

INTRODUCTION

The introduction of the Arms Act 1983, the Arms Amendment Act 1992 and the Arms Regulations 1992 heralded an enlightened approach to arms legislation in this country.

This manual has been written to provide members of the Police with an explanation of legislation and also to outline Police policy and procedures aimed at promoting both the safe use and control of firearms and other weapons.

The Arms Manual will be on the Police website (www.police.govt.nz) and updated on a regular basis to ensure members are kept acquainted with any changes that take place. Arms control staff should ensure they maintain their hard copy of this Manual.

Should further elaboration or explanation of the contents of this manual be required, contact should be made with the Manager: Licensing and Vetting at Police National Headquarters.

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FIREARMS MANUAL

SECTION 1

EXPLANATORY NOTES

1.1 EXPLANATORY NOTE

1. The following explanatory notes should be read in conjunction with the Arms Act 1983, the Arms Amendment Act 1992, Arms Regulations 1992, the Arms Code, the Vetting Master Guide, and the Computer Manual.
2. The notes have been prepared to assist in explaining the various provisions of the Arms Act 1983. They are notes only and are not a detailed analysis of the Act.
3. Not all the provisions of the Act have been discussed. There has been no attempt to rewrite source documents referred to above.

1.2 FIT AND PROPER PERSONS

1. A Firearms Licence may be issued to any fit and proper person of or over the age of 16 years. Section 24(1)(a).

A fit and proper person is a person of good character who will abide by the Laws of New Zealand and the provision of the Arms Act 1983, the Arms Amendment Act 1992 and the Arms Regulations 1992.

2. See Section 2 of this Manual for Application Procedure, and expanded definition of “fit and proper”.

1.3 ISSUE OF A FIREARMS LICENCE

1. The following require a Firearms Licence;

- persons who have possession of firearms,
- arms dealers, and their employees
- persons between 16 and 18 years in possession of an airgun

(Note: persons in possession of pistols, restricted weapons, MSSA's including firearm dealers plus their employees/agents require an endorsement on their licence).

2. Persons under 16 years cannot be issued with a Firearms Licence. Section 20.

1.4 WHEN A LICENCE IS NOT TO BE ISSUED

1. 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:
 - whose application for a Firearms Licence has been previously refused or revoked on the grounds s/he was not a fit and proper person
 - whose application for a permit to procure or certificate of registration under the Arms Act 1958 has been refused or revoked
 - 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. (Section 24)
2. A Firearms Licence is not to be issued to any person while there is a protection order under the Domestic Violence Act 1995 applying to the applicant for the licence, unless that person has received a variance of the standard conditions by the Court.

1.5 DURATION OF A FIREARMS LICENCE

1. A Firearm Licence shall be valid for 10 years unless it is revoked or surrendered. (Section 25)
2. An Arms Dealers Licence shall be valid for one year from the date of issue. (Section 8)
3. A Visitor's Licence shall be valid for one year from the date of issue, or until the person leaves NZ, whichever is sooner.

1.6 DEFENCES TO POSSESSION

1. Possession of a rifle or shotgun in sporting configuration without a licence does not constitute an offence providing the person is under the immediate supervision of the holder of a Firearms Licence. Section 22(2)(a). To possess and use a pistol on an approved range a person must hold a Firearms Licence, but not necessarily a B endorsement provided they are under the immediate supervision of a B endorsement holder (section 22(2) and section 50(5)).
2. Similarly possession of an airgun (not being a specially dangerous airgun) by a person between 16 and 18 years of age without a licence does not constitute an offence providing the person is under the immediate supervision of the holder of a Firearms Licence or a person over the age of 18 years. Section 22(2)(b).

3. "'Immediate Supervision' suggests close or proximate supervision. With those considerations in mind, 'immediate supervision' must be taken to mean, at all times whilst the firearm is in the possession of an unlicensed person, the supervising licensee will be physically present so that they can actively supervise the activities of that person. "Some analogy might usefully be drawn with a trainee motor vehicle driver where the licensee must be physically present in the front passenger seat next to the trainee. The same requirement of physical presence applies here. Were it otherwise, it would be possible for the holder of a Firearms Licence to undertake a form of loose 'supervision' of an unlimited number of persons who for all practical purposes would enjoy unlimited powers over the use and possession of the firearm. This would defeat the whole object of these provisions". Allen V Police.

1.7 EXEMPTIONS (Firearms)

1. Persons in possession of the following firearms do not require a Firearms Licence (section 22 (1) Arms Act 1983 and/ or section 20 Arms Regulations 1992):
 - A bolt gun or a stud gun
 - A humane killer
 - A tranquilliser gun
 - A stock marking pistol
 - An underwater spear gun
 - A flare pistol
 - A deer net gun
 - A pistol that is part of rocket or line throwing equipment
 - A miniature cannon.
 - An antique firearm.
 - Dog training dummy launcher
 - Improvised explosive device disrupter.
2. Offence: Except for some lawful, proper and sufficient purpose, uses, discharges or carries anywhere any of the above. Section 49 Arms Act 1983.

1.8 PRODUCING FIREARMS LICENCE

Every holder of a Firearms Licence shall produce their Firearms Licence whenever required to do so by any member of the Police and in any case within 7 days. (Section 26).

1.9 POWER OF ARREST FOR FAILING TO SUPPLY PARTICULARS

Every person in possession of a firearm, airgun, pistol or restricted weapon shall give his/her full name, address, and date of birth on demand. Section 40. Any person who, after being cautioned, refuses or fails or continues to fail to give correct particulars commits an offence. Penalty: 3 months - \$1000 or both.

1.10 UNLAWFUL POSSESSION (Firearms)

No person shall have a firearm in his/her possession unless s/he is of or over the age of 16 years and is the holder of a Firearms Licence. Section 20 (see paragraph 1.6 and 1.7 above). Penalty: 3 months - \$1000 or both.

The Arms Amendment Act 1992 inserts Section 49A into the Arms Act 1983. This creates the offence of unlawfully possessing firearms or airguns after the revocation of a Firearms Licence.

1.11 UNLAWFUL POSSESSION (Airguns)

No person shall have an airgun in his/her possession unless – s/he is of or over the age of 18 years or s/he is between 16 years and 18 years of age and is the holder of a Firearms Licence (see also paragraph 1.6 and 1.7 above) Section 21. Penalty: 3 months - \$1000 or both.

1.12 SELLING OR SUPPLYING A FIREARM TO AN UNLICENSED PERSON

Every person commits an offence who sells or supplies a firearm (other than a pistol, MSSA, or restricted weapon) to any person who is not the holder of a Firearms Licence or Dealers Licence. Section 43. Penalty: 3 months - \$1000 or both.

1.13 SELLING OR SUPPLYING AN AIRGUN TO AN UNLICENSED PERSON

1. Every person commits an offence who sells or supplies an airgun to anyone under 18 years who is not the holder of a Firearms Licence. Section 43. Penalty: 3 months - \$1000 or both.

2. Burden of Proof: The burden of proving that the person was the holder of a Firearms Licence lies with the defendant. Section 43(2)(a) and (b).
3. Defence: It is a defence if the person in possession of the firearm or airgun was:-
 - Under the immediate supervision of the holder of a Firearms Licence
 - In the case of an airgun the person was under the immediate supervision of a person over the age of 18 years, or under the immediate supervision of the holder of a Firearms Licence
 - The defendant took reasonable steps to ascertain the person was the holder of a Firearms Licence or was of or over the age of 18 years as the case may be. Section 43(4).

1.14 ENDORSEMENTS – PISTOLS, RESTRICTED WEAPONS AND MSSA's

1. An applicant for a Firearms Licence or a holder of a Firearms Licence may apply for an endorsement permitting that person to have possession of a pistol or a restricted weapon in their capacity as:-
 - A member of any incorporated pistol club recognised by the Commissioner (29(2)(a)).
 - A bona fide collector of firearms (29(2)(b)).
 - A person to whom the pistol or restricted weapon has special significance as an heirloom or memento (29(2)(c)).
 - The Director or Curator of a bona fide museum (29(2)(d)).
 - "An approved employee or approved member of any body, being a broadcaster within the meaning of the Broadcasting Act 1989; or a bona fide theatre company or society or cinematic or television film production company or video recording production company" (29 (2)(e))
 - A licensed Arms Dealer or employee/agent of a licensed Arms Dealer. (29(2)(f))
 - A person specified by regulations made under the Arms Act.
2. An applicant for a Firearms Licence or a holder of a Firearms Licence may apply for an endorsement permitting that person to have possession of a military style semi-automatic firearm (MSSA) Section 30B.

1.15 CONDITIONS OF ENDORSEMENT

1. The endorsement for a pistol or restricted weapon shall be made on the following conditions (Section 32, Arms Act 1983):
 - that security precautions as required by the Regulations are observed
 - that a vital part of any restricted weapon is removed and that the weapon is made inoperable and maintained in that condition
 - that any other conditions regarding use or custody of the pistol or restricted weapon as approved by the Police are observed in accordance with Section 32 of the Arms Act 1983
2. Additional conditions are set out in Regulation 22, Arms Regulations 1992:
 - Conditions for using a pistol on a range for target pistol shooting
 - That pistols and restricted weapons held as collectable, or for theatrical purposes may not be used with live ammunition
3. Conditions of endorsement for military style semi-automatic firearms are set out in Section 33A Arms Act 1983.
 - Security requirements to be met, and any member of Police may be directed by the Commissioner to impose additional conditions.

1.16 CARRYING PISTOLS AND RESTRICTED WEAPONS

No person shall carry a pistol or restricted weapon beyond the curtilage of their dwelling save under and in accordance with the conditions endorsed on their Firearms Licence. (Note: this also includes antique pistols). Section 36. Penalty: 3 months - \$1000 or both. Defences: see Section 36(5). (See Section 3.4 of this Manual).

1.17 SELLING OR SUPPLYING A PISTOL, MSSA OR RESTRICTED WEAPON TO AN UNAUTHORISED PERSON

1. Every person commits an offence who sells or supplies a pistol, MSSA or restricted weapon to any person who has not been issued with an Import Permit or Permit to Procure. Section 44(1). Penalty: 3 years - \$4000 or both.
2. Burden of Proof: The burden of proving that the person was the holder of an Import Permit or Permit to Procure lies with the defendant. Section 44(2).
3. Defence: See Sections 44(3) and (4) of the Arms Act 1983 for defences to this section.

1.18 UNLAWFUL POSSESSION OF A PISTOL, RESTRICTED WEAPON OR MSSA

1. Every person who is in possession of a pistol, restricted weapon or MSSA without authority commits an offence. Section 50. Penalty: 3 years - \$4000 or both.
2. It is not an offence to be in possession of an antique pistol providing it is held solely as an antique. Section 50(2).
3. See Section 50 (4) and (5) of the Arms Act 1983 for other defences. (Note: carriage beyond the limits of a dwelling must be pursuant to an endorsement to carry).
4. Burden of Proof: the burden of proof lies with the defendant to prove s/he was authorised or permitted to have possession of the pistol, restricted weapon, or MSSA. Section 50(3).

1.19 POSSESSION OF A LARGE CAPACITY MAGAZINE FOR AN MSSA

1. "If a person has in their possession both the body of a semi-automatic firearm, and a magazine capable of holding more than seven cartridges then they cannot fit themselves within the exemption of having a weapon in sporting configuration. To find otherwise would make a nonsense of the amendments in 1992 which were specifically designed to limit the use of these firearms following the Aramoana multiple fatality." (Police v Noel Bruce, Wellington District Court, 30 May 1996, Judge C Somerville). In this case both the large capacity magazine and the firearm were found in circumstances that made it reasonable to believe that they had been used together, that is, the magazine had been fitted to the firearm.
2. In terms of appearance, the large capacity magazine needs to be considered when with (ie fitted to) the firearm. (See Section 2 Arms Amendment Act 1992).

1.20 PERMITS TO PROCURE PISTOLS, RESTRICTED WEAPONS OR MSSA's

Before any authorised person, whether an arms dealer or otherwise, may procure a pistol, restricted weapon or MSSA, s/he must be in possession of a permit to procure issued by the Police. Section 35.

1.21 SEARCH AND SEIZURE OF FIREARMS

1. These provisions are contained in Sections 60, and 61, of the Arms Act 1983.

2. Whenever any power conferred by any subsection of these sections is used, a written report must be furnished to the Commissioner within three days using the preformatted screen *FIRE.

1.22 POSSESSION BY A DRIVER OF A VEHICLE OR OCCUPIER OF A PREMISES

Every person in occupation of any land or building or the driver of any vehicle on or within which any firearm, airgun, pistol, imitation firearm, restricted weapon or explosive is found shall be deemed to be in possession unless s/he proves otherwise. Section 66.

1.23 REVOCATIONS

1. A Commissioned Officer of Police may, by notice in writing, revoke a Firearms Licence if in his/her opinion:-
 - any person with a Firearms Licence is not a fit and proper person to be in possession of a firearm or airgun or, access to any firearm or airgun in the possession of a person to whom a Firearms Licence has been issued is reasonably likely to be obtained by:
 - a person who has been declared not fit and proper under Section 10 of the Arms Act 1958
 - a person who has been refused a permit or certificate of registration under Sections 7 and 9 of the Arms Act 1958
 - a person who has been refused a Firearms Licence
 - a person whose Firearms Licence has been revoked
 - a person who in the opinion of a Commissioned Officer is not a fit and proper person to be in possession of a firearm or airgun. Section 27.
2. A Commissioned Officer of Police may also, by notice in writing, revoke a licence if s/he is satisfied that there are grounds under the Domestic Violence Act 1995 for the making against that person of an application for a protection order; or that such an order is in force under that Act in respect of that person. Arms Act Section 27A.
3. A person whose Firearms Licence is revoked, commits an offence punishable by one year imprisonment or \$4000 fine or both by being in possession of a firearm or airgun. Section 49A.
4. See Section 11 of this Manual.

1.24 SURRENDER OF A FIREARMS LICENCE

On revocation the person must be asked to produce their licence (Section 26 (1) (a)). A charge of failing to produce the licence (Section 26(1)(a)) should be considered if the person refuses to surrender the licence.

1.25 SURRENDER OF FIREARMS

On revocation or surrender of a Firearms Licence every firearm, pistol or restricted weapon is to be surrendered on demand. Section 28(1). Penalty: 3 months - \$1000 or both.

1.26 SURRENDER OF AIRGUNS AND ANTIQUES

Where any person who is not the holder of a Firearms Licence or Arms Dealer's Licence and who is not a fit and proper person, a Commissioned Officer of Police by notice in writing may demand the surrender of any airgun or antique firearm and all the conditions outlined in section 28(2) to (4) shall apply. Section 41. Penalty: 3 months - \$1000 or both.

This action must be repeated each time the person is found with an airgun or antiques.

1.27 POSSESSION OF FIREARM, PISTOL OR RESTRICTED WEAPON FOR BROADCAST, FILM, STAGE, TELEVISION OR VIDEO PURPOSES

1. A person involved in production activities may have possession of a firearm, pistol or restricted weapon provided he/she is under the immediate supervision of the holder of a licence (and bearing the endorsement issued under Section 29 (2) (e) in the case of pistols and restricted weapons). Section 31.
2. Only blank ammunition may be used. (Section 31(c).)
3. Persons who have or are applying for a "C Theatrical Endorsement" (Section 29(2)(e)) are to be aware of and must comply with the Code of Practice for Safety and Health in the New Zealand Film and Video Production Industry (see Section 13 of this Manual).

1.28 SELLING OR MANUFACTURING AIRGUNS, PISTOLS OR RESTRICTED WEAPONS BY WAY OF BUSINESS

1. A person who sells or manufactures for sale firearms, airguns, pistols or restricted weapons by way of business must have a Dealer's Licence. Section 5. Penalty: \$1000.
2. A Dealers' Licence shall be valid for one year. Section 8.

3. The licence shall be issued in the name of a person and shall not be transferable. Section 6.
4. The licence shall be issued in respect of one place of business only. Section 7. (See Section 7A for Gun Shows).
5. A dealer may not take into his/her possession any pistol or restricted weapon unless they first obtain a permit to procure from the Police. (Section 10(1)), or permit to import, (Section 16) and obtains it, either from the holder of a licence that bears an endorsement, or from a licensed dealer.
6. A dealer may take a pistol or restricted weapon into stock if s/he immediately surrenders it to the nearest Arms Office for inspection and inquiries. If cleared it is to be returned to the Arms Dealer for sale. This section is called a "permanent amnesty" provision. This section is to be read as applying to MSSA's, which were omitted from S10(2) during the last amendment. Section 10(2).

1.29 DEALERS AND THEIR EMPLOYEES TO HOLD A FIREARMS LICENCE

No Arms Dealer, employee or agent may sell a firearm or airgun, unless he/she is the holder of a Firearms Licence and in the case of pistols and restricted weapons, an endorsement issued under Section 29 (2) (f) and in the case of MSSA's an endorsement under 30B. This provision is to ensure persons who sell firearms by way of business direct to the public possess firearms lawfully, and have received training in firearm safety. Section 11. Penalty: \$500.

1.30 REPORTING INJURIES

Every person who causes bodily injury or death to any person by the use of a firearm, airgun, pistol or restricted weapon must report the incident in person as soon as reasonably practicable to the Police. Section 58. Penalty: 3 months - \$1000 or both.

1.31 UNSAFE FIREARMS OR PISTOLS

Failing to comply with a written notice from a Commissioned Officer to ensure that a firearm or pistol is brought to a safe standard of repair is an offence. Section 59. Penalty: \$500.

1.32 ADDING TO OR ALTERING A FIREARMS LICENCE

Every person commits an offence who:

- adds to or alters any licence
- uses or retains any altered licence

- parts with possession to any other person in order that it may be used by any other person
- uses or attempts to use a licence issued in the name of another
- supplies false particulars in any licence application under the Act. Section 42. Penalty: 3 months - \$1000 or both.

1.33 LOSS, THEFT OR DESTRUCTION OF FIREARM

Where a firearm, pistol or restricted weapon is lost or stolen or a pistol or restricted weapon is destroyed, the Police are to be informed in writing forthwith. Section 39. Penalty: \$500.

1.34 NOTIFICATION CHANGE OF ADDRESS

Every holder of a Firearms Licence who changes his/her address shall, within 30 days, notify the Police in writing. Section 34. Penalty: \$500.

1.35 SPECIALLY DANGEROUS AIRGUNS

1. This provision enables any airgun to be declared a specially dangerous airgun. Persons in possession therefore require a Firearms Licence and endorsement. Section 4.
2. Some airguns are not in themselves "specially dangerous", but may be firearms in their own right. The Brocock pistol is an example (as it can be adapted so as to discharge by force of explosive). The Police Armourer can advise.

1.36 MISCELLANEOUS - AMMUNITION - SEMI-AUTOMATIC PISTOL

1. Ammunition

A person who sells/supplies ammunition does not require a Firearms Licence. A person in possession of ammunition does not require a Firearms Licence, but must possess it for lawful, proper and sufficient purpose (section 45).

See Schedule to the Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984. Ammunition for certain restricted weapons is also classified as a restricted weapon, e.g. mortar ammunition.

See also Section 43A - Mail Order Sale of Firearms or ammunition and Section 43B - restriction on sales of ammunition.

2. Semi-Automatic Pistol

This term does not appear in the Arms Act 1983 nor the Arms Regulations 1992. All revolvers, all semi-automatic pistols and any firearm that is less than 762 mm in length are classified as "pistols". Section (2). Arms Act 1983.

1.37 SECURITY

1. Regulation 19 and 28 of the Arms Regulations 1992 specify the security required as a condition of holding a Firearms Licence and/or an endorsement.
2. It is apparent that securing firearms is a major deterrent against theft, and may have contributed to the decline in suicide by firearm since 1992.
3. It is clear from the explanatory note to the Regulations that Parliament intended that every licence holder, irrespective of whether they possessed a firearm, would have the capability to secure firearms.

FIREARMS MANUAL

SECTION 2

FIREARMS LICENCES

2.1 INTRODUCTION

1. This Section of the Arms Manual outlines the procedures to be followed when issuing a Firearms Licence (commonly referred to as type "A") and a Visitors Licence.
2. The possession of firearms in New Zealand is considered a privilege, rather than a right.

In *Police v Corby* (unreported District Court Lower Hutt (MA 194/81) 5 June 1981) Judge Laing stated "permits to obtain possession of firearms are granted by way of privilege and not by way of right".

In *Giles v O'Fee* (unreported District Court Wellington (MA 309/88) 29 August 1989) Judge P J Keane stated "in New Zealand the possession of firearms is a privilege, not a right".

2.2 ARMS AMENDMENT ACT 1992

1. The Arms Amendment Act 1992 repealed lifetime licenses.
2. Firearms Licenses expire ten years after issue, unless renewed, surrendered or revoked.
3. All notices required to be served under the Arms Act (including calling in) are to be deemed to be served (among other methods) when posted to the last known address of the licence holder. (Though it is necessary to prove the posting of the notice in any Court case. Personal service is more reliable, in that it is more easily proven).
4. Domestic violence is included as a criterion in considering the "fit and proper" test, and authorises police to refuse or revoke a licence on those grounds. (also see Domestic Violence Act 1995 and resultant Police policy).

2.3 FIREARMS LICENSING

A Firearms Licensing Section is located within the Licensing and Vetting Service Centre at Police National Headquarters. Its role is to plan, coordinate and control all firearms licensing. The Licensing team is responsible to the Manager:

Licensing and Vetting, who reports to the National Manager: Operations within the Office of the Commissioner.

2.4 CONTACTING FIREARMS LICENSING

Firearms Licensing personnel can be contacted for advice through the following channels:

- Phone (04) 474 9539
- Fax (04) 499 1065
- e-mail firearms@police.govt.nz

2.5 OBJECTIVES OF FIREARMS LICENSING

1. To maintain public safety and reduce crime by promoting the safe use and the control of firearms and other weapons.
2. To ensure, as far as possible, that only those who are “fit and proper” have access to firearms.
3. To issue all (except Visitors) Firearms Licences in the form of a durable, high security plastic card bearing the photographic image of the holder.
4. To establish and maintain a computer database comprising the photo images of all Firearms Licence holders, Firearms Licence details, and a record of those firearms required to be taken into possession on a permit to procure, or other requirement for the possession of that firearm to be notified to Police.
5. To establish an ongoing licensing system which allows for the vetting of licence holders and the reissue of licences at ten year intervals.
6. To ensure that all District Firearms Licensing operations uniformly meet the requirements of legislation, and the expectations of Government as communicated in the annual Departmental Forecast Report (DFR).

2.6 LICENCES, PREFIX "E", PREFIX "N"

1. Licences issued from 1 June 1984 to December 1992 were prefixed by letters "E" or "N".
2. As from 1 November 2002, if not otherwise renewed or surrendered, these licenses expire.

2.7 LICENCE TYPES

1. There are three types of licences issued under the Arms Act 1983 and Arms Regulations 1992. They are:
 - Firearms Licence (commonly referred to as an “A” licence)

- Dealers Licence (commonly referred to as a “D” licence)
- Visitor’s Firearms Licence (commonly referred to as a “V” licence)

2. Firearms Licences may bear the following endorsements:

- B (Pistols) (29(2)(a))
 - C (Collectors) (29(2)(b))
 - C (Heirloom, Memento) (29(2)(c))
 - C (Museum) (29(2)(d))
 - C (Theatrical) (29(2)(e))
 - E MSSA (30B)
 - F Dealers (29 (2) (f)) (When combined with the 30B endorsement this is printed on a special Firearms Licence card in full and is referred to as the “Dealers Endorsed Firearms Licence”).
3. Each licence is distinctive. The Firearms Licence is blue, the Dealers Licence green and Visitors Licence is on a paper based form.
4. No licence will have printed on it more than one "C" type. Licensing staff should check computer records as to the specific “C” endorsements held. This is especially important if a permit to procure or import is applied for.

2.8 GENERAL FIREARMS LICENCE – “TYPE A”

1. A Firearms Licence permits the holder to possess shotguns and/or rifles (ie sporting firearms). It may only be issued by a “Member of Police” as defined in the Arms Amendment Act 1992. It may only be refused by a Commissioned Officer of Police.
2. A Firearms Licence is required by persons between the ages of 16 and 18 years who wish to possess an airgun.
3. There is no limit on the number of rifles, shotguns or airguns a person may hold on a Firearms Licence.
4. Persons who wish to possess or use replica firearms will require a licence, (and if that replica is a pistol, MSSA or restricted weapon the appropriate endorsement).
5. Licences cannot be issued to persons under 16 years of age. (Section 23 and 24 Arms Act 1983).

2.9 DEALERS LICENCE – “TYPE D”

This licence permits the holder to sell and manufacture firearms and airguns by way of business. (See Section 5 - Arms Act 1983).

2.10 “B” ENDORSEMENT

A Firearms Licence with a B endorsement permits the holder to possess pistols in their capacity as a member of an incorporated pistol club recognised by the Commissioner. (See Arms Act 1983 29(2)(a)).

2.11 “C” ENDORSEMENT

A Firearms Licence with a C endorsement permits the holder to possess pistols and restricted weapons. See Arms Act 1983 Section 29(2)(b-e). Persons who come within this category are:

- A bona fide collector of firearms; or
- A person to whom the pistol or restricted weapon has special significance as an heirloom or memento; or
- The Director or Curator of a bona fide museum; or
- "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".

2.12 “E” ENDORSEMENT

A Firearms Licence with an E endorsement permits the holder to possess military style semi-automatic (MSSA) firearms.

2.13 “F” ENDORSEMENT

A licence bearing this endorsement permits the holder to possess pistols and restricted weapons in their capacity as a dealer, or employee/agent of a dealer. (It is combined with the E Endorsement to form the “dealer endorsed Firearms Licence” card. This is issued in addition to the person’s standard Firearms Licence. The wording of the endorsement, and it’s condition of use, are printed in full on the reverse of the Firearms Licence card).

2.14 DURATION OF LICENCE

"Every Firearms Licence shall come into force on a date to be specified on the licence and, unless sooner revoked or surrendered, shall continue in force for the period of 10 years beginning on that date" (Section 25, Arms Act 1983).

A Dealers Licence shall be valid for one year from the date of issue (unless sooner revoked or surrendered)." (Section 8 Arms Act 1983).

2.15 DURATION OF ENDORSEMENT TYPES

1. B, C, E and F endorsements are given for the duration of the Firearms Licence and are renewed at the time of renewing the Firearms Licence.

2. B endorsements shall be valid while the holder remains a member of an incorporated pistol club recognised by the Commissioner, and fulfils attendance requirements.
3. E endorsements are valid while the holder is an active member of a pistol club if the MSSA was for club shoots. If no MSSA's are held, inquiries should be made as to the requirement for the endorsement. The purpose for which the endorsement is given shall be a condition on the endorsement. (This is a direction in terms of Section 33A (2), Arms Act 1983).

2.16 RESIDENTIAL REQUIREMENT FOR FIREARMS LICENCE

1. The law does not require that applicants for a Firearms Licence be New Zealand citizens living in New Zealand or have permanent residence status. The determining factor is that they and their referees are available for vetting.
2. A person "ordinarily resident in New Zealand" as defined in Section 4, Crimes Act 1961 may be suitable for consideration.
3. Any person visiting New Zealand for a period not exceeding 12 months may make application for a Visitors Firearms Licence. Regular visitors to New Zealand are to be encouraged to obtain a standard Firearms Licence. See also Section 2.37 - Arms Manual.

2.17 NEW APPLICANTS

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. Section 23 Arms Act 1983.
2. See Section (2) Arms Act 1983 for definition of "Arms Office" and "Member of the Police". (The "Member of Police" to whom the application is made is not necessarily the person who takes the application at a public counter. Rather it is the person making the decision as to issuing the licence).
3. Before a member of Police may issue a Firearms Licence, he/she must be satisfied that the applicant is a fit and proper person (Section 24(1)(b) Arms Act 1983).

2.18 PLACE OF APPLICATION

1. An applicant for a Firearms Licence shall attend in person at an Arms Office and shall complete his or her application for a Firearms Licence.
2. The Arms Office at which the applicant attends shall be either:
 - The Arms Office nearest to the applicant's place of employment; or

- The Arms Office nearest to the applicant's place of residence. (Regulation 16 Arms Regulations 1992).
- 3. The Commissioner has declared all Police premises to be Arms Offices for the purpose of receiving applications for a Firearms Licence. (However, in keeping with other licensing enactments the "Member of Police" to whom the application is made need not necessarily be the person who accepts the application form at the counter, but is rather the person designated for the purpose by the District Commander).

2.19 APPLICATION

1. An Application Fee commensurate with the type of licence must be paid at a NZ Post Shop. Fees are set by regulation - see the schedule to the Arms Regulations 1992.
2. The applicant is to provide one passport-type colour photograph.
3. A member of Police is to attest to the true likeness of photograph of the applicant and witness the signature.
4. Firearms Licence fees are "prepaid", that is, not refundable (Regulation 33, Arms Regulations 1992). Refunds will only be authorised in exceptional circumstances.

2.20 APPLICATION FORM (POL 67J)

1. The form must be completed by the applicant in his/her own handwriting, and witnessed by a member of Police. The applicant is to retain the tear off instruction sheet, which has Regulation 19 printed on it.
2. The photograph will be attached by the Police member.
3. It is imperative that the applicant completes the form in full. The recording of many incorrect particulars in the past have been the result of Police filling in the forms.
4. All answers must be printed.
5. For those renewing their licence, the short test on the back of the application is administered as part of the vetting process. (See the Vetting Master Guide).

2.21 FILE

1. The application form and fee receipt will form the basis of a file.
2. The file will remain in Districts until all vetting is complete and there is sufficient information for a decision by a member of Police (as defined in the

Arms Amendment Act 1992 and designated by the District Commander) for the issue or refusal of the licence.

2.22 APPLICATION FOR LICENCE AND/OR ENDORSEMENT REFUSED

1. If the application is refused, there is no necessity for the file to be forwarded to PNHQ. (See Section 11 and the Arms Computer Manual for procedures to be followed).
2. The provisions of Section 62 of the Arms Act 1983 (Right of Appeal from Official Decisions) must be drawn to the attention of the person when an application for a licence and/or endorsement is refused.

2.23 VETTING

1. Vetting will be conducted using the Police Form Pol 67K checklist as a guide. This Vetting Guide and the Vetting Master Guide direct the vetting of applications. The Vetting Guide is to be completed in full.
2. ALL referees, including spouse/partner are to be interviewed separately and in any case the applicant MUST NOT be present.
3. Visiting the applicant's address is good Police practice and is required for all licence and endorsement applications (security must be physically checked).
4. Computer action is to be taken and the file with the approved application is to be forwarded to Firearms Licensing at PNHQ.

2.24 PROCESSING

1. The Advisory Officer (Firearms) will carry out a quality check on the file.
2. If vetting is not complete, or the necessary computer action has not been taken, or the approval by District is questionable, it will be returned to district for completion or correction, or for the approval to be reconsidered by a Commissioned Officer.
3. If the file meets all requirements, Firearms Licensing will capture the image and have the licence manufactured and sent to the applicant.
4. The file will be returned to District for filing. It is recommended that files be filed by expiry date. They should be retained for the time the applicant holds a Firearms Licence, and in any case for a minimum of 10 years.

2.25 LICENCE PRODUCTION

1. Licence cards are produced by a contracted card producer.
2. The relationship with the card producer is managed by the Manager: Licensing and Vetting. Any queries are to be referred to the Advisory Officer (Firearms). District staff are not to make contact with the card producer direct.
3. Cards will be sent to the applicant directly from the card producer.

2.26 NON RECEIPT OF FIREARMS LICENCE

Should an applicant advise an Arms Officer of the non receipt of a licence the District/Area Arms Officer is to make enquires with the Advisory Officer (firearms) to ensure that the licence has been issued. The applicant needs to check with NZ Post to ensure that the envelope is not being held by them. Once enquiries have been exhausted, the District/Area Arms Officer can order a replacement licence by e-mail, fax, or mail from the Advisory Officer (Firearms), giving a brief outline of the reasons.

2.27 ARMS CODE

1. The Arms Code is a Firearms Safety Manual compiled by the New Zealand Mountain Safety Council and the Police.
2. The code provides instruction on the safe use of firearms.
3. Each applicant for a Firearms Licence (including renewal and visitors) shall be issued with a copy of the code free of charge. The applicant should be advised that firearms safety testing is based on the contents of the Arms Code.
4. The code is available from all Arms Offices and is on the Police Web Site. Additional supplies are obtainable through the Police Supply Process.
5. Mountain Safety Council Instructors, libraries, schools and other interested parties may be provided a copy of the Arms Code (at no cost).

2.28 TEST/S ON ARMS CODE

1. All new applicants for a Firearms Licence must undergo training and testing unless a Commissioned Officer otherwise directs (Regulation 14 Arms Regulations 1992).
2. See Section 12 of this Manual, "Firearms Safety Test - New Zealand Mountain Safety Council".

3. Those applying to renew their licence are to complete the short test, administered as part of the vetting process, on the application form. The applicant must answer 8/10 correctly. If they do not, they are to complete full training and testing (MSC lecture/test).

