

# **Arms Bill**

Government Bill

As reported from the Justice Committee

## **Commentary**

### **Recommendation**

The Justice Committee has examined the Arms Bill and recommends by majority that it be passed. We recommend all amendments unanimously.

### **Introduction**

This bill would repeal and replace the Arms Act 1983. The Act has been in force for more than 40 years, during which time the firearms landscape has changed significantly. While the Act has been amended over time, it has never been comprehensively reviewed or modernised.

The bill would substantially restructure the Act to improve clarity and coherence, and to modernise the regulatory framework. Its focus is on providing a simple and effective firearms regulatory system that prioritises public and individual safety while seeking to improve compliance.

The bill would retain many aspects of the current Act, but would make several significant changes. They include:

- establishing a specialist firearms regulator to oversee all aspects of firearms regulation; the regulator would operate independently from the Police
- updating existing definitions
- making several changes to the firearms licence process, including extending the duration of a business licence, and creating a dedicated “curator licence” for the museum sector and a new museum worker licence for museum employees
- creating a category of visitor licences for visitors to New Zealand intending to stay continuously for less than 1 year

- establishing a Firearms Licensing Review Committee to review decisions relating to firearms licences
- extending the duration of prohibited firearms endorsements for pest controllers to 5 years
- exempting business licence holders who repair or modify firearms from permit-to-possess and registry requirements for certain short-term activities
- enabling two new pathways to lawful ownership for people who possess items they should not have: permanent deactivation or conversion of previously lawful prohibited firearms to standard firearms
- increasing most existing penalties in the Act to better reflect the seriousness of firearms-related offending, and creating new offences to address harmful behaviours not currently in the Act.

### **Legislative scrutiny**

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We wish to bring the House's attention to the regulation-making power in clauses 363 and 364, which we discuss below.

### **Proposed amendments**

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

### **Commencement date**

The bill as introduced would come into force on a date or dates set by Order in Council. Any remaining provisions would come into force 12 months after Royal assent. This aims to provide the flexibility to bring different parts of the bill into force at staged times, rather than requiring everything to commence immediately on the same date.

We agree that allowing implementation to be sequenced would give the regulator, affected organisations, and licence holders time to prepare for the new obligations. However, we think it is desirable to specify some dates to give certainty to affected stakeholders. We recommend amending clause 2 so that the bill would come into force on 23 September 2026 with some exceptions. Under our proposed clause 2(2), certain clauses that apply to ammunition sellers would come into force on 23 July 2027. Under clause 2(3) as amended, any remaining clauses would come into force on 23 February 2028.

### **Definitions**

Clauses 5 to 11 define terms that are used throughout the bill. As introduced, the term "import" would mean to bring or send any item or cause the item to be sent to or brought into New Zealand. We recommend amending the definition of "import" to specify that the term would not include items that are temporarily stored in New Zealand on the way to their destination.

As introduced, the bill's definition of "possess" is intended as a plain language clarification to support the operation of multiple clauses. We think that the definition is too broad and could capture other occupants of a house or premises, even if they do not have access to where the firearms are stored. We are also aware that "possession" is already a well-established concept in case law. Therefore, we consider the definition unnecessary and recommend removing it from clause 5.

We also recommend amending clause 5 to replace "officer of the Arms Regulator" with "arms officer". This new definition would mean the chief executive of the Arms Regulator or any person who performs functions or duties, or exercises powers, under delegated authority of the chief executive. This would reflect our recommended change to clause 306, where a delegation may be made to any person. Most often a delegation would be to an employee of the Police, but in some cases a delegation may be to other persons.

Clause 8 would define "restricted airgun", with clause 8(1)(a) restricting airguns that have the appearance of a standard firearm. We think that the appearance-based test in this clause is ambiguous and could unintentionally classify most airguns as restricted, particularly when assessed by people unfamiliar with firearms. We recommend amending the definition of "restricted airgun" so it does not capture airguns that look like standard firearms, and aligns with the existing definition of restricted airgun in section 2 of the Arms Act.

#### *Guided hunts*

Clause 6(1)(b)(i) would exclude small-scale hunting guides from the definition of "business activities" and, therefore, from the business licence regime. We think this clause should be clearer to better reflect its intent. Individuals who hold a firearms licence should be able to provide hunting guide services without a business licence, provided they supply no more than six firearms to their clients. We recommend amending clause 6(1)(b)(i) to make this clearer.

We considered a scenario in which multiple firearms licence holders are conducting guided hunts concurrently, each involving no more than six firearms. We were advised that the bill would allow for this scenario, provided each guide holds a firearms licence and does not supply more than six firearms during a given guided hunt.

#### **Act binds the Crown**

Clause 13 would confirm that the Act binds the Crown while preserving the ability of the Crown and specified public officials to import, possess, use, manufacture, and supply arms when acting in authorised roles.

Clause 13(7) states that unless the Attorney-General gave leave, a member of the Police could not be prosecuted for an offence under the Act while undercover if they acted in good faith. We note that the Act as it stands does not include "good faith" in section 3(6) (the non-liability provision that clause 13(7) replicates). We recommend removing "good faith" from clause 13(7) to maintain consistency with the Act and avoid any unintended consequences.

**Exemptions from requiring a permit for short-term repairs**

Clauses 21(2)(b) and 33(2)(b) would exempt gunsmiths from needing a permit when taking possession of a pistol, restricted firearm, or restricted weapon for short-term repairs. These clauses would link to clause 349 that would require the arms registry to be updated within 7 days of the item being transferred to the gunsmith.

We think that 7 days is too short a time frame for repairs, especially if a part must come from overseas. We have sought to balance a more suitable period for repairs against the risk to public safety that pistols, restricted firearms, and restricted weapons pose. We recommend amending clauses 21(2)(b) and 33(2)(b) to 21 days before a licensed business requires a permit-to-possess.

We also recommend amending clause 349 by inserting subclause (2A) and a new definition of “temporary transaction for repair or modification”. The new definition would mean that the transfer of a pistol, restricted firearm, or restricted weapon to a gunsmith for repair and its return to the owner within 21 days would not need to be recorded in the arms registry.

**Possession of large-capacity pistol magazine**

The policy intent of clause 27 is to enable a person to possess a large-capacity pistol magazine if their licence endorsement allows them to possess a pistol. The clause is not intended to create a separate endorsement category for those magazines. We recommend amending clause 27(1) to make this intent clearer. We recommend consequential amendments throughout the bill to delete references to, and endorsement for, a “large capacity pistol magazine”.

**Requirements to possess restricted parts and restricted ammunition**

Clauses 36 and 37 set out requirements for possessing restricted parts and restricted ammunition. We note that the bill is not clear about who may possess a restricted part or restricted ammunition. We recommend amending clauses 36 and clause 37 to make this clearer.

**Sale and supply of restricted ammunition**

As introduced, clause 53 would prohibit anyone from selling or supplying restricted ammunition. Several submitters told us that an outright ban on trading restricted ammunition could affect long-standing historical collections. They suggested that collectors should be permitted to continue collecting restricted ammunition under a permit or endorsement regime.

We accept that banning the sale or supply of restricted ammunition could disadvantage bona fide collectors who have been authorised to possess restricted ammunition under section 9J of the Arms Regulations. We recommend amending clause 53 to prevent a person selling or supplying restricted ammunition unless they are authorised or permitted by or under this Act to do so.

### **Requirements for museums and museum workers**

Under section 5 of the Act, both curators and directors of museums can hold a dealer licence to display a class of arms. Clause 99(1)(a) of the bill would enable a curator of a museum to apply for a curator licence.

We think this clause could restrict eligibility for a curator licence to an individual formally titled “curator”. At larger museums the curator role does not necessarily have authority over the museum’s management or administrative decisions. We think this could create a risk where the licence holder lacks the ability to control or influence these matters. We recommend amending clause 99 by providing that a person may apply for a “museum licence” if they are a senior manager of a museum or a curator.

In line with this change to clause 99, we consider that it could be clearer that a museum must be licensed to possess, display, and store arms items and ammunition. Therefore, we recommend replacing clause 62 with provisions specifying that a museum may only possess, display, and store arms items, ammunition, and restricted ammunition if a senior manager or a curator holds a museum licence. The museum licence would authorise the possession, display, and storage of those classes of arms items, or types of ammunition and restricted ammunition in the museum.

We recommend amending clause 5 by removing the definition of “curator licence” and inserting definitions for “licensed museum”, “museum licence”, “museum worker”, and “senior manager” to reflect the changes to clauses 62 and 99.

#### *Endorsement requirements for a museum worker*

Clause 63 would require a museum worker to be licensed when possessing, displaying, and storing arms items in the performance of their duties. A museum worker is “licensed” if they hold either a firearms licence or a museum worker licence.

In the bill, clause 63(2) states that a museum worker would not require an endorsement on their museum worker licence to possess a restricted firearm or parts. We think that the bill does not clearly state that this clause also applies to any individual who holds a firearms licence (rather than a museum worker licence), is employed by the museum or volunteers at a museum and performs their duties in their capacity as a museum worker.

We recommend amending clause 63 and inserting new clause 63A to specify that a museum worker would not require an endorsement on their firearms licence or museum worker licence, or a permit, to possess firearms when performing their duties.

#### *Duration of a museum worker licence*

Clause 117 would set the duration of a museum worker licence at 1 year for the first two years, then 5 thereafter, provided there are no compliance issues. This differs from the duration of a standard firearms licence, and we see no reason for misalignment between the durations of licence classes that are intended to be equivalent. We recommend amending clause 117 so the duration of a museum worker licence is aligned with a firearms licence: 5 years for a new licence and 10 years thereafter.

### **Reviews of firearms licensing decisions**

Clause 81 sets out the process that would follow a review of a firearms licensing decision. Clause 81(2) states that the chief executive would be required to notify an applicant of the decision made by the panel of the Review Committee, the reasons for the decision, and their right to appeal the decision.

We think that the applicant should also be told that the regulator has a right to appeal the panel's decision under clause 341(3). We consider that this provides more transparency by making the applicant aware of a potential appeal by the regulator. We recommend amending clause 81(2) accordingly.

Clause 81(3) provides that the original decision would remain in force until the panel's decision is notified to the applicant. In effect, the decision would come into force as soon as the applicant learned of it. We think the regulator should be given time to implement the decision of the Review Committee before it comes into effect. Therefore, we recommend amending clause 81(3) to state that the original decision remains in force for 5 working days after the panel's decision is notified to the applicant.

### **Duration of multi-entry visitor licence**

The bill proposes to introduce a new multi-entry licence that would be valid for up to 12 months. It would allow visitors to enter New Zealand multiple times to attend shooting events or go hunting without having to reapply for a licence each time they enter the country. Some submitters suggested that a 12-month duration is too short, particularly for those who return for duck shooting season, where the dates do not align exactly.

We consider that reassessing a visitor's fit and proper status to minimise public safety risks should be balanced against providing greater flexibility for annual shooting events. We recommend amending clause 130(3) to extend the duration of the multi-entry visitor licence up to a maximum of 18 months. This would provide more flexibility while ensuring that fit and proper reassessments occur at regular intervals when applicants reapply for a licence.

### **Notification of loss, theft, destruction, or non-delivery of arms items**

Clause 135 states that the owner of an arms item would be required to notify a member of the Police if an item is lost, stolen, or destroyed. "Arms item" is defined in clause 5 and captures non-prohibited minor parts and airguns that are not recorded in the registry. We recommend amending this clause by replacing "arms item" with a list specifying the items that must be notified.

Clause 136 provides that the holder of a firearms licence or business licence would need to notify the chief executive if an arms item they have purchased has not been delivered or has gone missing. We recognise that a person with a museum licence may also purchase firearms and, therefore, must report any non-delivery. We recommend amending clause 136(1) to include a holder of a museum licence.

### **Suspension of a licence**

In the bill as introduced, clauses 145–150 specify when a licence may or must be suspended and the effect of the suspension. We consider that the bill is not clear what types of licence clause 145 refers to. We recommend inserting new subclause (1AAA) to specify that the clause would apply to firearms, business, museum, and museum worker licences.

Clause 145 proposes that the chief executive may suspend a licence for 12 months if they are satisfied that a licence holder is not a fit and proper person on the basis of a notice given under clause 361 by a health practitioner. This suspension duration aims to give licence holders time to seek treatment without compromising public safety.

We think that limiting the information on which the suspension is based to a notice from a health practitioner might be overly restrictive as the regulator may get information from other sources, such as under the Mental Health (Compulsory Assessment and Treatment Act) 1992.

We consider that the chief executive should be given sufficient information to assess for themselves whether a person is mentally unwell and not be limited to notices from health practitioners. Therefore, we recommend amending clause 145(1)(a)(iv) to provide that the chief executive is satisfied that the licence holder is suffering from a form of mental illness or disorder.

Under clause 146(2) as introduced, if a licence holder is charged with an offence but the charge is withdrawn, dismissed, or stayed, the chief executive would need to confirm they are still a fit and proper person. We consider that this clause could be interpreted to mean that the regulator would be required to conduct an additional fit and proper assessment of an individual whose licence has been suspended but the charge did not progress. We think that an additional assessment is unnecessary and recommend removing clause 146(2)(b) from the bill.

#### *Suspending a firearms licence outside business hours*

We recommend amending the bill by inserting new clause 146A that would enable a constable to temporarily suspend a firearms licence when arms items are seized under the Search and Surveillance Act 2012. The suspension would expire when replaced by a suspension issued by the chief executive or at 5pm on the next working day, whichever is the earlier.

### **Power to seize only to be exercised by a constable**

Subpart 7 of Part 3 of the bill contains provisions relating to the expiry, surrender, suspension, and revocation of licences. We note that some clauses in this Part (clauses 147, 157, 158, 159, and 161) relate to a situation where a licence has been suspended or revoked and the licence holder fails to comply with the requirement to surrender arms items and ammunition. When this occurs, a constable would have the power to seize and take control of any arms items or ammunition of the licence holder.

For consistency, we propose amending clauses 141(2), 142(3), 147(3), 148(3), 157(3), 158(3), 159(3), and 161(3) to enable an arms officer to request a constable to seize arms items and ammunition.

### **Disposal of arms items and ammunition if a museum is no longer licensed**

Clauses 162 to 164 provide that the holder of a firearms, business, or visitor licence must dispose of arms items and ammunition within 3 months after the licence has expired, been surrendered, or revoked. We note that there is no equivalent requirement for a museum to dispose of arms items and ammunition if it is no longer licensed. This could arise if the museum licence of a senior manager or a curator of the museum had expired, been surrendered, or revoked, and no other senior manager or curator held a museum licence. We recommend inserting clause 163A, so museums also have 3 months to dispose of arms items, ammunition, and restricted ammunition after the expiry, surrender, or revocation of a museum licence.

### **Offence for visitor failing to surrender their licence when revoked**

Clause 165 would make it an offence if a person failed to surrender a licence that had been revoked. They would be liable on conviction to imprisonment for up to 2 years or a fine of up to \$20,000. We note that this clause applies to most forms of licence except for a visitor licence. We consider that a visitor should be treated the same as any other holder of a licence. We recommend inserting clause 165(5) accordingly.

### **Approval for ammunition sellers**

In the bill as introduced, individuals and businesses that intend to sell or supply ammunition on a commercial basis would need to obtain approval from the regulator, rather than simply notifying them as under the current Act. Clause 176 provides that an approval granted under clause 172 would continue in effect until revoked. We note that having no defined duration for an approval could cause uncertainty for an ammunition seller. It could also limit the regulator's ability to periodically confirm that a seller continues to meet safety and compliance standards.

We think the duration of approval to sell ammunition should align with the duration of a person's firearms licence. This would ensure regular reviews and make clear when the regulator needs to reassess suitability and compliance. We recommend amending clause 176 so that the duration of an approval to be an ammunition seller would align with the duration of the seller's firearms licence.

### **Conditions of endorsement for an animal and biosecurity controller**

Clause 190, which would come into force on 23 February 2028, would extend the duration of an endorsement on a firearms licence held by an animal and biosecurity controller to 5 years, unless the licence expires, or is surrendered or revoked. Under clause 188(3) animal and biosecurity controllers would be required to advise the chief executive 2 years and 6 months after the endorsement has been made whether there has been any change in circumstances affecting their entitlement to an endorsement.

We think it would be more appropriate to require endorsement holders to notify the regulator if there is any change in circumstances (for example, closing down their business) that affects their entitlement to the endorsement. We recommend amending clause 188(3) to this effect.

### **Revocation of endorsement**

Under clause 191(3) a licence holder could be required to surrender their licence to the chief executive for the cancellation of their endorsement. The licence holder would also cease to be entitled to possess a pistol, large-capacity pistol magazine, or a restricted weapon. As clause 24(1)(a) would require that a pistol endorsement is required to possess pistol carbine conversion kits, clause 191(3) should also cover a pistol carbine conversion kit.

As introduced, the clause does not make it clear that the regulator would require the restricted items to be removed from a person who no longer holds the endorsement. We recommend amending clause 191(3) to state that the licence holder must deliver the restricted items to an Arms officer or a Police employee on demand.

### **Certification or enrolment of shooting ranges**

Clauses 228 and 236 specify provisions for certifying a pistol shooting range and enrolling a non-pistol shooting range. This would include obligations on shooting ranges to demonstrate compliance with the Resource Management Act 1991 (RMA).

We are aware that the bill does not intend to create new obligations for shooting ranges to have resource consents. These obligations exist independently under the RMA and will vary depending on the range and the relevant council planning rules. We recommend amending clauses 228 and 236(2) to remove the requirement to demonstrate RMA compliance as part of range certification or enrolment. This would more effectively separate firearms and resource management regulatory regimes and provide greater certainty to range operators.

Clause 233 specifies how a pistol shooting range could renew its certification. Under the bill, a pistol shooting range may apply to renew its certification at any time before it expires, including up to one day before expiry. We understand that the bill contains no provision that would enable an extension of the certification while the pistol shooting range was awaiting the outcome of a renewal application. We consider that a pistol shooting range should be able to continue its operations while it is waiting for its certification to be renewed. Therefore, we recommend inserting clause 233A that would extend the certification of a pistol shooting range until the determination of its renewal application.

### **Functions of the Arms Regulator**

Clause 301 specifies the functions of the new Arms Regulator. We consider that another function should be to encourage information-sharing and reporting about risks and incidents involving firearms or people with access to firearms. We recommend inserting paragraph (ea) to provide for this.

**Power to inspect records of an animal and biosecurity controller**

Clause 273(2) provides for records to be kept by an animal and biosecurity controller in respect of the location of restricted firearms and restricted magazines that are shared between employees under a multi-user agreement. Clause 273(4) would make it offence to fail to comply with clause 273(2).

We consider that there is an accountability gap between clauses 273(2) and 273(4) as no provision is made to enable an arms officer to verify that records are being kept. We recommend inserting clause 273(3A) to permit an arms officer to inspect and make copies of the records kept by an animal and biosecurity controller.

**Means to serve a reminder notice**

Clause 279 would specify how an infringement notice may be served on a person who an arms officer believes is committing or has committed an infringement offence. Clause 281 relates to reminder notices. For consistency, we recommend inserting clause 281(2) to ensure consistency between the methods of serving infringement notices and reminder notices.

**Procedure for review by a panel of the Firearms Licensing Review Committee**

Clause 318 sets out the procedure for a panel of the Firearms Licensing Review Committee to review a decision that has been made by the chief executive of the Arms Regulator. This would relate to the issue or revocation of a firearms licence, or conditions imposed on a firearms licence. Clause 318(1) states that a review must be conducted “on the papers”. This means that the panel would determine the matter without an oral hearing, based solely on the written material before it.

We are concerned about a review only being made on the papers, particularly for applicants who might find it difficult to present their reasons for review effectively in writing. We think that an applicant should be able to present their case orally to the Review Committee. We consider that this should be done using electronic means—for example, via video conference or telephone. We recommend amending clause 318(1) to allow the panel to conduct an oral hearing by electronic means.

**Appointment and removal of the chief executive of the Arms Regulator**

Clauses 302 and 309 specify how a person would be appointed or removed as the chief executive of the Arms Regulator. We note that the chief executive would be an independent statutory officer, not a public service chief executive, and the clauses are consistent with the appointment and removal provisions for other statutory officers.

To address concerns that the appointment and removal processes as introduced could affect the neutrality of the position and undermine trust and confidence, we propose aligning them with the equivalent provisions in the Public Service Act 2020. We consider that this would make it clearer that an appointment would be based on merit, and politically neutral, and independent of Ministers. We recommend replacing clauses 302 and 309 with provisions that specify the principles and processes of appointing and removing a chief executive, similar to those in the Public Service Act.

We also recommend inserting new clause 302A specifying that the duration of a chief executive's term of appointment would not exceed 5 years, unless reappointed for 1 further term.

We note that clause 308(2) as introduced specifies that the terms and conditions of the chief executive's appointment would be determined by the responsible Minister. We consider that this would be inconsistent with the usual practice for statutory officers. We recommend amending this clause so the terms and conditions would be determined by the Secretary for Justice.

### **Responsibilities and duties of the chief executive**

Clause 303 specifies the responsibilities and independence of the Arms Regulator's chief executive. We think there should be more transparency between the Arms Regulator and the responsible Minister about the regulator's operations and performance. We recommend inserting clause 303(1A) to require the chief executive to supply the responsible Minister with any information relating to the regulator's operations and performance that the Minister requests.

We also recommend inserting clause 311C to better align the duties and responsibilities of the chief executive with those specified in the Public Service Act. The new clause would clarify that sections of the Public Service Act relating to public service principles, values, and minimum standards of integrity and conduct would apply.

We also propose changing clause 305, which would delegate employment powers to the chief executive of the Arms Regulator in relation to employees of the Police who perform the functions or duties, or exercise the powers of the regulator under delegated authority. We recommend removing clause 305(1)(a)(ii), which relates to sections 28 and 29 (general instructions) of the Policing Act 2008, because the chief executive does not need to issue general instructions.

### **Delegation of functions, duties, and powers**

Clause 306 provides for delegating the functions, duties, and powers of the Arms Regulator's chief executive. Given that some parts of New Zealand are remote, we are aware that a situation might arise where there may not be a Police employee available to delegate to. We think that the type of person to whom functions, duties, and powers of the chief executive could be delegated should be broadened, so it is not confined to non-constabulary Police employees, if other regulatory staff are able to be contracted by the regulator.

We recommend amending clause 306(1) to enable the chief executive to delegate to any person, and inserting clause 306(1A) to specify that the chief executive could delegate to a constable only if the chief executive considers it operationally necessary.

### **Provisions of the Policing Act that do not apply to Arms officers**

Clause 311 specifies provisions of the Policing Act 2008 that would not apply in relation to an employee of the Police who is an arms officer. We recognise that additional provisions of the Policing Act also would not apply. We recommend amending clause

311 to insert subclause (c) specifying that sections 30 and 31 of the Policing Act (command and control of Police) do not apply to arms officers.

### **Application of the Independent Police Conduct Authority Act**

Subpart 1 of Part 7 of the bill does not clearly state whether the Independent Police Conduct Authority would have jurisdiction to investigate arms officers and the chief executive. We understand that employees of the regulator fall within the authority's jurisdiction because they are employees of the New Zealand Police. The chief executive, however, is not an employee of the Police, so does not fall within the authority's jurisdiction. We recommend clarifying this in the bill by inserting new clause 311A that applies the Independent Police Conduct Authority Act 1988 to persons who perform the functions or duties, or exercise the powers of the Arms Regulator under delegated authority, and the chief executive.

### **Department to monitor the Arms Regulator**

Clause 312 of the bill specifies the role of the department that would monitor the Arms Regulator. However, the bill does not make clear which department this is. Under the coalition agreement between the New Zealand National Party and ACT New Zealand, responsibility for firearms policy and regulation was transferred from the New Zealand Police to the Ministry of Justice.

We recommend inserting in clause 5 a new definition for “monitoring department” to make it clear that the department monitoring the Arms Regulator would be the department responsible for administering the new Act. We also recommend amending clause 312 to explicitly refer to “monitoring department”, rather than just “department”, to align with this new definition.

### **Application of the Public Finance Act**

We note that under the bill as introduced the Arms Regulator would be modelled on a departmental agency. This means that the regulator would not automatically be covered by the Public Finance Act 1989.

We understand that the consequential amendments that the bill would make to the Public Finance Act (clause 380, Schedule 2, Part 1) are intended to give the regulator and chief executive the same financial management and accountability arrangements as an ordinary departmental agency. The bill as introduced would result in the regulator and the chief executive being treated as a department rather than a departmental agency, which would apply a broader set of powers and obligations than intended.

To better meet the policy intent, we recommend instead inserting clause 311B that would apply the Public Finance Act to the chief executive and the Arms Regulator. The new clause would clarify that sections 34(1) and (2), 37, 38–41, 45AA, 45AB, and 45CA of the Public Finance Act would apply, with any necessary modifications, to the chief executive and the Arms Regulator.

**Powers to require surrender of airguns or antique firearms**

Clause 334 would require a person who does not have a firearms licence to surrender an airgun or antique firearm if the chief executive of the Arms Regulator considers that they are not a fit and proper person to possess it.

The Police need to be able to seize airguns and antique firearms from an individual who does not hold a firearms licence, or who the Police consider not to be fit and proper to possess the item. To reduce the risk to public safety, we think that the Police should still be able to use the fit and proper assessment in new clause 69 to remove these items. Therefore, we recommend amending clause 334 to specify that the Police Commissioner has the power to require airguns or antique firearms to be relinquished if they consider that the person is not fit and proper to be in possession of these items.

**Regulation-making powers**

Clauses 362 to 364 provide for regulations to be made to support the effective operation of the bill by enabling technical, procedural, and administrative matters to be set through secondary legislation. Most of the regulation-making powers are in clause 362. They cover matters including:

- procedural and administrative matters relating to licensing and ammunition sellers
- security and storage arrangements for arms items
- the arms registry
- infringement offences and fees
- issuing and publication of administrative guidance by the regulator's chief executive.

As introduced, clause 362(13) would enable regulations to prescribe the process for permanently modifying a restricted firearm into a non-restricted firearm. We consider that “permanently modifying” might be too broad, as it could mean routine maintenance or minor work that involves some degree of alteration, rather than the intended process of permanent conversion. We recommend amending this clause to “modifying a restricted firearm to convert it into a standard firearm”.

**Definitions of restricted firearm, magazine, ammunition, weapons, and high-energy airguns**

Clause 363 would enable regulations to be made defining any semi-automatic firearm or pump-action firearm, any magazine, or ammunition as restricted for the purpose of the Act. Similarly, under clause 364, any item (including an airgun) could be declared to be a restricted weapon, and any airgun could be declared to be a high-energy airgun.

The Regulations Review Committee wrote to us raising concerns about the fact that the bill would enable terms in the primary legislation to be defined or amended by secondary legislation (known as a “Henry VIII power”). It noted that clause 362 would require the Secretary for Justice to consult with the chief executive, the Police,

and (if practicable) other persons or organisations affected, or likely to be affected, before regulations could be made. The committee suggested this requirement be extended to clauses 363 and 364.

We agree that the consultation requirements should also apply to clauses 363 and 364, while retaining discretion not to consult if the Minister is satisfied that that consultation is not appropriate in the circumstances. We consider that, in some circumstances, there could be risk to public safety if there was a delay in restricting an arms item while undertaking consultation.

We recommend amending clauses 362, 363, and 364 and inserting new clause 364A to require consultation before regulations are made under these provisions. New clause 364A would require the Secretary for Justice to consult the chief executive and the Police Commissioner and also other persons or organisations affected, or likely to be affected by, the regulations unless the Minister is satisfied that consultation with such persons or organisations is not practicable.

### **Other matters considered**

We explain below several additional matters we considered that have not resulted in recommendations for amendments to the bill.

#### **Minor traffic infringements**

Clause 69(2)(c) and 69(3)(b) would allow the Arms Regulator’s chief executive, when assessing whether a person is fit and proper, to consider “any other matters” and “information obtained from any source”, respectively. Many submitters described these provisions as vague and too broad, arguing that they enable arbitrary decision-making, including reliance on minor matters such as traffic infringement information.

We are aware that in October 2025 the current regulator (the Firearms Safety Authority) confirmed that traffic infringement information would be taken into account when assessing whether a person is fit and proper. The regulator stated that, when determining whether traffic infringement information is relevant, it considers the seriousness of the conduct, the circumstances of the offending, and the person’s overall behaviour.

We note that clause 69(2)(c) would allow the new chief executive to consider the role of traffic infringements when determining whether a person is fit and proper. We think that minor or one-off traffic infringements should not be considered when deciding whether a person is fit and proper for the purposes of the licensing regime. We strongly urge the chief executive of the new regulator to review relevant operational policies to ensure that minor and one-off of traffic infringements are not determinative factors in licensing decisions.

#### **Access to restricted firearms for pest control**

Clause 7(1)(e) would define “animal and biosecurity controller” to include the owner, manager, or employee of an agricultural, horticultural, or forestry business if there is a real possibility that the commercial viability of the business would be detrimentally affected to a significant extent by the presence of pests. This clause would provide

access to restricted firearms for pest control. Each application for a pest control endorsement would be treated on a case-by-case basis under clause 183(8).

The regulator has operational policy that it considers when determining when someone meets the criteria under clause 7 (1) (e) and this includes:

- the type of agricultural, horticultural, or silvicultural business
- the business's existing animal pest control arrangements
- evidence that the presence of pests would detrimentally affect the commercial viability of the business
- the reason for using prohibited firearms for pest control and why they have been unable to control pests with non-prohibited firearms
- evidence of engaging with pest control companies, such as invoices, to demonstrate that they have been able to do their own pest control effectively
- whether the Department of Conservation can validate the volume of pests in the area
- evidence of ammunition purchases to help validate the activity.

We discussed the scope of this operational policy, and we consider that they are overly narrow and may be more restrictive than clause 7(1)(e). This operational policy may be preventing farmers from being able to get a pest control endorsement that would help reduce the volume of pests that are present on their property. This is particularly relevant in places like Central Otago, where rabbit numbers are extremely high.

We consider that farmers are one of the first lines of defence to help control the increasing numbers of pests in New Zealand. We strongly urge the new regulator to review the operational policy for the pest control endorsement to ensure that it is not overly narrow. We think that making the operational policy more practicable could be more consistent with the provision in the bill.

### **Airgun joule threshold**

Clause 5 of the bill would replace the term “specially dangerous airgun” with “high-energy airgun”. This term would mean any airgun declared by Order in Council made under section 364 to be a high-energy airgun. We are aware that the only airguns that would be captured as “high-energy airguns” are those currently defined as specially dangerous airguns under the Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984. Currently, specially dangerous airguns include the Larc International Model 19A, the Larc International Model M19-AMP, specified pre-charged pneumatic air rifles.

Some submitters expressed support for aligning New Zealand's settings with the 16-joule threshold used by the United Kingdom, while others proposed 40 joules to enable the humane dispatch of pests. We acknowledge that setting a 16-joule threshold would provide certainty for paintball and airsoft airgun users that their airguns would not be declared high-energy airguns. However, setting this threshold would

mean that airguns that use more than 16 joules, such as a slug gun (which currently does not require a licence to use), would be captured as “high-energy airgun”.

We consider that the range of competing considerations associated with setting a joule threshold requires further analysis and consultation. We encourage the Ministry of Justice to undertake sufficient consultation and analysis, including consideration of potential unintended consequences, such as effects on pest control activities, before specifying a joule threshold.

### **Number of shoots required to retain pistol endorsement**

We note that the Arms (Shooting Clubs, Shooting Ranges, and Other Matters) Amendment Regulations 2025 retained the requirement to participate in 12 pistol shooting activities each year to maintain a pistol endorsement. However, it expanded eligibility so that events at any pistol shooting club, rather than the member’s home club, count towards the total.

We explored whether affected stakeholders would support a reduction in the number of pistol shooting activities. We understand that achieving the 12 organised shoots can be challenging as several shooting ranges, particularly in the South Island, are often closed for extended periods due to weather, or when the surrounding forests are being logged.

We consider that reducing the number of organised shoots to 10 would allow for ranges to close when required and give appropriate allowances for specific member circumstances, such as illness or travel. We think that 10 shoots would also maintain the community and supervision that clubs provide. We recommend that when the Arms Regulations 1992 are replaced, regulation 22(1)(b) is replaced to state that “on at least 10 days in each year”.

### **Auction houses**

We considered how the bill could affect auction houses. We were advised that the bill would address two main concerns that dealer licence holders (including auction houses) raised during consultation on the bill in early 2025. It would extend the duration of a business licence from 1 year to 5 years and remove the requirement for employees to hold endorsements on their personal licences for work purposes.

We heard from one of New Zealand’s longest-running auction houses that it supported the changes to the business licence regime. Other submitters raised concerns about the transport of arms items to and from auction houses. We understand that clauses 252 and 253, which would enable a person to carry or possess a pistol, standard or restricted firearm with a lawful purpose, would allow the transport of arms for auction houses.

We sought feedback about whether the bill would have affected the business viability of any auction house that has closed. After consulting with a former auction house, officials said the increased compliance burden following changes to the Arms Act in 2020 influenced the auction house’s decision to stop providing auction services for arms items. The former auction house was supportive of the proposed changes to the

dealer licensing regime and the removal of the requirement for employees to hold endorsements on their personal licences.

The former auction house raised several problems that contributed to its decision to cease auctioning arms items. These included difficulties registering “found” items, onerous transportation requirements, inaccessible and difficult-to-use digital forms, and delays in permits being issued.

We consider that these problems are not unique to auction houses. Rather, they reflect a broader sentiment within the firearms community that inconsistent implementation and regulatory processes have been making compliance difficult for individuals and businesses that are otherwise willing to comply with regulations. We think that changes made by the bill would alleviate some of the compliance burden that has been identified by auction houses and the wider firearms community.

### **Legal status of push-button firearms**

During the last stages of our consideration of the bill, it came to our attention that, over the last 12 months, there has been a substantial increase in the number of push-button firearms. These types of firearms enable rapid reloading and a high rate of fire. We discussed whether a legislative protection was needed around them. We were advised that push-button firearms are regulated in the same way as most other manually released centrefire firearms. This is because the firearms user must manually press a release button to close the bolt, and chamber a new round, after firing the weapon.

We do not have the expertise to decide whether this type of firearm should be a restricted weapon because this is the domain of the New Zealand Police. However, this is an issue that should be considered and a change made in its classification if necessary.

### **New Zealand Labour Party differing view**

We share the concerns of frontline police, whose professional association has identified major weaknesses in the bill. Police are more at risk than any other group from the illegal manufacture, distribution, and use of firearms. We agree that the “no blue shirts” rule for the new Firearms Regulatory Agency will weaken intelligence gathering, enforcement, and licensing. Labour also believes that the poor policy drafting process and lack of detail, particularly about the new regulator and the licence review panels, are causes for concern.

In our view, any separation of these critical safety functions risks undermining, rather than enhancing, public safety. We are particularly concerned about how the regulator will maintain an effective operational relationship with the Police and the wider intelligence community. While the regulator is intended to operate independently and will not employ sworn officers, it will continue to rely on Police for certain corporate services. We are not convinced that this hybrid arrangement serves the best interests of public safety or the public.

Labour remains concerned about a regulatory gap relating to push-button centrefire rifles. These self-ejecting, gas-operated firearms require only a manual bolt release between shots and, while not captured by the bill's definition of a semi-automatic firearm, deliver a rate of fire and functionality that is, in practical terms, comparable. Given the bill's purpose of promoting safe possession and preventing misuse, we consider these firearms present a similar risk profile and should therefore be classified as restricted firearms from the outset, rather than relying on a reactive Order in Council.

Labour also considers that the "fit and proper person" test should be strengthened to explicitly include relevant online activity, including engagement with groups that promote violence, hatred, or extremism. Any association with such groups, particularly where it is linked to designated terrorist entities, should be grounds for suspension or revocation of a firearms licence. Labour reaffirms the principle that firearms ownership in New Zealand is a privilege, not a right, and that the regulatory system must prioritise public safety.

### **Green Party of Aotearoa New Zealand differing view**

The Green Party welcomes evidence-based firearm control in New Zealand. However, through the select committee process we have not seen any compelling evidence for the need to establish an independent Arms Regulator separate from the New Zealand Police. The creation of a separate statutory regulator is our main concern with the Arms Bill as it stands.

While the Green Party is satisfied that this legislation does not interfere with the illegality of semi-automatic centrefire firearms, the step away from the Police is concerning. Under this legislation, the firearms regulator will be more separate from the Police, a move we strongly opposed.

We heard a range of opinions during submissions from individuals, groups, and associations and we share the Police Association's concern that this legislation creates the "potential for a weakening of connections between intelligence, enforcement, and licensing by excluding sworn police officers from the regulatory agency".

We remain unconvinced that there is any need to create a separate statutory regulator. Furthermore, under this legislation, no sworn officers will be employed directly by the regulator, however, the regulator will still receive corporate services from Police, which creates more bureaucracy and more risk of bureaucratic inertia and a reduction in efficiency.

We support the stated purpose of the Arms Bill, to provide greater protection for the public, and the intention to improve compliance. However, we have seen no compelling evidence or reason to create a separate statutory regulator and exclude the Police. Improvements should instead build on the existing Te Tari Pūreke model rather than throwing it out altogether.

Evidence-based gun reform is crucial for public safety. The Green Party supports firearms regulation and strong oversight of the firearms licensing system. We have considered the evidence and consider that proper scrutiny of "fit and proper" persons to

own and possess firearms will be best achieved through a dedicated regulatory unit within New Zealand Police.

For these reasons, the Green Party of Aotearoa does not support the creation of an independent Arms Regulator separate from the New Zealand Police under this bill.

## Appendix

### Committee process

The Arms Bill was referred to this committee on 9 December 2025. We invited the Associate Minister of Justice (Firearms) to provide an oral submission on the bill. She did so on 19 February 2026.

We called for submissions on the bill with a closing date of 16 February 2026. We received and considered submissions from 8,334 interested groups and individuals. We heard oral evidence from 101 submitters.

Advice on the bill was provided by the Ministry of Justice. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting. The Regulations Review Committee reported to us on the powers contained in clauses 362(1)(25), 362(1)(27), 364, and 370.

### Committee membership

Hon Andrew Bayly (Chairperson)

Hon Ginny Andersen (until 25 March 2026)

Jamie Arbuckle

Carl Bates

Camilla Belich (from 25 March 2026)

Tākuta Ferris

Rima Nakhle

Dan Rosewarne (from 25 March 2026)

Tom Rutherford

Todd Stephenson

Vanushi Walters (until 25 March 2026)

Hon Dr Duncan Webb

Dr Lawrence Xu-Nan

Scott Willis participated in some of our consideration of this bill.

### Related resources

The documents we received as advice and evidence are available on the Parliament website.

**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted unanimously

~~text deleted unanimously~~



*Hon Nicole McKee*

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Government Bill

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The Parliament of New Zealand enacts as follows:

**1 Title**

This Act is the Arms Act **2025**.

**2 Commencement**

- (1) ~~This Act comes into force on a date or dates set by Order in Council.~~ 5
- (2) ~~Any part of the Act that has not come into force 12 months after Royal assent comes into force then.~~
- (3) ~~An Order in Council made under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).~~

**2 Commencement** 10

- (1) This Act comes into force on **23 September 2026**, with some exceptions.
- (2) The following sections come into force on **23 July 2027**:

*Ammunition sellers*

- (a) **sections 171 to 174:**
- (b) **section 176:** 15
- (c) **section 341(1)(a)(v) and (b)(iv).**

- (3) The following sections come into force on **23 February 2028**:

*Animal and biosecurity controller multi-user agreements*

- (a) **section 32:**
- (b) **section 35:** 20
- (c) **section 273:**
- (d) **section 349(4), definition of temporary transfer, paragraph (b):**

*Exception to requirement for licensed business to have permit to possess pistol, restricted weapon, or restricted firearm for purpose of repair or modification* 25

- (e) **section 21(2):**
- (f) **section 33(2):**

*Duration of visitor licences*

- (g) **section 130(1)(b) and (3):**

*Suspension of licences* 30

- (h) **section 145(1)(a)(iv):**

*Storage of vital parts*

- (i) **section 189(3):**

*Duration of endorsements on firearms licence held by animal and biosecurity controllers*

(j) **section 188(3):**

(k) **section 190(2):**

*Permits to import*

5

(l) **section 196(1) and (2):**

*Priority applications for firearms licences*

(m) **section 374.**

## Part 1

### Preliminary provisions

10

#### Subpart 1—Purposes and principles

### 3 Purposes of this Act

The purposes of this Act are to—

- (a) promote the safe possession and use of arms; and
- (b) impose controls to prevent the possession and use of arms for criminal activity.

15

Compare: 1983 No 44 s 1A(1)

### 4 Principles

The arms regulatory regime established by this Act to achieve the purposes specified in **section 3** reflects the following principles:

20

- (a) that the possession and use of arms is a privilege; and
- (b) that anyone doing anything involving arms must act in the interests of personal and public safety.

Compare: 1983 No 44 s 1A(2)

#### Subpart 2—Interpretation

25

### 5 Interpretation

In this Act, unless the context otherwise requires,—

**air pistol carbine conversion kit—**

- (a) means a frame or kit that can be used to convert an air pistol that is designed or adapted to be held and fired with 1 hand into an airgun that may be fired from the shoulder; but

30

- (b) ~~does not include~~ excludes a pistol carbine conversion kit

**airgun—**

- (a) includes—

- (i) any air rifle; and
  - (ii) any air pistol; and
  - (iii) anything 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; but 5
- (b) excludes—
- (i) an exempt airgun; and
  - (ii) a high-energy airgun
- ammunition**—
- (a) means material that can be fired, discharged, projected, or detonated from a firearm and that has all of the following components: 10
    - (i) a projectile (for example, bullets, shots, and missiles); and
    - (ii) a propellant (for example, smokeless powder); and
    - (iii) a casing (for example, a cartridge case); and
    - (iv) a primer (for example, boxer primer); but 15
  - (b) excludes restricted ammunition
- animal and biosecurity controller** has the same meaning given as in section 7
- antique firearm**—
- (a) means— 20
    - (i) any firearm or pistol that—
      - (A) is held in the possession of any person solely as an antique (but not as a copy or replica of an antique); and
      - (B) is not designed for firing, and is not capable of firing, rim-fire or centrefire cartridge ammunition; or 25
    - (ii) any firearm or pistol declared by regulations to be an antique firearm for the purposes of this Act; but
  - (b) does not include any firearm or pistol manufactured after 1899
- approved ammunition seller** means a person approved by the chief executive under **section 172** to sell or supply ammunition 30
- arms item**—
- (a) means an item of any of the following classes:
    - (i) standard firearms:
    - (ii) restricted firearms:
    - (iii) pistols: 35
    - (iv) restricted weapons:

- (v) airguns:
- ~~(vi) restricted airguns:~~
- (vii) blank-firing guns:
- (viii) standard magazines:
- (ix) restricted magazines: 5
- (x) large-capacity pistol magazines:
- (xi) pistol carbine conversion kits:
- (xii) non-restricted parts:
- (xiii) restricted parts:
- (xiv) major firearm parts; but 10
- (b) excludes—
  - (i) imitation firearms:
  - (ii) permanently deactivated firearms:
  - (iii) ammunition
- arms officer—** 15
  - (a) means a person who performs functions or duties, or exercises powers, of the Arms Regulator under delegated authority of the chief executive (see **section 306**); and
  - (b) includes the chief executive
- arms registry or registry** means the registry kept and operated under **section 347** 20
- Arms Regulator** means the Arms Regulator established under **section 300**
- blank-firing gun—**
  - (a) means anything that—
    - (i) has the shape of a firearm or restricted weapon, or otherwise resembles a firearm or restricted weapon; and 25
    - (ii) is capable of firing blank cartridges, but incapable of discharging any shot, bullet, missile, or other projectile; and
  - (b) includes a starting pistol that fires a blank cartridge (but not caps); but
  - (c) excludes an exempt blank-firing gun 30
- business activity** means any activity of a kind specified in **section 6**
- business licence** means a ~~business~~-licence issued under **section 84**
- chief executive** means the chief executive of the Arms Regulator appointed under **section 302**
- Commissioner** means the Commissioner of Police 35
- ~~curator licence~~ means a ~~curator~~ licence issued under **section 101**

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

**endorsement** means an endorsement made on a firearms licence, business licence, ~~curator~~ museum licence, or visitor licence under **section 185**

**exempt airgun** means an airgun, or any kind of airgun, exempted by regulations from being an airgun for the purposes of this Act 5

**exempt-blank firing gun** means a blank-firing gun, or any kind of blank-firing gun, exempted by regulations from being a blank-firing gun for the purposes of this Act

**exempt pistol** means a pistol, or any kind of pistol, exempted by regulations from being a pistol for the purposes of this Act 10

**exempt standard firearm** means a firearm, or any kind of firearm, exempted by regulations from being a standard firearm for the purposes of this Act

**explosive**—

(a) means any substance or mixture or combination of substances that in its normal state is capable of decomposition at such rapid rate as to result in an explosion or of producing a pyrotechnic effect; and 15

(b) without limiting **paragraph (a)**, includes gunpowder, nitroglycerine, dynamite, guncotton, 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 20

(c) without limiting **paragraph (a) or (b)**, includes any device, contrivance, or article that uses any substance or mixture or combination of substances to which **paragraph (a) or (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 25

(d) does not include any firework as defined in section 2(1) of the Hazardous Substances and New Organisms Act 1996

**fees framework** means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest 30

**firearm**—

(a) means anything from which any projectile can be ~~fired, discharged, projected, or detonated~~ by force of explosive; and

(b) includes— 35

(i) anything that has been adapted so that it can be used to ~~fire, discharge, project, or detonate~~ any projectile by force of explosive; and

(ii) anything that is not for the time being capable of ~~firing, discharging, projecting, or detonating~~ any projectile but that, by its com- 40

- pletion 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)**) that is for the time being dismantled or partially dismantled; and 5
- (iv) any high-energy airgun; but
- (c) excludes—
- (i) ~~an antique firearm:~~
- (ii) ~~an exempt firearm:~~ 10
- (iii) ~~a permanently deactivated firearm~~
- (i) an airgun:
- (ii) a blank-firing gun:
- (iii) an exempt airgun:
- (iv) an exempt blank-firing gun: 15
- (v) a permanently deactivated firearm
- firearms licence** means a ~~firearms~~-licence issued under **section 70**
- Firearms Licensing Review Committee** or **Review Committee** means the Firearms Licensing Review Committee established by **section 313**
- firearms prohibition order** or **FPO** means an order made against a person by a court under **section 289** 20
- foreign in-flight security officer** has the same meaning given to it by as in section 5 of the Civil Aviation Act 2023
- gang** has the same meaning given to it by as in section 4 of the Gangs Act 2024 25
- gang member** has the same meaning given to it by as in section 4 of the Gangs Act 2024
- health practitioner** means a health practitioner registered with the Medical Council of New Zealand, a nurse practitioner registered with the Nursing Council of New Zealand, a psychologist registered with the New Zealand Psychologists Board, or a duly authorised officer under the Mental Health (Compulsory Assessment and Treatment) Act 1992 30
- high-energy airgun** means any airgun declared by Order in Council made under ~~section 362~~ **364** to be a high-energy airgun
- identification marking**, in relation to an item, means the marking of the item to identify it to the extent provided in, and in accordance with, any prescribed requirements 35

**imitation firearm** means anything (including a permanently deactivated firearm) that has the appearance of a standard firearm, restricted firearm, pistol, or restricted weapon capable of ~~firing, discharging, projecting, or detonating~~ any projectile by force of explosive, whether or not it is capable of ~~firing, discharging, projecting, or detonating~~ any projectile by force of explosive

5

**import**, in relation to any item, means—

- (a) ~~to bring the item, or cause the item to be brought, into New Zealand; or~~
- (b) ~~to send the item, or cause the item to be sent, to New Zealand~~

**import**, in relation to any item,—

- (a) means—
  - (i) to bring the item, or cause the item to be brought, into New Zealand; or
  - (ii) to send the item, or cause the item to be sent, to New Zealand; but
- (b) does not include doing any of the things in **paragraph (a)** for the purpose of transiting the item through New Zealand to another destination

10

15

**in-flight security officer** has the same meaning given to it by as in section 5 of the Civil Aviation Act 2023

**infringement fee**, in relation to an infringement offence, means the infringement fee for the offence specified in regulations

**infringement offence** means an offence identified in regulations as being an infringement offence

20

**large-capacity pistol magazine**—

- (a) means a magazine that—
  - (i) is for a pistol; and
  - (ii) has a capacity of more than 10 rounds; but
- (b) excludes a restricted magazine

25

**licence** means—

- (a) a firearms licence;
- (b) a business licence;
- (c) a ~~curator~~ museum licence;
- (d) a museum worker licence;
- (e) a visitor licence

30

**licensed business** means a person described in **section 57(2)**

~~**licensed curator** means a curator who has been issued with a curator licence~~

**licensed museum** means a museum described in **section 62(2)**

35

~~**licensed museum worker** means a museum worker who has been issued with a museum worker licence~~

**major firearm part**, in relation to a standard firearm, restricted firearm, pistol, and restricted weapon, means—

(a) the action of the firearm, comprising any of the following:

(i) the frame:

(ii) the receiver: 5

(iii) the upper receiver:

(iv) the lower receiver:

(b) the frame of a pistol:

(c) a calibre conversion component or kit of a pistol

**manufacture**, in relation to an arms item,— 10

(a) includes—

(i) assembling the arms item from magazines and parts:

(ii) modifying, converting, or otherwise altering the function of the arms item; but

(b) does not include— 15

(i) disassembling or reassembling an arms item for the purposes of cleaning, maintenance, or repair:

(ii) replacing a part of an arms item with an equivalent part

**monitoring department** means the department, departmental agency, or inter-departmental venture (as named in Part 1, 2, or 4 of Schedule 2 of the Public Service Act 2020) that, with the authority of the Prime Minister, is responsible for the administration of this Act 20

**multi-user agreement** means an agreement in force between the Arms Regulator and an animal and biosecurity controller within the meaning of that term in **section 7(1)(a), (b), or (c)** that provides for 1 or more specified restricted firearms and 1 or more specified restricted magazines to be shared between employees of the animal and biosecurity controller without a permit to possess being required on each occasion that possession of a restricted firearm or restricted magazine changes between the employees 25

**museum** means a bona fide museum 30

**museum licence** means a licence issued under **section 101**

**museum worker** means an employee of, or a volunteer working for, a museum

**museum worker licence** means a ~~museum worker~~ licence issued under **section 112**

**non-pistol shooting club** has the same meaning given as in **section 208** 35

**non-pistol shooting range** has the same meaning given as in **section 208**

**non-restricted part** means a part of a standard firearm or pistol, and includes a major firearm part of a standard firearm or pistol

**~~officer of the Arms Regulator—~~**

~~(a) means an employee of the New Zealand Police who performs functions or duties or exercises powers of the Arms Regulator under delegated authority of the chief executive (*see section 306*); and~~

~~(b) includes the chief executive~~ 5

**organised criminal group** has the same meaning given to it by as in section 98A of the Crimes Act 1961

**part**, in relation to any standard firearm, restricted firearm, blank-firing gun, pistol, or restricted weapon,—

(a) means— 10

(i) any component that, of itself, is essential to the discharge of any ammunition or other material from the standard firearm, restricted firearm, pistol, or restricted weapon; and

(ii) any component that is exclusively designed to be, or is intended to be, an integral part of the standard firearm, restricted firearm, blank-firing gun, pistol, or restricted weapon (for example, a butt, stock, or component that feeds or contributes to feeding ammunition to the standard firearm, restricted firearm, pistol, or restricted weapon); and 15

(b) includes the following components or accessories that can be fitted to, or adapted to fit, a standard firearm, restricted firearm, blank-firing gun, pistol, or restricted weapon: 20

(i) grips:

(ii) chassis systems:

(iii) magazine adapters: 25

(iv) magazine couplers:

(v) magazine loaders:

(vi) flash suppressors:

(vii) silencers; but

(c) does not include the following: 30

(i) magazines:

(ii) pistol carbine conversion kits:

(iii) air pistol carbine conversion kits

**permanently deactivated firearm** means an item that was formerly a standard firearm, pistol, or restricted firearm but that is no longer a standard firearm, pistol, or restricted firearm because it has been modified— 35

(a) in accordance with prescribed requirements; and

- (b) to the extent that it is rendered permanently incapable of firing, discharging, projecting, or detonating by force of explosive any projectile

**permit to import** means,—

- (a) in relation to any item that is not a pistol carbine conversion kit or air pistol carbine conversion kit, a permit issued under **section 193:** 5
- (b) in relation to a pistol carbine conversion kit, a permit issued under **section 194:**
- (c) in relation to an air pistol carbine conversion kit, a permit issued under **section 195**

**permit to possess** means,— 10

- (a) in relation to a pistol or restricted weapon, a permit issued under **section 205:**
- (b) in relation to a pistol carbine conversion kit, a permit issued under **section 206:**
- (c) in relation to a restricted firearm or restricted magazine, a permit issued under **section 207** 15

~~**pistol** means a 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~~

~~**pistol**—~~

- (a) means a firearm (as defined in this section) that is designed or adapted to be held and fired with 1 hand; and 20
- (b) includes any firearm that is less than 762 millimetres in length; but
- (c) excludes an exempt pistol

**pistol carbine conversion kit**—

- (a) means a frame or kit that can be used to convert a pistol (not being an air pistol) that is designed or adapted to be held and fired with 1 hand and that has an overall length of no more than 400 millimetres into a firearm that may be fired from the shoulder; and 25
- (b) includes a frame or kit described in **paragraph (a)** that is also capable of being used as an air pistol carbine conversion kit 30

**pistol shooting club** has the same meaning given as in **section 208**

**pistol shooting range** has the same meaning given as in **section 208**

**Police** means the part of the New Zealand Police that is not the Arms Regulator

**Police employee**—

- (a) has the same meaning as in section 4 of the Policing Act 2008; but 35
- (b) excludes an arms officer

~~**possess**, in relation to any thing, means—~~

- (a) ~~having actual possession of the thing;~~

- (b) ~~having the custody or control of the thing, whether directly or remotely:~~
- (e) ~~having access to the thing in a place, whether alone or with others:~~
- (d) ~~occupying, or having the care, control, or management of, a place where the thing is found~~
- projectile** includes any bullet, shot, or missile 5
- public place** has the same meaning ~~given to it by~~ as in section 2 of the Summary Offences Act 1981
- range operator** has the same meaning ~~given as~~ in **section 208**
- regulations** means regulations made under **section 362**
- responsible Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of this Act 10
- restricted airgun** has the same meaning ~~given as~~ in **section 8**
- restricted ammunition** means any ammunition declared by Order in Council made under ~~section 362~~ **363** to be restricted ammunition for the purposes of this Act 15
- restricted firearm** has the same meaning ~~given as~~ in **section 9**
- restricted item** means all or any of the following:
- (a) a restricted firearm:
- (b) a restricted magazine: 20
- (c) a restricted part
- restricted magazine** has the same meaning ~~given as~~ in **section 10**
- restricted part**—
- (a) means—
- (i) a part of a restricted firearm, excluding the action (that is, the frame, receiver, upper receiver, or lower receiver) of a restricted firearm: 25
- (ii) a component that can be applied to enable, or take significant steps towards enabling, a standard firearm to be converted to a restricted firearm; but 30
- (b) excludes a part of a restricted weapon
- restricted weapon** has the same meaning ~~given as~~ in **section 11**
- 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 35

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

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

**semi-automatic pistol** means a pistol that when loaded, with each pull of the trigger,— 5

- (a) fires a cartridge and ejects the cartridge case; and
- (b) unless all loaded cartridges have been fired, automatically loads another cartridge in the firearm's chamber

~~**senior manager**, in relation to a body corporate, means a person who occupies a position that allows the person to exercise significant influence over the management or administration of the body corporate (for example, a chief executive of a body corporate)~~ 10

**senior manager**,—

- (a) in relation to a body corporate, means a person who occupies a position that allows the person to exercise significant influence over the management or administration of the body corporate (for example, a chief executive of a body corporate): 15
- (b) in relation to a museum, means a person who occupies a position that allows the person to exercise significant influence over the management of the museum (for example, a director of the museum) 20

**shooting club** means a pistol shooting club or non-pistol shooting club

**shooting range** means a pistol shooting range or a non-pistol shooting range

**small semi-automatic pistol** means a semi-automatic pistol that—

- (a) has an overall length of 400 millimetres or less, excluding any silencer, pistol carbine conversion kit, or other muzzle-fitting attachment; and 25
- (b) has a barrel length of 101 millimetres or more; and
- (c) is capable of firing specified ammunition only at a muzzle velocity of 1,600 feet per second or less; and
- (d) is suitable for shooting on a pistol shooting range 30

**specified ammunition** means ammunition of a type specified in the rules of the pistol target shooting disciplines that are administered by the national pistol target shooting controlling body known as Pistol New Zealand Incorporated and that are conducted on ranges approved by the chief executive

**standard firearm** means a firearm that is not any of the following: 35

- (a) an exempt standard firearm:
- (b) a restricted firearm:
- (c) a pistol:

(ca) an exempt pistol:

(d) a restricted weapon

**standard magazine** means a magazine of a standard firearm or pistol that is not—

(a) a restricted magazine: 5

(b) a large-capacity pistol magazine

**theatrical armorer** means a person who holds a firearms licence or business licence that bears a current endorsement allowing them to possess, use, or supervise the use of any of the following arms items in making a broadcast or in theatrical, cinematic, television film, or video recording productions: 10

(a) standard firearms:

(b) restricted firearms:

(c) pistols:

(d) restricted magazines:

(e) restricted weapons 15

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

**visitor licence** means a ~~visitor~~ licence issued under **section 124**.

Compare: 1983 No 44 s 2(1)

## 6 **Meaning of business activity** 20

(1) In this Act, unless the context otherwise requires, **business activity**—

(a) means any of the following:

(i) the business of selling, hiring, lending, or otherwise supplying a class of arms items:

(ii) the business of repairing or modifying a class of arms items: 25

(iii) the business of manufacturing for sale, hire, lending, or other supply a class of arms items:

(iv) possessing, for the purposes of an auction, a class of arms items:

(v) manufacturing for the purposes of permitted supply (as defined in **section 82(4)**) restricted parts and using restricted items to test and demonstrate those restricted parts; but 30

(b) does not include—

(i) commercial hunting guide services that are provided by a person who holds a firearms licence and who, during the provision of those services to 1 or more clients, supplies no more than 6 firearms to ~~1 or more clients~~: 35

- (ii) selling, hiring, lending, or supplying firearms by a member of a shooting club if the member—
- (A) sells, hires, lends, or supplies firearms to a club member, or on club premises, with the approval of the management committee of the club or a majority vote of club members; 5  
and
- (B) uses the revenue from the sale, hire, lending, or supply of the firearms for the benefit of the club.
- (2) For the purposes of the business activities described in **subsections (1)(a)(i), (ii), and (iii)**, a person is in the business of carrying on any of those activities if, in relation to the activity, the person— 10
- (a) holds out that they are in the business of carrying on the activity (for example, the person uses a trading name or operates under a business structure); and
- (b) carries on the activity for gain or reward. 15
- Compare: 1983 No 44 s 5(1), (3)
- 7 Meaning of animal and biosecurity controller**
- (1) In this Act, unless the context otherwise requires, **animal and biosecurity controller** means—
- (a) a person who is employed or engaged by the Department of Conservation and involved in operations for the purpose of controlling animals in accordance with a specified Act (subject to prescribed limits, if any): 20
- (b) a person who is the holder of a concession granted by the Minister of Conservation to undertake animal recovery operations in accordance with a specified Act (subject to prescribed limits, if any): 25
- (c) a person who is employed or engaged by a management agency referred to in section 100 of the Biosecurity Act 1993 and involved in operations for the purpose of controlling animals in accordance with that Act (subject to prescribed limits, if any):
- (d) a person whose sole business, or a substantial part of whose business, is providing services to control any prescribed animals, or a person employed or engaged by that person for that purpose (subject to prescribed limits, if any): 30
- (e) a person who is the owner or manager, or is an employee, of an agricultural, horticultural, or silvicultural business if there is a real possibility that the commercial viability of the business would be detrimentally affected to a significant extent by the presence of prescribed animals on any land used for that business (subject to prescribed limits, if any). 35
- (2) In **subsection (1)(a) and (b)**, **specified Act** means—
- (a) the Wildlife Act 1953: 40

- (b) the Wild Animal Control Act 1977:
- (c) the Conservation Act 1987:
- (d) the Biosecurity Act 1993.

