

**Reprint  
as at 12 April 2019**



## **Arms Act 1983**

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Date of assent	29 November 1983
Commencement	see section 1(2)

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#### **Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the New Zealand Police.**

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**Schedule 1**  
**Transitional, savings, and related provisions**

**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.

**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

**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

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

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

**Commissioner** means the Commissioner of Police

**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

**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

**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

**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, 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

**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

**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

**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)

Section 2(1) **anti-personnel mine**: inserted, on 9 December 1998, by section 28 of the Anti-Personnel Mines Prohibition Act 1998 (1998 No 111).

Section 2(1) **antique firearm**: substituted, on 1 November 1992, by section 2(1) of the Arms Amendment Act 1992 (1992 No 95).

Section 2(1) **cluster munition**: inserted, on 1 August 2010, by section 20(2) of the Cluster Munitions Prohibition Act 2009 (2009 No 68).

Section 2(1) **exempt person**: inserted, on 12 April 2019, by section 4(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 2(1) **explosive** paragraph (d): substituted, on 2 July 2001, by section 149 of the Hazardous Substances and New Organisms Act 1996 (1996 No 30).

Section 2(1) **member of the Police**: substituted, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Section 2(1) **military style semi-automatic firearm**: repealed, on 12 April 2019, by section 4(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 2(1) **part**: replaced, on 12 April 2019, by section 4(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 2(1) **prohibited ammunition**: inserted, on 12 April 2019, by section 4(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 2(1) **prohibited firearm**: inserted, on 12 April 2019, by section 4(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 2(1) **prohibited item**: inserted, on 12 April 2019, by section 4(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 2(1) **prohibited magazine**: inserted, on 12 April 2019, by section 4(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 2(1) **prohibited part**: inserted, on 12 April 2019, by section 4(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 2(1) **restricted airgun**: inserted, on 11 December 2013, by section 4(1) of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Section 2(1) **restricted airgun** paragraph (a): amended, on 12 April 2019, by section 4(4) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 2(1) **restricted airgun** paragraph (b): amended, on 12 April 2019, by section 4(4) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 2(1) **semi-automatic firearm**: inserted, on 11 December 2013, by section 4(1) of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Section 2(1) **sporting configuration**: repealed, on 11 December 2013, by section 4(1) of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Section 2(1) **working day**: added, on 1 November 1992, by section 2(3) of the Arms Amendment Act 1992 (1992 No 95).

Section 2(1) **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Section 2(2): inserted, on 11 December 2013, by section 4(2) of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Section 2(2): amended, on 12 April 2019, by section 4(5) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## 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.

Section 2A: inserted, on 12 April 2019, by section 5 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## 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.

Section 2B: inserted, on 12 April 2019, by section 5 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## 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.

Section 2C: inserted, on 12 April 2019, by section 5 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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.

Section 2D: inserted, on 12 April 2019, by section 5 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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 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
    - (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
    - (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
- (b) the sale or supply by the Crown or to the Crown of firearms, airguns, pistols, magazines, parts, restricted weapons, ammunition, or explosives.

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

Section 3(2): amended, on 12 April 2019, by section 6 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 3(2)(a): substituted, on 15 November 2000, by section 3 of the Arms Amendment Act 2000 (2000 No 53).

Section 3(2)(a)(ia): inserted, on 1 July 2004, by section 26 of the Visiting Forces Act 2004 (2004 No 59).

Section 3(2)(a)(iva): inserted, on 1 August 2010, by section 20(3) of the Cluster Munitions Prohibition Act 2009 (2009 No 68).

Section 3(2)(ab): inserted, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 3(2)(b): amended, on 12 April 2019, by section 6 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 3(3)(a): amended, on 12 April 2019, by section 6 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 3(3)(b): amended, on 12 April 2019, by section 6 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **3A Transitional, savings, and related provisions**

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

Section 3A: inserted, on 12 April 2019, by section 7 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **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.

Section 4(3): replaced, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

**4A Persons who may apply to import, 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—
- (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).
- (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.

Section 4A: inserted, on 12 April 2019, by section 8 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

*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)

Section 5(1): replaced, on 12 April 2019, by section 9(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 5(3): amended, on 12 April 2019, by section 9(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 5(3A): inserted, on 9 December 1998, by section 30(1) of the Anti-Personnel Mines Prohibition Act 1998 (1998 No 111).

