

**Reprint
as at 1 October 2012**



Arms Act 1983

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Contents

	Page
Title	6
1 Short Title and commencement	6
2 Interpretation	6
3 Act to bind the Crown	10
4 Power to declare weapons to be restricted weapons or specially dangerous airguns	11
<i>Licensed dealers</i>	
5 Dealers to be licensed	11
6 Dealer's licence to be personal to holder	12
7 Place of business	12
7A Gun shows	12
8 Duration of dealer's licence	13
9 Revocation of dealer's licence	13
10 Restriction on possession of pistol or restricted weapon by licensed dealer	13
11 Dealers and their employees and agents to hold firearms licences	14

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the New Zealand Police.

12	Record of dealings by licensed dealers	14
13	Seizure of firearms, ammunition, airguns, pistols, and restricted weapons held by licensed dealers	15
14	Disposal of firearms, ammunition, airguns, pistols, and restricted weapons of dealer whose licence is revoked	16
15	Offence for licensed dealer to carry on business following revocation of his licence	16
	<i>Importation of firearms</i>	
16	Offence to import firearms or parts of firearms without permit	17
17	Burden of proof	17
18	Issue of permits to import firearms or parts of firearms	17
18A	Expiration of permits to import firearms or parts of firearms	19
18B	Samples	19
19	Seizure of illegally imported firearms or parts of firearms	20
	<i>General restrictions on possession of firearms and airguns</i>	
20	Restrictions on possession of firearms	20
21	Restrictions on possession of airguns	21
22	Exemptions	21
	<i>Firearms licences</i>	
23	Application for firearms licence	22
24	Issue of firearms licence	22
25	Duration of firearms licence	23
26	Production of firearms licence	24
27	Revocation and surrender of firearms licence	24
27A	Domestic violence and firearms licences	25
28	Effect of revocation or surrender of firearms licence	25
29	Application for endorsements in respect of pistol or restricted weapon	26
30	Power to make endorsement in respect of pistols or restricted weapons	27
30A	Application for endorsement in respect of military style semi-automatic firearm	28
30B	Power to make endorsement in respect of military style semi-automatic firearm	28
31	Possession of firearm, pistol, military style semi-automatic firearm, or restricted weapon for stage, film, or television purposes	29
32	Conditions of endorsements	29
33	Revocation of endorsements	30

33A	Conditions of endorsement in respect of military style semi-automatic firearms	31
33B	Revocation of endorsement in respect of military style semi-automatic firearms	31
34	Notification of change of address	32
	<i>Photographs</i>	
34A	Power to require or take photographs of applicants	32
34B	Effect of non-compliance with requirements in relation to photographs or to calling-in of licences	33
	<i>Permits to procure pistols and restricted weapons</i>	
35	Issue of permit to procure pistol, military style semi-automatic firearm, or restricted weapon	33
36	Offence to carry pistol or restricted weapon without authority	34
37	Surrender of restricted weapon	35
38	Removal of pistol, military style semi-automatic firearm, or restricted weapon out of New Zealand	36
	<i>Miscellaneous obligations in respect of firearms, airguns, pistols, and restricted weapons</i>	
39	Loss, theft, or destruction	36
40	On demand by Police person in possession of firearm, airgun, pistol, or restricted weapon to give name, address, and date of birth	37
41	Powers of Police to require surrender of airguns or antique firearms	37
	<i>Offences</i>	
42	Offences in respect of licences	38
43	Selling or supplying firearm or airgun to unlicensed person	39
43A	Mail order sale of firearm or ammunition	40
43B	Restriction on sales of ammunition	41
44	Selling or supplying pistol, military style semi-automatic firearm, or restricted weapon to person who does not hold permit to import or to procure	42
45	Carrying or possession of firearms, airguns, pistols, restricted weapons, or explosives, except for lawful, proper, and sufficient purpose	43
46	Carrying of imitation firearm, except for lawful, proper, and sufficient purpose	44

47	Being in charge of firearm, airgun, pistol, or restricted weapon while under the influence of drink or drug	44
48	Discharging firearm, airgun, pistol, or restricted weapon in or near dwellinghouse or public place	45
49	Using, discharging, or carrying certain firearms except for some lawful, proper, or sufficient purpose	45
49A	Unlawful possession of firearm or airgun after revocation of firearms licence	46
50	Unlawful possession of pistol, military style semi-automatic firearm, or restricted weapon	46
51	Unlawful carriage or possession in public place of firearm, airgun, pistol, ammunition, explosive, or restricted weapon	48
52	Presenting firearm, airgun, pistol, or restricted weapon at other person	48
53	Careless use of firearm, airgun, pistol, or restricted weapon	49
54	Use or attempted use of firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive to resist or prevent arrest or commit offence	49
55	Carrying firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with criminal intent	50
56	Obstruction of member of Police	51
57	Offences committed by corporations	51
58	Reporting of injuries caused by firearms, airguns, pistols, or restricted weapons	51
59	Unsafe firearms or pistols	51
	<i>Search and seizure of firearms</i>	
	<i>[Repealed]</i>	
60	Search of suspected persons and seizure of firearms, airguns, pistols, imitation firearms, restricted weapons, ammunition, or explosives <i>[Repealed]</i>	52
60A	Search of suspected persons and seizure of firearms in cases of domestic violence <i>[Repealed]</i>	52
61	Search of land or buildings for firearms, airguns, pistols, imitation firearms, restricted weapons, ammunition, or explosives <i>[Repealed]</i>	53
	<i>Appeals</i>	
62	Right of appeal from official decisions	53
63	Appeal to District Court Judge in respect of compensation	55

64	Appeal on a question of law	55
	<i>Restoration of articles seized</i>	
65	Restoration of articles seized	55
	<i>Foreign personal protection officers</i> <i>[Repealed]</i>	
65A	Interpretation <i>[Repealed]</i>	56
65B	Power to authorise foreign personal protection officer to carry and have possession of firearms, etc <i>[Repealed]</i>	56
65C	Power to permit temporary importation of firearms, etc, by foreign personal protection officer <i>[Repealed]</i>	56
65D	Grounds for issue of written authority or written permit <i>[Repealed]</i>	56
65E	Conditions of written authority or written permit <i>[Repealed]</i>	56
65F	Inspections <i>[Repealed]</i>	56
65G	Power to revoke <i>[Repealed]</i>	56
65H	Expiry of sections 65A to 65G	56
	<i>Miscellaneous provisions</i>	
66	Occupier of premises or driver of vehicle deemed to be in possession of firearm, airgun, pistol, imitation firearm, restricted weapon, or explosive found therein	57
67	Liability of principal for acts of agent, etc	57
68	Time for prosecutions not limited	58
69	Forfeitures	58
70	Authorising disposal of firearms, etc, detained by Police	58
71	Protection of persons acting under authority of this Act	59
72	Delegation of powers by Commissioner	59
72A	Service of documents	60
73	Savings in respect of carriers and persons authorised to exercise powers of seizure	61
74	Regulations	61
75	Consequential amendment to Summary Proceedings Act 1957	64
76	Consequential amendments to Trespass Act 1980	64
77	Repeals	64
78	Transitional provisions	64
	Schedule	67
	Enactments repealed	

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

1 Short Title and commencement

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

2 Interpretation

In this Act, unless the context otherwise requires,—

airgun includes—

- (a) any air rifle; and
- (b) any air pistol; and
- (c) any weapon from which, by the use of gas or compressed air (and not by force of explosive), any shot, bullet, missile, or other projectile can be discharged

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

antique firearm means—

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

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

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

Commissioner means the Commissioner of Police

explosive—

- (a) means any substance or mixture or combination of substances which in its normal state is capable either of decomposition at such rapid rate as to result in an explosion or of producing a pyrotechnic effect; and

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

firearm—

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

firearms licence means a firearms licence issued under section 24

imitation firearm means anything that has the appearance of being a firearm capable of discharging any shot, bullet, missile,

or other projectile, whether or not it is capable of discharging any shot, bullet, missile, or other projectile

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

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

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

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

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 1 hand; and includes any firearm that is less than 762 millimetres in length

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

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

sale includes—

- (a) barter; and

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

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

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

working day means any day of the week other than—

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and
- (b) a day in the period commencing with 25 December in any year and ending with 15 January in the following year.