Compare: 1983 No 44 s 4A(1)(f)–(j), (2)

## 8 Meaning of restricted airgun 5

- (1) In this Act, unless the context otherwise requires, **restricted airgun** means an airgun (as defined in **section 5**) that,—
- (a) without any of the attachments with which it is customarily used, has the appearance of being a ~~standard firearm~~, restricted firearm, pistol, or restricted weapon; or 10
  - (b) with some or all of the attachments with which it is customarily used, has the appearance of being a pistol, restricted firearm, or restricted weapon; or
  - (c) is designed for use in airsoft or paintball sports and,—
    - (i) without any of the attachments with which it is customarily used, has the appearance of being a firearm capable of full automatic fire; or 15
    - (ii) with some or all of the attachments with which it is customarily used, has the appearance of being a firearm capable of full automatic fire. 20
- (2) For the purposes of **subsection (1)**, an airgun may have the appearance of a standard firearm, restricted firearm, pistol, or restricted weapon capable of full automatic fire without having the appearance of any particular model of standard firearm, restricted firearm, pistol, or restricted weapon capable of full automatic fire. 25

Compare: 1983 No 44 s 2(1), (2)

## 9 Meaning of restricted firearm

- (1) In this Act, unless the context otherwise requires, **restricted firearm**—
- (a) means a firearm (as defined in **section 5**) that is one of the following types: 30
    - (i) a semi-automatic firearm, other than—
      - (A) a specified semi-automatic firearm:
      - (B) a semi-automatic shotgun with a non-detachable tubular magazine or magazines that are capable of holding no more than 5 cartridges commensurate with that firearm's chamber size: 35
      - (C) a small semi-automatic pistol:

- (D) a semi-automatic pistol (not being a small semi-automatic pistol) in the possession or under the control of a person referred to in **subsection (3)**:
- (ii) a pump-action shotgun that is capable of being used with a detachable magazine: 5
  - (iii) a pump-action shotgun that has a non-detachable tubular magazine or magazines that are capable of holding more than 5 cartridges commensurate with that firearm's chamber size:
  - (iv) a centrefire pump-action rifle that is capable of being used with a detachable magazine: 10
  - (v) a centrefire pump-action rifle that has 1 or more non-detachable magazines (tubular or otherwise) that are capable of holding more than 10 cartridges commensurate with that firearm's chamber size; and
- (b) includes any other firearm declared by Order in Council made under **section 362 363** to be a restricted firearm for the purposes of this Act; and 15
- (c) also includes a major firearm part of a firearm described in **paragraph (a) or (b)**.
- (2) In **subsection (1)(a)(i)(A)**, **specified semi-automatic firearm** means a semi-automatic firearm— 20
- (a) that is capable of firing only 0.22 calibre or lower rimfire cartridges; and
  - (b) that has a magazine, whether or not detachable or otherwise externally fed, that is capable of holding no more than 10 cartridges commensurate with the firearm's chamber size; and 25
  - (c) that does not have a lower receiver that is able to be attached to a centre-fire upper receiver so as to result in a firearm that is able to function.
- (3) For the purposes of **subsection (1)(a)(i)(D)**, the person is a firearms licence holder—
- (a) whose licence bears an endorsement permitting them to possess a semi-automatic pistol in the capacity described in **section 183(4), (5), (6), or (7)**; and 30
  - (b) who has been issued with—
    - (i) a permit to import the pistol; or
    - (ii) a permit to possess the pistol. 35

Compare: 1983 No 44 s 2A

## 10 Meaning of restricted magazine

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

- (a) in relation to a shotgun, means a magazine, whether or not detachable, that is capable of holding more than 5 cartridges commensurate with that shotgun's chamber size:
- (b) in relation to any other firearm (except a pistol described in **section 9(1)(a)(i)(C) or (D)**),— 5
- (i) means any detachable magazine—
- (A) that is capable of holding 0.22 calibre or lower rimfire cartridges and that is capable of holding more than 10 of those cartridges:
- (B) that is capable of holding more than 10 cartridges and being used with a semi-automatic or fully automatic firearm: 10
- (ii) means any other magazine, whether or not detachable, that is capable of holding more than 10 cartridges:
- (c) in relation to a pistol, means any drum magazine that can be attached to the pistol: 15
- (d) includes any other magazine declared by Order in Council made under **section 362 363** to be a restricted magazine for the purposes of this Act.

Compare: 1983 No 44 s 2B; LI 2019/289 cl 3

## 11 Meaning of restricted weapon 20

In this Act, unless the context otherwise requires, **restricted weapon** means—

- (a) anything, whether ~~a firearm~~ or not a firearm (as defined in **section 5**), declared by the Governor-General, by Order in Council made under **section 362 364**, to be a restricted weapon that is not—
- (i) an anti-personnel mine (as defined in section 3 of the Anti-Personnel Mines Prohibition Act 1998); or 25
- (ii) a cluster munition (as defined in by section 6 of the Cluster Munitions Prohibition Act 2009); and
- (b) includes a major firearm part of a firearm that is declared to be a restricted weapon under **paragraph (a)**. 30

Compare: 1983 No 44 s 2(1)

### Subpart 3—~~Application~~ Other preliminary provisions

## 12 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms. 35

## 13 Act binds the Crown

- (1) This Act binds the Crown.

- (2) However, **subsection (1)** is subject to **subsections (3) and (4)**.
- (3) Nothing in this Act renders unlawful the carriage or possession of arms items, 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 5
  - (ia) a person employed or engaged by the Commissioner and authorised to provide training to Police employees in the use of any arms item, ammunition, or explosive; or
  - (ii) a person authorised by ~~the Commissioner or the~~ Chief of Defence Force to provide training to the members of their respective organisations referred to in this paragraph referred to in **subparagraph (i)** in the use of any arms ~~item~~ items, ammunition, or explosive; or 10
  - (iii) a civilian employee of the Ministry of Defence, so long as the person carries or possesses any firearms or other items regulated by or under this Act under the direct supervision of a member of the New Zealand Defence Force; or 15
  - (iv) a member of a visiting force under the Visiting Forces Act 2004; or 20
  - (v) a Police employee or a person employed or engaged by the Police; or
  - (vi) an armourer employed or engaged by the Arms Regulator; or
  - (vii) an arms officer of the Arms Regulator; or
  - (viii) ~~a person employed by the Police to provide firearms training to constables; or~~ 25
  - (ix) a person employed by the Arms Regulator to provide firearms training to ~~officers of the Arms Regulator~~ arms officers; or
  - (x) an enforcement officer as defined in section 2(1) of the Hazardous Substances and New Organisms Act 1996; or 30
  - (xi) a Customs officer; or
  - (xii) a person working in any forensic laboratory or facility that provides forensic services to the Police; or
  - (xiii) an in-flight security officer or a foreign in-flight security officer:
- (b) by a member of the New Zealand Defence Force or ~~a member of the~~ Police employee in the course of exercising any power or performing any function under the Customs and Excise Act 2018; 35
- (c) by a member of the New Zealand Defence Force or ~~a member of the~~ Police constable who is an enforcement officer as defined in section 4(1)

- of the Maritime Powers Act 2022 in the course of exercising any power or performing any function under that Act:
- (d) by any other person authorised by regulations to carry or possess arms items, ammunition, or explosives belonging to the Crown.
- (4) Nothing in this Act makes unlawful— 5
- (a) the importation by the Crown of arms items, ammunition, or explosives; or
- (b) the importation or possession by any agent of the Crown of arms items, ammunition, or explosives imported on behalf of the Crown, so long as the importation or possession is within the scope of the agent’s written authority; or 10
- (c) the manufacture by the Crown, or on behalf of the Crown by any agent of the Crown, of any arms items, ammunition, or explosives, so long as any assembly or manufacture by an agent is within the scope of the agent’s written authority; or 15
- (d) the sale or supply of arms items, ammunition, or explosives to or by the Crown, or to or by an agent of the Crown (excluding an undercover officer); or
- (e) the entering into a contract or an arrangement, or the arriving at an understanding, with the Crown, or with an agent of the Crown (excluding an undercover officer) for the sale or supply of arms items, ammunition, or explosives. 20
- (5) Nothing in this Act makes it unlawful for any person who is a visiting law enforcement officer from another country to do any of the following, if authorised by the ~~chief executive~~ Commissioner: 25
- (a) import into New Zealand any firearm or other item regulated by or under this Act; or
- (b) carry or possess while in New Zealand any firearm or other item regulated by or under this Act.
- (6) The following requirements of this Act do not apply in relation to any item regulated by or under this Act that is owned by the Crown, except to the extent provided by regulations: 30
- (a) any requirement to notify or report any event or circumstance to the chief executive or the Police:
- (b) any requirement to mark any firearm or other item with an identifying marking: 35
- (c) any requirement to provide any particulars to the chief executive for inclusion in the registry:
- (d) any requirement to record any particulars, whether in the registry or elsewhere. 40

- (7) Except with the leave of the Attorney-General, no prosecution for any of the following offences may be commenced or continued against any constable member of the Police in respect of anything any act they do ~~in good faith~~ at a time or during a period when they are acting as an undercover officer: 5
- (a) an offence against this Act; or
  - (b) an offence of conspiring to commit any offence against this Act; or
  - (c) an offence of attempting to commit any offence against this Act.
- (8) In this section, **undercover officer**— 10
- (a) means a ~~member of the Police~~ constable whose identity is for the time being concealed for the purpose of a particular investigation of a suspected offence against this Act; and
  - (b) includes any other ~~member of the Police~~ constable who is for the time being directing or assisting that ~~member of the Police~~ constable in the course of that investigation.
- (9) A certificate signed by the Commissioner to the effect that, at any specified time or during any specified period, the constable named in the certificate was acting as an undercover officer is, for the purposes of **subsection (7)**, conclusive evidence of that fact. 15
- Compare: 1983 No 44 s 3

## Part 2 20

### General requirements

Subpart 1—Requirements for possession of standard firearms, airguns, pistols, restricted weapons, standard magazines, non-restricted parts, ammunition, etc

*Requirement for possession of standard firearms and blank-firing guns 25*

#### 14 Requirement for possession of standard firearm

- (1) A person may ~~only~~ possess a standard firearm only if the person holds a firearms licence or visitor licence.
- (2) **Subsection (1)** is subject to any other provision of this Act that provides otherwise. 30
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, contravenes this section.

Compare: 1983 No 44 s 20(1), (3)

**14A Exception for antique firearms**

**Section 14** does not apply to a person in possession of an antique firearm.

Compare: 1983 No 44 s 22(1)(b)

**15 Defence to prosecution for offence under section 14**

It is a defence to a prosecution for an offence under **section 14** if the defendant proves— 5

- (a) that the standard firearm was in their possession for use under the immediate supervision of ~~the holder of a firearms licence~~ holder; and
- (b) that at all times while they were in possession of the standard firearm, they were under the immediate supervision of the ~~holder of a firearms licence~~ holder. 10

Compare: 1983 No 44 s 22(2)(a)

**16 Requirement for possession of blank-firing gun**

- (1) A person may ~~only~~ possess a blank-firing gun only if the person holds a firearms licence or visitor licence. 15
- (2) **Subsection (1)** is subject to any other provision of this Act that provides otherwise.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, contravenes this section. 20

**17 Defence to prosecution for offence under section 16**

It is a defence to a prosecution for an offence under **section 16** if the defendant proves—

- (a) that the blank-firing gun was in their possession for use under the immediate supervision of ~~the holder of a firearms licence~~ holder; and 25
- (b) that at all times while they were in possession of the blank-firing gun, they were under the immediate supervision of the ~~holder of a firearms licence~~ holder.

Compare: 1983 No 44 s 22(2)(a)

*Requirement for possession of airguns* 30

**18 Requirement for possession of airgun**

- (1) A person may ~~only~~ possess an airgun only if the person is—
  - (a) of or over the age of 18 years; or
  - (b) aged between 16 years and 18 years and holds a firearms licence or visitor licence. 35

- (2) **Subsection (1)** is subject to any other provision of this Act that provides otherwise.
- (3) A person commits an offence and is liable on conviction to a fine not exceeding \$1,000 if the person, without reasonable excuse, contravenes this section.
- Compare: 1983 No 44 s 21(1), (2) 5

### 19 Defence to prosecution for offence under section 18

It is a defence to a prosecution for an offence under **section 18** if the defendant proves—

- (a) that the airgun was in their possession for use under the immediate supervision of— 10
- (i) a person of or over the age of 18; or
  - (ii) a person who holds a firearms licence; and
- (b) that at all times while they were in possession of the airgun, they were under the immediate supervision of—
- (i) a person of or over the age of 18; or 15
  - (ii) a person who holds a firearms licence.

Compare: 1983 No 44 s 22(2)(b)

#### *Requirements for possession of pistols and restricted weapons*

### 20 Requirements for possession of pistol or restricted weapon

- (1) An individual may ~~only~~ possess a pistol only if the individual— 20
- (a) the individual holds a firearms licence or visitor licence that bears an endorsement permitting them to possess a pistol; and
  - (b) the endorsement has been made specific to the pistol by the issue of—
    - (i) a permit to import the pistol; or
    - (ii) a permit to possess the pistol. 25
- (2) A licensed business ~~that is a body corporate~~ may ~~only~~ possess a pistol only if—
- (a) the business licence ~~held by a senior manager of the body corporate~~ bears an endorsement permitting the possession of a pistol; and
  - (b) the licensed business takes or took possession of the pistol from another person following the endorsement being made specific to the pistol by ~~the senior manager~~ licence holder being issued with— 30
    - (i) a permit to import the pistol; or
    - (ii) a permit to possess the pistol.
- (3) An individual may ~~only~~ possess a restricted weapon only if the individual—
- (a) holds a firearms licence that bears an endorsement permitting them to possess a restricted weapon; and 35

- (b) takes or took possession of the restricted weapon from another person following the endorsement being made specific to the restricted weapon by the issue of—
- (i) a permit to import the restricted weapon; or
  - (ii) a permit to possess the restricted weapon. 5
- (4) A licensed business ~~that is a body corporate~~ may ~~only~~ possess a restricted weapon only if—
- (a) the business licence ~~held by a senior manager of the body corporate~~ bears an endorsement permitting the possession of a restricted weapon; and 10
  - (b) the licensed business takes or took possession of the restricted weapon from another person following the endorsement being made specific to the restricted weapon by the ~~senior manager licence holder~~ being issued with—
    - (i) a permit to import the restricted weapon; or 15
    - (ii) a permit to possess the restricted weapon.
- (5) **Subsections (1) to (4)** are subject to any other provision of this Act that provides otherwise.
- (6) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person, ~~without reasonable excuse, contravenes this section.~~ 20
- (a) possesses a pistol or restricted weapon; and
  - (b) is not authorised or permitted by or under this Act to possess the pistol or restricted weapon.
- Compare: 1983 No 44 ss 19C(1), 30(2), 50(1) 25
- 21 Exception if repairs or modifications to pistol or restricted weapon undertaken by licensed business**
- (1) **Section 20(1)(b) and (3)(b)** does not apply if the pistol or restricted weapon—
- (a) is owned by the individual and is returned to the individual by a licensed business following repair or modification; and 30
  - (b) has not been out of the possession of the individual for more than ~~7~~ 21 days.
- (2) **Section 20(2)(b) and (4)(b)** does not apply if the licensed business—
- (a) receives the pistol or restricted weapon for the purpose of repair or modification; and 35
  - (b) within ~~7~~ 21 days, returns the pistol or restricted weapon to its owner.

- (3) In this section, **modification**, in relation to a pistol or restricted weapon, includes permanently deactivating the pistol or restricted weapon.

**22 Exception for pistol that is antique ~~firearms~~ firearm**

**Section 20** does not apply to a person in possession of a pistol that is an antique firearm. 5

Compare: 1983 No 44 s 50(2)

**23 Defence to prosecution for offence under section 20**

- (1) In any prosecution for an offence under **section 20** in which it is proved that the defendant was in possession of a pistol or restricted weapon, the defendant has the burden of proving that they were authorised or permitted, expressly or by implication, by this Act to be in possession of the pistol or restricted weapon. 10

- (2) It is a defence to a prosecution for an offence against **section 20(1)** if the defendant proves that—

- (a) they hold a firearms licence; and 15
- (b) they have owned the pistol to which the charge relates since before 16 May 1969; and
- (c) immediately before 16 May 1969, they were registered under section 9 of the Arms Act 1958 as the owner of the pistol; and
- (d) that, although the pistol 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. 20

- (3) It is a defence to a prosecution for an offence against **section 20(1)** if the defendant proves—

- (a) that the pistol was in their possession for use both— 25
  - (i) on a pistol shooting range; and
  - (ii) under the immediate supervision of a person who holds a firearms licence bearing an endorsement permitting the person to have possession of a pistol in their capacity as a member of a pistol shooting club; and 30
- (b) that at all times while they were in possession of the pistol they were both on such a range and under the immediate supervision of such a person.

Compare: 1983 No 44 s 50(3), (4), (5)

*Requirements for possession of pistol carbine conversion kits* 35

**24 Requirements for possession of pistol carbine conversion kit**

- (1) An individual may ~~only~~ possess a pistol carbine conversion kit only if—

- (a) the individual holds a firearms licence or visitor licence that bears an endorsement permitting them to possess a pistol; and
- (b) the endorsement has been made specific to the pistol and pistol carbine conversion kit by the issue of—
- (i) a permit to import a pistol or a permit to possess a pistol; ~~or~~ and 5
- (ii) a permit to import the pistol carbine conversion kit or a permit to possess the pistol carbine conversion kit.
- (2) A licensed business ~~that is a body corporate may only~~ possess a pistol carbine conversion kit only if—
- (a) the business licence ~~held by a senior manager of the body corporate~~ bears an endorsement permitting the possession of a pistol; and 10
- (b) the licensed business took possession of the pistol carbine conversion kit from any other person following the endorsement being made specific to the pistol carbine conversion kit by the ~~senior manager~~ licence holder being issued with— 15
- (i) a permit to import the pistol carbine conversion kit; or
- (ii) a permit to possess the pistol carbine conversion kit.
- (3) **Subsections (1) and (2)** are subject to any other provision of this Act that provides otherwise.
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years if the person, ~~without reasonable excuse, contravenes this section.~~ 20
- (a) possesses a pistol carbine conversion kit; and
- (b) is not authorised or permitted by or under this Act to possess the pistol carbine conversion kit. 25

Compare: 1983 No 44 ss 22C(1), (3), 50AA(1)

## 25 Defence to prosecution for offence under section 24

- (1) In any prosecution for an offence under **section 24** in which it is proved that the defendant was in possession of a pistol carbine conversion kit, the defendant has the burden of proving that they were authorised or permitted, expressly 30 or by implication, by this Act to be in possession of the pistol carbine conversion kit.
- (2) It is a defence to a prosecution for an offence ~~against~~ under **section 24** if the defendant proves—
- (a) that the pistol carbine conversion kit was in their possession for use 35 both—
- (i) on a pistol shooting range; and

- (ii) under the immediate supervision of a person who holds a firearms licence bearing an endorsement permitting them to have possession of a pistol; and
- (b) that at all times while they were in possession of the pistol carbine conversion kit they were both on such a range and under the immediate supervision of such a person. 5

Compare: 1983 No 44 s 50AA(2), (3)

*Requirements for possession of standard magazines and non-restricted parts*

**26 ~~Requirements~~ Requirement for possession of standard magazine or non-restricted part** 10

- (1) A person may possess a standard magazine or non-restricted part only if the person—
  - (a) holds a firearms licence or visitor licence; or
  - (b) is, at all times while in possession of the standard magazine or non-restricted part, under the immediate supervision of a person who holds a firearms licence. 15
- (2) **Subsection (1)** does not apply to a large-capacity pistol magazine (*see section 27*).
- (3) **Subsection (1)** is subject to any other provision of this Act that provides otherwise. 20
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes this section.

Compare: 1983 No 44 s 22A

**27 ~~Requirements~~ Requirement for possession of large-capacity pistol magazine** 25

- (1) A person may possess a large-capacity pistol magazine only if the person holds a firearms licence or visitor licence that bears an endorsement permitting them to possess a ~~large-capacity pistol magazine~~ pistol.
- (2) **Subsection (1)** is subject to any other provision of this Act that provides otherwise. 30
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, contravenes this section.

*Requirements—Requirement for possession of parts of restricted weapons***28 Requirements—Requirement for possession of parts of restricted weapons**

(1) A person may ~~only~~ possess a part of a restricted weapon only if the person holds a firearms licence that bears an endorsement permitting them to possess a restricted weapon. 5

(2) **Subsection (1)** is subject to any other provision of this Act that provides otherwise.

(3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, contravenes this section. 10

Compare: 1983 No 44 s 37(1)

*Requirement for possession of ammunition***29 Requirement for possession of ammunition**

(1) A person may ~~only~~ possess ammunition only if the person—

(a) holds a firearms licence or visitor licence; or 15

(b) is, at all times while in possession of the ammunition, under the immediate supervision of a person who holds a firearms licence.

(2) **Subsection (1)** is subject to any other provision of this Act that provides otherwise.

(3) In **subsection (1)**, **ammunition** does not include— 20

(a) ammunition for ~~exempt firearms~~; and—

(i) antique firearms;

(ii) exempt standard firearms;

(iii) exempt pistols;

(b) projectiles for airguns. 25

(4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes this section.

Compare: 1983 No 44 s 22B(1)(a), (b), (2)

**30 Exception for employees of approved ammunition sellers** 30

**Section 29** does not apply to a person in possession of ammunition when the person is—

(a) acting in their capacity as an employee of an approved ammunition seller; and

- (b) performing their duties at their place of work under the supervision of a person who holds a firearms licence.

Compare: 1983 No 44 s 22B(1)(c)

Subpart 2—Requirements for possession of restricted firearms, restricted magazines, restricted parts, and restricted ammunition 5

*Requirements for possession of restricted firearms*

**31 Requirements for possession of restricted firearm**

- (1) An individual may ~~only~~ possess a restricted firearm only if the individual—
- (a) holds a firearms licence that bears an endorsement permitting them to possess a restricted firearm; and 10
- (b) the endorsement has been made specific to the restricted firearm by the issue of—
- (i) a permit to import the restricted firearm; or
- (ii) a permit to possess the restricted firearm.
- (2) A licensed business ~~that is a body corporate~~ may ~~only~~ possess a restricted firearm only if— 15
- (a) the business licence ~~held by a senior manager of the body corporate~~ bears an endorsement permitting the possession of a restricted firearm; and
- (b) the licensed business takes or took possession of the restricted firearm 20 following the endorsement being made specific to the restricted firearm by the ~~senior manager~~ licence holder being issued with—
- (i) a permit to import the restricted firearm; or
- (ii) a permit to possess the restricted firearm.
- (3) **Subsections (1) and (2)** are subject to any other provision of this Act that provides otherwise. 25
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person, ~~without reasonable excuse, contravenes this section.~~—
- (a) possesses a restricted firearm; and 30
- (b) is not authorised or permitted by or under this Act to possess the restricted firearm.

Compare: 1983 No 44 ss 19A(1), (3), 30B(5), 50A

**32 Exception for employees of animal and biosecurity controllers sharing possession of restricted firearms** 35

**Section 31(1)(b)** does not apply to an individual who—

- (a) is an employee specified in a multi-user agreement; and
  - (b) shares with other employees specified in the multi-user agreement the possession of 1 or more restricted firearms; and
  - (c) is in possession of the same restricted firearm for 7 days or less.
- 33 Exception if repairs or modifications to restricted firearm undertaken by licensed business** 5
- (1) **Section 31(1)(b)** does not apply if the restricted firearm—
- (a) is owned by the individual and is returned to the individual by a licensed business following repair or modification; and
  - (b) has not been out of the possession of the individual for more than ~~7~~ 21 days. 10
- (2) **Section 31(2)(b)** does not apply if the licensed business—
- (a) receives the restricted firearm for the purpose of repair or modification; and
  - (b) within ~~7~~ 21 days, returns the restricted firearm to its owner. 15
- (3) In this section, **modification**, in relation to a restricted firearm, includes permanently deactivating the restricted firearm.

*Requirements for possession of restricted magazines*

- 34 Requirements for possession of restricted magazine**
- (1) An individual may ~~only~~ possess a restricted magazine only if— 20
- (a) the individual holds a firearms licence that bears an endorsement permitting them to possess a restricted magazine; and
  - (b) the endorsement has been made specific to the restricted magazine by the issue of—
    - (i) a permit to import the restricted magazine; or 25
    - (ii) a permit to possess the restricted magazine.
- (2) A licensed business ~~that is a body corporate may only~~ may possess a restricted magazine only if—
- (a) the business licence ~~held by a senior manager of the body corporate~~ bears an endorsement permitting the possession of a restricted magazine; and 30
  - (b) the licensed business takes or took possession of the restricted magazine following the endorsement being made specific to the restricted magazine by the ~~senior manager licence holder~~ being issued with—
    - (i) a permit to import the restricted magazine; or 35
    - (ii) a permit to possess the restricted magazine.

- (3) **Subsections (1) and (2)** are subject to any other provision of this Act that provides otherwise.
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, ~~without reasonable excuse, contravenes this section.~~ 5
- (a) possesses a restricted magazine; and
- (b) is not authorised or permitted by or under this Act to possess the restricted magazine.
- Compare: 1983 No 44 ss 19A(1), (3), 30B(5), 50B
- 35 Exception for employees of animal and biosecurity controllers sharing possession of restricted magazines** 10
- Section 34(1)(b)** does not apply to an individual who—
- (a) is an employee specified in a multi-user agreement; and
- (b) shares with other employees specified in that multi-user agreement the possession of 1 or more restricted magazines; and 15
- (c) is in possession of the same restricted firearm for 7 days or less.
- Requirements for possession of restricted parts*
- 36 Requirements—Requirement for possession of restricted parts**
- (1) ~~A person may only possess a restricted part if the person holds a firearms licence that bears an endorsement permitting them to possess a restricted firearm.~~ 20
- (1) A person may possess a restricted part only if the person—
- (a) is an individual and holds a firearms licence that bears an endorsement permitting them to possess a restricted firearm; or
- (b) is a licensed business and the business licence— 25
- (i) authorises the manufacture or possession of the restricted part for the purpose of carrying on a business activity; and
- (ii) bears an endorsement permitting the possession of a restricted firearm.
- (2) **Subsection (1)** is subject to any other provision of this Act that provides otherwise. 30
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, contravenes this section.

**Guidance note**

See **section 59**, which provides for a licensed business, in certain circumstances, to possess a restricted part for the purpose of carrying on a business activity.

Compare: 1983 No 44 ss 19B(1), (3), 50C

*Requirement for possession of restricted ammunition* 5

**37 Requirement Requirements for possession of restricted ammunition**

- (1) ~~A person may not have in their possession any restricted ammunition.~~
- (1) A person may possess restricted ammunition only if the person—
- (a) is authorised or permitted by or under this Act to do so; and
- (b) holds— 10
- (i) a firearms licence; or
- (ii) a museum worker licence.
- (2) **Subsection (1)** is subject to any other provision of this Act that provides otherwise.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, contravenes ~~this section~~ **subsection (1)**. 15

Compare: 1983 No 44 s 50CA

Subpart 3—Requirements for possession of certain arms items for  
theatrical purposes 20

**38 Possession of firearm, pistol, restricted item, or restricted weapon for theatrical purposes**

- (1) A person may ~~only~~ have possession of a firearm, pistol, restricted item, or restricted weapon for the purpose of making a broadcast or a theatrical, cinematic, television film, or video recording production only if— 25
- (a) the person is entitled under this Act to have possession of the firearm, pistol, restricted item, or restricted weapon; or
- (b) the person—
- (i) is under the immediate supervision of another person who is entitled under this Act to have possession of the firearm, pistol, restricted item, or restricted weapon; and 30
- (ii) has possession of the firearm, pistol, restricted item, or restricted weapon only during the broadcast or the production or staging of the play or the filming of the cinematic production or television film; and 35

- (iii) is not in possession of any ammunition (other than blank ammunition) for the firearm, pistol, restricted item, or restricted weapon.
- (2) **Subsection (1)** is subject to any other provision of this Act that provides otherwise.

Compare: 1983 No 44 s 31

5

#### Subpart 4—Requirements for selling or supplying arms items and ammunition

##### *Selling or supplying arms items manufactured for personal use*

- 39 Requirement for selling or supplying arms item manufactured for personal use by firearms licence holder** 10
- (1) This section applies to an arms item that has been manufactured by a firearms licence holder for personal use by the firearms licence holder.
- (2) The firearms licence holder who manufactured the arms item may only sell or supply the arms item to—
- (a) a licensed business; or 15
- (b) any other person through a licensed business.
- (3) A firearms licence holder commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$20,000, if the firearms licence holder contravenes **subsection (2)**.

##### *Selling or supplying firearms, blank-firing guns, and airguns* 20

- 40 Requirements for selling or supplying standard firearm, blank-firing gun, or airgun**
- (1) A person may ~~only~~ sell or supply a standard firearm to another person **(B) only** if B holds a firearms licence.
- (2) A person may ~~only~~ sell or supply a blank-firing gun to another person **(B) only** if B holds a firearms licence. 25
- (3) A person may ~~only~~ sell or supply an airgun to another person **(B) only** if B—
- (a) is aged between 16 years and 18 years and holds a firearms licence; or
- (b) is of or over the age of 18 years.
- (4) **Subsections (1) to (3)** are subject to any other provision of this Act that provides otherwise. 30
- (5) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$40,000, if the person, without reasonable excuse, contravenes **subsection (1) or (2)**.

- (6) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$20,000, if the person, without reasonable excuse, contravenes **subsection (3)**.

Compare: 1983 No 44 s 43(1)

- 41 Defence to prosecution for offence under section 40** 5
- (1) It is a defence to a prosecution for an offence against **section 40(1) or (2)** if the defendant **(A)** proves—
- (a) A took reasonable steps to ascertain whether the person to whom they sold or supplied the standard firearm **(B)** was ~~the holder of a firearms licence~~ holder or was a licensed business; or 10
- (b) that—
- (i) the standard firearm was sold or supplied to B for use under the immediate supervision of another person (not being a visitor) who ~~holds~~ is a firearms licence holder **(C)**; and
- (ii) at all times, while B was in possession of the standard firearm, B 15  
was under the immediate supervision of C.
- (2) It is a defence to a prosecution for an offence against **section 40(3)** if the defendant **(D)** proves—
- (a) that D took reasonable steps to ascertain whether the person to whom they sold or supplied the airgun **(E)** was— 20
- (i) of or over the age of 18 years; or
- (ii) ~~the holder of a firearms licence~~ holder; or
- (iii) a licensed business; or
- (b) that—
- (i) the airgun was sold or supplied to E for use under the immediate 25  
supervision of another person **(F)** who was—
- (A) of or over the age of 18 years; or
- (B) ~~the holder of a firearms licence~~ holder; or
- (ii) at all times while E was in possession of the airgun, E was under 30  
the immediate supervision of F.

Compare: 1983 No 44 s 43(2), (3)

*Selling or supplying pistols and restricted weapons*

- 42 Requirement Requirements for selling or supplying pistol or restricted weapon**
- (1) A person may ~~only~~ sell or supply a pistol or restricted weapon to another per- 35  
son **(B)** only if—

- (a) B holds a firearms licence that bears an endorsement permitting B to possess a pistol or restricted weapon; and
- (b) the endorsement has been made specific to the pistol or restricted weapon by the issue of—
  - (i) a permit to import the pistol or restricted weapon; or 5
  - (ii) a permit to possess the pistol or restricted weapon.
- (2) **Subsection (1)** is subject to any other provision of this Act that provides otherwise.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person contravenes **subsection (1)**. 10  
Compare: 1983 No 44 s 44(1)

#### 43 Defence to prosecution for offence under section 42

It is a defence to a prosecution for an offence against **section 42(1)** if the defendant (A) proves—

- (a) that A took reasonable steps to ascertain whether the person to whom they sold or supplied the pistol or restricted weapon (B) was the holder of a firearms licence bearing an endorsement permitting the person to possess the pistol or restricted weapon by a permit of the kind described in **section 42(1)(b)**; or 15
- (b) in the case of a prosecution relating to the sale or supply of a pistol,— 20
  - (i) that the pistol was supplied to B for use—
    - (A) on a range used by a pistol shooting club that holds a certificate of approval issued under **section 214**; and
    - (B) under the immediate supervision of another person (C) who holds a firearms licence bearing an endorsement permitting them to have the pistol or a pistol of that kind; and 25
  - (ii) that, at all times while B was in possession of the pistol, B was—
    - (A) on a range of the kind described in **subparagraph (i)(A)**; and
    - (B) under the immediate supervision of C. 30

Compare: 1983 No 44 s 44(2)

#### *Selling or supplying pistol carbine conversion kits or large-capacity pistol magazines*

- 44 **Requirements for selling or supplying pistol carbine conversion kit or large-capacity pistol magazine** 35
- (1) A person may ~~only~~ sell or supply a pistol carbine conversion kit to another person (B) only if—

- (a) B holds a firearms licence that bears an endorsement permitting B to possess a pistol; and
- (b) the endorsement has been made specific to the pistol carbine conversion kit by the issue of—
- (i) a permit to import a pistol or a permit to possess a pistol; and 5
  - (ii) a permit to import the pistol carbine conversion kit or a permit to possess the pistol carbine conversion kit.
- (2) A person may ~~only~~ sell or supply a large-capacity pistol magazine to another person **(B)** only if B holds a firearms licence that bears an endorsement permitting B to possess a large-capacity pistol magazine. 10
- (3) **Subsections (1) and (2)** are subject to any other provision of this Act that provides otherwise.
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person, without reasonable excuse, contravenes **subsection (1) or (2)**. 15

Compare: 1983 No 44 s 44AA(1)

#### 45 Defence to prosecution under section 44

- (1) It is a defence to a prosecution for an offence against **section 44(1)** if the defendant **(A)** proves that they took reasonable steps to ascertain whether the person to whom they sold or supplied the pistol carbine conversion kit **(B)** held a firearms licence with an appropriate endorsement and permit in accordance with the requirements in **section 42(1)(a) and (b)**. 20
- (2) It is a defence to a prosecution for an offence against **section 44(2)** if the defendant **(A)** proves that they took reasonable steps to ascertain whether the person to whom they sold or supplied the large-capacity pistol magazine **(B)** held a firearms licence with an appropriate endorsement in accordance with the requirement in **section 44(2)**. 25
- (3) It is also a defence to a prosecution for an offence against **section 44(1) or (2)** if A proves—
- (a) that the pistol carbine conversion kit or large-capacity pistol magazine was supplied to B for use— 30
    - (i) on a pistol shooting range; and
    - (ii) under the immediate supervision of another person **(C)** who holds a firearms licence that bears an endorsement permitting C to possess a pistol; and 35
  - (b) that, at all times while B was in possession of the pistol carbine conversion kit or large-capacity pistol magazine, B was—
    - (i) on a pistol shooting range; and

- (ii) under the immediate supervision of C.

Compare: 1983 No 44 s 44AA(2), (3)

*Selling or supplying parts of restricted weapons*

- 46 Requirement Requirements for selling or supplying part of restricted weapon** 5
- (1) A person (A) may ~~only~~ sell or supply a part of a restricted weapon to any other person (B) only if—
- (a) A—
- (i) holds a firearms licence that bears an endorsement permitting them to possess a restricted weapon; or 10
- (ii) is a licensed business; and
- (b) B holds a firearms licence that bears an endorsement permitting them to possess a restricted weapon.
- (2) **Subsection (1)** is subject to any other provision of this Act that provides otherwise. 15
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, contravenes **subsection (1)**.
- Compare: 1983 No 44 s 44B

*Selling or supplying ammunition* 20

- 47 Requirement for selling or supplying ammunition**
- (1) A person may ~~only~~ sell or supply ammunition commercially only if the person is—
- (a) a licensed business; or
- (b) an approved ammunition seller. 25
- (2) A person may only sell or supply ammunition to a person who holds a firearms licence.
- (3) **Subsections (1) and (2)** are subject to any other provision of this Act that provides otherwise.
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$20,000, if the person, without reasonable excuse, contravenes **subsection (1) or (2)**. 30
- Compare: 1983 No 44 s 22D(1), (2), (4)

- 48 Exceptions to section 47(1)**
- Section 47(1)** does not apply to a person who is— 35

- (a) an employee of a licensed business, if the employee holds a firearms licence; or
  - (b) an employee of an ammunition seller who is performing their duties under the supervision of a person who holds a firearms licence; or
  - (c) a member of a shooting club, if the member— 5
    - (i) sells ammunition to a club member, or on club premises, with the approval of the management committee of the club or a majority vote of club members; and
    - (ii) uses the sales revenue for the benefit of the club.
- Compare: 1983 No 44 s 22D(3) 10

#### 49 Defence to prosecution under section 47(2)

It is a defence to a prosecution for an offence ~~under~~ against **section 47(2)** if the defendant proves—

- (a) that they took reasonable steps to ascertain whether the person to whom they sold or supplied the ammunition (**A**) held a firearms licence; or 15
- (b) that—
  - (i) the ammunition was sold or supplied to A for use under the immediate supervision of another person who holds a firearms licence (**B**); and
  - (ii) at all times while A was in possession of the ammunition, A was 20 under the immediate supervision of B.

Compare: 1983 No 44 s 22D(5)

#### *Selling or supplying restricted firearms and restricted magazines*

#### 50 Requirements for selling or supplying restricted firearms or restricted magazines 25

- (1) A person may ~~only~~ sell or supply a restricted firearm or restricted magazine to another person (**B**) only if—
  - (a) B holds a firearms licence that bears an endorsement permitting B to possess a restricted firearm or restricted magazine; and
  - (b) the endorsement has been made specific to the restricted firearm or 30 restricted magazine by the issue of—
    - (i) a permit to import the restricted firearm or restricted magazine; or
    - (ii) a permit to possess the restricted firearm or restricted magazine.
- (2) **Subsection (1)** is subject to any other provision of this Act that provides 35 otherwise.

- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person, without reasonable excuse, contravenes **subsection (1)**.

Compare: 1983 No 44 s 44A(1)

## **51 Limited exemption for semi-automatic pistols** 5

**Section 50** does not apply to the sale or supply of a semi-automatic pistol to a person in the person's capacity referred to in **section 183(4), (5), (6), or (7)**, if that person has been issued with—

- (a) a permit to import the pistol; or  
 (b) a permit to possess the pistol. 10

Compare: 1983 No 44 s 44A(2)

### *Selling or supplying restricted parts*

## **52 Requirement Requirements for selling or supplying restricted part**

- (1) A person (**A**) may ~~only~~ sell or supply a restricted part to any other person (**B**) only if— 15
- (a) A—
- (i) holds a firearms licence that bears an endorsement permitting them to possess a restricted firearm; or
- (ii) is a licensed business; and
- (b) B holds a firearms licence that bears an endorsement permitting them to possess a restricted firearm. 20
- (2) **Subsection (1)** is subject to any other provision of this Act that provides otherwise.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, contravenes **subsection (1)**. 25

Compare: 1983 No 44 s 44B

### *Selling or supplying restricted ammunition*

## **53 Prohibition on Requirements for selling or supplying restricted ammunition** 30

- (1) A person may ~~not~~ sell or supply restricted ammunition only if the person is authorised or permitted by or under this Act to do so.
- (1A) A person may sell or supply restricted ammunition to another person (**B**) only if B may possess restricted ammunition.

- (2) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, contravenes **subsection (1) or (1A)**.

Compare: 1983 No 44 s 43AA

*Selling or supplying by mail order or online* 5

**54 Requirements for selling arms item or ammunition by mail order or online**

- (1) A person may only sell, by mail order or online, any item specified in **subsection (2)** under a written order that—
- (a) is signed by the purchaser; and
  - (b) is signed by an arms officer of the Arms Regulator stating that the officer—
    - (i) has inspected the purchaser's firearms licence; and
    - (ii) has inspected, in the case of an item specified in **subsection (2)(e)**, the permit to possess the pistol carbine conversion kit issued to the purchaser under **section 206**; and 15
    - (iii) is satisfied that the purchaser is a fit and proper person to purchase the item; and
  - (c) records, in the case of the sale of an item specified in **subsection (2)(a) and (e)**, the marking on the item.
- (2) The items referred to in **subsection (1)** are— 20
- (a) standard firearms:
  - (b) standard magazines:
  - (c) large-capacity pistol magazines:
  - (d) non-restricted parts:
  - (e) pistol carbine conversion kits: 25
  - (f) airguns (other than an airgun for use in airsoft or paintball sports):
  - (g) ammunition (other than ammunition for an exempt standard firearm or an exempt pistol).
- (3) A person may ~~only~~ sell, by mail order or online, any restricted item, pistol, or restricted weapon only if— 30
- (a) the purchaser has obtained an endorsement on their business licence or firearms licence that authorises them to possess a restricted item, pistol, or restricted weapon; and
  - (b) the purchaser has, in the case of a restricted firearm, restricted magazine, pistol, or restricted weapon, obtained a permit to possess the restricted firearm, restricted magazine, pistol, or restricted weapon; and 35

- (c) the restricted item, pistol, or restricted weapon is delivered by a courier specified in the permit referred to in **paragraph (b)** or, in the case of a restricted part, a form specified by the chief executive.
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$20,000, if the person, without reasonable excuse, contravenes **subsection (1) or (3)**. 5
- Compare: 1983 No 44 s 43A

### Subpart 5—Requirements for importing arms items, air pistol carbine conversion kits, permanently deactivated firearms, and ammunition

- 55 Requirement for importing firearms, etc** 10
- (1) A person who is importing into New Zealand any of the following items must have a permit to import the item:
- (a) a standard firearm:
  - (b) an exempt standard firearm:
  - (ba) an exempt pistol: 15
  - (c) a blank-firing gun:
  - (d) an exempt blank-firing gun:
  - (e) a permanently deactivated firearm:
  - (f) a restricted airgun:
  - (g) a standard magazine: 20
  - (h) a large-capacity pistol magazine:
  - (i) a pistol carbine conversion kit:
  - (j) an air pistol carbine conversion kit:
  - (k) a non-restricted part:
  - (l) a part of a blank-firing gun: 25
  - (m) ammunition:
  - (n) a pistol:
  - (o) a restricted weapon:
  - (oa) a part of a restricted weapon:
  - (p) a restricted firearm: 30
  - (q) a restricted magazine:
  - (r) a restricted part.
- (2) In **subsection (1)**, **New Zealand** does not include the harbours and other territorial waters of New Zealand.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the person, 35

without reasonable excuse, contravenes any of **paragraphs (a) to (m) of subsection (1)**.

- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years if the person, without reasonable excuse, contravenes any of **paragraphs (n) to (r) of subsection (1)**. 5

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**Guidance note**

For permits to import, see **subpart 2 of Part 4**.

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Compare: 1983 No 44 s 16

**56 Requirements for importing restricted ammunition**

- (1) A person may import restricted ammunition into New Zealand only if the person— 10
- ~~(a) possession of the restricted ammunition is authorised or expressly permitted by this Act; and~~
  - ~~(b) the person has a permit to import the restricted ammunition.~~
  - (a) may possess restricted ammunition; and 15
  - (b) has a permit to import the restricted ammunition.
- (2) In **subsection (1)**, **New Zealand** does not include the harbours and other territorial waters of New Zealand.
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years if the person, without reasonable excuse, contravenes **subsection (1)**. 20

Compare: 1983 No 44 s 16A

Subpart 6—Requirements for carrying on business activities

*Carrying on business activities*

- 57 Persons carrying on business activity must be licensed** 25
- (1) A person may carry on a business activity in relation to a class of arms items only if the person is a licensed business.
- (2) A person is a **licensed business** if the person is—
- (a) an individual who holds a business licence authorising the individual to carry on 1 or more business activities in relation to 1 or more classes of arms items; or 30
  - (b) a body corporate that has a senior manager who holds a business licence authorising the senior manager to carry on 1 or more business activities in relation to 1 or more classes of arms items.

- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the person, without reasonable excuse, contravenes this section.

Compare: 1983 No 44 s 5(1), (2), (5)

*Requirements relating to possession of certain arms items for business activities* 5

**58 Requirements relating to possession of restricted firearm, restricted magazine, pistol, large-capacity pistol magazine, pistol carbine conversion kit, or restricted weapon for business activities**

- (1) A licensed business may possess an arms item that is a restricted firearm, restricted magazine, pistol, large-capacity pistol magazine, pistol carbine conversion kit, or restricted weapon for the purpose of carrying on a business activity only if— 10
- (a) the licensed business is authorised to carry on the business activity in relation to the restricted firearm, restricted magazine, pistol, large-capacity pistol magazine, pistol carbine conversion kit, or restricted weapon; and 15
- (b) the business licence bears an appropriate endorsement; and
- (c) any of the following apply:
- (i) the ~~holder of the business licence~~ holder has been issued with— 20
- (A) a permit to import the arms item; or
- (B) a permit to possess the arms item; or
- (ii) the arms item has been manufactured by the licensed business with the written approval of the chief executive under **section 65**; or 25
- (iii) the arms item is a pistol, restricted weapon, or restricted firearm and **section 21(2) or 33(2)** applies; or
- (iv) the arms item is a large-capacity pistol magazine.
- (2) ~~A licensed business that is an individual commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$40,000, if the individual, without reasonable excuse, contravenes **subsection (1)**.~~ 30
- (3) ~~The senior manager of a body corporate that is a licensed business commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$40,000, if the body corporate, without reasonable excuse, contravenes **subsection (1)**.~~ 35
- (4) **Subsections (2) and (3)** are subject to **section 334**.
- (2) An individual who is a licensed business, or the senior manager of a body corporate that is a licensed business, commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$40,000, if the individual, without reasonable excuse, contravenes **subsection (1)**.

tion to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$40,000, if the licensed business, without reasonable excuse, contravenes **subsection (1)**.

(3) **Subsection (2)** is subject to **section 332**.