Section 5(3A): amended, on 1 August 2010, by section 20(4) of the Cluster Munitions Prohibition Act 2009 (2009 No 68).

Section 5(3B): inserted, on 12 April 2019, by section 9(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 5(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **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.

### **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.

Section 6A: inserted, on 12 April 2019, by section 10 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **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, 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.
- (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.

Section 7A: inserted, on 1 November 1992, by section 4 of the Arms Amendment Act 1992 (1992 No 95).



## **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**

A dealer's licence may be revoked at any time by the Commissioner.

Compare: 1958 No 21 s 3(3)

## **10 Restriction on possession of pistol, prohibited items, 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.
- (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.
- (4) Subsection (3) is subject to section 59A(1).

Section 10: replaced, on 12 April 2019, by section 11 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **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).

Section 11(1): amended, on 12 April 2019, by section 12 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 11(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **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.

- (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.

- (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).

- (4) Subsection (3) is subject to section 59A(2).

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

Section 12(1): amended, on 12 April 2019, by section 13(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 12(2)(b): amended, on 12 April 2019, by section 13(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 12(2)(c)(i): amended, on 12 April 2019, by section 13(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 12(2)(c)(ii): amended, on 12 April 2019, by section 13(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 12(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 12(4): inserted, on 12 April 2019, by section 13(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

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

- (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, 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, 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, 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, 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

Section 13 heading: amended, on 12 April 2019, by section 14(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 13(1): amended, on 12 April 2019, by section 14(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 13(2): amended, on 12 April 2019, by section 14(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 13(4): amended, on 12 April 2019, by section 14(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 13(5): amended, on 12 April 2019, by section 14(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 13(5): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

**14 Disposal of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons 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, ammunition, airguns, pistols, prohibited items, and restricted weapons in his possession or under his control at the date of the revocation of the licence.

Section 14 heading: amended, on 12 April 2019, by section 15(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 14: amended, on 12 April 2019, by section 15(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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.

Section 15(1): amended, on 12 April 2019, by section 16(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 15(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 15(2)(a): amended, on 12 April 2019, by section 16(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

*Importation of firearms and ammunition*

Heading: replaced, on 12 April 2019, by section 17 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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

Section 16 heading: replaced, on 12 April 2019, by section 18(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 16(1): replaced, on 12 April 2019, by section 18(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 16(3): amended, on 12 April 2019, by section 18(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 16(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 16(4): inserted, on 12 April 2019, by section 18(4) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **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).

Section 16A: inserted, on 12 April 2019, by section 19 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **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)

Section 17: amended, on 12 April 2019, by section 20 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 17: amended, on 11 December 2013, by section 6 of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Section 17: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## 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 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; or
  - (b) any part of an item described in paragraph (a).
- (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.
- (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.

Section 18: substituted, on 1 November 1992, by section 6 of the Arms Amendment Act 1992 (1992 No 95).

Section 18 heading: replaced, on 12 April 2019, by section 21(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 18(1): replaced, on 12 April 2019, by section 21(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 18(2): replaced, on 12 April 2019, by section 21(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 18(2A): inserted, on 12 April 2019, by section 21(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 18(2B): inserted, on 12 April 2019, by section 21(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 18(2C): inserted, on 12 April 2019, by section 21(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 18(5): added, on 9 December 1998, by section 30(2) of the Anti-Personnel Mines Prohibition Act 1998 (1998 No 111).

Section 18(5): amended, on 1 August 2010, by section 20(5) of the Cluster Munitions Prohibition Act 2009 (2009 No 68).

## **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.

Section 18A: inserted, on 1 November 1992, by section 6 of the Arms Amendment Act 1992 (1992 No 95).

Section 18A heading: replaced, on 12 April 2019, by section 22 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **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.

Section 18B: inserted, on 1 November 1992, by section 6 of the Arms Amendment Act 1992 (1992 No 95).

Section 18B(1): amended, on 12 April 2019, by section 23 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 18B(1): amended, on 11 December 2013, by section 9 of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Section 18B(2): amended, on 12 April 2019, by section 23 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 18B(2): amended, on 11 December 2013, by section 9 of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Section 18B(3): amended, on 12 April 2019, by section 23 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 18B(3): amended, on 11 December 2013, by section 9 of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

## **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.
- (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.

Section 19: replaced, on 11 December 2013, by section 10 of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Section 19(1): amended, on 12 April 2019, by section 24(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 19(2): inserted, on 12 April 2019, by section 24(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### *General restrictions on possession of firearms and airguns*

## **20 Restrictions on possession of firearms**

- (1) Except as provided in this Act or as otherwise provided in regulations made under this Act, no person shall have a 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).

