[Repealed]

65D Grounds for issue of written authority or written permit

[Repealed]

65E Conditions of written authority or written permit

[Repealed]

65F Inspections

[Repealed]

65G Power to revoke

[Repealed]

65H Expiry of sections 65A to 65G

- (1) Sections 65A to 65G expire with the close of 30 September 1999, and on 1 October 1999—
 - (a) those sections, and the heading above section 65A, are to be treated as having been repealed; and
 - (b) all written authorities issued under section 65B(1), and all written permits issued under section 65C(1), are to be treated as having been revoked.
- (2) If a written authority or written permit is treated under subsection (1)(b) as having been revoked, the foreign personal protection officer to whom it was issued must—
 - (a) immediately deliver the firearms, airguns, pistols, restricted weapons, and ammunition to which the authority or permit relates into the possession of the Police: and
 - (b) as soon as practicable after they have been so delivered, arrange for their removal from New Zealand.

*Miscellaneous provisions**Other miscellaneous provisions***66 Occupier of premises or driver of vehicle deemed to be in possession of firearm, airgun, pistol, imitation firearm, restricted weapon, prohibited magazine, or explosive found therein**

For the purposes of this Act every person in occupation of any land or building or the driver of any vehicle on which any firearm, airgun, pistol, imitation firearm, restricted weapon, prohibited magazine, or explosive is found shall, though not to the exclusion of the liability of any other person, be deemed to be in possession of that firearm, airgun, pistol, imitation firearm, restricted weapon, prohibited magazine, or explosive, unless he proves that it was not his property and that it was in the possession of some other person.

Compare: 1958 No 21 s 23; 1976 No 151 s 11

66A Loss, theft, or destruction of firearm, etc

- (1) This section applies if—
 - (a) a firearm, prohibited magazine, prohibited part, or restricted weapon is lost, stolen, or destroyed; or
 - (b) a non-prohibited part or non-prohibited magazine that is required to be recorded in the registry is lost, stolen, or destroyed.
- (2) The owner of the firearm, magazine, part, or restricted weapon must—
 - (a) immediately notify a member of the Police of the loss, theft, or destruction; and
 - (b) give all information in their possession relating to the loss, theft, or destruction to the member of the Police.
- (3) A notification under subsection (2) must be given in the form or manner approved by the Commissioner.
- (4) Every person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes subsection (2).

66B Person in possession of firearm, etc, must give identifying information to Police

- (1) A person in possession of any firearm, airgun, pistol, magazine, part, restricted weapon, or ammunition, must, on demand, give their full name, address, and date of birth to any member of the Police who is in uniform or who produces evidence that they are a member of the Police.
- (2) If any person refuses to give their name, address, or date of birth, or gives false particulars about their name, address, or date of birth, a constable—
 - (a) may caution that person; and

- (b) if that person persists in the refusal or fails or continues to refuse to give the correct particulars, may arrest the person without warrant.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, in response to a demand under subsection (1) or (2),—
 - (a) refuses to give their name, address, or date of birth; or
 - (b) gives false particulars, without reasonable excuse, about their name, address, or date of birth.

66C Powers of Police to require surrender of airguns or antique firearms

- (1) If any person who is not the holder of a firearms licence or a dealer's licence is in possession of an airgun or antique firearm, a commissioned officer of Police may, by notice in writing served on that person, require that person to surrender the airgun or antique firearm to a member of the Police, if that officer is of the opinion that that person is not a fit and proper person to be in possession of the airgun or antique firearm.
- (2) If any person is served with a notice under subsection (1), that person must, on demand, deliver the airgun or antique firearm to a member of the Police, and section 28(2) to (4) applies accordingly with all necessary modifications.
- (3) Any person required under this section to surrender an airgun or antique firearm may appeal under section 62 against the requirement, and that section applies accordingly with all necessary modifications.
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, fails to comply with a notice given to them under subsection (1).

66D Obligations of owner or operator of craft temporarily visiting New Zealand and carrying firearms, etc

- (1) If a craft arriving from a foreign country is, at any time, temporarily berthed, moored, or anchored in any harbour or territorial waters of New Zealand, and has on board any arms items that are not being off-loaded, the owner or operator of the craft must—
 - (a) include details of all arms items on board the craft—
 - (i) in an advance notice of arrival that is required to be provided to the New Zealand Customs Service by section 12 of the Customs and Excise Act 2018; or
 - (ii) in an inward report that is required to be provided to the New Zealand Customs Service by section 24 of the Customs and Excise Act 2018; and
 - (b) comply with any directions given by the New Zealand Customs Service or a member of the Police relating to the secure storage of those arms

items, which may include a direction that the arms items be temporarily surrendered to a member of the Police or a Customs officer.

- (2) If the owner or operator of a craft does not comply with any direction given under subsection (1)(b), a member of the Police or a Customs officer may—
- (a) board the craft; and
 - (b) seize and detain the arms items; and
 - (c) in effecting the seizure and detention of the arms items, use any reasonably necessary force.

- (3) In this section,—

arms items means any firearms, pistols, restricted airguns, prohibited items, restricted weapons, or ammunition

craft has the meaning given in section 5(1) of the Customs and Excise Act 2018

operator has the meaning given in section 5(1) of the Customs and Excise Act 2018

owner has the meaning given in section 5(1) of the Customs and Excise Act 2018.

67 Liability of principal for acts of agent, etc

Where an offence is committed against this Act or against any regulation made under this Act by any person acting as the agent or servant of another person, or being otherwise subject to the supervision or instructions of another person for the purposes of any employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the first-mentioned person, be liable under this Act in the same manner and to the same extent as if he had personally committed the offence if it is proved that the act which constituted the offence was committed with his consent or connivance or that it was attributable to any neglect on his part.

Compare: 1975 No 116 s 17(1)

68 Time for prosecutions not limited

Section 25 of the Criminal Procedure Act 2011 shall have no application to prosecutions for offences against this Act.