Compare: 1983 No 44 s 10(1), (3), (4)

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## 59 Requirements relating to possession of restricted part for business activities

(1) A licensed business may possess a restricted part for the purpose of carrying on a business activity only if—

(a) ~~the holder of the business licence~~ holder is authorised to carry on the business activity in relation to the restricted part; and 10

(b) the business licence bears an endorsement permitting the possession of a restricted firearm; and

(c) either—

(i) ~~the holder of the business licence~~ holder has been issued with a permit to import the restricted part; or 15

(ii) the restricted part has been obtained from—

(A) a person who holds a firearms licence that bears an endorsement permitting the possession of a restricted firearm; or 20

(B) a licensed business and the business licence is held by ~~the~~ an individual (in the case of a licensed business that is an individual) or a senior manager of a body corporate (in the case of a licensed business that is a body corporate) that bears an endorsement permitting the possession of a restricted firearm. 25

(2) ~~A licensed business that is an individual commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$20,000, if the individual, without reasonable excuse, contravenes **subsection (1)**.~~ 30

(3) ~~The senior manager of a body corporate that is a licensed business commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$20,000, if the body corporate, without reasonable excuse, contravenes **subsection (1)**.~~

(4) **Subsections (2) and (3)** are subject to **section 334**.

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(2) An individual who is a licensed business, or the senior manager of a body corporate that is a licensed business, commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$20,000, if the licensed business, without reasonable excuse, contravenes **subsection (1)**. 40

(3) **Subsection (2)** is subject to **section 332**.

Compare: 1983 No 44 s 10(2)–(4)

*Requirements for employees of licensed business assisting with business activities*

- 60 Requirement for employees ~~Employees of licensed business to~~ must hold firearms licence** 5
- (1) An employee of a licensed business may assist with the carrying on of a business activity in relation to any class of arms items if the employee holds a firearms licence.
- (2) An employee of a licensed business commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the employee, without reasonable excuse, contravenes ~~this~~ **subsection (1)**. 10  
Compare: 1983 No 44 s 11(1), (3)
- 61 Employees of licensed business do not require endorsements or permits to possess** 15
- (1) This section applies to an employee of a licensed business when the employee is—
- (a) acting in their capacity as an employee of a licensed business; and
- (b) assisting with the carrying on of a business activity (if they are qualified under **section 60** to do so). 20
- (2) ~~The employee does not require an endorsement on their firearms licence to possess—~~
- (a) ~~a restricted firearm;~~
- (b) ~~a restricted magazine;~~
- (c) ~~a restricted part;~~ 25
- (d) ~~a pistol;~~
- (e) ~~a large-capacity pistol magazine;~~
- (f) ~~a pistol carbine conversion kit;~~
- (g) ~~a restricted weapon.~~
- (2) The employee does not require an endorsement on their firearms licence to possess any of the following arms items: 30
- (a) a restricted firearm;
- (b) a restricted magazine;
- (c) a pistol;
- (d) a pistol carbine conversion kit; 35
- (e) a large-capacity pistol magazine;

- (f) a restricted weapon:
- (g) a restricted part.
- (3) The employee does not require a permit to possess any of the following arms items:
- (a) a restricted firearm: 5
- (b) a restricted magazine:
- (c) a pistol:
- (d) a pistol carbine conversion kit:
- (e) a restricted weapon.
- Compare: 1983 No 44 ss 11(2), 19A(2), 19B(2), 19C(2), 22C(2) 10

Subpart 7—Requirements for possessing, displaying, and storing arms items, ammunition, and restricted ammunition in museums

*Requirements for ~~curators~~ museums*

**62 ~~Curator who possesses, displays, and stores arms items must be licensed~~**

- (1) ~~A curator of a museum may possess, display, and store a class of arms items in the museum if the curator—~~ 15
- (a) ~~holds a curator licence; and~~
- (b) ~~is authorised by that licence to possess, display, and store that class of arms items in the museum.~~
- (2) ~~A curator commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the person, without reasonable excuse, contravenes **subsection (1)**.~~ 20
- Compare: 1983 No 44 s 5(1)(d), (5)

**62 Museum possessing, displaying, and storing arms items, ammunition, and restricted ammunition** 25

- (1) A museum may possess, display, and store any of the following only if the museum is a licensed museum:
- (a) 1 or more classes of arms items:
- (b) 1 or more types of ammunition:
- (c) 1 or more types of restricted ammunition. 30
- (2) A museum is a **licensed museum** if,—
- (a) in relation to the possession, display, and storage of a class of arms items in the museum, a senior manager, or a curator, of the museum holds a museum licence authorising the possession, display, and storage of that class of arms item in the museum: 35

- (b) in relation to the possession, display, and storage of a type of ammunition in the museum, a senior manager, or a curator, of the museum holds a museum licence authorising the possession, display, and storage of that type of ammunition in the museum:
- (c) in relation to the possession, display, and storage of a type of restricted ammunition in the museum, a senior manager, or a curator, of the museum holds a museum licence authorising the possession, display, and storage of that type of restricted ammunition in the museum. 5
- (3) A senior manager or curator of a museum commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the museum, without reasonable excuse, displays 1 or more classes of arms items, or 1 or more types of ammunition or restricted ammunition, in contravention of **subsection (1)**. 10

Compare: 1983 No 44 s 5(1)(d), (5)

*Requirements for museum workers* 15

**63 Requirement for museum workers possessing, displaying, and storing arms items to be licensed**

- (1) ~~An employee or a volunteer employed by a museum (a **museum worker**) may only possess, display, and store a class of arms items in the performance of their duties if—~~ 20
- (a) ~~the curator of the museum holds a curator licence; and~~
- (b) ~~the museum worker holds—~~
- (i) ~~a firearms licence; or~~
- (ii) ~~a museum worker licence.~~
- (2) ~~A museum worker does not require an endorsement on their museum worker licence to possess—~~ 25
- (a) ~~a restricted firearm:~~
- (b) ~~a restricted magazine:~~
- (c) ~~a restricted part:~~
- (d) ~~a pistol:~~ 30
- (e) ~~a large-capacity pistol magazine:~~
- (f) ~~a pistol carbine conversion kit:~~
- (g) ~~a restricted weapon.~~
- (3) ~~A museum worker commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the worker, without reasonable excuse, contravenes **subsection (1)**.~~ 35

Compare: 1983 No 44 s 11(1), (3)

**63 Museum workers who possess, display, and store arms items, ammunition, and restricted ammunition must be licensed**

- (1) A museum worker performing their duties in a licensed museum may possess, display, and store any of the following only if the museum worker is licensed:
- (a) the 1 or more classes of arms items specified in the museum licence: 5
  - (b) the 1 or more types of ammunition specified in the museum licence:
  - (c) the 1 or more types of restricted ammunition specified in the museum licence.
- (2) A museum worker is **licensed** if the museum worker holds—
- (a) a firearms licence; or 10
  - (b) a museum worker licence.
- (3) A museum worker commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the worker, without reasonable excuse, contravenes **sub-section (1)**.
- Compare: 1983 No 44 s 11(1), (3) 15

**63A Museum workers do not require endorsements or permits to possess**

- (1) This section applies to a museum worker when performing their duties in their capacity as a museum worker.
- (2) The museum worker does not require an endorsement on their firearms licence or museum worker licence to possess any of the following arms items: 20
- (a) a restricted firearm:
  - (b) a restricted magazine:
  - (c) a pistol:
  - (d) a pistol carbine conversion kit:
  - (e) a large-capacity pistol magazine: 25
  - (f) a restricted weapon:
  - (g) a restricted part.
- (3) The museum worker does not require a permit to possess any of the following arms items:
- (a) a restricted firearm: 30
  - (b) a restricted magazine:
  - (c) a pistol:
  - (d) a pistol carbine conversion kit:
  - (e) a restricted weapon.

## Subpart 8—Requirements for manufacturing arms items and air pistol carbine conversion kits

### 64 Certain business licence holders may manufacture restricted items

- (1) A person may not manufacture any restricted item unless—
- (a) the person is a licensed business described in **section 82(2) or (3)** and the business licence authorises the manufacture of the restricted item; and 5
  - (b) the business licence bears an endorsement permitting possession of the restricted item; and
  - (c) before the restricted item is manufactured, the endorsement has been made specific to the restricted item by the issue of a permit to possess the item. 10
- (2) An individual who is a licensed business, or the senior manager of a body corporate that is a licensed business, commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the licensed business, without reasonable excuse, contravenes **subsection (1)** and manufactures a restricted firearm. 15
- (3) An individual who is a licensed business, or the senior manager of a body corporate that is a licensed business, commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the licensed business, without reasonable excuse, contravenes **subsection (1)** and manufactures a restricted magazine or restricted part. 20

Compare: 1983 No 44 ss 5A(2), 22G

### 65 Requirements for manufacture of certain arms items by business licence holders

- (1) This section applies if a business licence is issued for the purpose of carrying on a business activity relating to the manufacture for sale, hire, lending, or other supply of any of the following classes of arms items: 25
- (a) pistols:
  - (b) restricted items: 30
  - (c) pistol carbine conversion kits:
  - (d) air pistol carbine conversion kits.
- (2) Before manufacturing any class of arms items referred to in **subsection (1)**, a licensed business must—
- (a) obtain the approval of the chief executive to manufacture— 35
    - (i) the class of arms items; and
    - (ii) the number of items in that class intended to be manufactured; and
  - (b) have a permit to possess each of the items.

- (3) Before approving the manufacture of any class of arms items specified in **subsection (1)(a), (b), or (c)**, the chief executive must be satisfied that there are special reasons why the items that are proposed to be manufactured should be in New Zealand.
- (4) The chief executive must, before approving the manufacture of air pistol carbine conversion kits, also be satisfied that the kits are for the personal use of a member of an airsoft or a paintball club that is affiliated with a national airsoft or paintball organisation. 5
- (5) A licensed business that fails to comply with **subsection (2)** may— 10
- (a) be issued with an improvement notice under **section 181**; or
- (b) have its business licence suspended under **section 145**.

Compare: 1983 No 44 ss 6B, 6C

## **66 Requirement for manufacture of certain ~~arms~~ items by firearms licence holders**

- (1) This section applies to a firearms licence holder who proposes to manufacture for personal use an arms item that is— 15
- (a) a pistol:
- (b) a restricted weapon:
- (c) a pistol carbine conversion kit.
- (2) The firearms licence holder must, before manufacturing the ~~arms~~-item, obtain a permit to possess the item. 20
- (3) A firearms licence holder commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the licence holder, without reasonable excuse, contravenes **subsection (2)**.

## **Part 3**

25

### **Licences and approvals**

#### Subpart 1—Firearms licences

##### *Applying for firearms licence*

## **67 Application for firearms licence**

- (1) A person may apply to the chief executive for a firearms licence if the person— 30
- (a) is of or over the age of 16 years; and
- (b) is not disqualified from holding a firearms licence; and
- (c) ~~is a fit and proper person to hold a firearms licence; and~~

- (d) has not had a firearms licence revoked in the previous 5 years (or, if they have, the revocation was reversed by the Firearms Licensing Review Committee or District Court).
- (2) An application for a firearms licence must be made to the chief executive in the prescribed manner and must— 5
- (a) be in a form approved by the chief executive; and
- (b) include the prescribed details (if any); and
- (c) include the name and contact details of the applicant's health practitioner; and
- (d) be supported by any information and documents that are prescribed; and 10
- (e) be accompanied by the prescribed fee (if any).

Compare: 1983 No 44 s 23(1), (2)

## 68 Persons disqualified from holding firearms licence

A person is disqualified from holding a firearms licence if—

- (a) the person has, within the previous 10 years, been convicted, or been released from custody after being convicted, of any of the following offences: 15
- (i) an offence under **section 31, 50, 55, 56, 255, 256, 257, 262, 263, 265, 266, 269, 329, or 350:**
- (ia) an offence under section 16(4), 16A, 44A, 50A, 50D, 51A, 53A, 54, 54A, 55, 55A, 55D, 55E, or 55F of the Arms Act 1983: 20
- (ii) a specified violent offence as defined in section 4 of the Victims' Orders Against Violent Offenders Act 2014:
- (iii) an offence under section 92, 98, 98A, 189A, 199, 202C, 216Q, 238, 267(1), 269(1) and (3), 306, or 308A of the Crimes Act 1961: 25
- (iv) an offence under section 6, 9, 10, 11, 12, 12A, 12AB, or 12F of the Misuse of Drugs Act 1975; or
- (b) the person has, or has had, within the previous 10 years, a protection order, other than a temporary order, made against them under—
- (i) section 79 of the Family Violence Act 2018; or 30
- (ii) section 14 of the Domestic Violence Act 1995; or
- (c) the person is subject to a firearms prohibition order; or
- (d) the person is a gang member.

Compare: 1983 No 44 s 22H

- 69 ~~Fit and proper persons~~ Persons who may be found not fit and proper to hold firearms licence**
- (1) The chief executive may find that a person is not a fit and proper person to hold a firearms licence if the chief executive is satisfied that the person ~~is not a person who~~—
- (a) is charged with or has been convicted of an offence in New Zealand or overseas that is punishable by a term of imprisonment (including, but not limited to, an offence involving violence, drugs, or alcohol); or
  - (b) is charged with or has been convicted of an offence under this Act; or
  - (c) is charged with or has been convicted of an offence against—
    - (i) section 231A of the Crimes Act 1961; or
    - (ii) the Game Animal Council Act 2013; or
    - (iii) the Wildlife Act 1953; or
    - (iv) the Wild Animal Control Act 1977; or
  - (d) has, or has had at any time, a firearms prohibition order made against them; or
  - (e) has, or has had at any time, a temporary protection order made against them under—
    - (i) section 79 of the Family Violence Act 2018; or
    - (ii) section 14 of the Domestic Violence Act 1995; or
  - (f) has inflicted, or is inflicting, family violence against another person and that other person has grounds under the Family Violence Act 2018 to apply for a protection order in respect of that violence; or
  - (g) has, or has had at any time, a restraining order made against them under the Harassment Act 1997; or
  - (h) has engaged in any conduct involving non-compliance with any requirements of—
    - (i) this Act; or
    - (ia) the Arms Act 1983 (the former Act); or
    - (ii) any regulations (including the Arms Regulations 1992); or
    - (iii) any conditions to which a licence, endorsement, or permit previously issued to the person under this Act or the former Act was subject; or
  - (i) shows, or has recently shown, symptoms of a mental or physical illness or injury that may adversely affect their ability to safely possess firearms; or
  - (j) abuses alcohol, or is dependent on alcohol, to an extent that detrimentally affects their judgement or behaviour; or

- (k) uses drugs (illegal or legal) in a way that affects detrimentally their judgement or behaviour; or
- (l) is a member of an organised criminal group; or
- (m) has close affiliations with a gang or an organised criminal group; or
- (n) has shown patterns of behaviour demonstrating a tendency to exhibit, encourage, or promote violence, hatred, or extremism; or 5
- (o) has been assessed as a risk to the national security of New Zealand or another State to a State's national security; or
- (p) meets any other prescribed criteria for finding that a person is not a fit and proper person to hold a firearms licence. 10
- (2) In determining whether, for the purposes of this Act, a person is a fit and proper person to hold a firearms licence, the chief executive may take into account—
- (a) whether the person—
- (i) has a sound knowledge of the safe possession and use of firearms; and 15
- (ii) understands the legal obligations of a ~~holder of a~~ firearms licence holder, including the endorsements that may be made on a firearms licence; and
- (b) any other prescribed criteria for finding that a person is a fit and proper person to hold a firearms licence; and 20
- (c) any other matters the chief executive considers relevant.
- (3) The chief executive may, for the purpose of determining whether a person is a fit and proper person to be issued with a firearms licence,—
- (a) seek and receive any information that the chief executive considers relevant; and 25
- (b) consider information obtained from any source.
- (4) If the chief executive proposes to take into account any information that is or may be prejudicial to an applicant's application, the chief executive must, subject to **section 72**, disclose that information to the applicant and give the applicant a reasonable opportunity to refute or comment on it. 30
- (5) In this section, **family violence** has the same meaning given as in section 9 of the Family Violence Act 2018.

Compare: 1983 No 44 s 24A

## **70 Issue of firearms licence** 35

- (1) The chief executive must issue a firearms licence to an applicant if the chief executive is satisfied—
- (a) that the applicant—

- (i) is not disqualified from holding a firearms licence; and
- (ii) is a fit and proper person to hold a firearms licence; and
- (b) that the applicant's storage facilities for their firearms and ammunition ~~are have been inspected by an arms officer and found to be compliant~~ with the requirements for the secure storage of firearms and ammunition. 5
- (2) However, a firearms licence must not be issued to an applicant if, in the ~~opinion of the chief executive~~ chief executive's opinion, access to any firearm or an airgun in possession of the applicant is reasonably likely to be obtained by any person who—
- (a) is disqualified under **section 68** from holding a firearms licence; or 10
- (b) has had their firearms licence revoked; or
- (c) is not a fit and proper person to hold a firearms licence.
- (3) As soon as is reasonably practicable after issuing a firearms licence to an applicant, the chief executive must notify the applicant's health practitioner that the applicant has been issued with a firearms licence. 15
- Compare: 1983 No 44 s 24(1)–(3)
- 71 Certain information to be provided to applicant if licence application not granted**
- If the chief executive decides not to issue a firearms licence to an applicant, the chief executive must— 20
- (a) inform the applicant of—
- (i) their decision; and
- (ii) the reasons for their decision (except to the extent that **section 72** applies):
- (b) inform the applicant of the right to apply under **section 79** for a review of the decision not to issue a firearms licence to them. 25
- 72 Disclosure of certain matters to applicant not required**
- Nothing in **section 69(4) or 71(a)(ii)** requires the chief executive to disclose any information to an applicant if the disclosure would be likely to—
- (a) endanger the safety of any person; or 30
- (b) prejudice the maintenance of the law; or
- (c) prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
- (d) prejudice the entrusting of information to the Arms Regulator, the Police, the New Zealand Security Intelligence Service, or the Government Communications Security Bureau on a basis of confidence by— 35
- (i) the government of any other country, or an agency of the government of any other country; or

- (ii) any international organisation.

*Conditions of firearms licence*

**73 Conditions of firearms licence: general**

- (1) A firearms licence is subject to the conditions that the ~~holder of a firearms licence~~ holder must— 5
- (a) comply with all prescribed requirements relating to the secure storage of arms items and ammunition in their possession; and
- (b) when using an arms item and ammunition, act in a way that does not pose a risk to themselves or others; and
- (c) produce any arms items and ammunition ~~that the licence holder is carrying to an officer of the Arms Regulator~~ they possess to an arms officer or a constable on demand; and 10
- (d) permit an arms officer ~~of the Arms Regulator~~ to inspect all arms items and ammunition in the licence holder's possession, the place or places where the arms items are or will be kept, and the place or places where the ammunition is or will be kept, and, for those purposes, to enter at all reasonable times upon the premises where that place or those places are situated; and 15
- (e) permit an arms officer ~~of the Arms Regulator~~ to inspect the security arrangements in any vehicle used by the licence holder to transport the licence holder's firearms; and 20
- (f) inform the chief executive if, after the issue of the licence, any of the circumstances described in **section 69(1)** apply to the licence holder; and
- (g) inform the chief executive if their health practitioner changes, and provide updated details of the name and contact details of their health practitioner. 25
- (2) It is the duty of an arms officer ~~of the Arms Regulator~~ exercising any power conferred by **subsection (1)(d) or (e)**—
- (a) to give at least 7 days' notice of the proposed inspection; and
- (b) to identify themselves to the holder of the firearms licence; and 30
- (c) to tell the holder of the firearms licence that the power is being exercised under **subsection (1)(d) or (e)**, as the case may be; and
- (d) if the arms officer is not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that they are an arms officer ~~of the Arms Regulator~~. 35
- (3) **Subsections (1)(d) and (2)** are subject to **section 186** if the licence bears an endorsement.

Compare: 1983 No 44 s 24B

**74 Conditions of firearms licence: other**

- (1) The chief executive may issue a firearms licence subject to any other conditions that the chief executive considers appropriate.
- (2) If the chief executive issues a firearms licence subject to any other conditions, the chief executive must inform the applicant of the right to apply under **section 79** for a review of the decision to impose those conditions. 5

**75 Breach of conditions in sections 73 or 74**

~~The holder of a A firearms licence~~ holder who breaches a condition that their ~~firearms licence~~ is subject to under **section 73 or 74** may—

- (a) be issued with an improvement notice under **section 181**; or 10
- (b) be issued with a notice of suspension under **section 145**; or
- (c) be issued with an infringement notice under **section 276**, if the breach is specified as an infringement offence ~~in regulations~~; or
- (d) have their firearms licence revoked under **section 151**.

Compare: 1983 No 44 s 24D 15

*Duration of firearms licence***76 Duration of firearms licence: general**

A firearms licence comes into force on the date specified in the licence and, unless sooner revoked or surrendered ~~earlier~~,—

- (a) expires 5 years from that date in the case of— 20
- (i) a licence issued to a person who has never previously held a firearms licence; or
- (ii) a licence issued to a person whose previous licence was revoked or surrendered; or
- (iii) a licence issued to a person who allowed their previous licence to 25  
expire without applying for a new licence before the expiry date:
- (b) expires 10 years from that date in any other case.

**Guidance note**

See **sections 77 and 78**, which provide that in certain circumstances a firearms licence may continue in force for an extended period. 30

Compare: 1983 No 44 s 25(1)

**77 Extension of firearms licence for up to 3 years pending determination of application for new firearms licence**

- (1) This section applies if the holder of a current firearms licence (**licence A**) makes an application for a new firearms licence— 35
- (a) before the expiry of licence A; and

- (b) that satisfies the prescribed criteria.
- (2) Before the expiry date of licence A, and pending determination of the application, the chief executive may—
  - (a) extend the expiry date of licence A by up to 3 years; and
  - (b) reissue licence A showing the extended expiry date. 5
- (3) A licence reissued under **subsection (2)**—
  - (a) takes effect from the expiry date of licence A; and
  - (b) continues in force, unless it is sooner surrendered or revoked, until the date on which the licence holder is notified of the determination of their application. 10
- (4) A new licence issued on the holder's an application takes effect from the date of its issue.

**78 Extension of firearms licence in other cases pending determination of application for new firearms licence**

- (1) This section applies if the holder of a current firearms licence (**licence A**) makes an application for a new firearms licence—
    - (a) before the expiry of licence A; and
    - (b) the chief executive does not extend the expiry date of licence A under **section 77**. 15
  - (2) If the application is not determined before the expiry of licence A, licence A continues in force, unless it is sooner surrendered or revoked, until the date on which the licence holder is notified of the determination of the application. 20
  - (3) The chief executive may, on the application of the holder of licence A, provide to the holder of licence A written confirmation that licence A is extended.
  - (4) A new licence issued on an application takes effect from—
    - (a) the date on which licence A expires if the new licence is issued before licence A expires; or
    - (b) the date on which the new licence is issued if the new licence is issued after licence A expires. 25
- Compare: 1983 No 44 s 25A 30

*Reviews of firearms licensing decisions*

**79 Application for review of firearms licensing decision**

- (1) A person may apply for a review of a decision made by the chief executive to—
  - (a) decline to issue the person with a firearms licence: 35
  - (b) impose a condition on the person's firearms licence:
  - (c) revoke the person's firearms licence.

- (2) An application for a review must be made within 90 days after the date on which the person receives notice of the decision.
- (3) An application for review must be made to the chief executive in the prescribed manner and must—
- (a) be in a form approved by the chief executive; and 5
  - (b) specify—
    - (i) the decision that the applicant wishes to be reviewed; and
    - (ii) the reasons why the applicant thinks the decision should be reviewed; and
    - (iii) the outcome the applicant is seeking; and 10
    - (iv) any other prescribed details; and
  - (c) be accompanied by the prescribed application fee (if any).
- 80 Chief executive to refer application to Firearms Licensing Review Committee**
- As soon as practicable after receiving an application for a review, the chief executive must— 15
- (a) refer the application to the Review Committee; and
  - (b) determine which panel of the Review Committee is to conduct the review.
- 81 Outcome of review** 20
- (1) After conducting a review of a decision, the panel of the Review Committee may do any of the following:
- (a) confirm or reverse the decision not to issue the person with a firearms licence;
  - (b) confirm or reverse the decision to revoke a person's firearms licence: 25
  - (c) confirm, vary, or reverse the decision to impose a condition on the person's firearms licence;
  - (d) impose a new condition on the person's firearms licence.
- (2) The chief executive must, as soon as practicable, notify the applicant of— 30
- (a) the panel's decision ~~the panel has made~~ on the review; and
  - (b) the reasons for that decision; and
  - (c) ~~their~~ the applicant's right, under **section 341(1)(c)**, to appeal to the District Court against the panel's Review Committee's decision;; and
  - (d) the chief executive's right, under **section 341(3)**, to appeal to the District Court against the panel's decision. 35
- (3) The original decision remains in force ~~until~~ for 5 working days after the panel's decision is notified to the applicant.

## Subpart 2—Business licences

*Applying for business licence***82 Application for business licence**

- (1) An application for a business licence must be made to the chief executive in the prescribed manner and must— 5
- (a) be in a form approved by the chief executive; and
  - (b) specify—
    - (i) the business activities for which the business licence is sought; and
    - (ii) the class or classes of arms items in respect of which those business activities will be carried on; and 10
    - (iii) the place of business from which the business activities will be carried on; and
    - (iv) if it is intended that the business activities may occasionally be carried on at more than 1 place of business in accordance with **section 86 or 87**, the following details in respect of each proposed place of business: 15
      - (A) the name of the manager of the place of business; and
      - (B) the address of the place of business; and
    - (v) any other prescribed details; and 20
  - (c) be supported by any information and documents that are prescribed; and
  - (d) be accompanied by the prescribed fee (if any).
- (2) An application for a business licence to carry on the business activity specified in **section 6(1)(a)(iii)** relating to the manufacture of any restricted items may only be made by a person who, before 12 April 2019, was in the business of manufacturing restricted parts and restricted magazines for the purposes of permitted supply and who continues, for the purposes of permitted supply, to manufacture restricted parts and restricted magazines. 25
- (3) An application for a business licence to carry on the business activity specified in **section 6(1)(a)(v)** relating to the manufacture of restricted parts and restricted magazines and using restricted items for the purpose of testing may only be made by a person who, before 12 April 2019, was in the business of permitted supply and the person continues, for the purposes of permitted supply, to use restricted items to test and demonstrate restricted parts and restricted magazines. 30
- (4) In **subsections (2) and (3)**, permitted supply means— 35
- (a) the supply of restricted parts to the Crown that is permitted under **section 13(3) or (4)**:

- (b) the export of restricted parts to any person that is permitted or authorised under the Customs and Excise Act 2018:
- (c) the supply of restricted parts to other persons expressly permitted or authorised under this Act to possess restricted parts.

Compare: 1983 No 44 s 5A

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### 83 Fit and proper person to hold business licence

In deciding whether, for the purposes of **section 84(1)(b)(i)**, an applicant is a fit and proper person to hold a business licence, the chief executive—

- (a) must take into account the character and reputation of the applicant, and whether the applicant—
  - (i) has the competencies and resources to carry on the business activity or activities for which the business licence is sought; and
  - (ii) has any convictions; and
  - (iii) has a sound knowledge of firearms; and
  - (iv) understands the legal obligations of a ~~holder of a business licence~~ holder; and
  - (v) understands the legal obligations of a ~~holder of a firearms licence~~ holder, including an understanding of the endorsements that may be made on a firearms licence, and is able to provide advice on those obligations; and
- (b) may take into account any other matters the chief executive considers relevant.

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Compare: 1983 No 44 s 6(a), (c)

### 84 Issue of business licence

- (1) The chief executive may issue a business licence to an applicant authorising the applicant to carry on 1 or more specified business activities in respect of 1 or more specified classes of arms items if—
  - (a) the applicant holds a firearms licence; and
  - (b) the chief executive is satisfied that—
    - (i) the applicant is a fit and proper person to hold a business licence to carry on the business activity or activities; and
    - (ii) in the place of business from which the business activity or activities will be carried on, there are secure storage facilities appropriate for the class and number of arms items and any ammunition that may be possessed in the course of carrying on the business activity or activities; and
    - (iii) the applicant or, if the applicant is a senior manager of a body corporate who is applying for a business licence so that the body corporate is authorised to carry on a business activity, the body cor-

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- porate has appropriate record-keeping systems and other systems to comply with the requirements of this Act and any regulations; and
- (iv) if it is intended that the business activities will be carried on at more than 1 place of business in reliance on **section 86 or 87**, there will be, at each of those places, a manager who holds a business licence and who has appropriate oversight and control of the proposed business activity or activities to be carried on at that place. 5
- (2) A business licence that is issued to an applicant for the carrying on of a business activity in respect of any of the following classes of arms items must bear an appropriate endorsement: 10
- (a) restricted firearms:
- (b) restricted magazines:
- (c) pistols: 15
- (d) large-capacity pistol magazines:
- (e) pistol carbine conversion kits:
- (f) restricted weapons.
- (3) A business licence must specify— 20
- (a) the business activity or activities that the licence holder is authorised to carry on; and
- (b) the class or classes of arms items in respect of which that activity or those activities may be carried on.
- Compare: 1983 No 44 ss 5B(1)–(3), 6(b)
- 85 Business licence issued for carrying on of business activities from 1 place of business** 25
- A business licence authorises business activities to be carried on from 1 place of business only and must specify that place of business.
- Compare: 1983 No 44 s 7(1)
- 86 Carrying on of business activities from other places of business permitted in certain circumstances** 30
- (1) This section applies despite **section 85**.
- (2) Any firearms, restricted magazines, and restricted weapons in the possession of a licensed business may be handled at any site in addition to the place of business specified in the business licence if the licensed business hires out those items for use by a broadcaster, bona fide theatre company or society, cinematic or television film production company, or video recording production company and— 35

- (a) the handling and secure storage of the items at that site are supervised by a theatrical armourer; and
- (b) the armourer has a firearms licence that bears an endorsement specifying that—
- (i) the items may be handled at sites other than the place of business of the licensed business; and 5
- (ii) the armourer must hold written consent from the chief executive that specifies the location of the site and the duration and description of the theatrical production at that site.
- (3) A licensed business may, on an occasional basis, carry on business activities from places additional to the place of business specified in the business licence if a condition to which the licence is subject permits them to do so. 10
- (4) For the purpose of **subsection (2)(b)**, a business licence may be issued with a condition described in that provision and other conditions necessary to provide for the safe use and secure storage of the firearms concerned. 15
- Compare: 1983 No 44 s 7(4)–(6)

## 87 Gun shows

- (1) This section applies despite **section 85**.
- ~~(2) A business licence may, with the consent of the chief executive, 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 specified in the business licence. 20~~
- ~~(3) The chief executive may give consent under **subsection (2)** only if satisfied— 25~~
- ~~(a) that the licensed business 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.~~
- ~~(4) Any consent given under **subsection (2)** may be given subject to any conditions specified by the chief executive. 30~~
- (2) The chief executive may consent to a business licence applying to a place of business other than the place of business specified in the licence (a **second place of business**) for a period not exceeding 5 days at any one time to enable the licensed business to conduct a gun show at the second place of business. 35
- (3) A consent may be given under **subsection (1)**—
- (a) subject to any specified conditions; and

- (b) only if the chief executive is satisfied with all security arrangements at the second place of business.

Compare: 1983 No 44 s 7A

### **88 Hiring out firearms for use by bona fide theatre company, etc**

- (1) This section applies if a licensed business hires out standard firearms, restricted ~~magazines~~ firearms, pistols, restricted weapons, or restricted magazines for use by a bona fide theatre company or society, cinematic or television film production company, or video recording production company. 5
- (2) The use of the standard firearms, restricted ~~magazines~~ firearms, pistols, restricted weapons, or restricted magazines by members of the company or society must be supervised by an on-site theatrical armourer. 10
- (3) ~~A licensed business that is an individual commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the individual, without reasonable excuse, contravenes **subsection (1) or (2).**~~
- (4) ~~The senior manager of a body corporate that is a licensed business commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the body corporate, without reasonable excuse, contravenes **subsection (1) or (2).**~~ 15
- (3) An individual who is a licensed business, or the senior manager of a body corporate that is a licensed business, commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the licensed business, without reasonable excuse, contravenes **subsection (1) or (2).** 20

Compare: 1983 No 44 s 5C

### **89 Business licence not transferable**

A business licence is personal to the person to whom it is issued and may not be transferred to any other person. 25

Compare: 1983 No 44 s 5B(3)

#### *Conditions of business licence*

### **90 Conditions of business licence: employees**

- (1) A business licence is issued subject to the condition that the licensed business must ensure that all employees who may handle arms items and ammunition in the course of carrying out their duties— 30
- (a) hold a firearms licence; and
  - (b) receive appropriate training in relation to the arms items and ammunition they will handle; and
  - (c) have the appropriate competency to handle the arms items and the ammunition. 35
- (2) A business licence is also issued subject to the condition that the licensed business must notify the chief executive as soon as reasonably practicable after—

- (a) the licensed business employs or engages a person who may handle arms items and ammunition in the course of carrying out their duties:
- (b) a person referred to in **paragraph (a)** is no longer employed or engaged by the licensed business.
- (3) ~~A licensed business that is an individual commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the individual, without reasonable excuse, contravenes **subsection (1) or (2)**.~~ 5
- (4) ~~The senior manager of a body corporate that is a licensed business commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the body corporate, without reasonable excuse, contravenes **subsection (1) or (2)**.~~ 10
- (3) An individual who is a licensed business, or the senior manager of a body corporate that is a licensed business, commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the licensed business, without reasonable excuse, contravenes **subsection (1) or (2)**.
- 91 Conditions of business licence: secure storage requirements** 15
- (1) A business licence is issued subject to the condition that the licensed business complies with all prescribed requirements relating to the secure storage of arms items.
- (2) ~~A licensed business that is an individual commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year, or to a fine not exceeding \$5,000, if the individual, without reasonable excuse, contravenes **subsection (1)**.~~ 20
- (3) ~~The senior manager of a body corporate that is a licensed business commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year, or to a fine not exceeding \$5,000, if the body corporate, without reasonable excuse, contravenes **subsection (1)**.~~ 25
- (2) An individual who is a licensed business, or the senior manager of a body corporate that is a licensed business, commits an offence and is liable on conviction to a fine not exceeding \$5,000 if the licensed business, without reasonable excuse, contravenes **subsection (1)**. 30
- 92 Conditions of business licence: production and inspection of arms item and ammunition**
- (1) A business licence is issued subject to the conditions that ~~any person who is in possession of an arms item by reason of the licensee the licence holder and any employee of the licensed business must—~~ 35
- (a) produce that arms item to an officer of the Arms Regulator on demand any arms item and ammunition they possess to an arms officer or a constable on demand; and

- (b) permit ~~the~~an arms officer to inspect ~~the~~any arms item and ammunition and the place where it is kept, and, for that purpose, to enter at all reasonable times upon the premises where the place is situated.
- (2) It is the duty of an arms officer ~~of the Arms Regulator~~ exercising any power conferred by **subsection (1)(b)**— 5
- (a) to identify themselves to the person in possession of the arms item and ammunition; and
- (b) to tell the person in possession of the arms item and ammunition that the power is being exercised under **subsection (1)(b)**; and
- (c) if the arms officer is not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that they are an arms officer ~~of the Arms Regulator~~. 10
- (3) **Subsections (1)(b) and (2)** are subject to **section 186** if the licence bears an endorsement. 15
- Compare: 1983 No 44 ss 6A, 12(2)(c)

### 93 Conditions of business licence: other

The chief executive may issue a business licence subject to any other conditions that the chief executive considers appropriate.

### 94 Breach of conditions in section 92 or 93

~~A licensed business that breaches a condition that the senior manager's~~ If a licensed business breaches a condition that is imposed on the business licence is subject to under **section 92 or 93**, the business licence holder may— 20

- (a) be issued with an improvement notice under **section 181**; or
- (b) be issued with a notice of suspension under **section 145**; or
- (c) be issued with an infringement notice under **section 276**, if the breach is specified as an infringement offence ~~in regulations~~; or 25
- (d) have the ~~senior manager's~~ business licence revoked under **section 152**.

Compare: 1983 No 44 ss 6C, 24D

### *Duration and renewal of business licence*

### 95 Duration of business licence 30

A business licence comes into force on the date specified in the licence and, unless sooner revoked or surrendered ~~earlier~~,—

- (a) expires 1 year from that date in the case of a licence issued to a person who— 35
- (i) has never previously held a business licence; or
- (ii) has held a business licence for less than 2 years; or

(iii) has surrendered, or has had revoked, a previous business licence in the last 2 years:

(b) expires 5 years from that date in any other case.

Compare: 1983 No 44 s 8

- 96 Extension of business licence pending determination of application for new business licence** 5
- (1) The holder of a current business licence (**licence A**) may, before the expiry of licence A, apply for a new business licence.
- (2) If an application for a new business licence is made but not determined before the expiry of licence A, licence A continues in force, unless it is sooner surrendered or revoked, until the date on which the licence holder is notified of the determination of the application. 10
- (3) The chief executive may, on the application of the holder of licence A, provide to the holder of licence A written confirmation that licence A is extended.
- (4) A new licence issued on an application made under this section takes effect from— 15
- (a) the date on which licence A expires, if the new licence is issued before licence A expires; or
- (b) the date on which the new licence is issued, if the new licence is issued after licence A expires. 20

Compare: 1983 No 44 s 8A

### *Records*

- 97 Keeping records**
- (1) A licensed business must keep at the place of business referred to in the business licence a ~~book that records~~ record of the prescribed particulars relating to transactions conducted in the course of carrying on all business activities that involve the receipt, sale, supply, or manufacture of arms items or ammunition. 25
- (2) A licensed business that keeps its ~~book-records~~ under **subsection (1)** in hard copy form must retain the ~~book-records~~ for at least 10 years from the date of the last entry in the book. 30
- (3) A licensed business that keeps its ~~book-records~~ under **subsection (1)** electronically must retain each electronic record for at least 10 years from the date on which the record is entered.
- (4) A licensed business must at all times—
- (a) ~~permit any officer of the Arms Regulator an arms officer~~ to inspect and make copies of ~~any entries in the book~~ the records kept under **subsection (1)**, or any entry in those records; and 35

- (b) ~~provide, on demand, to any officer of the Arms Regulator to an arms officer on demand~~ all further information in its possession with respect to any dealings by it relating to ~~standard firearms, airguns, pistols, pistol carbine conversion kits, restricted items, or restricted weapons~~ arms items and ammunition. 5
- (5) Despite **subsection (1)**, ~~a licensed business need not record particulars~~ do not need to be recorded under that subsection if—
- (a) the particulars are declared by regulations made under **section 362** to be exempt from the requirement in that subsection; or
- (b) the licensed business provides the particulars to the chief executive in accordance with the regulations. 10
- (6) ~~An individual who holds a business licence commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months, or to a fine not exceeding \$10,000, if the individual, without reasonable excuse, contravenes this section.~~ 15
- (7) ~~A senior manager of a body corporate who holds a business licence that authorises the body corporate to carry on 1 or more business activities commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months, or to a fine not exceeding \$10,000, if the body corporate, without reasonable excuse, contravenes this section.~~ 20
- (8) **Subsections (6) and (7)** are subject to **section 332(9)**.
- (6) An individual who is a licensed business, or the senior manager of a body corporate that is a licensed business, commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the licensed business, without reasonable excuse, contravenes this section. 25
- (7) **Subsection (6)** is subject to **section 332(9)**.

Compare: 1983 No 44 s 12

*Ceasing to carry on business activities*

- 98 Ceasing to carry on business activities** 30
- (1) An individual who holds a business licence must inform the chief executive if the individual ceases to carry on 1 or more of the business activities specified in their business licence.
- (2) A senior manager of a body corporate who holds a business licence that authorises a body corporate to carry on 1 or more business activities must inform the chief executive if— 35
- (a) the body corporate ceases to carry on any of the business activities; or
- (b) the senior manager ceases to be a senior manager of the body corporate.

- (3) ~~A senior manager of a body corporate~~ An individual who is a licensed business, or the senior manager of a body corporate that is a licensed business, commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the ~~body corporate~~ licensed business, without reasonable excuse, contravenes this section. 5

**Guidance note**

A business licence is revoked when a licensed business ceases to carry on business activities (see **section 152**).

Subpart 3—~~Curator~~ Museum licences

*Applying for ~~curator~~ museum licence* 10

**99 Application for ~~curator~~ museum licence**

- (1) A person may apply for a ~~curator~~ museum licence if the person—
- (a) is, or is to be, appointed as ~~the curator of a museum; and~~—
    - (i) a senior manager of a museum; or
    - (ii) a curator of a museum; and 15
  - (b) holds a firearms licence.
- (2) An application for a ~~curator~~ museum licence must be made to the chief executive in the prescribed manner and must—
- (a) be in a form approved by the chief executive; and
  - (b) specify— 20
    - (i) the name and address of the museum at which the applicant works, or will work, ~~as a curator~~; and
    - (ii) ~~the any~~ class or classes of arms items proposed to be possessed, displayed, and stored in that museum by the applicant; and
    - (iia) any type or types of ammunition proposed to be possessed, displayed, and stored in that museum; and 25
    - (iib) any type or types of restricted ammunition proposed to be possessed, displayed, and stored in that museum; and
    - (iii) any other prescribed details; and
  - (c) be supported by any information and documents that are prescribed; and 30
  - (d) be accompanied by the prescribed fee (if any).

Compare: 1983 No 44 s 5A(1)

**100 Fit and proper person to hold ~~curator~~ museum licence**

In deciding whether, for the purposes of **section 101(1)(a)(ii)**, an applicant is a fit and proper person to ~~possess, display, and store the class or classes of arms items specified in the application~~ hold a museum licence, the chief executive— 35

- (a) must take into account the character and reputation of the applicant, and whether the applicant—
- (i) has the competencies and resources to possess, display, and store in ~~a~~the museum the class or classes of arms items specified in the application (if any); and 5
  - (ia) has the competencies and resources to possess, display, and store in the museum the types of ammunition specified in the application (if any); and
  - (ib) has the competencies and resources to possess, display, and store in the museum the types of restricted ammunition specified in the application (if any); and 10
  - (ii) has any convictions; and
  - (iii) has a sound knowledge of firearms; and
  - (iv) understands the legal obligations of a ~~holder of a curator museum licence~~ holder; and 15
- (b) may take into account any other matters the chief executive considers relevant.

Compare: 1983 No 44 s 6(a), (c)

#### **101 Issue of ~~curator~~ museum licence**

- (1) The chief executive may issue a ~~curator~~ museum licence to an applicant if the chief executive is satisfied that— 20
- (a) the applicant—
    - (i) holds a firearms licence; and
    - (ii) is a fit and proper person to possess, display, and store ~~the class or classes of arms items specified in the application; and~~ 25
      - (A) the class or classes of arms items specified in the applicant's application (if any); and
      - (B) the type or types of ammunition specified in the applicant's application (if any); and
      - (C) the type or types of restricted ammunition specified in the applicant's application (if any); and 30
  - (b) the museum specified in the application has secure storage facilities appropriate for ~~the class or classes of arms items specified in the application.~~
    - (i) the class or classes of arms items specified in the applicant's application (if any); and 35
    - (ii) the type or types of ammunition specified in the applicant's application (if any); and

- (iii) the type or types of restricted ammunition specified in the applicant's application (if any).
- (2) ~~A curator licence authorises the licence holder to possess, display, and store 1 or more specified classes of arms items in a specified museum.~~
- (3) ~~A curator licence must bear an appropriate endorsement authorising the licence holder to possess, display, and store any of the following classes of arms items:~~ 5
- ~~(a) restricted firearms:~~
- ~~(b) restricted magazines:~~
- ~~(c) pistols:~~
- ~~(d) large-capacity pistol magazines:~~ 10
- ~~(e) pistol carbine conversion kits:~~
- ~~(f) restricted weapons:~~
- ~~(g) restricted parts.~~
- (2) A museum licence issued to a senior manager or curator of a museum authorises the licence holder to possess, display, and store in the museum— 15
- (a) the 1 or more classes of arms items specified in the licence:
- (b) the 1 or more types of ammunition specified in the licence:
- (c) the 1 or more types of restricted ammunition specified in the licence.
- (3) **Subsection (2) is subject to subsections (4) to (6).**
- (4) A museum licence issued to a senior manager or curator of a museum authorises the licence holder to possess, display, and store in the museum any of the following classes of arms items only if the museum licence bears an appropriate endorsement authorising the possession of the class of arms item and a permit to possess the arms items: 20
- (a) restricted firearms: 25
- (b) restricted magazines:
- (c) pistols:
- (d) pistol carbine conversion kits:
- (e) restricted weapons.
- (5) A museum licence issued to a senior manager or curator of a museum authorises the licence holder to possess, display, and store in the museum any large-capacity pistol magazines only if the museum licence bears an endorsement authorising the possession of a pistol. 30
- (6) A museum licence issued to a senior manager or curator of a museum authorises the licence holder to possess, display, and store in the museum any restricted parts only if the museum licence bears an endorsement authorising the possession of a restricted firearm. 35

Compare: 1983 No 44 ss 5B(1)–(3), 7(1)

**102 ~~Curator licence issued for possessing, displaying, and storing arms items in specified museum~~**

- (1) ~~A curator licence authorises the licence holder to possess, display, and store any arms items in the museum specified in the licence.~~
- (2) ~~A curator licence may not authorise the licence holder to possess, display, and store any arms items in more than 1 museum.~~ 5

**103 ~~Curator Museum licence not transferable~~**

~~A curator museum licence is personal to the person to whom it is issued licence holder and may not be transferred to any other person.~~

~~Compare: 1983 No 44 s 5B(3)~~ 10

*Conditions of curator museum licence*

**104 ~~Conditions of curator licence: production of arms item on demand~~**

- (1) ~~A curator licence is issued subject to the conditions that the licensed curator must—~~
- (a) ~~produce any arms item in their possession to an officer of the Arms Regulator on demand; and~~ 15
- (b) ~~permit the officer to inspect the arms item and its storage or display in the museum.~~
- (2) ~~An officer of the Arms Regulator exercising a power conferred by **subsection (1)** must—~~ 20
- (a) ~~identify themselves to the licensed curator; and~~
- (b) ~~tell the licensed curator that the power is being exercised under **subsection (1)**; and~~
- (c) ~~if the officer is not in uniform, produce on initial entry, and, if requested, at any subsequent time, evidence that they are an officer of the Arms Regulator.~~ 25
- (3) ~~**Subsections (1)(b) and (2)** are subject to **section 186** if the licence bears an endorsement.~~
- (4) ~~A licensed curator who breaches the condition in **subsection (1)** may—~~
- (a) ~~be issued with an improvement notice under **section 181**; or~~ 30
- (b) ~~be issued with a notice of suspension under **section 145**; or~~
- (c) ~~be issued with an infringement notice under **section 276**, if the breach is specified as an infringement offence in regulations; or~~
- (d) ~~have their curator licence revoked under **section 153**.~~

~~Compare: 1983 No 44 s 6A~~ 35

**105 Condition of curator licence: secure storage requirements**

- (1) A curator licence is issued subject to the condition that the licensee holder must comply with all prescribed requirements relating to the secure storage of arms items or ammunition in their possession or under their control.
- (2) A licensed curator commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year, or to a fine not exceeding \$5,000, if the curator, without reasonable excuse, contravenes **subsection (1)**. 5

**106 Conditions of curator licence: other**

- (1) A curator licence may be issued subject to any other conditions the chief executive considers appropriate. 10
- (2) The holder of a curator licence who breaches a condition that their licence is subject to under **subsection (1)** may—
- (a) be issued with an improvement notice under **section 181**; or
  - (b) be issued with a notice of suspension under **section 145**; or
  - (c) be issued with an infringement notice under **section 276**, if the breach is specified as an infringement offence in regulations; or 15
  - (d) have their curator licence revoked under **section 153**.

**106A Condition of museum licence: secure storage requirements**

- (1) A museum licence is issued subject to the condition that the licence holder must comply with all prescribed requirements relating to the secure storage of arms items, ammunition, and restricted ammunition in their possession or under their control. 20
- (2) A museum licence holder commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$5,000, if the licence holder, without reasonable excuse, contravenes **subsection (1)**. 25

**106B Conditions of museum licence: production of arms item, ammunition, and restricted ammunition on demand**

- (1) A museum licence is issued subject to the conditions that the licence holder must— 30
- (a) produce any arms items, ammunition, or restricted ammunition they possess to an arms officer or a constable on demand; and
  - (b) permit an arms officer to inspect the arms item, ammunition, or restricted ammunition and its storage or display in the museum.
- (2) An arms officer exercising a power conferred by **subsection (1)(b)** must— 35
- (a) identify themselves to the licence holder; and
  - (b) tell the licence holder that the power is being exercised under **subsection (1)(b)**; and

- (c) if the arms officer is not in uniform, produce on initial entry, and, if requested, at any subsequent time, evidence that they are an arms officer.
- (3) **Subsections (1)(b) and (2)** are subject to **section 186** if the licence bears an endorsement.

**106C Conditions of museum licence: other**

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A museum licence may be issued subject to any other conditions the chief executive considers appropriate.

**106D Breach of conditions in section 106B or 106C**

A museum licence holder who breaches a condition that their licence is subject to under **section 106B or 106C** may—

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- (a) be issued with an improvement notice under **section 181**; or
- (b) be issued with a notice of suspension under **section 145**; or
- (c) be issued with an infringement notice under **section 276**, if the breach is specified as an infringement offence; or
- (d) have their licence revoked under **section 153**.

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*Duration of ~~eurator~~-museum licence*

**107 Duration of ~~eurator~~-museum licence**

A ~~eurator~~-museum licence comes into force on the date specified in the licence and, unless sooner revoked or surrendered-earlier,—

- (a) expires 1 year from that date in the case of a licence issued to a ~~person~~ licence holder who—
- (i) has never previously held a ~~eurator~~-museum licence; or
- (ii) has held a ~~eurator~~-museum licence for less than 2 years; or
- (iii) has surrendered, or has had revoked, a previous ~~eurator~~-museum licence in the last 2 years:
- (b) expires 5 years from that date in any other case.

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Compare: 1983 No 44 s 8

**108 Extension of ~~eurator~~-museum licence pending determination of application for new ~~eurator~~-museum licence**

- (1) The holder of a current ~~eurator~~-museum licence (**licence A**) may, before the expiry of licence A, apply for a new ~~eurator~~-museum licence.
- (2) If an application for a new ~~eurator~~-museum licence is made but not determined before the expiry of licence A, licence A continues in force, unless it is sooner surrendered or revoked, until the date on which the licence holder is notified of the determination of the application.

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- (3) The chief executive may, on the application of the holder of licence A, provide to the holder of licence A written confirmation that licence A is extended.
- (4) A new licence issued on an application made under this section takes effect from—
- (a) the date on which licence A expires if the new licence is issued before licence A expires; or
- (b) the date on which the new licence is issued if the new licence is issued after licence A expires.

Compare: 1983 No 44 s 8A(2), (4)–(5)

### *Records* 10

#### 109 Keeping records

- (1) ~~A licensed curator must keep a record of the prescribed particulars relating to arm items, or parts of arms items, held at the museum specified in their licence.~~
- (2) ~~A licensed curator who keeps their records in hard copy form must retain the records for at least 10 years from the date of the last entry in the records.~~ 15
- (3) ~~A licensed curator who keeps their records electronically must retain each electronic record for at least 10 years from the date on which the record is entered.~~
- (1) A museum licence holder must ensure that a record is kept of the prescribed particulars for the arms items, ammunition, and restricted ammunition held at the museum. 20
- (2) Records in hard copy form must be retained for at least 10 years from the date of the last entry in the records.
- (3) Each record in electronic form must be retained for at least 10 years from the date on which the record was entered.
- (4) ~~Every licensed curator~~ A museum licence holder must, at all times,— 25
- (a) ~~permit any officer of the Arms Regulator~~ an arms officer to inspect and make copies of the records kept under **subsection (1)**, or any entry in those records; and
- (b) ~~provide, on demand, to any officer of the Arms Regulator~~ to an arms officer on demand all further information in their possession with respect to any arms item, ammunition, or restricted ammunition. 30
- (5) Despite **subsection (1)**, ~~a licensed curator need not record particulars~~ particulars do not need to be recorded under that subsection if—
- (a) the particulars are declared by regulations made under **section 362** to be exempt from the requirement in that subsection; or 35
- (b) the ~~licensed curator~~ museum licence holder provides the particulars to the chief executive in accordance with the regulations.

~~(6) A licensed curator commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the curator, without reasonable excuse, contravenes this section.~~

(6) A museum licence holder commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the licence holder, without reasonable excuse, contravenes this section. 5

Compare: 1983 No 44 s 12

*~~Ceasing to be curator~~ Holder of museum licence ceasing to be senior manager or curator* 10

### **110 Ceasing to be ~~curator~~ senior manager or curator of museum**

~~(1) A licensed curator~~ A museum licence holder must inform the chief executive if ~~the curator ceases~~ they cease to be the curator a senior manager or curator of the museum specified in their licence.

~~(2) A licensed curator~~ A museum licence holder commits an offence and is liable on conviction to a fine not exceeding \$10,000 if ~~the curator~~ licence holder, without reasonable excuse, contravenes **subsection (1)**. 15

#### **Guidance note**

~~A curator licence is revoked when a licensed curator ceases to be the curator of the museum specified in the curator licence (see **section 153**).~~ 20

A museum licence is revoked when the licence holder ceases to be a senior manager or curator of the museum specified in the licence (see **section 153**).