Section 20(2): substituted, on 1 May 1993, by section 7 of the Arms Amendment Act 1992 (1992 No 95).

Section 20(2): amended, on 12 April 2019, by section 25 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 20(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **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).
- (3) Nothing in this section applies in relation to the possession of specially dangerous airguns.

Section 21(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## 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.

Section 22(2)(a): amended, on 12 April 2019, by section 26 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

*Firearms licences*

**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.
- (2) Every application under subsection (1) shall be made on a form provided by a member of the Police.
- (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.

Section 23(3): added, on 1 November 1992, by section 8 of the Arms Amendment Act 1992 (1992 No 95).

**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.
- (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

**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.
- (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.

Section 25(1): substituted, on 1 November 1992, by section 9 of the Arms Amendment Act 1992 (1992 No 95).

Section 25(2): added, on 15 November 2000, by section 4 of the Arms Amendment Act 2000 (2000 No 53).

Section 25(3): added, on 15 November 2000, by section 4 of the Arms Amendment Act 2000 (2000 No 53).

## **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).

Section 26(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **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 Domestic violence and firearms licences**

Without limiting the generality of sections 24 and 27, it is hereby declared that a commissioned officer of Police may, under either or both of those sections, 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 Domestic Violence Act 1995 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.

Section 27A: substituted, on 1 July 1996, by section 130(1) of the Domestic Violence Act 1995 (1995 No 86).

#### **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).

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

Section 28(1): amended, on 12 April 2019, by section 27(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 28(2): amended, on 12 April 2019, by section 27(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 28(3): amended, on 12 April 2019, by section 27(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 28(4): amended, on 12 April 2019, by section 27(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 28(4): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 28(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **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 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
  - (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
  - (g) a person of a class specified for the purposes of this section by regulations made under this Act.
- (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.

Section 29(2): amended, on 1 August 2010, by section 20(6) of the Cluster Munitions Prohibition Act 2009 (2009 No 68).

Section 29(2): amended, on 9 December 1998, by section 30(3) of the Anti-Personnel Mines Prohibition Act 1998 (1998 No 111).

Section 29(2)(e): substituted, on 1 November 1992, by section 11 of the Arms Amendment Act 1992 (1992 No 95).

### **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 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.

Section 30(1)(c)(iii): amended, on 1 November 1992, by section 12 of the Arms Amendment Act 1992 (1992 No 95).

Section 30(2): inserted, on 12 April 2019, by section 28 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **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.

Section 30A: inserted, on 1 November 1992, by section 13 of the Arms Amendment Act 1992 (1992 No 95).

Section 30A heading: replaced, on 12 April 2019, by section 29(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 30A(1): replaced, on 12 April 2019, by section 29(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 30A(2A): inserted, on 12 April 2019, by section 29(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **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 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 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.

Section 30B: replaced, on 12 April 2019, by section 30 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **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.

Section 31: substituted, on 1 November 1992, by section 14 of the Arms Amendment Act 1992 (1992 No 95).

Section 31 heading: amended, on 12 April 2019, by section 31(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 31: amended, on 12 April 2019, by section 31(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 31(a): amended, on 12 April 2019, by section 31(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 31(b): amended, on 12 April 2019, by section 31(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 31(c): amended, on 12 April 2019, by section 31(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **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.

Section 31A: inserted, on 12 April 2019, by section 32 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **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.

Section 32 heading: replaced, on 12 April 2019, by section 33 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **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.

Section 33A: replaced, on 12 April 2019, by section 34 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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.

Section 33B: inserted, on 1 November 1992, by section 15 of the Arms Amendment Act 1992 (1992 No 95).

Section 33B heading: replaced, on 12 April 2019, by section 35(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 33B(2): amended, on 12 April 2019, by section 35(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **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.
- (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 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).

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

Section 34(2): amended, on 12 April 2019, by section 36 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 34(2): amended, on 1 November 1992, by section 16 of the Arms Amendment Act 1992 (1992 No 95).