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

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

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

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

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

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

Section 2 **military style semi-automatic firearm**: inserted, on 1 November 1992, by section 2(2) of the Arms Amendment Act 1992 (1992 No 95).

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

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

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

3 Act to bind the Crown

- (1) Subject to subsections (2) and (3), this Act binds the Crown.
- (2) Nothing in this Act renders unlawful the carriage or possession of firearms, 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
 - (ia) a member of a visiting force under the Visiting Forces Act 2004; or
 - (ii) a member of the Police or an armourer employed by the Police; or
 - (iii) a person employed by the Police to provide firearms training to members of the Police; or
 - (iv) an officer as defined by section 4 of the Anti-Personnel Mines Prohibition Act 1998; or
 - (iva) an officer as defined by section 7 of the Cluster Munitions Prohibition Act 2009; or
 - (v) a person authorised by the Commissioner to provide training to members of the Police in the use of a restricted weapon that is a gas or some other disabling substance, or a device designed to discharge such a substance; or
 - (vi) an employee of the body that, immediately before the commencement of the Arms Amendment Act 2000 was known as the Institute of Environmental Science and Research Ltd; or
 - (vii) a person working in any forensic laboratory or facility that provides forensic services to the Police:

- (b) by any other person authorised pursuant to regulations made under this Act to carry or possess firearms, air-guns, pistols, restricted weapons, ammunition, or explosives belonging to the Crown.
- (3) Nothing in this Act renders unlawful—
 - (a) the importation by the Crown of firearms, airguns, pistols, restricted weapons, ammunition, or explosives; or
 - (b) the sale or supply by the Crown or to the Crown of firearms, airguns, pistols, restricted weapons, ammunition, or explosives.

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

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

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

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

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

- (1) For the purposes of this Act, the Governor-General may from time to time, by Order in Council, declare—
 - (a) any weapon (including an airgun) to be a restricted weapon; or
 - (b) any airgun to be a specially dangerous airgun.
- (2) Any Order in Council made under this section may relate to any weapon or airgun specified by its name or trade name, or to any class of weapons or airguns identified by a description of that class.
- (3) Every Order in Council made under this section shall be deemed to be a regulation for the purposes of the Regulations (Disallowance) Act 1989.

Section 4(3): amended, on 19 December 1989, pursuant to section 11 of the Regulations (Disallowance) Act 1989 (1989 No 143).

Licensed dealers

5 Dealers to be licensed

- (1) No person shall—

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

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

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

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

6 Dealer's licence to be personal to holder

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

7 Place of business

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

Compare: 1958 No 21 s 3(2)

7A Gun shows

- (1) Notwithstanding anything in sections 6 and 7, a dealer's licence may, with the consent of a commissioned officer of Police, apply from time to time, for a period not exceeding 5 days

at any one time, in respect of a place of business other than the place of business in respect of which the dealer's licence was issued.

- (2) A commissioned officer of Police may give his or her consent under subsection (1) only if satisfied—
- (a) that the licensed dealer will, during the period in respect of which the consent is sought, use the place of business in respect of which the consent is sought only for the purposes of conducting a gun show; and
 - (b) that the security of the place of business in respect of which the consent is sought will be sufficient.
- (3) Any consent given under subsection (1) shall be given subject to the condition specified in subsection (4) and to such other conditions (if any) as are specified by the commissioned officer of Police.
- (4) It shall be a condition of any consent given under subsection (1) that the licensed dealer close, for the duration of the period in respect of which the consent is given, the place of business in respect of which the dealer's licence was issued.

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

8 Duration of dealer's licence

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

Compare: SR 1959/5 r 6

9 Revocation of dealer's licence

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

Compare: 1958 No 21 s 3(3)

10 Restriction on possession of pistol or restricted weapon by licensed dealer

- (1) No licensed dealer shall take a pistol or restricted weapon into his possession for sale unless he obtains it—

- (a) pursuant to a permit issued for the purposes of section 16(1) or under section 35; and
- (b) either—
 - (i) from a holder of a firearms licence that bears an endorsement made under section 30; or
 - (ii) from a licensed dealer.
- (2) Notwithstanding anything in subsection (1), a licensed dealer does not contravene that subsection if, on obtaining possession of any pistol or restricted weapon from any person, the licensed dealer immediately surrenders the pistol or restricted weapon to the nearest Arms Office for inspection and inquiries.
- (3) Every person commits an offence against this Act and is liable on summary conviction to a fine not exceeding \$2,000 who contravenes subsection (1).

11 Dealers and their employees and agents to hold firearms licences

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

12 Record of dealings by licensed dealers

- (1) Every licensed dealer shall keep at the place of business referred to in his licence a book in which he shall record such particulars as may be prescribed by regulations made under this Act, relating to the receipt, sale, or manufacture by him of any firearms, airguns, pistols, or restricted weapons.
- (2) Every licensed dealer shall at all times—
 - (a) permit any member of the Police to inspect and make copies of any entries in the book so kept by him pursuant to subsection (1); and

- (b) afford, on demand, to any member of the Police all further information in his possession with respect to any dealings by him relating to firearms, airguns, pistols, or restricted weapons; and
 - (c) permit any member of the Police to inspect—
 - (i) any firearms, airguns, pistols, or restricted weapons in his possession; and
 - (ii) the premises in which, and the conditions under which, his stock of firearms, airguns, pistols, or restricted weapons is kept.
- (3) Every licensed dealer commits an offence and is liable on summary conviction to a fine not exceeding \$500 who acts in contravention of subsection (1) or subsection (2).

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

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

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

thinks fit, or may, in the discretion of the Minister of Police, become the property of the Crown, free and discharged from all right, title, estate, or interest possessed in respect thereof by any other person.

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

Compare: 1958 No 21 s 5

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

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

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

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

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

Importation of firearms

16 Offence to import firearms or parts of firearms without permit

- (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.
- (2) In this section **New Zealand** does not include the harbours and other territorial waters of New Zealand.
- (3) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 1 year or to a fine not exceeding \$2,000 or to both who acts in contravention of subsection (1).

Compare: 1958 No 21 s 6(1), (5), (6); 1974 No 68 s 3(a); 1976 No 151 s 3(1); SR 1959/5 r 11A; SR 1970/13 r 2

Section 16 heading: substituted, on 1 November 1992, by section 5 of the Arms Amendment Act 1992 (1992 No 95).

Section 16(1): substituted, on 1 November 1992, by section 5 of the Arms Amendment Act 1992 (1992 No 95).

17 Burden of proof

Without prejudice to section 67(8) of the Summary Proceedings Act 1957, in any proceedings against any person in respect of any offence against section 16 of this Act in which it is proved that he did any act in relation to a firearm, pistol, starting pistol, or restricted weapon which would have amounted to an offence if that act were not done pursuant to a permit issued to him by a member of the Police, the burden of proving that he did that act pursuant to any such permit shall lie on him.