## Subpart 4—Museum worker licences

### *Applying for museum worker licence*

### **111 Application for museum worker licence** 25

~~(1) An employee or a volunteer who works, or proposes to work, in a museum~~ A person who is a museum worker, or proposing to work in a museum, may apply for a museum worker licence if ~~the employee or volunteer person~~—

(a) is, or will be, required to possess, display, and store any arms items, ammunition, or restricted ammunition in the performance of their duties; and 30

(b) is of or over the age of 16 years; and

(c) is not disqualified under **section 68** from holding a firearms licence; and

(d) has not had a firearms licence revoked in the previous 5 years (or, if they have, the revocation was reversed by the Review Committee or District Court). 35

- (2) An application for a museum worker licence must be made to the chief executive in the prescribed manner and must—
- (a) be in a form approved by the chief executive; and
  - (b) specify—
    - (i) the name and address of the museum at which the applicant works, or proposes to work; and 5
    - (ii) the class or classes of arms items proposed to be possessed, displayed, and stored in that museum by the applicant; and
    - (ia) the types of ammunition and restricted ammunition (if any) proposed to be possessed, displayed, and stored in that museum by the applicant; and 10
    - (iii) any other prescribed details; and
  - (c) be supported by any information and documents that are prescribed; and
  - (d) be accompanied by the prescribed fee (if any).
- Compare: 1983 No 44 s 23(1), (2) 15

## 112 Issue of museum worker licence

- (1) The chief executive may grant a museum worker licence to an applicant if—
- (a) ~~the curator of the museum at which the applicant works, or proposes to work, holds a curator licence~~ is a licensed museum; and
  - (b) the chief executive is satisfied that the applicant— 20
    - (i) meets the criteria specified in **section 111(1)**; and
    - (ii) is a fit and proper person to hold a firearms licence (*see section 69*).
- (2) A museum worker licence authorises the ~~museum worker licence holder to possess, display, and store 1 or more specified classes of arms items in the museum specified in the licence.~~ 25
- (a) the 1 or more classes of arms items specified in the licence; and
  - (b) the 1 or more types of ammunition specified in the licence; and
  - (c) the 1 or more types of restricted ammunition specified in the licence. 30
- Compare: 1983 No 44 s 24(1)(a)

## 113 Museum worker licence not transferable

A museum worker licence is personal to the person to whom it is issued and may not be transferred to any other person.

*Conditions of museum worker licence*

**114 Conditions of museum worker licence: general**

A museum worker licence is issued subject to the conditions that the ~~licensed museum worker licence holder~~ must,—

- (a) when possessing, displaying, and storing ~~a firearm~~ any arms items, ammunition, or restricted ammunition, act in a way that does not pose a risk to themselves or others; and 5
- (b) produce ~~any firearm that the museum worker is carrying to an officer of the Arms Regulator~~ arms items, ammunition, or restricted ammunition they possess to an arms officer or a constable on demand; and 10
- (c) inform the chief executive if, after the issue of ~~the museum worker their~~ licence, any of the circumstances described in **section 69(1)** apply to them; ~~and.~~
- (d) ~~inform the chief executive if their health practitioner changes, and provide updated details of the name and contact details of their health practitioner.~~ 15

Compare: 1983 No 44 s 24B(1), (a), (b), (e), (f)

**115 Conditions of museum worker licence: other**

A museum worker licence may be issued subject to any other conditions the chief executive considers appropriate. 20

**116 Breach of conditions in sections 114 and 115**

~~The holder of a~~ A museum worker licence holder who breaches a condition that their licence is subject to under **section 114 or 115** may—

- (a) be issued with an improvement notice under **section 181**; or
- (b) be issued with a notice of suspension under **section 145**; or 25
- (c) be issued with an infringement notice under **section 276**, if the breach is specified as an infringement offence ~~in regulations~~; or
- (d) have their ~~museum worker~~ licence revoked under **section 154**.

Compare: 1983 No 44 s 24D

*Duration of museum worker licence* 30

**117 Duration of museum worker licence: general**

A museum worker licence comes into force on the date specified in the licence and, unless sooner revoked or surrendered ~~earlier~~,—

- (a) ~~expires 1 year~~ 5 years from that date in the case of a licence issued to a licence holder who— 35

- (i) ~~a licence issued to a museum worker who has never previously held a museum worker licence; or~~
- (ii) ~~a licence issued to a museum worker whose previous museum worker licence was revoked or surrendered; or~~
- (ii) has surrendered a previous museum worker licence; or 5
- (~~ii~~ ia) has had a previous museum worker licence revoked; or
- (iii) ~~a licence issued to a museum worker who allowed~~ has allowed their previous museum worker licence to expire without applying for a new licence before the expiry date:
- (b) ~~expires 5~~ 10 years from that date in any other case. 10

Compare: 1983 No 44 s 25(1)

### **118 Extension of museum worker licence pending determination of application for new museum worker licence**

- (1) The holder of a current museum worker licence (**licence A**) may, before the expiry of licence A, apply for a new museum worker licence. 15
- (2) If an application for a new museum worker licence is made but not determined before the expiry of licence A, licence A continues in force, unless it is sooner surrendered or revoked, until the date on which the licence holder is notified of the determination of the application.
- (3) The chief executive may, on the application of the holder of licence A, provide to the holder of licence A written confirmation that licence A is extended. 20
- (4) A new licence issued on an application made under this section takes effect from—
  - (a) the date on which licence A expires, if the new licence is issued before licence A expires; or 25
  - (b) the date on which the new licence is issued, if the new licence is issued after licence A expires.

Compare: 1983 No 44 s 25A

### *Ceasing to be museum worker*

### **119 Licensed ~~curator~~ museum worker to notify chief executive ~~when museum worker ceases on ceasing work~~** 30

- (1) ~~A licensed curator of a museum must inform the chief executive if a licensed museum worker ceases working at the museum.~~
- (1) A museum worker licence holder must notify the chief executive when they cease working at the museum specified in their licence. 35
- (2) ~~A licensed curator~~ A museum worker licence holder commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the ~~curator~~ licence holder, without reasonable excuse, contravenes **subsection (1)**.

**120 Museum worker to surrender licence on ceasing work**

- (1) ~~The holder of a~~ A museum worker licence holder who ceases working at the museum specified in their licence must surrender their licence to ~~the chief executive~~ an arms officer or a Police employee.
- (2) ~~The holder of a~~ A museum worker licence holder commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the licence holder, without reasonable excuse, contravenes **subsection (1)**. 5

## Subpart 5—Visitor licences

*Applying for visitor licence***121 Application for visitor licence**

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- (1) A visitor who intends to possess and use a standard firearm or pistol in New Zealand unsupervised must hold a visitor licence.
- (2) A visitor may apply for a visitor licence if the visitor is—
- (a) of or over the age of 16 years; and
  - (b) not disqualified from holding a visitor licence; ~~and~~ 15
  - (e) ~~a fit and proper person to hold a visitor licence.~~
- (3) An application for a visitor licence must be made to the chief executive in the prescribed manner and must—
- (a) be in a form approved by the chief executive; and
  - (b) include the prescribed details (if any); and 20
  - (c) be supported by any information and documents that are prescribed; and
  - (d) be accompanied by the prescribed fee (if any).

Compare: 1983 No 44 s 23(1), (2)

**122 Persons disqualified from holding visitor licence**

A person is disqualified from holding a visitor licence if the person has, within the previous 10 years, been convicted, or been released from custody after being convicted, in New Zealand or overseas of any of the following types of offences: 25

- (a) an offence involving serious violence:
- (b) an offence relating to the use, possession, or supply of drugs: 30
- (c) an offence involving dishonesty.

Compare: 1983 No 44 s 22H(a)

- 123 ~~Fit and proper persons~~ Persons who may be found not fit and proper to hold visitor licence**
- (1) The chief executive may find that a person is not a fit and proper person to hold a visitor licence if the chief executive is satisfied that the person ~~is not a person who~~— 5
- (a) is charged with or has been convicted of an offence that is punishable by a term of imprisonment (including, but not limited to, an offence involving violence, drugs, or alcohol); or
- (b) is charged with or has been convicted of an offence under this Act; or
- (c) is charged with or has been convicted of an offence against— 10
- (i) section 231A of the Crimes Act 1961; or
- (ii) the Game Animal Council Act 2013; or
- (iii) the Wildlife Act 1953; or
- (iv) the Wild Animal Control Act 1977; or
- (d) has, or has had at any time, a firearms prohibition order made against them; or 15
- (e) has, or has had at any time, a temporary protection order made against them under—
- (i) section 79 of the Family Violence Act 2018; or
- (ii) section 14 of the Domestic Violence Act 1995; or 20
- (f) has inflicted, or is inflicting, family violence against another person and that other person has grounds under the Family Violence Act 2018 to apply for a protection order in respect of that violence; or
- (g) has, or has had at any time, a restraining order made against them under the Harassment Act 1997; or 25
- (h) overseas,—
- (i) has been charged with or convicted of an offence equivalent to the offences referred to in **paragraphs (a), (b), and (c)**;
- (ii) has had an order made against them equivalent to the orders referred to in **paragraphs (d) and (e)**; 30
- (iii) has been, or is, the respondent in proceedings brought against them for an order of the kind referred to in **paragraphs (f) and (g)**; or
- (i) has engaged in any conduct involving non-compliance with any requirements of— 35
- (i) this Act; or
- (ia) the Arms Act 1983 (the former Act); or
- (ii) any regulations (including the Arms Regulations 1992); or

- (iii) any conditions to which a licence, endorsement, or permit previously issued to the person under this Act or the former Act was subject; or
- (j) shows, or has recently shown, symptoms of a mental or physical illness or injury that may adversely affect their ability to safely possess firearms; or 5
- (k) abuses alcohol, or is dependent on alcohol, to an extent that affects detrimentally their judgement or behaviour; or
- (l) uses drugs (illegal or legal) in a way that affects detrimentally their judgement or behaviour; or 10
- (m) is a member of an organised criminal group; or
- (n) has close affiliations with a gang or an organised criminal group; or
- (o) has shown patterns of behaviour demonstrating a tendency to exhibit, encourage, or promote violence, hatred, or extremism; or
- (p) has been assessed as a risk to the national security of New Zealand or another State; or 15
- (q) meets any other prescribed criteria for finding that a person is not a fit and proper person to hold a ~~firearms-visitor~~ licence.
- (2) In determining whether, for the purposes of this Act, a person is a fit and proper person to hold a visitor licence, the chief executive may take into account— 20
- (a) whether the person—
- (i) has a sound knowledge of the safe possession and use of standard firearms or pistols:
- (ii) understands the legal obligations of a ~~holder of a firearms licence~~ holder, including the endorsements that may be made on a firearms licence; and 25
- (b) any other prescribed criteria for finding that a person is a fit and proper person to hold a firearms licence; and
- (c) any other matters the chief executive considers relevant. 30
- (3) The chief executive may, for the purpose of determining whether a person is a fit and proper person to be issued with a visitor licence,—
- (a) seek and receive any information that the chief executive thinks appropriate; and
- (b) consider information obtained from any source. 35
- (4) If the chief executive proposes to take into account any information that is or may be prejudicial to an applicant's application, the chief executive must, subject to **section 126**, disclose that information to the applicant and give the applicant a reasonable opportunity to refute or comment on it.

- (5) In this section, **family violence** has the same meaning given as in section 9 of the Family Violence Act 2018.

Compare: 1983 No 44 s 24A

#### 124 Issue of visitor licence

- (1) The chief executive may issue a visitor licence to an applicant if the chief executive is satisfied— 5
- (a) that the applicant—
    - (i) meets the criteria specified in **section 121(2)**; and
    - (ii) is a fit and proper person to hold a visitor licence; and
  - (b) with the arrangements made by the applicant for the secure storage of the firearms and ammunition they will possess while in New Zealand. 10
- (2) However, a visitor licence must not be issued to an applicant if, in the ~~opinion of the chief executive~~ chief executive's opinion, access to any firearm or an air-gun in possession of the applicant is reasonably likely to be obtained by any person who— 15
- (a) is disqualified under **section 68** from holding a firearms licence; or
  - (b) has had their firearms licence revoked in New Zealand; or
  - (c) has had their overseas firearms licence revoked; or
  - (d) has had a visitor licence revoked in the previous 5 years; or
  - (e) is not a fit and proper person to be in possession of a firearm or an air-gun. 20

Compare: 1983 No 44 s 24(1), (2)

#### 125 Chief executive to provide certain information to applicant if licence application not granted

- If the chief executive does not issue a visitor licence to an applicant, the chief executive must— 25
- (a) inform the applicant of—
    - (i) the decision; and
    - (ii) the reasons for the decision (except to the extent that **section 126** applies): 30
  - (b) inform the applicant that the applicant has a right of appeal under **section 341**.

#### 126 Disclosure of certain matters to applicant not required

Nothing in **section 123(4) or 125(a)(ii)** requires the ~~Arms Regulator~~ chief executive to disclose any information to an applicant if the disclosure would be likely to— 35

- (a) endanger the safety of any person; or

- (b) prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
- (c) prejudice the entrusting of information to the Police, the New Zealand Security Intelligence Service, or the Government Communications Security Bureau on a basis of confidence by— 5
  - (i) the government of any other country, or an agency of the government of any other country; or
  - (ii) any international organisation.

*Conditions of visitor licence*

- 127 Conditions of visitor licence: general** 10
- (1) A visitor licence is subject to the conditions that the ~~holder of a visitor licence holder~~ must—
- (a) comply with all prescribed requirements relating to the secure storage of ~~arms items and ammunition in their possession~~ any standard firearms, pistols, and ammunition they possess; and 15
  - (b) when using a standard firearm or pistol, act in a way that does not pose a risk to themselves or others; and
  - (c) produce ~~any standard firearm or pistol that the licensee holder is carrying to an officer of the Arms Regulator~~ standard firearms, pistols, and ammunition they possess to an arms officer or a constable on demand; 20  
and
  - (d) permit an arms officer ~~of the Arms Regulator~~ to inspect all standard firearms ~~and pistols, pistols, and ammunition~~ in the licence holder's possession, the place or places where the standard firearms and pistols are or will be kept, and the place or places where the ammunition is or will be kept, and, for those purposes, to enter at all reasonable times upon the premises where that place or those places are situated; and 25
  - (e) permit an arms officer ~~of the Arms Regulator~~ to inspect the security arrangements in any vehicle used by the licence holder to transport the licence holder's firearms; and 30
  - (f) inform the chief executive if, after the issue of the licence, any of the circumstances described in **section 123(1)** apply to the licence holder.
- (2) It is the duty of an arms officer ~~of the Arms Regulator~~ exercising any power conferred by **subsection (1)(d) or (e)**—
- (a) to give at least 7 days' notice of the proposed inspection under **subsection (1)(c) or (d)**; and 35
  - (b) to identify themselves to the ~~holder of the visitor licence~~ holder; and
  - (c) to tell the ~~holder of the visitor licence~~ holder that the power is being exercised under **subsection (1)(d) or (e)**, as the case may be; and

- (d) if the arms officer is not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that they are an arms officer of the Arms Regulator.
- (3) **Subsections (1)(d) and (2)** are subject to **section 186** if the licence bears an endorsement. 5
- Compare: 1983 No 44 s 24B

### 128 Conditions of visitor licence: other

The chief executive may issue a visitor licence subject to any other conditions that the chief executive considers appropriate.

### 129 Breach of conditions in sections 127 and 128 10

~~The holder of a~~ A visitor licence holder who breaches a condition that their visitor licence is subject to under **section 127 or 128** may—

- (a) be issued with an improvement notice under **section 181**; or
- (b) be issued with an infringement notice under **section 276**, if the breach is specified as an infringement offence ~~in regulations~~; or 15
- (c) have their visitor licence revoked under **section 155**.

Compare: 1983 No 44 s 24D

### *Duration of visitor licence*

### 130 Duration of visitor licence

- (1) A visitor licence may be issued to the person for— 20
- (a) 1 visit to New Zealand; or
- (b) 2 or more visits to New Zealand.
- (2) A licence issued under **subsection (1)(a)** is subject to the condition that, unless sooner revoked or surrendered, it expires on the earlier of the following: 25
- (a) the date specified in the licence, ~~not being which must not be more than~~ 1 year from the date of issue;
- (b) the date on which the person leaves New Zealand.
- (3) A licence issued under **subsection (1)(b)** is subject to the condition that, unless sooner revoked or surrendered, it expires on the date specified in the licence, ~~not being which must not be more than 1 year~~ 18 months from the date of issue. 30

Compare: 1983 No 44 s 25(2), (3)

### *Restrictions on visitor licence holders*

### 131 Visitors may not take ownership of firearm or restricted weapon

- (1) A visitor who holds a visitor licence may only possess, during their stay in New Zealand,— 35

- (a) a standard firearm:
  - (b) a blank-firing gun:
  - (c) an airgun (including a restricted airgun):
  - (d) a pistol if their visitor licence has an appropriate endorsement:
  - (e) a standard magazine: 5
  - (f) a large-capacity pistol magazine if their visitor licence has an appropriate endorsement:
  - (g) a non-restricted part:
  - (h) ammunition.
- (2) A visitor who holds a visitor licence may not, during their stay in New Zealand— 10
- (a) acquire ownership of any firearm or restricted weapon for possession in New Zealand:
  - (b) sell any arms item.
- (3) A visitor commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the visitor, without reasonable excuse, contravenes this section. 15
- Compare: 1983 No 44 s 22F

## Subpart 6—Obligations of licence holders

### *Production of licence*

- 132 Production of licence if required** 20
- (1) ~~The holder of a licensee~~ A licence holder must—
- (a) produce ~~the~~ their licence for inspection whenever required to do so by—
    - (i) an arms officer ~~of the Arms Regulator~~; or
    - (ii) a ~~member of the Police~~ employee:
  - (b) maintain ~~the~~ their licence in such a condition that it may be produced in an unspoil and legible condition. 25
- (2) A ~~person~~ licence holder complies with **subsection (1)(a)** if, within 7 days after being required to produce their licence, the ~~person~~ licence holder produces it at a place specified by the ~~officer~~ arms officer or Police employee.
- (3) A ~~person~~ licence holder commits an offence and is liable on conviction to a fine not exceeding \$1,000 if the ~~person~~ licence holder, without reasonable excuse, fails to comply with this section. 30
- Compare: 1983 No 44 s 26

*Notifications*

**133 Notification of change of address**

- (1) ~~A holder of a licence~~ The holder of a firearms licence or visitor licence who changes their address must, within 30 days after doing so, give written notice of the change to the chief executive. 5
- (2) ~~A~~ The holder of a firearms licence or visitor licence that bears an endorsement permitting ~~the holder to have possession of a pistol, large-capacity pistol magazine, pistol carbine conversion kit,~~ restricted weapon, restricted firearm, or restricted magazine who intends to change their address must notify the chief executive of the arrangements made for the safe custody of the pistol, large-capacity pistol magazine, pistol carbine conversion kit, restricted weapon, restricted firearm, or restricted magazine during its shift to the new address. 10
- (3) ~~A person licence holder~~ commits an offence and is liable on conviction to a fine not exceeding \$2,000 if ~~the person licence holder~~, without reasonable excuse, contravenes **subsection (1) or (2)**. 15

Compare: 1983 No 44 s 34

**134 Notification if licence lost or stolen**

- (1) A licence holder must, as soon as practicable, notify the chief executive of any loss or theft of their licence.
- (2) ~~A person licence holder~~ commits an offence and is liable on conviction to a fine not exceeding \$10,000 if ~~the person licence holder~~, without reasonable excuse, contravenes **subsection (1)**. 20

**135 Notification of loss, theft, or destruction of certain arms items**

- (1) This section applies if any of the following arms item is items are lost, stolen, or destroyed:; 25
- (a) a standard firearm:
  - (b) a pistol:
  - (c) a large-capacity pistol magazine:
  - (d) a pistol carbine conversion kit:
  - (e) a restricted item: 30
  - (f) a major firearm part:
  - (g) a restricted weapon.
- (2) ~~The owner of the arms item~~ A licence holder must—
- (a) immediately notify ~~a member of the Police~~ an arms officer or a Police employee of the loss, theft, or destruction of the arms item; and 35
  - (b) give all information in their possession relating to the loss, theft, or destruction to ~~the member of the Police~~ arms officer or Police employee.

- (3) A notification under **subsection (2)** must be given in the ~~form or manner, or both the form and manner~~, approved by the chief executive ~~or Commissioner~~.
- (4) ~~A person~~ A licence holder commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the ~~person~~ licence holder, without reasonable excuse, contravenes **subsection (2)**. 5

Compare: 1983 No 44 s 66A

### 136 Notification of non-delivery of certain arms items

- (1) If the holder of a firearms ~~licence or business licence~~ licence, business licence, or museum licence purchases a ~~standard firearm, pistol, large-capacity pistol magazine, restricted weapon, or restricted item~~ any of the following arms items and ~~that the item~~ is not delivered to the licence holder within a reasonable time, the licence holder must, as soon as they have established that the ~~arms~~ item has not been delivered or has gone missing, notify the chief executive of the occurrence: 10
- (a) a standard firearm: 15
  - (b) a pistol:
  - (c) a large-capacity pistol magazine:
  - (d) a pistol carbine conversion kit:
  - (e) a restricted item:
  - (f) a major firearm part: 20
  - (g) a restricted weapon.
- (2) A ~~person~~ licence holder commits an offence and is liable on conviction to a fine not exceeding \$2,000 if the ~~person~~ licence holder, without reasonable excuse, contravenes **subsection (1)**. 25
- Compare: SR 1992/346 r 29C

### 137 Notification of removal of pistol, restricted firearm, restricted magazine, or restricted weapon out of New Zealand

- (1) The holder of a firearms licence, business licence, ~~or curator licence~~ museum licence, or visitor licence who intends to remove any pistol, restricted weapon, restricted firearm, or restricted magazine from New Zealand must— 30
- (a) give not less than 4 days' notice of the intended removal to the chief executive; and
  - (b) deliver to the chief executive their licence for the endorsement to be amended.
- (2) A ~~person~~ licence holder commits an offence and is liable on conviction to a fine not exceeding \$2,000 if the ~~person~~ licence holder, without reasonable excuse, contravenes **subsection (1)**. 35

Compare: 1983 No 44 s 38

*Unsafe arms items***138 Unsafe arms items**

- (1) ~~If, in the opinion of the chief executive, any arms item is unsafe, the chief executive may, by notice in writing to the owner of the arms item, require the owner to ensure that the arms item is brought to a safe standard of repair and produced to an officer of the Arms Regulator within a period or by a date specified in the notice.~~ 5
- (1) If in the opinion of an arms officer any arms item is unsafe, the arms officer may, by notice in writing to the licence holder in possession of the arms item, require the licence holder to ensure that, within a period or by a date specified in the notice, the arms item is— 10
- (a) brought to a safe standard of repair; and
- (b) produced to an arms officer.
- (2) ~~If the owner of any arms item a licence holder fails to comply with a notice given to them under **subsection (1)** in respect of an arms item, the chief executive an arms officer may, by notice in writing to the owner licence holder, require the owner to surrender licence holder to immediately deliver the arms item immediately to an officer of the Arms Regulator to an arms officer or a Police employee.~~ 15
- (3) ~~The owner of an arms item~~ A licence holder who receives a notice under **subsection (1) or (2)** may appeal under **section 341** against the requirement in the notice, and **section 341** applies with all necessary modifications. 20
- (4) ~~An owner of an arms item~~ A licence holder commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the ~~owner~~ licence holder, without reasonable excuse, fails to comply with a notice given to them under **subsection (2)** in respect of an arms item. 25
- (5) Nothing in this section applies in respect of an antique firearm.

Compare: 1983 No 44 s 59

Subpart 7—Expiry, surrender, suspension, and revocation of licences 30

*Expiry and surrender of licences***139 Surrender of licence**

~~The holder of a licence~~ A licence holder may at any time surrender their licence ~~to the chief executive~~ to an arms officer or a Police employee.

Compare: 1983 No 44 ss 8B, 27(1)

35

**140 Effect of expiry or surrender of firearms licence**

- (1) On the expiry or surrender of a firearms licence, the ~~holder of the licence holder—~~
- (a) ceases to be licensed to possess any arms item or ammunition under the licence or any endorsement on the licence ~~(but see section 162); and~~ 5
  - ~~(b) must, on request, deliver any arms item or ammunition in their possession or under their control to an officer of the Arms Regulator.~~
  - (b) must deliver all arms items and ammunition in their possession or under their control to an arms officer or Police employee on demand.
- (2) If the holder of a firearms licence also holds a business licence, the expiry or surrender of their firearms licence immediately revokes their business licence. 10
- Compare: 1983 No 44 s 28(2), (6)

**141 Effect of expiry or surrender of business licence**

- ~~On the expiry or surrender of a business licence,—~~
- ~~(a) the licensed business ceases to be authorised to carry on any business activity; and~~ 15
  - ~~(b) an employee of the licensed business may not carry on or assist with the carrying on of any business activity for the licensed business; and~~
  - ~~(c) the holder of the business licence must immediately surrender to the chief executive all records they are required by section 97 to keep that have not been entered in the registry.~~ 20
- (1) On the expiry or surrender of a business licence, the licensed business authorised under that licence to carry on any business activity ceases to be so authorised, and—
- (a) the business may not carry on any business activity (but see section 163); and 25
  - (b) no employee of the business may carry on, or assist with the carrying on of, any business activity; and
  - (c) the person whose business licence has expired or been surrendered must immediately surrender to the chief executive all records that are required by section 97 to be kept that have not been entered in the registry; and 30
  - (d) the person whose business licence has expired or been surrendered must deliver all arms items and ammunition in their possession or under their control to an arms officer or a Police employee on demand.
- (2) If a person whose business licence has expired or been surrendered fails to comply with the requirement in subsection (1)(d), an arms officer may request a constable to seize and take possession of any arms items and ammunition in the possession or under the control of the person. 35
- Compare: 1983 No 44 s 8C(1)

**142 Effect of expiry or surrender of ~~curator~~ museum licence**

~~On the expiry or surrender of a curator licence,—~~

- ~~(a) the licensed curator ceases to be licensed to possess, display, and store in the museum specified in their licence the 1 or more classes of arms items specified in their licence; and~~ 5
- ~~(b) the licensed curator must immediately surrender to the chief executive all records that they are required by **section 109** to keep that have not been entered in the registry; and~~
- ~~(c) any employee or volunteer of the museum specified in the curator's licence may not, in the course of their duties, possess, display, or store any arms item.~~ 10
- (1) On the expiry or surrender of a museum licence, the licence holder ceases to be licensed to possess, display, or store at the museum specified in their licence (the **museum**) any arms items, ammunition, or restricted ammunition.
- (2) If a current museum licence is not held by any other senior manager or curator of the museum, the museum is not a licensed museum and— 15
  - (a) the museum may not possess, display, or store any arms items, ammunition, or restricted ammunition (but *see* **section 163A**); and
  - (b) no museum worker may, during the performance of their duties possess, display, or store any arms items, ammunition, or restricted ammunition; and 20
  - (c) the person whose museum licence has expired or been surrendered must—
    - (i) surrender to the chief executive all records required by **section 109** to be kept that have not been entered in the registry; and 25
    - (ii) deliver all arms items, ammunition, and restricted ammunition in the possession of the museum to an arms officer or a Police employee on demand.
- (3) If the person whose museum licence has expired or been surrendered fails to comply with the requirement in **subsection (2)(c)(ii)**, an arms officer may request a constable to seize and take possession of any arms items, ammunition, and restricted ammunition in the possession of the museum. 30

Compare: 1983 No 44 s 8C(1)

**143 Effect of expiry or surrender of museum worker licence**

On the expiry or surrender of a museum worker's licence, the museum worker ceases to be licensed to possess, display, or store at the museum specified in their licence any arms items, ammunition, or restricted ammunition ~~in the performance of their work duties.~~ 35

**144 Effect of expiry or surrender of visitor licence**

On the expiry or surrender of a visitor licence, the ~~holder of the licence holder—~~

- (a) ceases to be licensed to possess any arms ~~item~~ items or ammunition under the licence or any endorsement on the licence (but see **section 164**); and 5
- ~~(b) must, on request, deliver any arms item or ammunition in their possession or under their control to an officer of the Arms Regulator.~~
- (b) must deliver all arms items and ammunition in their possession or under their control to an arms officer or Police employee on demand. 10

*Suspension of licences***145 When licence may be suspended**

(1AAA) This section applies to the following licences:

- (a) a firearms licence:
- (b) a business licence: 15
- (c) a museum licence:
- (d) a museum worker licence.
- (1) The chief executive may, by written notice ~~to the holder of a licence~~ a licence holder, suspend the holder's licence if satisfied that 1 or more of the following apply: 20
  - (a) the licence holder is not a fit and proper person to be in possession of any standard firearm or airgun, which includes a case where—
    - (i) the holder has failed to comply with any conditions imposed on their licence; or
    - (ii) the holder has failed to comply with an improvement notice issued under **section 181**; or 25
    - (iii) ~~the holder has been issued an infringement notice under **section 276** failed to pay an infringement fee for an infringement offence;~~ or
    - (iv) ~~the chief executive is so satisfied on the basis of a notice given under **section 361** by a health practitioner satisfied that the holder is suffering from a form of mental illness or disorder;~~ or 30
    - (v) the licence has been seized under section 18 of the Search and Surveillance Act 2012:
  - (b) the licence holder is not a fit and proper person to hold the licence (*see **sections 69, 83, 100, and 123***): 35
  - (c) access to any standard firearm or airgun in the possession of the licence holder is reasonably likely to be obtained by—

- 
- (i) a person whose application for a firearms licence has been refused; or
  - (ii) a person whose firearms licence has been revoked; or
  - (iii) a person who, in the ~~opinion of the chief executive~~ chief executive's opinion, is not a fit and proper person to be in possession of a firearm, an airgun, or ammunition; or 5
  - (iv) a person, other than the licence holder, whose firearms licence has been suspended.
- (2) The suspension of a licence continues until notice of the decision as to whether to revoke the licence is given to the licence holder but, if notice is not given within the period specified in **subsection (3)**, the suspension ends with the close of that period. 10
- (3) The period referred to in **subsection (2)** is—
- (a) 90 days if the licence is suspended under any provision of **subsection (1)** other than **subsection (1)(a)(iv)**: 15
  - (b) 12 months if the licence is suspended under **subsection (1)(a)(iv)**.
- (4) A notice of suspension of a licence must ~~specify~~—
- (a) specify the date on which the suspension begins; and
  - (b) specify the licence that the notice applies to; and
  - (c) state that, if the person holds both a firearms licence and a business licence, the suspension of their firearms licence also suspends their business licence; and 20
  - (d) specify the ground on which the notice is given; and
  - (e) specify that the suspension is to enable the chief executive to consider revoking the licence on the specified ground; and 25
  - (f) state that the licence holder may, at any time before a day stated in the notice, make oral or written submissions on whether the licence should be revoked on the specified ground; and
  - (g) specify the period for which the suspension may continue; and
  - (h) state that the effect of the notice is that the licence holder is treated as not holding the licence for the purposes of this Act until a final determination on revocation of the licence is made (*see sections 147 to 150*); and 30
  - (i) state that the licence holder may commit an offence if the holder carries on any activities that require the holder to be licensed under this Act; and 35
  - (j) ~~that the holder may be required immediately, or before a date specified by the chief executive, to surrender to a member of the Police, the chief executive, or an officer of the Arms Regulator—~~

- (i) ~~their licence; and~~
- (ii) ~~all arms items and ammunition in their possession.~~
- (j) state that the licence holder may be required immediately, or before a date specified by the chief executive, to surrender their licence to an arms officer or a Police employee; and 5
- (k) state that the licence holder may be required immediately, or before a date specified by the chief executive, to deliver all arms items, ammunition, and restricted ammunition they possess to an arms officer or a Police employee.
- (5) The day stated under **subsection (4)(f)** must not be sooner than, in the opinion of the chief executive, is reasonable to enable the licence holder to prepare and make submissions. 10  
Compare: 1983 No 44 s 60A
- 146 When licence must be suspended**
- (1) The chief executive must, by written notice to the holder of a firearms licence, business licence, ~~curator-museum~~ licence, or museum worker licence, suspend the holder's licence if the chief executive is notified by the Police that the licence holder is charged with an offence specified in **section 68(a)**. 15
- (2) The suspension of a licence under **subsection (1)** continues until—
- (a) ~~the charge against the licence holder is withdrawn, dismissed, or stayed; and~~ 20
- (b) ~~the chief executive confirms that the licence holder is a fit and proper person to hold the licence.~~
- (2) The suspension of a licence under **subsection (1)** continues until the charge against the licence holder is withdrawn, dismissed, or stayed. 25
- (3) A notice of suspension given under **subsection (1)** must specify—
- (a) specify the date on which the suspension begins; and
- (b) specify the licence that the notice applies to; and
- (c) state that, if the person holds both a firearms licence and a business licence, both licences are suspended; and 30
- (d) specify the ground on which the notice is given; and
- (e) specify the criteria that must be satisfied before the suspension can end; and
- (f) state that the effect of the notice is that, during the suspension, the licence holder is treated as not holding the licence for the purposes of this Act; and 35
- (g) state that the licence holder may commit an offence if the holder carries on any activities that require the holder to be licensed under this Act; and

- (h) ~~that the holder may be required immediately, or before a date specified by the chief executive, to surrender to a member of the Police, the chief executive, or an officer of the Arms Regulator—~~
- (i) ~~their licence; and~~
  - (ii) ~~all arms items and ammunition in their possession.~~ 5
- (h) state that the licence holder may be required immediately, or before a date specified by the chief executive, to surrender their licence to an arms officer or a Police employee; and
- (i) state that the licence holder may be required immediately, or before a date specified by the chief executive, to deliver all arms items, ammunition, and restricted ammunition in their possession to an arms officer or a Police employee. 10

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**Guidance note**

See **section 151**, which provides for the immediate revocation of a firearms licence if the licence holder is convicted of an offence specified in **section 68(a)**. 15

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**146A Suspension of firearms licence when arms items seized under Search and Surveillance Act 2012**

- (1) This section applies when, outside business hours, a constable seizes from a firearms licence holder under the Search and Surveillance Act 2012 1 or more arms items. 20
- (2) The constable may, at the same time as seizing the 1 or more arms items, suspend the licence holder's firearms licence.
- (3) The suspension of a licence under **subsection (2)** continues until the earlier of the following:
- (a) the suspension is replaced by a further suspension of the licence holder's licence under **section 145 or 146**; 25
  - (b) 5 pm on the next working day.
- (4) In this section, **business hours** means the hours between 9 am and 5 pm on a working day.

**147 Effect of suspension of firearms licence** 30

- (1) During the period ~~that for which~~ a firearms licence is suspended, this Act applies as if the firearms licence holder were not licensed to possess any arms ~~item~~ items or ammunition under the licence or any endorsement on the licence.
- (2) ~~During~~ When a firearms licence is suspended, or during the period that a firearms licence is suspended, the licence holder must, on request demand,— 35
- (a) ~~immediately surrender their licence to a member of the Police, the chief executive, or an officer of the Arms Regulator;~~ to an arms officer or a Police employee; and

- (b) ~~deliver all arms items and ammunition in their possession or under their control to a member of the Police, the chief executive, or an officer of the Arms Regulator.~~
- (b) deliver all arms items and ammunition in their possession or under their control to an arms officer or Police employee. 5
- (3) If a firearms licence holder fails to comply with the requirement under **sub-section (2)(b)**, ~~an officer of the Arms Regulator may direct a member of the Police~~ arms officer may request a constable to seize and take possession of any arms ~~item~~ items or ammunition in the possession or under the control, of the licence holder. 10
- (4) If a person's firearms licence is suspended and the person holds a business licence,—
- (a) ~~the holder's~~ person's business licence is suspended while their firearms licence remains suspended; and
- (b) **section 148** applies. 15
- Compare: 1983 No 44 s 60B
- 148 Effect of suspension of business licence**
- (1) ~~During the period that a business licence is suspended,—~~
- (a) ~~this Act applies as if the business licence holder were not licensed to carry on any business activity; and~~ 20
- (b) ~~an employee of the licensed business may not carry on or assist with the carrying on of any business activity on behalf of the licensed business.~~
- (1) During the period for which a business licence is suspended, the licensed business authorised under that licence to carry on any business activity ceases to be so authorised, and— 25
- (a) the licensed business may not carry on any business activity; and
- (b) an employee of the licensed business may not carry on, or assist with the carrying on of, any business activity; and
- (c) the business licence holder must, on demand,—
- (i) immediately surrender their licence to an arms officer or a Police employee; and 30
- (ii) deliver all arms items and ammunition in their possession or under their control to an arms officer or a Police employee.
- (2) ~~During the period that a business licence is suspended, the business licence holder must, on request,—~~ 35
- (a) ~~immediately surrender their licence to the chief executive;~~
- (b) ~~deliver all arms items and ammunition in their possession or under their control to an officer of the Arms Regulator.~~

- (3) If a business licence holder fails to comply with the requirement under **sub-section (2)(b) (1)(c)(ii)**, an officer of the Arms Regulator may direct a member of the Police arms officer may request a constable to seize and take possession of any arms ~~item~~ items and ammunition in the possession or under the control of the licence holder. 5

Compare: 1983 No 44 s 60C

#### **149 Effect of suspension of curator licence**

- (1) During the period that a curator licence is suspended,—
- (a) ~~this Act applies as if the licensed curator were not licensed to possess, display, and store the class or classes of arms items specified in their licence; and~~ 10
- (b) ~~an employee or a volunteer of the museum specified in the curator licence may not, in the course of their duties, possess, display, or store any arms item.~~
- (2) During the period that a curator licence is suspended, the licensed curator must, ~~on request, immediately surrender their licence to the chief executive.~~ 15

Compare: 1983 No 44 s 60C(1), (2)(a)

#### **149 Effect of suspension of museum licence**

- (1) During the period for which a museum licence is suspended,—
- (a) this Act applies as if the licence holder were not licensed to possess, display, or store in the museum specified in their licence (the **museum**) any arms items, ammunition, or restricted ammunition; and 20
- (b) the licence holder must immediately surrender their licence to an arms officer or a Police employee on demand.
- (2) If a current museum licence is not held by any other senior manager or curator of the museum then, during the period of suspension,— 25
- (a) the museum may not possess, display, or store any arms items, ammunition, or restricted ammunition; and
- (b) no museum worker in the museum may, during the performance of their duties, possess, display, or store any arms items, ammunition, or restricted ammunition; and 30
- (c) the licence holder whose licence has been suspended must deliver all arms items, ammunition, and restricted ammunition in the possession of the museum to an arms officer or a Police employee on demand.

Compare: 1983 No 44 s 60C(1), (2)(a)

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#### **150 Effect of suspension of museum worker licence**

- (1) ~~During the period that a museum worker's licence is suspended, this Act applies as if the museum worker were not licensed to possess, display, and~~

~~store in the museum specified in their licence the 1 or more classes of arms items specified in their licence.~~

- (2) ~~During the period that a museum worker's licence is suspended, the museum worker must, on request, immediately surrender their licence to the chief executive.~~ 5

During the period for which a museum worker licence is suspended,—

- (a) this Act applies as if the licence holder were not licensed to possess, display, or store in the museum specified in their licence any arms items; and
- (b) the licence holder must immediately surrender their licence to an arms officer or a Police employee on demand. 10

### *Revocation of licences*

#### **151 Revocation of firearms licence**

- (1) A firearms licence is immediately revoked if the ~~holder of the licence~~ holder becomes disqualified under **section 68** from holding a firearms licence. 15
- (2) A firearms licence may be revoked by the chief executive if, ~~in the opinion of the chief executive~~ chief executive's opinion, the ~~holder of the firearms licence~~ licence holder is not a fit and proper person to hold a firearms licence.
- (3) If a firearms licence is revoked under **subsection (2)**, the chief executive must inform the licence holder of the right to apply under **section 79** for a review of the decision to revoke their licence. 20

Compare: 1983 No 44 ss 27(2)(a), 27B(1)

#### **152 Revocation of business licence**

- (1) A business licence is immediately revoked if—
- (a) the ~~holder of the business licence~~ holder has their firearms licence revoked; or 25
- (b) an individual who is the holder of the business licence ceases to carry on 1 or more of the business activities specified in their licence; or
- (c) a senior manager of a body corporate who is the holder of the business licence ceases to be a senior manager of the body corporate. 30
- (2) A business licence may be revoked at any time by the chief executive if, in the chief executive's opinion, the licence holder is not a fit and proper person to hold a business licence.

Compare: 1983 No 44 s 9

#### **153 Revocation of ~~eurator~~ museum licence** 35

- (1) A ~~eurator~~ museum licence is immediately revoked if the ~~licensed eurator~~ licence holder—

- (a) ~~ceases to be the curator of the museum specified in their curator licence;~~  
~~or~~
- (aa) ceases to hold their position in the museum; or
- (b) has their firearms licence revoked.
- (2) A ~~curator~~ museum licence may be revoked at any time by the chief executive 5  
if, in the chief executive's opinion, the licence holder is not a fit and proper  
person to hold a museum licence.

Compare: 1983 No 44 s 9

#### 154 Revocation of museum worker licence

- (1) A museum worker licence is immediately revoked if— 10
- (a) ~~the licensed museum worker licence holder~~ becomes disqualified under **section 68** from holding a firearms licence; or
- (b) ~~the licensed museum worker licence holder~~ ceases to work at the museum specified in their licence; or
- (c) the museum specified in their licence is no longer has a curator who 15  
~~holds a curator licence~~ a licensed museum.
- (2) A museum worker licence may be revoked by the chief executive if, in the ~~opinion of the chief executive~~ chief executive's opinion, the ~~holder of the~~  
~~museum worker licence~~ licence holder is not a fit and proper person to hold a 20  
firearms licence.

#### 155 Revocation of visitor licence

- (1) A visitor licence is immediately revoked if the ~~holder of the licence~~ holder becomes disqualified under **section 122** from holding a visitor licence.
- (2) A ~~firearms visitor~~ licence may be revoked by the chief executive if, in the ~~opinion of the chief executive~~ chief executive's opinion, the ~~holder of the~~ 25  
visitor licence holder is not a fit and proper person to hold a visitor licence.

#### 156 Revocation of suspended licence

- (1) A licence that is suspended under **section 145 or 146** may be revoked by the chief executive if the chief executive—
- (a) has considered any submissions made by the licence holder before the 30  
day stated in the notice of suspension on whether the licence should be  
revoked on the ground stated in that notice; and
- (b) is satisfied that the licence should be revoked on that ground.
- (2) After deciding whether to revoke a suspended licence, the chief executive must 35  
promptly notify the licence holder of the decision.

Compare: 1983 No 44 ss 9A, 27C

**157 Effect of revocation of firearms licence**

- (1) A person whose firearms licence is revoked must immediately surrender their ~~firearms licence to the chief executive~~ an arms officer or a Police employee.
- (2) On the revocation of a firearms licence, the ~~holder of the licence~~ person whose licence has been revoked— 5
- (a) ceases to be licensed to possess any arms ~~item~~ items or ammunition under the licence or any endorsement on the licence (but see section 162); and
- (b) ~~must, on request, deliver any arms item or ammunition in their possession or under their control to an officer of the Arms Regulator.~~ 10
- (b) must deliver all arms items and ammunition in their possession or under their control to an arms officer or Police employee on demand.
- (3) If a ~~firearms licence holder~~ person whose firearms licence has been revoked fails to comply with the requirement under **subsection (2)(b)**, ~~an officer of the Arms Regulator may direct a member of the Police~~ arms officer may request a constable to seize and take possession of any arms ~~item~~ items or ammunition in the possession or under the control of the ~~holder~~ person. 15

Compare: 1983 No 44 s 28(1), (2)

**158 Effect of revocation of business licence**

- (1) ~~When a business licence is revoked,~~— 20
- (a) ~~the holder of the business licence must immediately surrender the licence to the chief executive; and~~
- (b) ~~the licensed business authorised under that licence to carry on any business activity ceases to be so authorised; and~~
- (c) ~~the licensed business must immediately surrender to the chief executive all records they are required by section 97 to keep that have not been entered in the registry; and~~ 25
- (d) ~~an employee of the licensed business may not carry on or assist with the carrying on of any business activity for the licensed business.~~
- (2) ~~When a business licence is revoked, the licence holder must, on request, deliver any arms item or ammunition in their possession or under their control to an officer of the Arms Regulator.~~ 30
- (3) If a ~~business licence holder~~ fails to comply with the requirement under **subsection (2)**, ~~an officer of the Arms Regulator may direct a member of the Police~~ to seize and take possession of any arms item or ammunition in the ~~possession or under the control of the holder.~~ 35
- (1) When a business licence is revoked, the person whose business licence has been revoked must immediately surrender their licence to an arms officer or a Police employee.

- (2) On the revocation of a business licence, the person whose licence has been revoked ceases to be authorised to carry on any business activity (but *see* **section 163**), and—
- (a) the business that was authorised under the licence to carry on 1 or more business activities ceases to be a licensed business; and 5
  - (b) no employee of the business may carry on, or assist with the carrying on of, any business activity; and
  - (c) the person whose licence has been revoked must immediately surrender to the chief executive all records that are required by **section 97** to be kept that have not been entered in the registry; and 10
  - (d) the person whose licence has been revoked must deliver all arms items and ammunition in their possession or under their control to an arms officer or a Police employee on demand.
- (3) If the person whose business licence has been revoked fails to comply with the requirement under **subsection (2)(d)**, an arms officer may request a constable to seize and take possession of any arms items or ammunition in the possession or under the control of the person. 15

Compare: 1983 No 44 s 9B(1)

### **159 Effect of revocation of ~~curator~~ museum licence**

- (1) When a ~~curator's~~ licence is revoked,— 20
- (a) the ~~curator~~ must immediately surrender the licence to the chief executive; and
  - (b) the ~~curator~~ must immediately surrender to the chief executive all records they are required by **section 109** to keep that have not been entered in the registry; and 25
  - (c) no person working at the museum that was specified in the ~~curator's~~ licence may possess, display, or store any arms item in the performance of their duties.
- (2) On the revocation of a ~~curator~~ licence, the ~~curator~~ ceases to be licensed to possess, display, or store in the museum specified in their licence the 1 or more classes of arms items specified in their licence. 30
- (1) When the museum licence of a senior manager or curator of a museum is revoked, the senior manager or curator must immediately surrender their licence to an arms officer or a Police employee.
- (2) If a current museum licence is not held by any other senior manager or curator of the museum, the museum ceases to be a licensed museum, and— 35
- (a) the museum may not possess, display, or store any arms items, ammunition, or restricted ammunition (but *see* **section 163A**); and

- (b) no museum worker may, during the performance of their duties, possess, display, or store any arms items, ammunition, or restricted ammunition; and
- (c) the person whose museum licence has been revoked must—
- (i) surrender to the chief executive all records required by **section 109** to be kept that have not been entered in the registry; and 5
  - (ii) deliver all arms items, ammunition, and restricted ammunition in the possession of the museum to an arms officer or a Police employee on demand.
- (3) If a senior manager or curator whose museum licence has been revoked fails to comply with the requirement in **subsection (2)(c)(ii)**, an arms officer may request a constable to seize and take possession of any arms items, ammunition, and restricted ammunition in the possession of the museum. 10
- Compare: 1983 No 44 s 9B(1)
- 160 Effect of revocation of museum worker licence** 15
- (1) ~~When a curator's licence is revoked, the licensed museum worker must immediately surrender the licence to the chief executive.~~
- (1) A museum worker whose museum worker licence is revoked must immediately surrender their licence to an arms officer or a Police employee.
- (2) On the surrender of a museum worker licence, the museum worker ceases to be licensed to possess, display, or store any arms items in the performance of their work duties. 20
- 161 Effect of revocation of visitor licence**
- (1) A person whose visitor licence is revoked must immediately surrender their visitor licence ~~to the chief executive~~ to an arms officer or a Police employee. 25
- (2) On the revocation of a visitor licence, ~~the holder of the licence~~ the person whose licence has been revoked—
- (a) ceases to be licensed to possess any arms ~~item~~ items or ammunition under the licence or any endorsement on the licence ~~(but see **section 164**); and~~ 30
  - (b) ~~must, on request, deliver any arms item or ammunition in their possession or under their control to an officer of the Arms Regulator.~~
  - (b) must deliver all arms items and ammunition in their possession or under their control to an arms officer or Police employee on demand.
- (3) ~~If a visitor licence holder~~ the visitor whose licence has been revoked fails to comply with the requirement under **subsection (2)(b)**, ~~an officer of the Arms Regulator may direct a member of the Police~~ an arms officer may request a constable to seize and take possession of any arms ~~item~~ items or ammunition in the possession or under the control of the ~~holder~~ visitor. 35

*Disposal of arms items and ammunition, ammunition, and restricted ammunition after licence expires or is surrendered or revoked*

- 162 Disposal of arms items and ammunition, ammunition, and restricted ammunition after firearms licence expires or is surrendered or revoked**
- (1) ~~The holder of a firearms licence whose licence expires, or is surrendered or revoked, may, within 3 months or any longer period that the chief executive may allow, sell or otherwise dispose of any arms item or ammunition in their possession or under their control to a person approved for the purpose by the chief executive.~~ 5
- (2) ~~Any arms item or ammunition delivered to an officer of the Arms Regulator under **subsection (1)** may be detained for any period that the chief executive thinks fit, or may, in the discretion of the responsible Minister, become the property of the Crown, free and discharged from any right, title, or interest possessed by any other person.~~ 10
- (3) ~~The Minister of Finance must pay out of a Crown Bank Account compensation in respect of any arms item or ammunition that is delivered to an officer of the Arms Regulator or a member of the Police under this section and that has become the property of the Crown.~~ 15
- Despite **sections 140 and 157**, the holder of a firearms licence whose licence expires, or is surrendered or revoked may, for a period of 3 months or any longer period that the chief executive allows, continue to possess any arms items, ammunition, and restricted ammunition only for the purpose of selling or otherwise disposing of the arms items, ammunition, and restricted ammunition to 1 or more persons approved by the chief executive. 20
- Compare: 1983 No 44 s 28(3)-(5) 25
- 163 Disposal of arms items and ammunition after business licence expires or is surrendered or revoked**
- (1) ~~If the business licence of an individual expires, or is surrendered or revoked, the individual may, within 3 months or any longer period that the chief executive may allow, sell, or otherwise dispose of, any arms item or ammunition in their possession or under their control at the date of the expiry, surrender, or revocation of their licence.~~ 30
- (2) ~~If the business licence of a senior manager of a body corporate expires, or is surrendered or revoked, the body corporate may, within 3 months or any longer period that the chief executive may allow, sell, or otherwise dispose of, any arms item or ammunition in its possession or under its control at the date of the expiry, surrender, or revocation of the licence.~~ 35
- (3) ~~The sale or disposal of any arms item or ammunition must be to a person approved for the purpose by the chief executive.~~

Despite **sections 141 and 158**, if a business licence expires, or is surrendered or revoked, the person whose business licence has expired or been surrendered or revoked may, for a period of 3 months or any longer period that the chief executive allows, continue to possess any arms items and ammunition only for the purpose of selling or otherwise disposing of the arms items and ammunition to 1 or more persons approved by the chief executive. 5

Compare: 1983 No 44 s 14

**163A Disposal of arms items, ammunition, and restricted ammunition if museum no longer licensed**

Despite **sections 142 and 159**, if a museum is no longer licensed to possess, display, or store any arms items, ammunition, or restricted ammunition (because the museum licence of a senior manager or curator of the museum has expired, or been surrendered or revoked, and no other senior manager or curator holds a current museum licence), the museum may, for a period of 3 months or any longer period that the chief executive allows, continue to possess any arms items, ammunition, and restricted ammunition only for the purpose of selling or otherwise disposing of the arms items, ammunition, and restricted ammunition to 1 or more persons approved by the chief executive. 10  
15

**164 Disposal of arms items and ammunition after visitor licence expires or is surrendered or revoked** 20

~~If a visitor licence expires, or is surrendered or revoked, the visitor may, within any period that the chief executive may allow, arrange for any arms item or ammunition in their possession or under their control at the date of the expiry, surrender, or revocation of their licence to be sent out of New Zealand.~~

Despite **sections 144 and 161**, the holder of a visitor licence whose licence expires, or is surrendered or revoked, may, for a period of 3 months or any longer period that the chief executive allows, continue to possess any arms items and ammunition only for the purpose of arranging for the arms items and ammunition to be sent out of New Zealand. 25

**164A Disposal of arms items, ammunition, and restricted ammunition delivered to arms officer or Police employee** 30

- (1) **Subsection (2)** applies to any arms items, ammunition, and restricted ammunition that, following the expiry, surrender, or revocation of a licence,—
- (a) may not be possessed by a licence holder; and
  - (b) is not sold or otherwise disposed of under **section 162, 163, 163A, or 164**; and 35
  - (c) is delivered to an arms officer or a Police employee.
- (2) The arms items, ammunition, or restricted ammunition may be detained for any period that the chief executive thinks fit, or may, in the discretion of the

responsible Minister, become the property of the Crown, free and discharged from any right, title, or interest possessed by any other person.