2.29 FIT AND PROPER PERSONS

1. A fit and proper person is a person of good character who can be trusted to use firearms responsibly - this is central to Arms Control in New Zealand.
2. An applicant could be considered not a fit and proper person if he/she has:
 - been the subject of a protection order; or
 - shown no regard for the Arms Act or Arms Regulations; or
 - been involved in substance abuse; or
 - committed a serious offence against the Arms Act; or
 - committed any serious offence against any other Act; or
 - committed a series of minor offences against the Arms Act; or
 - committed crimes involving violence or drugs; or
 - affiliations with a gang involved in committing violent offences or in conflict with another gang; or
 - been or is involved in matrimonial discord involving violence or threats of violence; or
 - exhibited signs of mental ill health; or
 - attempted to commit suicide or other self injurious behaviour; or
 - not complied with security conditions
 - for some other reason been considered not fit and proper.
3. Not being fit and proper also includes any person who has possession of firearms or airguns to which a person who is not considered fit and proper may obtain access.
4. It is not possible to prepare a comprehensive list. However where a licence is refused there must be reasonable grounds for the refusal. Patterns of behaviour are important indicators.
5. Domestic violence has been made a special criterion in considering the issue or revocation of a licence.
6. For more in depth discussion of the term "Fit and Proper" see *Corby v Police* (reported in the Bulletin, July 1981 and April 1984) *Police v Cottle* [1986] 1NZLR 268, *Bush v Police* [1991] DCR 385 and *Dobbs v Police* [1992] DCR 650 (reported in Ten-One No 37, 12 March 1993), and *Van Delft V Police* (M A N 4/2001).
7. Any member of Police who at any time has reason to consider a person is not fit and proper should make a NIA noting outlining those reasons in detail.

2.30 INTERVIEWS

1. The Firearms Licence Vetting Guide, Pol 67K, sets out required formats for interviews of the applicant, spouse, next-of-kin, partner, referees etc. The interviews are designed to elicit whether the applicant is "fit and proper" and must be thorough. The points set out in the formats are not exhaustive and vetters are encouraged to ask whatever extra questions they consider are appropriate in each case. There is a danger of interviews becoming stereotyped.
2. The applicant must not be present when referees are interviewed. This especially applies to spouse/partner/next of kin.

2.31 APPLICANTS UNDER 18 YEARS

1. Where the applicant is aged under 18 years, unless married, one of the referees should be one of the applicant's parents or guardians.
2. Where the applicant is under the supervision of the New Zealand Children and Young Persons Service the application should be discussed with the local Branch Manager.

2.32 HEALTH OF APPLICANTS

1. The Vetting Guide requires the applicant to advise whether he/she has ever been referred by a medical practitioner to a psychiatrist or psychologist or whether he/she has ever required treatment for or suffered from:
 - mental/emotional problems;
 - depression;
 - excess drinking/drugs;
 - fits/dizziness/blackouts;
 - head injuries
2. If the applicant gives an affirmative reply to one or more of these questions his/her doctor should be contacted or the applicant must provide a statement from the doctor to determine whether the applicant is fit to be issued with a licence.
3. From time to time, persons suffering from epilepsy apply for a Firearms Licence. Provided a doctor certifies that the applicant is a "fit" person to hold a Firearms Licence, the application can be processed in the usual way.
4. Applications from persons with impaired hearing or vision can be processed in the usual way.

2.33 APPLICANTS PREVIOUSLY REFUSED LICENCE OR LICENCE REVOKED

1. See Section 11 Arms Manual. Provided a District Commander approves, a Firearms Licence may be issued to a person whose previous application was refused or whose Firearms Licence was revoked.
2. The applicant will be subject to the usual vetting procedures, be issued with an Arms Code and be required to sit and pass the Arms Test.

2.34 CHANGE OF ADDRESS

1. Every holder of a Firearms Licence who changes his/her address shall within 30 days after doing so, give notice in writing thereof to the Arms Office nearest to the new address. (Section 34 Arms Act 1983).
2. Although failure to advise change of address is punishable by a fine, discretion should be used before authorising prosecution.
3. Licence holders should be actively encouraged to advise the police of any change of address even though the 30 day period may have elapsed.
4. Details of the change of address shall be entered on the Firearms Subsystem.
5. Security shall be inspected at the new address.

2.35 SUPERVISION BY LICENCE HOLDERS (IMMEDIATE SUPERVISION)

1. Persons in possession of a rifle or shotgun without a licence have a defence to an offence providing they are at all times under the immediate supervision of the holder of a Firearms Licence. (Section 22(2)(a) Arms Act 1983).
2. A person between 16 and 18 years in possession of an airgun without a licence has a similar defence providing the person is, at all times, under the immediate supervision of the holder of a licence or a person over the age of 18 years (Section 22(2)(b) Arms Act 1983).
3. There is widespread misunderstanding as to the scope of the supervision exemption and the meaning of "immediate supervision". This was addressed in *Allen v Police* (High Court, Hamilton, 1 October 1990 (AP 92/90) oral judgement of Fisher J) [8 PP].

"...With those considerations in mind, I think that 'immediate supervision' must be taken to require that at all times that the firearm is in the possession of an unlicensed person, the supervising licensee will be physically present so that he can actively supervise the activities of that person. Some analogy might usefully be drawn with a trainee motor vehicle driver where the licensee must

be physically present in the front passenger seat next to the trainee. I think that the same requirement of physical presence applies here. Were it otherwise, it would be possible for the holder of a Firearms Licence to undertake a form of loose 'supervision' of an unlimited number of persons who for all practical purposes would enjoy unlimited powers over the use and possession of the firearm. As I see it, that would defeat the whole object of these provisions..."

4. Section 49A Arms Act 1983 creates the offence of possession of a firearm or airgun by a person whose Firearms Licence has been revoked. A person whose licence has been revoked may not possess firearms. Those aged 16-18 whose licence has been revoked may not possess airguns. Where a person over 18 years, whose licence has been revoked, is in possession of an airgun, Section 41 of the Arms Act is to be followed.

2.36 VISITORS TO NEW ZEALAND

1. The Visitors Firearms Licence (V Licence) is a Firearms Licence issued for a period of time not exceeding 12 months or until the visitor leaves NZ, whichever is sooner. The fee is set out in the schedule to the Arms Regulations 1992 (\$25). The licence allows the holder to use or possess sporting firearms.
2. A "B" endorsement shall not be issued to any visitor in possession of a pistol unless he/she is a visitor from an overseas pistol club who has made prior arrangements through the national pistol association and the Manager: Licensing and Vetting at Police National Headquarters.
3. Similarly an "E" endorsement shall not be issued to any visitor in possession of a military style semi-automatic firearm (MSSA) unless prior approval has been obtained through the Manager: Licensing and Vetting at Police National Headquarters.
4. An endorsement cannot be issued to any visitor in possession of a restricted weapon.
5. Where a visitor in possession of a pistol or a restricted weapon or a MSSA arrives in New Zealand and no authorisation for the importation has been approved by the Manager: Licensing and Vetting, the pistol and/or restricted weapon and/or MSSA is to be seized by the Police/Customs.
6. A report shall be submitted forthwith for the information of the District Arms Officer and Manager: Licensing and Vetting. The firearm/s are to be returned to the visitor on his/her departure from the country.
7. The Visitors Firearms Licence is specifically for visitors to New Zealand (ie: "Tourists"). It must not be issued as an interim licensing measure for returning New Zealand citizens or residents, or to prospective immigrants.

2.37 ISSUE OF LICENCE TO VISITORS

1. The member issuing the licence must be satisfied that the applicant is a fit and proper person. In most cases persons who have lawful possession of firearms within their own country will usually be in possession of a Firearms Licence, firearms permit or hunting permit etc.
2. Where any doubt exists as to the suitability of an applicant, a licence shall not be issued.
3. The schedule of firearms approved for import to New Zealand must be checked to ensure any firearm the tourist wishes to bring into the country is approved for import. See Section 8.12 Arms Manual. If the firearm is approved a permit to import can be issued.
4. The form "New Zealand Visitor Firearms Licence and permit to import" Pol 67DA serves as an application, licence, and import permit. To be valid, the Visitor's Licence must be accompanied by a current passport, and bear a stamp "issued by Police".
5. The fee as set out in the schedule to the Arms Regulations 1992 is to be charged. No fee is to be charged for authorised endorsements "B" or "E".
6. The expiry date is to be recorded as one year from the date of issue.
7. The forms are self-explanatory. All sections must be completed.
8. A copy of the Arms Code shall be given to the applicant at no fee.
9. The law requires a photograph to be included on the licence. Being accompanied by a current passport satisfies this requirement.

2.38 VISITORS NOT ISSUED WITH LICENCE

Visitors who wish to use firearms (not including pistols, MSSA's and restricted weapons) and who do not hold a licence themselves may do so under immediate supervision of the holder of a New Zealand Firearms Licence in accordance with Section 22(2) of the Arms Act 1983.

2.39 DECLARING FIREARMS TO CUSTOMS

1. Persons arriving in New Zealand with firearms are required to declare them to Customs before being processed by the Police.
2. If the person is not a visitor (and therefore ineligible for a Visitors Firearms Licence and permit to import), and is not the holder of a New Zealand Firearm

Licence, no permit to import is to be issued. The person must be advised to apply for a Firearms Licence within one month of arriving (and the “C” or “E” endorsement if applicable). If the firearms concerned are pistols, the person must join a pistol club within 3 months of arrival, and have applied for a “B” endorsement. These time frames indicate the person is bona fide and customs/Police will retain firearms until a permit to import is issued. Failure to meet these timeframes may result in forfeiture and destruction of firearms held.

2.40 FIREARMS EXEMPTED

Sections 22(1)(a), (b), and (c) of the Arms Act 1983 list those firearms, which may be possessed without a licence. Section 43B of the Arms Act 1983 (Restrictions on Sale of Ammunition) does not apply to any ammunition for those firearms. (Section 43B (5) Arms Act 1983).

2.41 ISSUE OF LICENCES TO MEMBERS OF POLICE - ARMED SERVICES

1. Members of the New Zealand Defence Force and members of the Police do not require a Firearms Licence to possess or carry firearms, airguns, pistols, restricted weapons, ammunition or explosives in the course of their duties. (Arms Act 1983 section 3).
2. Members of the Defence Force and Police who apply for a Firearms Licence are required to undergo the same vetting procedure as members of the public. They are required to attend the firearms lecture and pass the test, unless they can produce written evidence they have already done so (as part of training).

2.42 LOST/STOLEN LICENCES

1. A licence holder who applies for a replacement licence because their Firearms Licence has been lost, stolen, destroyed, mutilated or has become illegible is required to prove the fact to a member of the Police.
2. Such proof can be a written statement, statutory declaration or other acceptable evidence (Regulation 32, Arms Regulations 1992).
3. The fee as set in the schedule to the Arms Regulations 1992 will be charged for the issue of a replacement licence.
4. The statement of loss from the applicant is to be attached to the original Firearms Licence application file and forwarded to Firearms Licensing at Police National Headquarters. Firearms Licensing will arrange for the issue of the duplicate licence, which will be sent direct to the applicant. Alternatively, any District Arms Officer may request a replacement licence by e-mail, fax, or memorandum, which includes a statement that the application file has been checked, loss statement accepted and fee paid.

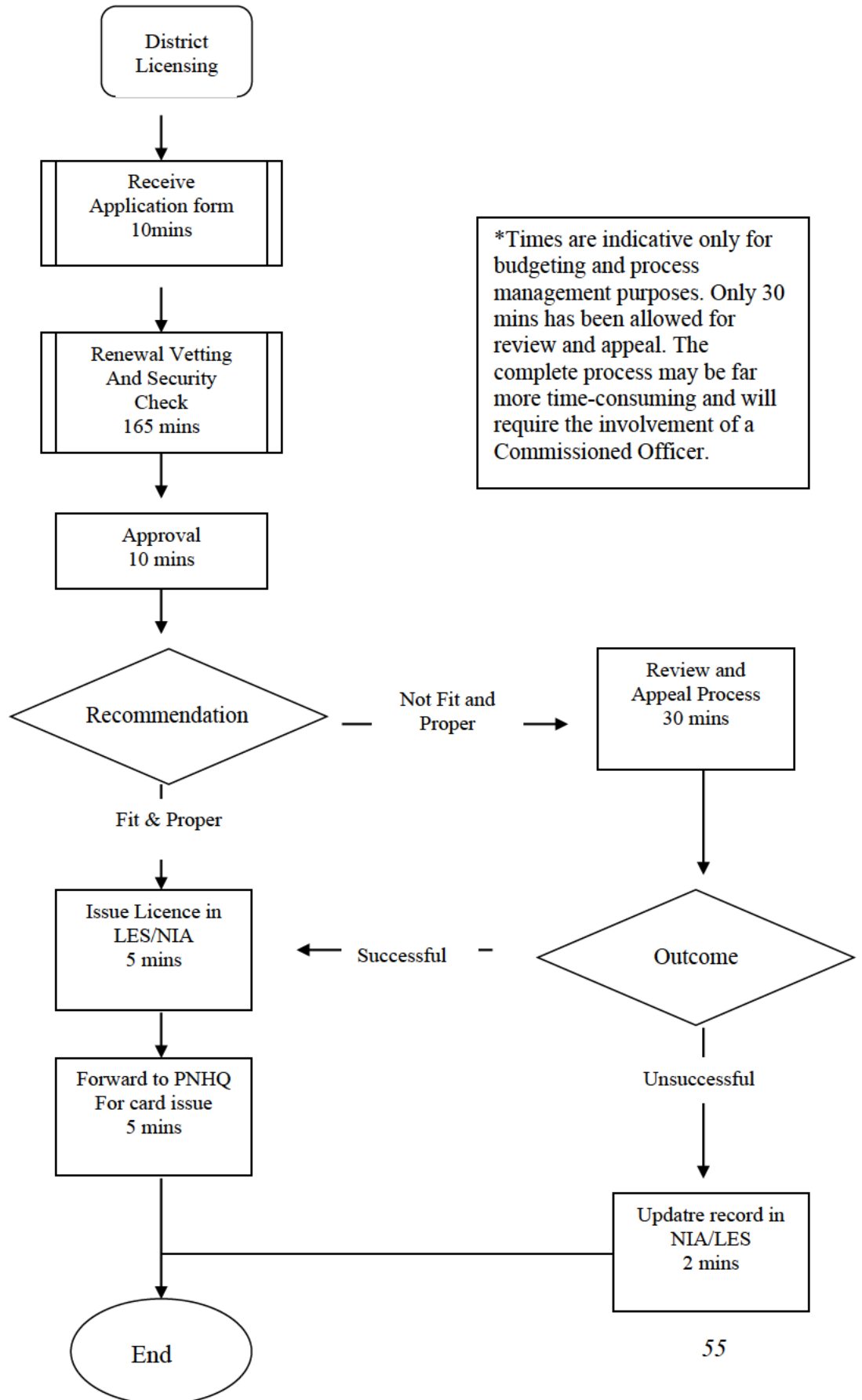
2.43 DECEASED LICENCE HOLDERS

1. Where the holder of a Firearms Licence in respect of a pistol, military style semi-automatic firearm, or restricted weapon dies, the personal representative of the holder of the Firearms Licence or any other person who obtains possession of the pistol, military style semi-automatic firearm, or restricted weapon, shall forthwith notify the Police of:-
 - a. The death; and
 - b. The location of the pistol, military style semi-automatic firearm, or restricted weapon (Regulation 18 Arms Regulations 1992).
2. Prompt action must be taken to ensure all pistols, military style semi-automatic firearms and restricted weapons are accounted for and are transferred to a person with the appropriate endorsement type and security.
3. When all firearms listed on that licence have been removed from the licence, that licence can be cancelled and destroyed by the District Arms Officer. A fax, or e-mail message or memorandum is to be sent to Firearms Licensing stating that the holder is deceased, date of death and place so Validation can, if necessary, amend the Master Name Index and MO can record the death on their records.

2.44 CHANGE OF NAME BY MARRIAGE OR DEED POLL

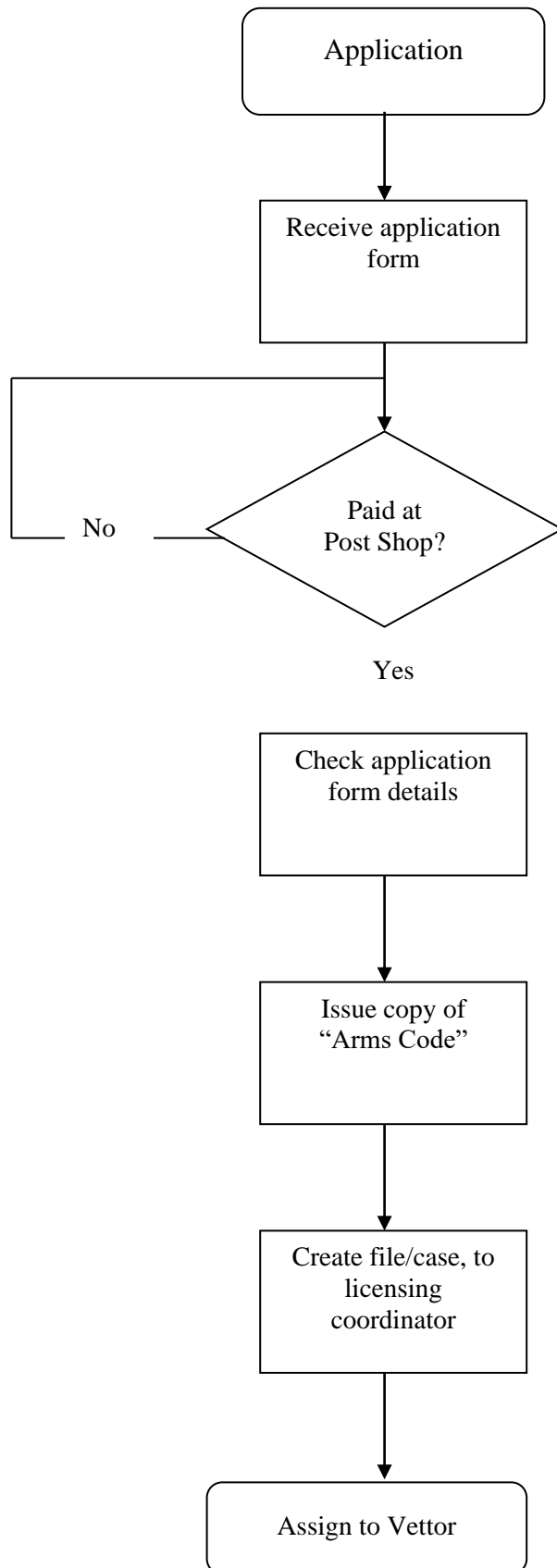
1. There is no requirement for a licence holder to obtain a new licence because of a name change by deed poll or marriage. In many cases they may decide to wait until their present licence expires before they obtain a new licence in their new name.
2. A replacement licence fee as set in the schedule to the Arms Regulations 1992 will be charged for a replacement licence where a licence in the new name is sought.
3. In addition, identity should be checked from the old licence and the relevant computer checks done on the old name and the new name.
4. Deed poll papers or marriage certificate must be sighted and the application form endorsed with dates of the papers confirming change of name. The Registrar General's file number should also be endorsed on the application. Validation Section, PNHQ are to be advised of all Deed Poll changes.

Appendix 2.1
FIREARMS (RE) LICENSING PROCESS MAP



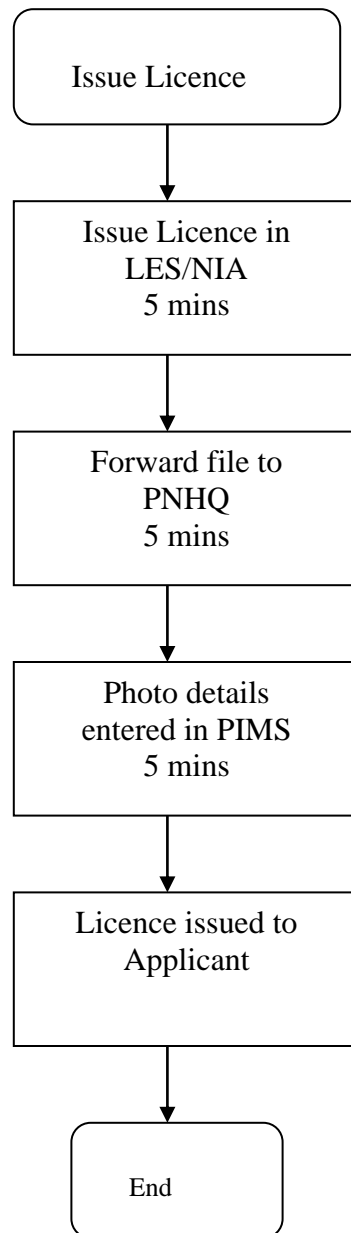
Appendix 2.2

RECEIVE APPLICATION, CREATE FILE & ASSIGN FOR VETTING



Appendix 2.3

ISSUE LICENCE FOLLOWING APPROVAL



FIREARMS MANUAL

SECTION 3

ENDORSEMENTS AND CONDITIONS

3.1 APPLICATIONS FOR ENDORSEMENTS - "B", "C", AND "E"

1. An application for endorsement "B", "C" and "E" may be approved or refused by an Area Controller (rank of Inspector or above). The file is then forwarded to Firearms Licensing in the usual manner for the issue of the licence.
2. Applications for endorsements must be submitted on the relevant forms and with reference to the pertinent sections of the Arms Manual as follows:

"B" Pistol Club Member	Pol 67F	Section 5 Arms Manual
"C" Collector	Pol 67G	Section 6 Arms Manual
"C" Heirloom/Memento	Pol 67G	Section 14 Arms Manual
"C" Museum	Pol 67G	Section 15 Arms Manual
"C" Theatre/Film/Television	Pol 67G	Section 13 Arms Manual
"E" Military style semiautomatic	Pol 67H	Section 16 Arms Manual
"F" Dealer or Employee/Agent	Pol 67M	Section 7 Arms Manual
(adapted)		

3.2 VISITOR LICENCES - "B"/"E" ENDORSEMENTS

1. See Section 2.36(2) and (3) for the issue of "B"/"E" endorsements to Visitor Licences.
2. The endorsement/s will only be issued following application by the visitor prior to his/her arrival in New Zealand.
3. No fee is payable for the issue of such an endorsement on a Visitor Licence.

3.3 CONDITIONS AND REQUIREMENTS FOR FIREARMS ENDORSEMENTS "B", "C" AND "E"

1. Police Form 67N is a booklet designed to be given to applicants for endorsements "B", "C" and "E".
2. The booklet lists:-
 - (a) Conditions imposed by the Police and legislation;
 - (b) Sections 31, 32 and 33A Arms Act 1983;

- (c) Regulations 22 and 28 Arms Regulations 1992; and
- (d) The specifications and standards that must be met before Police will approve the security, as required under the Regulations. These are an updated version of those set by a panel of crime prevention officers acting at the request of arms officers to assist in interpreting the Regulations.
- (e) The booklet has a detachable form acknowledging receipt by the applicant of the conditions. This is to be placed on the file.

3.4 CONDITIONS RELATING TO THE CARRIAGE OF PISTOLS AND RESTRICTED WEAPONS BEYOND LICENCE HOLDERS DWELLING

1. Pistol Club Members

In respect of an application under Section 29 (2)(a) of the Arms Act, the licence and/or endorsement will be subject to the condition that the pistol club member is authorised to carry pistols only between his or her place of residence and a pistol club range, a Police station or a licensed Arms Dealer, or a gunsmith for the purposes of repair or otherwise as permitted in writing in a particular case by an Arms Officer.

2. Collectors

In respect of an application under Section 29(2)(b) of the Arms Act 1983, the licence and/or endorsement will be subject to the condition that the bona fide collector is authorised to carry pistols and restricted weapons only between his or her place of residence and a Police station, or a place at which there is to be held an organised sale or exhibition and the firearm is to be displayed at that place; or otherwise as permitted in writing in a particular case by the Arms Officer. This condition also applies to the carriage of antique firearms. (See Section 9.3 of this Manual for an explanation of carriage of antique beyond curtilage of dwelling. In summary, antiques can only be carried by a licence holder).

3. Heirloom and Memento Owners

In respect of an application under Section 29(2)(c) of the Arms Act 1983, the licence and/or endorsement will be subject to the condition that the owner of the heirloom or memento may possess the firearm only within the limits of his or her dwelling house, except as permitted in writing in a particular case by the Arms Officer.

4. Museums

In respect of an application under Section 29(2)(d) of the Arms Act 1983, the licence and/or endorsement will be subject to the condition that the pistols or restricted weapons held pursuant to the licence/endorsement remain within the

limits of the museum, except as permitted in writing in a particular case by an Arms Officer.

5. Stage/Film/Television Productions

In respect of an application under Section 29(2)(e) of the Arms Act 1983, the licence and/or endorsement will be subject to the condition that the approved member of the body is authorised to carry the particular pistol or restricted weapon approved by Police for that purpose, only between the place of storage of the firearm and a Police station or the theatre, studio, or other place at which the production is to take place or be filmed or recorded; or otherwise as permitted in writing in a particular case by an Arms Officer. It is a condition of this endorsement that the holder comply with Section 12 of the Code of Practice for Safety and Health in the New Zealand Film and Video Production Industry.

3.5 ARMS DEALERS – APPLICATION OF SECTION 36 ARMS ACT 1983

A licensed Arms Dealer or his/her employee or agent who has the 29(2)(f) and 30B endorsements does not require a permit to carry. It is a condition of the 29(2)(f) and 30(B) (Dealer's Endorsed Firearms Licence) that pistols, restricted weapons and MSSA's may only be possessed in their capacity as a dealer, or employee/agent of a dealer (that is, for the purposes of sale or manufacture).

3.6 ANTIQUES

Although antique pistols and antique restricted weapons are exempt from the licensing provisions of the Arms Act 1983, persons who wishes to carry them beyond the curtilage of their dwelling must be in possession of a "condition endorsed on their Firearms Licence", and therefore must be the holder of a Firearms Licence. (See Section 36 Arms Act 1983, and Section 3.4 (2) and 9.3 of this Manual).

3.7 "A" ENDORSEMENT

The computer system has been set up in such a way that each Firearms Licence carries an "A" endorsement. This is to enable the recording of sporting long arms when universal registration of firearms becomes law.

FIREARMS MANUAL

SECTION 4

PERMITS TO PROCURE

4.1 GENERAL

1. Permit to Procure is referred to in the following legislation:
 - Restriction on possession of pistol or restricted weapon by licensed dealer. Section 10 - Arms Act 1983.
 - Issue of permit to procure pistol, military style semi-automatic firearm or restricted weapon. Section 35 - Arms Act 1983.
 - Selling or supplying pistol, military style semi-automatic firearm or restricted weapon to person who does not hold Permit to Import or Procure. Section 44 - Arms Act 1983.
 - Application for permit to procure pistol, military style semi-automatic firearm, or restricted weapon. Regulation 24 - Arms Regulations 1992.
 - Place of Application. Regulation 25 - Arms Regulations 1992.
 - Delivery of Permit. Regulation 26 - Arms Regulations 1992.
 - Identification Numbers. Regulation 27 - Arms Regulations 1992.
2. Before a person can take possession of a pistol, restricted weapon or a military style semi-automatic firearm, a permit to procure must first be issued.
3. Permits to procure shall only be issued by District or Area Arms Officers. The Manager: Licensing and Vetting may approve any other member of Police to issue permits to procure in accordance with Section 35(1) Arms Act 1983.
4. Permits to procure may only be issued to persons with the appropriate endorsement.

4.2 APPLICATION PROCEDURE

1. The application shall be in writing on form Pol 67A and must be delivered to the Arms Office nearest to the applicant's address or the Arms Office nearest to the applicant's place of employment. A member of Police must witness the applicant's signature.
2. All sections of form Pol 67A are to be completed.

3. Where it is necessary to forward the application to the District or Area Arms Office for approval a file shall be commenced which shall contain the application and a recommendation as to whether the permit should be approved.
4. The permit shall not be handed to the applicant until the status of endorsements listed is checked and the required detail is entered into the Firearms Subsystem.
5. When a permit to procure is issued at an Arms Office, other than the one nearest to where the applicant resides, the Arms Officer nearest to where the applicant resides shall be advised of the issue of the permit, and details of any firearm procured. This enables the local Arms Officer to monitor endorsement holders living in their area.

4.3 VALIDITY PERIOD

1. Permits to procure shall only be valid for the period of one month. (Section 35(3) - Arms Act 1983).
2. There is no objection to the renewal of a Permit to Procure where the period of one month has lapsed.
3. Any permit issued may at any time during its currency be revoked by a Commissioned Officer of Police. (Section 35(4) - Arms Act 1983). (See Section 11 - Arms Manual).

4.4 ENTERING PERMITS INTO FIREARMS SUBSYSTEM

On the issue of a Permit to Procure details shall be entered into the Firearms Subsystem from Police Form 67C (Permit to Procure Pistols and Restricted Weapons), including the date the permit is due to expire.

4.5 FEE

Permits to Procure shall be issued without fee.

4.6 DELIVERY OF PERMIT TO PROCURE

This procedure is set out in Regulation 26 - Arms Regulations 1992, viz

- "26 Delivery of permit -(1) Every person who pursuant to a permit to procure a pistol, military style semi-automatic firearm, or restricted weapon obtains possession of any pistol, military style semi-automatic firearm, or restricted weapon shall deliver the permit to the person handing over possession of the pistol, military style semi-automatic firearm, or restricted weapon.

- (2) The person handing over possession of the pistol, military style semi-automatic firearm, or restricted weapon-
 - (a) Shall forthwith write on the permit-
 - (i) a description of the pistol, military style semi-automatic firearm, or restricted weapon, including the make, model, calibre, and serial number or identification number; and
 - (ii) The date of delivery of the pistol, military style semi-automatic firearm, or restricted weapon; and
 - (iii) His or her signature; and
 - (iv) The number of his or her Firearms Licence; and
 - (b) Shall then return the permit to the person obtaining possession of the pistol, military style semi-automatic firearm, or restricted weapon.
- (3) The person obtaining possession of the pistol, military style semi-automatic firearm, or restricted weapon shall forthwith return the permit to the Arms Office at which the permit was issued and, at that Arms Office, produce the pistol, military style semi-automatic firearm, or restricted weapon to a member of the Police for inspection."

4.7 SUBSEQUENT SUBSYSTEM TRANSACTIONS

- 1. When the permit is returned the firearm/s must be scrupulously inspected to ensure that the description of the firearm is correct, viz, make, model, calibre and serial number and is identical with the original application.
- 2. Details of the permit shall be cleared from the subsystem and the firearm/s transferred to the new owner (as per the computer manual).

4.8 RETURN OF PERMITS

- 1. Where a person to whom a permit to procure has been issued does not obtain possession of the pistol or restricted weapon, or MSSA's, he is not obliged by law to return the permit.
- 2. Where a person fails to return the permit, enquiries are to be made as to its use and if possible, the permit recovered.

4.9 NZPA / PISTOL CLUB SHOOTERS

- 1. When a NZPA / Pistol Club Member wishes to apply for a Permit to Procure a pistol for the purpose of target pistol shooting he/she must first obtain the permission of the Club Committee.
- 2. The Club will issue NZPA Form "LE-2/1 Application for Permit to Procure a Pistol", which attests that the applicant is a financial member of the club and meets all NZPA requirements. This form will also indicate the make, model and calibre of the approved pistol, and that the club range is certified and

approved for that calibre, and the shooting discipline for which the pistol will be used.

3. The applicant will present this form to the Arms Officer when making application for a Permit to Procure a Target Pistol.
4. Form "LE-2/1" will also be required when a "B" endorsement holder, who is also a "C" endorsement holder, wishes to transfer a pistol from his/her "C" endorsement to the "B" endorsement. (This practise is to be discouraged).
5. On the completion of the purchase, the applicant is required to return the "LE-2/1" form to the club which will forward a duplicate to the NZPA Secretary.

4.10 IHMSA INC NZ CLUB MEMBERS

1. The Commissioner has recognised three clubs from this organisation. The Clubs are situated in Napier, Wanganui and Northland.
2. It is expected that similar processes to those outlined in Section 4.9 (above) will be followed by these clubs.

4.11 BONA FIDE COLLECTORS

1. Permits to Procure may be issued to bona fide collectors by District Arms Officers.
2. District Arms Officers are to ensure that any item requested by a bona fide collector is correct and valid to that collectors stated interest in collecting.

4.12 DIRECTOR/CURATOR MUSEUM

There is no limit to the number of pistols and restricted weapons, which may be held on an endorsement issued to the Director/Curator of a bona fide museum. (See Section 15).

4.13 THEATRE/FILM/TELEVISION

1. The number of pistols/restricted weapons that may be held on an endorsement issued to a member or employee of a television/film/ stage or video production company will depend on the circumstances prevailing at the time.
2. It would not be prudent for theatre companies or societies to possess pistols/restricted weapons for any period longer than the running of the particular production, which requires pistols and/or restricted weapons.
3. Individuals operating as armourers to the wider theatre/film industry are expected to possess a dealers licence. Numbers of pistols/restricted weapons

will be commensurate with the security approved by the Police, and the level of activity of the operator in this field. Arms Officers should regularly monitor the activities of all dealers.

4.14 ARMS DEALERS

The number of pistols and restricted weapons that a licensed Arms Dealer may procure must not be excessive.

4.15 "E" ENDORSEMENT HOLDERS

Permits to procure MSSA's may be issued by District and Area Arms Officers to the holder of an "E" endorsement.