Compare: 1958 No 21 s 21

69 Forfeitures

- (1) ~~When any person is convicted of using, carrying, or being in possession of any firearm, airgun, pistol, restricted weapon, imitation firearm, prohibited magazine, prohibited part, ammunition, or explosive in breach of this Act, the convicting court may, as part of the conviction, order that any such firearm, airgun, pistol, restricted weapon, imitation firearm, prohibited magazine, prohibited part, ammunition, or explosive shall be forfeited to the Crown.~~

- (2) ~~Any firearm, airgun, pistol, restricted weapon, imitation firearm, prohibited magazine, prohibited part, ammunition, or explosive ordered, under subsection (1) to be forfeited to the Crown—~~
- (a) ~~shall thereupon become forfeited to the Crown accordingly; and~~
- (b) ~~may be disposed of in such manner as the Commissioner directs.~~
- Compare: 1958 No 21 s 29; 1976 No 151 s 14

69 Forfeitures

- (1) If a person is convicted of an offence of using, carrying, or being in possession of any specified item, the convicting court must, as part of the sentencing order that the specified item be forfeited to the Crown.
- (2) However, subsection (1) does not apply and the convicting court need not make an order under that provision if the court considers that, given the circumstances of the offending, it would be unjust to make that order.
- (3) Any specified item ordered under subsection (1) to be forfeited to the Crown—
- (a) is forfeited to the Crown accordingly; and
- (b) may be disposed of in any manner that the Commissioner directs.
- (4) In this section, **specified item** means any firearm, airgun, pistol, restricted weapon, imitation firearm, prohibited item, ammunition, or explosive.

70 Authorising disposal of firearms, etc, detained by Police

- (1) Without limiting the operation of any other provisions of this Act as to the disposal of any firearm, airgun, pistol, restricted weapon, imitation firearm, prohibited magazine, prohibited part, ammunition, or explosive seized or detained under this Act, any such firearm, airgun, pistol, restricted weapon, imitation firearm, prohibited magazine, prohibited part, ammunition, or explosive that has been detained for not less than 12 months may be disposed of in such manner as the Commissioner may direct.
- (2) Nothing in this section limits the authority of a District Court Judge to make an order for the restoration of any such firearm, airgun, pistol, restricted weapon, imitation firearm, prohibited magazine, prohibited part, ammunition, or explosive on application made under section 65.

Compare: 1958 No 21 s 30; 1976 No 151 s 15

71 Protection of persons acting under authority of this Act

No action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person against the Crown, or any Minister of the Crown, or any person acting in good faith in the execution or intended execution of this Act, save only in respect of any compensation that is payable in accordance with the express provisions of this Act.

Compare: 1958 No 21 s 31

72 Delegation of powers by Commissioner

- (1) The Commissioner may from time to time, by writing under his hand, either generally or particularly, delegate to such member or members of the Police of a level of position not less than inspector, as he thinks fit, all or any of his powers under this Act.
- (2) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary.
- (3) Subject to subsection (1), any delegation under this section may be made to a specified member of the Police or to members of the Police of a specified level of position or class, or may be made to the holder or holders for the time being of a specified office or class of offices.
- (4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Commissioner.
- (5) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Commissioner by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of the Commissioner.
- (6) The revocation of any such delegation shall not affect in any way anything done under the delegated authority.

Compare: 1958 No 21 s 30A; 1976 No 151 s 16

72A Service of documents

- (1) Any notice or other document required or authorised by this Act to be served on or given to any person shall be in writing and shall be sufficiently served on or given to that person if it is—
 - (a) delivered to that person; or
 - (b) left at that person's usual or last known place of abode or business or at an address specified by that person for the purpose of any application made under this Act; or
 - (c) posted in a letter addressed to that person by name at that person's last known place of abode or business or at an address specified by that person for the purpose of any application made under this Act; or
 - (d) made available to that person electronically through the registry, so long as an email is sent to an address supplied by the person to tell them that the notice or other document has been made available and the person has agreed to receive notices or documents in that way.
- (2) Without limiting the provisions of subsection (1), any notice or other document required or authorised by this Act to be served on or given to any person shall be deemed to have been duly served on or given to that person if it is given—

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- (a) to any person appearing to have attained the age of 16 years and to be residing at the place of residence of that person; or
 - (b) to any solicitor or other agent of that person who is duly authorised by that person to receive the same.
- (3) If the person is deceased, the notice or other document may be served on or given to that person's personal representatives.
 - (4) If the person is absent from New Zealand and his or her place of abode or business outside New Zealand is not known to the person by whom the notice or other document is to be served or given, the notice or other document shall (unless it can be served on or given to an agent in New Zealand of the person who is absent from New Zealand) be served or given in such manner as may be directed by an order of the District Court.
 - (5) Where any notice or other document is sent by post in accordance with subsection (1)(c),—
 - (a) it shall, if sent to an address in New Zealand, be deemed, in the absence of evidence to the contrary, to have been served or given on the fourth working day after the date on which it was posted; and
 - (b) it shall, if sent to an address outside New Zealand, be deemed in the absence of evidence to the contrary, to have been served or given on the 60th working day after the date on which it was posted; and
 - (c) in proving service, it shall be sufficient to prove that the letter was properly addressed and posted.
 - (6) Notwithstanding anything in the foregoing provisions of this section, the District Court may in any case make an order directing the manner in which any notice or other document is to be served or given, or dispensing with the service or giving thereof.
 - (7) This section does not apply to notices or other documents served or given in any proceedings in any court.

73 Savings in respect of carriers and persons authorised to exercise powers of seizure

- (1) Notwithstanding anything in this Act, but subject to any prohibitions, limitations, restrictions, or conditions imposed by or pursuant to any regulations made under this Act,—
 - (a) any carrier may have possession of a firearm, an airgun, a pistol, an imitation firearm, a restricted weapon, a prohibited magazine, a prohibited part, ammunition, or an explosive in the course of carriage under a contract of carriage:
 - (b) any person who seizes any article, being a firearm, an airgun, a pistol, an imitation firearm, a restricted weapon, a prohibited magazine, a prohibited part, ammunition, or an explosive, in the exercise of a power con-

ferred on him by any Act may have possession of that article so long as he is acting in the exercise of that power and in connection with his official duties.

- (2) In subsection (1)(a), **carrier** includes any postal operator within the meaning of the Postal Services Act 1998.