Compare: 1958 No 21 s 6(6)

18 Issue of permits to import firearms or parts of firearms

- (1) Any member of the Police to whom application is made for the issue of a permit for the purposes of section 16(1)—

- (a) may require the applicant to produce for examination and testing such samples of any firearms, pistols, military style semi-automatic firearms, starting pistols, or restricted weapons of any kind referred to in the application as the member of the Police may consider necessary; and
 - (b) may, in the discretion of that member of the Police, refuse to grant the permit with respect to—
 - (i) any firearm, pistol, military style semi-automatic firearm, starting pistol, or restricted weapon of any kind; or
 - (ii) any parts of a firearm, pistol, military style semi-automatic firearm, starting pistol, or restricted weapon of any kind.
- (2) Without limiting the discretion conferred by subsection (1)(b), no application for a permit for the purposes of section 16(1) in respect of—
- (a) a pistol, military style semi-automatic firearm, or restricted weapon; or
 - (b) parts of a pistol, military style semi-automatic firearm, or restricted weapon,—
- shall be granted otherwise than by the Commissioner who shall first be satisfied that there are special reasons why the pistol, military style semi-automatic firearm, or restricted weapon or parts to which the application relates should be allowed into New Zealand.
- (3) Any permit issued for the purposes of section 16(1) is personal to the person to whom it is issued and may not be transferred to any other person.
- (4) Any permit issued for the purposes of section 16(1) may be at any time revoked by a commissioned officer of Police.
- (5) A permit for the purposes of section 16(1) is in no case to be granted in respect of an anti-personnel mine or a cluster munition.

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

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

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

18A Expiration of permits to import firearms or parts of firearms

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

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

18B Samples

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

weapon may be disposed of in such manner as the Commissioner may direct.

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

19 Seizure of illegally imported firearms or parts of firearms

If any member of the Police or officer of the Customs has reasonable grounds to suspect that any firearm or restricted weapon or part of a firearm or restricted weapon has been brought into New Zealand in breach of section 16(1) or has been brought into the harbours or other territorial waters of New Zealand and is intended to be brought into New Zealand in breach of section 16(1), that member or officer—

- (a) may seize that firearm or restricted weapon or part of a firearm or restricted weapon and detain the same; and
- (b) in effecting the seizure of that firearm or restricted weapon or part of a firearm or restricted weapon, may use such force as is reasonably necessary.

Section 19: substituted, on 1 November 1992, by section 6 of the Arms Amendment Act 1992 (1992 No 95).

General restrictions on possession of firearms and airguns

20 Restrictions on possession of firearms

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

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

21 Restrictions on possession of airguns

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

22 Exemptions

- (1) Nothing in section 20 or section 21 makes it an offence for any person to be in possession of—
 - (a) any firearm of the kind known as:
 - (i) a bolt gun or a stud gun:
 - (ii) a humane killer:
 - (iii) a tranquilliser gun:
 - (iv) a stock marking pistol:
 - (v) an underwater spear gun:
 - (vi) a flare pistol:
 - (vii) a deer net gun:
 - (viii) a pistol that is part of rocket or line throwing equipment:
 - (ix) a miniature cannon; or
 - (b) any antique firearm; or
 - (c) any other make, type, or manufacture of firearm exempted from the provisions of section 20 or section 21 by regulations made under this Act.
- (2) It is a good defence to a prosecution for an offence against section 20 or section 21 if the defendant proves,—
 - (a) in the case of a prosecution relating to the possession of a firearm (not being a pistol or a restricted weapon) by any person,—

- (i) that the firearm was in the possession of that person for use under the immediate supervision of the holder of a firearms licence; and
 - (ii) that at all times while that person was in possession of the firearm, that person was under the immediate supervision of the holder of a firearms licence; or
- (b) in the case of a prosecution relating to the possession of an airgun (not being a specially dangerous airgun),—
- (i) that the airgun was in the possession of that person for use under the immediate supervision of either a person of or over the age of 18 years or the holder of a firearms licence; and
 - (ii) that at all times while that person was in possession of the airgun, that person was under the immediate supervision of either a person of or over the age of 18 years or the holder of a firearms licence.

Firearms licences

23 Application for firearms licence

- (1) Any person who is of or over the age of 16 years may apply at an Arms Office to a member of the Police for a firearms licence.
- (2) Every application under subsection (1) shall be made on a form provided by a member of the Police.
- (3) A person who is the holder of a firearms licence may, before the expiration of that firearms licence, apply for a new firearms licence.

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

24 Issue of firearms licence

- (1) Subject to subsection (2), a firearms licence shall be issued if the member of the Police to whom the application is made is satisfied that the applicant—
 - (a) is of or over the age of 16 years; and
 - (b) is a fit and proper person to be in possession of a firearm or airgun.

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

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

25 Duration of firearms licence

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

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

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

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

26 Production of firearms licence

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

27 Revocation and surrender of firearms licence

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

- (iii) whose firearms licence has been revoked on the ground that he is not a fit and proper person to be in possession of a firearm or airgun; or
- (iv) who, in the opinion of a commissioned officer of Police, is not a fit and proper person to be in possession of a firearm or airgun—

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

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

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

27A Domestic violence and firearms licences

Without limiting the generality of sections 24 and 27, it is hereby declared that a commissioned officer of Police may, under either or both of those sections, decide that a person is not a fit and proper person to be in possession of a firearm or airgun if that commissioned officer of Police is satisfied—

- (a) that there are grounds under the Domestic Violence Act 1995 for the making against that person of an application for a protection order; or
- (b) that such an order is in force under that Act in respect of that person.

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

28 Effect of revocation or surrender of firearms licence

- (1) On the revocation or surrender of a firearms licence, the person who was the holder of that licence shall, on demand, deliver every firearm, pistol, or restricted weapon in his possession or under his control to a member of the Police.

- (2) Any person whose firearms licence is revoked or surrendered may, at any time within 3 months thereafter or such longer period as the Commissioner may allow, sell or otherwise dispose of any firearm, pistol, or restricted weapon owned by him to a person approved for the purpose by a member of the Police.
- (3) Subject to subsection (2), all firearms, pistols, or restricted weapons delivered to a member of the Police pursuant to this section may be detained for such period as the Commissioner thinks fit, or may, in the discretion of the Minister of Police, become the property of the Crown, free and discharged from all right, title, or interest possessed in respect thereof by any other person.
- (4) The Minister of Finance shall pay out of a Crown Bank Account compensation for the value of all firearms, pistols, or restricted weapons delivered to a member of the Police under this section and which have become the property of the Crown as hereinbefore provided.
- (5) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who contravenes subsection (1).

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

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

29 Application for endorsements in respect of pistol or restricted weapon

- (1) Any person, being—
 - (a) an applicant for a firearms licence or a holder of a firearms licence; and
 - (b) a person who has been the registered owner of a kea gun since before 1 January 1984,—may apply at an Arms Office to a member of the Police for an endorsement permitting that person to have possession of that kea gun.
- (2) Any person, being an applicant for a firearms licence or a holder of a firearms licence, may apply at an Arms Office to a member of the Police for an endorsement permitting that per-

son to have possession of a pistol or a restricted weapon (other than an anti-personnel mine or a cluster munition) in his capacity as—

- (a) a member of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of this section; or
 - (b) a bona fide collector of firearms; or
 - (c) a person to whom the pistol or restricted weapon has special significance as an heirloom or memento; or
 - (d) the Director or Curator of a bona fide museum; or
 - (e) an approved employee or approved member of any body, being—
 - (i) a broadcaster within the meaning of the Broadcasting Act 1989; or
 - (ii) a bona fide theatre company or society or cinematic or television film production company or video recording production company; or
 - (f) a licensed dealer or an agent or employee of a licensed dealer; or
 - (g) a person of a class specified for the purposes of this section by regulations made under this Act.
- (3) For the purposes of subsection (2)(e), **approved**, in relation to any employee or member, means approved in writing for the purposes of that subsection by the chief executive officer of the body by which he is employed or of which he is a member.
- (4) Every application under subsection (1) or subsection (2) shall be made on a form provided by a member of the Police.