FIREARMS MANUAL

SECTION 5

PISTOL SHOOTING CLUBS

The New Zealand Pistol Association (NZPA) is the administrative body in New Zealand for the setting and monitoring of standards for the sport of target pistol shooting. MOU is established between the NZ Police and the NZPA, and is appended to this section of the Manual.

5.1 LEGAL

Pursuant to Section 30 of the Arms Act 1983, a Firearms Licence may be endorsed by a member of Police subject to the directions of the Commissioner of Police to enable the licence holder to possess a pistol or pistols for the purpose of target pistol shooting providing the licence holder is a member of an incorporated pistol shooting club for the time being recognised by the Commissioner of Police. A Firearms Licence may be endorsed to permit the holder to possess pistols on the approval of the Area Controller.

The conditions relating to the carriage of pistols (Section 36 Arms Act 1983) are included in the MOU between the Police and the NZPA, and Section 3.4 of this Manual.

5.2 NEW CLUBS AND MEMBERS

1. Individuals wishing to undertake the sport of pistol shooting should be referred to the secretary of the nearest recognised pistol club. On application for a B - endorsement they are to be vetted (spouse/partner/next of kin, and 2 referees, and security inspection).
2. Persons or groups wishing to form a new pistol club should be directed to the Administration Officer of the NZPA Inc.
3. Clubs not affiliated to the NZPA Inc will not be recognised by the Commissioner on the basis that the NZPA provides set up guidelines, standards, range certification, at no cost to Police. Note: it is the club that affiliates to the NZPA. Organisations wishing to be recognised by the Commissioner, pursuant to Section 29 of the Arms Act 1983, as an Incorporated Pistol Shooting Club, not affiliated to the NZPA Inc., must correspond directly with the Manager: Licensing and Vetting.

5.3 CLUBS MONITORING BY THE POLICE (refer to the MOU between the NZPA and Police – appendix to this section)

1. Each District Arms Officer is to maintain an active file on each Pistol Club in the District, and the ranges used by them.
2. Arms Officers should have an ongoing face to face relationship with Pistol Clubs in their area and are to visit Pistol Club ranges and club premises in their district at least three times in each corporate year and report they have done so to their supervisor. Inspection of the Club includes the members holding a B endorsement, (status as members of club, attendance, licence current).

5.4 INSPECTING CLUB PREMISES AND RANGES

1. Ear Protection and safety glasses are required when carrying out inspection of ranges.
2. A range officer should always be on duty when live firing takes place on Club ranges.
3. When firing has ceased an approach is to be made to the range officer and their assistance or some other member's assistance sought.
4. An inspection of the Range Register is to be made. Persons who are on the range should have made the appropriate entry in the register.
5. All persons, including visitors, are permitted to attend an approved pistol range during a range shoot provided they sign the range register in legible handwriting. The use of Club members' numbers is an acceptable practice.
6. Pistols that are not in usej are to be locked away in stout carrying boxes. Where pistols are found lying unattended the matter is to be drawn to the attention of the range officer and an explanation sought.
7. If pistols are found lying in clear view inside vehicles the matter is to be drawn to the attention of the member concerned. (See also Regulation 19(2)(c) Arms Regulations 1992)
8. A spot check should be made into the pistols being used on the range to ensure they are registered in the name of the persons operating them.
9. Members are permitted to borrow pistols of other members as long as the owner is present on the range at the time. (Section 44(3)(a) Arms Act 1983).
10. Arms officers should ensure that only pistols held on a B endorsement are being used on Pistol Club ranges.

11. The conduct of members who are present on the range should also be observed from the point of view of the safe use and control of firearms.
12. Any breaches of rules or procedures should be drawn to the attention of the Range Officer and, if need be, then to the Club President in writing.

5.5 APPROVED PISTOLS

1. A list of pistols, which have been approved for use in New Zealand, is maintained at Police National HQ. (Police web site: www.police.govt.nz)
2. While this list is updated from time to time, it is not exhaustive or conclusive. If in doubt the advice of the Police Armourer should be sought.
3. Only pistols which are approved for use in NZ, and applying to the discipline to be shot, and on a range certified and approved for that discipline may be shot. (See also Sections 5.11 and 8 of this Manual).

5.6 CONVERSION KITS

1. Some purpose-built target pistols have provision for "conversion" to another calibre; eg. a .22 cal pistol may, by the replacement of some parts, also be able to fire .32 cal ammunition. This in effect creates two firearms, both of which need to be recorded against the owners Firearms Licence.
2. There is no objection to members applying to procure conversion kits for particular makes of pistols.
3. Where the "conversion" parts are numbered differently from the original pistol the new numbers are to be recorded.

5.7 CERTIFIED AND APPROVED RANGES

Each range has a designated certification which indicates what calibre pistols may be used on that particular range and what types/styles of matches may be practised on that particular range. While a NZPA inspector may certify ranges, they can only be approved for target pistol shooting by the Manager: Licensing & Vetting. (Arms Regulation 22 (1) (a)). Range certification for approval will be directed through the NZPA Administration Officer. (This does not preclude the Manager: Licensing and Vetting requesting an independent range inspection).

5.8 CLUB ARMOURERS

1. Club Armourers are appointed by local clubs on an annual basis. They are responsible for the maintenance, care and safety of the firearms owned by the club and for storing and carrying club owned pistols or club pistols belonging to members who are absent or incapacitated for some reason. (Club

Armourers are to obtain a permit to procure when taking member's pistols into their possession).

2. Clubs are permitted to appoint one or more armourers within reason. They may be designated, the Club Armourer, a Deputy Armourer and Assistant Armourer (who shall only assume armourer duties in the event of the unavailability of either the Armourer or his/her Deputy).
3. Where a newly formed Club appoints Club Armourers those Armourers shall be suitably experienced members.
4. Club armourers and deputy armourers may have possession of any pistol belonging to any member of the club to which they belong. Pistols must be possessed on a permit procure.

5.9 REVOCATION OF LICENCE/ENDORSEMENT ON RECOMMENDATION OF NZPA OR CLUB

1. It is the responsibility of individual clubs to ensure that their members conform to the provision of the Arms Act 1983 and Arms Regulations 1992.
2. On occasions it will be necessary for clubs to discipline their members and, in serious cases, cancel their membership.
3. If a member fails to adhere to the provisions of the Arms Act 1983 and the Arms Regulations 1992 or the MOU between Police and NZPA or for other good reason, it is expected that the President of the Club concerned shall document without delay the circumstances and forward them to the District Arms Officer. Failure to do so may place at jeopardy the continued recognition of the Club.
4. Additional enquires will be undertaken where necessary. If in the opinion of a Commissioned Officer of the Police revocation of the endorsement is necessary, the provisions of Section 11 of this manual should be followed.

5.10 SECURITY CHECK AND INSPECTION OF PISTOLS

1. A security check must be carried out when the member first applies for a B endorsement or when there is a change of address.
2. Inspections of pistols may be made whenever required. (Regulation 29, Arms Regulations 1992). An inspection of every B endorsement holder's pistols should be made annually. A printout of pistols recorded should be obtained, and pistols listed checked against pistols held and discrepancies accounted for immediately.

5.11 CHANGE OF ADDRESS

1. When a pistol club member intends to change residential address they must first advise an Arms Officer and make arrangements for the safe keeping of their pistols (Section 34(2) - Arms Act 1983) subject to a permit to procure.
2. A message shall be sent to the Arms Office located nearest to the licensee's new address advising the Firearms Licence number, the new residential address, the interim security arrangements which have been made, and the date the licensee intends to reside at the new address. This ensures that the local Arms Officer is aware of the change in address, and can carry out the required security inspection.
3. When the security at the new address has been checked and confirmed, the new address can be substituted for the old.

5.12 PERMITS TO PROCURE AND PERMITS TO IMPORT TARGET PISTOLS

1. When a Pistol Club Member wishes to apply for a Permit to Procure or Permit to Import a pistol for the purpose of target pistol shooting permission must be first obtained from the Club Committee.
2. The Club will issue NZPA Form "LE-2/1: Application for Permit to Procure a Pistol", attesting to the applicant being a member of the club. This form will also describe the make, model and calibre of the pistol, and confirms the club shoots that discipline, and that the range is certified and approved for that calibre and discipline.
3. The member will present this form to the Arms Officer when making application for a Permit to Procure or Permit to Import a pistol. (Form Pol 67A).

5.13 ENDORSEMENT TO CARRY

See Section 3.4 of this manual and MOU appended to this section.

5.14 SECURITY

1. The security requirements for Pistol Club members are contained in Regulation 28, Arms Regulations 1992. These requirements and security specifications are listed in Form Pol 67N.
2. The pistols must at all times be carried from one place to another in a locked carrying case of stout construction.
3. At no time should any storage or carrying case also contain ammunition suitable for any pistol stored or carried therein.

4. "The reasonable steps" required by Regulation 19(2) Arms Regulations 1992 include "ensuring that no firearm in the holder's possession is left in a vehicle that is unattended". "Unattended" means that the licence holder is not within or on the vehicle, or does not have the vehicle under continuous observation.

5.15 BONA FIDE COLLECTORS/PISTOL CLUB MEMBERS

1. A number of Pistol Club members are also recognised as Bona Fide Collectors of firearms. ("C" Endorsement).
2. Pistols or restricted weapons that form part of a collection must not be used by members on any ranges. (Regulation 22(2) Arms Regulations 1992).
3. If a Police visit to a range discovers a pistol club member using a pistol or restricted weapon that is designated type 'C' in the Firearms Subsystem, consideration is to be given to revoking the endorsement(s).
4. Endorsement holders possess pistols for one of the reasons in Section 29 of the Arms Act 1983. Movement of pistols between endorsements is not to be encouraged, and a special reason is required before it is done. That is, for example, a pistol held for the purposes of target pistol shooting cannot be considered "collectable", unless it has been "retired", and the owner puts a case to retain it as such.

5.16 VISITORS FROM OVERSEAS

1. From time to time visitors from overseas will wish to participate in competitive shooting in this country.
2. Arrangements by visitors must be made well in advance of arrival through the Pistol Association.
3. Where enquiries are received from persons wishing to shoot pistols in this country they are to be asked to write direct to the Administration Officer of the NZ Pistol Association.
4. It will be the responsibility of the NZ Pistol Association, in liaison with Police, to satisfy itself that the visitor is a genuine pistol shooter who is interested in competitive pistol shooting.
5. When the NZPA is satisfied with the authenticity of the visitor they shall advise the Manager: Licensing & Vetting on NZPA Form "Information required on Target Pistols to be brought into NZ for Pistol competitions". (Form PI-1). The Manager: Licensing and Vetting will issue a permit to import if all conditions have been met.

6. On arrival the visitor is to first declare their firearms to Customs who will refer them to the Airport Police.
7. The Police shall check the details of the visitor and firearms with the information provided by the NZPA.
8. The visitor shall be issued with a Firearms Licence, type Visitor (V) with a "B" endorsement. The fee may be waived if prior application is made to the Manager: Licensing & Vetting by the organiser of an international shooting competition.
9. While the visitor is in this country security of the pistols shall be their responsibility but in arrangement with Club Armourers. The visitors attention shall be drawn to the requirements for the safe carriage and storage of target pistols within New Zealand.
10. When the visitor leaves New Zealand the pistols must be "sighted out" by Police.
11. When a pistol shooter from another country arrives with the intention to shoot in NZ but does not have a permit to import and has not made prior arrangements with Police, their pistols are to be seized. (They may be returned when they leave the country).

5.17 PISTOL SHOOTERS TRAVELLING OVERSEAS

1. When a member of a Pistol Club wishes to take pistols overseas they shall, at least four days prior to departure, advise an Arms Office (Section 38(1) Arms Act 1983).
2. The shooter needs to arrange an import permit prior to departure: The NZPA has a process for their members.
3. On return to New Zealand the competitor will declare the pistols to Customs who will refer them to the Police on duty.
4. A check shall be carried out with the Firearms subsystem to see that the pistols in the member's possession correspond with the firearms on the licence.
5. Any pistol purchased overseas is first to be declared to Customs, and then to the Police on duty. Holders of a NZ Firearms licence are to be encouraged to apply for a Permit to Import prior to arriving in New Zealand.
6. If a Permit to Import has not been issued, the Police will take possession of the pistol and issue an Arms Surrender form to the shooter. The shooter is to be advised to make an application for a Permit to Import the pistol to the nearest District/Area Arms Officer in the usual manner.

7. If a permit to import has been issued the Police will take possession of the permit and ensure that the pistol is the one described in the permit. The pistol can then be returned to the shooter.
8. The District Arms Officer is to record the pistol in the firearms sub system. The Permit to Import and a copy of the computer printout is to be placed on the licence holder's file.

5.18 SHARED USE OF PISTOLS HELD ON ENDORSEMENT

Any pistol may be recorded against more than one licence/endorsement in those situations where family members share pistols. (This removes the constant necessity for permits to procure).

5.19 NEW MEMBERS FROM OVERSEAS

1. Where a pistol shooter from overseas wishes to take up residence in New Zealand and join a pistol club they should be referred to the Police website.
2. They should be advised in the first instance that they should not bring their firearms (including pistols). Police and Customs have agreed that if they do they should apply for a Firearms Licence within one month of arrival in NZ, and apply to join a pistol club within 3 months of arrival and advise Customs they have done so. Failure to do this may result in forfeiture and destruction of firearms seized by Customs. (See Section 8.39 of this Manual for a detailed explanation).

5.20 REPAIR OF PISTOLS

1. From time to time pistols belonging to a "B" endorsement holder may require some repair or adjustment by an Arms Dealer/Gunsmith.
2. Provided the Endorsement holder remains at the Dealer's/Gunsmiths premises whilst the repair is undertaken there is no requirement for a permit to procure to be issued.
3. In the event repairs cannot be effected whilst the Endorsement holder remains on the Dealer's/Gunsmith's premises, the Dealer/Gunsmith will require a Permit to Procure before taking possession of the pistol.

5.21 CONDITIONS - ARMS REGULATIONS 1992

A pistol shooter's endorsement is also subject to the following conditions:

- (a) A condition that that person may use the pistol only for target pistol shooting on a pistol range approved by the Commissioner for the purpose;

- (b) A condition that that person participate actively in the affairs of the pistol shooting club by taking part in its activities, on the pistol range used by that club, on at least 12 days in each year. Regulation 22(1) - Arms Regulations 1992 and Memorandum of Understanding between the NZPA and Police.

5.22 INTERNATIONAL HANDGUN METALLIC SILHOUETTE ASSOCIATION INCORPORATED NEW ZEALAND (IHMSA Inc NZ)

1. The International Handgun Metallic Silhouette Association Incorporated New Zealand (IHMSA Inc NZ) has three affiliated Clubs recognised by the Commissioner in accordance with Section 29(2)(a) 1983, viz Hawkes Bay, Wanganui and Northland.
2. Arms officers liaise direct with these clubs.
3. The Memorandum of Understanding between the Police and the NZPA also applies to the management of IHMSA Inc NZ Clubs.

5.23 NUMBER OF PISTOLS HELD FOR TARGET PISTOL SHOOTING

1. It has been long standing Police policy that 12 pistols is the maximum to be held on an endorsement for target pistol shooting. This number was decided on the basis that it met the sporting needs of most target pistol shooters, at the same time controlling any proliferation of pistols.
2. In order to possess more than 12 pistols for target pistol shooting the endorsement holder will need to present a compelling case demonstrating that they are competitively active in a range of target pistol shooting disciplines.
3. Pistols are not to be transferred from a B to a C endorsement as a means to giving the appearance of having 12 or less pistols for the purpose of target pistol shooting.

Appendix 5.1

PROCEDURES FOR RECOGNITION OF PISTOL CLUBS (Pursuant to section 29(2)(a) Arms Act 1983)

POLICE ESTABLISHMENT PROCEDURES AND REQUIREMENTS

- A number of procedures must be followed and requirements met, when establishing a new pistol club, to ensure the Club is able to be recognised as a Pistol Shooting Club for the purpose of Section 29 and Section 30 of the Arms Act 1983 - Application for and power to make endorsements in respect of use and possession of pistols for pistol shooting.
- The Commissioner of Police must be satisfied that the Club has been properly constituted, will be well administered and understands its responsibilities in relation to the control of its members, and the control and safe use of target pistols.
- The nominated Club Range(s) must be inspected prior to their approval for Target Pistol Shooting by the Commissioner of Police - Regulation 22(1)(a) Arms Regulations 1992.
- The officers of an establishing Club must seek advice from the New Zealand Pistol Association as to the procedures and requirements. The NZPA will provide guidance on all aspects of establishing a Pistol Shooting Club and achieving recognition from the Commissioner of Police. It will also arrange for the Clubs Range(s) to be inspected. A preliminary inspection can also be arranged to ensure that the proposed range site is suitable and advice will be provided while a range is being built.
- Early notification must be given, to the Police Local Arms Officer and Local Police for the area, of the intention to form a club. Ongoing liaison is needed to ensure the necessary procedures are followed and requirements met.

RECOGNITION PROCEDURE

These are the steps required:

1. Club sends all documentation and a copy of the final range inspection to the NZPA for their review and approval.
2. Documentation then returned by NZPA to Club for amendments or further requirements if necessary or for forwarding to Police.

3. Documentation then sent by Club, after final approval by NZPA, to Police District Arms Officer for local review, any recommendations and forwarding to the Manager: Licensing & Vetting Police National Headquarters.
4. Police National Headquarters reviews documentation and application for recognition by Commissioner.
5. Clubs recognised by the Commissioner are subject to the MOU between Police and the NZPA.

Applicant Club to furnish:

1. Certificate of Incorporation
2. Constitution and Rules of the Applicant Club. The NZPA has a model constitution that can be adapted to fit specific requirements of a club. They must include, at a minimum:
 - The rules specified in the Incorporated Societies Act 1908, Section 6 in particular.
 - Specification of pistol shooting as the primary object.
 - Membership - how to join, termination, any requirements to obtain Firearms Licence and "B" endorsement, any requirements to participate actively etc.
 - Club affiliation or individuals' membership of other associations or organisations - including whether optional or condition of local club membership etc (Copies of those organisations' rules may also be requested by police)
 - Transferring and recognition of membership of other clubs and organisations
 - Methods of maintaining suitable discipline of all club members
3. List of Officers and Members (Full Names and DOB) of the Club, with Firearms Licence numbers and licence types and endorsements held by each member. Club Armourer(s) and Range Officers must be specified. As a general rule a minimum of 5 members with a B endorsement are required before a new Club will be recognised. A club must have a minimum of 15 members to be incorporated as a society.
4. Details of the arrangements in place, where the established Club has less than the required number of members with a B endorsement, to qualify other members to the standard required for a B endorsement. This must include how the Club proposes to ensure that they have qualified range officers and trainers available to properly train members and safely conduct shooting on their range.
5. Nomination of Club Range (for purposes of Regulation 22(1)(b)), and all other ranges to be used by the club, specifying which pistol competitions

or disciplines will be conducted on each range, and a list of the types of pistols and calibres that may be used on each range. A copy of the Range Inspection Report must be included. Police should already have a copy, however this ensures that approval is for the report provided by the Club.

- It is the responsibility of the Club to ensure their range(s) has been inspected and all required work is completed. The Club must provide all the necessary documentation including maps, photographs, copies of resource consent, and plans.
- The range will not be approved until all requirements relating to safety have been met.

Note: Ranges may not be used until individually and specifically approved by the Commissioner.

6. A set of Range Standing Orders (Range Safety Rules). These should be modelled on those provided by the NZPA.
7. Any other relevant rules and club procedures where they differ, because of local circumstances, from those provided by the NZPA and agreed to by the Club on affiliation. These would generally cover such matters as:
 - Range Officer functions and responsibilities, training and approved/certification
 - Methods of approval of pistols for competition purposes (including Club endorsement of Application for Permit to Procure or Import).
 - Shooting disciplines to be followed by Club and competitions to be held.
 - Club Armourers - functions and responsibilities.
 - Methods of deciding on endorsements/recommendations of members licence applications.
 - Means of assisting entry and leaving of overseas competitors and import/export of their pistols.
8. Copy of documentation confirming acceptance of Clubs affiliation to NZPA.
9. Details as to arrangements for continuing liaison with their local Police and District Arms Officer.

Appendix 5.2

REPORTING BY PISTOL CLUBS

The New Zealand Pistol Association (NZPA) has a range of functions associated with pistol shooting and the administration of 84 of the 87 pistol clubs in New Zealand. They also provide essential assistance to police in ensuring the safe use of firearms. They set and monitor national standards, carry out range inspections and certification, and provide advice to police.

On 18 November 1998 the Manager: Licensing and Vetting and members of the NZPA Executive met to discuss the relationship between the NZPA and police and reporting by pistol clubs. It was agreed that the relationship between police and the NZPA and the pistol clubs is essential for ensuring the safe use of firearms.

It was also agreed that the Memorandum of Agreement between the police and the NZPA applies to all those clubs affiliated to the NZPA, and that this Memorandum incorporates, strengthens, and supersedes what were previously referred to as 'the police supplementary rules'.

It was also agreed that the approaches made, in writing, by Police to some pistol clubs in mid 1998 may not have been the best way to gain their cooperation and trust. It was agreed that police would take responsibility to make a personal approach to all clubs to establish local arrangements that would ensure that pistol clubs would make available information that police require as part of their reporting requirements to Government. The NZPA agreed to advise their member clubs that such an approach will be made and that clubs should provide every assistance in making the information available.

Clubs should not be expected to provide more than one return in any year, that is quarterly or other returns should not be requested nor expected. This does not preclude but rather encourages regular visits to and ongoing monitoring of club activities at a personal level.

The information provided by clubs will be for the period of their own financial year.

It was agreed that the following information needs to be held by police:

- (1) The name of the club and that it is an incorporated society.
- (2) That the club has been recognised by the Commissioner. In the past this has been documented to varying standards. No written recognition may exist. It might be reasonable to expect that given that a club has been in continuous existence it is likely that it has in fact been recognised.
- (3) That ranges used have been approved by the Manager: Licensing & Vetting.

(4) A list of the officers of the club, including appointed range officers and armourers.

(5) Members details including name, address, licence number and category, number of shoots/club activities, indications of transfers in and out (and to where and from where) and the date they joined the club.

Any issues or concerns should be resolved at local level in the first instance. If that is not possible they should be addressed to the Manager: Licensing and Vetting. Pistol clubs have been given the same advice, with unresolved issues or concerns to be referred to the NZPA. They will then be resolved at national level.

(A memo including these points was distributed to District Managers by the Manager: Operations Support Group in November 1998. The NZPA have similarly advised their members – Bullshooter 137, Christmas 1998).

**Memorandum of
Understanding**

between the

New Zealand Pistol Association

and the

New Zealand Police

2002

Introduction

1. The New Zealand Pistol Association ('the NZPA') has a Constitution supplemented by regular policy reviews. The Association is managed by an Executive (the Council) comprising of members elected by the membership. In addition it has a national head office in Wellington with a part-time paid Administration Officer.
2. The core business of the NZPA has been the administration of the sport including setting of standards for pistol shooting disciplines, and the review and maintenance of these standards. The NZPA works with the New Zealand Police under a Memorandum of Understanding. It has been, and remains, the role of the NZPA to ensure that safety requirements are adhered to, ranges are to certification standard, and the sport is properly, safely and professionally administered. Shooting discipline activities are co-ordinated under the NZPA's six sections of pistol shooting, and there is ongoing training and education of pistol shooters in safe firearms practices.
3. The NZPA also provides pistol range inspections for NZ Police approval.
4. The NZPA investigates shooting accidents on its clubs' pistol ranges, reporting to the Police through the Manager: Licensing and Vetting.
5. The New Zealand Police administer the Arms Act 1983, amendments to the Arms Act 1983 and the Arms regulations 1992, and other Acts and Regulations.
6. The Parties currently work together and offer advice to each other. They wish to formalise this relationship and specify the terms and conditions under which this will occur.

Purpose

7. This Memorandum of Understanding defines the working relationship between the New Zealand Police and the NZPA in relation to the Arms Act 1983, amendments to the Arms Act 1983, the Arms Regulations 1992 and the Arms Code. The Arms Act, Regulations and Code promote both the safe use and control of firearms.
8. This Memorandum of Understanding serves to recognise the administrative and national standards setting role of the New Zealand Pistol Association and the conditions by which the member clubs operate and the responsibilities and conditions for the use and ownership of pistols of the registered club members.

Effect of this Memorandum of Understanding

- 9 This Memorandum of Understanding confirms the relationship between the Parties based on a spirit of goodwill and co-operation. The Parties will work together to achieve the purpose outlined in paragraphs 7 and 8.

Schedules to the Memorandum of Understanding

- 10 The parties agree that from time to time they will develop agreements or protocols relating to specific procedures and activities involving the parties. These will be attached to the Memorandum of Understanding as Schedules, and listed in Annex A. New agreements or protocols may supersede existing agreements or protocols. All current agreements or protocols will be attached as Schedules.
- 11 New Schedules may be developed and added with approval from the National Manager: Operations, New Zealand Police, or his/her delegated staff.
- 12 Reviews, modifications or terminations of existing Schedules may be undertaken by the mutual agreement of the signatories. All changes must be notified to the NZ Police National Manager: Operations and the NZ Police General Manager: Planning Policy and Partnerships, or their delegated staff, so that the master document can be amended.
- 13 Schedules will be reviewed initially one year after signing and then every two years, or as agreed, or in line with the reviews of this Memorandum of Understanding.

Consultation

- 14 The NZ Police Manager: Licensing and Vetting and President of the NZPA, or their delegates shall meet four times in each year for the purpose of ensuring adequate co-ordination, co- operation, information sharing and problem solving between the two organisations.

Consultation on operational changes

- 15 Should either party contemplate any relevant changes to their operational policies or procedures, or desire to implement changes that will impact on areas of mutual concern, both parties will inform each other. Each party will take all reasonable steps to ensure that adequate time is given for the other to provide comment where appropriate.

Communication and Media strategies

- 16 At district or local levels, both Parties will inform each other of relevant communication strategies that either is undertaking, at the initial stage of development, and will take all reasonable steps to ensure that adequate time is given for either to provide comment where appropriate.

17 Where appropriate, opportunities for joint communication campaigns should be taken at national, district or local levels.

18 Parties will consult with each other beforehand if either is considering providing information or comment to the media on a matter which comes within the other Parties' responsibility or in which that other Party has an interest.

19 Parties will raise any concerns, operational or policy, through appropriate internal channels, rather than raising these through the media.

Sharing of information;

20 Information gathered concerning firearms control and safety may be shared between the parties. The information sharing shall be subject to the provisions of the Official Information Act 1982 and the Privacy Act 1993.

Review of Memorandum of Understanding

21 The Parties' Representatives will meet as agreed to review this Memorandum of Understanding.

22 The Parties Representatives are primarily responsible for ensuring that the intent of this Memorandum of Understanding is followed.

Issue or Dispute Resolution

23 Both the Police and the NZPA, and its member clubs, shall seek to carry out their respective roles effectively, and will liaise on a day to day basis to resolve any local problems. Where issues cannot be resolved at a local level they are to be referred to the NZ Police Manager: Licensing and Vetting and the President of the NZPA or their delegates.

24 All issues, disputes and differences between the Parties in relation to the interpretation or performance of this Memorandum of Understanding shall, in the first instance, be attempted to be resolved at the earliest opportunity, at the local level. Local representatives or managers should attempt resolution.

25 Only when matters remain unresolved or require further adjudication, should they be referred to the NZ Police Manager: Licensing and Vetting and the President of the NZPA.

Costs

26 Unless the Parties mutually determine otherwise, the cost of meeting the commitments of this agreement shall be met by the party incurring the cost.

Termination

- 27 Either Party may terminate the Memorandum of Understanding by two months notice in writing, to the other Party.

Variation

- 28 Except as otherwise stated in this Memorandum of Understanding, it can only be modified by a written agreement duly signed by persons authorised to sign on behalf of the parties hereto.

Conditions

- 29 Nothing in this Memorandum of Understanding shall make either party liable for the actions of the other or constitute any legal relationship between the parties.
- 30 The provisions in this Memorandum of Understanding and any schedules are to be read subject to any Cabinet directives and any enactment.
- 31 Where there are changes to Government policy which affect the purpose and functions of this Memorandum of Understanding, each party agrees to inform the other of those changes at the earliest possible time thereafter and agrees to meet to re-negotiate if necessary any aspects of this Memorandum of Understanding.

Parties' Representatives

- 32 The Parties' specified addresses, facsimile numbers and Party representatives are:

New Zealand Pistol Association Inc

Address: PO Box 50 493
Porirua

Telephone: 04 237 5471
Facsimile: 04 237 7519
Attention: Administration Officer

N Z Police

Address: PO Box 3017
Wellington

Telephone: 04 474 9499
Facsimile: 04 499 1065
Attention: Manager: Licensing and Vetting

Signed by the President

New Zealand Pistol Association Inc

Signature:

Name:

In the presence of:

Signature:

Name

Address

Signed by the **Commissioner of Police**

Signature:

in the presence of:

Signature:

Name:

Position in New Zealand Police:

ANNEX A
Attachments & schedules

Schedule 1

**RULES FOR THE OPERATION AND CONTROL FOR THE SPORT OF
TARGET PISTOL SHOOTING IN NEW ZEALAND**

Schedule

**RULES FOR THE OPERATION AND CONTROL FOR THE SPORT OF TARGET
PISTOL SHOOTING IN NEW ZEALAND**

1. INTERPRETATION

1.1 Definitions

Act means the Arms Act 1983.

"B" Endorsement means an endorsement as set out in Section 29 (2) (a) of the Arms Act 1983.

Club means a pistol shooting club, recognised by the Commissioner of Police and an affiliated Member Club of the New Zealand Pistol Association.

Commissioner means the Commissioner of Police or other Commissioned Officer of the New Zealand Police, by authority, delegated pursuant to the Arms Act 1983, Section 72.

Immediate supervision is as defined by Section 50(5) of the Arms Act 1983.

"Immediate supervision" for the purposes of this agreement shall be taken to mean that the holder of a licence bearing a B endorsement is paying particular attention to the actions of a shooter and is standing close enough to the shooter so as to be able to immediately recover physical control over the pistol.

NZPA means the New Zealand Pistol Association Incorporated;

Pistol means a pistol as defined by the Arms Act 1983;

Regulation mean the Arms Regulations 1992

Restorative justice means any process whereby offenders against any Act or Regulation are dealt with other than by Court conviction. It includes family or other group conference, and, diversion.

- 1.2 The possession and use of pistols is controlled by the Arms Act 1983 and the Arms Regulations 1992. It is recognised that only people holding a "B" endorsement may lawfully possess a pistol for target pistol shooting. They may do so only in their capacity as members of a pistol shooting club recognised by the Commissioner and only on a range approved by the Commissioner for the purpose.
- 1.3 There is a statutory defence available to persons charged with unlawful possession of a pistol. That defence is that the person at all times had possession of the pistol on the range of an incorporated pistol club recognised by the Commissioner, and, under the immediate supervision of a holder of a Firearms Licence bearing a "B" endorsement. (Section 50 (5) of the Arms Act refers).
- 1.4 The Police and the public expect a high level of responsibility from pistol shooters. This responsibility shall be demonstrated by adherence to the law, the club and NZPA constitutions, the club's and the NZPA range and safety rules, the NZPA regulations applying to the particular shooting discipline, and to the Memorandum of Understanding.

2. POLICE LIAISON AND MONITORING

- 2.1 Where a club has agreed to advise or furnish any report or return to the Police, that advice or report or return may be forwarded to the district Arms Officer for the area in which the club is operated, or to the NZ Police Manager: Licensing and Vetting by the NZPA.
- 2.2 A club will permit entry to the range(s) and clubhouse by any member of the Police for the purposes of an inspection or if that member is exercising his or her duties in the administration and enforcement of the Act and Regulations.
- 2.3 A club will permit any member of the Police to inspect the range register or the register of attendance on request on reasonable notice.
- 2.4 It is agreed that as soon as practicable, after the 28th October in any year, the NZPA will notify the Police of the lapsing or cessation of membership, for any reason, of a person holding a "B" endorsement.
- 2.5 A club may appoint a member for the purposes of liaison with the local Police and the District Arms Officer. The NZPA shall liaise with the NZ Police Manager: Licensing and Vetting on all matters affecting its clubs within New Zealand.
- 2.6 All clubs shall provide to the NZPA annually a list of all current club members. The NZPA will supply to the NZ Police Manager: Licensing and Vetting a copy of those lists, if requested, to assist in the course of an inquiry.

- 2.7** The NZPA will investigate and report on all shooting related incidents involving bodily injury to or death of any person by the use of a pistol on any range approved for that club. The NZPA will supply a copy of those reports to the NZ Police Manager: Licensing and Vetting. Such reports will be on the NZPA form provided. This does not preclude the Police from initiating or carrying out any inquiry of their own.
- 2.8** Although the NZPA will investigate and report to the NZ Police Manager: Licensing and Vetting, this does not absolve any person who causes bodily injury or the death of any person by the use of a firearm, airgun, pistol, MSSA or restricted weapon from reporting the incident, as soon as reasonably practicable to the nearest police station or to a member of the Police as required by section 58 of the Arms Act 1983.

