

7 November 2018

Our Reference: IR-01-18-14327

[REDACTED]
[REDACTED]

Dear [REDACTED]

I am writing to you in response to your email dated 25 October 2018. You said:

We have been informed of a case in Hamilton where a shooter had several endorsements to his license - including A and E. Police went to the property, removed high capacity (E cat) magazines from separate locked storage, inserted them in the A cat rifles, took pictures and then prosecuted the shooter for illegal possession of MSSA rifle. I am writing to ask SPECIFICALLY how the endorsed license holder of an E category rifle can also keep an A category rifle if it fits the same higher capacity magazine. Ideally you can simply state your policy here rather than your usual running out of the OIA deadline clock. People need to know how to stay legal here.

As you are aware, a semiautomatic firearm that might have originally been in "A category" formation, can become a MSSA. That may be by the addition of one or more of the MSSA features listed in the Arms Act definition, including the addition of a large capacity magazine.

Previous case law has confirmed that it is not necessary for the large capacity magazine to be actually fitted to the firearm, but rather it is a "question of degree" as to whether, in the circumstances, it is a semi-automatic firearm "having" a large capacity magazine. Relevant circumstances will be case specific and Police is unable to provide further guidance at this stage. Firearms owners may wish to seek independent legal advice with regard to their own personal circumstances.

Yours sincerely



Mike McIlraith
Acting Superintendent
Arms Act Service Delivery Group