- (3) The Minister of Finance must pay out of a Crown Bank Account compensation in respect of any arms items, ammunition, or restricted ammunition that is delivered to an arms officer or a Police employee under this section and that has become the property of the Crown. 5

Compare: 1983 No 44 s 28(4), (5)

*Offences relating to expiry, surrender, and revocation of licences*

**165 Offence to fail to surrender licence when licence revoked**

- (1) A person whose firearms licence is revoked commits an offence and is liable on conviction to imprisonment for a term of imprisonment not exceeding 2 years, or to a fine not exceeding \$20,000, if the person, without reasonable excuse, fails to surrender their licence in accordance with **section 157(1)**. 10
- (2) An individual or a senior manager of a body corporate whose business licence is revoked commits an offence and is liable on conviction to imprisonment for a term of imprisonment not exceeding 1 year, or to a fine not exceeding \$15,000, if the individual or the body corporate, without reasonable excuse, fails to surrender their licence in accordance with **section 158(1)(a)**. 15
- (3) A ~~licensed curator~~ person whose museum licence is revoked commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the ~~curator~~ person, without reasonable excuse, fails to surrender their licence in accordance with **section 159(1)(a)**. 20
- (4) A person whose museum worker whose licence is revoked commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the ~~museum worker~~ person, without reasonable excuse, fails to surrender their licence in accordance with **section 160(1)**. 25
- (5) A person whose visitor licence is revoked commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$20,000, if the person, without reasonable excuse, fails to surrender their licence in accordance with **section 161(1)**. 30

Compare: 1983 No 44 ss 9B(2), 28(7)

**166 Offence to fail to surrender records when business or ~~curator~~ museum licence revoked**

- (1) A person whose business licence is revoked commits an offence and is liable on conviction to imprisonment for a term of imprisonment not exceeding 1 year, or to a fine not exceeding \$15,000, if the person, without reasonable excuse, fails to deliver ~~surrender~~ any records to the chief executive in accordance with ~~section 158(1)(c)~~ **section 158(2)(c)**. 35  
40

- (2) A ~~licensed curator person~~ whose museum licence is revoked commits an offence and is liable on conviction to imprisonment for a term not exceeding 1 year, or to a fine not exceeding \$15,000, if the ~~curator person~~, without reasonable excuse, fails to ~~deliver~~ surrender any records to the chief executive in accordance with ~~section 159(1)(b)~~ section 159(2)(c)(i). 5

Compare: 1983 No 44 s 8C(2)

**167 Offence to fail to deliver arms items and ammunition following expiry, surrender, suspension, or revocation of firearms licence or visitor licence**

- (1) A person whose firearms licence has expired, or has been surrendered, suspended, or revoked, commits an offence and is liable on conviction to imprisonment for a term of ~~imprisonment~~ not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, fails to deliver any arms items or ammunition to an officer of the Arms Regulator in accordance with **section 140(1)(b), 147(2)(b), or 157(2)(b)**. 10

- (2) A person whose visitor licence expires, or has been surrendered or revoked, commits an offence and is liable on conviction to imprisonment for a term of ~~imprisonment~~ not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, fails to deliver any arms items or ammunition to an officer of the Arms Regulator in accordance with **section 144(b) or 161(2)(b)**. 15  
20

Compare: 1983 No 44 s 28(7)

**168 Offence to carry on business activities after expiry, surrender, or revocation of business licence**

- (1) If the business licence of an individual has expired, or has been surrendered or revoked, the individual may not— 25
- (a) carry on any business activity; or
  - (b) have any business interest in any arms items.
- (2) If the business licence of a senior manager of a body corporate has expired, or has been surrendered or revoked, the body corporate may not carry on any business activity. 30
- (3) However,—
- (a) nothing in **subsection (1)** applies to an individual who—
    - (i) sells or otherwise disposes of any of the kinds of items specified in **section 163** in accordance with that section; or
    - (ii) after the expiry, surrender, or revocation of their business licence is, at any subsequent time, issued with another business licence to carry on 1 or more business activities; and 35
  - (b) nothing in **subsection (2)** applies to a body corporate—

- (i) that sells or otherwise disposes of any of the kinds of items specified in **section 163** in accordance with that section; or
- (ii) if, after the expiry, surrender, or revocation of the senior manager's licence, the senior manager is, at any subsequent time, issued with another business licence that authorises the body corporate to carry on 1 or more business activities; or 5
- (iii) if another senior manager of the body corporate is issued with a business licence that authorises the body corporate to carry on 1 or more business activities.
- (4) An individual whose business licence has expired, or has been surrendered or revoked, commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$40,000, if the individual, without reasonable excuse, contravenes **subsection (1)**. 10
- (5) A senior manager of a body corporate whose business licence has expired, or has been surrendered or revoked, is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$40,000, if the body corporate, without reasonable excuse, contravenes **subsection (2)**. 15
- Compare: 1983 No 44 s 15
- 169 Offence for ~~curator~~ museum licence holder to possess, display, or store ~~arms item~~ arms items, ammunition, or restricted ammunition following expiry, surrender, or revocation of museum licence** 20
- (1) ~~A curator whose curator licence~~ A senior manager or curator of a museum whose museum licence has expired, or has been surrendered or revoked, may not possess, display, or store in ~~a the museum 1 or more classes of any~~ arms items, ammunition, or restricted ammunition. 25
- (2) A ~~curator~~ museum licence holder commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$40,000, if the ~~curator~~ licence holder, without reasonable excuse, fails to comply with **subsection (1)**. 30
- Compare: 1983 No 44 s 15(1), (4)
- 170 Offence for museum worker to possess, display, or store ~~arms item~~ arms items, ammunition, or restricted ammunition following expiry, surrender, or revocation of licence**
- (1) A museum worker in a museum whose museum worker licence has expired, or has been surrendered or revoked, and who does not hold a firearms licence may not possess, display, or store ~~1 or more classes of arms items specified in their licence at the museum specified in their licence~~ in the museum any arms items, ammunition, or restricted ammunition. 35
- (2) A museum worker commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$40,000, if 40

the museum worker, without reasonable excuse, fails to comply with **subsection (1)**.

## Subpart 8—Approved ammunition sellers

### *Applying for approval*

- 171 Application to be approved ammunition seller** 5
- (1) A person who does not hold a business licence may apply to be an approved ammunition seller if the person—
- (a) intends to be responsible for the day-to-day management of a business that sells or supplies ammunition; and
  - (b) holds a firearms licence. 10
- (2) An application for approval must be made to the chief executive in the prescribed manner and must—
- (a) be in a form approved by the chief executive; and
  - (b) include the prescribed details (if any); and
  - (c) be supported by any information and documents that are prescribed; and 15
  - (d) be accompanied by the prescribed application fee (if any).
- 172 Chief executive may grant approval**
- (1) The chief executive may grant an application for approval made under **section 171** if the chief executive is satisfied that the applicant—
- (a) holds a firearms licence; and 20
  - (b) meets the prescribed requirements for approval.
- (2) The approval takes effect from the date of the approval or any later date specified in the approval.
- (3) The chief executive must not decline an application for approval without first giving the applicant— 25
- (a) a copy of any information on which the chief executive relies in proposing to decline the application; and
  - (b) a reasonable opportunity to make written submissions to the chief executive in relation to that information.
- 173 Disclosure of certain matters to applicant not required** 30
- Nothing in **section 172(3)(a)** requires the ~~Arms Regulator~~ chief executive to disclose any information to an applicant if the disclosure would be likely to—
- (a) endanger the safety of any person; or
  - (b) prejudice the maintenance of the law; or

- (c) prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
- (d) prejudice the entrusting of information to the Arms Regulator, the Police, the New Zealand Security Intelligence Service, or the Government Communications Security Bureau on a basis of confidence by— 5
- (i) the government of any other country or an agency of the government of any other country; or
- (ii) any international organisation.
- 174 Approval granted for sale and supply from 1 place of business**
- An approval is granted under **section 172** for the sale and supply of ammunition from 1 place of business only. 10
- 175 Approval not transferable**
- An approval is personal to the person to whom it is granted and may not be transferred to any other person.
- Duration of approval* 15
- 176 Duration of approval**
- An approval granted under **section 172** continues in effect until revoked.
- An approval comes into force on the date specified in the approval and, unless sooner revoked, is granted to a person for the duration of their current firearms licence. 20
- Conditions of approval*
- 177 Conditions of approval**
- (1) An approval granted under **section 172** is subject to the condition that the ammunition seller has the appropriate facilities to comply with all prescribed requirements relating to the secure storage of ammunition in their possession. 25
- (2) An approval may be granted subject to any other conditions that the chief executive considers appropriate.
- Compare: 1983 No 44 s 24C
- 178 Breach of conditions to which approval is subject**
- (1) This section applies to an approved ammunition seller who— 30
- (a) breaches the condition specified in **section 177(1)**; or
- (b) breaches any other condition to which their licence is subject under **section 177(2)**.
- (2) The approved ammunition seller may—
- (a) be issued with an improvement notice under **section 181**; or 35

- (b) be issued with an infringement notice under **section 276**, if the breach is specified as an infringement offence ~~in regulations~~; or
- (c) have their approval revoked under **section 180**.

### *Obligations*

- 179 Approved ammunition seller to provide details of ammunition sales** 5
- (1) An approved ammunition seller must provide to the chief executive the following details in respect of all ammunition sold or supplied in the course of their business:
- (a) the name of the person to whom the ammunition was sold or supplied (the **purchaser**); and 10
  - (b) the quantity and type of ammunition sold or supplied to the purchaser; and
  - (c) the purchaser's firearms licence number, or, if the ammunition was sold or supplied to the purchaser for use under the immediate supervision of another person who holds a firearms licence, the name and firearms licence number of that other person. 15
- (2) However, **subsection (1)** does not apply to any details that are declared by regulations made under **section 362** to be exempt from the requirement in that subsection.
- (3) An approved ammunition seller commits an offence and is liable on conviction to imprisonment for a term of 6 months, or to a fine not exceeding \$10,000, if the approved ammunition seller, without reasonable excuse, contravenes this section. 20
- Compare: 1983 No 44 s 22E(1), (2), (7)

### *Revocation of approval* 25

- 180 Revocation of approval**
- The chief executive may at any time, by notice in writing, revoke an approval given under **section 172**—
- (a) at the request of the approved ammunition seller; or
  - (b) if the firearms licence of the approved ammunition seller expires or is surrendered, suspended, or revoked; or 30
  - (c) if the approved ammunition seller is failing or has failed to comply with an improvement notice issued under **section 181**; or
  - (d) if the chief executive is satisfied that the approved ammunition seller—
    - (i) no longer meets all of the requirements for approval; or 35
    - (ii) has failed to comply with any condition imposed on their approval.

### Subpart 9—Improvement notices

#### 181 Improvement notices

- (1) This section applies if an ~~arms officer of the Arms Regulator~~ reasonably believes that a person who holds a licence, or is an approved ammunition seller, has failed, is failing, or is likely to fail to comply with— 5
- (a) 1 or more applicable provisions of this Act or regulations; or
- (b) any conditions on a licence, approval, endorsement, or permit.
- (2) The officer may issue an improvement notice that—
- (a) states the applicable provision or provisions, or condition or conditions, that the officer reasonably believes the person has failed, is failing, or is likely to fail to comply with; and 10
- (b) requires the person to remedy the failure or prevent a failure from occurring; and
- (c) states the date by which the person is required to remedy the failure or prevent a failure from occurring. 15
- (3) An improvement notice must be in writing.
- (4) The officer may extend the time within which the person is required to remedy the failure or prevent a failure from occurring.
- (5) A person issued with an improvement notice must comply with the notice within the time specified in the notice (or within any extended time allowed by the officer). 20

#### Guidance note

Failure to comply with an improvement notice may result in the suspension of a licence (see **section 145**) or the revocation of an ammunition seller's approval (see **section 180(c)**). 25

Compare: 1983 No 44 s 60

## Part 4

### Endorsements and permits

#### Subpart 1—Endorsements

#### *Applications for endorsements* 30

#### 182 Applications for endorsements: general

- (1) An application for an endorsement may be made by a person who is—
- (a) described in **section 183** and applying for an endorsement permitting them to possess, in a particular capacity, 1 or more specified arms items; or 35

- (b) described in **section 184** and applying for an endorsement permitting them, or a licensed business that they are a senior manager of, to possess 1 or more specified arms items.
- (2) An application for an endorsement on a firearms licence or business licence permitting the licence holder to possess a restricted firearm or restricted magazine may ~~only~~ be made by a person described in **section 183 or 184** only if the person is of or over the age of 18 years. 5
- (3) In **subsection (1)**, **specified arms item** means—
- (a) a pistol:
- (b) ~~a large-capacity pistol magazine:~~ 10
- (c) a restricted weapon:
- (d) a restricted firearm:
- (e) a restricted magazine.
- (4) An application for an endorsement must be made to the chief executive in the prescribed manner and must— 15
- (a) be in a form approved by the chief executive; and
- (b) include the prescribed details (if any); and
- (c) be supported by any information and documents that are prescribed; and
- (d) be accompanied by the prescribed fee (if any).
- Compare: 1983 No 44 ss 29(4), 30A(4)(a) 20
- 183 Applications for endorsements: applicants or holders of firearms licence, ~~curator~~ museum licence, or visitor licence**
- (1) This section applies to a person who is—
- (a) applying for a firearms licence, ~~curator~~ museum licence, or visitor licence; or 25
- (b) the holder of a firearms licence, ~~curator~~ museum licence, or visitor licence.
- (2) ~~The person, if a member of a pistol shooting club, may apply for an endorsement on their firearms licence permitting them to possess either or both of the following items in their capacity as a member of a pistol shooting club:~~ 30
- (a) ~~a pistol:~~
- (b) ~~a large-capacity pistol magazine.~~
- (3) ~~The person, if a visitor to New Zealand who wishes to use a pistol for competitive shooting on a pistol shooting range in New Zealand, may apply for an endorsement on their visitor licence permitting them to possess either or both of the following items in their capacity as a visitor to New Zealand:~~ 35
- (a) ~~a pistol:~~
- (b) ~~a large-capacity pistol magazine.~~

- (2) The person, if a member of a pistol shooting club, may apply for an endorsement on their firearms licence permitting them to possess a pistol in their capacity as a member of a pistol shooting club.
- (3) The person, if a visitor licence holder and wanting to use a pistol for competitive shooting on a pistol shooting range in New Zealand, may apply for an endorsement on their licence permitting them to possess a pistol in their capacity as a visitor to New Zealand. 5
- (4) The person, if a bona fide collector of firearms, may apply for an endorsement on their firearms licence permitting them to possess 1 or more of the following arms items in their capacity as a bona fide collector of firearms: 10
- (a) a pistol (including a semi-automatic pistol):
  - (b) ~~a large capacity pistol magazine:~~
  - (c) a restricted weapon:
  - (d) a restricted firearm:
  - (e) a restricted magazine. 15
- (5) The person, if a person to whom 1 or more of the following arms items have special significance as an heirloom or a memento, may apply for an endorsement on their firearms licence permitting possession of the item or items in their capacity as a person to whom the item or items have special significance as an heirloom or a memento: 20
- (a) a pistol (including a semi-automatic pistol):
  - (b) ~~a large capacity pistol magazine:~~
  - (c) a restricted weapon:
  - (d) a restricted firearm:
  - (e) a restricted magazine. 25
- (6) The person, if ~~a licensed curator~~ museum licence holder, may apply for an endorsement on their ~~curator licence permitting authorising~~ licence permitting them to possess, display, or store 1 or more of the following arms items ~~in their capacity as the curator of a bona fide museum:~~ 30
- (a) a pistol (including a semi-automatic pistol):
  - (b) ~~a large capacity pistol magazine:~~
  - (c) a restricted weapon:
  - (d) a restricted firearm:
  - (e) a restricted magazine.
- (7) The person, if an approved employee or approved member of a specified body, may apply for an endorsement on their firearms licence permitting them to possess 1 or more of the following arms items in their capacity as an approved employee or approved member of a specified body: 35

- (a) a pistol (including a semi-automatic pistol):
- ~~(b) a large-capacity pistol magazine:~~
- (c) a restricted weapon:
- (d) a restricted firearm:
- (e) a restricted magazine. 5
- (8) The person, if an animal and biosecurity controller, may apply for an endorsement on their firearms licence permitting them to possess either or both of the following arms items in their capacity as an animal and biosecurity controller:
- (a) a restricted firearm:
- (b) a restricted magazine. 10
- (9) In **subsection (7)**,—
- approved**, in relation to an employee or a member of a specified body, means an employee or a member of a specified body who has been approved in writing for the purposes of **subsection (7)** by the chief executive of the specified body 15
- specified body** means—
- (a) a broadcaster within the meaning of the Broadcasting Act 1989; or
- (b) a bona fide theatre company or society, cinematic or television film production company, or video recording production company.
- Compare: 1983 No 44 ss 29(2), (2B), (3), 30A(1) 20
- 184 Applications for endorsements: applicants or holders of business licence**
- (1) This section applies to a person who is—
- (a) applying for a business licence; or
- (b) ~~the holder of a business licence~~ holder.
- (2) The person may apply for an endorsement on their business licence permitting the possession of 1 or more specified arms items by— 25
- (a) the person in their capacity as a licensed business ~~that~~ who is authorised to carry on a business activity in relation to the specified arms items; or
- (b) the licensed business that the person is a senior manager of and that is authorised to carry on a business activity in relation to specified arms items. 30
- (3) In this section, **specified arms item** means—
- (a) a pistol:
- (b) a large-capacity pistol magazine:
- (c) a restricted weapon: 35
- (d) a restricted firearm:

(e) a restricted magazine.

Compare: 1983 No 44 ss 29(2A), 30A(2)

### *Making endorsements*

#### **185 Power to make endorsements**

- (1) On receiving an application under **section 183 or 184**, the chief executive may make the endorsement sought on the applicant's licence if the chief executive is satisfied that— 5
- (a) the applicant is a fit and proper person to be in possession of the arms item to which the application relates; and
- (b) it is appropriate for the applicant, in their capacity stated in the application, to be in possession of that arms item. 10
- (2) In the case of an application under **section 183(5)**, the chief executive must, in addition to being satisfied of the matter in **subsection (1)(a)**, be satisfied that in all the circumstances it is reasonable to make the endorsement.
- (3) In the case of an application under **section 183(7)**, the chief executive must, in addition to being satisfied of the matters in **subsection (1)**, be satisfied that possession by the employee or member of the specified body of the arms item or arms items specified in the application is necessary for the purpose of— 15
- (a) making a broadcast; or
- (b) producing or staging a play; or 20
- (c) filming a cinematic production or television film or making a video recording.
- (4) In the case of an application made by a person described in **section 183(8)**, the chief executive must, in addition to being satisfied of the matters in **subsection (1)**, be satisfied that— 25
- (a) the applicant has a genuine need to possess the restricted firearm or restricted magazine; and
- (b) the restricted firearm or restricted magazine will be used by the applicant solely for the purpose of controlling animals; and
- (c) the purpose in **paragraph (b)** cannot effectively be achieved by the use of a standard firearm or standard magazine. 30
- (5) An endorsement made on a licence must specify the capacity in respect of which the licence holder is authorised to possess the arms item.

Compare: 1983 No 44 ss 30(1), 30B(1)–(4)

*Conditions of endorsement***186 Conditions of endorsement**

- (1) An endorsement is granted subject to the conditions that any person who is in possession of an arms item by virtue of the endorsement must—
- (a) ~~produce the arms item to an officer of the Arms Regulator on demand to~~ an arms officer or a constable on demand; and 5
  - (b) permit an arms officer ~~of the Arms Regulator~~ to inspect the arms item and the place where it is kept, and, for that purpose, to enter at all reasonable times upon the premises where the place is situated.
- (2) It is the duty of an arms officer ~~of the Arms Regulator~~ exercising any power conferred by **subsection (1)(b)**— 10
- (a) to identify themselves to the person in possession of the arms item; and
  - (b) to tell the person in possession of the arms item that the power is being exercised under **subsection (1)(b)**; and
  - (c) if the arms officer is not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that they are an arms officer ~~of the Arms Regulator~~. 15

Compare: 1983 No 44 s 31A

**187 Further conditions of endorsement in respect of pistols, ~~large-capacity pistol magazines,~~ and restricted weapons** 20

- (1) An endorsement on a licence in respect of a pistol, ~~large-capacity pistol magazine,~~ or restricted weapon made under **section 185** is subject to the following conditions:
- (a) ~~the holder of the licence~~ holder observes, in respect of every pistol, ~~large-capacity pistol magazine, or~~ restricted weapon, or part of a restricted weapon in their possession, all security precautions required by regulations; and 25
  - (b) ~~the holder of the licence~~ holder ensures that every restricted weapon in their 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. 30
- (2) The chief executive may impose any other conditions with regard to the use or custody of the pistol, ~~large-capacity pistol magazine,~~ or restricted weapon that the chief executive considers appropriate. 35

Compare: 1983 No 44 s 32

**188 Further conditions of endorsement in respect of restricted firearm or restricted magazine**

- (1) An endorsement on a licence in respect of a restricted firearm or restricted magazine made under **section 185** is subject to the following conditions:

- (a) ~~the holder of the licence~~ holder may only possess and use the restricted firearm or restricted magazine in the capacity specified in their endorsement; and
- (b) ~~the holder of the licence~~ holder must observe in respect of every restricted firearm or restricted magazine in their possession all security precautions required by regulations. 5
- (2) The chief executive may impose any other conditions with regard to the use or custody of the restricted firearm or restricted magazine that the chief executive considers appropriate.
- (3) An animal and biosecurity controller whose firearms licence bears an endorsement in respect of a restricted firearm or restricted magazine must, ~~2 years and 6 months after the endorsement is made,~~ advise the chief executive whether when there has been is any change in circumstances affecting their entitlement to an endorsement. 10
- Compare: 1983 No 44 s 33A(1)(a), (b), (d) 15
- 189 Additional condition of endorsement in respect of restricted firearm in possession of collectors, ~~curators~~ museum licence holders, and employees of broadcaster or theatrical company, etc**
- (1) This section applies to a person whose licence bears an endorsement permitting them to possess a restricted firearm in their capacity described in **section 183(4), (5), (6), or (7).** 20
- (2) The person—
- (a) must not use live ammunition in a restricted firearm in their possession or under their control; and
- (b) must ensure that a restricted firearm in their possession or under their control is— 25
- (i) rendered inoperable by removal of a vital part; and
- (ii) maintained, by reason of the removal of the vital part, in an inoperable condition; and
- (c) ensure that the removed vital part is kept at a separate address from the restricted firearm. 30
- (3) In **subsection (2)(c), separate address** ~~means the address of another person who is—~~
- (a) ~~a licence holder (whether or not their licence bears an endorsement permitting possession of a restricted firearm); and~~ 35
- (b) ~~approved by the chief executive.~~
- (a) the address of another person who is—
- (i) a licence holder (whether or not their licence bears an endorsement permitting possession of a restricted firearm); and

- (ii) approved by the chief executive; or
- (b) the address of a facility that the chief executive has approved as providing appropriate storage for the vital part.

Compare: 1983 No 44 s 33A(1)(c), (2)

#### *Duration of endorsement* 5

### **190 Duration of endorsement**

- (1) An endorsement on a licence continues in force for so long as the licence continues in force.
- (2) However, an endorsement on a firearms licence held by an animal and bio-security controller continues in force until the earlier of the following dates: 10
  - (a) the date that is 5 years after the date on which the endorsement was made:
  - (b) the date on which the licence—
    - (i) is surrendered or revoked; or
    - (ii) expires. 15

Compare: 1983 No 44 s 33C(2), (3)

#### *Revocation of endorsement*

### **191 Revocation of endorsement in respect of pistol, ~~large-capacity pistol magazine, or restricted weapon~~**

- (1) The chief executive may, by written notice, revoke an endorsement on a licence ~~if the chief executive is of the opinion that, in the chief executive's opinion, the licence holder—~~ 20
  - (a) would not, on an application made under **section 183 or 184**, be entitled to have the endorsement on their licence; or
  - (b) has failed to observe any conditions of the endorsement. 25
- (2) However, an endorsement on a licence in respect of a pistol may not be revoked under **subsection (1)** if—
  - (a) ~~the holder of the~~ firearms licence holder 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 30
  - (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) When an endorsement on a licence is revoked under this section, the licence holder— 35
  - (a) ~~must, on demand, surrender their licence to the chief executive for the cancellation of the endorsement; and~~

- (b) ceases to be entitled to possess a pistol, large-capacity pistol magazine, or restricted weapon, as the case may require, whether or not they surrender their licence under **paragraph (a)**.
- (a) ceases to be entitled to possess a pistol, large-capacity pistol magazine, pistol carbine conversion kit, or restricted weapon; and 5
- (b) must—
- (i) surrender their licence to the chief executive on demand for the cancellation of the endorsement; and
- (ii) deliver the pistol, large-capacity pistol magazine, pistol carbine conversion kit, or restricted weapon to an arms officer or a Police employee on demand. 10

Compare: 1983 No 44 s 33(1)–(3)

## 192 Revocation of endorsement in respect of restricted firearm or restricted magazine

- (1) The chief executive may, by written notice, revoke an endorsement on a licence if ~~the chief executive is of the opinion that,~~ in the chief executive's opinion, the licence holder— 15
- (a) would not, on an application made under **section 183 or 184**, be entitled to have the endorsement on their licence; or
- (b) has failed to observe any conditions of the endorsement. 20
- (2) When an endorsement on a licence is revoked under this section, the licence holder—
- (a) ~~must, on demand,~~ surrender their licence to the chief executive on demand for the cancellation of the endorsement; and
- (b) ceases to be entitled to possess a restricted firearm or restricted magazine, as the case may require, whether or not they surrender their licence under **paragraph (a)**. 25

Compare: 1983 No 44 s 33B(1), (2)

### Subpart 2—Permits to import

## 193 Issue of permit to import firearms, etc 30

- (1) An application for the issue of a permit to import must be made to the chief executive in the prescribed manner and must—
- (a) be in a form approved by the chief executive; and
- (b) include the prescribed details (if any); and
- (c) be supported by any information and documents that are prescribed; and 35
- (d) be accompanied by the prescribed application fee (if any).

- (2) After receiving an application, the chief executive may require the applicant to produce to the chief executive, for examination and testing, samples of any item of the kind referred to in the application that the chief executive considers necessary.
- (3) The chief executive, if satisfied of the matters in **subsection (4)**, must grant an application for the issue of a permit to import any of the following items: 5
- (a) a standard firearm:
  - (b) an exempt standard firearm:
  - (ba) an exempt pistol:
  - (c) a permanently deactivated firearm that was formerly a standard firearm: 10
  - (d) a standard magazine:
  - (e) any part of a standard firearm:
  - (f) ammunition.
- (4) The matters referred to in **subsection (3)** are that—
- (a) the applicant is lawfully able to possess the item; and 15
  - (b) one of the following applies:
    - (i) the applicant has complied with any previous requirement to provide a sample of the item for examination and testing and the sample was approved:
    - (ii) a sample of the item is not required to be produced for examination and testing: 20
    - (iii) if the application is made for the issue of a permit to import a sample of an item, the applicant will—
      - (A) import no more than 1 sample; and
      - (B) comply with the requirements in **section 197**; and 25
  - (c) if the application is in respect of a standard firearm that is a permanently deactivated firearm, the applicant has produced sufficient evidence of the firearm having been permanently deactivated.
- (5) The chief executive, if satisfied of the matters in **subsection (6)**, may grant an application for the issue of a permit to import any of the following items: 30
- (a) a restricted firearm:
  - (b) a permanently deactivated firearm that was formerly a pistol or restricted firearm:
  - (c) a restricted magazine:
  - (d) a large-capacity pistol magazine: 35
  - (e) a restricted part:
  - (f) a pistol:

- (g) a restricted airgun:
- (h) a blank-firing gun:
- (i) an exempt blank-firing gun:
- (j) a restricted weapon:
- (k) any part of a pistol: 5
- (l) any part of a restricted weapon:
- (m) any part of a blank-firing gun:
- (n) any restricted ammunition ~~that is authorised or permitted expressly by or under this Act to be possessed.~~
- (6) The chief executive may issue a permit to import under **subsection (5)** in respect of an item only if— 10
- (a) the chief executive is satisfied that there is a special reason why the item should be allowed in New Zealand; and
- (b) in the case of an application for the issue of a permit to import an item described in **subsection (5)(a), (b), (c), (d), or (f)**, the application is made by a person who is the holder of a licence that bears an endorsement permitting the licence holder to possess the item; and 15
- (ba) in the case of an application for the issue of a permit to import an item described in **subsection (5)(b)**, the application is made by a person who— 20
- (i) is the holder of a licence that bears an endorsement permitting the licence holder to possess the permanently deactivated firearm; and
- (ii) has produced sufficient evidence of the firearm having been permanently deactivated; and
- (c) in the case of an application for the issue of a permit to import an item described in **subsection (5)(e)**, the application is made by a person who may possess a restricted part (*see section 36*); and 25
- (d) in the case of an application for the issue of a permit in respect of an item described in **subsection (5)(n)**, the application is made by a person who may possess the restricted ammunition (*see section 37*). ~~the applicant—~~ 30
- ~~(i) is a person permitted by regulations to possess restricted ammunition; and~~
- ~~(ii) is the holder of a licence; and~~
- ~~(e) if the application is in respect of a permanently deactivated firearm, the applicant has produced sufficient evidence of the firearm having been permanently deactivated.~~ 35

- (7) If an application for the issue of a permit to import is made in respect of an item described in **subsection (5)(e)** in relation to a restricted part that may be used by a licence holder on or with a standard firearm, the chief executive—
- (a) must be satisfied that the part will only be used by the licence holder with or on a standard firearm; and 5
  - (b) may impose conditions on the permit that enable the chief executive to verify the use of the part.

Compare: 1983 No 44 s 18(1)–(6)

#### **194 Issue of permit to import pistol carbine conversion kits**

- (1) After receiving an application for the issue of a permit to import a pistol carbine conversion kit, the chief executive may require the applicant to produce to the chief executive, for examination and testing, samples of any pistol carbine conversion kit of the kind referred to in the application that the chief executive considers necessary. 10
- (2) The chief executive may grant an application for the issue of a permit to import a pistol carbine conversion kit only if— 15
- (a) the chief executive is satisfied that—
    - (i) there are special reasons why the pistol carbine conversion kit should be allowed into New Zealand; and
    - (ii) the pistol carbine conversion kit specifically enables a pistol that has an overall length of no more than 400 millimetres and is capable of firing specified ammunition only at a muzzle velocity of 1,600 feet per second or less to be fired from the shoulder; and 20
    - (iii) the pistol carbine conversion kit does not modify the pistol in any way other than as specified in **subparagraph (ii)**; and 25
  - (b) the application is made by the holder of a licence—
    - (i) whose licence bears an endorsement permitting the licence holder to possess a pistol; and
    - (ii) who has been issued with—
      - (A) a permit to import a pistol; or 30
      - (B) a permit to possess a pistol.
- (3) However, if an application is made by an applicant in the applicant's capacity described in **section 183(4), (5), (6), or (7)**, the chief executive may grant the application without being satisfied of the matters in **subsection (2)(a)(ii) and (iii)**. 35
- (4) If the applicant has appointed a licensed business as their agent to import a pistol carbine conversion kit, the holder of the business licence that authorises the

licensed business to sell pistol carbine conversion kits must have an endorsement on their licence permitting them to possess a pistol.

Compare: 1983 No 44 s 18AA(1)–(3)

### **195 Issue of permit to import air pistol carbine conversion kits**

- (1) After receiving an application for the issue of a permit to import an air pistol carbine conversion kit, the chief executive may require the applicant to produce to the chief executive, for examination and testing, samples of any air pistol carbine conversion kit of the kind referred to in the application that the chief executive considers necessary. 5
- (2) The chief executive may grant an application for the issue of a permit to import an air pistol carbine conversion kit only if the chief executive is satisfied that the application is made by an applicant who intends to personally use the kit as a member of an airsoft or a paintball club that is affiliated with a national airsoft or paintball organisation. 10

Compare: 1983 No 44 s 18AAB(1)–(2)

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### **196 Permit to import issued for items to be brought into or sent to New Zealand in single consignment or multiple consignments**

- (1) A permit to import may be issued only in relation to items that are to be brought into, or sent to, New Zealand—
- (a) in a single consignment at the same time; or 20
- (b) in multiple consignments, with a period of—
- (i) not more than 12 months between the arrival of the first and last consignments, if the permit to import is issued to ~~the holder of a~~ business licence holder; or
- (ii) not more than 30 days between the arrival of the first and last consignments, if the permit to import is issued to the holder of a fire-arms licence, ~~curator~~ museum licence, or visitor licence. 25
- (2) If, after the issue of a permit to import referred to in **subsection (1)**, any item to which the permit relates is not included in a consignment referred to in **subsection (1)**, the permit ceases to apply in relation to that item. 30

Compare: 1983 No 44 s 18AAD

### **197 Production of samples**

- (1) An applicant who is required under **section 193(2), 194(1), or 195(1)** to produce a sample to the chief executive for examination and testing must produce the sample as soon as practicable. 35
- (2) Before producing a sample, an applicant must ensure that it has not been modified in any way.
- (3) The Crown is not liable to pay compensation in respect of any damage caused to a sample resulting from the examination and testing of the sample.

- (4) If, following examination and testing, the sample is not approved, the applicant who produced it must, within 12 months after being informed in writing by the chief executive that the sample is not approved,—
- (a) export the sample from New Zealand; or
  - (b) cause the sample to be exported from New Zealand. 5
- (5) If the sample is not exported as required by **subsection (4)**, the sample must be disposed of or dealt with in the manner that the chief executive directs.
- Compare: 1983 No 44 s 18B
- 198 Export of specified items not corresponding with sample or otherwise approved for importation** 10
- (1) **Subsection (2)** applies if—
- (a) a specified item is brought into, or sent to New Zealand, under a permit to import; and
  - (b) the specified item—
    - (i) does not correspond with a sample produced to the chief executive, as required by the description of the specified item in the permit; or 15
    - (ii) is not otherwise approved for importation into New Zealand.
- (2) If this subsection applies, the person who brought the specified item into New Zealand, caused the specified item to be brought into New Zealand, or sent the specified item to New Zealand must, within 12 months after being informed in writing by the chief executive that the specified item does not correspond with the sample or is not otherwise approved for importation into New Zealand, export or cause to be exported from New Zealand— 20
- (a) the specified item; and 25
  - (b) the sample.
- (3) If a specified item or sample to which **subsection (2)** relates is not exported as required by that subsection, the specified item or sample must be disposed of or dealt with in the manner that the chief executive directs.
- (4) In this section, **specified item** means— 30
- (a) any item listed in **section 55(1)**;
  - (b) restricted ammunition.
- Compare: 1983 No 44 s 18C
- 199 Permit to import not transferable** 35
- A permit to import is personal to the person to whom it is issued and may not be transferred to any other person.
- Compare: 1983 No 44 s 18(7)

**200 Expiry of permit to import**

Unless sooner revoked under **section 201**, a permit to import expires 12 months after the date on which it is issued.

Compare: 1983 No 44 s 18A

**201 Revocation and validity of permit to import**

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- (1) A permit to import may be revoked at any time by the chief executive.
- (2) A permit issued under **section 193 or 194** is automatically revoked if—
  - (a) the permit to import was issued to the holder of a business licence and that licence, or any endorsement on the licence required for the issue of the permit, is revoked or suspended or has expired or been surrendered; 10  
or
  - (b) the permit to import was issued to the holder of another type of licence, and that licence, or any endorsement on the licence required for the issue of the permit, is revoked or suspended or has expired or been surrendered. 15
- (3) **Subsection (4)** applies if—
  - (a) a permit to import is issued under **section 193 or 194** to a licensed business permitting the licensed business to import 1 or more items on behalf of a person (A); and
  - (b) A, who is required to hold a licence, or a licence bearing an endorsement to possess an item being imported on their behalf,— 20
    - (i) has their licence or endorsement revoked or suspended; or
    - (ii) allows their licence or endorsement to expire; or
    - (iii) surrenders their licence.
- (4) If this subsection applies, the permit issued to the ~~holder of a business licence~~ holder is invalid to the extent that it permits the importation of the item on behalf of A in respect of which A required the licence or endorsement. 25

Compare: 1983 No 44 s 18AAC

**202 Notification of importation**

- (1) This section applies to a person who imports an ~~arms item or ammunition item~~ into New Zealand under a permit to import. 30
- (2) A person to whom this section applies must, within 30 days after the date on which the ~~arms item or ammunition item~~ is imported, notify the chief executive of the matters specified in **subsection (3)** by—
  - (a) delivering a notice in writing in hard copy form approved by the chief executive to the chief executive if the application for the permit to import the ~~arms item or ammunition item~~ was made in writing in hard copy form; or 35

- (b) lodging a notice electronically through an internet site if the application for the permit to import the ~~arms item or ammunition item~~ item was made electronically through an internet site; or
- (c) providing the information in a manner or form approved by the chief executive for the purposes of the registry. 5
- (3) The matters that must be notified in respect of the imported item are—
- (a) the full name of the applicant; and
- (b) the address and occupation of the applicant; and
- (c) the quantity of the ~~arms item or ammunition imported~~ item; and
- (d) the ~~description and country of origin of the arms item or ammunition imported, including the identification marking of the arms item item~~ 10  
and
- (da) a description of the item, including any identification marking; and
- (e) the name of the manufacturer of the ~~arms item or ammunition item~~; and
- (f) the place at which the ~~arms item or ammunition item~~ item landed in New Zealand; and 15
- (g) the date of importation; and
- (h) the date on which and the place at which the permit to import was issued.
- (4) A person commits an offence and is liable on conviction to imprisonment for a term of imprisonment not exceeding 3 months, or to a fine not exceeding \$1,000, if the person, without reasonable excuse, contravenes this section. 20
- Compare: SR 1992/346 r 13

### 203 Seizure of illegally imported items

- (1) **Subsection (2)** applies if a ~~member of the Police constable~~ or a Customs officer suspects on reasonable grounds that an item referred to in **section 55(1) or 56**— 25
- (a) has been brought into New Zealand without a permit to import; or
- (b) has been brought into the harbours or other territorial waters of New Zealand and is intended to be brought into New Zealand without a permit to import. 30
- (2) If this subsection applies, the ~~member of the Police constable~~ or the Customs officer may—
- (a) seize and detain the item; and
- (b) use any reasonable necessary force to seize the item. 35
- (3) If an item is seized and detained under **subsection (2), sections 337 and 338** apply, with all necessary modifications, in respect of that item.

Compare: 1983 No 44 s 19

### Subpart 3—Permits to possess

#### 204 Permits to possess

- (1) An application for the issue of a permit to possess must be made to the chief executive in the prescribed manner and must—
- (a) be in a form approved by the chief executive; and 5
  - (b) include the prescribed details (if any); and
  - (c) be supported by any information and documents that are prescribed; and
  - (d) be accompanied by the prescribed application fee (if any).
- (2) The chief executive may issue a permit to possess a specific pistol, pistol carbine conversion kit, restricted firearm, restricted magazine, or restricted weapon. 10
- (3) Unless sooner revoked, a permit to possess remains in force for the period specified in the permit not exceeding 1 month.
- (4) A permit to possess may be revoked at any time by the chief executive. 15  
Compare: 1983 No 44 ss 35(1), (3)–(5), 35AAA(1), (5), (6), 35A(1), (3), (4)

#### *Permits to possess pistols or restricted weapons*

#### 205 Issue of permit to possess pistol or restricted weapon

A permit to possess a pistol or restricted weapon may be issued if the chief executive is satisfied that ~~the applicant~~—

- (a) the applicant holds a licence that bears an endorsement permitting the possession of a pistol or restricted weapon; and 20
- (b) is an appropriate person to it is appropriate for the applicant to possess the pistol or restricted weapon.

Compare: 1983 No 44 s 35(2)

#### *Permit to possess pistol carbine conversion kit* 25

#### 206 Issue of permit to possess pistol carbine conversion kit

- (1) A permit to possess a pistol carbine conversion kit may be issued if the chief executive is satisfied that the applicant—
- (a) is the holder of a licence that bears an endorsement permitting possession of a pistol; and 30
  - (b) has been issued with—
    - (i) a permit under **section 193** to import a pistol; or
    - (ii) a permit under **section 205** to possess a pistol.
- (2) The chief executive must also be satisfied that—

- (a) the pistol carbine conversion kit specifically enables a pistol that has an overall length of no more than 400 millimetres and is capable of firing specified ammunition at a muzzle velocity of 1,600 feet per second or less to be fired from the shoulder; and
- (b) the pistol carbine conversion kit does not modify the pistol in any way other than as specified in **paragraph (a)**. 5
- (3) However, if an application is made by an applicant in the applicant's capacity described in **section 183(4), (5), (6), or (7)**, the chief executive may grant the application without being satisfied of the matters in **subsection (2)**. 10
- Compare: 1983 No 44 s 35AAA(2)–(4) 10

*Permit to possess restricted firearm or restricted magazine*

**207 Issue of permit to possess restricted firearm or restricted magazine**

A permit to possess a restricted firearm or restricted magazine may be issued if the chief executive is satisfied that—

- (a) the applicant holds a licence that bears an endorsement permitting the ~~applicant to possess~~ possession of a restricted firearm or restricted magazine; and 15
- (b) it is appropriate for the applicant to possess the restricted firearm or restricted magazine. 20

Compare: 1983 No 44 s 35A(2) 20

**Part 5**

**Shooting clubs and shooting ranges**

**208 Interpretation**

In this Part,—

**application for approval** means an application made under **section 211** to have a pistol shooting club approved 25

**application for certification** means an application made under **section 226** to have a pistol shooting range certified

**non-pistol shooting club** means a shooting club that is not a pistol shooting club 30

**non-pistol shooting range** means a shooting range at which pistols cannot be used

**pistol shooting club** means a shooting club that facilitates participation in shooting activities that include the use of pistols

**pistol shooting range** means a shooting range at which pistols can be used 35

**range operator** means the person who is operating, or proposing to operate, a shooting range

**range standing orders**, in relation to a shooting range, means a document that—

- (a) describes the design of the shooting range; and
- (b) sets out the operational detail, and conditions of use, of the shooting range

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**shooting activities**—

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

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**shooting club** means a voluntary association of people who—

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

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**shooting event**, in relation to a temporary non-pistol shooting range, means an event that—

- (a) includes shooting activities; and
- (b) lasts for not more than 4 days, with the first day being the day the event commences for participants (who are not event organisers or staff)

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**shooting range**—

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

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**temporary non-pistol shooting range** means a non-pistol shooting range that is set up temporarily for no more than 2 shooting events in any calendar year.

Compare: 1983 No 44 s 38A

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### Subpart 1—Pistol shooting clubs

#### 209 Pistol shooting club must have certificate of approval

- (1) A pistol shooting club must hold a certificate of approval issued by the chief executive.
- (2) A person commits an offence and is liable on conviction to imprisonment for a term of ~~imprisonment~~ not exceeding 6 months, or to a fine not exceeding

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\$10,000, if the person, without reasonable excuse, establishes or operates a pistol shooting club without the club holding a certificate of approval.

Compare: 1983 No 44 s 38B

## **210 Pistol shooting club must be incorporated society**

A pistol shooting club may not hold a certificate of approval under **section 214** unless the club is registered as an incorporated society under the Incorporated Societies Act 2022.— 5

(a) ~~the Incorporated Societies Act 1908; or~~

(b) ~~the Incorporated Societies Act 2022.~~

Compare: 1983 No 44 s 38C

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## **211 Application for certificate of approval in respect of pistol shooting club**

(1) An application for a certificate of approval in respect of a pistol shooting club may be made only by a person who is authorised by the pistol shooting club to make the application on its behalf.

(2) An application for approval must be made to the chief executive in the prescribed manner and must— 15

(a) be in a form approved by the chief executive; and

(b) include the prescribed details (if any); and

(c) be supported by any information and documents that are prescribed; and

(d) be accompanied by the prescribed application fee (if any). 20

Compare: 1983 No 44 s 38D

## **212 Chief executive may make inquiries and request further information**

On receipt of an application for approval, the chief executive—

(a) may make whatever inquiries the chief executive considers necessary to determine whether the application should be granted; and 25

(b) may request the applicant to provide any further information or documents that the chief executive considers necessary to determine whether the application should be granted.

Compare: 1983 No 44 s 38E

## **213 Decision on application for certificate of approval** 30

The chief executive may grant an application for approval if the chief executive is satisfied that the pistol shooting club—

(a) will be using a pistol shooting range for its shooting activities; and

(b) has rules relating to the safe operation of standard firearms and pistols and promotes the safe possession and use of firearms; and 35

(c) is appropriately administered; and

- (d) is able to safely manage its shooting activities; and
- (e) has proper storage for any firearm or ammunition held at any of the club's premises or at a pistol shooting range used by the club.

Compare: 1983 No 44 s 38F

#### **214 Issue of certificate of approval** 5

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

Compare: 1983 No 44 s 38G

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#### **215 Duration of certificate of approval**

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

- (a) surrendered by the pistol shooting club; or
- (b) cancelled by the chief executive.

Compare: 1983 No 44 s 38H

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#### **216 Cancellation of certificate of approval**

- (1) The chief executive must cancel a pistol shooting club's certificate of approval if the chief executive is satisfied that—

- (a) the pistol shooting club is not using a pistol shooting range for its shooting activities; or
- (b) the pistol shooting club is no longer carrying on its operations; or
- (c) the pistol shooting club no longer meets the requirements in **section 210 or 213**; or
- (d) the pistol shooting club has failed to comply with an improvement notice issued under **section 243**.

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- (2) The chief executive may cancel a pistol shooting club's certificate of approval if the chief executive is satisfied that—

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

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Compare: 1983 No 44 s 38I

**217 Annual reports**

- (1) A pistol shooting club must, not later than 2 months after the close of each financial year, provide to the chief executive an annual report on its operations for that year.
- (2) An annual report must include the prescribed particulars. 5
- (3) In this section, **financial year** means a period of 12 months commencing on 1 July in each year and ending on 30 June in the following year.

Compare: 1983 No 44 s 38J

### Subpart 2—Non-pistol shooting clubs

**218 Non-pistol shooting club must be enrolled** 10

- (1) A non-pistol shooting club must be enrolled.
- (2) A person commits an offence and is liable on conviction to imprisonment for a term of ~~imprisonment~~ not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, establishes or operates a non-pistol shooting club without the club being enrolled. 15

Compare: 1983 No 44 s 38K

**219 Non-pistol shooting club must be incorporated society in certain circumstances**

- (1) If standard firearms are sold to persons on behalf of a non-pistol shooting club, the club may not be enrolled under **section 222** unless it is registered as an incorporated society under the Incorporated Societies Act 2022.— 20
  - (a) ~~the Incorporated Societies Act 1908; or~~
  - (b) ~~the Incorporated Societies Act 2022.~~
- (2) If ammunition is sold to persons on behalf of a non-pistol shooting club, the club may not be enrolled under **section 222** unless it is registered as an incorporated society under the Incorporated Societies Act 2022.— 25
  - (a) ~~the Incorporated Societies Act 1908; or~~
  - (b) ~~the Incorporated Societies Act 2022.~~
- (3) However, **subsection (2)** does not apply if ammunition is sold to persons on behalf of the non-pistol shooting club for use on the day of sale at a club shooting activity and the ammunition is— 30
  - (a) used by the persons at the club shooting activity; or
  - (b) stored on the premises of the club after the club shooting activity.

Compare: 1983 No 44 s 38L

**220 Application for enrolment in respect of non-pistol shooting club** 35

- (1) An application for enrolment in respect of a non-pistol shooting club must be made,—

- (a) if the non-pistol shooting club is a body corporate, by a person who is authorised to make the application; or
  - (b) if the non-pistol shooting club is not a body corporate, by the club's representative who is authorised by the club to make the application.
- (2) An application for enrolment must be made to the chief executive in the prescribed manner and must— 5
- (a) be in a form approved by the chief executive; and
  - (b) include the prescribed details (if any); and
  - (c) be supported by any information and documents that are prescribed; and
  - (d) be accompanied by the prescribed application fee (if any). 10

Compare: 1983 No 44 s 38M

### **221 Chief executive may make inquiries and request further information**

On receipt of an application for enrolment from a non-pistol shooting club, the chief executive may, for the purpose of determining whether the information provided is complete and correct,— 15

- (a) make whatever inquiries the chief executive considers necessary; and
- (b) request the applicant to provide any further information or documents.

Compare: 1983 No 44 s 38N

### **222 Confirmation of enrolment**

If the chief executive is satisfied that an application is made in accordance with **section 220** and that the information provided is complete and correct, the chief executive must— 20

- (a) place the name and details of the non-pistol shooting club on the roll of non-pistol shooting clubs; and
- (b) notify the non-pistol shooting club that it is enrolled and of the date of its enrolment. 25

Compare: 1983 No 44 s 38O

### **223 Chief executive to keep roll of non-pistol shooting clubs**

The chief executive must establish and maintain a roll of non-pistol shooting clubs. 30

Compare: 1983 No 44 s 38P

### **224 Cancellation of enrolment**

The chief executive must cancel a non-pistol shooting club's enrolment if—

- (a) the non-pistol shooting club requests the cancellation of its enrolment; or
- (b) the chief executive is satisfied that the club is no longer carrying on its operations. 35

Compare: 1983 No 44 s 38Q

## Subpart 3—Pistol shooting ranges

**225 Pistol shooting ranges must be certified**

- (1) A person may not operate a pistol shooting range unless the shooting range is a certified pistol shooting range.
- (2) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, without reasonable excuse, contravenes **subsection (1)**. 5

Compare: 1983 No 44 s 38R

**226 Application for certification of pistol shooting range**

- (1) An application for certification of a pistol shooting range may be made,— 10
- (a) if the person who is proposing to operate the range is an individual, by that individual; or
- (b) if the person who is proposing to operate the range is a body corporate, by a person who is authorised to make the application; or
- (c) if the person who is proposing to operate the range is not an individual or a body corporate, by the person's representative who is authorised by the person to make the application. 15
- (2) An application for certification must be made to the chief executive in the prescribed manner and must—
- (a) be in a form approved by the chief executive; and 20
- (b) include the prescribed details (if any); and
- (c) be supported by any information and documents that are prescribed; and
- (d) be accompanied by the prescribed application fee (if any).

Compare: 1983 No 44 s 38S

**227 Chief executive may make inquiries and request further information 25**

On receipt of an application for certification, the chief executive may—

- (a) make whatever inquiries the chief executive considers necessary to determine whether the application should be granted; and
- (b) request the applicant to provide any further information or documents that the chief executive considers necessary to determine whether the application should be granted. 30

Compare: 1983 No 44 s 38T

**228 Decision on application to have pistol shooting range certified**

The chief executive may grant an application for certification if the chief executive is satisfied that the pistol shooting range meets all required safety standards published by the Arms Regulator.— 35

- (a) ~~the pistol shooting range meets all required safety standards published by the Arms Regulator; and~~
- (b) ~~all necessary territorial authority and regional council consents to operate the pistol shooting range have been obtained.~~

Compare: 1983 No 44 s 38U

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## 229 Grant of certification

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

Compare: 1983 No 44 s 38V

## 230 Certification granted subject to condition

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- (1) A certificate granted under **section 229** is subject to the condition that, at all times while the pistol shooting range is in use, an officer is on duty who—

- (a) holds a firearms licence; and
- (b) is appropriately trained in pistol shooting range safety management.

- (2) Certification granted under **section 229** may be made subject to any other conditions that the chief executive considers appropriate, which may include conditions relating to—

15

- (a) maintenance of the shooting range:
- (b) public access to the shooting range:
- (c) restrictions on the types of standard firearms, pistols, and ammunition that may be used at the shooting range: 20
- (d) competitions that may be conducted at the shooting range.

- (3) The operator of a certified pistol shooting range must request the chief executive to review the certification of the range if it is intended that the operation of the range will depart from the conditions imposed by or under this section. 25

Compare: 1983 No 44 s 38W

## 231 Duration of certification

A certificate issued in respect of a pistol shooting range remains in force for 5 years after the date on which it is issued unless the certificate is sooner surrendered or cancelled. 30

Compare: 1983 No 44 s 38X

## 232 Cancellation of certification

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

- (a) the shooting range is no longer being operated as a pistol shooting range; 35
- or

- (b) the shooting range is not being operated with proper regard to individual or public safety; or
- (c) the range operator is not complying with any conditions imposed under **section 230**; or
- (d) having regard to the matters specified in **section 228**, it is no longer appropriate that the shooting range be certified; or 5
- (e) the range operator has failed to comply with an improvement notice issued under **section 243**.