3. REGISTERED CLUB MEMBERSHIP

- 3.1** Visitors or prospective members with a Firearms Licence, may shoot pistols on the club range under the immediate supervision of a member with a "B" endorsement on no more than three occasions without applying for membership to the club (section 1.3 should be read in conjunction with this section). This does not apply to members with a "B" endorsement, from other clubs
- 3.2** Any club member or prospective club member who is refused a Firearms Licence or a "B" endorsement, or has their licence or "B" endorsement revoked, is unsuitable to possess or have access to pistols and their membership of the club and access to the range shall be terminated.

3.2.1 Where a person surrenders their Firearms Licence and/or B endorsement as part of a restorative justice process, the restorative justice plan is to include conditions as to their participation in club activities, and any access to firearms.

3.2.2 A member may be suspended from his/her club membership and that of the New Zealand Pistol Association under the following circumstances:

- a) Health considerations where it is expected that the person may well return to full club activities, and on written request from the member
- b) Approved family circumstances where it is expected that the person may well return to full club activities, and on written request from the member
- c) Where any legal matter may be pending but not yet proven and the member could lose his/her licence as the result.

- 3.3** All new club members who shoot or intend to shoot pistols shall undergo a six month probationary period.

3.3.1 Where the new member was a member previously in good standing at the time that they ceased to hold a B Endorsement and:

- a) The club member last held a B Endorsement no more than thirteen (13) months prior to reapplying for a B Endorsement (in

- the case of a member from one club moving to another) or twenty five (25) months for a member within the same club; and
- b) In both cases the club supports the waiver of the six-month probationary period.
- c) The club may, by written recommendation, request that the NZPA consider an earlier approval subject to the Club being satisfied that the returning member meets all the necessary safety and security requirements and shall be required to sit and pass the Basic Safety Training Course.

3.3.2 During the six month probationary period all new members shall:

- a) Apply for a Firearms Licence, have undergone the statutory course of training and passed the theoretical test required for a licence.
- b) Be given a copy of the NZPA Introduction to Pistol Shooting Manual and sit and pass the necessary examination
- c) Learn the safe handling of pistols
- d) Have a working knowledge of club, competition, safety rules, and of this Memorandum of Understanding;
- e) Display competence in club activities
- f) Actively participate in organised club activities a minimum of 12 times within the six month probationary period

3.3.3 A probationary member may shoot pistols if they hold a Firearms Licence, and then only under the immediate supervision of a member with a "B" endorsed licence.

4. CONTINUATION OF CLUB

The Commissioner's recognition of a club is conditional upon that club complying with all aspects of the Incorporated Societies Act 1908, and on complying with the Arms Act 1983 and Arms Regulations 1992, the Arms Code, and the conditions set out in this Schedule. A breach of these may result in the Commissioner of Police withdrawing recognition of that club.

5. PISTOLS

- 5.1** Pistols used for target pistol shooting must be of an approved make and model and must conform to the specifications laid down for the shooting disciplines or matches for which the club ranges are approved. Only pistols approved for use in New Zealand by the NZ Police Manager: Licensing and Vetting may be used for target pistol shooting.
- 5.2** No pistol with a barrel of less than 101 millimetres (4 inches) in length shall be approved for target pistol shooting, unless the pistol is specifically intended for competitive target pistol shooting and the pistol is provided for within the International

Rules of the discipline and has been approved for use in New Zealand by the NZ Police Manager: Licensing and Vetting.

- 5.3** All pistols must be maintained in a safe condition.
- 5.4** A pistol may be converted to a different calibre by use of a conversion kit, provided the principles outlined above are complied with.
- 5.5** Any application by a registered club member for a permit to import or a permit to procure should be considered and endorsed by the club committee before the application is made to NZ Police. The club may support the application by either issuing a form supplied by the NZPA for the purpose, or by endorsing the reverse of the application form (POL 67A (Procure) or POL 67B (Import)) with wording to the effect that:
 - a) the applicant is a current member of the club
 - b) the pistol is approved or is subject to approval by the NZPA/NZ Police in accordance with rule 5.1 of these rules
 - c) the club supports and recommends the application.
- 5.6** Under no circumstances should a pistol and ammunition for it be stored or carried in the same carrying case.
- 5.7** Members may borrow and use other members' pistols only if:
 - 5.7.1** that member is present, or
 - 5.7.2** the pistol is under control of the club armourer and is one of the club guns
- 5.8** Pistols belonging to a club may only be used on that club's range, unless the club armourer has charge of the pistols and is present when they are being used on another range. If a club member wishes to borrow and use a pistol belonging to the club on another club's range a permit to procure will be required before the member can take possession of the pistol.
- 5.9** Pistols may be jointly owned by the members of the same family and may be recorded against each joint owner's licence. Arrangements must be made with the local Arms Officer.
- 5.10** Any "B" endorsed licence holder who holds pistols under a "C" endorsement may not shoot those pistols on any range.
- 5.11** No person shall have a loaded gun in a holster unless that person has undergone training and has passed a practical examination in holster proficiency set by the NZPA and is 'on the line' and under the direct supervision and control of a range officer or is under the supervision of a loading supervisor in Cowboy Action Shooting events.
- 5.12** Any holster to be used by members must conform to the specifications set down by the International rules relevant to the match being shot.

5.13 It is an offence to carry a pistol without authority. No person shall carry a pistol in any place beyond the curtilage of their dwelling save under, and in accordance with, the conditions endorsed on their Firearms Licence by a member of the Police.

5.14 Under the provisions of a "B" endorsement to a Firearms Licence the holder of that licence is entitled to carry a pistol from their place of dwelling to:

- a) A Police Station for inspection and registration purposes
- b) A pistol range approved by the Commissioner of Police
- c) A gunsmith for the purposes of repair
- d) A registered dealer for the purposes of sale.

A permit to carry is required if the pistol is to be away from its usual security, as inspected and approved by NZ Police, overnight.

6. RANGE OFFICER

6.1 In order to act as a range officer a registered club member must have passed a suitable qualifying range officer examination as approved by the NZPA Safety & Technical Committee.

6.2 On any occasion when more than two persons are shooting, there shall be a designated range officer in charge of every range that is in use.

6.3 Every person entering the range, whether a member or visitor, is to be under the control of the designated range officer and must at all times comply with the range officer's directions and instructions as to safety and conduct.

7. CONDUCT ON THE RANGE

7.1 Immediately on entering the range every member and visitor must complete and sign an entry in the range register or attendance book in a manner by which the club is able to identify the person.

7.2 Any firearms related accident or incident on a club range that results in injury to any person must be reported as soon as reasonably practicable to Police (Section 58 Arms Act 1983) and to the NZPA (refer also to clause 2.8).

7.3 Every pistol club must have and enforce a comprehensive set of range rules, which shall include at least the following:

7.3.1 No person shall refuse to obey the instructions or directions of the range officer or other official conducting or supervising a match or shooting meeting.

7.3.2 No person shall enter or leave a range with a loaded pistol.

7.3.3 No pistol will be loaded until the shooter is in place at the firing point and the command "load" is given by the range officer.

- 7.3.4** No pistol may be removed from the firing point until it has been checked by the range officer as being clear. It is the responsibility of the shooter, in the first instance, to ensure that their pistol is clear.
- 7.3.5** No person on the firing line shall touch a pistol while any person is forward of the firing line.
- 7.3.6** No person shall move forward of the firing line until and unless the range officer has checked all pistols and has given the order to move forward.
- 7.3.7** No person on the firing line shall fire a pistol until the command “fire” has been given in accordance with the match or competition rules.
- 7.3.8** No person shall be admitted to the range when the range officer has reasonable grounds for believing the person is under the influence of alcohol or drugs or is in any other way physically or mentally impaired so as to be incapable of safely using a firearm.
- 7.3.9** No person who is shooting shall consume any alcohol on any range. Alcohol may only be consumed in the clubhouse by a shooter who has finished shooting for the day or by a person who is not shooting. A club is wise to require that there is no alcohol consumed until after all the pistols (and any other firearms present on the range) have been secured and shooting has finished.

8. APPROVAL OF RANGES

- 8.1** Ranges may not be used for pistol shooting unless approved by the Commissioner of Police. Ranges will be approved only for specified shooting disciplines and calibres.
- 8.2** All initial range inspections, and the certification of any range as being suitable and safe for the purposes of pistol shooting, will be carried out by the NZPA Range Development Committee.
- 8.3** The NZPA has internationally qualified range advisers as part of the Range Development Committee. These people will continue to train members in the safe design and use of shooting ranges.

9. CLUB ACTIVITIES - REGULATION 22(1)(b)

- 9.1** For the purposes of regulation 22(1)(b), which requires active participation in club activities on at least 12 days in each year, a “club activity” can be defined as follows:
 - 9.1.1** A club based activity, on a range, which has been advertised and organised for the day.
 - 9.1.2** The “club activity” may be held on any range approved for the purpose of pistol shooting by the Commissioner. If the club members are shooting in different localities on the same day, the

activity at only one locality shall qualify for the purposes of the regulation. Substantiation of the attendance and participation at another club must be done to the member's home club satisfaction either by way of a signature from an official at the club the member has visited in the Handbook "Shooter's Diary of Events" or by the production of an official results report.

- 9.1.3** Competitive shooters who participate as a club, regional, or national representative at recognised inter-club, national or international matches or competitions, will have their participation in those meetings qualify as a "club activity" for the purpose of the regulation.

- 9.2** A year shall be defined as the member club's financial year.

10. CLUB ARMOURERS

- 10.1** The club may appoint one or more armourers who will be responsible for the custody of pistols owned by the club. The armourer may also hold and store pistols - either temporarily or on a long-term basis - on behalf of those members who are lawfully entitled to own them. All such pistols in the custody of the armourer shall be recorded against his or her own licence.
- 10.2** Armourer/s must hold a "B" endorsed licence, and shall be appointed by the club on the basis of experience and knowledge, and capability of storing all pistols and ammunition strictly in accordance with statutory requirements.

11. REMOVAL OF PISTOLS FROM NEW ZEALAND / OVERSEAS VISITORS

- 11.1** It is a statutory requirement to advise NZ Police four days in advance if any pistol is to be removed out of New Zealand
- 11.2** Any club member who wishes to take their pistol out of the country for the purpose of overseas competition should, for their own benefit, make arrangements with the NZ Police no less than 21 days in advance. These arrangements must be made by forwarding a form supplied by the NZPA for this purpose, to the NZPA Administration Officer who will liaise directly with the NZ Police Manager: Licensing and Vetting to action the forms. (NZPA Form PEI-1 is used for this purpose and is available from the NZPA Administration Officer).
- 11.3** Visitors from overseas who wish to participate in pistol shooting in New Zealand must make arrangement with NZ Police well in advance of their arrival. In general, no such person will be permitted to import a pistol unless it is for an organised competition and the attendance and participation of the visitor is supported by a New Zealand club or the NZPA. Arrangements may be made through the NZPA Administration Officer who will liaise with the NZ Police Manager: Licensing and Vetting to action the forms. (NZPA form PI-1 is used for this purpose and is available from the NZPA Administration Officer.)

12. COMMERCIAL ACTIVITIES

Clubs are restricted to those activities which are defined and provided for under the provisions of the Incorporated Societies Act 1908. No activity which is in contravention of those provisions may be undertaken.

FIREARMS MANUAL

SECTION 6

BONA FIDE COLLECTORS

6.1 DEFINITION

1. A bona fide collector means a person who has a genuine interest in collecting firearms.
2. Pursuant to Section 29(2)(b) Arms Act 1983 a person who is the holder of a Firearms Licence may be issued with an endorsement to collect pistols and restricted weapons.
3. A "C" Endorsement is not to be approved simply because the applicant has paid the fee as set in the schedule to the Arms Regulations 1992 for a "B" or "E" endorsement. (ie: Endorsements are not, as a matter of course, to be issued as a "package deal").

6.2 APPLICATION

1. A person who wishes to be recognised as a bona fide collector of firearms may make a written application at any Arms Office. The application must be made in writing and in conjunction with Form Pol 67G.
2. Forms Pol 67G and 67N ("Conditions and Requirements for Firearms Licences and Endorsements") should be given to the applicant. The applicant's attention should be drawn to the points that must be covered in the written application and the security requirements. The applicant must demonstrate the points listed on the application form in writing. (They are based on the case law proving "bona fide collector").
3. If not already the holder of a licence, application Form 67J (Application for Firearms Licence) must be completed. The applicant shall sign the receipt form Pol 67N, which shall then be placed on the file.
4. A non-refundable fee as set in the Arms Regulations 1992 shall be paid at a NZ Post Shop.
5. When the vetting procedures have been completed, the application shall be sent with a covering report containing a recommendation to the Area Controller (Commissioned Officer of Police) for approval to issue a "C" Endorsement.
6. The file must contain sufficient information to assist the Approving Officer to decide whether the application meets the criteria required.

7. The onus is on the applicant to prove a genuine desire to collect firearms and that the applicant will scrupulously abide by the provisions of the Arms Act 1983 and Arms Regulations 1992. Care must be taken to ensure the applicant is not “hoarding” firearms or using the C endorsement to conceal the actual number of firearms retained for target pistol shooting.
8. Once approved and the computer action has been taken the file is to be sent to Firearms Licensing at Police National Headquarters for the capture of the image and manufacture of the licence.

6.3 REFEREES

1. In addition to the usual two referees required for form Pol 67J, the application shall also have attached two further references as to the applicant's character and genuine interest in collecting pistols and/or restricted weapons. The referees must be persons who are members of an organisation associated with firearms or bona fide collectors or persons who are able to demonstrate a long term interest in firearms. References must verify the applicant's genuine interest in collecting.
2. These references are crucial to a successful endorsement application. The Approving Officer must be able to identify the referees' qualifications to give a valid reference.
3. Generally, but not exclusively, it is reasonable to expect that a bona fide collector would be a member of Antique Arms or similar organisation.

6.4 APPLICATION REFUSED (See also Section 11.21 of this Manual)

1. If the application is refused, a suitably worded memorandum signed by a Commissioned Officer must be sent to the applicant advising of the failure to meet the criteria required and that the application has been refused. The memorandum must:
 - a) List the reasons for declining the application; and
 - b) Advise the applicant that they can make written submissions or arrange to see the writer over the matter; and
 - c) Advise that the applicant may, by way of originating application, appeal to a District Court Judge against the decision.

A NIA noting shall be entered listing the reasons for the refusal and giving the file and licence number.

6.5 SECURITY

1. On no account is a collector's application to be approved before security in accordance with Regulation 28, Arms Regulations 1992, is installed, inspected and approved.
2. The security provision must be commensurate with the types of firearms to be collected e.g. security approved for pistols is often inadequate for larger firearms such as restricted weapons.
3. An Arms Officer should, where circumstances permit, carry out the inspection of premises.
4. Sound judgement coupled with a reasonable approach must be exercised in interpreting the Regulations in order to avoid undue criticism by advising or insisting on standards not mandatory in terms of the Regulations. Arms officers do not have authority to insist on security in excess of the Regulations.
5. The date of the security check will be added to the Firearms Licence records - This date can be modified to record subsequent security checks.

6.6 IMPORTATION OF PISTOLS AND RESTRICTED WEAPONS

See Section 8.19 of this Manual regarding the importation of pistols and restricted weapons by or for bona fide collectors.

6.7 INSPECTION OF COLLECTOR'S PISTOLS AND RESTRICTED WEAPONS

1. Inspection of collector's pistols and restricted weapons should take place at least once a year but must in any case be completed at least once in every three year period.
2. A list of the pistols and/or restricted weapons linked to the collector's licence on the firearms subsystem should be checked against the firearms held by the collector, discrepancies identified and appropriate action taken.
3. The inspection should ideally be unannounced and the provisions of Regulation 29, Arms Regulations 1992 strictly complied with.
4. Particular attention should be paid to firearms held as "Antique", to ensure they meet the definition in the Arms Act 1983 (as amended in 1992).
5. On each occasion an inspection is made and security checked the text in the Firearms Subsystem should be annotated, together with the date of the check. Care must be taken to ensure that any information already in the TEXT is re-entered if needed.
6. Particular attention should be paid to restricted weapons to ensure that they have been rendered inoperable. (Section 32(1)(b) Arms Act 1983). A breach of this condition should be treated very seriously, and revocation considered.

6.8 CHANGE OF ADDRESS

1. See Section 34(1) and (2) Arms Act 1983 regarding the obligations of a collector who changes address.
2. Any person who takes custody of a collector's pistol/s and/or restricted weapon/s in accordance with Section 34(2) must hold an appropriate endorsement and obtain the required Permit to Procure.
3. Security at the collector's new address must be inspected and approved by the Police before the collector's firearms are deposited at the new address.

6.9 DEATH OF A COLLECTOR

Prompt action should be taken to safeguard the firearms vide Section 2.44 Arms Manual and Regulation 18 Arms Regulations 1992.

6.10 REVOCATION OF COLLECTOR'S ENDORSEMENT

See Section 11, Arms Manual, particularly Section 11.20 and 11.21.

6.11 RESTRICTION ON LIVE FIRING OF PISTOLS AND RESTRICTED WEAPONS

Under no circumstances may live ammunition be used in any pistol or restricted weapon held under a C Endorsement (Regulation 22(2) - Arms Regulations 1992).

6.12 CONDITIONS REGARDING CARRIAGE (SECTION 36 ARMS ACT 1983)

See Section 3.4.

ARMS DEALERS

SECTION 7

ARMS DEALERS

7.1 DEALERS TO BE LICENSED

1. Any person who in the way of his/her business sells any of the following or manufactures for sale any of the following requires an Arms Dealers Licence pursuant to Section 5 Arms Act 1983:

Firearm
Airguns
Pistols
Restricted Weapons
(This includes any MSSA)

2. "In the way of his/her business" means buying or selling any firearm other than for recreational or collecting purposes. This means that a Firearms Licence holder who does not hold a Dealers Licence may not sell firearms by way of business.
3. In determining if a person is "in business" the following factors may be considered:
 - Do they operate under a business structure (sole trader, shareholder, partnership, limited liability company)?
 - Do they have financial management systems (book keeping, accountant, a till)?
 - Do they spend considerable time on the activity, indicating it to be a "occupation"?
 - Do they incur income (profit and/or loss)?
 - Do they operate under a trade name?
 - What is their relationship with Inland Revenue (are they GST registered for this activity)?
 - What is their occupation on the electoral roll?
 - Do they have a customer base, a supplier network?
4. A person commits an offence pursuant to section 5 Arms Act 1983 who by way of business sells or manufactures for sale any firearm, airgun, pistol or restricted weapon, without an Arms Dealers Licence.
5. Districts are to maintain an active file, recording all activities of dealers, (Copies of permits, reports, etc).

7.2 MANUFACTURE FOR PERSONAL USE

1. Persons who wish to manufacture firearms, pistols, MSSA's or restricted weapons for their own use are subject to the licensing provisions of the Arms Act

1983. They must hold a Firearms Licence and any necessary endorsement, and a permit to procure (pistols, MSSA's and restricted weapons).

2. A person who by way of business hires or provides firearms for theatrical or other purposes is to be encouraged to have a Dealers Licence. ("Hire" and "supply" are not currently included in the definition of "sale", however "barter" is. "Hire" can be taken to be a short term "sale").

7.3 APPLICATION FOR DEALER'S LICENCE (TYPE D)

1. An initial application for a Dealers Licence shall be made on Police forms 67M Firearms Licence Application Supplementary form (Type D - Dealer) and 67J Application for Firearms Licence. The application is made in accordance with Regulation 3 - Arms Regulations 1992.
2. The applicant must be the holder of a Firearms Licence.
3. A Dealer's Licence does not in itself entitle a dealer to possess pistols, restricted weapons and military style semi-automatic firearms. Dealers wishing to sell or manufacture these firearms and their employee/agents are required to hold endorsements issued under Section 29 (2) (f) and 30B of the Arms Act 1983. Form Pol67M is used for applications for this endorsement. A letter of support is required from the employing dealer in the case of employees or agents.
4. The applicant need not have a technical knowledge of firearms but should be familiar with the provisions of the Arms Act and Regulations. (The Dealers Licence is a licence to sell or manufacture not a qualification).
5. Care shall be taken to ensure the applicant's premises have security in accordance with Regulation 8, Arms Regulations 1992.

7.4 DEALERS LICENCE (APPROVAL)

1. The issue of a Dealers Licence may be approved by the Area Controller (being the Commissioner Officer (Section 5 Arms Act 1982) in charge of the area in which the applicant is conducting, or intends to conduct business as a firearms dealer. The approving officer must be satisfied that the applicant is of excellent character, will abide by the provisions of the Arms Act and Regulations and that the required security has been installed in the dealer's place of business.
2. Once the necessary computer action has been taken the completed file is to be sent to Firearms Licensing, Police National Headquarters for the capture of the image and issue of the licence.
3. Where a Dealers Licence specifies types of firearms to be traded these are to be recorded in the firearms subsystem of the Firearms Licence, and listed on the certificate issued to the dealer (by the Advisory Officer Firearms at the Licensing & Vetting Service Centre).

7.5 APPLICATION REFUSED

If the application is to be refused the process outlined in Section 11.2 of this Manual is to be followed.

7.6 GUNSMITHS (by way of business)

1. Where a gunsmith wishes to repair rifles, shotguns or airguns s/he may do so providing s/he is the holder of a Firearms Licence.
2. A person who wishes to repair MSSA's must be the holder of the "E" endorsement and shall apply for a Permit to Procure in respect of any MSSA s/he takes possession of to repair.
3. Endorsements issued under Section 29 (2) (a)-(e) do not authorise possession of pistols and restricted weapons solely for repair purposes. (However, a pistol club armour can take possession of club target pistols for repair on the 29 (2) (a) endorsement because the reason for possession still relates to the purposes of the endorsement, namely target pistol shooting). On this basis therefore, an individual cannot set themselves up in the business of repairing pistols, and restricted weapons, expecting to possess those firearms solely for that purpose, without first obtaining a Dealers Licence and a 29(2)(f) endorsement.

7.7 AUCTIONEERS

Auctioneers who deal in airguns and firearms (including those listed in Section 22 (1) of the Arms Act) require a Dealers Licence. They also require a 29 (2) (f) and 30B endorsement to possess pistols, restricted weapons and MSSA's.

7.8 PLACE OF BUSINESS

Each Dealers Licence shall be issued in respect of one place of business only (Section 7 Arms Act 1983). A licence may be issued in respect of a dwelling providing the security is in accordance with Regulations 8 Arms Regulations 1992.

7.9 GUN SHOWS (SECTION 7A, ARMS ACT 1983)

1. A licensed dealer may apply to conduct a gun show at other premises for a period not exceeding 5 (five) days. "Gun Show" is to be read as having its ordinary meaning. On this basis to exhibit or display for sale at (for example) an auction, exhibition or competition meets the criteria of a "gun show" and Section 7A Arms Act 1983 applies.
2. The application must be delivered to the Arms Office nearest to the place at which the gun show is to be conducted (Regulation 6(3) Arms Regulations 1992).
3. A fee as set out in the schedule to the Arms Regulations 1992 is payable.
4. Consent may be given by a Commissioned Officer if it is considered that the security is sufficient and that the premises in respect of which the consent is

sought will be used only for the purposes of conducting a gun show. (Section 7A (2) (a) and (b), Arms Act 1983).

5. Subsections (3) and (4) of Section 7A, of the Arms Act 1983 read:

"(3) Any consent given under subsection (1) of this section shall be given subject to the condition specified in subsection (4) of this section 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) of this section 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."

6. Endorsements issued under Section 29 (2) (f) and 30B are sufficient authority for a dealer to carry pistols, restricted weapons and MSSA's for the purpose of carrying out their business, including gun shows.

7.10 DURATION AND RENEWAL

1. A Dealers Licence shall be valid for one year from the date of issue and may be renewed, subject to the approval of the Area Controller (being the Commissioned Officer in charge of the area.) (Section 8 Arms Act 1983). Annual renewal of the Dealer's Licence is confirmation Police are satisfied the applicant is suitable to continue as a dealer.
2. The fee payable for a renewal of a Dealers Licence is set in the schedule to the Arms Regulations 1992.
3. Form Pol 67L (Firearms Licence Application (Renewal of Dealer's Licence)) is to be sent to dealers by District Arms Officers. The form should be sent prior to the expiry date of the licence.
4. After the computer action has been taken the file is to be forwarded to Firearms Licensing, PNHQ for the issue of a new licence. The expiry date of the licence will be one year from the expiry date of the previous period and will automatically be calculated at the time the licence is entered into the subsystem and displayed on the record.

7.11 EXPIRY OF LICENCE

1. Where a Dealer's Licence expires enquiries shall be made into the reasons for the non-renewal. If the dealer is no longer trading then the Dealers Licence is to be flagged as expired.
2. Where failure to renew is an oversight prompt action shall be taken to ensure the licence is renewed or cancelled.
3. Dealers who continue to deal without a licence commit an offence pursuant to Section 5 Arms Act 1983.

7.12 DEALERS' EMPLOYEES

1. Pursuant to Section 11 Arms Act 1983 an employee or agent of an Arms Dealer if their employment involves selling firearms or airguns, must be the holder of a Firearms Licence. (And 29 (2) (f) endorsement if selling pistols and restricted weapons and 30B endorsement if selling MSSA's).
2. The purpose of this provision is to ensure that persons who sell firearms or airguns can lawfully possess them and have received training in firearm safety.
3. Where an employee of a dealer does not sell or manufacture firearms, a Firearms Licence shall not be required.

7.13 DEALING IN AMMUNITION

1. Persons who sell or supply ammunition do not require a Firearms Licence.
2. Any person who sells or supplies ammunition for any firearm or restricted weapon to a person not being a Firearms Licence holder commits an offence against Section 43B Arms Act 1983.

7.14 MAIL ORDER SALES OF FIREARMS AND AMMUNITION

1. Section 43A Arms Act 1983 creates an offence to sell firearms or ammunition by "mail order" except pursuant to a written order signed by the purchaser and endorsed by Police that the member of Police has inspected their licence, and that they are fit and proper to purchase that firearm or ammunition.
2. Dealers do not generally purchase firearms and ammunition by the method commonly understood as "mail order". Police policy therefore (based on annual renewal of Dealer's Licence) is that if the buyer is a licensed firearms dealer purchasing firearms or ammunition for the purposes of resale in the course of his or her business, further Police endorsement will not be required. The onus, however, remains on the seller to be satisfied that the buyer is a licensed dealer.

7.15 INSPECTION OF RECORDS

1. Inspections of dealers' records shall take place each 12 months and within each corporate year or more often as required and the firearms subsystem noted accordingly.
2. Where the dealer sells pistols, restricted weapons or MSSA's, a list of the firearms linked to the Dealer's Licence on the Firearms Subsystem shall be checked against the dealer's records at least every 12 months and any discrepancies investigated promptly.
3. Results of the check shall be reported to the inspecting Arms Officers supervising Commissioned Officer.

7.16 REVOCATION OF DEALER'S LICENCE

A Dealer's Licence may be revoked at any time by the Commissioner (Section 9 Arms Act 1983). Refer to Section 11 of the Arms Manual for action to be taken on the revocation of a Dealer's Licence.

7.17 SECURITY

1. Regulation 8, Arms Regulations 1992, outlines conditions relating to security and should be applied uniformly to all dealers. The Advisory Officer (Firearms) can provide a template outlining minimum security requirements.
2. Care shall also be taken when visiting dealers' premises to ensure that firearms on display are secured in accordance with Regulation 8(f) Arms Regulations 1992.
3. The security check date on the Firearms Licence record should be modified on each occasion a security check is carried out.

7.18 SECURITY - AIRGUNS

1. Where a dealer sells airguns only they need to be secured in a manner so that they cannot be readily removed from the premises. (Regulation 8(i) - Arms Regulations 1992).
2. The provisions of Regulation 8(f) (g) and (h) Arms Regulations do not apply in this case. Regulations 8 (a)-(e) do apply.

7.19 REPAIR OF FIREARMS SUBJECT TO PERMIT TO PROCURE PROCEDURES

For minor repairs provided the licence holder remains at the dealer's premises whilst the repair is undertaken there is no requirement for a permit to procure to be issued. In the event repairs cannot be effected whilst the licence holder remains on the dealer's premises, the dealer will require a permit to procure before taking possession of the firearm. This is a statutory requirement. (See also Section 5.20).

7.20 ENDORSEMENT TO CARRY - DEALERS

(See Section 3.5 of this Arms Manual).

7.21 CERTIFICATE

A certificate is available for display in Dealer's premises. It names the Dealer, place of business and firearms they deal in (as specified in their application). Certificates available on application to the Advisory Officer: Firearms at PNHQ.

SECTION 8

IMPORTATION

8.1 LAW AND GENERAL STATEMENT

1. The law on importation is found in:

Sections 16 to 19 Arms Act 1983;
Regulations 10 to 13 Arms Regulations 1992;
The Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984;
and Amendment No 1 (Defines "Restricted Weapon")
The Customs Import Prohibition Order 2002; (This order is reviewed 3 yearly)

2. "(1) No person shall bring or cause to be brought or sent into New Zealand-
"(a) Any firearm, pistol, military style semi-automatic firearm, starting pistol or restricted weapon; or
"(b) Any parts of a firearm, pistol, military style semi-automatic firearm, starting pistol, or restricted weapon — otherwise than pursuant to a permit issued to that person by a member of the Police." Section 16 Arms Act 1983

8.2 DEFINITIONS (SECTION 2 - ARMS ACT 1983)

"Firearm" note the definition,

Military style semi-automatic firearm means -

- a) A firearm which, after being loaded, fires, ejects, and chambers a cartridge with each pull of the trigger; but;
- b) Does not include-
 - i. A pistol; or
 - ii. A semiautomatic firearm that, with its magazine (if any), is maintained at all times in a sporting configuration:

"Sporting configuration", in relation to a semi-automatic firearm, means being without any of the following features:

- (a) A folding or telescopic butt;
- (b) A magazine that is capable of holding, or that, by its appearance, indicates that it is capable of holding,-
 - i. In the case of a magazine designed to hold .22 inch rimfire cartridges, more than 15 cartridges; or
 - ii. In any other case, more than 7 cartridges
- (c) Bayonet lugs;
- (d) A military pattern free-standing pistol grip;
- (e) A flash suppressor;

(In terms of magazines, "by its appearance" is to be taken as when with, ie fitted to, the firearm).

"Part"-

- (a) In relation to a pistol, restricted weapon, or military style semi-automatic firearm, includes any thing, such as a butt, stock, magazine, silencer, or sight, which, while not essential for the discharge by a pistol, restricted weapon, or military style semi-automatic firearm of any shot, bullet, missile, or other projectile, is designed or intended to be an integral part of a pistol, restricted weapon, or military style semi-automatic firearm; and
- (b) In relation to any other firearm, means the action for that firearm".

"Pistol" means any firearm that is designed or adapted to be held and fired with one hand; and includes any firearm that is less than 762 millimetres in length:

"Restricted weapon" means any weapon, whether a firearm or not, declared by the Governor General, by Order in Council made under section 4 of this Act, to be a restricted weapon.

8.3 "PERMIT" - PERSONAL TO PERSON ISSUED

"Any permit issued for the purposes of section 16(1) of this Act is personal to the person to whom it is issued and may not be transferred to any other person. Section 18(3) - Arms Act 1983

8.4 PERMIT MAY BE REVOKED

Any permit issued for the purposes of section 16(1) of this Act may be at any time revoked by a Commissioned Officer of Police. Section 18(4) Arms Act 1983

8.5 PERMIT EXPIRY DATE

Unless sooner revoked under section 18(4) of this Act, a permit issued for the purposes of section 16(1) of this Act shall expire 12 months after the date on which that permit was issued. Section 18A Arms Act 1983.

8.6 APPLICATION FOR PERMIT

1. Application for Permits to Import shall be made on the form POL 67B (Application for Permit to Import Firearms).
2. Regulation 10, Arms Regulations 1992 outlines the information the applicant shall supply on the application. The description must include make, model, calibre, type, (e.g. Colt 1911A, .45 semi-automatic pistol). A Permit to Import must not be issued on an incomplete description or general description.
3. Details of the applicant's licence, as held on computer are to be attached to the application. This will identify the applicant's licence and endorsements,

applicant's address (if different on application) and in the case of a dealer whether licence is current.

4. The top copy of the permit to import is to be handed to the applicant. No fee shall be charged.

8.7 PLACE OF APPLICATION

1. Every application for a Permit to Import shall be delivered to the Arms Office nearest to the place of business or the place of residence of the applicant or the place at which the firearms are to be landed. (Regulation 11 Arms Regulations 1992).
2. Members should be wary of applicants who attempt to apply for permits at Arms Offices other than these.

8.8 DEALERS

1. It is preferable that a licensed Arms Dealer who wishes to import firearms shall make the application at the Arms Office nearest to his/her business address.
2. A dealer can apply for and be issued with any number of Permits to Import.
3. Where a dealer applies to import firearms from different sources, separate permits shall be issued.
4. Permits to Import must not be issued to dealers unless the exact description of the firearms have been specified including make, model, calibre and type and the firearms have been positively identified as approved for importation (see also Section 8.6 Arms Manual).
5. If there is any suggestion that misleading descriptions have been supplied to obtain an Import Permit arrangements should be made for inspection of the firearms at the point of entry into New Zealand.