74 Regulations

The Governor-General may, from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) regulating the issue, renewal, and replacement of permits and licences and the granting of endorsements:
- (b) prescribing the manner and content of applications for permits, licences, certificates of approval, certifications, and endorsements and of other applications under this Act, and requiring such applications to be supported by statutory declarations and by such other documents or information as may be prescribed:
- (ba) providing for photographs of licence holders to be affixed to or imaged into dealers' licences or firearms licences or both and prescribing requirements in relation to those photographs:
- (bb) providing criteria, not inconsistent with this Act, for finding that an applicant for a firearms licence is a fit and proper person to be in possession of a firearm or an airgun:
- (c) providing for applicants for firearms licences to pass theoretical and practical tests as to their ability to handle firearms safely or to undergo courses of training designed to teach them to handle firearms safely:
- (d) exempting applicants or classes of applicants for firearms licences from passing tests prescribed under paragraph (c):
- (e) prescribing conditions to which permits, licences, certificates of approval, certifications, and endorsements shall be subject, or authorising the Commissioner to prescribe conditions of that kind:
- (f) ~~prescribing or providing for the fixing of fees payable in respect of any licence, application, or other matter under this Act, the manner of assessing any such fee, and the other matters in respect of which fees are to be payable:~~
- (g) prescribing forms of applications, permits, licences, endorsements, registers, notices, and other documents required for the purposes of this Act, or authorising the Commissioner to prescribe or approve such forms, and requiring the use of such forms:
- (ga) prescribing the details that persons carrying on business are required under section 22D to enter in the registry relating to the sale or supply of ammunition:

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- (gb) prescribing the particulars that are required to be included in annual reports of shooting clubs, including (but not limited to) finances, storage, safety, discipline, training, competitions, office holders, membership, participating non-members, and ratios of members who are licence holders, endorsement holders, or trained range officers to those who are not:
- (h) prescribing the particulars to be recorded by licensed dealers and the period for which any of those records must be kept:
- (ha) making provision for the secure storage of a vital part removed from a prohibited firearm or restricted weapon to render it inoperable and prescribing precautions to be taken to prevent the theft or misuse of vital parts in the possession of any person or class of persons:
- (i) making provision for the security of any premises at which a licensed dealer carries on business and prescribing precautions to be taken to prevent the theft or misuse of firearms, airguns, pistols, prohibited items, restricted weapons, ammunition, and explosives in the possession of licensed dealers:
- (j) making provision for the security of premises at which any firearm or class of firearm is kept, and prescribing precautions to be taken to prevent the theft or misuse of firearms, airguns, pistols, prohibited items, restricted weapons, ammunition, and explosives in the possession of any person or class of persons:
- (ja) regulating 1 or more of the following: the advertising, promotion, or display of any firearm, firearm part, magazine, or ammunition by persons who sell or let out on hire any of those items:
- (jb) without limiting paragraph (ja), requiring those sellers and persons who let out on hire to provide specified information to customers about—
- (i) the legal conditions and requirements that apply to the purchase, possession, and use of firearms, parts, magazines, and ammunition (such as the legal age of purchase, licence or endorsement requirements, and safe storage requirements); and
- (ii) specific requirements and restrictions relevant to the item that is for sale or hire:
- (jc) providing for 1 or more of the following in relation to notices given by health practitioners for the purposes of section 91:
- (i) the information that the Police must provide to a licence holder when notifying the holder that a report has been received from a health practitioner:
- (ii) the period within which a licence holder must undergo a further assessment or surrender their licence, for the purposes of section 91(3):

- (iii) the kinds or classes of health practitioners who may make a further assessment under section 91 and any time limits or other requirements that apply to the assessment:
- (iv) the responsibilities of a health practitioner who makes a further assessment:
- (k) specifying for the purposes of section 29 classes of persons who may be permitted to obtain endorsements permitting them to have possession of pistols or restricted weapons:
- (l) ~~making provision for the marking of firearms, magazines, and parts with identifying marks before the issue of a licence or permit:~~
- (l) making provisions that relate to any marking required for any firearms, magazines, and parts with identifying marks:
- (la) declaring any firearm to be an antique firearm for the purposes of this Act:
- (lb) prescribing limits for the purposes of section 4A(1)(f) to (i):
- (lc) prescribing wild animals or animal pests for the purposes of section 4A(1)(i):
- (m) defining firearms either generally or for the purposes of any particular provisions of this Act:
- (n) applying any of the provisions of this Act to rifles, guns, or pistols of any calibre that are not firearms properly so called:
- (o) excluding any firearms or ammunition or parts of firearms or restricted weapons from any of the provisions of this Act:
- (p) enabling the Commissioner to direct that only certain members of the Police may issue permits or licences or grant endorsements under this Act:
- (pa) providing for any matters necessary or desirable for the efficient operation of the registry, including provisions that—
- (i) require licence holders or other persons to provide specified information to the Police for inclusion in the registry and specify the circumstances in which the requirement applies:
 - (ii) specify the manner or form in which information is required to be provided to the Police for inclusion in the registry:
 - (iii) impose additional requirements or conditions to be met by persons who apply under section 4A (permit to import, sell, supply, possess, or use a prohibited item), 7A (gun shows), or 18 (permit to import firearms):
 - (iv) impose different requirements for different kinds of licences, conditions, or endorsements:

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- (pb) without limiting paragraph (pa)(i), requiring specified persons to provide specified information to the Police in accordance with the regulations in relation to firearms, parts, and magazines that are not required to be marked with an identifying mark (for example, antique firearms and firearms exempted from or not covered by regulations made under paragraph (l)):
- (pc) requiring specified particulars to be recorded in the registry for the purpose of section 93(1)(f):
- (q) conferring or providing for exemptions from any provision of any regulation made under this Act:
- (r) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act, and the amounts of fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding ~~\$400~~ \$2,000:
- (ra) providing, for the purposes of the orderly implementation of any Order in Council made under section 74A, for—
- (i) any exemptions from any provisions of this Act or the regulations made under this Act (subject to terms or conditions, if any); and
- (ii) any other transitional or savings matters:
- (rb) providing for matters not inconsistent with this Act that relate to the operation of the advisory group appointed under section 88, including provisions that—
- (i) state the quorum necessary for the transaction of the group's business:
- (ii) require members to disclose any direct or indirect interest in a matter on which the group is providing advice:
- (iii) prohibit members from disclosing any information provided to them in confidence in their capacity as members of the group:
- (iv) enable the appointment of subcommittees:
- (v) relate to the immunity from civil liability of members of the advisory group:
- (rc) providing for matters not inconsistent with this Act that relate to the operation of the review process under section 62, including provisions that prescribe, or authorise the Commissioner to prescribe, the form of applications for a review under section 62:
- (rd) without limiting any class of persons who are authorised to do so under section 3, providing for other persons to be authorised to carry or possess firearms, airguns, pistols, prohibited magazines, prohibited parts, restricted weapons, ammunition, or explosives belonging to the Crown:

- (s) providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.
- (2) ~~Notwithstanding the provisions of any regulations made under this Act, the Commissioner may dispense with the payment of any fee payable under any such regulations.~~

Compare: 1958 No 21 s 32; 1966 No 18 s 3(3); 1968 No 21 s 5; 1971 No 46 s 5; 1974 No 68 s 5(4); 1976 No 151 s 17

74A Order in Council relating to definitions of prohibited firearm and prohibited magazine, and declaring prohibited ammunition

The Governor-General may, by Order in Council made on the recommendation of the Minister of Police,—

- (a) amend the description in section 2A of a semi-automatic firearm (except a pistol) or pump-action shotgun that is a prohibited firearm;
- (b) amend the description in section 2B of a magazine that is a prohibited magazine;
- (c) declare any semi-automatic firearm (except a pistol) or pump-action shotgun of a stated name or description to be a prohibited firearm for the purposes of this Act;
- (d) declare any magazine of a stated name or description to be a prohibited magazine for the purposes of this Act;
- (e) declare any ammunition to be prohibited ammunition for the purposes of this Act.

74B Orders under section 74A are confirmable instruments

The explanatory note of an Order in Council made under section 74A must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.

74C Regulations providing for transitional matters

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Police, make regulations—
 - (a) providing transitional and savings provisions concerning the coming into force of the amendment Act that may be in addition to the transitional and savings provisions in Schedule 1:

- (b) providing that (subject to any conditions specified in the regulations) during a specified transitional period,—
 - (i) specified provisions of this Act (including definitions or transitional and savings provisions) do not apply (or apply with modifications or additions):
 - (ii) specified provisions repealed or amended by the amendment Act continue to apply (or continue to apply with modifications or additions):
 - (iii) conditions for the possession and use of a prohibited item apply during the amnesty period (as defined in clause 1 of Schedule 1).
- (2) The Minister may recommend the making of regulations under this section only if the Minister is satisfied that the regulations are necessary or desirable for the orderly implementation of the amendment Act.
- (3) On the close of 31 December 2020,—
 - (a) this section is repealed; and
 - (b) any regulations made under it are revoked.
- (4) To avoid doubt, regulations 28E and 28F (and the cross-heading above regulation 28E) of the Arms Regulations 1992, as inserted by section 74 and Schedule 3 of the amendment Act, may be amended or revoked by regulations made under this section as if they had been inserted by regulation.
- (5) In this section, **amendment Act** means the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019.

75 Consequential amendment to Summary Proceedings Act 1957

Amendment(s) incorporated in the Act(s).

76 Consequential amendments to Trespass Act 1980

Amendment(s) incorporated in the Act(s).

77 Repeals

[Repealed]

78 Transitional provisions

- (1) Every dealer's licence which is issued under the Arms Act 1958 and which is in force immediately before the commencement of this Act shall, until the close of 31 March 1985, continue and have effect as if it had been issued under this Act; and any such licence may be revoked or renewed under this Act.
- (2) Every permit which is issued under section 6 of the Arms Act 1958 and which is in force immediately before the commencement of this Act shall, subject to section 18(3) of this Act, continue and have effect as if it had been issued for the purposes of section 16(1) of this Act.

Arms Act 1983

Unofficial version showing amendments proposed by
Arms Legislation Bill (as introduced)

Part 9 s 78

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- (3) Every permit which is issued under section 7 of the Arms Act 1958 and which is in force immediately before the commencement of this Act shall cease to have effect on the commencement of this Act.
- (4) Every person who, immediately before the commencement of this Act, is lawfully in possession of a firearm by virtue of—
- (a) being registered as the owner of that firearm under section 9 of the Arms Act 1958; or
 - (b) having procured possession of a firearm (other than a shotgun or a firearm in respect of which he is registered as the owner) pursuant to a permit under section 6 of the Arms Act 1958,—
- shall, subject to section 27 of this Act, be deemed, until the close of 31 January 1985 to be the holder of a firearms licence entitling him to have possession of the firearm so lawfully in his possession (whether or not it is a pistol).
- (5) Every person (not being a person to whom subsection (4) applies) who, immediately before the commencement of this Act, is lawfully in possession of a shotgun shall, subject to section 27, be deemed, until the close of 31 January 1985, to be the holder of a firearms licence entitling him to have possession of that shotgun.
- (6) Every person who, immediately before the commencement of this Act, is, by virtue of a licence under section 12(3) of the Arms Act 1958, lawfully in possession of an unlawful weapon or of any part or parts of an unlawful weapon shall, subject to sections 27 and 33 of this Act, be deemed, until the close of 31 January 1985, to be the holder of a firearms licence bearing an endorsement under section 30 of this Act permitting him to have possession of that weapon or of that part or those parts of that weapon.
- (7) Every person who, immediately before the commencement of this Act, is, by virtue of a licence granted under section 13 of the Arms Act 1958, entitled to carry a pistol in any place beyond the limits of his dwellinghouse, or the curtilage thereof, shall, subject to sections 27 and 36(2) of this Act, be deemed, until the close of 31 March 1985, to be the holder of a firearms licence and to have had the conditions (which are endorsed on his licence under section 13 of the Arms Act 1958) endorsed on that firearms licence under section 36(1) of this Act.
- (8) All appeals that have been commenced under section 14 of the Arms Act 1958 and are pending at the commencement of this Act shall be heard and determined as if the Arms Act 1958 had not been repealed; but, on the hearing of any such appeal, the District Court Judge, in addition to the powers conferred on him by that Act, may order that, for the purposes of this section, the appellant shall be treated—
- (a) as if his licence, permit, or certificate had been in force immediately before the commencement of this Act:

- (b) as if he had been lawfully in possession of a firearm, pistol, or unlawful weapon immediately before the commencement of this Act:
 - (c) as if certain conditions were not, immediately before the commencement of this Act, conditions of his licence or permit.
- (9) The Acts Interpretation Act 1924 shall apply subject to this section.