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

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

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

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

On receiving an application under section 29, a member of the Police may, subject to any direction from the Commissioner, make the endorsement applied for if he is satisfied—

- (a) that the applicant is a fit and proper person to be in possession of the pistol or restricted weapon to which the application relates; and
- (b) that the applicant should, on grounds or in a capacity specified in section 29, be permitted to have possession of the pistol or restricted weapon to which the application relates; and
- (c) in the case of an application under section 29(2)(e), that possession of the pistol or restricted weapon by the employee or member is necessary for the purpose of—
 - (i) making a broadcast; or
 - (ii) producing or staging a play; or
 - (iii) filming a cinematic production or television film or making a video recording.

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

30A Application for endorsement in respect of military style semi-automatic firearm

- (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.
- (2) Every application under subsection (1) shall be made on a form provided by a member of the Police.
- (3) Every applicant shall permit a member of the Police to take, or to cause to be taken, for the purposes of the application, a photograph or photographs of the applicant.

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

30B Power to make endorsement in respect of military style semi-automatic firearm

On receiving an application under section 30A, a member of the Police may, subject to any direction from the Commissioner, make the endorsement applied for if that member is satisfied that the applicant is a fit and proper person to be in pos-

session of the military style semi-automatic firearm to which that application relates.

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

31 Possession of firearm, pistol, military style semi-automatic firearm, or restricted weapon for stage, film, or television purposes

Notwithstanding anything in this Act, a person who is not entitled under this Act to have possession of a firearm or pistol or military style semi-automatic firearm or restricted weapon may have possession of that firearm or pistol or military style semi-automatic firearm 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.

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

32 Conditions of endorsements

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

- (b) ensures that every restricted weapon in his possession is both rendered inoperable by the removal of a vital part and maintained, by reason of the removal of a vital part, in an inoperable condition.
- (2) Any member of the Police may, on the direction of the Commissioner, impose, as conditions of an endorsement made by that member of the Police under section 30, such conditions with regard to the use or custody of the pistol or restricted weapon (being conditions additional to those specified in subsection (1)) as that member of the Police thinks fit.

33 Revocation of endorsements

- (1) If, in the opinion of a commissioned officer of Police, any person whose licence bears an endorsement made under section 30,—
 - (a) would not, on an application made under section 29, be entitled to have that endorsement made on his firearms licence; or
 - (b) has failed to observe any conditions of the endorsement,—

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

- (4) The provisions of this section are in addition to the provisions of sections 27 and 28.

33A Conditions of endorsement in respect of military style semi-automatic firearms

- (1) It is a condition of every endorsement made under section 30B that the holder of the firearms licence observes, in respect of every military style semi-automatic firearm or part thereof in that holder's possession, such security precautions as are required by regulations made under this Act.
- (2) Any member of the Police may, on the direction of the Commissioner, impose, as conditions of an endorsement made by that member of the Police under section 30B, such conditions with regard to the use or custody of a military style semi-automatic firearm (being conditions additional to that specified in subsection (1)) as that member of the Police thinks fit.

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

33B Revocation of endorsement in respect of military style semi-automatic firearms

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

- (3) The provisions of this section are in addition to the provisions of sections 27 to 28.

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

34 Notification of change of address

- (1) Every holder of a firearms licence who changes his address shall, within 30 days after doing so, give notice in writing thereof to the Arms Office nearest to his new address.
- (2) Every holder of a firearms licence, being a licence that bears an endorsement permitting the holder to have possession of a pistol, military style semi-automatic firearm, or restricted weapon, who intends to change his address, shall notify an Arms Office of the arrangements made for the safe custody of the pistol, military style semi-automatic firearm, or restricted weapon during its shift to the new address.
- (3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who contravenes subsection (1) or subsection (2).

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

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

Photographs

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

34A Power to require or take photographs of applicants

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

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

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

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

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

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

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

Permits to procure pistols and restricted weapons

35 Issue of permit to procure pistol, military style semi-automatic firearm, or restricted weapon

- (1) A permit to procure a pistol, military style semi-automatic firearm, or restricted weapon may be issued only by a member of the Police acting under a direction of the Commissioner.
- (2) A permit to procure a pistol, military style semi-automatic firearm, or restricted weapon may be issued if the member of the Police to whom the application is made is satisfied—
 - (a) that the person to whom it is issued is a licensed dealer; or
 - (b) that the person to whom it is issued is the holder of a firearms licence that bears an endorsement made under section 30 or section 30B and that, by virtue of that

licence and its endorsement, that person is permitted to have possession of the pistol, military style semi-automatic firearm, or restricted weapon, as the case may be.

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

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

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

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

36 Offence to carry pistol or restricted weapon without authority

- (1) No person shall carry a pistol or restricted weapon in any place beyond the curtilage of his dwelling, save under and in accordance with the conditions endorsed on his firearms licence by a member of the Police.
- (2) Any such endorsement may be at any time revoked by any commissioned officer of Police.
- (3) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding \$1,000 or to both who carries a pistol or restricted weapon contrary to the provisions of subsection (1).
- (4) In any prosecution for an offence against subsection (3), in which it is proved that the defendant carried a pistol or restricted weapon in any place beyond the curtilage of his dwelling, the burden of proving that the pistol or restricted weapon carried by the defendant was carried by him under and in accordance with the conditions endorsed on his firearms licence by a member of the Police shall lie upon the defendant.

- (5) It is a good defence to a prosecution for an offence against subsection (3) if the defendant proves—
- (a) that he is the holder of a firearms licence; and
 - (b) that he has owned the firearm to which the charge relates since before 16 May 1969; and
 - (c) that, immediately before 16 May 1969, he was registered under section 9 of the Arms Act 1958 as the owner of that firearm; and
 - (d) that, although that firearm is less than 762 millimetres in length, it has not been reduced below that length since 15 May 1969 and is not designed or adapted to be held and fired with 1 hand.

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

37 Surrender of restricted weapon

- (1) Subject to subsection (2) or an endorsement made under section 30, no person shall at any time be in possession of a restricted weapon, or of any part or parts intended or adapted for use as part of a restricted weapon.
- (2) Before the expiry of 1 month after the notification in the *New Zealand Gazette* of an Order in Council declaring any weapon to be a restricted weapon, every person in possession of any such weapon or any part or parts intended or adapted for use as part of such a weapon shall cause the weapon, or the parts,—
- (a) to be destroyed; or
 - (b) to be disposed of to a person approved by the Commissioner; or
 - (c) to be exported from New Zealand; or
 - (d) to be delivered to a member of the Police.
- (3) The Minister of Finance shall, subject to subsection (4), pay compensation out of a Crown Bank Account for the value of all weapons in a serviceable condition, and for all parts, delivered to a member of the Police in accordance with subsection (2)(d).
- (4) Compensation shall not be paid under subsection (3) unless the Minister is satisfied—
- (a) that the person claiming compensation has acquired the weapon or parts lawfully; and

- (b) if he has brought the weapon or parts into New Zealand, that he has done so lawfully.