8.9 NOTIFICATION OF IMPORTATION

1. Every person who imports any firearm, pistol, starting pistol, MSSA or restricted weapon into New Zealand pursuant to a Permit to Import shall within 30 days after the day on which the firearm, pistol, starting pistol, MSSA or restricted weapon is imported, deliver notice in writing of the importation to the Arms Office from which the permit was issued. (Regulation 13, Arms Regulations 1992).
2. Regulation 13 (2) Arms Regulations 1992, outlines the details to be provided.
3. On receiving the information the details of the imported pistols and/or MSSA and/or restricted weapons are to be linked to the importer's Firearms Licence. Copies are to be retained as a file record.

8.10 INDIVIDUALS

Before a Permit to Import may be issued to any person that person must be authorised to possess that firearm. Generally a person will require a Firearms Licence (and endorsement if applicable), however the firearms listed as exceptions in Section 22 of the Arms Act 1983, while not requiring a licence, still require a permit to import.

8.11 MEMBER OF PISTOL CLUB

1. See Section 5.12 Arms Manual for the procedure to be followed when a member of a recognised incorporated pistol shooting club makes application to import a pistol.
2. Police policy on the import of pistols is attached as an appendix to this section of this manual.

8.12 FIREARMS APPROVED FOR IMPORT

1. Before a Permit to Import is issued for any firearm a check shall be made to ensure the firearm has been approved for import into New Zealand. A list of firearms approved for import is available on the Police website. This list is not exhaustive – if a firearm is not on the list a check should be made with the Police Armourer.
2. The description must be precise. It must specify make/model/type and action (e.g.: "Mossberg 500" is an inadequate description as there are many models of Mossberg 500, some of them banned from importation).
3. Although section 18(3), Arms Act 1983 provides for the revocation of an import permit at any time by a Commissioned Officer, in most instances, by the time any error has been discovered the firearm/s have been imported and further remedial action may be limited. In some cases these errors have proved very costly to Police.
4. When an application is made to import a firearm that is not on the approved list the applicant must supply an illustration or trade catalogue with full particulars of the firearm/s.
5. The Police Armourer shall then decide whether a sample of the firearm is required for inspection.
6. Where a Permit to Import is issued for a firearm that has not previously been approved for import, the Permit shall be endorsed on the condition that the firearm is subject to evaluation by the Police Armourer. Export will occur at the importer's expense if the firearm is not approved for importation after evaluation. (See Section 18 B - Arms Act 1983).
7. The importer is to agree to this condition by signing the duplicate copy of the Import Permit retained by the Police. Should the applicant not agree to the condition the Import Permit is not to be issued.

The importation of the following shall only be approved through the Manager: Licensing and Vetting. The applicant is to provide written explanation for wanting to import these firearms, including why the general rule banning their import should not apply.

- a) pistols or restricted weapons or parts of pistols or restricted weapons,
- b) military style semi-automatic firearms or parts thereof,
- c) semi automatic shotguns or parts thereof,
- d) pump action shotguns or parts thereof,
- e) firearms concealed within another item (eg: walking stick firearms)
- f) doubled barrelled exposed hammer shotguns
- g) shotguns with barrel lengths less than 508 mm (20 inches)
- h) rifles, carbines or shotguns less than 762 mm (30 inches) in overall length
- i) firearms with folding, sliding, telescoping or other retractable stocks

8.13 SAMPLES

See Section 18 (B), Arms Act 1983

1. The applicant is to produce a sample of the firearm for examination and testing as soon as practicable and is to ensure that the sample has not been modified in any way.
2. When firearm/s are imported and do not match the description they are to be exported within 12 months of written advice by a member of Police.
3. The firearm/s will be disposed of if not exported within the 12 month period.

8.14 REPLICA FIREARMS

1. A replica firearm is an exact working copy of the original firearm and is capable of firing live ammunition, e.g. the Uberti range of black powder and centre fire replicas of pistols of the 19th century.
2. All replica firearms whether replicas of antiques or otherwise are firearms for the purposes of Section 2 Arms Act 1983. A Permit to Import is therefore required for all replicas.

8.15 IMITATION FIREARMS

1. An imitation firearm is a model of a firearm. The model is made of inferior metal and usually does not have any firing mechanism. A Permit to Import is not required for imitations.
2. Where any doubt exists as to whether a firearm is an imitation it shall be sent to the Police Armourer for examination. Some imitation firearms that have been examined could be converted to live firing capability. At least one "imitation" restricted weapon, when fitted with two components, was converted to automatic fire capability.

8.16 SECONDHAND FIREARMS

In order to control any bulk import of second hand firearms, permits shall not be issued to a dealer to import second hand or reconditioned firearms without authority from a District Commander. The application is to specify the reason for importing second hand firearms, and assurance as to the quality and safety of those firearms. Permits should be issued with caution.

8.17 DEACTIVATED FIREARMS

1. Under United Kingdom legislation, firearms that have been deactivated to Government specifications and certified by a Proof House do not require the owner to possess a firearms certificate for the firearm.
2. NZ Law does not recognise the status of “deactivated”, on the basis that some of these “deactivated” firearms can be converted to live firing status by a competent machinist in a relatively short time.
3. The only situation where a firearm has been accepted as “deactivated” in New Zealand is where it has been sectionalised from end to end.

8.18 PISTOLS FOR TARGET PISTOL SHOOTING

1. Refer to Appendix 8.2 at the end of this section of the Manual.
2. See Section 8.38 Arms Manual regarding “Parts”.
3. Permits to import pistols can only be approved by specified Officer’s at the Office of the Commissioner. Arms Officer’s are to forward the application and supporting documentation to the Manager: Licensing and Vetting.

8.19 IMPORTATION OF PISTOLS AND RESTRICTED WEAPONS BY COLLECTORS

1. See Appendix 8.2 at the end of this section of the Manual
2. Pursuant to section 18(2) Arms Act 1983, permits to import pistols and restricted weapons may only be approved through the Manager: Licensing and Vetting at PNHQ.
3. The Manager: Licensing and Vetting shall be satisfied that there are special reasons why the pistol or restricted weapon to which the application relates should be allowed into New Zealand. (Section 18(2) - Arms Act 1983). It is the applicant’s responsibility to demonstrate this.
4. Application for Permits to Import restricted weapons, when submitted to the Manager: Licensing and Vetting at PNHQ, shall be accompanied by a written application signed by the bona fide collector which shall contain the following: name, address and licence number of the bona fide collector, description of the restricted weapon and the special reasons why the restricted weapon should be

allowed into New Zealand. This should also detail the historical significance, if any, of the firearm. Applications to import modern restricted weapons still in production or in use in a theatre of war will generally not be approved. If there is any doubt as to the status of any restricted weapon the Manager: Licensing and Vetting should be contacted.

5. No Permit to import a restricted weapon shall be granted to a dealer. However, a dealer may apply on behalf of a named collector, in which case the collector's written "Special Reasons" must be attached to the application.
6. Licence printouts must accompany all applications to the Manager: Licensing and Vetting.

8.20 ANTIQUES

1. A Permit to Import is required for the importation of antique firearms. (See Section 9.6 of this Manual).

8.21 MILITARY STYLE SEMI-AUTOMATIC FIREARMS - MSSA

1. Pursuant to Section 18(2) Arms Act 1983, an application to import MSSA's or parts thereof may only be approved through the Manager: Licensing and Vetting at PNHQ.
2. Applications to import MSSA's or parts must be accompanied by the applicant's written "Special Reasons" (Section 18(2) - Arms Act 1983) and licence printouts.
3. Applications to import MSSA will only be accepted from persons holding "E" endorsements.

8.22 AIRGUNS

A Permit to Import is not required for air rifles or air pistols. However, care needs to be taken to ensure the item is in fact an airgun or air pistol. The advice of the Armourer should be obtained if any doubt exists. (See Section 10.6 of this Manual)

8.23 SPECIALLY DANGEROUS AIRGUNS

A Permit to Import is required for Specially Dangerous Airguns. (See Section 10.6 of this Arms Manual).

8.24 STARTING PISTOLS

1. A Permit to Import is required for starting pistols. The Armoury is to be contacted before the issue of a Permit to ascertain if the starting pistol is approved for import. (Regulation 10, Arms Regulations 1992).
2. Approval to issue a Permit to Import for starting pistols must be obtained through the Manager: Licensing and Vetting at PNHQ.

3. Approval shall not be given to import starting pistols, which can be converted to fire live ammunition. If any doubt exists, the Manager: Licensing and Vetting is to be contacted.

8.25 CANNON

1. To date three models of miniature cannon, all manufactured by CVA, have been approved. "Old Ironside" .45, "7th Cavalry" .58 and "Napoleon III" .69. Miniature cannon are exempt from the licensing provisions of the Arms Act, see Section 22 (1)(a)(ix).
2. Miniature cannon's must be examined by the Police Armourer for safe and sturdy construction. If it is not approved by the Police Armourer after the examination has taken place it shall be returned to the manufacturer at the applicant's expense or surrendered unconditionally to Police for disposal.
3. A firearm with a calibre of 20mm and above is considered a cannon. A Firearms Licence is required.

8.26 FLARE PISTOLS

A Permit to Import is required before being imported.

8.27 MISCELLANEOUS FIREARMS

1. A Permit to Import is required for humane killers, stock marking pistols, pistols that are part of rocket or line throwing equipment, dog training dummy launchers and improvised explosive device disrupters.
2. Advice on miscellaneous firearms approved for importation can be obtained from the Advisory Officer (Firearms) at PNHQ.

8.28 KNIVES, THE CUSTOMS IMPORT PROHIBITION ORDER 2002 (RENEWED 3 YEARLY)

1. The Customs Import Prohibition Order has two principal objectives, namely:
 - a) To widen the list of prohibited imports to knives designed for concealment and knives designed or suited principally for stabbing or throwing as opposed to cutting, and bayonets.
 - b) To provide for consent for the importation of otherwise prohibited weapons to be vested in the Commissioner, Deputy Commissioner, National Manager: Operations and Manager: Licensing and Vetting of Police.
2. This power to give consent cannot be delegated. Applications to import are to be made to an Arms Officer, who will forward it to the Manager, Licensing and Vetting at PNHQ for consideration.

3. Applications to import are to be made in the same way as for firearms, with a letter from the applicant stating reasons for import.
4. Arms Officers are to make a definite recommendation based on their inquiries and assessment of the bona fide of the applicant.
5. The permit to import will be sent direct to the applicant, with a copy to the Arms Officer.

8.29 AMMUNITION

1. The provisions of the Arms Act 1983 do not require the issue of a Permit to Import by Police for small arms ammunition.
2. Ammunition for anti-tank projectors, mortars of military kinds and rocket launchers are classified as "Restricted Weapons" under the schedule to the Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984 and the provisions of Section 18(2) Arms Act 1983 apply.

8.30 SILENCER

1. See Section 2 Arms Act 1983; A silencer, if it is designed or intended to be an integral part of a pistol, restricted weapon or MSSA is a "part", and as such a permit to import is required under Section 18(2), Arms Act 1983 for the purpose of Section 16.
2. "Special Reasons" must be given by the applicant.
3. The import/export of silencers is strictly controlled in certain countries and may be prohibited in New Zealand by a Customs Prohibition Order. (MFAT manage the strategic Goods List).

8.31 END USER CERTIFICATE

An End User Certificate may be supplied on the request of the applicant for an Import Permit. Certain countries insist that the importer supply an end user certificate. An end user certificate is not, and should not purport to be, a permit to import.

8.32 STUN GUNS, LASERS, MACE AND SELF DEFENCE SPRAYS ETC

1. These items are all restricted weapons and are sometimes brought into New Zealand by travellers or through the mail. A Permit to Import may only be issued through the Manager: Licensing and Vetting, and will not generally be granted.
2. Some manufacturers attempt to mislead authorities by describing the spray ingredients as "pepper, capsicum, vegetable sprays etc". Invariably the spray device on examination is found to be a restricted weapon.

8.33 EXPORT OF PISTOLS, MSSA's AND RESTRICTED WEAPONS

1. Every holder of a Firearms Licence who intends to remove any pistol, restricted weapon or MSSA 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/her Firearms Licence for amendment of the endorsement (Section 38(1) Arms Act 1983).
2. On receipt of this notification the Arms Officer shall notify the Advisory Officer at Licensing and Vetting at PNHQ by fax:

Details of exporter, full name, licence particulars, make, model, calibre and serial numbers of firearms to be exported, full name and address and date of birth of the overseas importer are required.
3. The Advisory Officer (Firearms) will then notify the Police in the country of import. (Circular letter ICPO - Interpol No 663 - ARMAF/110 of 8 February 1973), and will confirm this notification direct to the exporter, with a copy to the Arms Officer.
4. See Section 5.17 Arms Manual regarding pistol shooters travelling overseas.

8.34 EXPORT PROHIBITION REGULATIONS (CUSTOMS EXPORT PROHIBITION ORDER)

1. Certain firearms, (especially military) are classified as strategic goods for the purpose of the export prohibition regulations and their export to certain countries is forbidden.
2. In view of this, Customs request that when a notification under Section 38, Arms Act 1983 is received, that individual is to be advised that s/he should contact Customs over the export.
3. Export of strategic goods to certain countries could be a source of grave embarrassment to New Zealand.

8.35 "EXPORT" OF FIREARMS TO VISITING SHIPS CREWS

Members of ships and yachts' crews visiting New Zealand may attempt to purchase pistols and restricted weapons to take with them when they leave New Zealand. Any such sale is subject to the Arms Act 1983, and may be subject to the Customs Export Prohibition Order. (Section 16 (2) of the Arms Act 1983 relates to imports only, and should not be read as having any wider meaning).

8.36 RETURNING RESIDENTS

1. Where a resident returning to this country arrives at any airport or seaport and is in possession of a rifle or shotgun or parts thereof and is the holder of a Firearms Licence, action shall be taken as follows:
 - a) The firearm and/or parts must first be declared to Customs.
 - b) A check shall be carried out to determine whether or not the rifle or shotgun has previously been approved for import. (See Section 8.12 - Arms Manual).
 - c) A Permit to Import shall be issued without fee, if the firearm/part has been approved for import and not subject to any other current restriction.
 - d) Where the firearm has not been previously approved, an "Import Permit" bearing a condition that the firearm is subject to approval may be issued to allow the importer to uplift the firearm and present it to the Police for forwarding to the Police Armoury for inspection. (Permits to Import pistols, restricted weapons and MSSA's may only be approved through the Manager: Licensing and Vetting).
 - e) A fax or e-mail message shall then be sent to the Arms Office nearest the licence holder's residence advising details of the importer and firearm.
 - f) If the firearm/parts are not approved for importation the licence holder shall be asked to dispose of the firearm forthwith by exporting it or otherwise disposing of it in a manner approved by the Police. In the meantime it is to be retained by Police. (See Section 18.3 of this Manual as to methods of disposal).
2. Illegally imported firearms are to be seized (Section 19 - Arms Act 1983) preferably by Customs and consideration given to charging the importer. On no account is a pistol to be returned to a person entering New Zealand unless the person has a Permit to Import the pistol.

8.37 LICENCE HOLDERS' ACQUISITION OF FIREARMS WHILE OVERSEAS

1. Licence holders may inquire about purchasing a firearm while overseas. If the full particulars of the firearm/s are known an Import Permit can be applied for and a Permit may be granted subject to the usual checks and procedures.
2. Persons bringing firearms into New Zealand without a permit may breach Section 16 of the Arms Act 1983. Apart from an import permit granted in accordance with established procedures, no further assistance shall be granted to New Zealand Firearms Licence holders endeavouring to purchase firearms overseas.
3. Sound advice is for the purchaser to select a firearm overseas, obtain the necessary permit on return to New Zealand and send for the firearm.

8.38 PARTS OF FIREARMS

1. Note the definition of "Part" in Section 2 of the Arms Act 1983.

2. Import Permits for parts or rifles and shotguns may be approved provided that the firearms are approved for importation (Section 8.12 Arms Manual).
3. Import permits for parts of pistols, MSSA's and restricted weapons may be approved through the Manager: Licensing and Vetting at PNHQ provided the applicant is able to supply "Special Reasons" for their import and has a licence with the appropriate endorsement. An import permit for parts for a MSSA are subject to the condition that the (same) worn parts are unconditionally surrendered to Police.
4. Care should be exercised that the parts are not being used to covertly construct a complete new pistol, MSSA or restricted weapon. One "Parts Kit Set" for a sub-machine gun for example, requires only one part to complete the firearm to full firing capability. Any competent machinist can construct the missing part.
5. Where the part is a substantial part of the firearm, such as the frame or action, a description including serial number is to be entered into the Firearm Subsystem under the applicant's licence.

8.39 IMPORTATION INQUIRIES FROM PROSPECTIVE IMMIGRANTS

1. Prospective immigrants sometimes inquire concerning arrangements to import their firearms. They should be advised:
 - a) To leave their firearm in the country of origin until they have been issued a New Zealand Firearms Licence.
 - b) If they have supplied a complete description of their firearms they can be advised whether the firearms are on the list of firearms approved for importation;
 - c) Any firearms inbound to New Zealand must be declared to Customs. Customs will seize and detain any firearms for which a Permit to Import has not been issued.
 - d) Where a person brings their firearms these will be retained by Customs for a limited time only. (Firearms may be stored with Police. This is an operational and local arrangement).
2. Immigrants must also be advised that:
 - a) They must apply for a Firearms Licence (and C or E endorsement if applicable) within one (1) month of their arrival in NZ and advise Customs they have done this.

and:

 - b) If a target pistol shooter, they must apply to join a pistol club within three (3) months of their arrival in NZ and advise Customs they have done this.

- c) Failure to meet these time frames may result in the firearms being forfeited and disposed of.
- 3. Permits to Import may not be issued to third parties to enable the firearms of an immigrant to be imported ahead of that immigrant obtaining a licence and/or endorsements.
- 4. Should an immigrant bring their firearms with them before obtaining a licence and/or endorsement and then fail to obtain a licence and/or endorsement, the firearms are to be forfeited. They may not be sold to another person in New Zealand. A Permit to Import may not be issued in these circumstances.

Appendix 8.1

NEW ZEALAND POLICE

NOTICE OF REVOCATION OF PERMIT TO IMPORT

To: (Full Name) _____

Of: _____

PURSUANT TO SECTION 18 ARMS ACT 1983

I, _____ a Commissioned Officer of Police, hereby

give notice that Permit to Import No. _____ authorising the importation of

is hereby revoked and I require you to surrender the permit to a member of the Police.

You may by way of originating application appeal to a District Court Judge against this decision.

My reason/s for revoking this permit is/are as follows:

Dated at _____ this _____ day of _____ 19

—
_____ Commissioned Officer of Police

Appendix 8.2

POLICE POLICY IN RESPECT OF THE IMPORTATION OF PISTOLS

as approved by the Police Executive Operations Committee

1 December 1999

Purpose

The purpose of this policy is to establish guidelines for the import of pistols into New Zealand. The intent is to control the size and quality of the arsenal entering and within New Zealand in order to better control and promote the safe use of firearms.

Pistols imported for target shooting

- 1 An import permit may be granted to a holder of a B endorsement pursuant to section 29(2)(a) of the Arms Act 1983 to import a pistol approved by the Police for a shooting discipline recognised by a National Shooting organisation, provided:
 - The applicant produces evidence of the B endorsement, and
 - Is the current member of a Pistol Club recognised by the Commissioner, and
 - Produces Pistol Association form LE2/1 (or equivalent from non NZPA Pistol Clubs) as confirmation of Club endorsement of the application, and
 - Does not own more than twelve pistols. Where application is made to own more than twelve pistols that application is to be supported by written explanation and Pistol Association form LE/3 (Club Armourers are to distinguish between those guns owned in an individual capacity and those held in their role as Armourer), and
 - That make/model of firearm, in similar condition is not readily available for sale within New Zealand.

Arms Officers are to ensure that files relating to applications to import have documented evidence of each of these points.

Arms Officers are to check the availability of that make/model of firearm by searching the firearm database using *SFD, entering licence type `D`, Ftype

'P' and the make model and calibre of the firearm applied for. This will provide a list of the firearms of that make/model held by dealers, and an indication (only) to approving officers at the Office of the Commissioner of the availability or otherwise of that pistol in New Zealand.

- 2 No bulk import permits will be approved in anticipation of likely importations over a period of time. Each import shipment must have its own import permit.
- 3 Preference will be given to importation of new rather than old/used pistols.
- 4 Importation of pistol frames will be treated as an importation of a pistol.
- 5 Application to import numbers of magazines, barrels and ancillary parts will be considered. Each application will be considered on its merits.
- 6 A firearms dealer can present any of the following "special reasons" to import approved pistols:
 - A confirmed order from a customer as per the conditions in paragraph 1, with the exception of reference to Pistol Association form LE2/1 (required when applying for permit to procure). A copy of the order from the customer is to form part of the file.
 - To have one of each make/model in stock for display purposes.
- 7 Firearms Dealers may be granted a permit to import in order to have a reasonable number in stock for resale purposes. It will be decided on a case by case basis as to what constitutes a "reasonable number", however such number will not usually exceed 5 per make.

Consideration will be given to approving an application to import more than 5 per make per import permit if the application is supported by producing previous years sales records of pistols imported/sold.

Arms Officers are to confirm stock held by the applicant dealer in their covering report.

The applicant is to satisfy Police that there is a scarcity of pistols of that make/model for sale within New Zealand. Arms Officers are to confirm this by query *SFD. This will provide an indication to approving officers at the Office of the Commissioner of the scarcity or otherwise of the pistol to which the application applies.

Pistols for target shooting held other than on a B endorsement

- 1 Pistols owned for the purposes of participating in target shooting discipline are to be held on the B endorsement.
- 2 Should that person no longer wish to participate in the shooting discipline for which that pistol is used they may retain the pistol on an endorsement issued pursuant to section 29(2)(b) or (c) of the Arms Act 1983. Should they later decide to resume shooting that discipline the firearm is to be transferred to their B endorsement.
- 3 Pistols are not to be transferred from a B to a C endorsement as a means to having 12 or less than 12 pistols registered against the B endorsement.

Pistols imported for collection

- 1 Section 29(2)(b) – (e) of the Arms Act 1983 specify the endorsements permitting a person to possess a pistol other than as a member of a pistol club recognised by the Commissioner.
- 2 Persons holding one of these endorsements may apply for a permit to import a pistol:
 - The pistol is to be consistent with the endorsement they hold.

- Where the endorsement is issued pursuant section 29(2)(b) of the Arms Act 1983 (bona fide collector) the pistol to which the application applies is to be congruent with their stated area of interest. A letter is to be supplied by the applicant stating the “special reason” for granting the permit. This is to include a statement of what the firearm is and how it was used and by whom and how it will enhance their collection.
 - Arms Officers are to ensure that should the nature of a collection change that the security is appropriate to accommodate this change in interest.
- 3 In considering permits to import the test applied as to whether a firearm is a “collectable” may include the historical interest of the pistol, unusual mechanisms and/or design, beauty and its rarity and/or age. That a pistol is a collectable is in itself a ‘special reason’. Collecting for the purposes of investment is not a special reason for the purposes of import. Each application will be considered on its merits.
- 4 On this basis applications to import modern military weapons, weapons currently in production, weapons readily available in current theatres of war and modern replicas are not likely to be approved, though each application will be considered on its merits according to the case put by the applicant.
- 5 Dealers may apply to import firearms on behalf of collectors:
- Where the application to import is on behalf of an individual collector the criteria outlined in para 2 are to be met.
 - Where a dealer wishes to import items as stock the provisions in para 3 and exclusions in para 4 (above) will be rigorously applied. Firearms Dealers may be granted a permit to import in order to have a reasonable number in stock for resale purposes. It will be decided on a case by case basis as to what constitutes a “reasonable number”, however such number will not usually exceed 5 per make/model.

Import by dealer for purposes of export

- 1 Legal opinion has been sought as to the granting of permits to import for the purposes of export:
 - A “special reason” is required to import a pistol into New Zealand. An application to import a pistol for export is not a “special reason” as the motive is not to sell to a bona fide Firearms Licence and endorsement holder in New Zealand.
 - Import for the purposes of immediate export may in fact not be considered an import into New Zealand for the purposes outlined in Section 29 of the Arms Act 1983. New Zealand is rather being used as a transshipment point. In that case the need for “special reason” does not apply.
- 2 Applications from dealers for a permit to import for the purpose of immediate export will be considered when:
 - The application is genuine, with no indication of subterfuge.
 - A bona fide end user is identified, and a confirmed order in writing from this end user attached to the application along with a permit to import (or equivalent) from the country of destination.
 - The number of pistols are modest in number.
 - The dealer satisfies Police that they hold no stock of the pistols to which the application applies.
- 3 It will be a standard condition placed on permits to import for the stated reason of export that the pistol(s) be re exported within 60 days of arrival in New Zealand and Police advised of their export by the dealer according to the provisions as set out in section 38 of the Arms Act 1983.

CHECKLIST FOR ARMS OFFICERS

Individual applies to import pistol for target shooting:

- ☐ B endorsement holder
- ☐ Current member of Pistol Club recognised by the Commissioner
- ☐ Form LE2/1 (or equivalent) attached
- ☐ Does not own more than 12 pistols, or owns more than 12 pistols – form LE/3 and/or explanation attached
- ☐ *SFD print out attached indicating availability of that pistol in New Zealand
- ☐ Pistol is new, or, if second hand explanation from applicant attached

Dealer applies to import pistol for target shooting:

- ☐ Has a confirmed order from a customer who meets criteria above with exception of LE2/1 – copy of order to be attached to file

Or

- ☐ Pistol is required in order to have one of this make/model in stock for display purposes

Or

- ☐ Dealer can produce sales record to indicate that a reasonable number are required in stock for resale purposes

And

- ☐ *SFD printout is attached to indicate availability of pistol in New Zealand
- ☐ Dealer indicates on application current stock of this make/model

Collector applies to import pistol:

- ☐ Application is consistent with endorsement held
- ☐ Firearm is consistent with stated area of interest as collector, or where the area of interest has changed the applicant provides explanation and security is confirmed as being suitable to contain firearms applied for
- ☐ Applicant has provided written explanation outlining the 'special reasons' they wish to import the firearm. This is to include what the firearm is, how it was used and by whom and how it will enhance their collection.

Dealer applies to import a pistol as 'collectable':

- ☐ If application is on behalf of an individual collector the criteria outlined for 'collector applies to import pistol' are to be met, with a copy of the order from the collector attached to the application

Or

- ☐ Where application is for stock purposes the application is for a reasonable number (usually not to exceed 5 per make/model)

Dealer applies to import pistol for purposes of export:

- ☐ Application is genuine with no indication of subterfuge
- ☐ Bona fide end user is identified and order in writing from this end user attached along with a permit to import (or equivalent) from the country of destination

- ❑ Number of pistols is modest in number
- ❑ Dealer holds no stock of the pistols to which the application applies
- ❑ Dealer agrees as standard condition to re export pistols within 60 days of their arrival in New Zealand and to advise Police of this according to the provisions as set out in section 38 of the Arms Act 1983

ANTIQUES

SECTION 9

9.1 DEFINITION

1. The term "antique firearm" is defined in Section 2 Arms Act 1983 as follows;
 - 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:"
2. The exemption contained in Section 22(1)(b) of the Arms Act 1983 means that a person in possession of a rifle, shotgun or pistol held as an antique and is not designed for firing and is not capable of firing rimfire or centrefire cartridge ammunition, does not require a Firearms Licence.
3. No known restricted weapon can be classed as "antique".

9.2 ANTIQUE STATUS QUESTIONABLE

Where doubt exists as to whether a firearm is antique, a fax or e-mail message is to be sent to the Manager: Licensing and Vetting at PNHQ. Details of the make, model and calibre of the firearm shall be included on the message. This is particularly important when a defendant claims that a firearm is antique.

9.3 PISTOLS/RESTRICTED WEAPONS — POSSESSION/CARRIAGE (SECTION 36 ARMS ACT 1983)

1. (See Section 3.4 of this Manual).
2. A "Pistol" for the purposes of Section 36 of the Arms Act 1983 also includes an antique pistol. (This Section of the Arms Act 1983 has no exemption for antique pistols).
3. Section 50, Arms Act 1983 (Unlawful possession of pistol or restricted weapon) creates the offence of being in possession of a pistol or restricted weapon unless authorised pursuant to the Act. Subsection (2) of Section 50 exempts antique pistols from Section 50 of the Arms Act 1983 only.
4. The net effect of Section 22(1)(b) and Section 36 and 50 of the Arms Act 1983 is to permit persons to have lawful possession of antique pistols without being the holder of a Firearms Licence. Carriage of antique pistols beyond the curtilage of a dwelling however is an offence unless the person in possession does so in accordance with conditions endorsed on their Firearms Licence. A person

wishing to carry an antique pistol beyond the curtilage of their dwelling must therefore hold a Firearms Licence.

5. An endorsement to carry cannot be issued to another licence holder on behalf of the unlicensed person in possession of an antique. Section 36 of the Arms Act 1983 is quite specific – it authorises the person only to carry beyond the curtilage of their own dwelling, not the dwelling place of others.

9.4 RIFLES/SHOTGUNS

Persons may possess and/or carry antique rifles and shotguns lawfully without a Firearms Licence.

9.5 PERMITS TO PROCURE

Where a person wishes to procure an antique rifle, shotgun or pistol a Permit to Procure is not required. (Regulation 24(2), Arms Regulations 1992).

9.6 PERMITS TO IMPORT

A Permit to Import is required for the importation of antique firearms (Regulation 10 does not provide the same exemption as for the requirement for permits to procure as set in Regulation 24).

9.7 DISCHARGING ANTIQUE PISTOL OR ANTIQUE RESTRICTED WEAPON

Where any person discharges an antique pistol or antique restricted weapon within the curtilage of his/her dwelling s/he may commit an offence pursuant to Section 48 Arms Act 1983 (Discharging a firearm in or near a dwelling house). Other offences may also have been committed.

9.8 SECURITY (DEALERS)

Antique firearms are subject to the same security precautions as other firearms.

9.9 POWERS OF POLICE TO REQUIRE SURRENDER OF ANTIQUE FIREARMS

See Section 41, Arms Act 1983 and Section 11.19 of this Manual.

AIRGUNS

SECTION 10

10.1 DEFINITION

1. For the purposes of the Arms Act 1983 "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 force of explosive), any shot, bullet, missile, or other projectile can be discharged (Section 2 Arms Act 1983).
2. Case law has confirmed fully automatic airguns as being restricted weapons, as defined in the Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984.

10.2 LICENCE

1. Persons of or over the age of 18 years do not require a Firearms Licence to use or possess airguns.
2. Persons between the age of 16 and 18 years require a Firearms Licence to possess an airgun. (Section 21 Arms Act 1983).
3. Persons between 16 and 18 years without a Firearm Licence may have lawful possession of an airgun providing they are under the immediate supervision of the holder of a Firearms Licence. (Arms Act 1983, Section 22(2). See Section 2.36 - Arms Manual for "Immediate Supervision".)
4. This also applies to persons in possession of an airgun who are under the age of 16 years.
5. Where a person applies for a Firearms Licence to possess an airgun they shall be dealt with in accordance with the procedure outlined in Section 2 of this manual.
6. There is no limit to the number of airguns that the holder of a Firearms Licence may possess.
7. Those who possess airguns should keep them secure.

10.3 SELLING/SUPPLYING TO UNLICENSED PERSON

Any person who sells or supplies an airgun to any person under 18 years of age who is not the holder of a Firearms Licence commits an offence pursuant to Section 43(1)(b), Arms Act 1983.

10.4 DEALERS

A person who sells airguns in the way of their business must be the holder of an Arms Dealers Licence (Section 5(1)(a), Arms Act 1983). When a Dealers Licence is issued for airguns only this should be recorded in the computer text of the Dealers Licence.

10.5 DEALER'S SECURITY

All airguns at a dealer's place of business which are not in the physical possession of the dealer or a member of the dealer's staff or which are not being displayed to a customer under the immediate and personal supervision of the dealer or a member of the dealer's staff shall be secured in a manner so that they cannot be readily removed. (Regulation 8(i), Arms Regulations 1992).

10.6 SPECIALLY DANGEROUS AIRGUNS

1. Section 4 Arms Act 1983 provides the power to declare any airgun a specially dangerous airgun.
2. This allows airguns that are considered to have an excessive muzzle velocity or rate of fire to be designated "Specially Dangerous Airguns". Therefore persons wishing to possess an airgun so designated require a Firearms Licence and a Permit to Import.
3. Some airguns are not "specially dangerous" in themselves (as airguns), but may in fact be "firearms" (the Brocock pistol being one example).

10.7 RESTRICTED WEAPONS

1. The LARC International Model 19A and the LARC International Model M19-AMP have each been declared a "Specially Dangerous Airgun" and are listed in the Appendix 1 to the Arms Act 1983, The Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984.
2. Fully automatic airguns (BB guns) are also restricted weapons. (See Section 10.1 of this Manual).
3. This means that before a person may obtain possession of one of these weapons he/she must hold a licence bearing an endorsement issued under Section 29 of the Arms Act 1983.

10.8 PERMITS TO IMPORT

1. A Permit to Import is not required for airguns unless they have been designated Specially Dangerous Airguns.

2. Some countries will not supply air rifles without documentation. If a request is received then an end users certificate under cover of a letter stating that an Import Permit is not required should be supplied.

10.9 POWER OF SEARCH

The Search and Seizure provisions of the Arms Act 1983 authorise search of persons, land and buildings for airguns (Section 60, 60A and 61, Arms Act 1983).