Cost recovery

79 Purpose of sections 80 to 86

The purpose of sections 80 to 86 is to enable the Police to recover its costs in respect of certain activities undertaken by the Police under this Act.

Compare: 2008 No 72 s 79A

80 Activities that may be subject to cost recovery

- (1) The Minister of Police may recommend the making of a regulation under section 86 only if satisfied that the fee or charge concerned relates to an activity in respect of any licence, application, or other matter under this Act that is undertaken by the Police in administering this Act.
- (2) The activities for which fees or charges may be imposed under section 86—
 - (a) include—
 - (i) the development, provision, or approval of training materials, and testing of applicants, for any licence, endorsement, certificate, or approval; and
 - (ii) the assessment of applications for any licence, endorsement, permit, certificate, or approval; and
 - (iii) the issue of, administration relating to, and recording of any licence, endorsement, permit, certificate, approval, transaction, or notice; and
 - (iv) the monitoring and audit of compliance or non-compliance with the requirements and conditions relating to any licence, endorsement, permit, transaction, certificate, approval, or notice; but
 - (b) do not include—
 - (i) the response of the Police to calls relating to potential offending; or
 - (ii) the conduct of criminal investigations; or
 - (iii) the prosecution of criminal offences.

Compare: 2008 No 72 s 79B

81 Criteria for cost recovery

The Minister of Police may recommend that regulations be made under section 86(a) only if the Minister is satisfied that,—

- (a) subject to the provisions of section 86, the fee or charge recovers no more than the actual and reasonable costs (including both direct and indirect costs) of the activity to which the fee or charge relates; and
- (b) the fee or charge for the activity or class of activities to which the fee or charge relates is generally obtained from the users or beneficiaries of the service or class of services to which the activity relates (for example, from firearms licence holders, if the activity is updating the registry) at a level commensurate, as far as practicable, with their use of the service; and
- (c) the costs of the activity to which the fee or charge relates are efficiently incurred; and
- (d) the relationship between the costs of the activity to which the fee or charge relates and the nature and duration of the activity is clear.

Compare: 2008 No 72 s 79C

82 Consultation

- (1) The Minister of Police may recommend that regulations be made under section 86(a) only if the Minister is satisfied that the Commissioner has done everything reasonable on the Commissioner's part to consult the persons or organisations (or representatives of those organisations) that appear to the Commissioner to be affected or likely to be affected by the fee or charge.
- (2) The process for consultation must, to the extent practicable in the circumstances, include—
 - (a) the giving of appropriate notice of the intention to make the regulation and of the contents of the proposed regulation; and
 - (b) a reasonable opportunity for interested persons to make submissions; and
 - (c) the adequate and appropriate consideration of those submissions.
- (3) A failure to comply with this section does not affect the validity of any regulations made under section 86.

Compare: 2008 No 72 s 79D

83 Methods of cost recovery

- (1) Regulations for the recovery of costs may provide for the following:
 - (a) fixed fees or charges;
 - (b) fees or charges based on a scale or formula or at a rate determined on an hourly or other unit basis;
 - (c) the recovery by way of a fee or charge of estimated actual and reasonable costs expended in, or associated with, the performance of an activity;
 - (d) fees or charges based on costs incurred from charges by third parties;

- (e) any combination of the above.
- (2) Without limiting the way in which a fee or charge may be set, a fee or charge may be set at a level or in a way that—
- (a) is determined by calculations that involve an averaging of costs or potential costs:
- (b) takes into account costs or potential costs of activities that are not services to be provided directly to the person who pays the fee or charge, but are an indirect or potential cost arising from the undertaking of the activity in question in relation to a class of persons or all persons who use the service or class of services to which the activity relates:
- (c) takes into account indirect costs, which include the costs and potential costs of support, maintenance, and development associated with provision of the activity.

Compare: 2008 No 72 s 79E

84 Payment of fee or charge

- (1) A fee or charge prescribed by regulations made under section 86 is payable at the time prescribed in respect of a particular activity, whether that time is before, during, or after completion of the relevant activity.
- (2) All fees and charges prescribed by regulations made under section 86 and received by the Police or any other government agency must be paid into a departmental bank account.

Compare: 2008 No 72 s 79F

85 Exemptions, waivers, and refunds

- (1) Regulations made under section 86 may provide for exemptions from, or waivers or refunds of, any fee or charge prescribed by regulations made under this Act, in whole or in part, in any class of case.
- (2) Regulations made under section 86 may authorise the Commissioner, as the Commissioner thinks fit in the circumstances specified in those regulations, to exempt, waive, or refund the whole or any part of a fee or charge prescribed by the regulations.

Compare: 2008 No 72 s 79G

86 Regulations relating to cost recovery

The Governor-General may, by Order in Council,—

- (a) on the recommendation of the Minister of Police made after due consultation in accordance with section 82, make regulations prescribing fees or charges for specified activities in accordance with sections 79 to 85:
- (b) make regulations prescribing the time when a fee or charge prescribed under this Act becomes payable:

- (c) make regulations providing for exemptions from, or waivers or refunds of, any fee or charge prescribed under this Act, in whole or in part, in any class of case:
- (d) make regulations authorising the Commissioner, as the Commissioner thinks fit in the circumstances specified in those regulations, to exempt, waive, or refund the whole or any part of a fee or charge prescribed by regulations made under this Act.