Compare: 1983 No 44 s 38XA

### 233 **Renewal of certification** 10

- (1) A certificate granted under **section 229** may be renewed on 1 or more occasions.
- (2) **Sections 226 to 232** apply to an application for renewal of certification as if the application were an application for certification, unless **subsection (4)** applies. 15
- (3) A renewed certificate is to be treated for all purposes as a new certification granted under **section 229**.
- (4) If the circumstances of the pistol shooting range have not changed significantly for 5 years, the applicant may initiate the renewal of the certification by using a form approved by the chief executive instead of applying under **section 226**. 20

Compare: 1983 No 44 s 38XB

### **233A Extension of certification pending determination of renewal application**

- (1) This section applies if—
  - (a) an application for the renewal of a certification is made before the expiry of the certification; and 25
  - (b) the application is not determined before the expiry of the certification.
- (2) The certification continues in force, unless sooner cancelled, until the date on which the applicant is notified of the determination of the application.
- (3) A new certification granted on an application takes effect from the date on which the new certification is issued to the applicant. 30

#### Subpart 4—Non-pistol shooting ranges

### 234 **Non-pistol shooting ranges that are not temporary non-pistol shooting ranges must be enrolled**

- (1) A person may not operate a non-pistol shooting range (that is not a temporary non-pistol shooting range) unless the shooting range is enrolled under **section 238**. 35

- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes **subsection (1)**.  
Compare: 1983 No 44 s 38XC
- 235 Temporary non-pistol shooting ranges must be notified to chief executive** 5
- (1) The following persons may operate a temporary non-pistol shooting range:
- (a) a shooting club:
  - (b) a member of a shooting club:
  - (c) an operator of—
    - (i) a pistol shooting range that is certified under **section 229**; or 10
    - (ii) a non-pistol shooting range that is enrolled under **section 239**.
- (2) The operator of a temporary non-pistol shooting range must notify the chief executive of the temporary non-pistol shooting range.
- (3) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, contravenes **subsection (2)**. 15  
Compare: 1983 No 44 s 38XD
- 236 Application for enrolment of non-pistol shooting range**
- (1) An application for the enrolment of a non-pistol shooting range must be made,— 20
- (a) if the person who is proposing to operate the range is an individual, by that individual; or
  - (b) if the person who is proposing to operate the range is a body corporate, by a person who is authorised to make the application; or
  - (c) if the person who is proposing to operate the range is not an individual or a body corporate, by the person's representative who is authorised by the person to make the application. 25
- (2) An application for enrolment must be made to the chief executive in the prescribed manner and must—
- (a) be in a form approved by the chief executive; and 30
  - (b) include the prescribed details (if any); and
  - (c) include a declaration declaring that the non-pistol shooting range has range standing orders that have been approved by the association the range is affiliated with or the chief executive; and—
    - (i) ~~the non-pistol shooting range has range standing orders that have been approved by the association the range is affiliated with or the chief executive; and~~ 35

- (ii) ~~all necessary territorial authority and regional council consents to operate the non-pistol shooting range have been obtained; and~~
- (d) be supported by any information and documents that are prescribed; and
- (e) be accompanied by the prescribed application fee (if any).
- Compare: 1983 No 44 s 38XE 5
- 237 Chief executive may make inquiries and request further information**
- On receipt of an application from an applicant for the enrolment of a non-pistol shooting range, the chief executive may, for the purpose of determining whether the information is complete and correct,—
- (a) make whatever inquiries the chief executive considers necessary; and 10
- (b) request the applicant to provide any further information or documents.
- Compare: 1983 No 44 s 38XF
- 238 Decision on application to have non-pistol shooting range enrolled**
- The chief executive must grant an application for the enrolment of a non-pistol shooting range if the chief executive is satisfied that— 15
- (a) the application is made in accordance with **section 236**; and
- (b) all information provided in the application, and any information provided in response to a request under **section 237(b)**, is complete and correct.
- Compare: 1983 No 44 s 38XG 20
- 239 Confirmation of enrolment**
- If the chief executive grants an application for the enrolment of a non-pistol shooting range, the chief executive must—
- (a) place the name and details of the non-pistol shooting range on the roll of non-pistol shooting ranges; and 25
- (b) notify the applicant that the non-pistol shooting range is enrolled and of the date of the enrolment.
- Compare: 1983 No 44 s 38XH
- 240 Chief executive to keep roll of non-pistol shooting ranges**
- The chief executive must establish and maintain a roll of non-pistol shooting ranges. 30
- Compare: 1983 No 44 s 38XI
- 241 Cancellation of enrolment**
- The chief executive may cancel a non-pistol shooting range's enrolment if—
- (a) the range operator requests the cancellation of the enrolment of the range; or 35

- (b) the chief executive is satisfied that the range is no longer being operated as a non-pistol shooting range; or
- (c) the range is not being operated with proper regard to individual or public safety; or
- (d) the range operator has failed to comply with an improvement notice issued under **section 243**. 5

Compare: 1983 No 44 s 38XJ

### Subpart 5—Compliance

#### 242 Inspections of shooting clubs and shooting ranges

- (1) For the purpose of ensuring that a shooting club or shooting range is operated in accordance with this Act, an arms officer ~~of the Arms Regulator~~ may— 10
  - (a) enter and inspect—
    - (i) any shooting range (including any shooting club that is part of the range); and
    - (ii) any place where the shooting club stores standard firearms, pistols, or ammunition: 15
  - (b) inspect, print, or copy documents that the person believes on reasonable grounds to be those of the shooting club or shooting range:
  - (c) remove any hard copy documents that the person believes on reasonable grounds to be those of the shooting club or shooting range. 20
- (2) Unless there is a change of circumstances that may affect its safety, an inspection of a shooting range under **subsection (1)** may only be undertaken,—
  - (a) in respect of a pistol shooting range, when the chief executive is considering an application for—
    - (i) certification; or 25
    - (ii) renewal of its certification:
  - (b) in respect of a non-pistol shooting range, when the chief executive is considering an application for enrolment, and then at intervals of not less than 5 years:
  - (c) in respect of a pistol shooting range or a non-pistol shooting range at any other time with the agreement of the operator of the range. 30
- (3) An arms officer ~~of the Arms Regulator~~ must give at least 7 days' notice of their intention to enter and inspect a venue of a shooting club or shooting range.
- (4) The provisions of Part 4 of the Search and Surveillance Act 2012 (apart from subpart 3) apply. 35

Compare: 1983 No 44 s 38XK

**243 Improvement notices**

- (1) This section applies if an arms officer of the Arms Regulator reasonably believes that—
- (a) a pistol shooting club has failed, is failing, or is likely to fail to comply with any conditions to which its certificate of approval is subject; or 5
  - (b) a pistol shooting range has failed, is failing, or is likely to fail, to comply with the condition to which its certification is subject; or
  - (c) a shooting club or shooting range has contravened, is contravening, or is likely to contravene a provision of this Act or any regulations.
- (2) If this section applies, the officer may issue an improvement notice to the shooting club or the range operator requiring the shooting club or range operator, within a reasonable period of time specified in the notice, to— 10
- (a) remedy the non-compliance or contravention; or
  - (b) prevent a likely non-compliance or contravention from occurring.
- Compare: 1983 No 44 s 38XL 15

**244 Temporary suspension of pistol shooting club's operations for non-compliance with improvement notice**

- (1) An arms officer of the Arms Regulator may, by notice in writing to a pistol shooting club, temporarily suspend the operations of the shooting club if the officer is satisfied that the shooting club has failed to comply with an improvement notice issued under **section 243**. 20
- (2) A notice of temporary suspension must state—
- (a) the ground on which the notice is given; and
  - (b) the date on which the suspension begins; and
  - (c) that the suspension is to enable the Arms Regulator to consider cancelling the pistol shooting club's certificate of approval; and 25
  - (d) that the suspension lasts until notice of the decision as to whether to cancel the certificate of approval is given to the pistol shooting club, but, if the notice is not given within 90 days after the suspension takes effect, the suspension ends with the close of that 90-day period. 30
- Compare: 1983 No 44 s 38XM

**245 Temporary suspension of shooting range's operations for non-compliance with improvement notice**

- (1) An arms officer of the Arms Regulator may, by notice in writing to the range operator, temporarily suspend the operations of the shooting range if the officer is satisfied that the shooting range has failed to comply with an improvement notice issued under **section 243**. 35
- (2) A notice of temporary suspension must state—

- (a) the ground on which the notice is given; and
  - (b) the date on which the suspension begins.
- (3) In the case of a notice of temporary suspension issued to a pistol shooting range, the notice must also state—
- (a) that the suspension is to enable the Arms Regulator to consider cancelling the shooting range’s certification on that ground; and 5
  - (b) that the suspension lasts until notice of the decision as to whether to cancel the certification is given to the range operator, but, if the notice is not given within 90 days after the suspension takes effect, the suspension ends with the close of that 90-day period. 10
- Compare: 1983 No 44 s 38XN

## Part 6

### Further offences and firearms prohibition orders

#### Subpart 1—Offences relating to licences

- 246 Providing false information in licence application** 15
- A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$20,000, if the person supplies particulars or answers in any application for a licence knowing them to be incorrect or misleading.
- Compare: 1983 No 44 s 42(d) 20
- 247 Altering or misusing licence**
- A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$20,000, if the person,—
- (a) with intent to deceive,—
    - (i) adds to a licence any words or figures extraneous to the licence as issued; or 25
    - (ii) alters on or erases from any licence any words or figures; or
    - (iii) uses or retains any licence—
      - (A) to which have been added any words or figures extraneous to the licence as issued; or 30
      - (B) from which any words or figures have been erased from the licence as issued; or
      - (C) on which any words or figures on the licence as issued have been altered; or
  - (b) being a licence holder, wilfully parts with possession of their licence in order that the licence may be used by another person; or 35

- (c) uses or attempts to use a licence issued in the name of another person with the intention of procuring the possession of any standard firearm, restricted firearm, pistol, restricted weapon, airgun (including a restricted airgun), standard magazine, large-capacity pistol magazine, restricted magazine, or ammunition. 5

Compare: 1983 No 44 s 42(a)–(c)

## Subpart 2—Offences relating to carrying, possessing, or presenting arms items

### ~~248 Occupier of premises or driver of vehicle deemed to be in possession of standard firearm, restricted firearm, imitation firearm, pistol, restricted weapon, airgun, restricted magazine, or explosive found in premises or vehicle~~ 10

- (1) This section applies to a person who is—
- (a) ~~in occupation of any land or building on which any standard firearm, restricted firearm, imitation firearm, pistol, restricted weapon, airgun, restricted magazine, or explosive is found;~~ 15
- (b) ~~the driver of any vehicle in which any standard firearm, restricted firearm, imitation firearm, pistol, restricted weapon, airgun, restricted magazine, or explosive is found.~~
- (2) ~~For the purposes of this Act, the person is deemed to be in possession of the standard firearm, restricted firearm, imitation firearm, pistol, restricted weapon, airgun, restricted magazine, or explosive, unless the person proves that it was not their property and that it was in the possession of some other person.~~ 20
- (3) ~~**Subsection (2)** does not exclude the liability of any other person.~~ 25
- Compare: 1983 No 44 s 66

### 248 Occupier of premises or driver of vehicle deemed to be in possession of specified item or explosive found in premises or vehicle

- (1) This section applies to a person who is—
- (a) in occupation of any land or building on which a specified item or an explosive is found; 30
- (b) the driver of any vehicle in which a specified item or an explosive is found.
- (2) For the purposes of this Act, the person is deemed to be in possession of the specified item or explosive unless the person proves that it was not their property and that it was in the possession of some other person. 35
- (3) **Subsection (2)** does not exclude the liability of any other person.
- (4) In this section, **specified item** means any of the following:
- (a) a standard firearm:

- (b) a restricted firearm:
- (c) an imitation firearm:
- (d) a pistol:
- (e) a restricted weapon:
- (f) an airgun: 5
- (g) a restricted magazine:
- (h) a large-capacity pistol magazine:
- (i) a pistol carbine conversion kit.

Compare: 1983 No 44 s 66

**249 Person in possession of arms item or ammunition must give identifying information to Police** 10

- (1) A person in possession of any arms ~~item~~items or ammunition must, on demand, give their full name, address, and date of birth to ~~any member of the Police~~a constable who is in uniform or who produces evidence that they are a ~~member of the Police~~constable. 15
- (2) If any person refuses to give their name, address, or date of birth, or gives false particulars about their name, address, or date of birth, a ~~member of the Police~~constable—
  - (a) may caution that person; and
  - (b) if that person persists in the refusal or fails or continues to refuse to give the correct particulars, may arrest the person without warrant. 20
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, in response to a demand under **subsection (1) or (2)**,—
  - (a) without reasonable excuse, refuses to give their name, address, or date of birth; or 25
  - (b) willingly gives false particulars about their name, address, or date of birth.

Compare: 1983 No 44 s 66B

**250 Unlawfully carrying or possessing explosive** 30

- (1) A person commits an offence if the person, without having a lawful, proper, ~~or~~and sufficient purpose,—
  - (a) carries any explosive; or
  - (b) possesses any explosive.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 5 years or to a fine not exceeding \$15,000. 35

- (3) In any prosecution for an offence against **subsection (1)** in which it is proved that the defendant was carrying, or in possession of, any explosive, the burden of proving the existence of a lawful, proper, and sufficient purpose lies on the defendant.  
Compare: 1983 No 44 s 45 5
- 251 Unlawfully carrying or possessing imitation ~~firearms~~ firearm or restricted airgun**
- (1) A person commits an offence if the person, without having a lawful, proper, ~~or~~ and sufficient purpose,—
- (a) carries or possesses an imitation firearm; or 10
- (b) ~~possesses an imitation firearm.~~
- (b) carries or possesses a restricted airgun.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$15,000. 15
- (3) In any prosecution for an offence against **subsection (1)** in which it is proved that the defendant was carrying, or in possession of, an imitation firearm or restricted airgun, the burden of proving the existence of a lawful, proper, and sufficient purpose lies on the defendant.  
Compare: 1983 No 44 s 46 20
- 252 Unlawfully carrying or possessing restricted firearm, pistol, or restricted weapon in public place**
- A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person, without lawful purpose, carries or possesses in a public place— 25
- (a) a restricted firearm; or
- (b) a pistol; or
- (c) a restricted weapon.  
Compare: 1983 No 44 s 50D
- 253 Unlawfully carrying or possessing standard firearm, airgun, ammunition, or explosive in public place** 30
- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$15,000, if the person, without lawful purpose,—
- (a) carries a standard firearm, an airgun, ammunition, or an explosive in a public place; or 35
- (b) possesses a standard firearm, an airgun, ammunition, or an explosive in a public place.

- (2) In any prosecution for an offence against **subsection (1)** in which it is proved that the defendant was carrying in any public place or had in their possession in any public place any standard firearm, airgun, ammunition, or explosive, the burden of proving the existence of a lawful purpose lies on the defendant.  
Compare: 1983 No 44 s 51 5
- 254 Carrying pistol, restricted firearm, restricted magazine, or restricted weapon without authority**
- (1) A person must not carry a pistol, restricted firearm, restricted magazine, or restricted weapon in any place beyond the curtilage of their dwelling, except under and in accordance with the conditions endorsed on their firearms licence or visitor licence. 10
- (2) ~~Any such endorsement may be at any time revoked by the chief executive.~~
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$20,000, if the person, without reasonable excuse, contravenes **subsection (1)**. 15
- (4) It is a ~~good~~ defence to a prosecution for an offence ~~against~~ under **subsection (3)** if the defendant proves—
- (a) that they are ~~the holder of~~ a firearms licence holder; and
- (b) that they have owned the firearm to which the charge relates since before 16 May 1969; and 20
- (c) that, immediately before 16 May 1969, they were 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 one hand. 25
- Compare: 1983 No 44 s 36
- 255 Carrying restricted firearm with criminal intent**
- A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person carries any restricted firearm with intent to commit an offence. 30
- Compare: 1983 No 44 s 54A
- 256 Carrying standard firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with criminal intent**
- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person— 35
- (a) has with them any standard firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive (a **specified arms-item**); and
- (b) intends, while having the specified ~~arms-item~~ with them, to—

- (i) commit an offence punishable by imprisonment for a term of 3 years or more; or
- (ii) resist arrest, or prevent the arrest of another person.
- (2) In a prosecution for an offence against **subsection (1)**, proof that the defendant had any specified ~~arms~~-item with them and intended to commit an offence, or to resist or prevent arrest, is evidence that the defendant intended to have the specified ~~arms~~-item with them while committing the offence, or resisting or preventing arrest. 5
- Compare: 1983 No 44 s 55
- 257 Presenting restricted firearm at another person** 10
- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person, without reasonable excuse, presents at any other person—
- (a) a restricted firearm; or
- (b) anything that, in the circumstances, is likely to lead that person to believe it to be a restricted firearm. 15
- (2) For the purposes of an offence against **subsection (1)(a)**, it does not matter whether the restricted firearm is loaded or capable at the time of the offence of discharging any shot, bullet, missile, or other projectile.
- Compare: 1983 No 44 s 51A 20
- 258 Presenting pistol, restricted weapon, standard firearm, or airgun at another person**
- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person, without reasonable excuse, presents a pistol or restricted weapon (whether or not the 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. 25
- ~~(2) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, presents at any person anything that, in the circumstances, is likely to lead that person to believe that it is a standard firearm or airgun. 30~~
- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, presents at any person anything that, in the circumstances, is likely to lead that person to believe that it is a pistol, restricted weapon, standard firearm, or airgun. 35
- Compare: 1983 No 44 s 52

## Subpart 3—Offences relating to using arms items

- 259 Discharging standard firearm, restricted firearm, pistol, restricted weapon, or airgun in or near dwellinghouse or public place** 5
- A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, discharges a standard firearm, restricted firearm, pistol, restricted weapon, or airgun in or near a dwellinghouse or a public place so as to—
- (a) endanger property; or
  - (b) endanger, annoy, or frighten any person.
- Compare: 1983 No 44 s 48 10
- 260 Using, discharging, or carrying exempt standard ~~firearms~~ firearm or exempt pistol without ~~reasonable excuse~~ lawful purpose**
- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months, or to a fine not exceeding \$1,000, if the person, without lawful purpose, uses, discharges, or carries anywhere ~~an exempt standard firearm.~~ 15
    - (a) an exempt standard firearm:
    - (b) an exempt pistol.
  - (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 a lawful purpose lies on the defendant. 20
 

Compare: 1983 No 44 s 49
- 261 Carelessly using standard firearm, restricted firearm, pistol, restricted weapon, or airgun** 25
- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person causes bodily injury to, or the death of, any person by carelessly using a standard firearm, restricted firearm, pistol, restricted weapon, or airgun.
  - (2) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years if the person, being a person who has in their charge, or under their control, a standard firearm, restricted firearm, pistol, restricted weapon, or airgun loaded with a shot, bullet, cartridge, missile, or projectile, whether in its breech, barrel, chamber, or magazine, leaves that standard firearm, restricted firearm, pistol, restricted weapon, or airgun in any place in such circumstances as to endanger the life of any person without taking reasonable precautions to avoid such danger. 30
  - (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years if the person, without reasonable excuse, discharges 35

or otherwise deals with a standard firearm, restricted firearm, pistol, restricted weapon, or airgun in a manner likely to injure or endanger the safety of any person or with reckless disregard for the safety of others.

- (4) It is no defence to the crime of manslaughter that the guilty act or omission proved against the person charged is an act or omission constituting an offence against this section. 5

Compare: 1983 No 44 s 53

**262 Using or attempting to use restricted firearm or pistol to resist or prevent arrest or commit offence**

- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 10 years if the person makes, or attempts to make, any use whatsoever of any restricted firearm or pistol with intent to resist or prevent the lawful arrest or lawful detention of— 10

(a) themselves:

(b) any other person. 15

- (2) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person, at the time of committing an offence punishable by imprisonment for a term of 3 years or more, possesses a restricted firearm.

- (3) It is a defence to a prosecution for an offence ~~against~~ under **subsection (2)** if the defendant proves that they possessed the restricted firearm or pistol for a lawful purpose. 20

Compare: 1983 No 44 s 53A

**263 Using or attempting to use standard firearm, etc, to resist or prevent arrest or commit offence** 25

- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person makes, or attempts to make, any use whatsoever of any standard firearm, restricted weapon, airgun, imitation firearm, ammunition, or explosive with intent to resist or prevent the lawful arrest or detention of themselves or another person. 30

- (2) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person, at the time of committing an offence punishable by imprisonment for a term of 3 years or more, has in their possession any pistol, restricted weapon, or explosive.

- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years if the person, at the time of committing an offence punishable by imprisonment for a term of 3 years or more, possesses any standard firearm, airgun, imitation firearm, or ammunition. 35

- (4) It is a ~~good~~ defence to a prosecution for an offence ~~against~~ under **subsection (2) or (3)** if the defendant proves that they possessed the standard firearm, air- 40

gun, pistol, imitation firearm, restricted weapon, ammunition, or explosive for a lawful purpose.

Compare: 1983 No 44 s 54

#### Subpart 4—Offences relating to selling or supplying firearms, etc

- 264 Purchasing arms items intending to unlawfully sell or supply** 5
- (1) A person commits an offence if the person purchases or acquires, or enters into a contract or an arrangement to purchase or acquire, an arms item intending to sell or otherwise supply the arms item to another person who is not lawfully entitled to possess the arms item.
- (2) A person who is not lawfully entitled to possess an arms item (**A**) commits an offence if A enters into a contract or an arrangement, or arrives at an understanding, with the holder of a firearms licence or business licence (**B**) for the purchase or acquisition of an arms item by B on behalf of A. 10
- (3) A person who commits an offence against **subsection (1) or (2)** is liable on conviction to a term of imprisonment for a term not exceeding 7 years. 15
- 265 Trafficking arms items or ammunition**
- (1) A person commits an offence if the person intentionally—
- (a) moves, delivers, sends, or transfers any arms item or ammunition into New Zealand without lawful authority, or if the arms item is not marked in accordance with this Act and any regulations, whether or not the person intends to export the item from New Zealand; or 20
- (b) moves, delivers, sends, or transfers any arms item or ammunition from New Zealand to another country without lawful authority, or if the item is not marked in accordance with this Act and regulations; or
- (c) moves, delivers, sends, or transfers any arms item or ammunition through or across New Zealand to another country without lawful authority; or 25
- (d) moves, delivers, sends, or transfers any arms item or ammunition into another country from or through New Zealand without lawful authority.
- (2) A person commits an offence if the person intentionally enters into a contract or an arrangement, or arrives at an understanding, to do anything described in **subsection (1)**. 30
- (3) A person who commits an offence against **subsection (1) or (2)** is liable on conviction to imprisonment for a term not exceeding 10 years.
- (4) For the purposes of this section, anything that purports to be, or is intended to have the effect of, a contract, an arrangement, or an understanding must be treated as a contract, an arrangement, or an understanding (as the case may be). 35
- (5) Any arms item or ammunition that is imported within the meaning of the Customs and Excise Act 2018 and that arrives in New Zealand in any manner in

contravention of this section must be treated, on importation, as a restricted good for the purposes of the Customs and Excise Act 2018, except sections 388 and 389 of that Act.

Compare: 1983 No 44 s 55E

## Subpart 5—Offences relating to manufacturing and assembling arms items 5

### 266 Manufacturing arms items without authority

- (1) A person commits an offence if the person—
- (a) intentionally—
    - (i) manufactures or assembles an arms item using parts that have been illegally manufactured, imported, or trafficked; or 10
    - (ii) enters into a contract or an arrangement, or arrives at an understanding, to manufacture or assemble an arms item using parts that have been illegally manufactured, imported, or trafficked; or
  - (b) does not hold a business licence, but intentionally— 15
    - (i) manufactures an arms item for sale, transfer, rental, or other supply; or
    - (ii) enters into a contract or an arrangement, or arrives at an understanding, to manufacture an arms item for sale, transfer, rental, or other supply. 20
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 10 years.
- (3) For the purposes of this section, anything that purports to be, or is intended to have the effect of, a contract, an arrangement, or an understanding must be treated as a contract, an arrangement, or an understanding (as the case may be). 25

Compare: 1983 No 44 s 55D

### 267 Possessing digital blueprint to illegally manufacture arms item

- (1) A person commits an offence and is liable on conviction to ~~a term of~~ imprisonment for a term not exceeding 10 years if the person possesses a digital blueprint relating to the manufacture of an arms item in circumstances that indicate an intention to manufacture the arms item (for example, the person has polymers, filaments, resins, or other materials that enable the manufacture of the arms item, and has access to a 3-D printer or other machinery or equipment capable of manufacturing the item). 30
- (2) However, **subsection (1)** does not apply to a person who— 35
- (a) holds a business licence that authorises the manufacture of the arms item; or
  - (b) holds a firearms licence and—

- (i) is manufacturing the arms item for personal use; and  
(ii) is lawfully entitled to possess the arms item.
- (3) For the purposes of **subsection (1)**, a person **possesses a digital blueprint** if the person—
- (a) possesses a computer or other data storage device on which the digital blueprint is held, stored, or recorded; or 5
- (b) controls or accesses the digital blueprint by means of a remote computer or web portal (even if the remote computer or web portal is in the control of another person or is outside New Zealand).
- (4) In this section, **digital blueprint**, in relation to an arms item, includes— 10
- (a) any type of digital, electronic, or photographic reproduction of a technical drawing relating to the arms item design:
- (b) any electronic coding that enables the manufacture of the arms item.
- 268 Possessing ammunition components intending to manufacture ammunition**
- (1) A person commits an offence and is liable on conviction to imprisonment for a term of imprisonment not exceeding 2 years if the person— 15
- (a) possesses any component of ammunition within the meaning of **paragraph (a)** of the definition of that term in **section 5** in circumstances that indicate an intention to use that component to manufacture ammunition (for example, the person holds instructional material or guidance on how to manufacture ammunition); and 20
- (b) possesses, or has access to, tools, equipment, or machinery capable of enabling the manufacture of ammunition.
- (2) However, **subsection (1)** does not apply to a person who holds a firearms licence. 25
- 269 Assembling restricted firearm**
- (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years if the person, without reasonable excuse,—
- (a) assembles a restricted firearm; or
- (b) converts a standard firearm into a restricted firearm. 30
- (2) However, **subsection (1)** does not apply if—
- (a) the person holds a firearms licence that bears an endorsement permitting them to possess a restricted firearm; and
- (b) the endorsement has been made specific to the restricted firearm by the issue of a permit to possess the restricted firearm. 35

Compare: 1983 No 44 s 55A

## Subpart 6—Other offences

- 270 Being in charge of standard firearm, restricted firearm, pistol, restricted weapon, or airgun while under influence of drink or drug** 5
- A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$15,000, if the person, while in charge of any standard firearm, restricted firearm, pistol, restricted weapon, or airgun is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the standard firearm, restricted firearm, pistol, restricted weapon, or airgun. 5
- Compare: 1983 No 44 s 47 10
- 271 Obstructing arms officer of ~~Arms~~ Regulator**
- A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months, or to a fine not exceeding \$1,000, if the person obstructs an arms officer of the ~~Arms~~ Regulator in the exercise of any right of entry, search, seizure, or detention conferred by this Act. 15
- Compare: 1983 No 44 s 56
- 272 Reporting of injuries caused by standard firearms, restricted firearms, pistols, restricted weapons, or airguns, ~~or restricted airguns~~**
- (1) A person using a standard firearm, restricted firearm, pistol, restricted weapon, or airgun, ~~or restricted airgun~~ who causes bodily injury to, or the death of, any person must, as soon as is reasonably practicable, report the incident in person— 20
- (a) at the nearest Police station; or
- (b) to a ~~member of the~~ Police employee.
- (2) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months, or to a fine not exceeding \$1,000, if the person contravenes **subsection (1)**. 25
- Compare: 1983 No 44 s 58
- 273 Records to be kept by animal and biosecurity controller in respect of location of restricted firearms shared under multi-user agreement** 30
- (1) This section applies to an animal and biosecurity controller who enters into a multi-user agreement with the chief executive.
- (2) The animal and biosecurity controller must keep a record of the location of each of the restricted firearms and restricted magazines that are shared between employees under the agreement. 35
- (3) The record required to be kept under **subsection (2)** must contain the prescribed particulars.
- (3A) An animal and biosecurity controller must, at all times,—

- (a) permit an arms officer to inspect and make copies of the records kept under **subsection (3)**, or any entry in those records; and
  - (b) provide to an arms officer on demand all further information in their possession with respect to any restricted firearm or restricted magazine.
- (4) An animal and biosecurity controller commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the animal and biosecurity controller, without reasonable excuse, fails to comply with this section. 5

### Subpart 7—Infringement offences

#### 274 Interpretation 10

In this Act,—

~~**infringement fee**, in relation to an infringement offence, means the infringement fee for the offence specified in regulations~~

~~**infringement offence** means an offence identified in regulations as being an infringement offence.~~

#### 275 Infringement offences 15

- (1) A person who is alleged to have committed an infringement offence may—
- (a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or
  - (b) be issued with an infringement notice under **section 276**.
- (2) Proceedings commenced in the way described in **subsection (1)(a)** do not require the leave of a District Court Judge or Registrar under section 21(1)(a) of the Summary Proceedings Act 1957. 20
- (3) *See* section 21 of the Summary Proceedings Act 1957 for the procedure that applies if an infringement notice is issued.

#### 276 When infringement notice may be issued 25

An arms officer of the Arms Regulator may issue an infringement notice to a person if the officer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.

#### 277 Revocation of infringement notice before payment made

- (1) An arms officer of the Arms Regulator may revoke an infringement notice before— 30
- (a) the infringement fee is paid; or
  - (b) an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957.
- (2) The officer must take reasonable steps to ensure that the person to whom the notice was issued is made aware of the revocation of the notice. 35

- (3) The revocation of an infringement notice before the infringement fee is paid is not a bar to any further action as described in **section 275(1)** against the person to whom the notice was issued in respect of the same matter.

### **278 What infringement notice must contain**

An infringement notice must be in the prescribed form and must contain the following particulars: 5

- (a) details of the alleged infringement offence that fairly inform a person of the time, place, and nature of the alleged offence:
- (b) the amount of the infringement fee:
- (c) the address of the Arms Regulator: 10
- (d) how the infringement fee may be paid:
- (e) the time within which the infringement fee must be paid:
- (f) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957:
- (g) a statement that the person served with the notice has a right to request a hearing: 15
- (h) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing:
- (i) any other prescribed matters.

### **279 How infringement notice may be served** 20

- (1) An infringement notice may be served on the person who an arms officer of the Arms Regulator believes is committing or has committed the infringement offence by—
- (a) delivering it to the person or, if the person refuses to accept it, bringing it to the person's notice; or 25
  - (b) leaving it for the person at the person's last known place of residence with another person who appears to be of or over the age of 14 years; or
  - (c) leaving it for the person at the person's place of business or work with another person; or
  - (d) sending it to the person by prepaid post addressed to the person's last known place of residence or place of business or work; or 30
    - (i) place of residence; or
    - (ii) place of business or work; or
    - (iii) postal address; or
  - (e) sending it to an electronic address of the person in any case where the person does not have a known place of residence or business in New Zealand that the person has given to an arms officer. 35

- (2) Unless the contrary is shown,—
- (a) an infringement notice (or a copy of it) sent by prepaid post to a person under **subsection (1)** is to be treated as having been served on that person on the fifth working day after the date on which it was posted; and
- (b) an infringement notice sent to a valid electronic address is to be treated as having been served at the time the electronic communication first ~~entered~~enters an information system that is outside the control of the Arms Regulator. 5

### 280 Payment of infringement fees

All infringement fees paid for infringement offences must be paid into a Crown Bank Account. 10

### 281 Reminder notices

- (1) A reminder notice must be in the prescribed form and must include the same particulars, or substantially the same particulars, as the infringement notice.
- (2) Despite section 24(1)(e) of the Summary Proceedings Act 1957, a reminder notice may be served on a person for the purposes of section 21(2) of that Act by sending it to the person by prepaid post addressed to the person's last known postal address, or by serving it in accordance with **section 279(1)(e)** of this Act,— 15
- (a) in addition to the other modes of service set out in section 24(1) of the Summary Proceedings Act 1957; and 20
- (b) without otherwise limiting or affecting the operation of section 24 of the Summary Proceedings Act 1957.

## Subpart 8—Provisions relating to offences

### 282 Time for prosecutions not limited 25

Section 25 of the Criminal Procedure Act 2011 ~~has no application~~does not apply to prosecutions for offences against this Act.

Compare: 1983 No 44 s 68

### 283 Liability of principals and agents

- (1) This section applies if an offence is committed against this Act or any regulation by a person (**A**) acting as the agent or employee of another person (**B**). 30
- (2) B is liable for the offence as if B had personally committed it, if it is proved that B—
- (a) authorised, permitted, or consented to the act or omission constituting the offence; or 35
- (b) knew the offence was, or was to be, committed and failed to take all reasonable steps to prevent or stop it.

- (3) This section does not limit the liability of A.

Compare: 1983 No 44 s 67

#### 284 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 is liable on conviction to a fine not exceeding \$40,000. 5

Compare: 1983 No 44 s 57

#### 285 Extraterritorial jurisdiction for offences against section 265, 266, 329, or 330

- (1) Even if the acts or omissions alleged to constitute the offence occurred wholly outside New Zealand, proceedings may be brought for any offence against **section 265, 266, 329, or 330**— 10

- (a) if the person to be charged—

- (i) is a New Zealand citizen; or
- (ii) is ordinarily resident in New Zealand; or 15
- (iii) has been found in New Zealand and has not been extradited; or
- (iv) is an entity incorporated or registered under the law of New Zealand; or

- (b) if any of the acts or omissions are alleged to have occurred on board—

- (i) a ship registered, or required to be registered, under the Ship Registration Act 1992; or 20
- (ii) a ship used as a ship of the New Zealand Defence Force; or
- (iii) an aircraft registered, or required to be registered, in New Zealand under the Civil Aviation Act 1990; or
- (iv) an aircraft for the time being used as an aircraft of the New Zealand Defence Force; or 25
- (v) an aircraft that is leased to a lessee whose principal place of business is in New Zealand, or who is a New Zealand citizen or a person ordinarily resident in New Zealand.

- (2) The following sections do not apply to an offence against **section 265, 266, 329, or 330**: 30

- (a) section 8 of the Crimes Act 1961 (which relates to jurisdiction in respect of crimes on ships or aircraft beyond New Zealand):

- (b) section 400 of the Crimes Act 1961 (which requires the consent of the Attorney-General to proceedings in certain cases for offences on ships or aircraft). 35

- (3) Nothing in this section limits—

- (a) the application of **section 265, 266, 329, or 330** to acts or omissions that occurred wholly in New Zealand; or
- (b) the application of section 7 of the Crimes Act 1961 to the occurrence in New Zealand of—
- (i) an act or omission forming part of an offence; or 5
- (ii) an event necessary to the completion of an offence; or
- (c) the application of section 8A of the Crimes Act 1961.
- (4) In this section, **ordinarily resident in New Zealand**, in relation to a person, means the person—
- (a) is domiciled in New Zealand; or 10
- (b) is living in New Zealand and the place where that person usually lives is, and has been for the immediately preceding 12 months, in New Zealand, whether or not that person has on occasion been away from New Zealand during that period.
- Compare: 1983 No 44 s 55H 15

#### 286 Attorney-General's consent required

- (1) No charging document may be filed against any person in relation to an offence against **section 265, 266, 329, or 330** committed outside New Zealand unless the Attorney-General consents to the filing of the charging document.
- (2) A person alleged to have committed an offence against **section 265, 266, 329, or 330** may be arrested without a warrant or a warrant for their arrest may be issued and executed, and they may be remanded in custody or on bail, even though the consent of the Attorney-General has not yet been obtained under **subsection (1)**, but no further or other proceedings may be taken until the consent has been obtained. 20
- Compare: 1983 No 44 s 55I 25

#### 287 Protection of persons acting under authority of this Act

No action, claim, or demand whatsoever ~~shall lie~~ may be brought 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~~ except in respect of any compensation that is payable in accordance with the express provisions of this Act. 30

Compare: 1983 No 44 s 71

### Subpart 9—Firearms prohibition orders

#### 288 Interpretation 35

In this subpart,—

**associate of a gang or an organised criminal group** means an individual who associates with a gang or an organised criminal group

**criminal activity** means an activity that constitutes the commission of an offence

**firearm or related item** means any arms item, imitation firearm, or ammunition

**insignia**, in relation to a gang or an organised criminal group,— 5

- (a) means a sign, symbol, or representation commonly displayed to denote membership of, or an affiliation with, a gang or an organised criminal group, not being a tattoo; and
- (b) includes any item or thing to which a sign, symbol, or representation referred to in **paragraph (a)** is attached or affixed (for example, clothing or a vehicle) 10

**member of a gang or an organised criminal group** includes the following:

- (a) an individual who is a prospective member or nominee:
- (b) an individual who demonstrates affiliation to a gang or an organised criminal group by displaying the gang's or group's insignia: 15
- (c) an individual who is involved in the affairs of a gang or an organised criminal group for the likely purpose of participating in a criminal activity

**prospective member or nominee**, in relation to a gang or an organised criminal group, means a person who is a member of the gang or the organised criminal group but who does not have full membership status. 20

Compare: 1983 No 44 s 39

## 289 When FPO may be made

- (1) This section applies when a court is sentencing an offender who—
  - (a) has been convicted of— 25
    - (i) an offence under **section 31, 50, 55, 56, 255, 256, 257, 262, 263, 265, 266, 269, 329, or 350**; or
    - (ii) a specified violent offence as defined in section 4 of the Victims' Orders Against Violent Offenders Act 2014; or
    - (iii) an offence under section 98A, 189A, 216Q, or 308A of the Crimes Act 1961; or 30
    - (iv) an offence under any of sections 6A to 10 or sections 12 to 13E of the Terrorism Suppression Act 2002; and
  - (b) committed the offence—
    - (i) when aged 18 years or over; and 35
    - (ii) after 15 November 2022.
- (2) This section also applies when a court is sentencing an offender who—
  - (a) has been convicted of—

- (i) an offence under any of the following Acts that is punishable by a ~~term of imprisonment~~ for a term of 1 year or more:
  - (A) this Act;
  - (B) the Misuse of Drugs Act 1975;
  - (C) the Psychoactive Substances Act 2013; or 5
- (ii) an offence against any of the following provisions of the Crimes Act 1961:
  - (A) the provisions of Part 8 (crimes against the person);
  - (B) the provisions of Part 10 (crimes against rights of property);
  - (C) the provisions of Part 11 (threatening, conspiring, and attempting to commit offences); and 10
- (b) committed the offence—
  - (i) when aged 18 years or over; and
  - (ii) after 2 March 2025; and
- (c) at the time of committing the offence was— 15
  - (i) a member of a gang or an organised criminal group; or
  - (ii) an associate of a gang or an organised criminal group.
- (3) The court may make an FPO against the offender if the court is satisfied, on the balance of probabilities, that the imposition of an FPO is necessary, reasonable, and appropriate to assist in managing the risk that the offender poses to public safety. 20

Compare: 1983 No 44 s 39A

## 290 Effect of FPO

- (1) An FPO made against an offender prohibits the offender from accessing, possessing, or using any firearm or related item. 25
- (2) An FPO is subject to—
  - (a) the standard conditions set out in **section 291**, as may be varied or modified under **section 292** by the court making the FPO; and
  - (b) any special conditions imposed under **section 293** by the court making the FPO. 30

Compare: 1983 No 44 s 39B

## 291 Standard conditions of FPO

- (1) The **standard conditions** of an FPO are that the offender against whom the order is made must not—
  - (a) associate with or, in any place (including a vehicle), otherwise be in the presence of a person who has with them any firearms or related items that are not in secure storage: 35

- (b) reside at any premises in which any firearms or related items are stored:
  - (c) join, or remain a member of, any shooting club (including an airsoft or a paintball shooting club) or firearms club of any kind, visit the premises of such clubs, or attend the events of such clubs:
  - (d) attend any shooting range or shooting gallery: 5
  - (e) attend an activity of any kind that involves the use of any firearms or related items:
  - (f) visit any premises or place at which firearms or related items are manufactured, sold, repaired, hired, lent, or otherwise supplied.
- (2) For the purposes of **subsection (1)(b)**, a person **resides** at any particular premises if the person resides at the premises for at least 2 days (whether consecutive or not) in any period of 12 months. 10

Compare: 1983 No 44 s 39C

## 292 Varying or modifying standard conditions of FPO

- (1) When making an FPO against an offender, the court may vary or modify the standard conditions of the FPO set out in **section 291** having regard to— 15
- (a) the nature and seriousness of the offence in respect of which the offender has been convicted; and
  - (b) the circumstances of the offending; and
  - (c) the offender’s personal circumstances (for example, the effect that the standard conditions would have on the offender’s employment opportunities); and 20
  - (d) any other matters that the court considers relevant.
- (2) The court may not vary or modify the standard condition in **section 291(1)(b)** unless it is satisfied that there are sufficient safeguards in place to ensure that the offender is not reasonably likely to obtain access to the firearms or related items stored on the premises. 25
- (3) For the purposes of **subsection (2)**, the court may take into account any proposal agreed between the responsible person and the chief executive to prescribe conditions on the responsible person’s firearms licence. 30
- (4) In **subsection (3)**, **responsible person** means the firearms licence holder responsible for the secure storage of the firearms and related items in the premises referred to in **section 291(1)(b)**.

Compare: 1983 No 44 s 39D

## 293 Special conditions of FPO 35

When making an FPO against an offender, the court may impose any 1 or more special conditions, additional to the standard conditions, that the court con-

siders are reasonably necessary to prevent the offender from accessing, possessing, or using any firearms or related items.

Compare: 1983 No 44 s 39E

#### **294 Commencement and duration of FPO**

- (1) If a court makes an FPO when imposing a non-custodial sentence on the offender, the FPO commences when it is made. 5
- (2) If a court makes an FPO when imposing a custodial sentence on the offender, the FPO commences when the offender is released from custody (not being a temporary release under section 62 of the Corrections Act 2004).
- (3) An FPO continues in force for a period of 10 years unless sooner revoked by a court. 10

Compare: 1983 No 44 s 39F

#### **295 Varying, modifying, or revoking FPOs**

- (1) A person who is subject to an FPO may, at any time after the FPO has been in force for 5 years, apply to the court that made the FPO for an order— 15
  - (a) varying or modifying any of the conditions of the FPO; or
  - (b) revoking the FPO.
- (2) An application under **subsection (1)** may not be made in respect of an FPO if an application has previously been made under **subsection (1)** in respect of the FPO within the previous 2 years. 20
- (3) On an application made under **subsection (1)(a)**, the court may vary or modify any standard or special condition of the FPO if it is satisfied, on the balance of probabilities, that the condition is no longer reasonably necessary to prevent the applicant from accessing, possessing, or using any firearms or related items. 25
- (4) On an application made under **subsection (1)(b)**, the court may revoke the FPO if it is satisfied, on the balance of probabilities, that the FPO is no longer necessary, reasonable, and appropriate to assist in managing the risk that the applicant poses to public safety. 30

Compare: 1983 No 44 s 39FA

#### **296 Varying, modifying, or replacing FPO on subsequent conviction**

- (1) This section applies if—
  - (a) a court is sentencing an offender in the circumstances described in **section 289(1) or (2)**; and
  - (b) the offender is already subject to an FPO in respect of previous offending. 35
- (2) The court may—
  - (a) vary or modify any of the existing conditions of the FPO; or

- (b) impose any special conditions, or additional special conditions; or
- (c) revoke the FPO and make a new FPO.

Compare: 1983 No 44 s 39G

**297 Appeal against decision to make or not make FPO is appeal against sentence** 5

An FPO is a sentence, and subpart 4 of Part 6 of the Criminal Procedure Act 2011 (appeals against sentence) applies to any decision to make or not make an FPO.

Compare: 1983 No 44 s 39H

**298 Offence to breach firearms prohibition order** 10

- (1) A person commits an offence if the person breaches a firearms prohibition order by—
- (a) accessing, possessing, or using any firearm, pistol, pistol carbine conversion kit, restricted weapon, airgun, imitation firearm, magazine, part of a firearm or restricted weapon, restricted item, or ammunition; or 15
  - (b) failing, without reasonable excuse, to comply with any condition of the order.
- (2) A person who is convicted of an offence under **subsection (1)(a)** is liable,—
- (a) if the person accesses, possesses, or uses a restricted firearm, to ~~a term of imprisonment for a term~~ not exceeding 7 years; 20
  - (b) in any other case, to ~~a term of imprisonment for a term~~ not exceeding 5 years.
- (3) A person who is convicted of an offence under **subsection (1)(b)** is liable to a term of imprisonment not exceeding 2 years. 25
- Compare: 1983 No 44 s 42A

**299 Offence to supply firearms, etc, to person subject to firearms prohibition order**

- (1) A person must not supply, or give possession of, any standard firearm, pistol, pistol carbine conversion kit, restricted weapon, airgun, imitation firearm, magazine, part of a standard firearm or restricted weapon, restricted item, or ammunition to another person knowing that the other person is subject to a firearms prohibition order. 30
- (2) A person who contravenes **subsection (1)** commits an offence and is liable on conviction,—
- (a) if the person supplies or gives possession of a restricted firearm, to ~~a term of imprisonment for a term~~ not exceeding 7 years: 35

- (b) in any other case, to a ~~term of imprisonment~~ for a term not exceeding 5 years.

Compare: 1983 No 44 s 42B

## Part 7 Administration

5

### Subpart 1—Arms Regulator

#### 300 Establishment of Arms Regulator

- (1) This section establishes the Arms Regulator.
- (2) The Arms Regulator is an autonomous agency of the New Zealand Police (*see section 303*). 10

#### 301 Functions of Arms Regulator

The Arms Regulator has the following functions:

- (a) to administer the regimes under this Act in respect of—
- (i) firearms licences, business licences, ~~curator~~ museum licences, and museum worker licences: 15
  - (ii) permits to import and permits to possess arms items, ammunition, and other items:
  - (iii) endorsements in respect of pistols, restricted weapons, restricted firearms, and restricted magazines:
  - (iv) approvals to manufacture arms items: 20
  - (v) approvals in respect of ammunition sellers:
  - (vi) certificates of approval in respect of pistol shooting clubs:
  - (vii) enrolments of non-pistol shooting clubs:
  - (viii) certifications of pistol shooting ranges:
  - (ix) enrolments of non-pistol shooting ranges: 25
- (b) to monitor and enforce compliance with conditions of any of the authorisations listed in **paragraph (a)** and compliance with requirements under this Act (without limitation to the law enforcement functions of the Police):
- (c) to continue and maintain the arms registry: 30
- (d) to promote and educate the public about firearms safety and compliance with this Act:
- (e) to oversee the storage, disposal, and reporting of surrendered, seized, forfeited, or otherwise detained arms items and ammunition:

- (ea) to facilitate the reporting and sharing of information about risks and incidents involving arms items:
- (f) to administer records required to be kept under this Act and co-ordinate any lawful sharing or disclosure of information obtained for the purposes of this Act: 5
- (g) to collaborate with any government agency that performs functions in relation to arms (including the Police and the New Zealand Defence Force):
- (h) to carry out any other functions, duties, and powers given to the Arms Regulator under this Act or any other legislation: 10
- (i) to carry out any functions that are incidental and related to, or consequential on, the functions set out in **paragraphs (a) to (h)**.
- 302 Appointment of chief executive of Arms Regulator**
- (1) The chief executive of the Arms Regulator must be appointed in accordance with this section. 15
- (2) If there is a vacancy or an impending vacancy for the chief executive position, the Secretary for Justice must—
- (a) inform the responsible Minister; and
- (b) invite the responsible Minister to identify any matters that the chairperson of the panel under this section must take into account when deciding upon the person to be recommended for appointment to the position. 20
- (3) The Secretary for Justice must notify the vacancy using the means that the Secretary for Justice is satisfied will enable suitably qualified persons to apply for the position. 25
- (4) For each vacancy, a panel must be established with the following members:
- (a) the Secretary for Justice as chairperson:
- (b) 2 or more persons appointed by the Secretary for Justice after consultation with the responsible Minister.
- (5) The panel must— 30
- (a) examine applicants for the position; and
- (b) seek advice from other sources that the panel thinks relevant; and
- (c) deliberate on which applicant is to be recommended for appointment; and
- (d) give preference to the person who is best suited to the position on merit. 35
- (6) The chairperson may invite other persons to assist the panel and to take part in the examination of applicants or the panel's deliberations, or both.

- (7) After the deliberations of the panel, the chairperson must decide which applicant is to be recommended to the responsible Minister for appointment.
- (8) The chairperson must be satisfied that the applicant to be recommended to the responsible Minister has the appropriate experience and expertise for the role.
- (9) The chairperson must forward to the responsible Minister the name of the applicant to be recommended for appointment, together with full details of that person's qualifications. 5
- (10) The responsible Minister must refer the chairperson's recommendation to the Governor-General in Council.
- (11) The Governor-General in Council must decide whether the chairperson's recommendation is to be accepted or declined. 10
- (12) The responsible Minister must inform the chairperson whether the chairperson's recommendation has been accepted or declined.
- (13) If the chairperson's recommendation is accepted, the Secretary for Justice must— 15
- (a) appoint the person recommended; and
- (b) publish notice of the appointment in the *Gazette* without delay.
- (14) If the chairperson's recommendation is declined,—
- (a) the Governor-General may direct the chairperson to appoint a particular person to the position; and 20
- (b) the Governor-General is not required to comply with **subsections (2) to (13)** when doing so; and
- (c) the Secretary for Justice must appoint the person and publish notice of the appointment in the *Gazette* without delay.
- (1) The Governor-General must, on the recommendation of the responsible Minister, appoint a person as the chief executive of the Arms Regulator. 25
- (2) The chief executive—
- (a) holds office for the period, which may not exceed 5 years, that is specified in the instrument by which the chief executive is appointed;
- (b) is eligible for reappointment once only; 30
- (c) may resign from office by written notice to the responsible Minister.
- (3) The responsible Minister must be satisfied that the person appointed as the chief executive has the appropriate experience and expertise for the role.

### **302A Term of appointment of chief executive of Arms Regulator**

- The chief executive— 35
- (a) holds office for the period, which may not exceed 5 years, that is specified in the instrument by which the chief executive is appointed;
- (b) is eligible for reappointment once only;

(c) may resign from office by written notice to the responsible Minister.

### **303 Responsibility and independence of chief executive of Arms Regulator**

- (1) The chief executive is responsible to the responsible Minister for—
- (a) carrying out the functions, duties, and powers of the Arms Regulator; and 5
  - (b) the general conduct of the Arms Regulator; and
  - (c) managing the activities of the Arms Regulator efficiently, effectively, and economically.
- (1A) The chief executive must supply to the responsible Minister any information relating to the operations and performance of the Arms Regulator that the responsible Minister requests. 10
- (2) In carrying out their functions, duties, and powers, the chief executive—
- (a) must act independently of the Commissioner and the responsible Minister; but
  - (b) is subject to general policy directions given by the responsible Minister. 15
- (3) The chief executive is not subject to any direction requiring the performance or non-performance of a particular act, or the bringing about of a particular result, in respect of a particular person or matter.
- (4) The Commissioner is not responsible for the performance of functions or duties, or the exercise of powers, of or by the Arms Regulator unless expressly provided in this Act or other legislation. 20
- (5) The chief executive is responsible for the performance of functions and duties, and the exercise of powers, of or by the Arms Regulator only and not any functions, duties, or powers of the Police unless expressly provided in this Act or other legislation. 25
- (6) The chief executive must have arrangements in place to avoid or manage conflicts of interest relating to carrying out the chief executive's functions, duties, and powers.

### **304 Powers of chief executive of Arms Regulator**

The chief executive has all the powers that are reasonably necessary or expedient to carry out the functions, duties, and powers given to the chief executive under this Act or any other legislation. 30

### **305 Delegation of employment powers to chief executive of Arms Regulator**

- (1) In relation to employees of the New Zealand Police who perform the functions or duties or exercise the powers of the Arms Regulator under delegated authority of the chief executive (*see section 306*), the Commissioner is treated as— 35
- (a) having delegated to the chief executive the functions, duties, and powers described in the following provisions of the Policing Act 2008:

- 
- (i) section 18 (power to appoint and remove employees):
  - (ii) ~~sections 28 and 29 (general instructions):~~
  - (iii) sections 58 to 65 (employment of Police employees):
  - (iv) section 70 (suspension or removal of Police employees):
  - (v) sections 72 to 77 (compulsorily or voluntarily leaving Police due to incapacity); and 5
- (b) not having those functions, duties, and powers in relation to those employees.
- (2) The chief executive has the rights and duties and may exercise the powers referred to in **subsection (1)** in the same manner, subject to the same restrictions, and with the same effect as if they had been conferred on the chief executive directly by the Policing Act 2008. 10
- 306 Delegation of functions, duties, and powers of chief executive of Arms Regulator**
- (1) The chief executive— 15
- (a) may, either generally or particularly, delegate in writing to any person ~~any employee of the New Zealand Police who is not a constable~~ any of the functions, duties, and powers of the chief executive, including functions, duties, and powers delegated to the chief executive under any legislation: 20
  - (b) must ensure that an appropriate delegation is at all times in place under this section to enable a person to act in place of the chief executive during any absence or incapacity of the chief executive or during any vacancy in the office of the chief executive.
- (1A) However, the chief executive may delegate to a constable under **subsection (1)** only if the chief executive considers it to be operationally necessary. 25
- (2) A person to whom any functions, duties, or powers are delegated may, with the prior approval of the chief executive in writing, subdelegate those functions, duties, or powers to any employee of the New Zealand Police who is not a constable. 30
- (3) A person to whom any functions, duties, or powers are delegated or subdelegated may perform those functions or duties, or exercise those powers, in the same manner and with the same effect as if they had been conferred on that person directly by this Act and not by delegation or subdelegation.
- (4) **Subsection (3)** is subject to any general or special directions given or conditions imposed by the chief executive. 35
- (5) A person purporting to act under a delegation or subdelegation is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation or subdelegation.