Section 34(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### *Photographs*

Heading: inserted, on 1 November 1992, by section 17 of the Arms Amendment Act 1992 (1992 No 95).

### **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).

Section 34A: inserted, on 1 November 1992, by section 17 of the Arms Amendment Act 1992 (1992 No 95).

### **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 in accordance with a notice given to that licence holder under that section.

Section 34B: inserted, on 1 November 1992, by section 17 of the Arms Amendment Act 1992 (1992 No 95).

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

Heading: replaced, on 12 April 2019, by section 37 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **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.

- (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.

Section 35: substituted, on 1 November 1992, by section 18 of the Arms Amendment Act 1992 (1992 No 95).

Section 35 heading: replaced, on 12 April 2019, by section 38(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 35(1): amended, on 12 April 2019, by section 38(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 35(1): amended, on 12 April 2019, by section 38(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 35(2): amended, on 12 April 2019, by section 38(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 35(2): amended, on 12 April 2019, by section 38(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 35(2)(b): amended, on 12 April 2019, by section 38(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 35(2)(b): amended, on 12 April 2019, by section 38(4) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 35(5): added, on 9 December 1998, by section 30(4) of the Anti-Personnel Mines Prohibition Act 1998 (1998 No 111).

Section 35(5): amended, on 1 August 2010, by section 20(7) of the Cluster Munitions Prohibition Act 2009 (2009 No 68).

### **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.

- (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.

Section 35A: inserted, on 12 April 2019, by section 39 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **36 Offence to carry pistol or restricted weapon without authority**

- (1) No person shall carry a pistol 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).
- (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

Section 36(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### **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

Section 37(3): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

### **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.
- (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 20; SR 1976/143 r 5(a)–(c)

Section 38 heading: substituted, on 1 November 1992, by section 19 of the Arms Amendment Act 1992 (1992 No 95).

Section 38 heading: amended, on 12 April 2019, by section 40(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 38(1): amended, on 12 April 2019, by section 40(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 38(1): amended, on 1 November 1992, by section 19 of the Arms Amendment Act 1992 (1992 No 95).

Section 38(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

*Miscellaneous obligations*

Heading: replaced, on 12 April 2019, by section 41 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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

Section 39(1): replaced, on 12 April 2019, by section 42 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 39(1A): inserted, on 12 April 2019, by section 42 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 39(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

**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.

Section 40 heading: replaced, on 12 April 2019, by section 43(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 40(1): amended, on 12 April 2019, by section 43(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 40(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

#### **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

Section 41(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### *Offences*

#### **42 Offences in respect of licences**

- (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.

Section 42(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

#### **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

Section 43(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 43(1)(a): amended, on 12 April 2019, by section 44 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 43(1)(a): amended, on 1 November 1992, by section 20(a) of the Arms Amendment Act 1992 (1992 No 95).

Section 43(3)(a): amended, on 12 April 2019, by section 44 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 43(3)(a): amended, on 1 November 1992, by section 20(b) of the Arms Amendment Act 1992 (1992 No 95).

#### **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.

Section 43AA: inserted, on 12 April 2019, by section 45 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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.

Section 43A: inserted, on 1 November 1992, by section 21 of the Arms Amendment Act 1992 (1992 No 95).

Section 43A(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 43A(2)(a): amended, on 12 April 2019, by section 46 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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.

Section 43B: inserted, on 1 November 1992, by section 21 of the Arms Amendment Act 1992 (1992 No 95).

Section 43B(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

#### **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

Section 44 heading: replaced, on 12 April 2019, by section 47(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 44(1): substituted, on 1 November 1992, by section 22(1) of the Arms Amendment Act 1992 (1992 No 95).

Section 44(1): amended, on 12 April 2019, by section 47(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 44(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 44(1)(a): amended, on 12 April 2019, by section 47(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 44(1)(b): amended, on 12 April 2019, by section 47(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 44(2): substituted, on 1 November 1992, by section 22(1) of the Arms Amendment Act 1992 (1992 No 95).

Section 44(2): amended, on 12 April 2019, by section 47(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 44(2)(a): amended, on 12 April 2019, by section 47(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 44(2)(b): amended, on 12 April 2019, by section 47(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 44(4): amended, on 12 April 2019, by section 47(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

#### **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.



Section 44A: inserted, on 12 April 2019, by section 48 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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.