Compare: 2008 No 72 s 102A

Guidance notices

87 **Guidance notices**

- (1) The Commissioner may issue notices that provide guidance or details of an administrative nature that relate to 1 or more of the following:
 - (a) the requirements of regulations made under section 74(1)(i) that relate to the security of licensed dealer premises:
 - (b) the requirements of regulations made under section 74(1)(j) that relate to the security of premises where firearms are kept:
 - (c) the issuing of identification numbers for firearms and magazines manufactured in or imported into New Zealand:
 - (d) the approval of any shooting club or certification of any shooting range:
 - (e) how to demonstrate the positive behaviours, skills, and knowledge that are expected of a fit and proper person:
 - (f) how to manage specific situations where non-licensed persons come into possession of a firearm:
 - (g) matters that health practitioners consider when determining whether to notify the Police under section 91:
 - (h) generally, about any aspect of the Act or regulations made under this Act where the Commissioner thinks further guidance or detail is useful.
- (2) The Commissioner must consult the Commissioner's Firearms Advisory Group, and may consult any other person or organisation that the Commissioner thinks appropriate, before issuing any notice.
- (3) The Commissioner must—
 - (a) publish the notice in the *Gazette*; or
 - (b) notify in the *Gazette* the fact that the notice has been made and state in that notification where members of the public can access a copy of the notice in electronic form.
- (4) A notice issued under this section is neither a disallowable instrument nor a legislative instrument for the purposes of the Legislation Act 2012.

*Commissioner's Firearms Advisory Group***88 Commissioner's Firearms Advisory Group**

- (1) The Commissioner must establish a Commissioner's Firearms Advisory Group (the **advisory group**) comprising a chairperson appointed by the Minister of Police and up to 8 other members appointed by the Commissioner.
- (2) The purpose of the advisory group is to advise the Commissioner on matters that contribute to achieving the objectives of this Act, in particular, the safe use and control of firearms.
- (3) The advisory group may provide advice on any matter relating to firearms in New Zealand, including legislative proposals, policies for regulating New Zealand's firearms regime, and the promotion of firearms safety.

89 Operations of advisory group

- (1) The members of the advisory group must appoint a deputy chairperson from among their number at their first meeting.
- (2) The advisory group may determine its own procedure, subject to compliance with any relevant provisions of this Act and regulations made under this Act.
- (3) The advisory group must, as soon as practicable after the end of each financial year, provide the Commissioner with an annual report of its proceedings and operations during that year.
- (4) The Commissioner must provide the resources and administrative support necessary to enable the advisory group to perform its functions.
- (5) The members of the advisory group are immune from liability in civil proceedings for good-faith actions or omissions in pursuance, or intended pursuance, of the duties, functions, or powers of the group, subject to any regulations made in relation to the group under this Act.

90 Provisions relating to appointment of members of advisory group

- (1) The membership of the advisory group must comprise a balance of people from both the firearm-owning and the non-firearm-owning community, including people who are concerned about the mitigation of harm from firearms from a health perspective.
- (2) In appointing any member of the advisory group, the Minister of Police or the Commissioner (as the case may be) must have regard to the need for the advisory group to possess knowledge and experience in some or all of the following areas:
 - (a) New Zealand and international firearms regulatory systems:
 - (b) public health and safety, particularly as it relates to firearms:
 - (c) firearms research:
 - (d) firearms safety and the use of firearms:

- (e) membership of any community organisation or group involved in fire-arms awareness, safety, or law reform;
- (f) any other matters the Minister or the Commissioner (as the case may be) considers relevant.
- (3) A member may be appointed for a term of up to 3 years as specified in the notice of appointment and be reappointed in the same manner.
- (4) The Commissioner must, by notice in the *Gazette*, notify the appointment of members and their terms of office.
- (5) A member is entitled to be—
 - (a) paid remuneration at a rate and of a kind determined in accordance with the fees framework; and
 - (b) reimbursed for actual and reasonable travelling and other expenses in accordance with the fees framework.
- (6) In this section, **fees framework** means the framework determined by the Government for the classification and remuneration of statutory and other bodies in which the Crown has an interest.

Medical assessments

91 Health practitioners may give Police medical reports of persons unfit to use firearm

- (1) This section applies if a health practitioner who has attended or been consulted in respect of a person who the practitioner knows or has reason to believe is a firearms licence holder considers that the mental or physical condition of the licence holder is such that, in the interests of the safety of individuals or the public, the licence holder—
 - (a) should not be permitted to use or possess a firearm; or
 - (b) should only be permitted to use or possess a firearm subject to any limitations that may be warranted by the mental or physical condition of the licence holder.
- (2) If this section applies, the health practitioner must consider notifying the Police as soon as practicable—
 - (a) of the opinion under subsection (1); and
 - (b) the grounds on which it is based; and
 - (c) whether the practitioner believes the licence holder poses an immediate or imminent danger of self-harm or harm to others.
- (3) The Commissioner may require a licence holder to undergo a further medical assessment by a health practitioner and, in that case, the licence holder must either—
 - (a) undergo the further assessment; or

- (b) surrender their licence under section 27(2).
- (4) Regulations made under section 74(1)(j) (if any) apply in relation to any notice given for the purpose of this section and to any action required under subsection (3).
- (5) A health practitioner is not liable to criminal, civil, or disciplinary proceedings by disclosing personal information in the course of performing any function or responsibility under this section, as long as the practitioner acts in good faith.

Registration of firearms and dealings

92 Commissioner to keep registry

The Commissioner must keep and operate a registry for the purposes of this Act.

93 Content of registry

- (1) The following particulars must be recorded in the registry:
 - (a) the number and date of expiry of every licence held by a person under this Act:
 - (b) every licence holder's full name, date of birth, and address:
 - (c) every endorsement on a licence:
 - (d) every condition on a licence or an endorsement that is additional to conditions imposed by this Act or regulations made under section 74:
 - (e) the particulars of the make, model, and identifying markings of every firearm, restricted weapon, and prohibited magazine possessed by a licence holder, and of the location of the firearm, restricted weapon, and prohibited magazine, if the particulars are held by the Police:
 - (f) every particular that regulations made under section 74 require to be recorded in the registry.
- (2) The registry may include—
 - (a) photographs provided under section 34A; and
 - (b) any other information that the Commissioner considers necessary or desirable—
 - (i) to ensure that the registry is complete and accurate; or
 - (ii) for the administration of this Act and regulations made under it;
and
 - (c) any other photographs that the Commissioner considers necessary or desirable.