- (6) A delegation or subdelegation may be made to—
- (a) a specified person or persons of a specified class; or
  - (b) the holder or holders for the time being of a specified position, or of a specified class of positions.
- (7) No delegation or subdelegation affects or prevents the performance or exercise of any function, responsibility, duty, or power by the chief executive, or affects the responsibility of the chief executive for the actions of any person acting under the delegation or subdelegation. 5
- 307 Revocation of delegations**
- (1) A delegation or subdelegation under **section 306** is revocable at any time in writing. 10
  - (2) A delegation made by a chief executive of the Arms Regulator who has ceased to hold office continues to have effect as if made by the successor in office of that chief executive.
  - (3) A subdelegation made by a person under **section 306(2)** who has ceased to hold office continues to have effect as if made by the successor in office of that person. 15
- 308 Remuneration and conditions of appointment of chief executive of Arms Regulator**
- (1) The chief executive is paid the remuneration and allowances determined by the Remuneration Authority. 20
  - (2) The terms and conditions of appointment of the chief executive are determined from time to time by the ~~responsible Minister~~ Secretary for Justice unless otherwise provided in this Act.
- 309 ~~Removal and suspension of chief executive of Arms Regulator~~** 25
- (1) The Secretary for Justice may recommend the removal of the chief executive to the responsible Minister for just cause or excuse, inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct that is proved to the satisfaction of the Secretary for Justice.
  - (2) The responsible Minister must refer the Secretary for Justice's recommendation to the Governor-General in Council. 30
  - (3) The Governor-General in Council must decide whether the Secretary for Justice's recommendation is to be accepted or declined.
  - (4) The responsible Minister must inform the Secretary for Justice whether the Secretary for Justice's recommendation has been accepted or declined. 35
  - (5) If the Secretary for Justice's recommendation is accepted, the Secretary for Justice must remove the chief executive from office.

~~The chief executive may at any time be removed or suspended from office by the Governor-General for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General.~~

- 310 Working arrangements between Arms Regulator and Police** 5
- (1) The Commissioner must provide the corporate services and support necessary to enable the Arms Regulator to carry out its functions, duties, and powers, except to the extent that any variation is agreed between the Commissioner and the chief executive.
- (2) The chief executive and the Commissioner must— 10
- (a) agree working arrangements between the Arms Regulator and the Police; and
- (b) co-operate and collaborate with each other for the purposes of the working arrangements.
- (3) The working arrangements must, without limitation,— 15
- (a) set out the resources and administrative support that the Commissioner will provide to the Arms Regulator; and
- (aa) set out how the Commissioner and the chief executive will work together in relation to delegations under **section 306**; and
- (b) set out how costs will be shared between the Arms Regulator and the Police; and 20
- (c) be published on—
- (i) an internet site maintained by or on behalf of the Arms Regulator; and
- (ii) an internet site maintained by or on behalf of the Police. 25
- 311 Certain provisions of Policing Act 2008 not to apply to arms officers of Arms Regulator**
- The following provisions of the Policing Act 2008 do not apply in relation to ~~an employee of the New Zealand Police who is an officer of the Arms Regulator~~ arms officers: 30
- (a) section 19 (undertaking by new Police employees);
- (b) sections 24 to 27 (Police employees authorised to exercise constable powers or perform policing roles);
- (c) **sections 30 and 31** (command and control of Police employees).
- 311A Application of Independent Police Conduct Authority Act 1988** 35
- The Independent Police Conduct Authority Act 1988 applies, with any necessary modifications,—

- (a) to persons who perform the functions or duties or exercise the powers of the Arms Regulator under delegated authority of the chief executive as if they were employees of the New Zealand Police (if they are not already such employees); and
- (b) to the chief executive performing the functions or duties or exercising the powers of the Arms Regulator as if they were the Commissioner performing the functions or duties or exercising the powers of the Police. 5

### **311B Application of Public Finance Act 1989**

- (1) Sections 34(1) and (2) and 37 of the Public Finance Act 1989 apply, with any necessary modifications, to the chief executive of the Arms Regulator as if they were the chief executive of a department. 10
- (2) Sections 38 to 41 of the Public Finance Act 1989 apply, with any necessary modifications, to the Arms Regulator as if it were a department.
- (3) Sections 45AA, 45AB, and 45CA of the Public Finance Act 1989 apply, with any necessary modifications, to the Arms Regulator as if it were a specified agency. 15

### **311C Application of Public Service Act 2020**

- (1) Sections 12(2) and (5), 13(2), and 104 of the Public Service Act 2020 apply, with any necessary modifications, to the chief executive of the Arms Regulator as if they were a public service chief executive. 20
- (2) Minimum standards of integrity and conduct set under section 17, and guidance on integrity and conduct issued under section 19, of the Public Service Act 2020 may be made to apply to the Arms Regulator as if it were part of the public service.
- (3) Sections 13(1) and 18 of the Public Service Act 2020 apply, with any necessary modifications, to the Arms Regulator as if it were part of the public service. 25

### **312 ~~Department~~ Monitoring department to monitor Arms Regulator**

- (1) The monitoring department has the following role in relation to the Arms Regulator:
  - (a) assisting the responsible Minister to carry out the Minister's role in relation to the Arms Regulator; and 30
  - (b) performing or exercising any or all of the following functions or powers:
    - (i) administering legislation:
    - (ii) tendering advice to Ministers:
    - (iii) any other functions or powers in this Act or another Act that may, or must, be performed or exercised by the monitoring department. 35

- (2) The responsible Minister must give a written notice to the monitoring department that sets out the Minister's expectations relating to how the department carries out that role.
- (3) After the first notice is given, a notice must be in force under this section.

## Subpart 2—Firearms Licensing Review Committee 5

### **313 Firearms Licensing Review Committee established**

- (1) A Firearms Licensing Review Committee is established.
- (2) All secretarial and administrative services required by the Review Committee must be supplied by the Arms Regulator.

### **314 Function of Firearms Licensing Review Committee 10**

The function of the Review Committee is to review decisions of the chief executive—

- (a) declining to issue a firearms licence on an application made under **section 67**;
- (b) imposing a condition on a firearms licence under **section 74**; 15
- (c) revoking a firearms licence under **section 151 or 156**.

### **315 Membership of Firearms Licensing Review Committee**

- (1) The Review Committee must consist of members who are—
- (a) lawyers appointed by the responsible Minister who have, for at least 5 years, held a New Zealand practising certificate as a barrister or as a barrister and solicitor; and 20
- (b) persons appointed by the responsible Minister to represent the interests of licence holders; and
- (c) persons appointed by the chief executive.
- (2) Members are appointed for a term ~~of not more than~~ not exceeding 5 years and may be reappointed for 1 or more further terms. 25

### **316 Matters relating to appointment of members by responsible Minister**

- (1) This section relates to members of the Review Committee appointed by the responsible Minister under **section 315(1)(a) or (b)**.
- (2) The members are entitled to— 30
- (a) be paid remuneration at a rate and of a kind determined in accordance with the fees framework; and
- (b) be reimbursed for actual and reasonable travelling and other expenses in accordance with the framework.
- (3) A member vacates office if they— 35

- (a) are removed, by written notice given by the responsible Minister, for—
- (i) incapacity; or
  - (ii) bankruptcy; or
  - (iii) neglect of duty; or
  - (iv) misconduct; or
- (b) resign by written notice given to the responsible Minister.
- (4) The member is not, just because of their membership of the Review Committee, to be treated as employed in the service of the Crown for the purposes of—
- (a) the Public Service Act 2020; or
  - (b) the Government Superannuation Fund Act 1956.
- 317 Firearms Licensing Review Committee to sit in panels**
- (1) For the purpose of carrying out its function, the Review Committee must sit in panels of 3 members.
- (2) ~~Each~~ The members of a panel must comprise—
- (a) a lawyer appointed by the responsible Minister under **section 315(1)(a)**; and
  - (b) a person appointed by the responsible Minister under **section 315(1)(b)**; and
  - (c) a person appointed under **section 315(1)(c)**.
- (3) The chief executive assigns members of the Review Committee to a panel and determines in each case which panel of the Review Committee is to conduct a particular review.
- (4) A ~~person~~ member of the Review Committee cannot be assigned to a panel if the ~~person~~ member was involved in the decision being reviewed by the panel.
- (5) Panels of the Review Committee may sit concurrently.
- 318 Procedure of panels**
- (1) ~~A review of a decision must be conducted by a panel on the papers.~~
- (1) A panel may determine a review of a decision—
- (a) on the papers; or
  - (b) at an oral hearing conducted by electronic means.
- (2) Subject to **subsection (1)** and any regulations, a panel may determine its own procedure.
- (3) A panel may require the applicant or the chief executive to provide any further information that the panel considers reasonably necessary to enable the conduct of the review.

**319 Immunity of members**

No member of the Review Committee is personally liable for any act or omission done in relation to the Review Committee's functions, unless the act or omission was done in bad faith.

Subpart 3—Arms Advisory Group 5

**320 Arms Advisory Group continued**

- (1) There continues to be an Arms Advisory Group.
- (2) The Arms Advisory Group is the same body as the body of that name existing immediately before the commencement of this section.
- (3) The Arms Advisory Group comprises the following members appointed by the responsible Minister: 10
  - (a) a chairperson; and
  - (b) not more than 8 other members.
- (4) The purpose of the Arms Advisory Group (the **advisory group**) is to advise the responsible Minister on matters that contribute to achieving the objectives of this Act, in particular, the safe use and control of arms. 15
- (5) The advisory group may provide advice on any matter relating to arms in New Zealand, including legislative proposals, policies for regulating New Zealand's firearms regime, and the promotion of firearms safety.

Compare: 1983 No 44 s 88 20

**321 Operations of advisory group**

- (1) The members of the advisory group must appoint a deputy chairperson from among their number at their first meeting.
- (2) The advisory group may determine its own procedure, subject to compliance with any relevant provisions of this Act and any regulations. 25
- (3) The advisory group must, as soon as practicable after the end of each financial year, provide the responsible Minister with an annual report of its proceedings and operations during that year.
- (4) The Secretary for Justice must provide the resources and administrative support necessary to enable the advisory group to perform its functions. 30
- (5) The members of the advisory group are immune from liability in civil proceedings for good-faith actions or omissions in pursuance, or intended pursuance, of the duties, functions, or powers of the group.

Compare: 1983 No 44 s 89

**322 Provisions relating to appointment of members of advisory group** 35

- (1) The membership of the advisory group must comprise a balance of people from both the firearm-owning and the non-firearm-owning community, including

- people who are concerned from a health perspective about the mitigation of harm from firearms.
- (2) In appointing any member of the advisory group, the responsible Minister must have regard to the need for the advisory group to possess knowledge and experience in some or all of the following areas: 5
- (a) New Zealand and international arms regulatory systems:
  - (b) public health and safety, particularly as it relates to firearms:
  - (c) firearms research:
  - (d) firearms safety and the use of firearms:
  - (e) membership of any community organisation or group involved in fire- 10  
arms awareness, safety, or law reform:
  - (f) any other matters that the Minister considers relevant.
- (3) A member may be appointed for a term of up to 3 years as specified in the notice of appointment and be reappointed in the same manner.
- (4) The responsible Minister must, by notice in the *Gazette*, notify the appointment 15  
of members and their terms of office.
- (5) A member is entitled to be—
- (a) paid remuneration at a rate and of a kind determined in accordance with the fees framework; and
  - (b) reimbursed for actual and reasonable travelling and other expenses in 20  
accordance with the fees framework.

Compare: 1983 No 44 s 90

### 323 Removal of members of advisory group

- (1) The responsible Minister may, if satisfied that there is just cause to do so, 25  
remove from office any member of the advisory group.
- (2) The removal must be made by written notice to the member.
- (3) The notice must state—
- (a) the day on which the removal takes effect, which must not be earlier than the day on which the notice is received; and
  - (b) the reasons for the removal. 30
- (4) For the purposes of **subsection (1)**, **just cause** includes misconduct, inability to perform the functions of office, neglect of duty, and breach of any of the determinations of the group regarding its operations and procedures (depending on the seriousness of the breach).

Compare: 1983 No 44 s 91

35

## Part 8 Miscellaneous provisions

### *Identification marking of ~~arms~~-items*

#### 324 Items requiring identification marking

- |  |    |
|--|----|
| (1) The following items require an identification marking:   | 5  |
| (a) a standard firearm:  |    |
| (b) a restricted firearm:  |    |
| (c) a permanently deactivated firearm:   |    |
| (d) a blank-firing gun:  |    |
| (e) a pistol:  | 10 |
| (f) a pistol carbine conversion kit:   |    |
| (g) a restricted weapon:   |    |
| (h) a restricted airgun that is not designed for use in airsoft or paintball sports:   |    |
| (i) a restricted magazine:   | 15 |
| (j) a major firearm part if it is not an integrated part of a standard firearm, pistol, or restricted weapon that has an identification marking. |    |
| (2) In this section, <b>standard firearm</b> , <b>pistol</b> , and <b>restricted firearm</b> exclude an antique firearm.                         |    |
| Compare: 1983 No 44 s 59AAA(1), (2); SR 1992/346 r 12(1)–(3)   | 20 |

#### 325 Identification markings by manufacturers and importers

- |  |    |
|--|----|
| (1) A person who manufactures an item that is required by <b>section 324</b> to have an identification marking must stamp, cast, or engrave an identification marking on the item at the time of its manufacture.  |    |
| (2) A person who imports into New Zealand an item referred to in <b>section 324(1)(a) to (h)</b> that does not have an identification marking must stamp, engrave, or cause to be stamped or engraved, in clear view on the frame or receiver, or upper or lower receiver, of the item, within 30 days after the day on which the item is imported, a marking by which the item may be identified. | 25 |
| (3) A person who imports into New Zealand an item referred to in <b>section 324(1)(i) and (j)</b> that does not bear an identification marking must stamp, engrave, or cause to be stamped or engraved, in clear view on that item, within 30 days after the day on which the item is imported, a marking by which the item may be identified.   | 30 |

- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$15,000, if the person, without reasonable excuse, contravenes **subsection (1), (2), or (3)**.

Compare: SR 1992/346 r 12(1)–(3)

### **326 Identification markings by business licence holders** 5

- (1) A business licence holder who receives an item that does not have an identification marking as required by **section 324** must, within 30 days after the day on which the item is received, stamp, engrave, or cause to be stamped or engraved, in clear view (which must be on the frame or receiver, or upper and lower receiver, of the item if the item is an item referred to in **section 324(1)(a) to (h)**) a marking by which the item may be identified. 10

- (2) A business licence holder commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or to a fine not exceeding \$15,000, if the business licence holder, without reasonable excuse, contravenes **subsection (1)**. 15

Compare: SR 1992/346 r 12(4)

### **327 Marking status of permanently deactivated firearm**

- (1) A person who manufactures or modifies a standard firearm, restricted firearm, pistol, or restricted weapon so that it is a permanently deactivated firearm must include an additional identification marking made in accordance with the requirements of any regulations that shows the status of the standard firearm, restricted firearm, pistol, or restricted weapon. 20

- (2) A person who receives a permanently deactivated firearm that does not have an identification marking showing its status must arrange for the permanently deactivated firearm to be marked accordingly. 25

- (3) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years if the person, without reasonable excuse, contravenes **subsection (1) or (2)**.

### **328 Possessing arms-item lacking identification marking**

A person commits an offence and is liable on conviction to imprisonment for a term ~~of imprisonment~~ not exceeding 3 years, or to a fine not exceeding \$15,000, if the person, without reasonable excuse, knowingly possesses an item referred to in **section 324** that does not have— 30

- (a) an identification marking;
- (b) an identification marking showing that it is a permanently deactivated firearm, if that is the status of the firearm. 35

### **329 Falsifying identification markings**

- (1) A person commits an offence if the person intentionally—

- (a) marks a specified firearm with any false identifying markings at the time of manufacture; or
- (b) marks an imported firearm with any false identifying markings; or
- (c) marks with any false identification markings any other ~~arms~~-item that requires an identification marking. 5
- (2) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 10 years if the person contravenes **subsection (1)**.
- (3) In this section, **specified firearm** means—
- (a) a standard firearm:
- (b) a restricted firearm: 10
- (c) a pistol:
- (d) a restricted weapon:
- (e) a permanently deactivated firearm.
- Compare: 1983 No 44 s 55F
- 330 Removing or altering identification markings** 15
- (1) A person must not, without reasonable excuse, obliterate, remove, or alter an identification marking on an item specified in **section 324**.
- (2) A person commits an offence and is liable on conviction to imprisonment for a term ~~of imprisonment~~ not exceeding 3 years if the person contravenes **subsection (1)**. 20
- (3) If any identification marking is removed for a lawful and proper purpose, the ~~arms~~-item must be re-marked in accordance with the marking requirements of this Act and any regulations.
- Compare: 1983 No 44 s 55G
- ~~Delivery or surrender~~ Relinquishment of arms items and ammunition 25
- 331 ~~Delivery or surrender of arms items~~ Arms item and ammunition may be relinquished to licensed business**
- (1) Any person may ~~arrange to deliver or surrender~~ relinquish to a licensed business any arms item or ammunition that is in that person's possession.
- (2) It does not matter whether the person is lawfully or unlawfully in possession of the arms item or ammunition. 30
- 332 ~~Licensed Responsibilities of licensed business to notify and surrender certain items received in respect of relinquished arms item, etc~~**
- (1) A licensed business that receives any arms item or ammunition into its possession under **section 331** must, within 5 working days, notify the chief executive of the receipt of the arms item or ammunition. 35
- (2) After receiving a notification under **subsection (1)**,—

- (a) the chief executive may require the licensed business to ~~surrender~~ deliver the arms item or ammunition to the nearest Police station for inspection and to enable inquiries to be made; and
- (b) the licensed business must comply with the request within 5 working days. 5
- (3) **Subsections (4) to (6)** apply in addition to **subsections (1) and (2)** if a licensed business receives any of the following arms items under **section 331**:
- (a) a pistol:
- (b) a large-capacity pistol magazine: 10
- (c) a pistol carbine conversion kit:
- (d) a restricted weapon:
- (e) a restricted item.
- (4) If the business licence held in respect of the licensed business does not have an endorsement permitting possession of the kind of item received by the licensed business, the licensed business must ~~surrender~~ deliver the item to the nearest Police station within 5 working days of receipt. 15
- (5) If the licensed business is not required to ~~surrender~~ deliver the arms item or ammunition under **subsection (2) or (4)**, the licensed business may—
- (a) retain the item until the chief executive ~~decides whether to require~~ notifies the licensed business ~~to surrender of the item that the licensed business cannot retain the item;~~ or 20
- (b) ~~surrender~~ deliver the item to the nearest Police station within 5 working days of receipt.
- (6) If a licensed business retains an item under **subsection (5)(a)**, the licensed business must, within 5 working days of the receipt of the item, apply for a permit to possess the item (unless the item is a restricted part). 25
- (7) A licensed business may retain possession of any arms item or ammunition that it receives under **section 331** if—
- (a) the licensed business is not required to ~~surrender~~ deliver the arms item or ammunition under **subsection (2) or (4)**; or 30
- (b) the licensed business, following an application made under **subsection (6)**, is issued with a permit to possess the arms item and the chief executive decides not to require the licensed business to ~~surrender~~ deliver the item. 35
- (8) A licensed business that complies with **subsections (1) to (7)** after receiving a restricted firearm, restricted magazine, pistol, large-capacity pistol magazine, pistol carbine conversion kit, or restricted weapon does not contravene **section 57**.

- (9) A licensed business that complies with **subsection (1)** need not record for the purposes of **section 97** the particulars of any arms item or ammunition received under **section 331**.  
Compare: 1983 No 44 s 59A
- 333 ~~Voluntary delivery to Arms Regulator or Police of arms items or ammunition of arms item, ammunition, or restricted ammunition to arms officer or Police employee~~** 5
- ~~If any arms item or ammunition, ammunition, or restricted ammunition is delivered to an officer of the Arms Regulator or a member of the Police arms officer or a Police employee by a person who is not authorised to be in possession of the item or ammunition arms item, ammunition, or restricted ammunition, the Police have the discretion not to prosecute in any case where—~~
- (a) the offence is considered to be one of possession only; and
- (b) there is no public interest in proceeding with the prosecution. 10
- Compare: 1983 No 44 s 59B(1) 15
- 334 ~~Powers to require surrender-delivery of airguns or antique firearms~~**
- (1) ~~If any person who is not the holder of a licence is in possession of an airgun or antique firearm, the chief executive may, by notice in writing served on that person, require the person to surrender the airgun or antique firearm to an officer of the Arms Regulator if the chief executive is of the opinion that the person is not a fit and proper person to be in possession of the airgun or antique firearm.~~ 20
- (1) Any person who is not a licence holder and who is in possession of an airgun or antique firearm may be required by the Commissioner, by notice in writing, to deliver the airgun or antique firearm to a constable or an arms officer. 25
- (1A) The Commissioner may only issue a notice under **subsection (1)** if the Commissioner is of the opinion that the person is not a fit and proper person to be in possession of an airgun or antique firearm.
- (1B) For the purposes of forming an opinion under **subsection (1A)** in relation to any person, the Commissioner may have regard to whether the person satisfies any of the criteria in **section 69(1)(a) to (p)**. 30
- (2) ~~If a person who is served with a notice under **subsection (1)**, the person must, on demand, must deliver the airgun or antique firearm to an officer of the Arms Regulator a constable or an arms officer, and **section 162(2) and (3)** applies accordingly with all necessary modifications.~~ 35
- (3) Any person required under this section to ~~surrender-deliver~~ an airgun or antique firearm may appeal under **section 341** against the requirement, and that section applies accordingly with all necessary modifications.
- (4) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 6 months, or to a fine not exceeding \$10,000, if the person, 40

without reasonable excuse, fails to comply with a notice given to them under **subsection (1)**.

Compare: 1983 No 44 s 66C

### **335 ~~Surrender~~ Destruction, etc, of items declared restricted, etc**

- (1) This section applies if an Order in Council is made under **section 363 or 364** 5  
 declaring, for the purposes of this Act,—
- (a) any firearm to be a restricted firearm:
  - (b) any magazine to be a restricted magazine:
  - (c) any ammunition to be restricted ammunition:
  - (d) any weapon to be a restricted weapon: 10
  - (e) any airgun to be a high-energy airgun.
- (2) Before the expiry of 1 month after the publication under the Legislation Act 2019 of the Order in Council (the **post-publication period**), a person in possession of any item the subject of the Order in Council, or any part intended or adapted for use as part of any such item, must cause the item or part— 15
- (a) to be destroyed; or
  - (b) to be disposed of to a person approved by the chief executive; or
  - (c) to be exported from New Zealand; or
  - (d) to be delivered to an officer of the Arms Regulator to an arms officer or a Police employee. 20
- (3) The Minister of Finance must, subject to **subsection (4)**, pay compensation out of a Crown Bank Account for the value of all items in a serviceable condition, and for all parts, delivered in accordance with **subsection (2)(d)**.
- (4) Compensation may not be paid under **subsection (3)** unless the Minister of Finance is satisfied— 25
- (a) that the person claiming compensation has acquired the item or part lawfully; and
  - (b) if the person has brought the item or part into New Zealand, that they have done so lawfully.
- (5) The person does not commit an offence under **section 14, 20, 31, 34, or 37** 30  
 for the possession of the restricted weapon, restricted firearm, restricted magazine, restricted ammunition, restricted weapon, high-energy airgun, or any part of such items, during the post-publication period.

Compare: 1983 No 44 s 37(2)–(4)

*Seizure of arms items***336 Seizure of items held by licensed business**

- (1) ~~Any member of the Police~~ A constable may, on being authorised to do so by a warrant issued by the Commissioner, seize and take possession of all or any arms items, imitation firearms, ammunition, and explosives in the possession ~~of~~ or under the control of a licensed business. 5
- (2) The Commissioner may issue a warrant for the purposes of **subsection (1)** if the licence of the person in possession of the arms items, imitation firearms, ammunition, or explosives expires, or has been surrendered, suspended, or revoked. 10
- (3) For the purpose of executing a warrant issued under **subsection (1)**, the ~~member of the Police~~ constable authorised by that warrant may enter into or upon any land or building in or upon which any arms items, imitation firearms, ammunition, and explosives may be, and in so doing may use such force as may be necessary. 15
- (4) It is the duty of a ~~member of the Police~~ constable executing a warrant issued under **subsection (1)**—
- (a) to have it with them; and
  - (b) to produce it on initial entry and, if requested, at any subsequent time; and 20
  - (c) if they are not in uniform, to produce on initial entry and, if requested, at any subsequent time, evidence that they are a ~~member of the Police~~ constable.
- (5) Subject to **section 163**, all arms items, imitation firearms, ammunition, and explosives 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 responsible Minister, become the property of the Crown, free and discharged from all right, title, estate, or interest that any other person may possess in the arms items, imitation firearms, ammunition, and explosives. 25
- (6) The Minister of Finance must pay out of a Crown Bank Account compensation in respect of all arms items, ammunition, and explosives seized under this section that have become the property of the Crown. 30

Compare: 1983 No 44 s 13

**337 Restoration of articles seized**

On application by way of originating application, a District Court Judge may make any order the Judge thinks just and expedient for the restoration of anything seized and detained in pursuance of the right of search, seizure, or detention conferred by this Act. 35

Compare: 1983 No 44 s 65

**338 Authorising disposal of firearms, etc, detained by ~~Arms Regulator~~ chief executive or Police**

- (1) ~~Without limiting the operation of any other provisions of this Act as to the disposal of anything seized or detained under this Act, any such thing that has been detained for not less than 12 months may be disposed of in such manner as the chief executive or Commissioner may direct.~~ 5
- (2) ~~Nothing in this section limits the authority of a District Court Judge to make an order under **section 337** for the restoration of anything seized or detained.~~
- (1) Any arms items, imitation firearms, ammunition, and explosives detained by the chief executive or Police under this Act for 12 months or more may be disposed of in any manner the chief executive or Commissioner directs. 10
- (2) Nothing in this section limits—
- (a) the operation of any other provisions of this Act as to the disposal of anything seized or detained under this Act; or
- (b) the authority of a District Court Judge to make an order under **section 337** for the restoration of anything seized or detained. 15

Compare: 1983 No 44 s 70

**339 Carriers and persons authorised to exercise powers of seizure**

- (1) Despite anything in this Act, but subject to any prohibitions, limitations, restrictions, or conditions imposed by any regulations,— 20
- (a) any carrier may have possession of an arms item, imitation firearm, explosive, or any ammunition in the course of carriage under a contract of carriage:
- (b) any person who seizes any article referred to in **paragraph (a)** in the exercise of a power conferred by any Act may have possession of that article so long as they are acting in the exercise of that power and in connection with their official duties. 25
- (2) In **subsection (1)(a)**, **carrier** includes any postal operator within the meaning of the Postal Services Act 1998. 30

Compare: 1983 No 44 s 73

*Forfeitures*

**340 Forfeitures**

- (1) **Subsection (2)** applies if a person is convicted of an offence relating to— 35
- (a) being in possession of, or carrying or using, any arms item, imitation firearm, ammunition, or explosive:
- (b) purchasing or acquiring, or entering into an arrangement to purchase or acquire, or selling or supplying any arms item, imitation firearm, ammu-

- nition, or explosive to a person who is not lawfully entitled to be in possession of the arms item, imitation firearm, ammunition, or explosive.
- (2) If this subsection applies, the sentencing court must, as part of the sentencing, order that the arms item, imitation firearm, ammunition, or explosive be forfeited to the Crown. 5
- (3) If a person is convicted of an offence for breaching a firearms prohibition order and is in possession of any firearm or related item, the sentencing court must, as part of the sentencing, order that the firearm or related item be forfeited to the Crown.
- (4) If a person is convicted of an offence against **section 266, 267, or 268** relating to the illegal manufacture of any arms item, imitation firearm, or ammunition, the sentencing court must, as part of the sentencing, order that any tools, equipment, or machinery in the possession of the person and that are capable of being used for the manufacture of the arms item, imitation firearm, or ammunition be forfeited to the Crown. 10
- (5) However, **subsections (2), (3), and (4)** do not apply if the court considers that, given the circumstances of the offending, it would cause undue hardship to make an order under those provisions.
- (6) Anything ordered to be forfeited to the Crown—
- (a) is forfeited to the Crown accordingly; and 20
- (b) may be disposed of in any manner that the Commissioner directs.
- (7) In **subsection (3), firearm or related item** has the same meaning given as in section 288.
- Compare: 1983 No 44 s 69

### *Appeals* 25

#### 341 Appeals to District Court

- (1) A person who is the subject of any of the following decisions may appeal against the decision:
- (a) a decision by the chief executive to refuse an application for any of the following: 30
- (i) a business licence:
- (ii) a consent to conduct an arms activity at a place of business other than the place of business in respect of which a business licence is issued:
- (iii) a ~~curator~~ museum licence: 35
- (iv) a museum worker licence:
- (v) an approval to be an ammunition seller:
- (vi) an endorsement:

- 
- (vii) a permit to import:
  - (viii) a permit to possess:
  - (ix) a certificate of approval for a pistol shooting club under **section 211**:
  - (x) a certification of a pistol shooting range under **section 226**: 5
  - (xi) an enrolment of a non-pistol shooting club under **section 222**:
  - (xii) an enrolment of a non-pistol shooting range under **section 238**:
  - (b) a decision by the chief executive to issue subject to conditions, or to revoke, any of the following:
    - (i) a business licence: 10
    - (ii) a ~~curator~~ museum licence:
    - (iii) a museum worker licence:
    - (iv) an approval to be an ammunition seller:
    - (v) an endorsement:
    - (vi) a permit to import: 15
    - (vii) a permit to possess:
    - (viii) a certificate of approval for a pistol shooting club under **section 211**:
    - (ix) a certification of a pistol shooting range under **section 226**:
    - (x) an enrolment of a non-pistol shooting club under **section 222**: 20
    - (xi) an enrolment of a non-pistol shooting range under **section 238**:
  - (c) a decision of the Firearms Licensing Review Committee.
  - (2) A person who has been served with a notice under **section 138 or 334** may appeal against the requirement in the notice.
  - (3) The chief executive may appeal against a decision of the Firearms Licensing Review Committee. 25
  - (4) An appeal under this section is made to a District Court Judge by an originating application.
  - (5) On hearing an appeal under this section, the District Court Judge may confirm, vary, or reverse the decision appealed against. 30
  - (6) **Subsection (7)** applies if—
    - (a) an application for a firearms licence has been refused on the ground set out in **section 70(2)**; or
    - (b) a firearms licence has been revoked ~~on the ground set out in **section 151(2)**~~ under **section 156** after being suspended under **section 145(1)(c)**. 35

- (7) If this subsection applies, the District Court Judge may, even though the Judge finds that ground established, vary or reverse the decision appealed against if satisfied that, since the decision was given, adequate measures have been taken to deny access to the firearm to the person whose likelihood of access to it was the basis of the refusal or revocation. 5
- (8) Subject to **section 343**, the decision of a District Court Judge is final and conclusive.
- (9) A person is not excused from complying with any of the provisions of this Act on the ground that they have lodged an appeal and the appeal or the decision on the appeal is pending. 10
- Compare: 1983 No 44 ss 62B(1), (3)–(5), 62C(2), (3)

### 342 Appeal in respect of compensation

- (1) The amount of compensation payable under any of the provisions of this Act in respect of any arms item, ammunition, or explosive must not exceed its actual market value. 15
- (2) If a dispute arises as to the amount of compensation payable, an application may be made to a District Court Judge for a decision.
- (3) An application made to the court under this section must be made by an originating application.
- (4) Subject to **section 343**, the decision of a District Court Judge is final and conclusive. 20
- Compare: 1983 No 44 s 63

### 343 Appeal on question of law

- (1) If any party to an appeal under **section 341** or to an application under **section 342** is dissatisfied with the decision of the District Court Judge as being erroneous in point of law, the party may appeal to the High Court on the question of law only. 25
- (2) Subpart 8 of Part 6 of the Criminal Procedure Act 2011 applies as far as applicable with the necessary modifications to every appeal under this section. 30
- Compare: 1983 No 44 s 64

### *Sharing of information*

### 344 Sharing of information between chief executive and Commissioner

- (1) The chief executive must provide the Commissioner with access to the information recorded in the arms registry (*see section 348*, which sets out the information that is recorded in the arms registry). 35
- (2) The Commissioner must provide the chief executive with access to any information that the Commissioner—
- (a) holds in relation to—

- (i) any applicant for a licence, approval, endorsement, permit, certification, or enrolment under this Act;
  - (ii) any licence holder, approved ammunition seller, shooting club, or shooting range; and
- (b) considers may assist the chief executive in the performance or exercise of the Arms Regulator’s functions, duties, and powers under this Act. 5
- (3) In addition to the information that may be shared between the chief executive and the Commissioner under **subsections (1) and (2)**, the chief executive and the Commissioner may share between themselves other information that they hold if they enter into an agreement providing for the sharing of that information that— 10
  - (a) satisfies the requirements of **section 345**; and
  - (b) ensures that appropriate protections are or will be in place to maintain the confidentiality of the information.
- (4) This section applies despite anything to the contrary in any contract, deed, or document. 15
- (5) In relation to personal information, **subsections (1) to (3)**—
  - (a) provide for the disclosure of information that is additional to the grounds of permitted disclosure under information privacy principle 11 or 12 set out in section 22 of the Privacy Act 2020; but 20
  - (b) do not otherwise limit or affect those information privacy principles.

### **345 Sharing of information must be in accordance with agreement**

- (1) An agreement between the chief executive and the Commissioner for the sharing of information under **section 344(3)** must state—
  - (a) the information, or class or classes of information, that the chief executive or the Commissioner may have access to; and 25
  - (b) the method and form of access; and
  - (c) the safeguards in place to protect the information, including safeguards relating to the appropriate use and retention of the information; and
  - (d) that the information accessed by the chief executive or the Commissioner may only be used in accordance with the particular purposes for which it was accessed. 30
- (2) An agreement may be varied by the chief executive or the Commissioner.
- (3) The chief executive and the Commissioner must consult the Privacy Commissioner before entering into or varying an agreement. 35

**346 Publication of agreements**

- (1) An agreement between the chief executive and the Commissioner for the sharing of information under **section 344(3)**, and all variations to the agreement, must be published on—
- (a) an internet site maintained by or on behalf of the Arms Regulator; and 5
  - (b) an internet site maintained by or on behalf of the Commissioner.
- (2) However, **subsection (1)** does not apply to—
- (a) an agreement or a variation of an agreement that may be withheld on a request made under the Official Information Act 1982;
  - (b) a provision of an agreement or a variation of an agreement that may be withheld on a request made under the Official Information Act 1982. 10
- (3) If, in reliance on **subsection (2)(a)**, an agreement or a variation of an agreement is not published, a summary of the agreement or variation of the agreement must be published on—
- (a) an internet site maintained by or on behalf of the Arms Regulator; and 15
  - (b) an internet site maintained by or on behalf of the Commissioner.

Compare: 1983 No 44 s 38ZH

*Arms registry***347 Chief executive to keep arms registry**

The chief executive must, for the purposes of this Act, continue and maintain the arms registry kept and operated by the Commissioner under section 93 of the Arms Act 1983. 20

**348 Content of arms registry**

The following particulars must be recorded in the arms registry:

- (a) the number and date of expiry of every type of licence held by a person under this Act: 25
- (b) every licence holder's full name, date of birth, and address:
- (c) every endorsement on a licence:
- (d) every condition on a licence or an endorsement that is additional to conditions imposed by this Act or regulations made under **section 362**: 30
- (e) the particulars of the make, model, and identifying markings of every standard firearm, restricted firearm, pistol, restricted weapon, and restricted magazine possessed by a licence holder, and of the location of the standard firearm, restricted firearm, pistol, restricted weapon, and restricted magazine, if the particulars are held by the Arms Regulator: 35

- (f) information about any standard firearm, restricted firearm, or pistol that has been ~~permanently modified to another type of firearm or that has been so that it is a permanently deactivated~~ firearm;
- (g) information about any ~~arms items and ammunition that are~~ item that is imported and notified in accordance with **section 202**: 5
- (h) every particular that regulations made under **section 362** require to be recorded in the registry.
- Compare: 1983 No 44 s 94(1)
- 349 Obligation to provide information to arms registry**
- (1) This section applies to the following persons: 10
- (a) ~~every holder of a firearms licence~~ holder;
- (b) ~~every holder of a business licence~~ holder;
- (c) ~~every holder of a curator a~~ museum licence holder;
- (d) ~~every~~ any other person who is, or intends to be, in possession of an arms item. 15
- (2) This section also applies to the following events in relation to any firearm or other item regulated by or under this Act:
- (a) its sale or supply, excluding a temporary transfer:
- (b) its purchase or receipt, excluding a temporary transfer:
- (c) its importation: 20
- (d) its exportation:
- (e) its manufacture:
- (f) its theft, loss, or destruction:
- (g) any other event specified for the purpose of this section in regulations made under **section 362**. 25
- (2A) However, this section does not apply to an event specified in **subsection (2)** that is a temporary transaction for repair or modification.
- (3) A person to whom this section applies, and a person who has responsibility in relation to any event to which this section applies, must provide the relevant details to the chief executive in accordance with the prescribed time and any other prescribed requirements. 30
- (4) ~~In this section, **temporary transfer**—~~
- (a) ~~means a transfer of possession of the firearm (not being a pistol, restricted weapon, restricted magazine, or restricted firearm) or other item for less than 30 days; but~~ 35
- (b) ~~includes—~~
- (i) ~~the return of a pistol or restricted weapon by a licensed business to the owner within 7 days following repair;~~

- (ii) ~~the transfer of restricted firearms and restricted magazines between employees of an animal and biosecurity controller that are being shared under a multi-user agreement.~~

(4) In this section,—

**temporary transaction for repair or modification** means a transaction 5  
between the owner of a pistol, restricted weapon, or restricted firearm and a licensed business under which the pistol, restricted weapon, or restricted firearm—

- (a) is delivered by the owner to the licensed business for repair or modification; and 10
- (b) is returned by the licensed business to the owner within 21 days after receiving the pistol, restricted weapon, or restricted firearm

**temporary transfer** means—

- (a) a transfer of possession of the firearm (not being a pistol, restricted weapon, restricted magazine, or restricted firearm) or other arms item for less than 30 days; 15
- (b) the transfer of restricted firearms and restricted magazines between employees of an animal and biosecurity controller that are being shared under a multi-user agreement.

Compare: 1983 No 44 s 95 20

### **350 Failing to provide information to Arms Regulator**

- (1) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, fails to provide information to the chief executive in accordance with **section 349**.
- (2) A person commits an offence and is liable on conviction to imprisonment for a term of imprisonment not exceeding 2 years, or to a fine not exceeding \$20,000, if the person— 25
- (a) intentionally fails to provide information to the chief executive in accordance with **section 349**; or
- (b) provides information to the chief executive for inclusion in the arms registry knowing the information to be false or misleading in a material respect. 30

Compare: 1983 No 44 s 58A

*Direct access by certain government agencies to arms registry*

### **351 Interpretation** 35

In **sections 352 to 360**,—

**accessing agency** means—

- (a) the Department of Conservation; and

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

**arms item** has the same meaning given as in section 5 and includes, as an additional class of item, ammunition

**direct access**, in relation to the registry, means to do either or both of the following (whether remotely or otherwise): 5

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

**import and export information**, in relation to a licence holder, means details relating to— 10

- (a) any permit to import issued to the licence holder under **section 193, 194, or 195**;
- (b) any class or classes of arms items exported by the licence holder

**licence holder** means—

- (a) a person who is the holder of a firearms licence; and 15
- (b) a person who at any time held a firearms licence

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

- (a) the licence holder's—
  - (i) full name; and
  - (ii) date of birth; and 20
  - (iii) residential or electronic address; and
  - (iv) phone number; and
- (b) the following details about the licence holder's firearms licence:
  - (i) the firearms licence number; and
  - (ii) the date of expiry of the firearms licence; and 25
  - (iii) any endorsements on the firearms licence.

Compare: 1983 No 44 s 38Y

### 352 Relationship between sections 353 to 360 and other law

**Sections 353 to 360** do not prevent or limit the collection, use, or disclosure of information that— 30

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

Compare: 1983 No 44 s 38Z

### 353 Direct access to licence information

- (1) The Department of Conservation may have direct access to a licence holder's 35  
licence information recorded in the registry.

- (2) The purpose of the direct access is to provide administrative assistance to the Director-General of Conservation in relation to the issue, under section 38 of the Conservation Act 1987, of permits for hunting.  
Compare: 1983 No 44 s 38ZA
- 354 Direct access to import and export information recorded in registry** 5
- (1) The Ministry of Foreign Affairs and Trade and the New Zealand Customs Service may have direct access to a licence holder's import and export information recorded in the registry.
- (2) The purpose of the direct access is to assist those agencies in performing or exercising their functions, duties, and powers in relation to the movement of lawfully permitted and lawfully possessed arms items. 10  
Compare: 1983 No 44 s 38ZB
- 355 Direct access must be in accordance with direct access agreement**
- All direct access authorised by **section 353 or 354** must be in accordance with a written direct access agreement entered into between— 15
- (a) the Minister responsible for the accessing agency; and
- (b) the responsible Minister.  
Compare: 1983 No 44 s 38ZC
- 356 Matters to which Ministers must have regard before entering into direct access agreement** 20
- Before entering into a direct access agreement, the Ministers referred to in **section 355** must be satisfied—
- (a) that,—
- (i) in the case of direct access authorised by **section 353**, the direct access will enable the Director-General of Conservation to more effectively or efficiently issue permits for hunting; or 25
- (ii) in the case of direct access authorised by **section 354**, the direct access will enable the Ministry of Foreign Affairs and Trade or the New Zealand Customs Service to perform and exercise their functions, duties, and powers more effectively or efficiently; and 30
- (b) that there are adequate safeguards to protect the privacy of individuals, including that the proposed compliance and audit requirements for the direct access, use, disclosure, and retention of the information are sufficient; and
- (c) that the agreement includes appropriate procedures for direct access, use, disclosure, and retention of the information. 35  
Compare: 1983 No 44 s 38ZD

**357 Consultation before entering into direct access agreement**

- (1) Before entering into a direct access agreement, the Ministers referred to in **section 355** must consult and invite comment on the proposed agreement from—
- (a) the Privacy Commissioner; and
  - (b) the advisory group continued under **section 320**. 5
- (2) When consulted on a direct access agreement, the Privacy Commissioner must have particular regard to the matters that the Ministers need to be satisfied of before entering into the agreement that are specified in **section 356(b) and (c)**.
- (3) The Ministers must have regard to any comment received from the Privacy Commissioner and the advisory group on the proposed agreement. 10

Compare: 1983 No 44 s 38ZE

**358 Content of direct access agreements**

A direct access agreement must specify—

- (a) the particular information in relation to licence holders that may be accessed: 15
- (b) the particular purpose or purposes for which the information may be accessed:
- (c) the particular function, duty, or power being, or to be, performed or exercised by the accessing agency for which the information is required: 20
- (d) the mechanism by which the information is to be accessed:
- (e) the position or designation of the person or persons in the accessing agency who may access the information:
- (f) the records to be kept in relation to each occasion on which the registry is accessed: 25
- (g) the safeguards that are to be applied for protecting information:
- (h) the requirements relating to storage and disposal of information obtained from the registry:
- (i) that the accessing agency may use the information only in accordance with the purposes for which it was accessed: 30
- (j) the requirements for reviewing the agreement:
- (k) the requirement to regularly audit direct access to the registry.

Compare: 1983 No 44 s 38ZF

**359 Variation of direct access agreement**

**Sections 356 and 357** apply with any necessary modifications in respect of a proposal to enter into an agreement varying a direct access agreement. 35

Compare: 1983 No 44 s 38ZG

**360 Publication of direct access agreements**

- (1) A direct access agreement, and all variations to the agreement, must be published on—
- (a) an internet site maintained by or on behalf of the accessing agency; and
  - (b) an internet site maintained by or on behalf of the Arms Regulator. 5
- (2) However, **subsection (1)** does not apply to—
- (a) a direct access agreement or a variation of a direct access agreement that may be withheld on a request made under the Official Information Act 1982:
  - (b) a provision of a direct access agreement or a variation of a direct access agreement that may be withheld on a request made under the Official Information Act 1982. 10
- (3) If, in reliance on **subsection (2)(a)**, a direct access agreement or a variation of a direct access agreement is not published, a summary of the agreement or the variation of the agreement must be published on— 15
- (a) an internet site maintained by or on behalf of the accessing agency; and
  - (b) an internet site maintained by or on behalf of the Arms Regulator.

Compare: 1983 No 44 s 38ZH

*Medical assessments***361 Health practitioners may give chief executive medical reports of persons unfit to use firearm 20**

- (1) This section applies to a health practitioner who—
- (a) has attended, or been consulted by, a person who the practitioner knows, or has reason to believe, is a firearms licence holder; and
  - (b) is of the opinion that the health condition of the person is such that, in the interests of the safety of individuals or the public, the person— 25
    - (i) should not be permitted to use or possess any arms ~~item~~ items; or
    - (ii) should only be permitted to use or possess arms items subject to limitations that may be warranted by the health condition of the licence holder. 30
- (2) The health practitioner must consider notifying the chief executive as soon as practicable—
- (a) of their opinion under **subsection (1)**; and
  - (b) of the grounds on which their opinion is based; and
  - (c) whether the practitioner believes the licence holder poses an immediate or imminent danger of self-harm or harm to others. 35

- (3) If the chief executive has been notified by a health practitioner under **subsection (2)** about a person, the chief executive may require the person to undergo a further medical assessment by another independent health practitioner and, in that case, the person must—
- (a) undergo the further assessment; or 5
- (b) surrender their licence under **section 139**.
- (4) Any regulations apply in relation to any notice given for the purpose of this section and to any action required under **subsection (3)**.
- (5) A health practitioner is not liable to criminal, civil, or disciplinary proceedings by disclosing personal information in the course of performing any function or responsibility under this section, as long as the practitioner acts in good faith. 10
- Compare: 1983 No 44 s 92

*Orders in Council* Secondary legislation

**362 Regulations**

- (1) The Governor-General may, by Order in Council made on the recommendation of the responsible Minister, make regulations— 15
- General*
- (1) providing for anything this Act says may or must be provided for by regulations:
- Licensing and approvals* 20
- (2) 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:
- (3) exempting applicants or classes of applicants for firearms licences from passing tests prescribed under **paragraph (2)**: 25
- (4) prescribing the requirements to be an approved ammunition seller:
- (5) extending the expiry date of licences, approvals, and endorsements in the event of a pandemic, an epidemic, or an emergency being declared under the Civil Defence Emergency Management Act 2002:
- (6) providing for the issue of licences in any form: 30
- (7) providing for the replacement of licences and approvals:
- Sale or hire of arms items and ammunition*
- (8) providing for 1 or more of the following in relation to the sale or hire of any ~~arms item~~ items and ammunition:
- (i) material that must be included in any advertising, promotion, or display of any ~~arms item~~ items and ammunition: 35
- (ii) advice that must be provided about legal conditions and requirements that apply to the purchase, possession, and use of arms

- items and ammunition (such as the legal age of purchase, licence or endorsement requirements, safe handling, transport, and storage):
- (iii) different requirements for different types of sale or hire activities carried out by licensed businesses: 5
- Security and storage of arms items*
- (9) making provision for the secure storage of a vital part removed from a restricted firearm or restricted weapon to render it inoperable and prescribing precautions to be taken to prevent the theft or misuse of vital parts in the possession of any person or class of persons: 10
- (10) making provision for the security of any premises at which a licensed business carries on business, and prescribing precautions to be taken to prevent the theft or misuse of firearms, airguns, pistols, restricted items, restricted weapons, pistol carbine conversion kits, ammunition, and explosives in the possession of licensed businesses: 15
- (11) making provision for the security of any premises at which an ammunition seller carries on business, and prescribing precautions to be taken to prevent the theft or misuse of ammunition in the possession of ammunition sellers:
- (12) making provision for the security of premises at which any arms item or class of arms items is kept, and prescribing precautions to be taken to prevent the theft or misuse of standard firearms, airguns, pistols, restricted items, restricted weapons, pistol carbine conversion kits, ammunition, and explosives in the possession of any person or class of persons: 20
- Modifying restricted firearms* 25
- (13) prescribing the process for ~~permanently~~ modifying a restricted firearm to convert it into a non-restricted standard firearm:
- Health practitioner reports*
- (14) providing for 1 or more of the following in relation to notices given by health practitioners for the purposes of **section 361**: 30
- (i) the information that the chief executive must provide to a licence holder when notifying the licence holder that a report has been received from a health practitioner:
- (ii) the period within which a licence holder must undergo a further assessment or surrender their licence for the purposes of **section 361(3)**, and any time limits or other requirements that apply to the assessment: 35
- (iii) the kinds or classes of health practitioners who may make a further assessment under **section 361** for the purposes of **section 361(3)**: 40

- (iv) the responsibilities of a health practitioner who makes a further assessment:
- Pistol shooting clubs and ranges*
- (15) prescribing conditions to which certificates of approval granted to pistol shooting clubs may be subject: 5
- (16) prescribing conditions to which certifications granted to pistol shooting ranges may be subject:
- (17) prescribing the particulars that are required to be included in annual reports of pistol shooting clubs, including (but not limited to) finances, storage, safety, discipline, training, competitions, office holders, membership, participating non-members, attendance, and ratios of members who are licence holders, endorsement holders, or trained range officers to those who are not: 10
- Firearms Licensing Review Committee*
- (18) providing for matters not inconsistent with this Act that relate to the procedure to be followed by the Firearms Licensing Review Committee in conducting a review: 15
- Arms advisory group*
- (19) providing for matters not inconsistent with this Act that relate to the operation of the arms advisory group continued under **section 320**, including provisions that— 20
- (i) state the quorum necessary for the transaction of the group’s business:
- (ii) require members to disclose any direct or indirect interest in a matter on which the group is providing advice: 25
- (iii) prohibit members from disclosing any information provided to them in confidence in their capacity as members of the group:
- Arms registry*
- (20) providing for any matters necessary or desirable for the efficient operation of the arms registry, including provisions that— 30
- (i) require licence holders or other persons to provide specified information to the chief executive for inclusion in the arms registry and specify the circumstances in which the requirement applies:
- (ii) specify the manner or form in which information is required to be provided to the chief executive for inclusion in the arms registry: 35
- (iii) impose additional requirements to be met for the purposes of the arms registry by licensed businesses that apply for consent to conduct business activities from places additional to the place of business specified in a business licence:

- (iv) impose additional requirements to be met for the purposes of the arms registry by persons who apply for—
- (A) an endorsement to permit a restricted firearm:
  - (B) a permit to import:
  - (C) a permit to possess: 5
- (v) impose different requirements for different kinds of licences, conditions, or endorsements:
- Guidance*
- (21) about guidance or details of an administrative nature that the chief executive may issue in relation to this Act, including about— 10
- (i) the form or content of the guidance or details:
  - (ii) the persons that may or must be consulted in preparing the guidance or details:
  - (iii) the manner in which the guidance or details must be published or notified: 15
- Infringement offences*
- (22) specifying, generally or particularly, any of the following as an infringement offence—
- (i) a breach of any condition to which a firearms licence is subject under **section 73 or 74:** 20
  - (ii) a breach of any condition to which a business licence is subject under **section 92 or 93:**
  - (iii) a breach of any condition to which a ~~curator~~-museum licence is subject under ~~section 104 or 106~~ **section 106B or 106C:**
  - (iv) a breach of any condition to which a museum worker licence is subject under **section 114 or 115:** 25
  - (v) a breach of any condition to which a visitor licence is subject under **section 127 or 128:**
  - (vi) a breach of any condition to which an approval granted under **section 172** is subject under **section 177:** 30
  - (vii) a failure to comply with an improvement notice issued under **section 181 or 243:**
  - (viii) a failure to give notice, and comply with, **sections 133, 136, or 137:**
- (23) prescribing infringement offences for the breach of regulations: 35
- (24) prescribing for infringement offences—
- (i) maximum fines not exceeding—
    - (A) \$1,500 in the case of an individual; or

- (B) \$3,000 in any other case:
- (ii) infringement fees not exceeding \$1,000:
- Other*
- (25) conferring or providing for exemptions from any provision of any regulation: 5
- (26) prescribing offences in respect of the contravention of or non-compliance with any regulations, and the amounts of fines that may be imposed in respect of any the offences, which fines must not be an amount exceeding \$2,000:
- (27) providing, for the purposes of the orderly implementation of any Order in Council made under **section 363**, for— 10
- (i) any exemptions from any provisions of this Act or the regulations (subject to terms or conditions, if any); and
- (ii) any other transitional or savings matters:
- (28) prescribing the requirements for giving any notice of information to a person where that information is required to be given by this Act: 15
- (29) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (2) Regulations made under **subsection (1)(20)** may be made only on the recommendation of the responsible Minister after being satisfied that the Secretary for Justice has consulted the Privacy Commissioner about the proposed regulations.— 20
- (a) ~~consulted the Privacy Commissioner about the proposed regulations; and~~
- (b) ~~complied with the consultation requirements of **subsection (3)**.~~
- (3) ~~Regulations may be made under this section only on the recommendation of the responsible Minister after being satisfied that the Secretary for Justice has— 25~~
- (a) ~~consulted the chief executive; and~~
- (b) ~~consulted the Police; and~~
- (c) ~~done everything reasonable to consult other persons or organisations (or representatives of those organisations) that appear to the Secretary for Justice to be affected or likely to be affected by the regulations, unless the responsible Minister is satisfied that in the circumstances it was not practicable to consult to that extent or to carry out any consultation. 30~~
- (4) No regulations made under **subsection (1)(8)** may come into force earlier than 3 months after the date of their publication under the Legislation Act 2019 unless the responsible Minister is satisfied that in all the circumstances there are reasons that justify an earlier commencement date and recommends accordingly. 35

- (5) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1983 No 44 s 74

**363 Order in Council relating to definitions of restricted firearm, restricted magazine, and restricted ammunition**

5

- (1) The Governor-General may, by Order in Council made on the recommendation of the responsible Minister ~~after being satisfied that the Secretary for Justice has consulted the chief executive and the Police,~~—

- (a) declare any semi-automatic firearm (except a small semi-automatic pistol) or pump-action firearm of a stated name or description to be a restricted firearm for the purposes of this Act: 10
- (b) declare any magazine of a stated name or description to be a restricted magazine for the purposes of this Act:
- (c) declare any ammunition to be restricted ammunition for the purposes of this Act. 15

- (2) An order made under this section—

- (a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and
- (b) must be confirmed by an Act (*see* subpart 3 of Part 5 of the Legislation Act 2019). 20

Compare: 1983 No 44 s 74A

**364 Declaring items to be restricted weapons or high-energy airguns**

- (1) The Governor-General may, by Order in Council made on the recommendation of the responsible Minister ~~after being satisfied that the Secretary for Justice has consulted the chief executive and the Police,~~ declare— 25

- (a) any item (including an airgun) to be a restricted weapon for the purposes of this Act; or
- (b) any airgun to be a high-energy airgun for the purposes of this Act.