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

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

38 Removal of pistol, military style semi-automatic firearm, or restricted weapon out of New Zealand

- (1) Every holder of a firearms licence who intends to remove any pistol, military style semi-automatic firearm, or restricted weapon out of New Zealand shall give not less than 4 days' notice of the intended removal to an Arms Office and shall deliver to that office his firearms licence for amendment of the endorsement.
- (2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who contravenes subsection (1).

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

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

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

*Miscellaneous obligations in respect of firearms,
airguns, pistols, and restricted weapons*

39 Loss, theft, or destruction

- (1) Whenever a firearm, pistol, or restricted weapon is lost or stolen, or a pistol or restricted weapon is destroyed, the owner—
- (a) shall forthwith give notice in writing thereof to a Police station; and
- (b) shall give all information in his possession relating to the loss, theft, or destruction.
- (2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who contravenes subsection (1).

Compare: SR 1959/5 r 21

40 On demand by Police person in possession of firearm, airgun, pistol, or restricted weapon to give name, address, and date of birth

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

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

- (1) Where any person who is not the holder of a firearms licence or a dealer's licence is in possession of an airgun or an antique firearm, a commissioned officer of Police may, by notice in writing served on that person, require that person to surrender the airgun or antique firearm to a member of the Police, if that officer is of the opinion that that person is not a fit and proper person to be in possession of the airgun or antique firearm.
- (2) Where any person is served with a notice pursuant to subsection (1), that person shall, on demand, deliver the airgun or antique firearm to a member of the Police and subsections (2) to (4) of section 28 shall apply accordingly with all necessary modifications.
- (3) Any person required, under this section, to surrender an airgun or antique firearm may appeal under section 62 against the requirement, and that section shall apply accordingly with all necessary modifications.

- (4) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who fails to comply with a notice given to him pursuant to subsection (1).

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

Offences

42 Offences in respect of licences

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

or by any other person acting under regulations made under this Act.

43 Selling or supplying firearm or airgun to unlicensed person

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

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

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

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

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

43A Mail order sale of firearm or ammunition

- (1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who sells by mail order a firearm or any ammunition for a firearm or restricted weapon otherwise than pursuant to a written order—
 - (a) signed by the purchaser; and
 - (b) bearing an endorsement signed by a member of the Police and stating that the member of the Police—
 - (i) has inspected the purchaser's firearms licence; and
 - (ii) is satisfied that the purchaser is a fit and proper person to purchase that firearm or ammunition.

- (2) Nothing in this section applies in relation to—
- (a) any pistol, restricted weapon, or military style semi-automatic firearm; or
 - (b) any ammunition for a firearm to which paragraph (a) or paragraph (b) or paragraph (c) of section 22(1) applies.

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

43B Restriction on sales of ammunition

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

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

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

44 Selling or supplying pistol, military style semi-automatic firearm, or restricted weapon to person who does not hold permit to import or to procure

- (1) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$4,000 or to both who sells or supplies a pistol, military style semi-automatic firearm, or restricted weapon to any person other than a person who is authorised—
- (a) by a permit issued for the purposes of section 16(1) to bring or cause to be brought or sent into New Zealand that pistol, military style semi-automatic firearm, or restricted weapon; or
 - (b) by a permit issued under section 35 to procure that pistol, military style semi-automatic firearm, or restricted weapon.
- (2) In any prosecution for an offence against subsection (1) in which it is proved that the defendant sold or supplied a pistol or a military style semi-automatic firearm or a restricted weapon to any person, the burden of proving that that person was the holder of—
- (a) a permit which was issued for the purposes of section 16(1) and which authorised that person to bring or cause to be brought or sent into New Zealand that pistol, military style semi-automatic firearm, or restricted weapon; or
 - (b) a permit which was issued under section 35 and which authorised that person to procure that pistol, military style semi-automatic firearm, or restricted weapon,— shall lie on the defendant.
- (3) It is a good defence to a prosecution for an offence against subsection (1) if the defendant proves, in the case of a prosecution relating to the supply of a pistol to any person,—

- (a) that the pistol was supplied to that person for use both—
 - (i) on the range of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of section 29; and
 - (ii) under the immediate supervision of the holder of a firearms licence bearing an endorsement permitting that person to have possession of that pistol or a pistol of that kind; and
 - (b) that at all times while that person was in possession of the pistol he was both on such a range and under the immediate supervision of the holder of such a firearms licence.
- (4) A defendant may, in the case of a prosecution relating to the sale or supply of a pistol, military style semi-automatic firearm, or restricted weapon to any person, discharge the burden of proof placed on him by subsection (2) by proving that he took reasonable steps to ascertain whether that person was the holder of a permit of the kind described in paragraph (a) or paragraph (b) of subsection (1).

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

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

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

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

Regulation 44(4): amended, on 1 November 1992, by section 22(2) of the Arms Amendment Act 1992 (1992 No 95).

45 Carrying or possession of firearms, airguns, pistols, restricted weapons, or explosives, except for lawful, proper, and sufficient purpose

- (1) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 4 years or to a fine not exceeding \$5,000 or to both who, except for some lawful, proper, and sufficient purpose,—
- (a) carries; or
 - (b) is in possession of—
any firearm, airgun, pistol, restricted weapon, or explosive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000 or to both who, except for some lawful, proper, and sufficient purpose, uses, discharges, or carries anywhere any firearm of the kind known as—

- (a) a bolt gun or a stud gun:
- (b) a humane killer:
- (c) a tranquilliser gun:
- (d) a stock marking pistol:
- (e) an underwater spear gun:
- (f) a flare pistol:
- (g) a deer net gun:
- (h) a pistol that is part of rocket or line throwing equipment:
- (i) a miniature cannon.

- (2) In any prosecution for an offence against subsection (1) in which it is proved that the defendant used, discharged, or carried a firearm of a kind described in that subsection, the burden of proving the existence of some lawful, proper, and sufficient purpose shall lie on the defendant.

49A Unlawful possession of firearm or airgun after revocation of firearms licence

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

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

50 Unlawful possession of pistol, military style semi-automatic firearm, or restricted weapon

- (1) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$4,000 or to both who—
 - (a) is in possession of a pistol and is not a person authorised or permitted, expressly or by implication, by or pursuant to this Act, to be in possession of that pistol; or
 - (b) is in possession of a restricted weapon and is not a person authorised or permitted, expressly or by implication, by or pursuant to this Act, to be in possession of that restricted weapon;
 - (c) is in possession of a military style semi-automatic firearm and is not a person authorised or permitted, expressly or by implication, by or pursuant to this Act, to be in possession of that military style semi-automatic firearm.
- (2) It is not an offence against this section to be in possession of a pistol that is an antique firearm.
- (3) In any prosecution for an offence against subsection (1) in which it is proved that the defendant was in possession of a pistol, military style semi-automatic firearm, or restricted weapon, the burden of proving that the defendant was authorised or permitted, expressly or by implication, by or pursuant to this Act to be in possession of that pistol, military style

semi-automatic firearm, or restricted weapon shall lie on the defendant.

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

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

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

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

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

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

- (1) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 3 years or a fine not exceeding \$4,000 or to both who, except for some lawful purpose,—
 - (a) carries in a public place; or
 - (b) has in his possession in any public place—
any firearm, airgun, pistol, ammunition, explosive, or restricted weapon.
- (2) In any prosecution for an offence against subsection (1), in which it is proved that the defendant was carrying in any public place or had in his possession in any public place any firearm, airgun, pistol, ammunition, explosive, or restricted weapon, the burden of proving the existence of some lawful purpose shall lie on the defendant.