94 Obligation to provide information for registry

- (1) This section applies to the following persons:

- (a) every holder of a firearms licence:
 - (b) every holder of a dealer's licence:
 - (c) every other person who is or intends to be in possession of a firearm or other item controlled by or under this Act.
- (2) This section also applies to the following events in relation to any firearm or other item controlled by or under this Act:
- (a) its sale or supply, including a temporary transfer:
 - (b) its purchase or receipt (including a temporary receipt):
 - (c) its importation:
 - (d) its exportation:
 - (e) its manufacture:
 - (f) its theft, loss, or destruction:
 - (g) any other event specified for the purpose of this section in regulations made under section 74.
- (3) Every person to whom this section applies, and every person who has responsibility in relation to any event to which this section applies, must provide the relevant details to the Police in accordance with the time and any other requirements prescribed by regulations made under section 74.

Review of operation of this Act

95 Review of this Act

- (1) The Minister of Police must—
- (a) review the operation of this Act, including the impact of the Arms Legislation Act 2019 (the **amendment Act**), when the amendment Act has been fully in force for 5 years; and
 - (b) prepare a report on that review, including recommendations for amendments to this Act.
- (2) The review must be completed within 18 months after the amendment Act has been fully in force for 5 years.
- (3) The Minister must present the report to the House of Representatives as soon as practicable after it has been completed.

Schedule 1
Transitional, savings, and related provisions

s 3A

Part 1
Provisions relating to Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019

1 Interpretation

In this Part,—

Act means the Arms Act 1983

amendment Act means the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019

amnesty period means the period—

- (a) beginning at 3 pm on 21 March 2019; and
- (b) ending on—
 - (i) the date that is 6 months after the first date on which regulations made under clause 7 come into force; or
 - (ii) any later date prescribed by Order in Council

commencement means the date on which the amendment Act comes into force.

2 Permits to import issued for purposes of section 16(1) of Act before commencement are revoked

- (1) A permit issued for the purposes of section 16(1) of this Act (as in force immediately before commencement) is revoked to the extent that it authorises the importation of a firearm, magazine, or part that,—
 - (a) after commencement, is a prohibited item; and
 - (b) before commencement, has not been brought or sent into New Zealand.
- (2) This clause does not apply to permits issued for the purposes of enabling persons referred to in section 3(2) of this Act to carry out their duties.

3 Prohibited items subject to the control of Customs at commencement

- (1) This clause applies to a prohibited item that is subject to the control of the New Zealand Customs Service at commencement.
- (2) The prohibited item is to be treated as a prohibited good under section 98 of the Customs and Excise Act 2018 and the chief executive of the New Zealand Customs Service may, under section 85(1)(b) of that Act, authorise the delivery of the prohibited item to the Police.

- (3) At the time of that delivery, the prohibited item ceases to be subject to the control of Customs.
- (4) In this clause, **subject to the control of Customs** has the same meaning as in section 6 of the Customs and Excise Act 2018.

4 Endorsements issued under section 30B of Act before commencement are revoked

- (1) An endorsement issued under section 30B of this Act (as in force immediately before commencement) is revoked.
- (2) However, subclause (1) does not limit clause 5.

5 Temporary amnesty for persons possessing prohibited items before commencement

- (1) This clause applies to a person who, before commencement, possesses a prohibited item.
- (2) The person does not commit an offence under section 50A, 50B, or 50C of this Act for the continued possession of the prohibited item.
- (3) Subclause (2)—
 - (a) ceases to have effect at the end of the amnesty period; and
 - (b) is subject to any other conditions (if any) set by regulations.
- (4) *See also* the provisions governing surrender and voluntary delivery of prohibited items in sections 59A and 59B of this Act.

6 Compensation for prohibited items delivered to Police

- (1) This clause applies in respect of a prohibited item that, after 3 pm on 21 March 2019, is delivered or otherwise surrendered to a member of the Police.
- (2) The prohibited item becomes the property of the Crown, free and discharged from all right, title, or interest possessed by any person in respect of that item.
- (3) Compensation may be paid in respect of the prohibited item in accordance with any regulations made under clause 7.
- (4) However, nothing in this Act or the amendment Act otherwise confers any right to compensation, or is to be relied on in any proceedings as a basis for a claim to compensation, except and to the extent authorised by regulations made under clause 7.

7 Regulations establishing compensation for delivery of prohibited items to Police

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Police, make regulations establishing 1 or more schemes for the purpose of paying compensation in respect of prohibited items that, during the amnesty period or any other specified period or periods, are delivered or otherwise surrendered to a member of the Police.

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- (2) Regulations made under subclause (1) may—
- (a) apply to 1 or more classes of licence holders or other persons who, before commencement, lawfully possessed prohibited items:
 - (b) apply to 1 or more classes of prohibited items:
 - (c) confer the right to compensation only if specified criteria or conditions are met:
 - (d) limit the right to compensation in specified circumstances (for example, the maximum number of prohibited magazines for which compensation may be paid to a person):
 - (e) provide for the Commissioner to determine the amount of compensation to be paid for a prohibited item or a class of prohibited items (whether that item or class of items is of a specified type, make, model, description, or condition, or a combination of these), including—
 - (i) by the issuing of a schedule of those amounts:
 - (ii) by determining the method by which the amount of compensation to be paid for a prohibited item is calculated, which may include—
 - (A) the maximum amount of compensation payable in respect of an item:
 - (B) the minimum amount of compensation payable in respect of an item:
 - (C) the proportion of a specified amount of compensation payable in respect of an item:
 - (f) impose conditions on any payment of compensation:
 - (g) specify the criteria that may be applied by the Commissioner when determining or assessing the compensation payable in respect of a prohibited item:
 - (h) confer and make any provisions with respect to rights of review or appeal against any compensation determined or assessed in respect of a prohibited item.
- (3) Regulations made under subclause (1) may make different provision with respect to different persons, prohibited items, or circumstances or different classes of persons, prohibited items, or circumstances.
- (4) To avoid doubt, regulations made under subclause (1) need not include compensation for—
- (a) any economic loss; or
 - (b) any consequential loss; or
 - (c) any loss for business interruption; or
 - (d) any loss attributable to intrinsic or sentimental value.

Part 2

Provisions relating to Arms Legislation Act 2019

8 Interpretation

In this Part,—

Act means the Arms Act 1983

amendment Act means the Arms Legislation Act 2019

enactment date means the date on which the amendment Act receives the Royal assent.