- (2) Any Order in Council made under this section may relate to any item or airgun specified by its name or trade name, or to any class of items or airguns identified by a description of that class. 30

- (3) An order made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1983 No 44 s 4

**364A Consultation required before regulations made under section 362, 363, or 364**

The responsible Minister must not recommend the making of regulations under **section 362, 363, or 364** unless the Minister is satisfied that the Secretary for Justice has—

- (a) consulted the chief executive; and
- (b) consulted the Commissioner; and
- (c) done everything reasonable to consult other persons or organisations (or representatives of those organisations) that appear to the Secretary for Justice to be affected or likely to be affected by the regulations, unless the responsible Minister is satisfied that in the circumstances it was not practicable to consult to that extent or to carry out any consultation.

*Cost recovery*

**365 Purpose of sections 366 to 373**

The purpose of **sections 366 to 373** is to enable the Arms Regulator to recover its costs in respect of certain activities undertaken under this Act.

Compare: 1983 No 44 s 79

**366 Activities that may be subject to cost recovery**

- (1) The responsible Minister may recommend the making of a regulation under **section 371** only if satisfied that the fee or charge concerned relates to an activity undertaken by the Arms Regulator in accordance with this Act in relation to a person, shooting club, or shooting range.
- (2) The activities for which fees or charges may be imposed under **section 371**—
  - (a) include—
    - (i) processing an application for a licence, including assessing whether the applicant is a fit and proper person:
    - (ii) processing and determining an application for review made under **section 79**:
    - (iii) providing training and testing services in relation to obtaining a licence:
    - (iv) issuing any licence under this Act:
    - (v) processing any application for an endorsement, a permit to possess, or a permit to import:
    - (vi) issuing any endorsement, a permit to possess, or permit to import:
    - (vii) undertaking inspections and compliance checks, including checks relating to any licence, endorsement, permit, certification, conditions, or improvement notices:

- (viii) providing testing of samples in relation to firearms, ~~exempt standard firearms~~, firearm parts, restricted weapons, parts of restricted weapons, magazines, pistol carbine conversion kits, air pistol carbine conversion kits, blank-firing guns, exempt blank-firing guns, or ammunition: 5
- (ix) processing any application for approval of a pistol shooting club or certification of a pistol shooting range:
- (x) processing any application for enrolment of a non-pistol shooting club or non-pistol shooting range:
- (xi) approving the manufacture for sale of arms items: 10
- (b) do not include—
  - (i) the response of the Police to calls relating to potential offending; or
  - (ii) the enforcement of infringement offences; or
  - (iii) the conduct of criminal investigations; or 15
  - (iv) the prosecution of criminal offences.

Compare: 1983 No 44 s 80

### 367 Criteria for cost recovery

- The responsible Minister may recommend that regulations be made under **section 371** only if the responsible Minister is satisfied that,— 20
- (a) subject to the provisions of **section 371**, the fee or charge recovers no more than the actual and reasonable costs (including both direct and indirect costs) of the activity to which the fee or charge relates; and
  - (b) the fee or charge for the activity or class of activities to which the fee or charge relates is generally obtained from the users or beneficiaries of the service or class of services to which the activity relates at a level commensurate, as far as practicable, with their use of the service; and 25
  - (c) the costs of the activity to which the fee or charge relates are efficiently incurred; and
  - (d) the relationship between the costs of the activity to which the fee or charge relates and the nature and duration of the activity is clear. 30

Compare: 1983 No 44 s 81

### 368 Methods of cost recovery

- (1) Regulations for the recovery of costs may provide for the following:
  - (a) fixed fees or charges: 35
  - (b) fees or charges based on a scale or formula or at a rate determined on an hourly or other unit basis:

- (c) the recovery by way of a fee or charge of estimated actual and reasonable costs expended in, or associated with, the performance of an activity:
  - (d) fees or charges based on costs incurred from charges by third parties:
  - (e) any combination of the above. 5
- (2) Without limiting the way in which a fee or charge may be set, a fee or charge may be set at a level or in a way that—
- (a) is determined by calculations that involve an averaging of costs or potential costs:
  - (b) takes into account costs or potential costs of activities that are not services to be provided directly to the person who pays the fee or charge, but are an indirect or potential cost arising from the undertaking of the activity in question in relation to a class of persons or all persons who use the service or class of services to which the activity relates: 10
  - (c) takes into account indirect costs, which include the costs and potential costs of support, maintenance, and development associated with provision of the activity: 15
  - (d) takes into account the time frame for performing the activity to which the fee or charge relates. 20
- Compare: 1983 No 44 s 83 20

### 369 Payment of fee or charge

- (1) A fee or charge prescribed by regulations made under **section 371** is payable at the time prescribed in respect of a particular activity, whether that time is before, during, or after completion of the relevant activity.
  - (2) All fees and charges prescribed by regulations made under **section 371** and received by the Arms Regulator or any other government agency must be paid into a departmental bank account. 25
- Compare: 1983 No 44 s 84

### 370 Exemptions, waivers, and refunds

- (1) Regulations made under **section 371** may provide for exemptions from, or waivers or refunds of, any fee or charge prescribed by regulations, in whole or in part, in any class of case. 30
- (2) Regulations made under **section 371** may authorise the chief executive, as the chief executive thinks fit in the circumstances specified in those regulations, to exempt, waive, or refund the whole or any part of a prescribed fee or charge. 35
- (3) If regulations authorise the chief executive to exempt, waive, or refund the whole or any part of a fee or charge,—

- (a) the instrument granting an exemption, waiver, or refund is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons; and
- (b) the regulations must contain a statement to that effect.

Compare: 1983 No 44 s 85

5

### **371 Regulations relating to cost recovery**

- (1) The Governor-General may, by Order in Council on the recommendation of the responsible Minister made after consultation in accordance with **section 372**,—

- (a) make regulations prescribing fees or charges for specified activities in accordance with **sections 365 to 368**: 10
- (b) make regulations for the purposes of **section 369**:
- (c) make regulations for the purposes of **section 370**.

- (2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 15

Compare: 1983 No 44 s 86

### **372 Consultation**

- (1) The responsible Minister may recommend that regulations be made under **section 371** only if the responsible Minister is satisfied that the Secretary for Justice has done everything reasonable to consult the persons or organisations (or representatives of those organisations) that appear to the Secretary for Justice to be affected or likely to be affected by the fee or charge. 20

- (2) The process for consultation must, to the extent practicable in the circumstances, include—

- (a) the giving of appropriate notice of the intention to make the regulation and of the contents of the proposed regulation; and 25
- (b) a reasonable opportunity for interested persons to make submissions; and
- (c) the adequate and appropriate consideration of those submissions.

- (3) A failure to comply with this section does not affect the validity of any regulations made under **section 371**. 30

Compare: 1983 No 44 s 82

### **373 Five-yearly review of cost recovery**

- (1) The responsible Minister must review the methods and levels of cost recovery at least once in every 5-year period that occurs since the original setting of, or latest change to, the cost recovery levels and methods. 35

- (2) The Minister must ensure that consultation in accordance with **section 372** takes place in relation to a review.

- (3) **Subsection (1)** does not—
- (a) require all areas of cost recovery to be reviewed at the same time;
  - (b) impose any time limit on the making of regulations to implement the results of a review.

*Other miscellaneous provisions*

5

**374 Priority applications by persons travelling overseas to participate in international activities**

- (1) This section applies to a firearms licence holder—
- (a) who is travelling, or proposing to travel, overseas; and
  - (b) whose firearms licence is due to expire during the period that they are proposing to be overseas; and 10
  - (c) who has a valid reason for requiring a current firearms licence during the period that they are proposing to be overseas (for example, to participate in an international shooting competition or hunting competition); and
  - (d) who applies for either or both of the following before travelling overseas: 15
    - (i) a firearms licence:
    - (ii) an endorsement.
- (2) The person may request that their application be given priority.
- (3) A request under **subsection (2)** must be— 20
- (a) in a form approved by the chief executive; and
  - (b) supported by such evidence as the chief executive may require of the applicant's intention to travel overseas and reason for requiring a current firearms licence while overseas; and
  - (c) accompanied by a priority fee. 25

**375 Obligations of owner or operator of craft temporarily visiting New Zealand and carrying arms-specified items**

- (1) If a craft arriving from a foreign country is, at any time, temporarily berthed, moored, or anchored in any harbour or territorial waters of New Zealand, and has on board any arms-specified items that are not being offloaded, the owner or operator of the craft must— 30
- (a) include details of all arms-specified items on board the craft—
    - (i) in an advance notice of arrival that is required to be provided to the New Zealand Customs Service under section 12 of the Customs and Excise Act 2018; or 35

- (ii) in an inward report that is required to be provided to the New Zealand Customs Service under section 24 of the Customs and Excise Act 2018; and
- (b) comply with any directions given by ~~the New Zealand Customs Service or a member of the Police~~ a Customs officer, a constable, or an arms officer relating to the secure storage of those ~~arms-specified~~ items, which may include a direction that the ~~arms-specified~~ items be temporarily ~~surrendered~~ delivered to a ~~member of the Police or a Customs officer, constable, or arms officer.~~ 5
- (2) If the owner or operator of a craft does not comply with any direction given under **subsection (1)(b)**, ~~a member of the Police~~ constable or a Customs officer may— 10
- (a) board the craft; and
- (b) seize and detain the ~~arms-specified~~ items; and
- (c) in effecting the seizure and detention of the ~~arms-specified~~ items, use any reasonably necessary force. 15
- (3) In this section,—
- arms items** ~~means any standard firearms, pistols, restricted airguns, restricted items, restricted weapons, pistol carbine conversion kits, or ammunition~~
- craft** has the same meaning given as in section 5(1) of the Customs and Excise Act 2018 20
- operator** has the same meaning given as in section 5(1) of the Customs and Excise Act 2018
- owner** has the same meaning given as in section 5(1) of the Customs and Excise Act 2018. 25
- specified items** means any standard firearms, pistols, restricted airguns, restricted items, restricted weapons, pistol carbine conversion kits, or ammunition.
- Compare: 1983 No 44 s 66D

### 376 Service of documents

Any notice or other document required or authorised by this Act to be served on or given to any person must be served in accordance with any prescribed requirements. 30

Compare: 1983 No 44 s 72A

### *Review of operation of this Act*

### 377 Review of this Act 35

- (1) Before 31 December 2030, the responsible Minister must—
- (a) review the operation of this Act; and

- (b) consider whether amendments to this Act or any other enactments are necessary or desirable.
  - (2) The review must include reviewing—
    - (a) the operation of the arms registry; and
    - (b) all offences and penalties in this Act; and 5
    - (c) the impact of this Act.
  - (3) The responsible Minister must present a copy of the review to the House of Representatives.
- Compare: 1983 No 44 s 96

*Repeal, revocations, and consequential amendments* 10

**378 Repeal**

The Arms Act 1983 (1983 No 44) is repealed.

**379 Revocations**

- (1) The Arms Regulations 1992 (SR 1992/346) are revoked.
- (2) The following orders are revoked: 15
  - (a) Arms (Military Style Semi-automatic Firearms–Pistol Grips) Order 2013 (SR 2013/464):
  - (b) Arms (Prohibited Ammunition) Order 2019 (LI 2019/137):
  - (c) Arms (Prohibited Magazine) Order 2019 (LI 2019/289):
  - (d) Arms (Restricted Weapons and Specially Dangerous Airguns) Order 20 1984 (SR 1984/122).

**380 Consequential amendments**

Amend the legislation specified in **Schedule 2** as set out in that schedule.

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

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## Part 1

### Provisions relating to Act as enacted

#### 1 Interpretation

In this Part,—

**1983 Act** means the Arms Act 1983 5

**commencement date** means ~~the date on which this Part comes into force~~  
**23 September 2026.**

#### Subpart 1—Licensing

##### *Firearms licences*

#### 2 Application for firearms licence made but not determined before commencement date 10

(1) This clause applies to an application made under section 23 of the 1983 Act for the issue of a firearms licence that—

- (a) was made before the commencement date; but
- (b) was not determined before the commencement date. 15

(2) The application is to be determined under this Act as if the application had been made under **section 67**.

#### 3 Firearms licence issued before commencement date

(1) A firearms licence issued under section 24 of the 1983 Act that has not expired or been surrendered or revoked is to be treated as a firearms licence issued under **section 70**. 20

(2) Any conditions that the licence is subject to continue to apply as if the conditions had been imposed under this Act.

(3) The firearms licence expires on the date specified in the licence.

(4) Nothing in **subclause (3)** limits any provision of this Act that authorises the suspension or revocation of a firearms licence. 25

#### **3A Disqualification from holding firearms licence**

A person who is the holder of a firearms licence immediately before the commencement date is not disqualified under **section 68** from holding the licence after the commencement date. 30

#### 4 Licence to possess blank-firing gun

A person who possessed a blank-firing gun before the commencement date may continue to possess the blank-firing gun on and after the commencement date without having to comply with the requirement in **section 16**.

- 5 Review of decision to refuse application for firearms licence or revoke firearms licence**
- (1) This clause applies to an application that—
- (a) was made under section 62 of the 1983 Act for the review of a decision to refuse an application for, or to revoke, a firearms licence; and 5
  - (b) was made but not determined before the commencement date.
- (2) The application is to be determined under this Act as if the application had—
- (a) been made under **section 79** to the chief executive for a review of the decision; and
  - (b) been made within the period specified in **section 79(2)**; and 10
  - (c) been accompanied by any prescribed fee.

*Dealers' licences*

- 6 Application for dealer's licence made but not determined before commencement date**
- (1) This clause applies to an application made under section 5A of the 1983 Act for the issue of a dealer's licence that— 15
- (a) was made before the commencement date; but
  - (b) was not determined before the commencement date.
- (2) The application is to be determined under this Act as if the application had been made under— 20
- (a) **section 82** for a business licence if the application was made to carry on a dealer activity described in section 5(1)(a), (b), (c), (e), or (f) of the 1983 Act:
  - (b) **section 99** for a ~~curator~~-museum licence if the application was made to carry on a dealer activity described in section 5(1)(d) of the 1983 Act. 25

- 7 Dealer's licence issued before commencement date**
- (1) A dealer's licence issued under section 5B of the 1983 Act that has not expired or been surrendered or revoked is to be treated as—
- (a) a business licence issued under **section 84** if the person is carrying on a business activity: 30
  - (b) a ~~curator~~-museum licence issued under **section 101** if the person is a senior manager or curator of a museum.
- (2) Any conditions that the licence is subject to continue to apply as if the conditions had been imposed under this Act.
- (3) The business licence or ~~curator~~-museum licence expires on the date specified in the licence. 35

- (4) Nothing in **subclause (3)** limits any provision of this Act that authorises the suspension or revocation of a business licence or ~~curator~~museum licence.

*Visitor licences*

**8 Application by visitor for firearms licence made but not determined before commencement date** 5

- (1) This clause applies to an application made under section 23 of the 1983 Act for the issue of a firearms licence that—
- (a) was made by a visitor before the commencement date; but
  - (b) was not determined before the commencement date.
- (2) The application is to be determined under this Act as if the application had been made under **section 121**. 10

**9 Firearms licence issued to visitor before commencement date**

- (1) A firearms licence issued to a visitor under section 24 of the 1983 Act that has not expired or been surrendered or revoked is to be treated as a visitor licence issued under **section 124** for 1 visit to New Zealand. 15
- (2) Any conditions that the licence is subject to continue to apply as if the conditions had been imposed under this Act.
- (3) The licence expires on the date specified in the licence.
- (4) Nothing in **subclause (3)** limits any provision of this Act that authorises the suspension or revocation of a visitor licence. 20

Subpart 2—Ammunition sellers

**10 Person selling or supplying ammunition**

- (1) This clause applies to a firearms licence holder who—
- (a) sold or supplied ammunition before the commencement date; and
  - (b) continues to sell or supply ammunition on and after the commencement date; and 25
  - (c) does not hold, or is not treated as holding, a business licence.
- (2) ~~The firearms licence holder must apply under **section 171** to be an approved ammunition seller.~~
- (3) ~~An application must be made within 12 months after the commencement date.~~ 30
- (4) ~~If an application is made within that 12-month period, the person is to be treated, from the time the chief executive receives the application until the application has been determined, as if the person had been granted an approval under **section 172**.~~
- (2) The firearms licence holder is to be treated as an approved ammunition seller during the period— 35

- (a) commencing on the commencement date; and
- (b) ending on the later of the following dates:
- (i) the specified date;
- (ii) if, before the close of the specified date, the firearms licence holder has made an application under **section 171** to be an approved ammunition seller, the date on which that application is determined by the chief executive.
- (3) In this clause, **specified date** means 22 February 2028.

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**Guidance note**

An application under **section 171** to be an approved ammunition seller may not be made earlier than 23 July 2027.

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### Subpart 3—Endorsements and permits

#### *Endorsements*

- 11 Application for endorsement made but not determined before commencement date** 15
- (1) **Subclause (2)** applies to an application under section 29 of the 1983 Act for an endorsement on a licence in respect of a pistol or restricted weapon that—
- (a) was made before the commencement date; but
- (b) was not determined before the commencement date.
- (2) The application is to be determined under this Act as if the application had been made under **section 183 or 184**. 20
- (3) **Subclause (4)** applies to an application under section 30A of the 1983 Act for an endorsement on a licence in respect of a prohibited firearm or prohibited magazine that—
- (a) was made before the commencement date; but 25
- (b) was not determined before the commencement date.
- (4) The application is to be determined under this Act as if the application had been made under **section 183 or 184** for an endorsement on a licence in respect of a restricted firearm or restricted magazine.
- 12 Endorsement made before commencement date** 30
- (1) An endorsement on a licence made under section 30 or 30B of the 1983 Act that has not expired or been revoked is to be treated as an endorsement on a licence made under **section 185**.
- (2) ~~Any conditions that apply to the endorsement are replaced by the conditions set out in **sections 186 to 189**.~~ 35

- (2) Any conditions that the endorsement is subject to continue to apply as if they had been imposed by or under this Act.
- (3) The endorsement continues in force for the period specified in **section 190**.
- (4) Nothing in **subclause (3)** limits any provision of this Act that authorises the revocation of an endorsement. 5
- 13 Endorsement for large-capacity pistol magazines**
- (1) ~~A licence holder who possessed a large-capacity pistol magazine before the commencement date and who continues to possess the large-capacity pistol magazine on and after the commencement date must apply under **section 183 or 184** for an endorsement on their licence permitting them to possess a large-capacity pistol magazine.~~ 10
- (2) ~~An application must be made within 12 months after the commencement date (the **transition period**).~~
- (3) ~~The licence holder is treated as if their licence had been endorsed permitting them to possess a large-capacity pistol magazine—~~ 15
- (a) ~~during the transition period; and~~
- (b) ~~after the transition period until the determination of the application, if an application has been made but not determined before the close of the transition period.~~
- 13A Additional condition of endorsement in respect of restricted firearm in possession of collectors, museum licence holders, and employees of broadcaster or theatrical company, etc** 20
- (1) This clause applies during the period—
- (a) commencing on the commencement date; and
- (b) ending on 22 February 2028. 25
- (2) For the purposes of **section 189(2)(c)**, separate address means—
- (a) the address of another person who is—
- (i) a licence holder whose licence bears an endorsement permitting possession of a restricted firearm; and
- (ii) approved by the chief executive; or 30
- (b) the address of a facility that the chief executive has approved as providing appropriate storage for the vital part.
- 13B Duration of endorsement on firearms licence held by animal and biosecurity controller**
- (1) This clause applies during the period— 35
- (a) commencing on the commencement date; and
- (b) ending on 22 February 2028.

- (2) Despite **section 190(1)**, an endorsement on a firearms licence held by an animal and biosecurity controller continues in force until the earlier of the following dates:
- (a) the date that is 2 years and 6 months after the date on which the endorsement was made: 5
- (b) the date on which the licence—
- (i) is surrendered or revoked; or
- (ii) expires.

*Permits to import*

- 14 Application for permit to import made but not determined before commencement date** 10
- (1) **Subclause (2)** applies to an application made under the 1983 Act for a permit to import an item that—
- (a) was made before the commencement date; but
- (b) was not determined before the commencement date. 15
- (2) The application is to be determined under this Act as if the application had been made under **section 193**.
- 15 Permit to import issued before commencement date**
- (1) A permit to import issued under section 18, 18AA, or 18AAB of the 1983 Act that has not expired or been revoked is to be treated as a permit to import issued under **section 193, 194, or 195**. 20
- (2) The permit to import continues in force for the period specified in **section 200**.
- (3) Nothing in **subclause (2)** limits any provision of this Act that authorises the revocation of a permit to import. 25
- 15A Permit to import issued for items to be brought into or sent to New Zealand in single consignment or multiple consignments**
- (1) This clause applies during the period—
- (a) commencing on the commencement date; and
- (b) ending on 22 February 2028. 30
- (3) A permit to import may be issued only in relation to items that are to be brought into, or sent to, New Zealand—
- (a) in a single consignment at the same time; or
- (b) in multiple consignments, with a period of not more than 30 days between the arrival of the first and last consignments. 35

- (4) If, after the issue of a permit to import referred to in **subsection (2)**, any item to which the permit relates is not included in a consignment referred to in **subsection (2)**, the permit ceases to apply in relation to that item.

*Permits to ~~possess~~ possess*

**16 Application for permit to possess made but not determined before commencement date** 5

- (1) **Subclause (2)** applies to an application made under the 1983 Act for a permit to possess an item that—
- (a) was made before the commencement date; but
- (b) was not determined before the commencement date. 10
- (2) The application is to be determined under this Act as if the application had been made under **section 204**.

**17 Permit to import issued before commencement date**

- (1) A permit to possess issued under section 35, 35AAA, or 35A of the 1983 Act that has not expired or been revoked is to be treated as a permit to possess issued under **section 205, 206, or 207**. 15
- (2) The permit to possess continues in force for the period specified in the permit.
- (3) Nothing in **subclause (2)** limits any provision of this Act that authorises the revocation of a permit to possess.

Subpart 4—Shooting clubs and shooting ranges 20

*Shooting clubs*

**18 Application for certification of pistol shooting club made but not determined before commencement date**

- (1) This clause applies to an application under section 38D of the 1983 Act for a certificate of approval in respect of a pistol shooting club that— 25
- (a) was made before the commencement date; but
- (b) was not determined before the commencement date.
- (2) The application is to be determined under this Act as if the application had been made to the chief executive under **section 211**.

**19 Certificate of approval of pistol shooting club issued before commencement date** 30

- (1) A certificate of approval issued to a pistol shooting club under section 38G of the 1983 Act that has not been surrendered or cancelled is to be treated as a certificate of approval issued under **section 214**.

- (2) Any conditions that the certificate of approval is subject to continue to apply as if the conditions had been imposed under this Act.
- (3) Nothing in **subclause (2)** limits any provision of this Act that authorises the cancellation of the certificate of approval.
- 20 Application for enrolment of non-pistol shooting club made but not determined before commencement date** 5
- (1) This clause applies to an application under section 38M of the 1983 Act for enrolment in respect of a non-pistol shooting club that—
- (a) was made before the commencement date; but
- (b) was not determined before the commencement date. 10
- (2) The application is to be determined under this Act as if the application had been made to the chief executive under **section 220**.
- 21 Enrolment of non-pistol shooting club before commencement date**
- (1) An enrolment of a non-pistol shooting club under section 38O of the 1983 Act that has not been cancelled is to be treated as an enrolment under **section 222**. 15
- (2) Nothing in **subclause (1)** limits any provision of this Act that authorises the cancellation of the enrolment.
- Shooting ranges*
- 22 Application for certification of pistol shooting range made but not determined before commencement date** 20
- (1) This clause applies to an application under section 38S of the 1983 Act for certification of a pistol shooting range that—
- (a) was made before the commencement date; but
- (b) was not determined before the commencement date. 25
- (2) The application is to be determined under this Act as if the application had been made to the chief executive under **section 226**.
- 23 Certification of pistol shooting range issued before commencement date**
- (1) A certification issued in respect of a pistol shooting range under section 38V of the 1983 Act that has not been surrendered or cancelled is to be treated as a certification in respect of a pistol shooting range issued under **section 229**. 30
- (2) Any conditions that the certification is subject to continue to apply as if the conditions had been imposed under this Act.
- (3) Nothing in **subclause (2)** limits any provision of this Act that authorises the cancellation of the certification. 35

- 24 Application for enrolment of non-pistol shooting range made but not determined before commencement date**
- (1) This clause applies to an application under section 38XE of the 1983 Act for enrolment in respect of a non-pistol shooting range that—
- (a) was made before the commencement date; but 5
- (b) was not determined before the commencement date.
- (2) The application is to be determined under this Act as if the application had been made to the chief executive under **section 236**.
- 25 Enrolment of non-pistol shooting club before commencement date**
- (1) A non-pistol shooting range enrolled under section 38XH of the 1983 Act that has not been cancelled is to be treated as an enrolment under **section 239**. 10
- (2) Nothing in **subclause (1)** limits any provision of this Act that authorises the cancellation of the enrolment.
- Subpart 5—Manufacture of certain items
- 26 Manufacturing of firearms, etc, commenced but not completed before commencement date** 15
- (1) This clause applies if, before the commencement date, the holder of a dealer’s licence—
- (a) has obtained under section 6B of the 1983 Act the Commissioner’s approval to manufacture pistols, restricted weapons, pistol carbine conversion kits, or air pistol carbine conversion kits; and 20
- (b) has commenced, but not completed, the manufacture of the pistols, restricted weapons, pistol carbine conversion kits, or air pistol carbine conversion kits.
- (2) **Section 65(2)(b)** does not apply to the licence holder. 25
- Subpart 6—Arms registry
- 27 Obligations relating to registry**
- (1) A requirement under section 95(3) of the 1983 Act (to provide to the Police details for the registry in accordance with the requirements of the Arms Regulations 1992) that applies to a person before the commencement date applies to the person on and after the commencement date as a requirement under **section 349(3)** of this Act (to provide to the chief executive details for the registry in accordance with any prescribed requirements). 30
- (2) A firearms licence holder in respect of whom no requirement under section 95(3) of the 1983 Act applies before the commencement date and in respect of whom no requirement under **section 349(3)** of this Act applies 35

before 24 June 2028 must provide to the chief executive no later than 31 August 2028 such information as may be prescribed.

- (3) A business licence holder or ~~curator~~ museum licence holder in respect of whom no requirement under section 95(3) of the 1983 Act applies before the commencement date (in their capacity as the holder of a dealer's licence) and in respect of whom no requirement applies under **section 349(3)** of this Act before 1 January 2029 must provide to the chief executive no later than 24 June 2029 such information as may be prescribed. 5

### Subpart 7—General

#### **28 Matters, inquiries, processes, etc, not affected by transfer of Commissioner functions** 10

- (1) If, before the commencement date, the Commissioner commences, but does not complete, a matter, inquiry, or process in relation to the Commissioner's functions under the 1983 Act, the chief executive must complete the matter, inquiry, or process that the Commissioner commenced. 15
- (2) If, immediately before the commencement date, any notice given by the Commissioner in relation to the Commissioner's functions under the 1983 Act is in force, the notice is to be treated as a notice given by the chief executive.

#### **29 Proceedings**

- (1) Any proceedings commenced before the District Court under section 62B or 63 of the 1983 Act before the commencement date, but not completed by that date, must be continued and completed as if this Act had not been enacted. 20
- (2) Proceedings may be commenced in the District Court under **section 341 or 342** in respect of an action that occurred before the commencement date.

#### **30 Regulations for transitional and savings purposes** 25

- (1) The Governor-General may, by Order in Council made on the recommendation of the responsible Minister, make regulations prescribing transitional or savings provisions for the purpose of facilitating or ensuring the orderliness of the transition to this Act from the 1983 Act.
- (2) The Minister may not recommend the making of regulations under this clause unless satisfied that the regulations— 30
- (a) are reasonably necessary for the purpose in **subclause (1)**; and
  - (b) are consistent with the purposes of this Act.
- (3) The transitional or savings provisions prescribed by regulations made under **subclause (1)** may be provisions in addition to or instead of all other provisions of this schedule, and may— 35
- (a) provide that, for a transitional period, in any circumstances, or subject to any conditions, specified in the regulations, 1 or more provisions

- 
- (including definitions) of this Act do not apply, or apply with modifications or additions:
- (b) provide that, for a transitional period, in any circumstances, or subject to any conditions, specified in the regulations, 1 or more provisions repealed or revoked by this Act are to continue to apply, or apply with modifications or additions, as if they had not been repealed or revoked: 5
  - (c) provide for any other matter that is reasonably necessary for the purpose in **subclause (1)**.
- (4) No regulations may be made, or continue in force, later than 2 years after the commencement date. 10
- (5) Regulations under this clause are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

## Schedule 2

### Consequential amendments to other legislation

s 380

#### Part 1

#### Amendments to Acts

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##### **Animal Welfare Act 1999 (1999 No 142)**

In section 2(1), definition of **device**, replace “section 2 of the Arms Act 1983” with “**section 5** of the Arms Act **2025**”.

##### **Anti-Personnel Mines Prohibition Act 1998 (1998 No 111)**

In section 7(4)(b), replace “1983” with “**2025**”.

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Repeal section 7(4)(b).

##### **Aviation Crimes Act 1972 (1972 No 137)**

In section 14(1), replace “section 16 of the Arms Act 1958 (which relates to the unlawful carriage or possession of firearms, ammunition, or explosives)” with “the Arms Act **2025**”.

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##### **Civil Aviation Act 2023 (2023 No 10)**

In the heading to section 161, replace “1983” with “**2025**”.

Replace section 161(1)(b) with:

(b) **sections 14, 16, 18, 20, 31, 34, 250, 252, 253, and 254** of the Arms Act **2025**.

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##### **Cluster Munitions Prohibition Act 2009 (2009 No 68)**

In section 10(6)(b), replace “1983” with “**2025**”.

Repeal section 10(6)(b).

##### **Corrections Act 2004 (2004 No 50)**

In section 3(1), definition of **firearm**, replace “section 2 of the Arms Act 1983” with “**section 5** of the Arms Act **2025**”.

25

In section 23(2), replace “section 3(2)(a)(ii) of the Arms Act 1983” with “**section 13(3)(a)(v)** of the Arms Act **2025**”.

In section 86(3), replace “prohibited firearm” with “restricted firearm”.

In section 86(4)(a), replace “section 24 of the Arms Act 1983” with “**section 70** of the Arms Act **2025**”.

30

##### **Courts Security Act 1999 (1999 No 115)**

In section 2, definition of **specified offence**, replace paragraph (a)(i)(C) with:

**Courts Security Act 1999 (1999 No 115)—continued**

(C) **sections 14, 16, 18, 20, 31, 34, and 250 to 254** of the Arms Act **2025**; and

**Crimes Act 1961 (1961 No 43)**

In section 2(1), definition of **firearm**, replace “the Arms Act 1983” with “**section 5** of the Arms Act **2025**”.

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In section 2(1), replace the definition of **firearm** with:

**firearm** means a firearm and permanently deactivated firearm, as those terms are defined in **section 5** of the Arms Act **2025**

**Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)**

In Schedule 1, Part 3, under the heading “*Arms Act 1983*”, replace all of the items relating to the Arms Act 1983 with:

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	<i>Arms Act 2025</i>
Requirement for possession of standard firearm	<b>sections 14</b>
Requirement for possession of blank-firing gun	<b>section 16</b>
Requirement for possession of airgun	<b>section 18</b>
Requirements for possession of pistol or restricted weapon	<b>section 20</b>
Requirements for possession of restricted firearm	<b>section 31</b>
Requirements for possession of restricted magazine	<b>section 34</b>
Requirement for selling or suppling pistol or restricted weapon	<b>section 42</b>
Requirements for selling or suppling restricted firearms or restricted magazines	<b>section 50</b>
Requirement for importing firearms, etc	<b>section 55</b>
Requirement for importing restricted ammunition	<b>section 56</b>
Unlawfully carrying or possessing explosive	<b>section 250</b>
Unlawfully carrying or possessing restricted firearm, pistol, or restricted weapon in public place	<b>section 252</b>
Unlawfully carrying or possessing standard firearm, airgun, ammunition, or explosive in public place	<b>section 253</b>
Carrying pistol, restricted firearm, restricted magazine, or restricted weapon without authority	<b>section 254</b>
Carrying restricted firearm with criminal intent	<b>section 255</b>
Carrying standard firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with criminal intent	<b>section 256</b>
Using or attempting to use of restricted firearm or pistol to resist or prevent arrest or commit offence	<b>section 262</b>
Using or attempting to use of standard firearm, etc, to resist or prevent arrest or commit offence	<b>section 263</b>
Trafficking arms items or ammunition	<b>section 265</b>
Manufacturing arms items without authority	<b>section 266</b>
Assembling restricted firearm	<b>section 269</b>
Falsifying identification markings	<b>section 329</b>

**Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)—continued**

Removing or altering identification markings	<i>Arms Act 2025</i> <b>section 330</b>
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**Criminal Records (Clean Slate) Act 2004 (2004 No 36)**

In section 19(3)(c), replace “Arms Act 1983 and a Police employee” with “Arms Act **2025** and the chief executive of the Arms Regulator”.

**Evidence Act 2006 (2006 No 69)**

In section 108(1)(ca), replace “section 42A or 42B of the Arms Act 1983” with “**section 298 or 299** of the Arms Act **2025**”. 5

**Extradition Act 1999 (1999 No 55)**

After section 101B(1)(a), insert:

- (aa) every offence against any of **sections 73, 92, 106B, 114, 127, 265, 266, and 329** of the Arms Act **2025**: 10

**Family Violence Act 2018 (2018 No 46)**

In section 8, replace the definition of **firearms licence** with:

- firearms licence**—
- (a) means a firearms licence issued under **section 70** of the Arms Act **2025**; and 15
- (b) includes a visitor licence issued under **section 124** of that Act

In section 8, replace the definition of **weapon** with:

**weapon** means any ~~firearm, airgun, pistol, restricted magazine, restricted part, restricted weapon~~ arms item, exempt airgun, exempt standard firearm, exempt pistol, permanently deactivated firearm, ammunition, restricted ammunition, or explosive, as those terms are defined in **section 5** of the Arms Act **2025**. 20

In section 163(3), replace “section 27 of the Arms Act 1983” with “**section 151 or 155** of the Arms Act **2025**”.

In section 164(1)(b), replace “subsections (2) to (4) of section 28 of the Arms Act 1983” with “**sections 157(2) and 162(1) and (2)** of the Arms Act **2025**”. 25

In section 164(1)(b), replace “under section 28 of the Arms Act 1983” with “under **section 157** of the Arms Act **2025**”.

In section 164(1)(c), replace “Arms Act 1983, and sections 65 and 70” with “Arms Act **2025**, and **sections 337 and 338**”.

In the heading to section 165, replace “1983” with “**2025**”. 30

In section 165(1), replace “1983” with “**2025**”.

In section 165(2)(b), replace “1983” with “**2025**”.

In the heading to section 176, replace “1983” with “**2025**”.

**Family Violence Act 2018 (2018 No 46)**—*continued*

In section 176(3), replace “sections 27(1) and 27A of the Arms Act 1983” with “**section 151 or 155** of the Arms Act **2025**”.

**Gangs Act 2024 (2024 No 36)**

In section 4, definition of **serious offence**, replace paragraph (b)(i) with:

- (i) **section 14, 16, 18, 20, 24, 31, 34, 36, 37, 40, 42, 44, 50, 53, 55, 56, 250, 252, 253, 254, 256, 262, 263, 269, 298, or 299** of the Arms Act **2025**; or

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In section 4, definition of **specified gang offender**, paragraph (b)(i), replace “section 39A of the Arms Act 1983” with “**section 289** of the Arms Act **2025**”.

**Intelligence and Security Act 2017 (2017 No 10)**

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In Schedule 2, replace the last item with:

NZSIS	Information about people and firearms collected in connection with the performance or exercise of a function, duty, or power under the Arms Act <b>2025</b> , to be used for the purpose of assisting the Arms Regulator in determining whether a person is a fit and proper person to possess firearms or airguns	Arms Regulator
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**Legislation Act 2019 (2019 No 58)**

In Schedule 4, Part 1, replace the item relating to the Arms Act 1983 with:

Arms Act <b>2025</b>	<b>363</b>
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**Local Government Act 2002 (2002 No 84)**

In section 212, definition of **unauthorised weapon**, replace paragraph (b) with:

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- (b) includes, in respect of an offence against the Arms Act **2025** or an imprisonable offence committed or about to be committed,—
- (i) a firearm, airgun, pistol, restricted firearm, restricted magazine, restricted weapon, or explosive, as those terms are defined in the Arms Act **2025**;
- (ii) any ammunition;
- (iii) any restricted ammunition.

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**Marine Reserves Act 1971 (1971 No 15)**

In section 2, definition of **firearm**, replace “section 2 of the Arms Act 1983” with “**section 5** of the Arms Act **2025**”.

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**Maritime Security Act 2004 (2004 No 16)**

In section 56(1)(c), replace “section 45 of the Arms Act 1983” with “**sections 14, 16, 18, 20, 31, 34, 250, 252, 253, and 254** of the Arms Act **2025**”.

**Mutual Assistance in Criminal Matters Act 1992 (1992 No 86)**

Replace section 20A(3)(b) with:

- (b) an offence against any of the following provisions of the Arms Act **2025**:
- (i) for trespass surveillance other than by means of a tracking device, **section 14, 16, 18, 20, 24, 31, 34, 36, 37, 40, 42, 44, 50, 53, 55, 56, 250, 252, 253, 254, 256, 262, 263, 269, 298, or 299**;
  - (ii) for surveillance by means of an interception device, **section 14, 16, 18, 20, 31, 34, 36, 42, 50, 55, 56, 250, 252, 253, 254, 256, 262, 263, 269, 298, or 299**; or

In section 50A, definition of **eligible offence**, replace paragraph (b) with:

- (b) an offence that relates to the same or substantially similar conduct as an offence against any of the following provisions of the Arms Act **2025**:
- (i) for trespass surveillance other than by means of a tracking device, **section 14, 16, 18, 20, 24, 31, 34, 36, 37, 40, 42, 44, 50, 53, 55, 56, 250, 252, 253, 254, 256, 262, 263, 269, 298, or 299**;
  - (ii) for surveillance by means of an interception device, **section 14, 16, 18, 20, 31, 34, 36, 42, 50, 55, 56, 250, 252, 253, 254, 256, 262, 263, 269, 298, or 299**; or

In Schedule 1, after item 32, insert:

<u>33</u>	<u>Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, done at New York on 31 May 2001</u>	<u>An offence against any of the following sections of the Arms Act <b>2025</b>:</u>	<u>subject matter</u>
		<u>section</u>	
		<b>265</b>	<u>Offences relating to illegal trafficking of arms items or ammunition</u>
		<b>266</b>	<u>Offences relating to illegal manufacturing of arms items</u>
		<b>329</b>	<u>Offences relating to falsifying markings on arms items</u>
		<b>330</b>	<u>Offences relating to removing or altering identification markings on arms items</u>

**Parliament Act 2025 (2025 No 62)**

Replace section 163(2)(c) with:

- (c) the following sections of the Arms Act **2025**:

**Parliament Act 2025 (2025 No 62)**—*continued*

- (i) **sections 14, 16, 18, 20, 31, 34, 250, 252, 253, and 254** (which relate to carrying or possessing arms items, except for a lawful, proper, and sufficient purpose):
- (ii) **section 251** (which relates to carrying an imitation firearm, except for a lawful, proper, and sufficient purpose); and

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**Privacy Act 2020 (2020 No 31)**

In Schedule 4, under the heading “*Police records*”, repeal the item relating to firearms licences.

In Schedule 4, under the heading “*Police records*”, item relating to firearms prohibition order, replace “Arms Act 1983” with “Arms Act **2025**”.

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In Schedule 4, after the last item, insert:

<i>Arms Regulator records</i>		
Subject	Description	Description available to
Firearms licences	Particulars of persons authorised to possess firearms in accordance with Arms Act <b>2025</b>	Ministry of Justice (access is limited to identity details of persons who possess firearms, if that information is required for the purpose of serving orders made under the Family Violence Act 2018)

**Private Security Personnel and Private Investigators Act 2010 (2010 No 115)**

In section 62(f)(i), replace “1983” with “**2025**”.

**Prostitution Reform Act 2003 (2003 No 28)**

In section 36(2)(c), replace “1983” with “**2025**”.

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~~**Public Finance Act 1989 (1989 No 44)**~~

~~In section 2(1), definition of **chief executive**, paragraph (a), replace “(ac)” with “**(aca)**”.~~

~~In section 2(1), definition of **chief executive**, after paragraph (ac), insert:~~

~~(aca) in the case of the Arms Regulator, the chief executive appointed under **section 302** of the Arms Act **2025**;~~

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~~In section 2(1), definition of **department**, paragraph (a)(iii), after “the New Zealand Police”, insert “(excluding the Arms Regulator)”.~~

~~In section 2(1), definition of **department**, after paragraph (a)(iii), insert:~~

~~(iiia) the Arms Regulator; or~~

25

**Search and Surveillance Act 2012 (2012 No 24)**

In section 3(1), replace the definition of **arms** with:

**Search and Surveillance Act 2012 (2012 No 24)—continued**

**arms** means any arms item, exempt standard firearm, exempt pistol, permanently deactivated firearm, imitation firearm, ammunition, restricted ammunition, or explosive (as those terms are defined in **section 5** of the Arms Act **2025**)

In section 18, replace “1983” with “**2025**” in each place. 5

In section 18AA(3), replace “Part 7A of the Arms Act 1983” with “**subpart 9 of Part 6** of the Arms Act **2025**”.

Replace section 45(1)(b) with:

- (b) against **section 14, 16, 18, 20, 24, 31, 34, 36, 37, 40, 42, 44, 50, 53, 55, 56, 250, 251, 252, 253, 254, 256, 262, 263, 269, 298, or 299** of the Arms Act **2025**; or 10

Replace section 45(2)(b) with:

- (b) against **section 14, 16, 18, 20, 31, 34, 36, 42, 50, 55, 56, 250, 251, 252, 253, 254, 256, 262, 263, 269, 298, or 299**; or

In section 48(2)(d)(i), replace “1983” with “**2025**”. 15

**Sentencing Act 2002 (2002 No 9)**

In section 111A(1), replace “Part 7A of the Arms Act 1983” with “**subpart 9 of Part 65\_6** of the Arms Act **2025**”.

Replace section 111A(2) with:

- (2) In this section, **specified offender** means an offender described in **section 289(1) or (2)** of the Arms Act **2025**. 20

**Summary Offences Act 1981 (1981 No 113)**

In section 8(1), replace “section 2 of the Arms Act 1983” with “**section 5** of the Arms Act **2025**”.

In Schedule 3, replace Part 2 with: 25

**Part 2**  
**Offences in Arms Act 2025**

**Provision of Arms Act 2025**

**Subject matter**

<b>255</b>	<u>Carrying restricted firearm with criminal intent</u>
<b>256</b>	Carrying standard firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with criminal intent
<b>262</b>	<u>Using or attempting to use restricted firearm or pistol to resist or prevent arrest or commit offence</u>
<b>263</b>	Using or attempting to use of standard firearm, etc, to resist or prevent arrest or commit offence

**Summary Proceedings Act 1957 (1957 No 87)**

In section 2(1), definition of **infringement notice**, after paragraph (jm), insert:

(jn) **section 276** of the Arms Act **2025**; or

**Trans-Tasman Mutual Recognition Act 1997 (1997 No 60)**

In Schedule 2, replace the item relating to the Arms Act 1983 with:

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Arms Act **2025**, to the extent that it deals with any requirement described in section 10(2) applicable to the sale of any item for which a licence or permit is required under the Arms Act **2025**

**Trespass Act 1980 (1980 No 65)**

Replace section 9(1)(b) with:

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(b) give the number of their firearms licence or visitor licence issued under the Arms Act **2025** if the person is in possession of a firearm.

In section 12(1)(a) and (2), replace “1983” with “**2025**”.

**Walking Access Act 2008 (2008 No 101)**

In section 4, definition of **firearm**, replace paragraph (a) with:

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(a) has the same meaning as in **section 5** of the Arms Act **2025**; but

**Wild Animal Control Act 1977 (1977 No 111)**

In section 17(1), replace “section 48 of the Arms Act 1983, or any other enactment except section 47 of the said Act, shall prevent” with “**section 259** of the Arms Act **2025**, or any other enactment except **section 270** of that Act, prevents”.

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**Part 2****Amendments to secondary legislation****Animal Welfare (Care and Procedures) Regulation 2018 (LI 2018/50)**

In regulation 8(3), definition of **blunt force**, replace “section 2(1) of the Arms Act 1983” with “**section 5** of the Arms Act **2025**”.

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**Children’s (Requirements for Safety Checks of Children’s Workers) Regulations 2015 (LI 2015/106)**

In the Schedule, Part 1, item relating to New Zealand firearms licence, replace “New Zealand Police” with “Arms Regulator”.

**Customs Import Prohibition (Offensive Weapons) Order 2021 (LI 2021/215)**

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Replace clause 4(2)(a) with:

(a) has the consent of the Arms Regulator (as defined in **section 5** of the Arms Act **2025**); and

**District Court Rules 2014 (LI 2014/179)**

Replace rule 20.13(1)(d) with:

- (d) **sections 337, 341, and 342** of the Arms Act **2025**:

**Electricity (Safety) Regulations 2010 (SR 2010/36)**

In regulation 3(f), replace “section 2 of the Arms Act 1983” with “**section 5** of the Arms Act **2025**”.

**Family Court Rules 2002 (SR 2002/261)**

Replace rule 309(1)(c) with:

- (c) if the application is for a protection order, a notice, on an approved form, setting out information for the Police about—
- (i) licences issued under the Arms Act **2025**; and
  - (ii) weapons.

Replace rule 325(2)(b) with:

- (b) in the case of a protection order made available to the District Commander under section 174(1) of the Act, a copy of the notice filed under rule 309(1).

In Schedule 5, form FV 4, clause 1, paragraph D, after “firearms licence”, insert “or visitor licence” in each place.

In Schedule 5, form FV 4, clause 1, paragraph D, replace the first note with:

- Note:** The Family Violence Act 2018 defines a weapon as any ~~firearm, airgun, pistol, restricted magazine, restricted part, restricted weapon~~ arms item, exempt airgun, exempt standard firearm, exempt pistol, permanently deactivated firearm, ammunition, restricted ammunition, or explosive, as those terms are defined in **section 5** of the Arms Act **2025**.  
(See sections 8 and 37 of the Family Violence Act 2018.)

In Schedule 5, form FV 6, clause 1, paragraph D, after “firearms licence”, insert “or visitor licence” in each place.

In Schedule 5, form FV 6, clause 1, paragraph D, replace the note with:

- Note:** The Family Violence Act 2018 defines a weapon as any ~~firearm, airgun, pistol, restricted magazine, restricted part, restricted weapon~~ arms item, exempt airgun, exempt standard firearm, exempt pistol, permanently deactivated firearm, ammunition, restricted ammunition, or explosive, as those terms are defined in **section 5** of the Arms Act **2025**.

**Family Violence Regulations 2019 (LI 2019/96)**

In Schedule 2, form 1, clause 5, paragraph B, replace the note with:

- Note:** **Weapon** means any ~~firearm, airgun, pistol, restricted magazine, restricted part, restricted weapon~~ arms item, exempt airgun, exempt standard firearm,

**Family Violence Regulations 2019 (LI 2019/96)—continued**

exempt pistol, permanently deactivated firearm, ammunition, restricted ammunition, or explosive, as those terms are defined in **section 5** of the Arms Act 2025.

In Schedule 2, form 7, clause 1, paragraph D, replace the note with:

**Note:** The Family Violence Act 2018 defines a weapon as any ~~firearm, airgun, pistol, restricted magazine, restricted part, restricted weapon arms item, exempt airgun, exempt standard firearm, exempt pistol, permanently deactivated firearm,~~ ammunition, restricted ammunition, or explosive, as those terms are defined in **section 5** of the Arms Act **2025**.

**Gambling (Prohibited Property) Regulations 2005 (SR 2005/299)**

Replace regulation 4(a) with:

(a) ~~a firearm, airgun, restricted magazine, restricted part, restricted weapon, explosive, or ammunition, as any arms item, exempt airgun, exempt standard firearm, exempt pistol, permanently deactivated firearm,~~ ammunition, restricted ammunition, or explosive, as those terms are defined in **section 5** of the Arms Act **2025**:

**Health and Safety at Work (Hazardous Substances) Regulations 2017 (LI 2017/131)**

In regulation 3(1), definition of **member of the New Zealand Police**, paragraph (b), replace “1983” with “**2025**”.

In regulation 3(1), definition of **member of the New Zealand Police**, replace paragraph (c) with:

(c) authorised by or under the Arms Act **2025** to exercise powers under that Act

In regulation 9.2, revoke the definition of **firearms dealer’s licence**.

In regulation 9.2, replace the definition of **firearms licence** with:

**firearms licence** means a licence issued under **section 70** of the Arms Act **2025**

In regulation 9.2, insert in their appropriate alphabetical order:

**business licence** means a business licence issued under **section 84** of the Arms Act **2025**

**visitor licence** means a licence issued under **section 124** of the Arms Act **2025**

Replace regulation 9.5(3) with:

(3) Despite subclause (1), the holder of a firearms licence, business licence, or visitor licence may possess less than 15 kg of black powder (gunpowder) UN0027.

**Health and Safety at Work (Hazardous Substances) Regulations 2017 (LI 2017/131)—*continued***

Replace regulation 9.6(2) with:

- (2) Despite subclause (1), the holder of a firearms licence, business licence, or visitor licence may possess less than 15 kg of a substance described in table 3 in Schedule 7.

Replace regulation 9.8(2) with:

- (2) Despite subclause (1), a PCBU may supply no more than 15 kg of the following substances to the holder of a firearms licence, business licence, or visitor licence:
- (a) black powder (gunpowder) UN0027:
  - (b) a substance described in table 3 in Schedule 7.

In Schedule 7, table 2, replace “firearms licence” with “firearms licence or visitor licence”.

In Schedule 7, in the table 3 heading, replace “**or firearms dealer’s licence**” with “**visitor licence, or business licence**”.

**Health and Safety at Work (Infringement Offences and Fees) Regulations 2016 (LI 2016/30)**

In Schedule 1, item relating to regulation 9.6(1) of the Health and Safety at Work (Hazardous Substances) Regulations 2017, replace “firearms dealer’s licence” with “business licence, visitor licence,”.

**Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)**

In rule 11(4)(d), replace “1983” with “**2025**”.

**Land Transport (Road User) Rule 2004 (SR 2004/427)**

In rule 7.21, replace “section 2 of the Arms Act 1983” with “**section 5** of the Arms Act **2025**”.

**Private Security Personnel and Private Investigators Regulations 2011 (SR 2011/44)**

Replace regulation 10(1)(d) with:

- (d) a firearms licence issued under **section 70** of the Arms Act **2025**.

**Secondhand Dealers and Pawnbrokers Regulations 2005 (SR 2005/24)**

In regulation 4B(1), replace “licensed dealer” with “licensed business”.

Replace regulation 4B(2) with:

- (2) In this regulation, **firearm** and **licensed business** have the same meanings as in **section 5** of the Arms Act **2025**.

**Sentencing Regulations 2002 (SR 2002/178)**

In the Schedule, form 11AA, clause 1, paragraph D, after “firearms licence”, insert “or visitor licence” in each place.

In the Schedule, form 11AA, clause 1, paragraph D, replace the first note with:

**Note:** The Family Violence Act 2018 defines a weapon as ~~any firearm, airgun, pistol, restricted magazine, restricted part, restricted weapon, ammunition~~ any arms item, exempt airgun, exempt standard firearm, exempt pistol, permanently deactivated firearm, ammunition, restricted ammunition, or explosive, as those terms are defined in **section 5** of the Arms Act **2025**. 5

**Legislative history**

8 December 2025

Introduction (Bill 233–1)

9 December 2025

First reading and referral to Justice Committee