Section 44B: inserted, on 12 April 2019, by section 48 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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)

Section 45 heading: replaced, on 12 April 2019, by section 49(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 45(1): amended, on 12 April 2019, by section 49(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 45(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 45(1): amended, on 1 November 1992, by section 23(1) of the Arms Amendment Act 1992 (1992 No 95).

Section 45(2): amended, on 12 April 2019, by section 49(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 45(2): amended, on 8 March 1985, by section 2 of the Arms Amendment Act 1985 (1985 No 5).

**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

Section 46(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 46(1): amended, on 1 August 1987, by section 2(2) of the Arms Amendment Act 1987 (1987 No 166).

Section 46(1): amended, on 8 March 1985, by section 2 of the Arms Amendment Act 1985 (1985 No 5).

**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)

Section 47: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 47: amended, on 1 November 1992, by section 24 of the Arms Amendment Act 1992 (1992 No 95).

**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)

Section 48: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 48: amended, on 1 November 1992, by section 25 of the Arms Amendment Act 1992 (1992 No 95).

**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.

Section 49(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

#### **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.

Section 49A: inserted, on 1 November 1992, by section 26 of the Arms Amendment Act 1992 (1992 No 95).

Section 49A heading: amended, on 12 April 2019, by section 50(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 49A: amended, on 12 April 2019, by section 50(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 49A: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

#### **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

Section 50 heading: substituted, on 1 November 1992, by section 27 of the Arms Amendment Act 1992 (1992 No 95).

Section 50 heading: amended, on 12 April 2019, by section 51(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 50(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 50(1)(c): repealed, on 12 April 2019, by section 51(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 50(3): substituted, on 1 November 1992, by section 27(2) of the Arms Amendment Act 1992 (1992 No 95).

Section 50(3): amended, on 12 April 2019, by section 51(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

#### **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.

Section 50A: inserted, on 12 April 2019, by section 52 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

#### **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.

Section 50B: inserted, on 12 April 2019, by section 52 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

#### **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.

Section 50C: inserted, on 12 April 2019, by section 52 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

#### **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 who, without lawful purpose, carries or possesses a prohibited firearm in a public place.

Section 50D: inserted, on 12 April 2019, by section 52 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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

Section 51(1): replaced, on 12 April 2019, by section 53 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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.

Section 51A: inserted, on 12 April 2019, by section 54 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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 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 who, except for some lawful or sufficient purpose, presents at any person any-

thing 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

Section 52(1): amended, on 12 April 2019, by section 55(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 52(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 52(2): amended, on 12 April 2019, by section 55(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 52(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### **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

Section 53(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 53(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 53(2): amended, on 8 March 1985, by section 3 of the Arms Amendment Act 1985 (1985 No 5).

Section 53(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 53(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

**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 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.

Section 53A: inserted, on 12 April 2019, by section 56 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**54 Use or attempted use of firearm, 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 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)

Section 54 heading: replaced, on 12 April 2019, by section 57(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 54(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 54(1): amended, on 28 October 1986, by section 7 of the Crimes Amendment Act (No 2) 1986 (1986 No 71).

Section 54(2): amended, on 12 April 2019, by section 57(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).



Section 54(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

#### **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.

Section 54A: inserted, on 12 April 2019, by section 58 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

#### **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)

Section 55 heading: replaced, on 12 April 2019, by section 59(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 55(1): amended, on 12 April 2019, by section 59(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 55(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 55(2): amended, on 12 April 2019, by section 59(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

#### **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.

Section 55A: inserted, on 12 April 2019, by section 60 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

#### **55B Offence of failing to produce 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, or to a fine not exceeding \$1,000, or both,

who, having a dealer's licence or firearms licence endorsed under section 30 or 30B, fails 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.

Section 55B: inserted, on 12 April 2019, by section 60 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **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

Section 56: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **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

Section 57: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **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)

Section 58(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **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.
- (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

Section 59(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### *Surrender or delivery of firearms, etc*

Heading: inserted, on 12 April 2019, by section 61 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **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 surrenders the pistol, restricted weapon, or prohibited item to the nearest Arms Office 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 for inspection and inquiries.