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

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

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

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

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

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

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

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

54 Use or attempted use of firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive to resist or prevent arrest or commit offence

- (1) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 7 years who makes or attempts to make any use whatsoever

of any restricted weapon, imitation firearm, ammunition, or explosive with intent to resist or prevent the lawful arrest or detention of himself or another person.

- (2) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 5 years who, at the time of his committing an offence punishable by imprisonment for a term of 3 years or more, has in his possession any firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive.
- (3) It is a good defence to a prosecution for an offence against subsection (2) if the defendant proves that he had the firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive in his possession for a lawful purpose.

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

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

55 Carrying firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with criminal intent

- (1) Every person commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding 5 years who has with him any firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive, with intent to commit an offence punishable by imprisonment for a term of 3 years or more or to resist arrest or prevent the arrest of another person, in either case while he has the firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with him.
- (2) In a prosecution for an offence against subsection (1), proof that the defendant had any firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with him and intended to commit an offence, or to resist or prevent arrest, is evidence that he intended to have it with him while doing so.

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

56 Obstruction of member of Police

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

Compare: 1958 No 21 s 19

57 Offences committed by corporations

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

Compare: 1958 No 21 s 22

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

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

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

59 Unsafe firearms or pistols

- (1) Where, in the opinion of a commissioned officer of Police, any firearm or pistol is unsafe, that commissioned officer may, by notice in writing to the owner of that firearm or pistol, require the owner to ensure that that firearm or pistol is brought to a safe standard of repair and produced to a member of the Police within a period or by a date specified in the notice.
- (2) If the owner of any firearm or pistol fails to comply with a notice given to him under subsection (1) in respect of that firearm or pistol, a commissioned officer of Police may, by notice in

writing to that owner, require him to surrender that firearm or pistol forthwith to a member of the Police.

- (3) Any owner of a firearm or pistol who is required—
- (a) by a notice under subsection (1) to ensure that a firearm or pistol is brought to a safe standard of repair and produced to a member of the Police within a period or by a date specified in the notice; or
 - (b) by a notice under subsection (2) to surrender a firearm or pistol to a member of the Police,—
- may appeal under section 62 against the requirement, and that section shall apply accordingly with all necessary modifications.
- (4) Every owner of a firearm or pistol commits an offence and is liable on summary conviction to a fine not exceeding \$500 who fails to comply with a notice given to him under subsection (2) in respect of that firearm or pistol.
- (5) Nothing in this section applies in respect of an antique firearm.
Compare: 1958 No 21 s 11A; 1968 No 21 s 4; 1976 No 151 s 7

Search and seizure of firearms
[Repealed]

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

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

[Repealed]

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

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

[Repealed]

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

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

[Repealed]

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

Appeals

62 Right of appeal from official decisions

(1) Any person—

- (a) whose application for—
 - (i) a dealer's licence; or
 - (ia) consent under section 7A; or
 - (ii) a permit for the purposes of section 16(1); or
 - (iii) a firearms licence; or
 - (iv) an endorsement under section 30 or section 30B or section 36; or
 - (v) a permit under section 35, to procure a pistol, military style semi-automatic firearm, or restricted weapon,—has been refused; or
- (b) whose—
 - (i) dealer's licence; or
 - (ii) permit for the purposes of section 16(1); or
 - (iii) firearms licence; or
 - (iv) endorsement under section 30 or section 30B or section 36; or
 - (v) permit, under section 35, to procure a pistol, military style semi-automatic firearm, or restricted weapon,—has been revoked or has been issued subject to conditions imposed by a member of the Police; or
- (c) who has been served with a notice under section 41 or section 59,—

may, by way of originating application, appeal to a District Court Judge from the refusal to grant any such licence or permit or from the revocation of any such licence or permit or against the imposition of the conditions or against the giving of the notice, as the case may be.

- (2) On the hearing of an appeal under subsection (1), the District Court Judge may, subject to subsection (3), confirm, vary, or reverse the decision appealed against.
- (3) Where—
- (a) an application for a firearms licence has been refused on the ground set out in section 24(2); or
 - (b) a firearms licence has been revoked on the ground set out in section 27(1)(b)—
- the District Court Judge may, notwithstanding that he finds any such ground established, vary or reverse the decision appealed against if he is satisfied that, since the decision was given, adequate measures have been taken to deny access to the firearm to the person whose likelihood of access to it was the basis of the refusal or revocation.
- (4) Notwithstanding that any appeal under this section may have been determined in favour of the appellant, any commissioned officer of Police, in exercise of the powers conferred on him by this Act, may, subject to the like right of appeal, revoke any licence or permit to which the appeal related or any licence or permit granted in compliance with the decision of the District Court Judge on the appeal, on any sufficient grounds supported by facts or evidence discovered since the hearing of the appeal.
- (5) Subject to subsection (4) and to section 64, the decision of the District Court Judge on any appeal under this section shall be final and conclusive.
- (6) No person shall be excused from complying with any of the provisions of this Act on the ground that an appeal is pending under this section.

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

Section 62(1)(a)(ia): inserted, on 1 November 1992, by section 28(1) of the Arms Amendment Act 1992 (1992 No 95).

Section 62(1)(a)(iv): substituted, on 1 November 1992, by section 28(2) of the Arms Amendment Act 1992 (1992 No 95).

Section 62(1)(a)(v): substituted, on 1 November 1992, by section 28(2) of the Arms Amendment Act 1992 (1992 No 95).

Section 62(1)(b)(iv): substituted, on 1 November 1992, by section 28(3) of the Arms Amendment Act 1992 (1992 No 95).

Section 62(1)(b)(v): substituted, on 1 November 1992, by section 28(3) of the Arms Amendment Act 1992 (1992 No 95).

63 Appeal to District Court Judge in respect of compensation

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

Compare: 1958 No 21 s 15

64 Appeal on a question of law

- (1) Where any party to any appeal under section 62 or to any application under section 63 is dissatisfied with the decision of the District Court Judge as being erroneous in point of law, he may appeal to the High Court by way of case stated for the opinion of that court on the question of law only.
- (2) The provisions of Part 4 of the Summary Proceedings Act 1957 (including the other provisions of that Act which are applied in that Part), as far as they are applicable and with the necessary modifications, so far as they relate to appeals on points of law only by way of case stated, shall apply with respect to every appeal under subsection (1).

Restoration of articles seized

65 Restoration of articles seized

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

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

Foreign personal protection officers
[Repealed]

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

65A Interpretation*[Repealed]*

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

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

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

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

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

65D Grounds for issue of written authority or written permit*[Repealed]*

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

65E Conditions of written authority or written permit*[Repealed]*

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

65F Inspections*[Repealed]*

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

65G Power to revoke*[Repealed]*

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

65H Expiry of sections 65A to 65G

- (1) Sections 65A to 65G expire with the close of 30 September 1999, and on 1 October 1999—
 - (a) those sections, and the heading above section 65A, are to be treated as having been repealed; and
 - (b) all written authorities issued under section 65B(1), and all written permits issued under section 65C(1), are to be treated as having been revoked.

- (2) If a written authority or written permit is treated under subsection (1)(b) as having been revoked, the foreign personal protection officer to whom it was issued must—
- (a) immediately deliver the firearms, airguns, pistols, restricted weapons, and ammunition to which the authority or permit relates into the possession of the Police: and
 - (b) as soon as practicable after they have been so delivered, arrange for their removal from New Zealand.