9 Duration of firearms licences issued or applied for before enactment date

(1) Nothing in the amendment Act affects the duration of—

- (a) a firearms licence that was issued on or before 22 July 2019; or
- (b) a firearms licence issued after 22 July 2019 on an application that was made on or before that date; or
- (c) a firearms licence that was issued after 22 July 2019 on an application that was made—
 - (i) at any time during the period beginning on 23 July 2019 and ending on the day before the enactment date; and
 - (ii) by an applicant who is the holder of a firearms licence that expires before the enactment date.

(2) In any other case, a firearms licence that was issued or applied for before the enactment date will continue in force for a period of 5 years from the date on which the licence comes into force.

(3) In subclauses (1) and (2), **firearms licence** includes a duplicate of a firearms licence that has been lost, destroyed, or mutilated, or become illegible.

10 Disqualification from holding firearms licence

(1) This clause applies to a person who is the holder of a firearms licence immediately before the date of commencement of section 22G.

(2) The holder is not disqualified under section 22G from holding the firearms licence even if the holder has, within the previous 10-year period ending on the date of commencement of section 22G,—

- (a) been convicted of any of the offences specified in that section; or
- (b) been released from custody after being convicted of any of those offences.

11 Rights of holders of existing firearms licences

- (1) This clause applies to every person who, immediately before the commencement of section 24A (as inserted by section 36 of the amendment Act), holds a valid firearms licence.
- (2) If, on or after the commencement of section 24A, any of the circumstances set out in section 24A(1) arise in connection with the person, a member of the Police may—
- (a) take into account those circumstances and any other circumstances arising prior to the commencement of section 24A; and
 - (b) find that the person is no longer a fit and proper person to hold the licence for the purposes of this Act; and
 - (c) deal with the person under this Act accordingly.

12 Rights of holders of existing dealer's licence

- (1) This clause applies to every person who, immediately before the commencement of section 6 (as inserted by section 10 of the amendment Act), holds a valid dealer's licence.
- (2) If, on or after the commencement of section 6, any of the circumstances set out in section 6 arise in connection with the person or the person's senior manager, a member of the Police may—
- (a) take into account those circumstances and any other circumstances arising prior to the commencement of section 6; and
 - (b) find that the person is no longer a fit and proper person to hold the licence for the purposes of this Act; and
 - (c) deal with the person under this Act accordingly.

13 Kea guns

- (1) This clause applies to a person who—
- (a) is the registered owner of a kea gun; and
 - (b) has a firearms licence that bears an endorsement made under section 29(1) (as it read immediately before its repeal by section 42(1) of the amendment Act).
- (2) The person must, within 6 months after the commencement of section 42(1) of the amendment Act,—
- (a) obtain an endorsement under section 30 permitting the person to have possession of the kea gun in a capacity specified in section 29(2)(b), (c), or (d); or
 - (b) surrender the kea gun to a member of the Police.

14 Shooting clubs

- (1) Subclause (2) applies to an incorporated pistol shooting club that, immediately before the date of commencement of Part 6, was recognised by the Commissioner for the purposes of section 29 (as in force immediately before the commencement of section 42 of the amendment Act).
- (2) On and after the commencement of Part 6, the incorporated pistol shooting club is to be treated as if the club has been issued with a certificate of approval under section 38F.
- (3) In the case of any other shooting club that existed as a shooting club immediately before the commencement of Part 6, section 38B does not apply to that club until 12 months after the date of commencement of Part 6.

15 Shooting ranges

- (1) Subclause (2) applies to a shooting range that at the date of commencement of Part 6 was approved by the Commissioner.
- (2) The shooting range is to be treated as if the range has been issued with a certificate under section 38O during the period that—
 - (a) commences on the date of commencement of Part 6; and
 - (b) ends on whichever of the following dates first occurs:
 - (i) the date of cancellation of the Commissioner’s approval of the shooting range given before the commencement of Part 6;
 - (ii) the date that is 5 years after the date of commencement of Part 6.
- (3) In the case of any other shooting range that existed as a shooting range immediately before the commencement of Part 6, section 38K does not apply to that shooting range until 12 months after the commencement of Part 6.

16 Obligations relating to registry

- (1) This clause applies if a person is a licence or permit holder under this Act immediately before the date of commencement of section 94 or is a prescribed person for the purposes of this clause.
- (2) In subclause (1), **prescribed person** means any person who belongs to a class of persons declared by regulations made under clause 17 to be prescribed persons for the purposes of subclause (1).
- (3) The person must provide the Police with the relevant information within the time and in accordance with any other requirements prescribed by regulations made under section 74 or clause 17 (as the case may be) if the person—
 - (a) is applying for a licence or endorsement; or
 - (b) is notifying a change in circumstances (such as a change of address); or
 - (c) has responsibility in relation to an event referred to in section 94(2); or

- (d) is subject to compliance or enforcement action by the Police under this Act.
- (4) If none of the circumstances in subclause (3) apply to the person within 5 years after the registry starts operating, the person must, from the close of that 5-year period, provide the Police with the relevant information in accordance with regulations made under section 74.
- (5) If none of the circumstances in subclause (3) apply to a licence holder within 5 years after the registry starts operating and the holder no longer possesses a firearm, part, magazine, or ammunition at the end of that 5-year period, the holder must notify the Police of that fact as soon as practicable after that period ends.

17 Regulations providing for transitional matters

- (1) The Governor-General may, by Order in Council, make regulations—
- (a) providing that, subject to any conditions stated in the regulations, transitional or savings provisions prescribed by the regulations that relate to the implementation of the amendment Act (in addition to, or in substitution for, any other transitional provisions in the amendment Act) apply during the whole or any part of a specified transitional period:
- (b) providing that, subject to any conditions that are specified in the regulations, during a specified transitional period,—
- (i) specified provisions of this Act (including definitions) do not apply, or are to continue to apply, or apply with modifications or additions, or both:
- (ii) specified terms have the meanings given to them by the regulations:
- (iii) specified provisions repealed, amended, or revoked by the Amendment Act are to continue to apply:
- (c) providing for any other matters necessary for facilitating or ensuring an orderly transition from the legislative regime that applies under this Act before the amendment Act comes fully into force to the legislative regime that applies when the amendment Act comes fully into force.
- (2) No regulations made under this clause may be made, or continue in force, later than 5 years after the commencement of this clause.