Section 59A: inserted, on 12 April 2019, by section 61 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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)

Section 59B: inserted, on 12 April 2019, by section 61 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

*Search and seizure of firearms**[Repealed]*

Heading: repealed, on 1 October 2012, by section 323(2) of the Search and Surveillance Act 2012 (2012 No 24).

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

Section 60: repealed, on 1 October 2012, by section 323(2) of the Search and Surveillance Act 2012 (2012 No 24).

**60A Search of suspected persons and seizure of firearms in cases of domestic violence***[Repealed]*

Section 60A: repealed, on 1 October 2012, by section 323(2) of the Search and Surveillance Act 2012 (2012 No 24).

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

Section 61: repealed, on 1 October 2012, by section 323(2) of the Search and Surveillance Act 2012 (2012 No 24).

*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
  - (c) 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

Section 62(1): replaced, on 11 December 2013, by section 11(1) of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Section 62(1)(a): repealed, on 12 April 2019, by section 62(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 62(1)(b)(vi): replaced, on 12 April 2019, by section 62(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 62(1)(b)(vii): inserted, on 12 April 2019, by section 62(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 62(1)(c)(v): replaced, on 12 April 2019, by section 62(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 62(1)(c)(vi): inserted, on 12 April 2019, by section 62(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 62(1A): inserted, on 11 December 2013, by section 11(1) of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Section 62(2): amended, on 11 December 2013, by section 11(2) of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

### **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

Section 63: amended, on 12 April 2019, by section 63 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **64 Appeal on a question of law**

- (1) Where any party to any appeal under section 62 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.

Section 64(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 64(2): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

*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

Section 65: amended, on 12 April 2019, by section 64 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

*Foreign personal protection officers*

*[Repealed]*

Heading: repealed, on 1 October 1999, by section 65H(1)(a).

**65A Interpretation**

*[Repealed]*

Section 65A: repealed, on 1 October 1999, by section 65H(1)(a).

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

*[Repealed]*

Section 65B: repealed, on 1 October 1999, by section 65H(1)(a).

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

*[Repealed]*

Section 65C: repealed, on 1 October 1999, by section 65H(1)(a).

**65D Grounds for issue of written authority or written permit**

*[Repealed]*

Section 65D: repealed, on 1 October 1999, by section 65H(1)(a).

**65E Conditions of written authority or written permit**

*[Repealed]*

Section 65E: repealed, on 1 October 1999, by section 65H(1)(a).

**65F Inspections**

*[Repealed]*

Section 65F: repealed, on 1 October 1999, by section 65H(1)(a).

**65G Power to revoke***[Repealed]*

Section 65G: repealed, on 1 October 1999, by section 65H(1)(a).

**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.

Section 65H: inserted, on 29 April 1999, by section 2 of the Arms Amendment Act 1999 (1999 No 23).

*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

Section 66 heading: amended, on 12 April 2019, by section 65(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 66: amended, on 12 April 2019, by section 65(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).



**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

Section 68: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

**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

Section 69(1): amended, on 12 April 2019, by section 66 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 69(2): amended, on 12 April 2019, by section 66 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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

Section 70(1): amended, on 12 April 2019, by section 67 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 70(2): amended, on 12 April 2019, by section 67 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **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

Section 72(1): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Section 72(3): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

## **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.
- (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—
  - (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.

Section 72A: inserted, on 1 November 1992, by section 30 of the Arms Amendment Act 1992 (1992 No 95).

Section 72A(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 72A(6): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

### **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 conferred 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.

Section 73(1)(a): amended, on 12 April 2019, by section 68 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 73(1)(b): amended, on 12 April 2019, by section 68 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 73(2): substituted, on 1 April 1998, by section 62(1) of the Postal Services Act 1998 (1998 No 2).

### **74 Regulations**

- (1) 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, 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:
- (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, 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:
- (h) prescribing the particulars to be recorded by licensed dealers:
- (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:
- (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:

- (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:
  - (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:
  - (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:
  - (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

Section 74(1)(ba): inserted, on 1 November 1992, by section 31(1) of the Arms Amendment Act 1992 (1992 No 95).

Section 74(1)(e): amended, on 12 April 2019, by section 69(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 74(1)(ha): inserted, on 12 April 2019, by section 69(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 74(1)(i): amended, on 12 April 2019, by section 69(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 74(1)(j): substituted, on 15 November 2000, by section 5 of the Arms Amendment Act 2000 (2000 No 53).