10.10 OFFENCES

Almost all of the criminal offences in the Arms Act 1983 include provision for committing the offence with an airgun.

10.11 AIRGUN PAMPHLET

Police have produced a pamphlet on the safe use of airguns (PUB0175).

FIREARMS MANUAL

SECTION 11

REVOCATIONS & REFUSALS

11.1 GENERAL

1. This Section deals with the following revocations as authorised by the Arms Act 1983:
 - Revocation of a Dealers Licence (Section 9)
 - Refusal of Application for a Firearms Licence (Section 24)
 - Revocation of a Firearms Licence (Section 27)
 - Grounds for making an application for a Protection Order (Section 27A)
 - Surrender airgun or antique firearm (Section 41)
 - Revocation of endorsement to possess pistols and restricted weapons (Section 33)
 - Revocation of Endorsement for MSSA (Section 33B)
 - Revocation of endorsement to carry (Section 36)
 - Revocation of a Permit to Procure (Section 35)
2. A Statement of Service should be completed on the reverse of the duplicate copy of every Notice of Revocation.

11.2 PROCEDURAL STEPS FOR REVOCATION/REFUSAL

1. Once the holder of a Firearms Licence comes to the notice of Police as no longer fit and proper, inquiry as to revocation can begin. Note: where a statutory reason exists for revoking or refusing the licence (eg: Section 27A Arms Act 1983) that should form the basis of revocation/refusal.
2. Police member prepares a file and forwards it to a Commissioned Officer with revocation/refusal recommendation.
3. Decision is made by the Commissioned Officer to consider revoking/refusing the licence. For urgent problems such as threatened suicide the firearms should be seized immediately (Section 60, Arms Act 1983) and the surrender of the Firearms Licence demanded (Section 27, Arms Act 1983). In any case, on revocation becoming final all firearms may be seized. (Section 28, Arms Act 1983).
4. This decision must be served on the licence holder in writing advising him/her of the consideration of revocation/refusal and the reasons why, and offer to hear the person's reasons as to why revocation/refusal should not proceed.

5. At a time convenient to both the Commissioned Officer and the licence holder, a hearing must be held to consider the evidence/submission of the licence holder. The licence holder may choose to make submissions in writing, or in person.
6. After the hearing and due consideration the written decision of the Commissioned Officer must be served on the licence holder/applicant and a copy placed on the file. The decision must include the reasons why the licence is being revoked/refused, and must address each of the points raised by the licence holder/applicant as to why the licence should not be revoked/refused.
7. It must advise the Firearms Licence holder/applicant their right of appeal under Section 62 of the Arms Act 1983.
8. Complete computer action as necessary.

11.3 RIGHT OF APPEAL FROM OFFICIAL DECISIONS

1. Pursuant to Section 62 Arms Act 1983 a person whose application for a firearms endorsement/licence/permit to procure has been refused or endorsement/licence/permit to procure has been revoked may, by way of originating application, appeal to a District Court Judge.
2. This right of appeal is no answer to the right of the opportunity to be heard at the time of or immediately after the revocation or refusal.
3. The revocation/refusal should be fully discussed with the person, who should be given the opportunity to discuss the circumstances with the Commissioned Officer signing the revocation/refusal notice.
4. An Arms Act appeal is by way of originating application (s62(1)) and rules 454 460 and 270 and 271 of the District Court Rules apply). They state that evidence of disputed facts shall be by affidavit and that evidence of agreed facts may be given by an agreed statement. However notwithstanding this, evidence may be given orally on oath if the court so directs. In other words the Court has the discretion how the evidence shall be "heard". The Court may hear the evidence anyway it likes. It may give weight to the original decision, which is reasonable.
5. It is important to read and understand the contents of Section 11.4.

11.4 CASE LAW

1. In *Broeren V Commissioner of Police* (Unreported High Court, 474/92, 24.11.92) Mr Justice Greig Stated:

"...An important purpose of the Act is to ensure public safety. The legislation is administered by the Police and it is their responsibility, through the Commissioner of Police, to act so that the purpose of public safety is effectively carried out. To do that the Police are bound to act upon evidence of danger or emergency but must also anticipate, in reasonable terms, potential danger and likely apprehension of risk to the public safety which may be inferred on reasonable grounds from information

available to them. The Police in those circumstances may be faced with the dilemma of deciding between acting in circumstances where there is no clear evidence or proof that might be required to the standard of a Court proceeding and being remiss in their duty of administering the legislation by failing to act timorously and effectively upon suspicion, complaints or other information which may signal the likelihood of some risk.

In this case there was no sudden emergency or event which occurred which could give immediate cause for concern or alarm but rather an accumulation of events and circumstances which came to the knowledge of the Police at a particular time and upon which they felt bound to act immediately and decisively without prior notice or discussion with the plaintiff.

Assuming that the decision in question is reviewable at all, and so far it has not been suggested that that assumption does not apply here, there will be a presumption that natural justice or fairness will apply and that the person who is affected by the exercise of the power should have an opportunity to know and answer the grounds upon which the power is to be exercised or has been exercised: see, for example, Brennan J in *Kioa v Minister for Immigration and Ethnic Affairs* (1985) 159 CLR 550 at 628.

'A person whose interests are likely to be affected by an exercise of power must be given an opportunity to deal with relevant matters adverse to his interests which the repository of the power proposes to take into account in deciding upon its exercise.....'

There is nothing express in the legislation which would displace the presumption, nor do I think that anything to be inferred from the circumstances of this case would displace that presumption. At least an opportunity could have been afforded after the actions in August 1991. The right of appeal, even though that is a full appeal, is no answer to the right of the opportunity to be heard at the time of or immediately after the exercise of the power in question. That preliminary enquiry and the response to it might resolve the matter, wholly or in part, without the necessity of any further appeal or other actions....."

2. Both *Dobbs v Police* [1992] DCR 650 (Ten-One No 37, 12 March 1993) and *Bush v Police* [1991] DCR 385 reiterate that the Police should hear submissions from the licence holder and that the Police must give a written decision setting out the basis for the revocation.

3. An extract from the Ten-One comment on *Dobbs v Police* reads:

"In order to limit the role of the District Court to an appellate function in which the Court merely considers whether the discretion of the commissioned officer has been exercised on wrong principles and whether as a question of fact or law the decision to revoke was manifestly wrong, then it would be necessary for the commissioned officer to hold an initial hearing at which the licence holder could be present and give evidence, and following the hearing complete a written decision setting out the reasons why the licence was revoked."

This action will not guarantee that the District Court Judge will deal with the matter in the same way. It is clear that in each District an appeal against revocation will be handled in different ways, according to the District Court Judge.

4. Robert Cornelius Van Delft V New Zealand Police (Masterton Court, MA No. 4/2001, 05/07/2001).

This case highlights key points:

- Security is important
- A breach of security is sufficient to revoke
- Natural justice must be seen to be done (ie: A warning on first occasion, licence holders submissions heard, and recorded as having been considered).

The following quotes are taken from the case:

“The parties did not wish to call evidence and make submissions. Instead they have asked the Court to make a decision on the papers.”

“It is again clearly established that it is neither desirable nor appropriate that the Police conduct formal hearings on adversarial lines when making determinations under Section 27(1) of the Arms Act. It is sufficient if the Commissioned Officer in question complies with the rules of natural justice”.

“After an interview with Mr Van Delft, the Inspector served Notice of Revocation of Firearms Licence on him for the following reasons”:

“On 11 April 2000, as a result of that you were later convicted in the Masterton District Court on two charges of possessing cannabis and cultivating cannabis. This is not a responsible habit for a firearms owner”.

“Later on 17 October 2000 Police again visited your address following an attempt by your partner to commit suicide by means of a drug overdose. A firearm belonging to you was located and it was established that it had been lying under a bed and ammunition was readily accessible from a nearby cupboard. You had previously been warned for having an insecure firearm only a few months earlier. This is a clear breach of Regulation 19, Arms Regulations 1992, which is sufficient in itself to revoke your Firearms Licence”. (Editor’s emphasis)

“I am of the opinion that you are no longer a fit and proper person to hold a Firearms Licence because, besides your being a self-confessed cannabis user, you have also demonstrated a cavalier approach to the care and custody of your firearms, particularly at the time when your partner’s state of mind was suicidal and she had easy access to one”.

The Judge found:

“I entirely agree with Inspector Drew’s assessment that Mr Van Delft is not a fit and proper person to be in possession of a firearm”.

“First, he is and has been a long time user of cannabis. It is not something which inspires confidence or trust.”

“Second, there have been two incidents of gross carelessness over firearms security in April and October 2000. Mr Van Delft was warned on the first occasion but clearly did not heed the warning. The reality however is that burglary and thefts happen, in country areas just as in towns. Again the low priority given to security, particularly following a Police warning is impossible to condone”.

“A Firearms Licence carries with it serious responsibilities. The holder of such a licence must be trusted to stick to the rules, particularly where security is concerned”.

“Mr Van Delft through flouting the law in relation to cannabis usage and particularly in view of his failure to bring security for his firearms up to standard, despite a warning, simply does not inspire confidence. The stakes are too high to condone sloppiness and lack of care”.

“For these reasons then I do not accept that Mr Van Delft has shown his fitness to hold a Firearms Licence”.

11.5 DEALER'S LICENCE

1. The revocation of an Arms Dealers Licence has been delegated to the Manager: Licensing and Vetting by the Commissioner. It is not delegated further.
2. Where it comes to the attention of the Police that any Arms Dealer has committed any offence either against the Arms Act or any other Act, the matter shall be immediately drawn to the attention of the Manager: Licensing and Vetting at PNHQ.
3. The circumstances under which an Arms Dealer's Licence should be revoked will vary. But in general terms, once a dealer has shown that they are no longer fit and proper to hold a Dealer's Licence revocation procedure should be commenced. “Fit and proper” within the context of a Dealers Licence focuses primarily on the capacity of the person to sell/manufacture firearms by way of business.
4. This may occur when a dealer has shown a complete disregard for the provisions of the Arms Act or Arms Regulations; or have committed offences or crimes against another Act which gives rise to doubts as to whether they are a fit and proper person to be in the business of dealing in or manufacture of firearms/airguns.
5. If the behaviour is such that it raises concerns as to the dealer being fit and proper to have access to firearms, the correct procedure is to consider revoking their Firearms Licence, or specific endorsements (eg “E” or “F”). Revoking the Firearms Licence invalidates their Dealers Licence.
6. Where any doubt exists as to whether revocation proceedings should be commenced the assistance of the Manager: Licensing and Vetting shall be sought. Where necessary guidance from Legal Section may be sought.

7. A file shall be prepared for forwarding to the Manager: Licensing and Vetting at PNHQ. It shall record all circumstances of the case in sufficient detail for an objective decision to be made as to whether the licence should be revoked and a warrant issued pursuant to Section 13 Arms Act 1983. The Manager of Licensing & Vetting may interview the dealer prior to revocation.
8. When the appropriate warrant and revocation notice are issued they will be forwarded to the Officer in Charge of the case for execution.
9. In certain cases or when requested by the District concerned the Manager: Licensing and Vetting and a Police Armourer may attend the execution of the warrant to offer assistance or guidance.

11.6 PLANNING

1. The process for revoking a Dealer's Licence is the same as that in Section 11.2 of this Manual.
2. Prior to executing the warrant the Officer in Charge of the case shall ensure that appropriate planning has been carried out. This requires that suitable transport is available to move all the confiscated firearms and that secure storage is available to house them to prevent deterioration.
3. A printout shall be obtained and all pistols, MSSA's and restricted weapons in possession of the dealer should be checked against the printout and explanation for any discrepancies obtained.
4. Many Arms Dealers hold a substantial amount of firearms and ammunition in stock. Special care must be taken to inventory all stock. It is to be carefully handled, labelled, and transported so as to ensure no damage is caused and that every item is accounted for.

11.7 EXECUTING WARRANT

1. The Commissioner may issue a warrant under Section 13(1) of the Arms Act 1983. (This has not been delegated). On executing the warrant a copy shall be handed to the dealer.
2. The dealer shall also be handed a notice of revocation with respect to his Dealers Licence.
3. The dealer shall forthwith surrender their dealers licence to the Police.
4. If the decision has been made to also revoke the Dealer's Firearms Licence, or an endorsement, procedures in relation to that should be carried out at the same time.
5. Any remarks made by the dealer at the time the warrant is executed should be recorded in writing.

6. Once executed, the warrant shall be endorsed to signify that it has been executed and the executing member shall sign it.
7. The dealer shall be advised that he has 3 months in which to dispose of the firearms, ammunition, airguns, pistols or restricted weapons. (Section 14, Arms Act 1983).

11.8 REMOVAL OF STOCK

1. The dealer should, if possible, be present when an inventory of stock is compiled so that where irregularities are found they can be brought to his/her attention and his/her explanation recorded.
2. The compiling of the inventory and removal of the stock should be carried out methodically to prevent error.

11.9 STORAGE

1. Care shall be taken to ensure that all stock that has been seized is adequately stored to prevent damage and deterioration.
2. Security must conform with the Arms Regulations 1992.

11.10 DISPOSAL

Where disposal of the firearms, airguns or ammunition has not taken place within the three month period, which may be extended if necessary, action as outlined in Section 18 of the Arms Manual shall commence.

11.11 PROHIBITED PERSON/APPLICATION FOR LICENCE REFUSED/REVOCATION

1. The term "Prohibited Person" is now obsolete and has no foundation in law relating to the Arms Act 1983. A person cannot be "prohibited" from obtaining a Firearms Licence. The person and their behaviour of concern should be entered on NIA to guard against the contingency that the person may apply for a Firearms Licence at some future date.
2. An application for a Firearms Licence made by any person must be fully considered. Information recorded on NIA must be considered, and can form a basis for the application to be refused.
3. Where an application for a firearms licence is refused a NIA noting shall be entered listing the reasons for the refusal and the relevant file number.
4. Where revocation occurs computer action as per the Computer Manual is to be taken.

11.12 APPLICATION FOR FIREARMS LICENCE REFUSED

1. "A Firearms Licence shall be issued if the member of 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".

Section 24(1) Arms Act 1983.

2. If a Commissioned Officer of Police is of the opinion that an applicant for a Firearms Licence is not a fit and proper person to be issued with a Firearms Licence the procedure outlined in Section 11.2 is to be followed.
3. Draft letters are provided in the appendices to this section of the Manual.

11.13 SERVICE OF NOTICES OF REFUSAL/REVOCATION

1. The method of service is set out in Section 72A, Arms Act 1983 which reads:

"72A. (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) of this section, 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."

2. The mode of service should be endorsed on the copy of the Notice retained on the file.

3. "Last known place of abode" is more than the address recorded on the Firearms Licence system. Inquiry should be made to locate a current address.
4. In the case of any Court proceedings, personal service is a more reliable method of service.

11.14 REVOCATION AND SURRENDER OF FIREARMS LICENCE

1. Sections 27 and 27A Arms Act 1983 outline the circumstances under which a Commissioned Officer may revoke a Firearms Licence. (See also Section 11.17 of this Manual).
2. It includes any person who the Police believe is no longer a fit and proper person to possess firearms or airguns.
3. It also includes any person who has possession of firearms or airguns to which a person who is not considered fit and proper may obtain access.
4. Where it is considered that a licence holder is no longer fit and proper in that they have:
 - shown no regard for the Arms Act or Arms Regulations; or
 - been involved in substance abuse; or
 - committed a serious offence against the Arms Act; or
 - committed any serious offence against any other Act; or
 - committed a series of minor offences against the Arms Act; or
 - committed crimes involving violence or drugs; or
 - affiliations with a gang involved in committing violent offences or in conflict with another gang; or
 - been or is involved in matrimonial discord involving violence or threats of violence; or
 - exhibited signs of psychological disturbance; or
 - attempted to commit suicide or other self injurious behaviour
 - failed to comply with conditions on their licence/endorsement (especially security conditions).

Or for some other reason is considered not fit and proper, revocation of the licence should be commenced forthwith.

5. The possession of firearms is a privilege not a right.
6. Care should be taken to ensure that the circumstances surrounding the decision to revoke the licence or to demand surrender of airguns or antiques is well documented to enable the decision to be justified if an appeal pursuant to Section 62, Arms Act 1983 is lodged.

11.15 POWER TO SEIZE FIREARMS FOLLOWING REFUSAL TO DELIVER TO POLICE UNDER SECTION 28

Legal advice given is that Section 61 of the Arm Act 1983 applies when an indictable offence has either been committed or is about to be committed. Prior to notification the Police are unlikely to know whether or not the holder will refuse to deliver his/her firearms and therefore commit an offence of possession after revocation and so entry cannot be made before the notice is given and refusal is made. The offences in section 49A and section 50 (1) are both indictable and so after the holder has refused to deliver the firearms, Police may enter subject to the conditions in section 61.

11.16 POWER TO SEIZE LICENCE FOLLOWING REVOCATION

Legal advice given is that in Sections 27 and 33 of the Arms Act 1983 there is no provision which gives the Police power to search for licences and seize them.

If the licence is not surrendered on demand the provisions of Section 26 of the Arms Act 1983 apply.

11.17 REVOCATION — DOMESTIC VIOLENCE

1. Section 27A of the Act reads-
"27A. Without limiting the generality of sections 24 and 27 of this Act, 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 a protection order is in force under that Act in respect of that person."
2. Domestic Violence Act 1995
Section: 21 and 22:
These sections are the standard conditions relating to weapons. Section 21 allows for the suspension of the Firearms Licence where the order is temporary and subsequently, the revocation of the licence once the order is final. Section 22 allows the Court to dispense with, modify, discharge or reinstate standard conditions relating to weapons.
3. The procedure for revocation is set out in Section 11.2.

11.18 REMOVAL OF REFUSAL/REVOCATION

Procedural Steps for the Return of a Revoked Licence

1. Legal opinion suggests that there are two occasions when this can happen. They are:
 - a) When requested by the revoked licence holder and submissions are made to a Commissioned Officer: or
 - b) When an appeal has been successful and the court has returned the licence.

By Submission to a Commissioned Officer:

1. Legal advice suggests that having revoked a licence, Police may at a future date lift that revocation. The revoked holder is to be interviewed by a Commissioned Officer to determine if in his/her opinion the person may be fit and proper to have access to firearms and that the revocation be removed. The approval for the removal of the revocation is given by the Commissioned Officer. This makes the person unlicensed, and able to shoot under supervision. They may then make an application for a Firearms Licence if they wish to.
2. The approval of the District Commander is required to issue a Firearms Licence to a person who at any time has had their Firearms Licence revoked.
3. On receiving an application for a Firearms Licence from a previously revoked person, full vetting procedures should be undertaken to ascertain their fit and proper status. This includes sitting and passing the Mountain Safety Council Course.
4. Once vetting is complete the file is to be forwarded to the District Commander for consideration.
5. If during the vetting process it is found that the applicant is not fit and proper then the licence is to be refused.
6. The normal fee should apply.

On Successful Appeal to the Court:

1. The licence that was revoked is not to be returned to the holder, as this licence will have been cleared from the system. A new licence will have to be issued forthwith, at no cost, where the Court orders the return of the licence. The expiry date of the licence remains that of the one revoked (it is the same licence).
2. The original file should be forwarded to firearms licensing so that a new card can be manufactured. Details should be checked to ensure they are the same, e.g. photo, residential and postal addresses.

Further Revocation following successful appeal against Police decision.

1. Legal advice is that Section 62(4) of the Arms Act 1983 refers to an appeal being determined in favour of the appellant. A Commissioned Officer can however revoke any licence or permit to which the appeal related on any sufficient grounds supported by facts or evidence discovered since the hearing of the appeal. The procedures in 11.2 of this Manual should be followed.

11.19 SURRENDER OF AIRGUNS OR ANTIQUES

1. Section 41 Arms Act 1983 outlines the circumstances in which a Commissioned Officer may, by serving notice in writing, require any person to surrender an airgun or antique if they are considered not to be fit and proper.
2. This provision is necessary to enable the Police to secure possession of airguns and antiques (for the possession of which a Firearms Licence is not required).

11.20 REVOCATION OF ENDORSEMENTS

1. Section 33 and 33B Arms Act 1983 provides that a Commissioned Officer of Police may revoke any endorsement, and the reasons for which this may be done.
2. Pursuant to Section 36(1), Arms Act 1983, a person may be issued with an endorsement to his/her Firearms Licence to carry pistols and restricted weapons. (See Section 3.4 of this Manual).
3. Any such endorsement may be at any time revoked by any Commissioned Officer of Police. (Section 36(2), Arms Act 1983).

11.21 PROCEDURE FOR REVOKING/REFUSING ENDORSEMENTS

1. The procedures outlined in Section 11.2 of this manual should be followed when revoking or refusing endorsements.
2. After the final notice of revocation has been served the person shall surrender the licence on demand for the cancellation of the endorsement. (Section 33(1)(b), Arms Act 1983).
3. Surrender of the person's pistols, restricted weapons, or MSSA's will be necessary to avoid an offence pursuant to Sections 36 and 50, Arms Act 1983.
4. Where an application for an endorsement is refused a NIA noting shall be entered listing the reasons for refusal and the file number.
5. When revocation of an endorsement occurs computer action as per the Computer Manual is to be taken. A NIA noting outlining the reasons for the revocation shall be entered along with the file and licence numbers. A new licence without the endorsement will then be issued. The file should confirm that the photo remains a good likeness.

11.22 REVOCATION OF A PERMIT TO PROCURE

1. Pursuant to Section 35(4), Arms Act 1983 a permit to procure a pistol, MSSA or restricted weapon may at any time be revoked by a Commissioned Officer of Police.
2. Where a decision is made to revoke a permit to procure the Commissioned Officer concerned shall sign a memorandum advising the permit holder that the permit has been revoked, the reasons for revocation, and their right to appeal under Section 62 of the Arms Act 1983 and shall demand the permit be surrendered forthwith.

11.23 TRESPASS ACT 1980

1. Under Section 12, Trespass Act 1980 any person who commits an offence against that Act and at the time was carrying a firearm may be disqualified by the Court from holding a Firearms Licence for a period not exceeding 2 years.
2. The Court may also order that the person shall not carry any weapon or any weapon of a specified class, for such a period not exceeding 2 years. (Section 76, Arms Act 1983).
3. Where disqualification takes place the revocation procedures shall be followed.
4. Disposal of any firearm shall be in accordance with Section 18 of this manual.

Appendix 11.1

COMMENTS ON: POSSESSION OF FIREARM, AIRGUN ETC AFTER REVOCATION OF FIREARMS LICENCE – LEGAL NOTES

- Section 49A of the Arms Act 1983 "Unlawful possession of a firearm or airgun after revocation of Firearms Licence" with a penalty of 1 year's imprisonment or a fine of \$4000 or both was created in 1992. This was for the specific purpose of creating a substantial offence for firearm licence holders whose licence had been revoked either for no longer being fit and proper or for failing to respond to their call-in notice.

This offence, unlike other offences or provisions of the Arms Act 1983, does not specifically allow a defence of being under the immediate supervision of a licence holder. It does provide for an authorisation expressly or by implication, by or pursuant to this Act, to be in possession of a firearm. Whether or not this allows

by implication the defence of immediate supervision is a matter of opinion at this stage, as it has not yet been tested in Court.

The intent of the offence was to ensure that firearms were not possessed by revoked persons and would therefore be unable to continue to lawfully use them.

To suggest that the immediate supervision defence was available makes a mockery of the law and if a prosecution under Section 49A was properly presented then it should succeed.

In the event, prima facie, an offence has been committed IF A REVOKED PERSON IS IN POSSESSION. The burden of proof is on the defendant to prove that their possession was lawful if the defence of immediate supervision is used.

- Section 20: Restrictions on Possession of Firearms Creates the offence of being in possession without a Firearms Licence. Penalty 3 months or \$1000.

Section 22(2): Good Defence to Section 20. An unlicensed person can only possess a firearm if they are at all times under the immediate supervision of a licence holder. Immediate supervision means within reach. This is a defence only and the person must be in position to prove that their possession was lawful. The original intent of this defence is to allow for a person to receive training in the proper and safe use of a firearm prior to them applying for a licence.

The defence is quite specific as to what sections of the Act it applies to.

Prima facie an offence is committed when an unlicensed person is in possession of a firearm and is the person therefore liable to prosecution. However a prosecution would fail if the defence was proved.

- Section 43: Supply of Firearm to Unlicensed Person & Section 45 : Carrying or Possession without Lawful, Proper and Sufficient Purpose. The person who supplies a firearm to an unlicensed person is committing at least two serious offences. One is the supply of a firearm to an unlicensed person. The other is carrying or being in possession of a firearms except for lawful, proper and sufficient purpose, with the supply to an unlicensed or revoked person not being a lawful, proper and sufficient purpose. The penalties respectively are 3 months imprisonment or a \$1000 fine, or 4 years imprisonment or a \$5000 fine.

Revoked or Unlicensed Person. Abuse of the immediate supervision defence by these persons should always be subject to prosecution action. If the person involved is an adult or clearly a relatively experienced firearm user then it is more than likely that they are knowingly abusing the defence. The most common abuse would be the hunting or duck shooting situation where only one person has a Firearms Licence but their unlicensed mates are there shooting as well. A revoked person would be knowingly abusing the defence.

Supplier of Firearm. The lack of prosecution of the supplier is currently one of the real weaknesses in the policing of the Arms Act. At the very least the person's licence should be revoked. Too often it is overlooked that the burden of proof is

on the defendant or revoked licence holder to satisfy Police as to the lawful possession or fit and proper status.

(THIS NOTICE CAN BE ADAPTED TO INDIVIDUAL DISTRICT REQUIREMENTS AND IS AN EXAMPLE ONLY)

(Letterhead)

NOTICE OF CONSIDERATION OF REVOCATION OF FIREARMS LICENCE

To: (Full Name and Address of Licence Holder)

Pursuant to Sections 27, 28 of the Arms Act 1983.

I, (full name), a Commissioned Officer of Police hereby give notice that I am considering revoking your Firearms Licence (Number).

I intend to make my decision as to whether to revoke your licence on (Day and Date). If you wish to make any submissions on this matter, you may do so in writing or in person. Any written submissions should be addressed to me at this address and posted or delivered to reach me no later than (Day and Date). If you wish to make submissions in person, you must make an appointment with me by telephoning or writing before that date.

If you do not reply I will assume that you do not wish to make any submissions.

My reasons for considering revoking your Firearms Licence are as follows:

1. You are not a fit and proper person to be in possession of firearms or airguns.
2. etc

Dated at Wellington this day of 2000

Name.....

Commissioned Officer of Police

**(THIS NOTICE CAN BE ADAPTED TO INDIVIDUAL DISTRICT REQUIREMENTS
AND IS AN EXAMPLE ONLY)**

(Letterhead)

NOTICE OF REVOCATION OF FIREARMS LICENCE

To: (Full Name and Address of Licence Holder)

Pursuant to Sections 27, 28 of the Arms Act 1983

I, (full name), a Commissioned Officer of Police hereby give notice that I am revoking your Firearms Licence (Number).

In accordance with section 27 of the Arms Act I demand that you surrender your Firearms Licence (Number) to a member of Police.

You are no longer authorised to possess firearms, airguns, pistols, or restricted weapons by virtue of that licence or any endorsement on it.

I also demand that you deliver every firearm, pistol, or restricted weapon in your possession or under your control to a member of the Police. You commit an offence if you fail to meet this demand.

You may by way of originating application, appeal to a District Court Judge against this decision. (Section 62, Arms Act 1983).

My reasons for revoking your Firearms Licence are as follows:

1. You are not a fit and proper person to be in possession of firearms or airguns.
2. etc

Note: Where a statutory reason to revoke the licence is used, for example Section 10 of the Arms Amendment Act 1992, refer directly to this.

Dated at Wellington this day of 2000

Name.....

Commissioned Officer of Police

(Letterhead)

To: (Full Name and Address of Applicant)

I, (full name), a commissioned officer of Police, hereby give notice that I am considering/refusing to issue a Firearms Licence to you.

I intend to make my decision as to whether I am satisfied on (Day and Date). If you wish to make any submissions on this matter, you may do so in writing or in person. Any written submissions should be addressed to me at this address and posted or delivered to reach me no later than (Day and Date). If you wish to make submissions in person, you must make an appointment with me by telephoning or writing before that date.

If you do not reply I will assume that you do not wish to make any submissions.

My reasons for considering refusing to issue the Firearms Licence are as follows:

- Signed at Wellington this day of 200

Name

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**(THIS NOTICE CAN BE ADAPTED TO INDIVIDUAL DISTRICT REQUIREMENTS
AND IS AN EXAMPLE ONLY)**

(Letterhead)

NOTICE OF REFUSAL OF FIREARMS LICENCE

To: (Full Name and Address of Applicant)

Pursuant to section 24(2), The Arms Act 1983

I, (full name), a commissioned officer of Police, hereby give notice that I am not satisfied that you are a fit and proper person to be in possession of a firearm, and your application for a Firearms Licence is refused.

I accordingly refuse your application under section 24 of the Arms Act 1983.

You may by way of originating application, appeal to a District Court Judge against this decision. (Section 62, Arms Act 1983 refers).

My reasons for refusing to issue the Firearms Licence to you are as follows:

1. (Modify reasons from earlier Notice and Take into Account Submissions)
2. Etc

Signed at this day of 200

Name

Commissioned Officer of Police

(THIS NOTICE CAN BE ADAPTED TO INDIVIDUAL DISTRICT REQUIREMENTS AND IS AN EXAMPLE ONLY)

(Letterhead)

NOTICE OF CONSIDERATION OF REFUSAL OF FIREARMS LICENCE ENDORSEMENT

To: (Full Name and Address of Applicant)

Pursuant to sections 29 and 30 of the Arms Act 1983

I, (full name), a commissioned officer of Police, hereby give notice that I am considering refusing to make an endorsement on your Firearms Licence in respect of your application under section 29(2)(b) of the Arms Act 1983. That application was to permit you to have pistols and restricted weapons in your capacity as a bona fide collector of firearms (a "C" endorsement).

I intend to make my decision as to whether I am satisfied on (day and date). If you wish to make any submissions on this matter, you may do so in writing or in person. Any written submissions should be addressed to me at this address and posted or delivered to reach me no later than (day and date). If you wish to make submissions in person, you must make an appointment with me by telephoning or writing before that date.

If you do not reply I will assume that you do not wish to make any submissions.

My reasons for considering refusing to make the "C" endorsement are as follows:

1. Reason One
2. etc

(example reasons only:)

1. You have been the holder of a Firearms Licence for little more than one year - since July 1993.
2. Your present collection of firearms appears to consist of two rifles which can be held against your general Firearms Licence.
3. Your application is extremely brief and general. It does not disclose some of the characteristics which are commonly accepted as being indicative of a bona fide collector. For example, you do not apparently have any reference books that relate to collecting interest, and you do not belong to any firearms collectors organisations.
4. You are unable to demonstrate any particular areas of interest — in either historical range or firearm types. It is difficult to accept you have a genuine collector's interest.
5. The only firearms which you specifically mention an interest in are presumably intended for use in target shooting, and would have to be held under your "B" endorsement. Other firearms could be collected within the terms of your "A" licence with an "E" endorsement.
6. The sparse information you have provided is unlikely to satisfy me that you are a bona fide collector of pistols and restricted weapons.

Signed at (place) this _____ day of (month) (year)

Name.....Commissioned Officer of Police

NEW ZEALAND POLICE

NOTICE TO SURRENDER AIRGUN OR ANTIQUE FIREARM

To: (Full name) _____

Of: _____

PURSUANT TO SECTION 41 ARMS ACT 1983

I, _____ a Commissioned Officer of Police, hereby give notice that in my opinion you are not a fit and proper person to be in possession of an airgun or an antique firearm. I therefore demand that you surrender to a member of the Police the following described airgun/s and/or antique firearm/s.

1 _____ 3 _____

2 _____ 4 _____

Failure to comply with this notice may result in prosecution pursuant to section 41 of the Arms Act 1983.

You may within three months after the date of this Notice or such longer period as the Commissioner of Police may allow, sell or otherwise dispose of any airgun or antique firearm owned by you to a person approved for this purpose by a member of the Police.

Subject to (3) above, all airguns or antique firearms delivered to a member of the Police may be detained for such a period as the Commissioner of Police 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 person.

You may by way of originating application, appeal to a District Court Judge against this Notice. (Section 62, Arms Act 1983 refers).

My reasons/s for this decision is/are as follows: (list reasons)

Should you wish me to review my decision or you dispute the facts you may make written submissions or arrange an appointment with me within two weeks of the date of this notice.

Dated at _____ this _____ day of _____ 20____

Commissioned Officer of Police
NEW ZEALAND POLICE

NOTICE OF REVOCATION OF PERMIT TO PROCURE

A PISTOL, MILITARY STYLE SEMI-AUTOMATIC FIREARM OR RESTRICTED WEAPON

To: (Full name) _____

Of: _____

PURSUANT TO SECTION 35(4) ARMS ACT 1983

I, _____ a Commissioned
Officer of Police hereby give notice

that Permit to Procure No _____ is hereby revoked and I require
you to surrender the permit to a

member of the Police.

You may by way of originating application, appeal to a District Court Judge against
this decision. (Section 62, Arms Act 1983 refers).

My reason/s for the revocation is/are as follows:

Should you wish me to review my decision or you dispute the facts you may make
written submissions or arrange an appointment with me within two weeks of the date
of this notice.