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

Miscellaneous provisions

66 Occupier of premises or driver of vehicle deemed to be in possession of firearm, airgun, pistol, imitation firearm, restricted weapon, or explosive found therein

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

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

67 Liability of principal for acts of agent, etc

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

or connivance or that it was attributable to any neglect on his part.

Compare: 1975 No 116 s 17(1)

68 Time for prosecutions not limited

Section 14 of the Summary Proceedings Act 1957 shall have no application to prosecutions for offences against this Act.

Compare: 1958 No 21 s 21

69 Forfeitures

- (1) When any person is convicted of using, carrying, or being in possession of any firearm, airgun, pistol, restricted weapon, imitation firearm, ammunition, or explosive in breach of this Act, the convicting court may, as part of the conviction, order that any such firearm, airgun, pistol, restricted weapon, imitation firearm, ammunition, or explosive shall be forfeited to the Crown.
- (2) Any firearm, airgun, pistol, restricted weapon, imitation firearm, ammunition, or explosive ordered, under subsection (1) to be forfeited to the Crown—
 - (a) shall thereupon become forfeited to the Crown accordingly; and
 - (b) may be disposed of in such manner as the Commissioner directs.

Compare: 1958 No 21 s 29; 1976 No 151 s 14

70 Authorising disposal of firearms, etc, detained by Police

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

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

71 Protection of persons acting under authority of this Act

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

Compare: 1958 No 21 s 31

72 Delegation of powers by Commissioner

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

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

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

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

72A Service of documents

- (1) Any notice or other document required or authorised by this Act to be served on or given to any person shall be in writing and shall be sufficiently served on or given to that person if it is—
 - (a) delivered to that person; or
 - (b) left at that person's usual or last known place of abode or business or at an address specified by that person for the purpose of any application made under this Act; or
 - (c) posted in a letter addressed to that person by name at that person's last known place of abode or business or at an address specified by that person for the purpose of any application made under this Act.
- (2) Without limiting the provisions of subsection (1), any notice or other document required or authorised by this Act to be served on or given to any person shall be deemed to have been duly served on or given to that person if it is given—
 - (a) to any person appearing to have attained the age of 16 years and to be residing at the place of residence of that person; or
 - (b) to any solicitor or other agent of that person who is duly authorised by that person to receive the same.
- (3) If the person is deceased, the notice or other document may be served on or given to that person's personal representatives.
- (4) If the person is absent from New Zealand and his or her place of abode or business outside New Zealand is not known to the person by whom the notice or other document is to be served or given, the notice or other document shall (unless it can be served on or given to an agent in New Zealand of the person who is absent from New Zealand) be served or given in such manner as may be directed by an order of a District Court.
- (5) Where any notice or other document is sent by post in accordance with subsection (1)(c),—
 - (a) it shall, if sent to an address in New Zealand, be deemed, in the absence of evidence to the contrary, to have been served or given on the fourth working day after the date on which it was posted; and
 - (b) it shall, if sent to an address outside New Zealand, be deemed in the absence of evidence to the contrary, to

- have been served or given on the 60th working day after the date on which it was posted; and
- (c) in proving service, it shall be sufficient to prove that the letter was properly addressed and posted.
- (6) Notwithstanding anything in the foregoing provisions of this section, a District Court may in any case make an order directing the manner in which any notice or other document is to be served or given, or dispensing with the service or giving thereof.
- (7) This section does not apply to notices or other documents served or given in any proceedings in any court.

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

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

- (1) Notwithstanding anything in this Act, but subject to any prohibitions, limitations, restrictions, or conditions imposed by or pursuant to any regulations made under this Act,—
- (a) any carrier may have possession of a firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive in the course of carriage under a contract of carriage:
- (b) any person who seizes any article, being a firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive, in the exercise of a power conferred on him by any Act may have possession of that article so long as he is acting in the exercise of that power and in connection with his official duties.
- (2) In subsection (1)(a), **carrier** includes any postal operator within the meaning of the Postal Services Act 1998.

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

74 Regulations

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

- (a) regulating the issue, renewal, and replacement of permits and licences and the granting of endorsements:
- (b) prescribing the manner and content of applications for permits, licences, and endorsements and of other applications under this Act, and requiring such applications to be supported by statutory declarations and by such other documents or information as may be prescribed:
- (ba) providing for photographs of licence holders to be affixed to or imaged into dealers licences or firearms licences or both and prescribing requirements in relation to those photographs:
- (c) providing for applicants for firearms licences to pass theoretical and practical tests as to their ability to handle firearms safely or to undergo courses of training designed to teach them to handle firearms safely:
- (d) exempting applicants or classes of applicants for firearms licences from passing tests prescribed under paragraph (c):
- (e) prescribing conditions to which permits, licences, and endorsements shall be subject:
- (f) prescribing or providing for the fixing of fees payable in respect of any licence, application, or other matter under this Act, the manner of assessing any such fee, and the other matters in respect of which fees are to be payable:
- (g) prescribing forms of applications, permits, licences, endorsements, registers, notices, and other documents required for the purposes of this Act, or authorising the Commissioner to prescribe or approve such forms, and requiring the use of such forms:
- (h) prescribing the particulars to be recorded by licensed dealers:
- (i) making provision for the security of any premises at which a licensed dealer carries on business and prescribing precautions to be taken to prevent the theft or misuse of firearms, airguns, pistols, restricted weapons, ammunition, and explosives in the possession of licensed dealers:

- (j) making provision for the security of premises at which any firearm or class of firearm is kept, and prescribing precautions to be taken to prevent the theft or misuse of firearms, airguns, pistols, restricted weapons, ammunition, and explosives in the possession of any person or class of persons:
 - (k) specifying for the purposes of section 29 classes of persons who may be permitted to obtain endorsements permitting them to have possession of pistols or restricted weapons:
 - (l) making provision for the marking of firearms with identifying marks before the issue of a licence or permit:
 - (la) declaring any firearm to be an antique firearm for the purposes of this Act:
 - (m) defining firearms either generally or for the purposes of any particular provisions of this Act:
 - (n) applying any of the provisions of this Act to rifles, guns, or pistols of any calibre that are not firearms properly so called:
 - (o) excluding any firearms or ammunition or parts of firearms or restricted weapons from any of the provisions of this Act:
 - (p) enabling the Commissioner to direct that only certain members of the Police may issue permits or licences or grant endorsements under this Act:
 - (q) conferring or providing for exemptions from any provision of any regulation made under this Act:
 - (r) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act, and the amounts of fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding \$400:
 - (s) providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.
- (2) Notwithstanding the provisions of any regulations made under this Act, the Commissioner may dispense with the payment of any fee payable under any such regulations.

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

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

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

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

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

75 Consequential amendment to Summary Proceedings Act 1957

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

76 Consequential amendments to Trespass Act 1980

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

77 Repeals

The enactments specified in the Schedule are hereby repealed.