Section 74(1)(j): amended, on 12 April 2019, by section 69(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 74(1)(l): amended, on 12 April 2019, by section 69(4) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 74(1)(la): inserted, on 1 November 1992, by section 31(2) of the Arms Amendment Act 1992 (1992 No 95).

Section 74(1)(lb): inserted, on 12 April 2019, by section 69(5) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 74(1)(lc): inserted, on 12 April 2019, by section 69(5) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Section 74(1)(o): amended, on 1 November 1992, by section 31(3) of the Arms Amendment Act 1992 (1992 No 95).

Section 74(1)(ra): inserted, on 12 April 2019, by section 69(6) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

#### **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.

Section 74A: replaced, on 12 April 2019, by section 70 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

#### **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.

Section 74B: replaced, on 12 April 2019, by section 70 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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.

Section 74C: inserted, on 12 April 2019, by section 70 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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]*

Section 77: repealed, on 12 April 2019, by section 71 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).



## **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.
- (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.

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- (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.

## Schedule 1

### Transitional, savings, and related provisions

s 3A

Schedule 1: replaced, on 12 April 2019, by section 72 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## Part 1

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

Schedule 1 Part 1: inserted, on 12 April 2019, by section 72 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

#### 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.

Schedule 1 clause 1: inserted, on 12 April 2019, by section 72 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

#### 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.

Schedule 1 clause 2: inserted, on 12 April 2019, by section 72 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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.

Schedule 1 clause 3: inserted, on 12 April 2019, by section 72 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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.

Schedule 1 clause 4: inserted, on 12 April 2019, by section 72 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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.

Schedule 1 clause 5: inserted, on 12 April 2019, by section 72 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**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.

Schedule 1 clause 6: inserted, on 12 April 2019, by section 72 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **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.
- (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.

Schedule 1 clause 7: inserted, on 12 April 2019, by section 72 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## Arms Amendment Act 1992

Public Act	1992 No 95
Date of assent	27 October 1992
Commencement	see section 1(2)

### **1 Short Title and commencement**

- (1) This Act may be cited as the Arms Amendment Act 1992, and shall be read together with and deemed part of the Arms Act 1983 (hereinafter referred to as “the principal Act”).
- (2) Except as provided in section 7(2), this Act shall come into force on 1 November 1992.

### *Transitional provisions*

### **32 Duration of existing firearms licences**

Every firearms licence in force on 1 November 1992 shall, unless sooner cancelled, revoked, or surrendered, expire with the close of 31 October 2002.

### **33 Calling-in of existing firearms licences**

- (1) At any time before the close of 31 October 2002, the Commissioner may, by notice given to any person who was on 1 November 1992 the holder of a firearms licence, call in that person’s firearms licence.
- (2) Where any person who was the holder of a firearms licence on 1 November 1992 is given a notice under subsection (1), that person, if then the holder of a firearms licence, shall, by the close of such date as is specified in the notice (which date shall be not less than 2 months after the date of the notice), comply with section 34 or section 35.
- (3) The notice shall, among other things, inform the licence holder of the substance of section 34B of the principal Act and of section 38 of this Act.

### **34 Surrender of firearms licences**

If the holder of the firearms licence does not wish to continue to be the holder of a firearms licence, he or she shall surrender his or her firearms licence by delivering it or causing it to be delivered to a member of the Police at an Arms Office.

### **35 Applications for new firearms licences**

- (1) If the holder of the firearms licence wishes to continue to be the holder of a firearms licence, he or she—
  - (a) shall attend in person at an Arms Office and there deliver to a member of the Police—

- (i) the holder's firearms licence or a letter explaining why the holder is unable to deliver his or her firearms licence; and
  - (ii) 2 photographs of the holder of the firearms licence; and
- (b) shall, at the same time as he or she complies with paragraph (a), complete at the Arms Office—
  - (i) an application for a new firearms licence; and
  - (ii) such applications (if any) as are required under any of the provisions of sections 29(1), 29(2), 30A(1), and 36 of the principal Act in respect of endorsements.
- (2) The photographs of the holder of the firearms licence (which shall be identical) shall comply with such other requirements (including requirements as to size) as are specified in the notice.