Dated at _____ this _____ day of _____ 20____

Commissioned Officer of Police

**WARRANT TO SEIZE AND TAKE POSSESSION OF ALL OR ANY FIREARMS,
AMMUNITION, AIRGUNS, PISTOLS, OR RESTRICTED WEAPONS IN THE
POSSESSION OF OR UNDER THE CONTROL OF A LICENSED DEALER, ARMS
ACT 1983 SECTIONS 13**

To: (enter name).....

Pursuant to Section 13 of the Arms Act 1983 you are authorised to seize and take possession of all or any firearms, ammunition, airguns, pistols, or restricted weapons in the possession of or under the control of:

Surname.....Forename/s.....

Address.....

.....

.....

A licensed Dealer, and may enter into or upon any land or building in or upon which any such firearms, ammunition, airguns, pistols, or restricted weapons may be, and in so doing may use such force as may be necessary.

Dated at this day of 200

(Name).....Commissioned Officer of Police

**SPECIAL DELEGATION OF POWER TO REVOKE, SEIZE AND TAKE
POSSESSION OF ALL OR ANY FIREARMS, AMMUNITION, AIRGUNS, PISTOLS,
OR RESTRICTED WEAPONS IN THE POSSESSION OF OR UNDER THE
CONTROL OF A LICENSED DEALER, ARMS ACT 1983 SECTIONS 9 AND 13**

I,, Commissioner of Police, pursuant to the provisions of section 72 of the Arms Act 1983 hereby delegate the following of my powers under the Arms Act 1983 to (enter full name of Commissioned Officer), a Commissioned Officer of Police:

Section 9 and Section 13 - in respect of the revocation of the dealer's licence and seizure of firearms, ammunition, airguns, pistols, and restricted weapons in the possession of or under the control of:

Enter full name and address of Dealer.

This delegation is to remain in force for a period of one month from the date of delegation.

Dated at Wellington this day of 200

Commissioner of Police

FIREARMS MANUAL

SECTION 12

FIREARM SAFETY TEST -

NEW ZEALAND MOUNTAIN SAFETY COUNCIL

12.1 GENERAL

1. Instruction in the basic principles of all aspects of firearms safety is regarded as an essential part of educating prospective owners of firearms. This is undertaken before a Firearm Licence is issued.
2. In 1971, as part of its national promotion of outdoor safety, the New Zealand Mountain Safety Council applied to the Police for an opportunity to have access to all prospective firearms owners, in order to provide basic firearm safety instruction and to administer the Arms Test on behalf of the Police.
3. The New Zealand Mountain Safety Council has over 500 volunteer Firearms Instructors who are selected, trained and coordinated by the Council, under the direction of the Firearms Program Manager. These instructors are approved by the Police to carry out the functions of providing firearm safety instruction and administering the Arms Test pursuant to Regulation 14, Arms Regulations 1992.
4. When a volunteer instructor is unavailable, the Arms Test is administered by a member of the Police.
5. The work of the New Zealand Mountain Safety Council in this area of firearm safety training is of high value in the prevention of firearm accidents. Volunteer firearm instructors, recruited as individuals or from the Firearm User Groups have high credibility. It is therefore essential that the Council is given every support in carrying out this function.

12.2 STRUCTURE

1. The New Zealand Mountain Safety Council is an Incorporated Society established to promote safety in outdoor activities.
2. The Council is an independent body, but has some traditional links to the Minister of Internal Affairs.

3. The Council comprises representatives from various organisations involved with outdoor activities and Government Departments, including the New Zealand Police. The Manager: Licensing and Vetting represents the NZ Police.
4. The Executive Committee oversees the functioning of various sub committees, which are responsible for promoting safety in the mountains. These committees include the Firearms Committee, Bushcraft Committee, Mountaincraft Committee, Avalanche Committee, Outdoor First Aid Committee and Risk Management Committee.
5. Attached to the Firearms Committee is a full time Program Manager who is responsible for establishing and maintaining the groups of Firearm Safety Instructors throughout the country who educate first time Firearm Licence holders in firearm safety.
6. Each group of Firearm Safety Instructors is supervised by a Coordinator who is responsible for rostering instructors to conduct lectures in firearm safety.

12.3 LIAISON

District Commanders must encourage a close liaison with NZMSC Coordinators within their District to ensure the Coordinators are given every support. This shall include the supplying of suitable accommodation for the testing of applicants and supplying training aids.

12.4 INSTRUCTORS' WARRANTS

1. The NZMSC instructors are approved by the Police and are issued with a warrant or identification card from the NZMSC when they are authorised to become instructors.
2. Where a warrant cannot be produced the bona fide's of the person must be checked before they are permitted to instruct.

12.5 TRAINING AIDS

1. The following firearms are required as training aids by NZMSC instructors:

- Mauser Action
- Shotgun (Break Open)
- Bolt action rifle (Lee Enfield 303)
- Lever action rifle
- Semi-automatic (Rifle or Shotgun)
- Airgun
- Pump Action (Rifle or Shotgun)

2. Where NZMSC instructors conduct lectures these firearms shall be made available.

3. The MSC Firearms Coordinator shall be notified when any firearm of the type described cannot be provided. Where firearms are unconditionally surrendered during an amnesty or otherwise or when they have become the property of the Crown, consideration should be given to taking them "on charge" for use by the NZMSC.
4. When an instructor seeks authority to use rifles and shotguns as training aids during a lecture on firearm safety, at a venue other than a Police Station, this authority may be granted.
5. Before any rifle or shotgun is handed to a firearms instructor his/her M.S.C warrant and Firearms Licence must be sighted and the firearms which are to be signed for must be returned as soon as practicable.

12.6 ARMS CODE

1. District Commanders are to ensure the Arms Code is freely available to all applicants for Firearms Licences and inquirers through watchhouses, Arms Offices, and Mountain Safety Council Branches.
2. The Arms Code is distributed at no charge.
3. Stocks are available from SERCO and may be obtained by submitting a Requisition through the FMIS (SAP) System.
4. Material used by instructors is available from the Firearms Program Manager: NZMSC, Box 6027, Te Aro, Wellington.

12.7 ARMS OFFICERS - TRAINING

1. All Arms Officers must be able to instruct and test applicants for a Firearms Licence using NZMSC material.
2. Arms Officers who have not attended the New Zealand Mountain Safety Council Safety Lecture Sessions are required to do so as soon as convenient. Before any member is appointed an Arms Officer they shall be thoroughly conversant with the NZMSC Lecture Procedures.
3. At stations where there is no regular Arms Officer and several members process licence applications, one member shall be appointed to test new applicants. This member shall be conversant with NZMSC lecture procedures. A second member should be trained so that a substitute will be available during leave periods etc. In the event of trained members being transferred the Officer in Charge of the station shall see that replacements are trained. This is managed by the NZMSC Program Manager.

12.8 FIREARM SAFETY TEST/LETTER TO APPLICANT

1. A firearm safety test must be passed by applicants for a Firearms Licence unless a commissioned officer otherwise directs under Regulation 14 of Arms Regulations 1992.
2. The test covers safety aspects of handling firearms, all of which are covered in the Arms Code. Therefore, it is important that all applicants for a Firearms Licence (or “renewal”) receive a copy of and study the Arms Code before sitting the test, (see also Section 2.27 and 2.28 of this manual) and receive a written notice setting out details of the time, date and place of the NZMSC lecture. (Sample letter attached).
3. There are two parallel forms of the test question paper (X and Y), (Pol 68B) each containing 30 multiple choice questions. Either of these tests can be used to examine applicants.
4. There are seven compulsory questions, which the applicant must answer correctly to achieve a pass. These are indicated for the marker on the answer sheet (POL68). The applicant must also have a total of 28 or more correct answers (including all the compulsory questions) to pass the test. These are indicated for the marker on the answer sheet.

12.9 ADMINISTERING THE FIREARM SAFETY TEST (Pol 68B)

The test is designed for use with small groups and is easily administered and scored. It is administered at the conclusion of the instructional part of the lecture. Directions for giving and marking the test should be followed exactly to ensure uniformity of administration and scoring and so that all applicants are provided with an equal chance to demonstrate their knowledge and understanding of the Arms Code.

12.10 APPLICANTS WITH A READING DISABILITY

Where an applicant is identified as having a reading disability the test may be administered orally. Procedures for administering the test in this way are detailed in Section 12.16 of this Manual.

12.11 OBTAINING TEST MATERIALS

1. Firearms Safety test question papers (Pol 68B) and Firearms Safety Test answer sheets (Pol 68) are held by the Arms Officer. All the booklets and answer sheets must be accounted for and returned to the Arms Officer at the end of each lecture.
2. A check should be made to ensure that sufficient Firearms Safety Test papers and answer sheets are drawn to cover the number of people attending the session.
3. Where the group includes applicants who are re-sitting the test, ensure that the form of the test assigned for those persons is the alternative form to the one taken previously.

4. Ensure each applicant has a suitable pen or pencil.
5. Firearms Safety Test, Question Paper Pol 68B and answer sheets Pol 68 are available from the FMIS SAP system.

12.12 WHERE TO TEST

1. Testing should ideally be undertaken in a room where there is comfortable seating, good lighting and ventilation.
2. The applicants must have a hard surface of reasonable proportions on which to place the Firearms Safety Test Papers and answer sheet.
3. There should also be ample space for the instructor(s) to move freely about the room while testing is in progress.
4. Conditions should be such that the applicants can work effectively during the test session.

12.13 DISTRIBUTION AND IDENTIFICATION OF MATERIALS

1. Have all applicants put away copies of the Arms Code and any other reference material they may have.
2. Distribute the answer sheets face upward.
3. Direct the applicants to fill in the identification details in the box provided on the answer sheet.
4. When all applicants have completed entering the information required, distribute the Firearms Safety Test Papers, ensuring that each applicant is given the appropriate form with directions not to open the Firearms Safety Test Paper.

12.14 BEGINNING THE TEST

1. Instruct the applicants that the test is self-administered and is not timed, but that all should finish within approximately 30 minutes.
2. Ask the applicants to cross out the form of the test not being used for the test session (either X or Y) on the top right-hand corner of the answer sheet. Where one or more applicants are re-sitting the test, provide separate instructions for each individual.
3. Then instruct applicants to read the instructions on the cover of the Firearms Safety Test Paper. No marks are to be made on the Firearms Safety Test Paper: all answers are to be recorded on the answer sheet.

4. If, after reading the directions, an applicant should ask a question about procedure, provide the appropriate answer. Do not answer questions about the content of the test.
5. Applicants begin the test when they have understood the directions on procedure, as instructed by the statement at the foot of the directions page.

12.15 DURING THE TEST SESSION

1. Move around the room unobtrusively and check that the applicants are working from the correct form of the test and that they are marking their answer sheets as directed.
2. Take particular note of those applicants re-sitting the test and ensure that they are working from the correct form.
3. Check that the name on the answer sheet tallies with the name of the applicant listed on the attendance sheets (where available).
4. Ensure that applicants do not converse with others or refer to any written or printed material they may have brought with them.

12.16 PROVISION FOR ORAL TESTING

If necessary, the test may be given orally to an individual, or a small group. Only one form of the test, (X or Y) can be administered at one time for oral testing as the questions in the two forms are different.

1. The Instructor may complete the applicants identification details if the applicant finds writing such information difficult and time consuming.
2. The directions on the cover of the test should be read out verbatim so that applicants understand the procedure for recording their answers on the answer sheet.
3. When satisfied that the applicant knows where the answers are to be made and how they are to be shown, instruct them to open the Firearms Safety Test Papers at page 2 of the appropriate form.
4. Say: "I am going to read the questions to you, one after the other through the whole test. When I have read each question, I will give you time to think about the best answer and to mark it on the answer sheet."
5. Read Question 1. Read the number of the question, the question itself, the letter of the option and the option at a reasonable speed. Pause briefly after reading each option. Be careful not to give any clue in the tone of voice, loudness, speed of delivery etc., as to which option is correct. Discourage applicants from marking the answer until they have heard all four options read.

6. Should any applicant require it, the whole question, or any part of it, may be re-read.
7. The speed of the test will be governed by the time the slowest applicant takes to record an answer.
8. On no account should any elaboration of the meanings of words in the questions and options, or additional information on the section of the Arms Code being tested by any particular question, be provided.
9. On the completion of the test, collect the Firearms Safety Test Papers and answer sheets and mark in the usual way.

12.17 MARKING THE TEST

1. As applicants complete the test and after they have checked their work, the Firearms Safety Papers and answer sheet are to be taken to the Instructor, as directed by the statement at the end of the test.
2. Check that the identification details are correct and complete.
3. Separate the answer sheet and follow exactly the directions for marking printed on the sheet.
4. Write the score in the score box on the front of the answer sheet and cross out either PASS or FAIL, leaving the appropriate word.
5. Communicate the result to the applicant.
6. At the Instructor's discretion, a failed applicant may be informed of the questions s/he got wrong, eg. "You got Question 4 wrong. That was the one to do with the danger of ricochets." OR "Question 12 was incorrect. That is one of the seven compulsory questions. It asks about the basic rule on storing firearms safely." Instructors should not read out the correct options to the failed applicant, nor indicate the letters of the correct options. If the applicant responds with the correct answer, the instructor has the discretion to accept this, and the test paper may be amended accordingly.
7. Applicants who have passed the test are issued with certificates by the Instructor.
8. Applicants who have failed the test should be directed to make arrangements with the Police Arms Officer to attend a further lecture at a later date and to re-sit the test.

12.18 APPLICANTS RE-SITTING THE TEST

1. Where an applicant is re-sitting the Firearm Safety Test s/he should be given the alternative form of the test, ie, if s/he sat Form X and failed it, s/he should be given Form Y on the second sitting.

2. If s/he should fail Form Y of the test also, on re-sitting s/he should be administered Form X again.

12.19 SECURITY OF QUESTION PAPERS AND ANSWER SHEETS

1. Because the answers to the test questions are shown on the second page of the answer sheet for ease of scoring, and are exactly the same for both Forms X and Y, it is imperative that all Firearms Safety test Papers and answer sheets be accounted for after each testing session.
2. Both during the testing itself and afterwards it is essential that nothing is copied down by the applicants from either the Firearms Safety test Papers or the answer sheet.
3. Under no circumstances are applicants to take the Firearms Safety Test Papers and/or answer sheet from the room in which the testing is being conducted, nor should the test material be available for casual perusal.
4. Applicants doing Form X should not read through Form Y after completing the Form X test and vice versa. After checking their work, applicants should immediately take their Firearms Safety Test Paper and answer sheet to the instructor.

12.20 AFTER TESTING

1. At the conclusion of the testing session, all Firearms Safety Test Papers, completed answer sheets and any unused answer sheets, (last-moment absentees), should be returned to the appropriate person for safe keeping.
2. The examination certificate will be issued to successful applicants.
3. The completed answer sheets are to be returned to the Police for attachment to the applicants' files. The examiner is to print their name, so that the Arms Officer is aware who did the testing.

12.21 NZMSC EXAMINATION CERTIFICATE

1. All applicants who have successfully completed a NZMSC Firearms Safety Training Programme should receive a Certificate of Examination as proof of passing the Firearm Safety Test. This certificate will have a declaration on the back of the certificate to be signed by the applicant.
2. The Arms Officer will be in possession of the applicant's answer sheet. The certificate does not need to be sighted by the Police.
3. The Open Polytechnic of New Zealand can also issue a NZMSC Examination Certificate.

4. The Open Polytechnic of New Zealand administers a Firearms Safety and Appreciation course that the Police approve as meeting the requirements of Section 14 Arms Regulations 1992.
5. On completion of the course a NZMSC examination certificate can be requested by the student and issued by Open Polytechnic tutors who are recognised by NZMSC as instructors.
6. Applicants who are issued with this certificate need not attend a NZMSC Firearms Safety course, unless directed to do so by an Arms Officer. A graduate of the Open Polytech, who has completed the entire course, including assessment for unit standard 9131 will not be required to complete the NZMSC lecture and testing.

Appendix 12.1

NEW ZEALAND POLICE ARMS CODE — TEST

NAME:

ADDRESS:

Every applicant for a Firearms Licence must attend a lecture on firearm safety and pass a written test.

Before you sit the test you must also do the following:

1. Obtain a copy of the Arms Code from your Police Arms Officer. It is free and you should keep it and read it often.
2. Study the Arms Code before going to the lecture. It is not enough just to read the Code.
3. Attend the lecture on firearm safety which will be held in _____
(Location)

at

(Date and time)
4. Listen carefully to what the instructor says. It will help you when you sit the test, and what they will say is important.
5. When you sit you are only permitted two incorrect answers, any more and you will fail. There are also seven compulsory (must pass) questions on the seven basic rules of firearm safety. If you pass the test you will be issued with a New Zealand Mountain Safety Council Firearms Safety Training Programme Certificate of Examination.
6. Please be punctual and bring a pen.

(Signed)

FIREARMS MANUAL

SECTION 13

THEATRES/FILMS/TELEVISION

13.1 EXPLANATION

1. Section 29 (2) (e), Arms Act 1983 makes provision for a Firearms Licence to be endorsed to permit the holder to have possession of a pistol or restricted weapon in that person's capacity as:

"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".
2. "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 they are employed or of which they are a member.
 3. Any person who is in the business of supplying firearms is to also hold a Dealers Licence.
 4. Appendix 13.2 to this Section of the Manual provides a complete explanation for this endorsement.

13.2 APPLICATION

1. On the application of any person who is the holder of a Firearms Licence for an endorsement pursuant to Section 29(2)(e), Arms Act 1983, forms Pol 67G and 67N (Conditions and Requirements for Firearms Licences and Endorsements) should be given to the applicant. The applicant's attention should be drawn to the points that must be covered in his/her written application and the security requirements.
2. If not already the holder of a Firearms Licence, Form Pol 67J (Application for Firearms Licence) must be completed. The applicant shall receipt Form Pol 67N and the receipt attached to the file.
3. A non-refundable fee as set in the schedule to the Arms Regulations 1992 shall be paid at a NZ Post Shop.

4. When vetting procedures have been completed the application shall be sent with a covering report containing a firm recommendation via the Arms Officer to the Area Controller (being a Commissioned Officer) for approval to issue a "C" endorsement.
5. The file must contain sufficient information to assist the approving officer to decide whether the application meets the criteria required.
6. After completing the computer action the file should then be sent to Firearms Licensing at Police National Headquarters for the capture of the image and manufacture of the licence.

13.3 PERIOD OF ISSUE

The C Theatrical Endorsement shall be valid (unless sooner revoked or surrendered) until the termination of the holder's Firearms Licence when the holder must also reapply for this endorsement.

13.4 POSSESSION BY OTHERS

1. Section 31, Arms Act 1983 states:

"31: Notwithstanding anything in this Act, a person who is not entitled under this Act to have possession of a firearm or pistol or military style semi-automatic firearm or restricted weapon may have possession of that firearm or pistol or military style semi-automatic 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 military style semi-automatic firearm or restricted weapon; and
- (b) That person has possession of that firearm or pistol or military style semi-automatic firearm 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 military style semi-automatic firearm or restricted weapon".

13.5 BLANK AMMUNITION

Only blank ammunition may be used. The applicant should be warned that blank ammunition is capable of inflicting painful wounds.

13.6 NUMBERS OF PISTOLS/RESTRICTED WEAPONS HELD

1. The number of pistols/restricted weapons that may be held on an endorsement issued to a member or employee of a television/film/stage or radio production will depend on the circumstances prevailing at the time.
2. It would not be prudent for theatre companies or societies to possess pistols/restricted weapons for any period longer than the running of the particular production, which requires pistols and/or restricted weapons.

13.7 ENDORSEMENT TO CARRY

See Section 3.4 of this Manual

13.8 PERMITS TO PROCURE

Permits to Procure shall be issued for all pistols and restricted weapons procured on the endorsement.

13.9 SECURITY

Security shall be in accordance with Regulation 28 Arms Regulations 1992.

13.10 CONDITION ON THEATRICAL “C” ENDORSEMENT

Theatrical “C” endorsements issued under Section 29(2) (e) of the Arms Act 1983 shall be subject to the condition that the holder meet the requirements of Section 12 of the Code of Practice for Safety and Health in the New Zealand Film and Video Production Industry. (This is a direction made under the authority of Section 32 (2) of the Arms Act 1983). Applicants for this endorsement shall be provided a copy of this Code of Practice.

Appendix 13.1

Extract from the Code of Practice for Safety and Health in the New Zealand Film and Video Production Industry

12. FIREARMS

12.1 HAZARDS

Accidental shooting.
Explosion of ammunition powder and firearm.
Flash burns.
Fright.
Misfires of firearm.
Noise.

12.2 INTERPRETATIONS

Armourer — means any person licensed to use the firearms being used on the set and competent to carry out the duties of the armourer as set out in this code.
Arms Code — means the Firearms Safety Manual issued by the NZ Police.
Firearm — means anything from which any shot, bullet, missile, or other projectile can be discharged by force or explosive and includes any specially dangerous airgun.

12.3 LEGISLATION AND RELATED DOCUMENTS

Arms Act 1983 and the Arms Regulations 1992 and their Amendments.
Arms Code
Explosives Act 1957 (replaced by the Hazardous Substances and New Organisms Act 1996) and the Explosive Regulations 1959 and their Amendments.
Transport Act 1962, its Regulations and Amendments.
Traffic Regulations 1976.

12.4 GENERAL SAFETY PROCEDURES

12.4.1 Firearm Licences

One or more of the following licences are required for the use of firearms in the Industry:

- I. A Type A Firearms Licence allows the holder to have and use sporting type shotguns and rifles.
- II. A Type C Firearms Licence allows the holder to have pistols and/or restricted weapons. There is an endorsement for employees of theatrical groups or film

making organisations. This endorsement is subject to the condition that the holder shall not under any circumstances use live ammunition in the pistol or restricted weapon. This licence is subject to strict storage security and the firearms are registered with the Police.

- III. A Type D Firearms Licence allows the holder to buy and sell firearms by way of business.
- IV. A Type E Firearms Licence is required for people to have military style semiautomatic rifles and shotguns.

12.4.2 Notification of Police

The Producer or the person with delegated responsibility, or the Armourer shall notify the Police when planning the use of firearms.

12.4.3 Armourer

An Armourer shall be appointed on every set where a firearm is to be used.

12.4.4 Factors For Selection of an Armourer

Knowledge and skill in the discharge of firearms using blanks in close proximity to other people is of prime importance in the selection of the Armourer. Experience in the military, police and sporting fields may not be sufficient.

12.4.5 Restricted Use of Firearms

Firearms may only be handled under the direct supervision of the Armourer or a person delegated by the Armourer.

12.4.6 Firearms in Motor Vehicles

It is an offence to carry a loaded firearm in or on any motor vehicle except pursuant to a permit issued by a Commissioned Officer of the Police. Loaded includes ammunition in the breech, barrel or magazine.

12.4.7 Imitation Firearms

An imitation firearm should be used instead of a real firearm whenever such an imitation would suffice.

12.4.8 Notification

Notification that firearms will be used should be communicated to crew and cast members. Information on the safe location and movement of persons on set and the use of safety equipment should be included.

12.4.9 Safety Equipment

- (a) The Producer or person with delegated responsibility shall/should ensure that appropriate hearing and eye protection and safety equipment is used.

- (b) Camera Crew. When a firearm is directed towards the camera, a minimum thickness of 12.5 mm Plexiglass should be placed between the camera crew and the firearm.

12.5 USE OF FIREARMS

12.5.1 Control of Firearms On Set

- (a) Any firearm or ammunition brought onto the set shall be registered with, and placed in the care of, the Armourer.
- (b) Any firearm or ammunition not immediately required on set shall be secured by the Armourer.
- (c) When not in use, handguns and restricted weapons shall be stored in a Police approved security, safe or strongroom or in a locked carrying case of strong construction under the direct supervision of the Armourer.

12.5.2 Use of Firearms by Unlicensed Persons

An unlicensed person may use a firearm under the direct supervision of the Armourer or a suitably licensed person such as an Armourer's assistant.

12.5.3 Live Ammunition

Whenever a firearm is being used with blank ammunition for dramatic production purposes, live ammunition for that firearm shall not, under any circumstances, be anywhere on the set.

12.5.4 Use of Blank Ammunition

If a firearm is to be pointed towards a person:

- (a) The loaded blank ammunition should be shown to the person being pointed towards.
- (b) There should be more than 10m between the firearm and the person(s) being pointed towards.
- (c) The firearms should always be pointed away from a person when discharged.
Note that blanks have the potential to fragment and cause injury.

12.5.5 Use of Drill Rounds

Where scenes require the display of ammunition, only drill or dummy rounds may be used.

12.5.6 Storage of Powder On Set

Only powder for the loading of muzzle loading firearms may be stored on set.

12.5.7 No Smoking Area

A 'No Smoking rule shall apply to any area where ammunition or powder is stored, and signs to this effect shall be posted.

12.5.8 Animals and Firearms On Set

The armourer and Animal Trainer should consult on the handling of animals and firearms. The recommended maximum charge is a quarter charge when discharging a firearm in the presence of animals.

12.6 ARMOURER'S RESPONSIBILITIES AND DUTIES

12.6.1 Armourer's General Responsibilities

All firearms and ammunition on a set shall be in the care and charge of the Armourer.

12.6.2 The Armourer Should Be Allowed Time:

- (a) To discuss with the producer or person with delegated responsibility how any firearms might be used in a particular scene.
- (b) To point out any safety requirements needed.
- (c) To make sure that any cast member or stunt person using a firearm is fully aware of the safety rules for the handling and firing of such weapons.
- (d) To brief all persons on the set.

12.6.3 Modification of Firearms

Only a reputable gunsmith or Armourer shall modify a firearm that is to be fired.

12.6.4 Loading, Unloading and Use of Firearms

- (a) Loading and unloading should be carried out by the Armourer or the Armourer's designated assistant(s) who shall be the holder of the relevant firearm licence(s).
- (b) In the event of a misfire or jam, only the Armourer should attempt any remedy.

- (c) If the Armourer is unsure as to what is causing the problem, the firearm should be taken out of use and rendered safe and secured until such time as the cause can be determined.
- (d) The firearm should not be used again until the armourer informs the producer or person with delegated authority that it is safe to do so.

Appendix 13.2

Endorsements issued under section 29(2)(e) Arms Act 1983 ("C theatrical")

There are three key issues concerning endorsements issued under section 29(2)(e) of the Arms Act 1983 (so called "theatrical endorsements"). The first relates to the licensing provisions of the Arms Act 1983, the second the safe management of events involving firearms users, and the third the qualifications required of a commercial theatrical armourer.

This policy will cover these issues separately.

Licensing provisions

The Arms Act 1983 establishes two categories of licence. The so-called 'A category' Firearms Licence issued under sections 20 & 24 of the Act and the dealer's licence issued under section 5 of the Act.

In order to obtain a Firearms Licence a person has to demonstrate that they are of or over the age of 16 years and are 'fit and proper' to be in possession of a firearm.

Section 20 of the Arms Act notes that the holding of a Firearms Licence (issued under section 24) does not of itself entitle a person to possess a pistol, MSSA or restricted weapon. In order to possess one of these categories of firearm a person requires an endorsement on their licence.

In order to be eligible for an endorsement a person requires a Firearms Licence. This demonstrates they are fit and proper. In order to obtain the endorsement the person needs to demonstrate that they are fit and proper and have cause to own the type of firearm to which the endorsement applies. They also need to demonstrate that this is on a bona fide basis and that they have the security commensurate with the firearm. Endorsements are issued under section 29(2)(a), (b), (c), (d), (e) and (f) of the Act. The endorsement issued under section 29(2)(a) is commonly referred as a 'B endorsement'; those issued under sections 29(2)(c)-(e) are grouped as 'C endorsements'. The section 29(2)(f) endorsement is for those dealers and their employees/agents wishing to sell pistols and restricted weapons. An endorsement issued under section 30B of the Arms Act 1983 entitles the possession of an MSSA and is commonly referred to as an 'E endorsement'.

The endorsement issued under 29(2)(e) provides the basis for the possession of pistols and restricted weapons by "an approved employee or approved member of any body being.....a bona fide theatre company or society", subject to the

conditions outlined in section 31 of the Arms Act 1983. The reenactment of a World War 2 battle using pistols and restricted weapons, for example, if carried out by an incorporated society established for the purpose would be considered the activity of a “bona fide theatre society” and would qualify a licence holder to obtain an endorsement issued under 29(2)(e).

The endorsements do not of themselves indicate people as theatrical armourers, rather provide the authority to possess certain categories of firearms other than (A category firearms) rifles and shotguns.

The staging of events

Firearm users are responsible for ensuring that they carry out their activities with firearms in a safe and controlled manner. Where several shooters are involved, or where some do not hold the endorsement permitting their possession of a category of firearms the requirements of the Arms Act must be met. Section 31 specially applies to reenactments, films and plays.

Section 31 of the Arms Act 1983 provides for a person to possess a firearm, pistol, MSSA or restricted weapon for the purposes of making a play, broadcast, etc under the immediate supervision of a person entitled to possess that firearm, pistol, MSSA or restricted weapon. Section 31(c) allows for the possession of blank ammunition only in these circumstances.

Section 32 of the Arms Act requires every restricted weapon in a person’s possession to be rendered inoperable and maintained in that condition by the removal of a vital part.

Sections 29(2)(e), 31 and 32 read together indicate that a person who is the member of one of those organisations specified in section 29(2)(e) may obtain an endorsement authorising the possession of a pistol or restricted weapon for the purposes of making and play, broadcast, etc, with the firing of blank ammunition. Such a person may supervise others who do not hold the licence and endorsement. However, any person possessing a pistol or restricted weapon on the authority of an endorsement issued under sections 29(2)(b), (c) and (d) must maintain any restricted weapon held on those endorsements in an inoperable condition.

It is on this basis that police suggest to re-enactment societies that they have at least some of their members hold an endorsement issued under section 29(2)(e), and that those members take possession of all pistols and restricted weapons intended for use in the making of plays, broadcasts, etc.

The safe use and control of firearms in these circumstances needs to be carried out in a safe environment under the management of a suitably qualified and skilled person. These qualifications and skills are not entirely the domain of the Arms Act, but rather are set by ‘industry’.

So, for example, shooting organisations such as pistol and rifle clubs have people trained and in some cases qualified (by examination) to take roles required to ensure the safe use of firearms. They are required to meet a number of requirements in order to establish the environment they shoot on. “Range inspecting officers” certify

ranges according to established standards. “Range safety officers” monitor shooters and their firearms while taking part in shooting activities. “Armourers” have the skill, knowledge and experience to make firearms safe, and more importantly have the security facilities that enable them to take charge of a number of firearms, either belonging to the club or to other members.

Similarly, those carrying out reenactments would need to ensure that these roles (though not necessarily with the same titles) are carried out during the staging of a reenactment.

The Code of Practice for Safety and Health in the New Zealand Film and Video Production Industry outlines the industry standards that should be applied to the activities of theatre societies. Section 12 in particular refers to the use of firearms. This section refers to an “armourer” as being the person who would carry out the various roles listed above. In other words, in using firearms as part of the activities of the theatrical society this Code of Practice identifies it as the responsibility of the armourer to ensure that firearms are used in a safe environment and manner, and according to law. (section 12 of this Code of Practice has been incorporated into the Police Arms Manual – a copy can be obtained from Arms Officers).

It is readily apparent that this is a different responsibility than being permitted to possess or use a firearm of a certain category as established by the Arms Act 1983.

If an incident involving firearms were to occur during the activities of the theatre society the role of the armourer would be under scrutiny, as would those persons using the firearm. In a commercial environment Occupational Safety and Health (OSH) would undoubtedly be taking an interest.

It is in the area of OSH that a commercial activity in particular would need to demonstrate the level of responsibility that would ensure that a suitably skilled and qualified armourer was monitoring activities involving firearms.

Qualification of armourers for theatrical purposes

The Arms Manual (2002) outlines police policy. Section 13.1 requires a person who is in the business of supplying firearms or is hired by a theatrical company because of their type of business to hold a dealers licence issued under section 5 of the Arms Act 1983. This is on the basis that this person in fact “by way of business sells any firearm, airgun, pistol or restricted weapon”, albeit for a limited period.

The actual qualification required of an armourer for theatrical purposes is a matter for the industry to determine. The holding of a licence (and relevant endorsement) are not in themselves ‘qualifications’ in this sense.

The Mountain Safety Council, for example, qualifies its instructors by way of NZQA unit standards. The logging of experience and training, is another measure of ‘qualification’. In the final analysis the nature of such qualification is a matter for the industry.

The Code of Practice (12.4.2) requires that police be notified of the use of firearms in the staging of a play, broadcast, etc. This would particularly apply at any public

display. Notification should be made to police at the first opportunity. In the first instance it should be addressed to the Officer in Charge (local station), with a request that the Officer in Charge of the Communication Centre be advised. Communications Centres receive all calls for service.

Permit to carry

Section 36(1) of the Arms Act 1983 states that a person shall not carry a pistol or restricted weapon in any place beyond the curtilage of their dwelling, save under and in accordance with the conditions endorsed on their licence by a member of the Police.

A permit to carry is the authority that meets the requirements of this section.

However, generally speaking, a permit to carry is not required if the pistol or restricted weapon is being carried for the purposes for which the endorsement has been made, and is not away from the usual place of secure storage overnight.