78 Transitional provisions

- (1) Every dealer's licence which is issued under the Arms Act 1958 and which is in force immediately before the commencement of this Act shall, until the close of 31 March 1985, continue and have effect as if it had been issued under this Act; and any such licence may be revoked or renewed under this Act.
- (2) Every permit which is issued under section 6 of the Arms Act 1958 and which is in force immediately before the commencement of this Act shall, subject to section 18(3) of this Act, continue and have effect as if it had been issued for the purposes of section 16(1) of this Act.
- (3) Every permit which is issued under section 7 of the Arms Act 1958 and which is in force immediately before the commencement of this Act shall cease to have effect on the commencement of this Act.
- (4) Every person who, immediately before the commencement of this Act, is lawfully in possession of a firearm by virtue of—
 - (a) being registered as the owner of that firearm under section 9 of the Arms Act 1958; or

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

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

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Enactments repealed

Arms Act 1958 (1958 No 21) (RS Vol 1, p 155)

Arms Amendment Act 1962 (1962 No 59) (RS Vol 1, p 182)

Arms Amendment Act 1964 (1964 No 36) (RS Vol 1, p 182)

Arms Amendment Act 1966 (1966 No 18) (RS Vol 1, p 183)

Arms Amendment Act 1968 (1968 No 21) (RS Vol 1, p 184)

Arms Amendment Act 1971 (1971 No 46) (RS Vol 1, p 185)

Arms Amendment Act 1974 (1974 No 68) (RS Vol 1, p 185)

Arms Amendment Act 1976 (1976 No 151) (RS Vol 1, p 186)

Arms Amendment Act 1992

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

1 Short Title and commencement

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

Transitional provisions

32 Duration of existing firearms licences

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

33 Calling-in of existing firearms licences

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

34 Surrender of firearms licences

If the holder of the firearms licence does not wish to continue to be the holder of a firearms licence, he or she shall surrender

his or her firearms licence by delivering it or causing it to be delivered to a member of the Police at an Arms Office.

35 Applications for new firearms licences

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

36 Re-issue of firearms licences

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

37 Photographs of holders of firearms licences or dealers' licences

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

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

- (1) Where a notice under section 33(1) is given to a person who was the holder of a firearms licence on 1 November 1992 and that person does not, within the period of 6 months beginning with the date on which that notice was given to that person, comply with section 34 or section 35, that licence, unless sooner cancelled, revoked, or surrendered, shall be deemed to be revoked as from the close of that period.
- (2) Where a licence is deemed to be revoked by subsection (1), the person to whom the licence was issued shall cease to be licensed to possess firearms, airguns, pistols, or restricted weapons by virtue of that licence or any endorsement on it.

39 Power to reinstate licences deemed to be revoked

- (1) Notwithstanding anything in section 38, where a person whose firearms licence has been revoked by section 38(1) satisfies a member of the Police, before the close of 31 October 2002, that—
 - (a) that person did not receive the notice sent to that person under section 33(1); or
 - (b) that person has a reasonable excuse for failing to comply with section 35,—

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

- (2) No member of the Police shall give a direction under subsection (1) for the reinstatement of any person's firearms licence unless that member of the Police is satisfied that that person has delivered to an Arms Office—
 - (a) that firearms licence or a letter explaining why that person is unable to produce that firearms licence; or
 - (b) the photographs required by that notice.
 - (3) Where a firearms licence is reinstated under subsection (1), a member of the Police shall forthwith proceed to consider under section 36 whether that person is a fit and proper person to be in possession of a firearm or airgun and sections 36 and 37 shall, with all necessary modifications, apply accordingly.
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Search and Surveillance Act 2012

Public Act 2012 No 24
Date of assent 5 April 2012
Commencement see section 2

1 Title

This Act is the Search and Surveillance Act 2012.

2 Commencement

- (1) Part 1 and subpart 1 of Part 3 (other than section 49(3) and (4)), and sections 136, 140, 141, 148, 162, 165, 166, 167, 168, 169, 170, 171, 172, 175, 179, 180, 181, 247, 248, 251(3), 325 (other than section 325(4) and (6)), 334(1) and (7), 337(4), 342, 343, 346, 347, 349, 350, 352, 353, 354, 355, and 356 come into force on 18 April 2012.
- (2) The rest of this Act comes into force on a date appointed by the Governor-General by Order in Council, and 1 or more Orders in Council may be made bringing different provisions into force on different dates.
- (3) To the extent that it is not previously brought into force under subsection (2), the rest of this Act comes into force on 1 April 2014.
- (4) In this section, **provision** includes any item, or any part of an item, in the Schedule.

Section 2(2): Part 2, section 49(3), (4), subparts 2–4 of Part 3, Part 4 (except sections 136, 140, 141, 148, 162, 165–172, 175, 179–181), Part 5 (except sections 201(3)–(9), 247, 248, 251(3), 302, 325(1)–(3), (5), (7)–(13), 334(1), (7), 337(4), 342, 343, 346, 347, 349, 350, 352–356) and the Schedule (except the items relating to the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 and the Tax Administration Act 1994) brought into force, on 1 October 2012, by clause 3 of the Search and Surveillance Act Commencement Order 2012 (SR 2012/229).

Part 1 General provisions

5 Purpose

The purpose of this Act is to facilitate the monitoring of compliance with the law and the investigation and prosecution

of offences in a manner that is consistent with human rights values by—

- (a) modernising the law of search, seizure, and surveillance to take into account advances in technologies and to regulate the use of those technologies; and
- (b) providing rules that recognise the importance of the rights and entitlements affirmed in other enactments, including the New Zealand Bill of Rights Act 1990, the Privacy Act 1993, and the Evidence Act 2006; and
- (c) ensuring investigative tools are effective and adequate for law enforcement needs.

Part 5

Amendments, repeals, and miscellaneous provisions

Subpart 4—Regulation-making powers,
transitional provisions, and review provision

Transitional provisions

351 Transitional provision relating to provisions brought into force under section 2

- (1) Despite any amendment in Part 5 of this Act,—
 - (a) where an application has been made under an authorising Act before the relevant commencement, and the application is not finally determined before that date, the provisions of that Act continue to apply to the application and to any matter or obligation relating to the application in all respects as if this Act (other than this section and any provisions in force immediately before the relevant commencement) had not been enacted; and
 - (b) those provisions continue to apply to a continuing warrant and to any matter relating to the warrant in all respects as if this Act (other than this section and any provisions in force immediately before the relevant commencement) had not been enacted; and
 - (c) those provisions continue to apply to any other proceeding, matter, or thing commenced and not completed before the relevant commencement as if this Act (other than this section and any provisions in force immedi-

ately before the relevant commencement) had not been enacted.

(2) Subsection (1)(c) does not limit the provisions of the Interpretation Act 1999.

(3) In this section,—

authorising Act means an Act amended by Part 5

continuing warrant means a warrant or other authority issued under an authorising Act—

(a) before the relevant commencement; or

(b) on or after that date on an application made before that date

relevant commencement, in relation to an authorising Act, means the commencement of a provision in Part 5 that amends an authorising Act.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Arms Act 1983. The reprint incorporates all the amendments to the Act as at 1 October 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Search and Surveillance Act 2012 (2012 No 24): section 323
Cluster Munitions Prohibition Act 2009 (2009 No 68): section 20
Policing Act 2008 (2008 No 72): section 130(1)
Visiting Forces Act 2004 (2004 No 59): section 26
Arms Amendment Act 2000 (2000 No 53)
Arms Amendment Act 1999 (1999 No 23)
Anti-Personnel Mines Prohibition Act 1998 (1998 No 111): sections 28, 30
Postal Services Act 1998 (1998 No 2): section 62(1)
Hazardous Substances and New Organisms Act 1996 (1996 No 30): section 149
Domestic Violence Act 1995 (1995 No 86): section 130(1)
Arms Amendment Act 1992 (1992 No 95)

Regulations (Disallowance) Act 1989 (1989 No 143): section 11
Public Finance Act 1989 (1989 No 44): section 65R(3)
Arms Amendment Act 1987 (1987 No 166)
Crimes Amendment Act (No 2) 1986 (1986 No 71): section 7
Arms Amendment Act 1985 (1985 No 5)
Arms Act 1983 (1983 No 44): section 65H(1)(a)