### **36 Re-issue of firearms licences**

Where a person who was the holder of a firearms licence on 1 November 1992 and who wishes to continue to be the holder of a firearms licence complies with section 35 by the close of the date specified in the notice given to that person under section 33(1), a member of the Police shall consider whether that person is a fit and proper person to be in possession of a firearm or airgun, and, if satisfied that that person is such a person, shall cancel that person's existing firearms licence and, subject to section 24(2) of the principal Act and to compliance by that person with any notice given to that person under section 37(2) of this Act, issue a new firearms licence to that person.

### **37 Photographs of holders of firearms licences or dealers' licences**

- (1) Every member of the Police who issues a firearms licence or a dealers' licence on or after 1 November 1992 shall ensure that a photograph of the holder of the licence is affixed to or imaged into the licence.
- (2) Notwithstanding that an applicant for a firearms licence or a dealers' licence, or a person to whom a notice has been given under section 33(1), has supplied photographs of himself or herself to an Arms Office, a member of the Police may give to that person a notice requiring that person to attend at an Arms Office for the purpose of having his or her photograph taken.
- (3) Every notice given to a person under subsection (2) shall specify the days on which and the times during which that person may have his or her photograph taken at the Arms Office.

### **38 Effect of failure to respond to calling-in of firearms licence**

- (1) Where a notice under section 33(1) is given to a person who was the holder of a firearms licence on 1 November 1992 and that person does not, within the period of 6 months beginning with the date on which that notice was given to that person, comply with section 34 or section 35, that licence, unless sooner



cancelled, revoked, or surrendered, shall be deemed to be revoked as from the close of that period.

- (2) Where a licence is deemed to be revoked by subsection (1), the person to whom the licence was issued shall cease to be licensed to possess firearms, air-guns, pistols, or restricted weapons by virtue of that licence or any endorsement on it.

**39 Power to reinstate licences deemed to be revoked**

- (1) Notwithstanding anything in section 38, where a person whose firearms licence has been revoked by section 38(1) satisfies a member of the Police, before the close of 31 October 2002, that—

- (a) that person did not receive the notice sent to that person under section 33(1); or  
(b) that person has a reasonable excuse for failing to comply with section 35,—

that member of the Police may direct that that person's firearms licence be reinstated as from the time when it was deemed to be revoked.

- (2) No member of the Police shall give a direction under subsection (1) for the reinstatement of any person's firearms licence unless that member of the Police is satisfied that that person has delivered to an Arms Office—

- (a) that firearms licence or a letter explaining why that person is unable to produce that firearms licence; or  
(b) the photographs required by that notice.

- (3) Where a firearms licence is reinstated under subsection (1), a member of the Police shall forthwith proceed to consider under section 36 whether that person is a fit and proper person to be in possession of a firearm or airgun and sections 36 and 37 shall, with all necessary modifications, apply accordingly.

## Reprints notes

### 1 *General*

This is a reprint of the Arms Act 1983 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### 2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### 3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### 4 *Amendments incorporated in this reprint*

Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12): Part 1  
Customs and Excise Act 2018 (2018 No 4): section 443(3)  
District Court Act 2016 (2016 No 49): section 261  
Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120): section 14  
Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8  
Legislation Act 2012 (2012 No 119): section 77(3)  
Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117)  
Search and Surveillance Act 2012 (2012 No 24): section 323  
Criminal Procedure Act 2011 (2011 No 81): section 413  
Cluster Munitions Prohibition Act 2009 (2009 No 68): section 20  
Policing Act 2008 (2008 No 72): section 130(1)  
Visiting Forces Act 2004 (2004 No 59): section 26  
Arms Amendment Act 2000 (2000 No 53)  
Arms Amendment Act 1999 (1999 No 23)  
Anti-Personnel Mines Prohibition Act 1998 (1998 No 111): sections 28, 30  
Postal Services Act 1998 (1998 No 2): section 62(1)  
Hazardous Substances and New Organisms Act 1996 (1996 No 30): section 149  
Domestic Violence Act 1995 (1995 No 86): section 130(1)  
Arms Amendment Act 1992 (1992 No 95)  
Public Finance Act 1989 (1989 No 44): section 65R(3)  
Arms Amendment Act 1987 (1987 No 166)

Crimes Amendment Act (No 2) 1986 (1986 No 71): section 7

Arms Amendment Act 1985 (1985 No 5)

Arms Act 1983 (1983 No 44): section 65H(1)(a)