FIREARMS MANUAL

SECTION 14

HEIRLOOMS/MEMENTOS

14.1 LAW

Any person, being an applicant for a Firearms Licence or the 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 in their capacity as a person to whom the pistol or restricted weapon has special significance as an heirloom or memento. Section 29(2)(c) - Arms Act 1983

14.2 HEIRLOOM

An heirloom is a firearm that has been in the family for successive generations and has a special significance to the applicant.

14.3 MEMENTO

A memento is a firearm that is kept in memory of a person or event.

14.4 APPLICATION

1. Forms Pol 67G and 67N (Conditions and Requirements for Firearms Licences and Endorsements) should be given to the applicant. The applicant's attention should be drawn to the points that must be covered in his/her written application and the security requirements.
2. If not already the holder of a Firearms Licence, Form 67J (Application for a Firearms Licence) must be completed. The applicant shall sign Form Pol 67N, which will then be placed on the application file.
3. A non-refundable fee as set in the schedule to the Arms Regulations 1992 shall be paid at a NZ Post Shop.
4. When vetting procedures have been completed the application shall be sent with a covering report containing a firm recommendation via the Arms Officer to the Area Controller (being the Commissioned Officer in charge of the area) for approval to issue the licence/endorsement applied for.

5. The file must contain sufficient information to assist the approving officer to decide whether the application meets the criteria required.
6. After completing the necessary computer action the completed file should then be sent to Firearms Licensing at Police National Headquarters for capture of the image and the issue of the licence.

14.5 SECURITY

1. Regulation 28 Arms Regulations 1992 outlines the security requirements in respect of this endorsement.
2. In respect of an application under section 29(2)(c) of the Arms Act 1983, the endorsement will be subject to the condition that the owner of the heirloom or memento may possess the firearms only within the limits of his or her dwelling house, except as permitted in writing in a particular case by the Arms Officer.

14.6 INSPECTION: CHANGE OF ADDRESS: DEATH OF LICENSEE

Regulation 29, Arms Regulations 1992 (Inspection) Section 34(2), Arms Act 1983 (Notification of Change of Address) Regulation 18, Arms Regulations 1992 (Action on Death of Licensee) are all applicable to holders of this endorsement.

FIREARMS MANUAL

SECTION 15

MUSEUMS/RSA's

15.1 LAW

1. "A" category firearms may be held at a Museum/RSA by a Firearms Licence holder.
2. 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 pistols, restricted weapons or MSSA's in his/her capacity as the Director or Curator of a bona fide museum. (An RSA is to be considered a bona fide museum, in which case the curator is the nominated official).
3. Security conditions apply, as for all endorsement holders.

15.2 APPLICATION

1. Forms Pol 67G and 67N (Conditions and Requirements for Firearms Licenses and Endorsements) should be given to the applicant. The applicant's attention should be drawn to the points that must be covered in the written application and the security requirements.
2. If not already the holder of a licence Form Pol 67J (Application for Firearms Licence) must be completed. The applicant shall receipt Form Pol 67N and the receipt attached to the file.
3. A non-refundable fee as set in the schedule to the Arms Regulations 1992 shall be paid at a NZ Post Shop.
4. When vetting procedures have been completed the application shall be sent with a covering report containing a firm recommendation via the Arms Officer to the Area Controller (being the Commissioned Officer in charge of the area) for approval to issue a type "C" Endorsement (Museum) licence.
5. The file must contain sufficient information to assist the Area Controller to decide whether the application meets the criteria required.
6. Where the applicant has a Firearms Licence for personal interest, a separate licence may be issued bearing this endorsement, with the Museum/RSA as the

business address. (A licence cannot be issued in the name of a business).

7. The licence is to be recorded in the name of the person making the application. The name of the Museum is to be recorded in the Tname and Taddr fields. A photo of the curator is to be captured on this licence.
8. After the necessary computer action has been taken the completed file is to be sent to Firearms Licensing at Police National Headquarters for the capture of the photograph and manufacture of the licence/s.

15.3 SECURITY

Where the governing body of a bona fide museum keeps a pistol MSSA or restricted weapon in a room in accordance with Regulation 28(1)(b) Arms Regulations 1992, that governing body shall ensure, if the room is one to which the public have access, that the pistol, MSSA or restricted weapon is adequately secured, in a manner approved in each case by a member of the Police, to prevent unlawful removal. (Regulation 28(3) Arms Regulations 1992).

15.4 INSPECTION

The provisions of Regulation 29, Arms Regulations 1992 apply.

15.5 ARMED FORCES OF THE CROWN MUSEUMS

1. Museums such as the RNZAF Museum, Wigram and the Queen Elizabeth Memorial Museum at Waiohuru are not exempt from the provisions of the Arms Act 1983 in respect of possession of pistols, MSSA's and restricted weapons owned by the museum. These firearms must be recorded against a "C" Endorsement.
2. Persons procuring pistols, MSSA's or restricted weapons from these museums must hold the necessary endorsement and relevant Permits to Procure.

FIREARMS MANUAL

SECTION 16

MILITARY STYLE SEMI-AUTOMATIC FIREARM ENDORSEMENT (MSSA)

16.1 LAW

"(1) Any person being of or over the age of 18 years and being an applicant for a Firearms Licence or the 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 military style semi-automatic firearm". Section 30A - Arms Act 1983.

16.2 DEFINITIONS

'Military style semi-automatic firearm' means-

(a) A firearm which, after being loaded, fires, ejects, and chambers a cartridge with each pull of the trigger; but;

(b) Does not include-

- i. A pistol; or
- ii. A semi-automatic firearm that, with its magazine (if any), is maintained at all times in a sporting configuration:

'Sporting configuration', in relation to a semi-automatic firearm, means being without any of the following features:

(a) A folding or telescopic butt:

(b) A magazine that is capable of holding, or that, but its appearance, indicates that it is capable of holding,-

- i. In the case of a magazine designed to hold .22 inch rimfire cartridges, more than 15 cartridges;

or

- i. In any other case, more than 7 cartridges;

(c) Bayonet lugs:

(d) A military pattern free-standing pistol grip:

(e) A flash suppressor:

'Part'-

- (a) In relation to a pistol, restricted weapon, or military style semi-automatic firearm, includes any thing, such as a butt, stock, magazine, silencer, or sight, which, while not essential for the discharge by a pistol, restricted weapon, or military style semi-automatic firearm of any shot, bullet, missile, or other projectile, is designed or intended to be an integral part of a pistol, restricted weapon, or military style semi-automatic firearm; and
- (b) In relation to any other firearm, means the action for that firearm:

16.3 APPLICATION

1. Forms Pol 67H and 67N (Conditions and Requirements for "C", and "E") should be given to the applicant. The applicant is to be advised to complete all questions fully and attention should be drawn to the security requirements.
2. If not already the holder of a Firearms Licence, Form Pol 67J (Application for Firearms Licence) must be completed. The applicant shall receipt Form Pol 67N and the receipt attached to the file.
3. A non-refundable fee as set in the schedule to the Arms Regulations 1992 shall be paid at a NZ Post Shop.
4. When the vetting procedures have been completed the application shall be sent with a covering report containing a firm recommendation via the Arms Officer to the Area Controller (being the Commissioned Officer in charge of the area) for approval to issue the licence and endorsement/s applied for.
5. The file must contain sufficient information to assist the Area Controller to decide whether the application meets the criteria required.
6. After the computer action has been taken the completed file is to be sent to Firearms Licensing at Police National Headquarters for the capture of the image and manufacture of the licence.

16.4 CRITERIA

1. The fact that an applicant already owns an MSSA is not a good reason per se to grant the application.
2. It is up to the applicant to convince the Police that they are a fit and proper person to hold an "E" Endorsement.
3. The answers to the questions on form Pol 67H and the referees' submissions must be sufficiently persuasive. The applicant must show that they have cause to own an MSSA.
4. It shall be a condition of any endorsement issued under Section 30B of the Arms Act 1983 that the reason the applicant states for possessing an MSSA becomes

a condition of the endorsement, and once that reason no longer exists, the endorsement must be surrendered. (When the person argues good reason, they may retain the endorsement).

16.5 REFEREES

1. In addition to the usual two referees required for form Pol 67J, the application when forwarded to the Area Controller shall also have attached two further references as to the applicant's character and fitness to possess MSSA's. The referees must be endorsement holders or persons who are serving members of an organisation associated with firearms or bona fide collectors or persons who are able to demonstrate a long term interest in firearms. References from acquaintances, no matter how worthy are of no value unless they verify the applicant's fitness for the endorsement.
2. These references are crucial to a successful endorsement application. The Area Controller must be able to identify the referees' qualifications to give a valid reference.
3. Members of Police may not give character references. (General Instruction C31). However a member of the Police might provide a reference to behaviour provided he/she is suitably qualified, e.g. the member holds an endorsement, and has observed the applicant using firearms.

16.6 APPLICATION REFUSED (SEE SECTION 11 OF THIS MANUAL)

1. If the application is refused, a suitably worded memorandum signed by a Commissioned Officer must be sent to the applicant advising that they have failed to meet the criteria required and that refusal of the endorsement application is being considered. The memorandum:
 - i. Must list the reasons for considering refusal of the application; and
 - ii. Must advise the applicant of the right to make written or verbal submissions.
2. Dependent on the response of the applicant the formal notice of refusal to issue the endorsement may be served on the applicant, and must advise the applicant that they may, by way of originating application, appeal to a District Court Judge against the decision. (Section 62, Arms Act 1983 refers).
3. A Computer Record should be entered.

"APPLICATION FOR ENDORSEMENT TYPE "E" REFUSED - Arms Act 1983"

16.7 SECURITY

1. On no account is an "E" Endorsement application to be approved before security in accordance with Regulation 28, Arms Regulation 1992 is installed, inspected and approved.
2. The security provision must be commensurate with requirements. eg. security approved for pistols is often inadequate for larger firearms such as a MSSA.
3. Sound judgement coupled with a reasonable approach must be exercised in interpreting the Regulations in order to avoid undue criticism by advising or insisting on standards not mandatory in terms of the Regulations.
4. The date of the security check will be added to the Firearms Licence records. This date can be modified to record subsequent security checks.

16.8 PERIOD OF ISSUE

This endorsement shall be valid (unless sooner revoked or surrendered) until the termination of the holder's Firearms Licence when the holder must also reapply for the endorsement to be renewed along with their licence.

16.9 INSPECTION: CHANGE OF ADDRESS. DEATH OF LICENSEE

Regulation 29, Arms Regulations 1992 (Inspection) Section 34(2), Arms Act 1983 (Notification of Change of Address), Regulation 18, Arms Regulations 1992 (Action on Death of Licensee) are all applicable to holders of this endorsement.

FIREARMS MANUAL

SECTION 17

MISCELLANEOUS

17.1 SWORD STICKS

The importation of sword sticks is prohibited by the Customs Import Prohibition Order 2002 (and renewable 3 yearly), which states "Knuckle-dusters, knives incorporating knuckle-dusters, sword sticks and any weapon disguised to give the appearance of another article are prohibited imports".

17.2 WALKING STICK GUNS

Firearms disguised as walking sticks come within the category of firearms, and as such are subject to the import provisions of the Arms Act. (See this manual, Section 8).

17.3 MACE

1. Mace or any other device designed for the purposes of discharging any lachrymatory, deleterious, or toxic gas, smoke, or other stupefying or overpowering thing capable of rendering any person either wholly or partially incapable of resistance is a restricted weapon for the purposes of the Arms Act 1983.
2. So called pepper, capsicum or vegetable sprays are almost always invariably restricted weapons.

17.4 FLARE PISTOLS

1. Possession of flare pistols is lawful providing they are held for some lawful proper and sufficient purpose. (Section 49 Arms Act 1983).
2. Flareguns except where they are under immediate and personal supervision must be kept in a locked container. (Regulation 19(d) Arms Regulations 1992).
3. Persons do not require Firearms Licences to be in possession of flare pistols. (Section 22(1)(a) Arms Act 1983).
4. See Section 8.26 of this manual re the importation of flare pistols.

17.5 HUMANE KILLERS

The conditions that relate to flare pistols (Section 17.4 of this Manual) also relate to humane killers.

17.6 STOCK MARKING PISTOLS

The conditions that relate to flare pistols (Section 17.4 of this Manual) also relate to stock marking pistols.

17.7 PENAL INSTITUTIONS

The Secretary for Justice may authorise any officer of a penal institution to possess and carry firearms belonging to the Crown. (Regulation 31, Arms Regulations 1992).

17.8 EXEMPTED PERSONS

Section 3(2) Arms Act 1983 reads:

- (2) Nothing in this Act renders unlawful the carriage or possession of firearms, airguns, pistols, 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
 - (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
 - (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 of 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:

The use of firearms by these persons is still subject to criminal law, including the Arms Act 1983.

17.9 SPEAR GUNS AND POWER HEADS

1. Spear guns (Section 22 (1)(a)(v) Arms Act 1983) are exempted from the licensing provisions of the Arms Act.
2. A person who except for some lawful, proper and sufficient purpose, uses, discharges or carries anywhere any speargun commits an offence against Section 49, Arms Act 1983.
3. There are several makes of power heads for use by underwater fishermen. These weapons are ineffective against small fish and are carried for protection against sharks. A simple pressure firing device is attached to a long handle and a vigorous shove against the target fires the device. They are made in the following calibres, .303, 12 gauge, 20 gauge. These are not firearms under the provisions of the Arms Act.
4. Two current trade names for power heads are "Sea Hornet Shark Killer" and "Bang Stick".

17.10 TRANQUILLISER GUNS

1. A tranquilliser gun using carbon-dioxide to discharge a projectile is not regarded as a firearm.
2. A tranquilliser gun, which is operated by force of explosive, is. Section 22(1)(a)(iii) exempts tranquilliser guns from the licensing provisions of the Arms Act 1983. This includes tranquilliser pistols.
3. A person who except for some lawful, proper and sufficient purpose, uses, discharges or carries anywhere any tranquilliser gun commits an offence against Section 49, Arms Act 1983.

17.11 PISTOL DESIGNED AS PART OF ROCKET LINE EQUIPMENT

1. Pistols designed as part of rocket line throwing equipment for life saving purposes are exempt from the licensing provisions of the Arms Act 1983 (Section 22 (1)(a)(viii)).
2. A person who except for some lawful, proper and sufficient purpose, uses, discharges or carries a firearm of this kind anywhere commits an offence against Section 49, Arms Act 1983.

17.12 PISTOL AMMUNITION

1. No documentation is required for the purchase of pistol ammunition apart from that required for Sections 43A or 43B, Arms Act 1983.
2. Unlawful carriage or possession of any ammunition in a public place is an offence against the provisions of Section 51, Arms Act 1983.

17.13 UNSAFE FIREARMS

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, (Appendix 17/1 of this Section of the Manual), 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. (Section 59(1), Arms Act 1983).
2. If the owner of any firearm or pistol fails to comply with a notice given to him/her, a Commissioned Officer may, by notice in writing (Appendix 17/2), to that owner, require him/her to surrender that firearm or pistol forthwith to a member of the Police. (Section 59(2), Arms Act 1983).
3. See Section 59(3), Arms Act 1983 regarding right of appeal against the requirement/s.

17.14 REPORTING INJURIES

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 to the nearest Police station or to a member of the Police.
2. Failure to do so is an offence against Section 58, Arms Act 1983.
3. On receiving report of injury or death a Police inquiry shall commence.
4. Where injuries or death occur, preliminary advice is to be forwarded to the Manager: Licensing and Vetting Police National Headquarters by way of the pre-formatted screen *SHOOT. This is to be followed up in not longer than seven (7) days with details of make, model and calibre of weapon involved.
5. In addition, if a victim of an accidental shooting dies, a copy of the report for the Coroner, Form Police 47, is to be forwarded to the Manager: Licensing and Vetting at Police National Headquarters as soon as practicable.
6. The Manager: Licensing and Vetting is to be advised of the outcome of any inquiry.

17.15 LOST OR STOLEN PISTOLS, MSSA'S OR RESTRICTED WEAPONS

Where a pistol, MSSA or restricted weapon is reported lost or stolen a message shall be sent to the Manager: Licensing and Vetting advising brief details of the circumstances and a description of the stolen or lost weapons and the name and FLICNO of the owner.

17.16 TRANSPORTING FIREARMS AND AMMUNITION

When firearms are transported, all cartridges shall be removed from the chamber or magazine and placed in a separate container. The firearm should be dismantled if possible, and a vital part transported separately from the rest of the firearm. Public

carriers have their own rules about the carriage of firearms, and should be advised early.

17.17 STOLEN OR LOST ANTIQUE FIREARMS

The description of any antique firearm reported lost or stolen including the locality of such theft or loss shall be forwarded to the Secretary, The New Zealand Antique Arms Association, with a request for publication of the details in the Association's journal. Particulars of recovered weapons sufficient to enable cancellation of previous notification must also be forwarded to the Secretary

17.18 SEARCH WITH AND WITHOUT WARRANT

Members of Police exercising the powers provided in Sections 60, 60A and 61 of the Arms Act 1983 are to familiarise themselves with the General Instructions relating to these powers. The requirement to report to the Commissioner is to be strictly complied with.

17.19 FIREARMS OF MENTAL PATIENTS

1. Upon application being made by an officer of the Public Trust Office that Police accept the custody of a firearm belonging to any person who has been committed to a mental hospital, the firearm may be accepted at an Arms Office provided it is accompanied by a memorandum from the Public Trust Office setting out the circumstances under which it is being handed to the Police.
2. A detailed record is to be made of the description and condition of the firearm at the time it is handed to the Police. It shall be carefully cleaned and oiled and stored under conditions that will ensure that it does not deteriorate.
3. When the owner of a firearm is discharged from a mental hospital and applies for its return, the matter shall be referred to the Area Controller with a report as to whether the applicant is a fit and proper person to be in possession of a firearm.
4. The Public Trustee has agreed that Police should not be asked to hold a firearm of a mental patient for more than 12 months, and that on request by Police a District Public Trustee will review the position to ascertain whether arrangements can be made for transfer of the firearm to a suitable relative or friend. Should this not be possible or advisable then the matter is to be referred to the Commissioner (Manager: Licensing and Vetting) who may direct the disposal under the authority of Section 70 Arms Act 1983, in which case the proceeds are to be paid to the District Public Trustee.

17.20 INSPECTION OF PISTOLS, MSSA's AND RESTRICTED WEAPONS

Regulation 29 of the Arms Regulations 1992 states:

1. Every Dealer's Licence and every other permit, licence, or endorsement granted under the Act shall be deemed to be granted subject to the condition that, where

any person is in possession of a pistol, MSSA or restricted weapon (other than an air pistol) by virtue of that permit, licence, or endorsement, that person shall -

- (a) Produce that pistol, MSSA or restricted weapon to any member of the Police on demand; and
- (b) Permit the member of Police to inspect the pistol, MSSA and restricted weapon 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 subclause (1) of this regulation -

- (a) To identify himself or herself to the person in possession of the pistol, military style semi-automatic firearm, or restricted weapon; and
- (b) To tell the person in possession of the pistol, military style semi-automatic firearm, or restricted weapon that the power is being exercised pursuant to subclause (1) of this regulation; and
- (c) If he or she is not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that he or she is a member of the Police."

17.21 LOST/STOLEN LICENCES

Refer to Section 2.42 Arms Manual.

17.22 AUCTIONS (NZ ANTIQUE ARMS ASSOCIATION)

- 1. Periodically the New Zealand Antique Arms Association holds auctions in various locations throughout the country to which their members are invited. The organiser is to liaise closely with the Arms Officer in the location the auction is to take place.
- 2. Arms Regulation 25 requires that every application for a permit to procure be delivered to either the Arms Office nearest to where the applicant lives, or their place of employment. It is likely that most people attending an auction are "local" people, and it is reasonable that Arms Officers relocate their office to the site of the auction to facilitate the issuance of permits to procure. Section 35 of the Arms Act 1983 requires that a permit to procure be issued to the holder of a Firearm or Dealers Licence on application. Issuing permits to procure at the auction site removes the practice of applying for bulk permits to procure for the whole or large parts of a catalogue (thereby increasing unnecessarily the workload of local Arms Officers).

17.23 CARRIAGE OF LOADED FIREARM IN VEHICLE – SECTION 34, TRAFFIC REGULATIONS 1976

- 1. "Loaded firearms - except for police purposes or for the purposes of any of the New Zealand Armed Forces, and except pursuant to a permit issued by a Commissioned Officer of Police, no person shall operate a motor vehicle on which is carried any firearm (whether acting by the force of explosives or not)

which is loaded in its breech, barrel, or magazine." Section 34 - The Traffic Regulations 1976.

In the regulations "operate" means to use or drive or ride on any road, or cause or permit to be driven or ridden on any road, or to permit to be on any road, whether the person operating is present in person or not. "Road" includes any street, and also includes any place to which the public has access, whether as of right or not.

2. Employees of the Pest Control or Management Division attached to Regional Councils may be given written permission signed by a Commissioned Officer to carry a loaded firearm in a motor vehicle. This written permission is to be carried by the employee with his/her Firearm Licence.
3. A suggested format of the permit is as follows:

Permit to Operate Vehicle Carrying Loaded Firearm:			
Pursuant to Regulation 34 of the Traffic Regulations 1976			
.....an employee of			
.....			
is permitted to operate a motor vehicle on which is carried a loaded firearm whilst such a vehicle is engaged in pest control/management on behalf of the			
.....			
Dated at	this	day of	19
.....Commissioned Officer of Police			
QID..... STN			
This Permit is issued subject to the following conditions:			
1. The employing organisation and their employee(s) are conversant with the provisions of the Arms Act 1983, Arms Regulations 1992 and the Arms Amendment Act 1992 relating to the use of Firearms, in particular section 53 of the Arms Act 1983, Careless use of Firearms.			
2. Firearms are only to be loaded when the employee is in the location where the pest control is to take place.			

17.24 DIPLOMATS - FREE ISSUE OF LICENCE

1. Pursuant to the Diplomatic Privileges and Immunities Act 1968 and the Consular Privileges and Immunities Act 1971 the following shall be issued with a Firearm Licence, without fee; Heads of Diplomatic Missions, Diplomatic Officers and members of their families forming part of their household.

2. Where an application is made by a diplomat for an endorsement to possess pistols or restricted weapons or MSSA's, the Manager: Licensing and Vetting is to be informed immediately.

17.25 DECEASED LICENCE HOLDERS

Refer Section 2.43 Arms Manual.

17.26 CANNON

Refer Section 8.25 Arms Manual.

17.27 HANDLOADING OF AMMUNITION

The handloading of ammunition does not come under the jurisdiction of the Police. Persons who wish to handload their own ammunition should be advised to contact the Occupational Safety and Health Officer (OSH) of the Department of Labour in their region.

17.28 SHOOTING GALLERY

The relevant Local Authority is responsible for approving a licence for a shooting gallery and ensuring the gallery complies with the appropriate by-law. (See Section 17.29 of this Manual, below).

17.29 SHOOTING RANGES - RANGE MANUAL

The certification of a range is the responsibility of the controlling body eg. NRA, NZDA or NZPA etc and any inquirer should be advised accordingly. Pistol ranges require the approval of the Manager: Licensing & Vetting at Police National HQ. (This authority is not delegated to District level).

Range Inspecting Officers are to be guided by the principles and procedures as set in the Range Manual published jointly by the Police and the NZ Mountain Safety Council. The Range Manual can be found on the Police website (www.police.govt.nz).

17.30 FIRING OF FIREARMS FROM BOATS – SECTION 18 GENERAL HARBOUR (NAUTICAL AND MISCELLANEOUS) REGULATIONS 1968

No person on any vessel within the limits of a harbour, except in an emergency or in the event of assistance being urgently required, or with the prior consent of the Harbourmaster –

- (a) Fire any firearm
- (b) Display, burn or discharge any blue or red lights or any pyrotechnic signal
- (c) Display or burn any combustion item

“Harbour” extends to and includes the limits within which the jurisdiction or powers of a Harbour Board may be exercised (Section 2 Harbour Act 1950).

17.31 TRESPASS ACT 1980

Defines "Weapon" (includes firearms and airguns)

Section 9 – Person, if found trespassing, is required to give particulars, including number of Firearms Licence if in possession of firearm

Section 12 - Person, if convicted of trespass with a weapon can be disqualified from holding a Firearm Licence and,
Can be ordered not to carry any weapon for 2 years (See Section 76, Arms Act 1983)

Appendix 17.1

NEW ZEALAND POLICE

NOTICE TO BRING A FIREARM TO A SAFE STANDARD OF REPAIR

To:

(Full name)

FLICNO: _____

Full Address: _____

PURSUANT TO SECTION 59(1) ARMS ACT 1983

I, _____ a Commissioned

Officer of Police, hereby give notice that in my opinion the firearm described is unsafe and I

hereby require you to bring _____
(description of firearm, make, model, calibre)

to a safe standard of repair before _____ (date)

on which date you are required to produce the firearm to a member of the Police at

_____ Police Station for inspection.

Failure to bring the firearm concerned to a safe standard of repair may require that you compulsorily surrender the firearm to a member of Police.

You may by way of originating application appeal to a District Court against this requirement. (Section 62, Arms Act 1983 refers).

Dated at _____ this _____ day of _____ 19____

You may by way of originating application appeal to a District Court against this requirement. (Section 62, Arms Act 1983 refers).

Dated at _____ this _____ day of _____ 19

Appendix 17.2

NEW ZEALAND POLICE

NOTICE TO SURRENDER A FIREARM WHICH IS UNSAFE

To: _____
(Full name)

FLICNO: _____

Full Address: _____

PURSUANT TO SECTION 59(2) ARMS ACT 1983

I, _____ a Commissioned

Officer of Police, believe that on _____

day date month year
you were served with a notice in writing pursuant to Section 59 (1) Arms Act 1983
requiring you to bring _____

(description of firearm, make, model, calibre)

to a safe standard of repair before _____ (date)
on which date you were required to produce the firearm to a member of the Police at

_____ Police Station.

I also believe you failed to abide by these requirements and therefore require you to surrender that firearm to a member of Police.

Failure to surrender the firearm concerned may result in prosecution pursuant to Section 59(4) Arms Act 1983 which is an offence punishable with a fine up to \$500.

You may by way of originating application appeal to a District Court against this requirement. (Section 62, Arms Act 1983 refers)

Dated at _____ this _____ day of _____ 19

Commissioned Officer of Police

Appendix 17.3

NEW ZEALAND POLICE

Search Warrant

(Section 61) Arms Act 1983

To: Every member of Police

I, _____ (full name) a
Commissioned Officer of Police, am satisfied there are reasonable grounds to suspect
that there *is (are) in (1)

firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition or explosive in
respect of which an *(offence against the Arms Act 1983 or any indictable offence has
been or is about to be committed) or (which may be evidence of such an offence).

This is to authorise you either by day or night to enter and search the aforesaid (1)

or part thereof by force if necessary and to seize and detain any of the items
enumerated above if found.

Dated at _____ this _____ day of _____ 19____

Commissioned Officer of Police

* Delete items which do not apply.

(1) Here describe house, building, land, vehicle, vessel or other premises.

FIREARMS MANUAL

SECTION 18

DISPOSAL OF FIREARMS

18.1 RECORDING FIREARMS

1. Firearms, ammunition and explosives seized either with or without warrant, are to be recorded on a Property Record Sheet.
2. All other firearms, ammunition or explosives coming into Police possession are to be recorded on an Arms Surrender Form (ASF). The original should be given to the person the firearms, ammunition or explosives are received from, and duplicate forming the basis of the file, while the original remains in the ASF book.
3. Part 4 of both the duplicate and triplicate are to be completed on disposal of the firearms, ammunition or explosives, and before filing.

18.2 AUTHORITY TO DISPOSE

1. In any Court proceedings, an order is to be sought for the forfeiture and destruction of any firearms, parts or ammunition. (Section 69 Arms Act 1983).
2. As a general rule the disposal of firearms may be authorised by the Area Controller (Commissioned Officer).
3. Where firearms have been delivered to a member of the Police pursuant to Section 28, Arms Act 1983 (Effect of revocation or surrender of Firearm Licence) the matter shall be referred to the Manager: Licensing and Vetting at PNHQ to arrange for the firearms to become the property of the Crown (See Section 18.4 Arms Manual). The provisions of Section 28 of the Arms Act 1983 apply to airguns seized under Section 41 of the Arms Act 1983, but do not apply to ammunition and accessories.

18.3 DISPOSING OF FIREARMS (SECTION 70 ARMS ACT 1983)

1. As a general rule firearms are to be disposed of by destruction (which is to be given it's ordinary meaning: "to unbuild or pull down, to ruin, to put an end to". Destruction does not mean disposed by dumping). Exceptions to this general rule are:

- a) Before any firearm whether rifle, shotgun, pistol, MSSA or restricted weapon which is in a good state of repair is destroyed a message shall be sent to the Police Armourer describing the firearm, including condition, make, model and calibre so that a decision can be made whether to retain the firearm for library purposes. Any firearm lodged with the Armourer is to be considered "destroyed by being deposited with the Police Armourer". These firearms are not available for return.
- b) Consideration could also be given to the requirement for certain types of firearms by New Zealand Mountain Safety Council Firearms Instructors.
- c) Police training and specialist squads may apply to take firearms on charge for training purpose. This must be approved by either the National Manager Operations, or National Manager Training and Professional Development, on application to the Manager: Licensing and Vetting.
- d) Before any firearm whether rifle, shotgun, pistol or restricted weapon is destroyed care shall be taken to ensure it has no historical value. Where an arms officer lacks sufficient knowledge to determine this they shall refer the matter to the Police Armourer. Where a firearm is of historical value consideration will be given to lodging the firearm with a museum.
- e) Any firearm which is "crime related material" should be considered for retention by the New Zealand Police Centennial Museum.
- f) Other means as directed by the Commissioner (Manager: Licensing and Vetting).

18.4 DISPOSAL OF FIREARMS FOLLOWING REVOCATION ON SURRENDER OF FIREARMS LICENCE

1. Where a Firearms Licence has been revoked or surrendered and possession of the firearms has been taken by the Police, the person previously in possession shall be given three months in which to dispose of the firearms whether by sale, destruction or by giving possession to someone approved of by the Police. (Section 28(2) Arms Act 1983).
2. Where a person fails to dispose of the firearms within the required period the file shall be forwarded to the Manager: Licensing and Vetting who shall arrange for the firearms to become the property of the Crown. (Note: compensation is not paid for ammunition or accessories).
3. The covering report on the file shall contain the following;
 - Name, address and licence number of the person whose licence has been revoked. (Firearms Licence printout to be attached)
 - The date the firearms came into the possession of Police.

- Rank and full name of the Commissioned Officer who authorised the revocation of the Firearms Licence. The Revocation Notice is to be attached to the file.
- The date the revocation notice was served on the person.
- Where the item is an airgun/s or antique firearm/s the Notice to Surrender Airgun or Antique Firearm pursuant to Section 41, Arms Act 1983 shall be attached to the file.
- The make, model, serial number and calibre of the firearms taken possession of.
- Two Dealer Valuations for compensation purposes. The value paid will be the average of these two.

18.5 DISPOSAL - MISCELLANEOUS

1. Where a firearm, airgun, pistol, restricted weapon, imitation firearm, ammunition or explosive is seized or detained under the Arms Act by Police (other than as a result of the revocation or surrender of a Firearms Licence), and the owner cannot be located or refuses to arrange disposal the firearm may be disposed of in such a manner as the Commissioner may direct. See Section 18.3 above.
2. The item must have been detained for not less than 12 months and then the disposal may be authorised by the Area Controller, being the Commissioned Officer in charge of the area.
3. A search of the Firearm Subsystem shall be carried out for stolen, lost or illegal firearms and enquires carried out where necessary.
4. Before any firearm is destroyed it shall be inspected by a licensed Arms Dealer who shall supply a written report on the condition of the firearm and estimated value.
5. A copy of the report shall then be placed on the file should the owner later seek to have the firearm returned.
6. Ammunition is to be disposed of using established processes (currently by Defence).

18.6 SURRENDERED FIREARMS

1. A person who surrenders an antique firearm shall be advised that they may retain possession of the firearm providing the procedures in Section 9 of the Arms Manual are followed.
2. Where any firearm is presented for unconditional surrender and the firearm has monetary value the person surrendering the firearm shall be advised that they are

entitled to sell the firearm to a licensed Arms Dealer or person who holds a Firearms Licence/endorsement.

18.7 PERMANENT AMNESTY PROVISION FOR PISTOLS, RESTRICTED WEAPONS AND MSSA's

1. Section 10(2), Arms Act 1983 provides a "permanent amnesty provision" for pistols, restricted weapons and, in practice (though not stated) MSSA's.
2. Persons who wish to dispose of any pistol, restricted weapon or MSSA may do so by delivering them to a licensed Arms Dealer.
3. The dealer shall surrender any such firearm immediately to the nearest Arms Office for inspection and inquiries. A check of the Property of Interest and Firearm Subsystems shall be carried out.
4. If the firearm has been reported lost or stolen or it has been recorded in the Firearm Subsystem enquires shall be carried out to establish ownership.
5. Where there is no record of the firearm it shall be returned to the licensed Arms Dealer for sale.

FIREARMS MANUAL

SECTION 19

UNIVERSAL REGISTRATION OF FIREARMS

