

ARMS AMENDMENT BILL

EXPLANATORY NOTE

Clause 2 inserts a new definition of the term "pistol". The new definition prescribes the points between which the barrel is to be measured for the purposes of the definition.

Clause 3 requires an officer of Police to be satisfied that there are special reasons for allowing firearms (other than sporting firearms) into New Zealand before he grants an import permit.

Clause 4 requires a licensed dealer to have either an import permit or a permit for possession before he procures possession of a pistol.

Clause 5: The principal Act provides for the issue of a certificate of registration of a firearm containing the names of the owner and of his employees and family. This clause provides that any such person may not retain possession of the firearm for more than one month unless he becomes registered as owner or unless he is residing at the same address as the registered owner. It also provides for the removal of any such name when the circumstances which justified inclusion no longer exist.

Clause 6 includes two new offences in relation to firearms. The provisions are similar to provisions now in the Police Offences Act 1927 and those provisions are repealed.

Clause 7: The effect of the proposed amendment is that a person who presents a firearm at another commits an offence notwithstanding that for any reason the firearm is not in a condition to be fired. The clause also makes it an offence to present an imitation firearm at any person.

Hon. Mr Allen

ARMS AMENDMENT

ANALYSIS

Title	4. Dealers required to have permit in respect of pistols
1. Short Title	5. Certificate of registration
2. Interpretation	6. Offences
3. Import of firearms	7. Presenting firearm

A BILL INTITULED

An Act to amend the Arms Act 1958

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. **Short Title**—This Act may be cited as the Arms Amendment Act 1964, and shall be read together with and deemed part of the Arms Act 1958* (hereinafter referred to as the principal Act).

10 2. **Interpretation**—Section 2 of the principal Act is hereby amended by repealing the definition of the term “pistol”, and substituting the following definition:

15 “Pistol” means any firearm the barrel of which does not exceed twelve inches in length measured from the muzzle to the point at which the charge is exploded on firing.”

*1958, No. 21
Amendment: 1962, No. 59

3. Import of firearms—Section 6 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Without limiting the discretion conferred by subsection (2) of this section, no application under this section (other than an application with respect to firearms of a kind ordinarily used in New Zealand for sporting purposes) shall be granted unless the officer of Police considering the application is satisfied that there are special reasons why the firearms to which the application relates should be allowed into New Zealand.”

4. Dealers required to have permit in respect of pistols—Section 7 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Notwithstanding the foregoing provisions of this section, no licensed dealer shall procure possession of a pistol otherwise than pursuant to a permit under this section or pursuant to a permit under section 6 of this Act and no person shall deliver possession of a pistol to a licensed dealer unless the dealer has such a permit in respect of the pistol.”

5. Certificate of registration—(1) Subsection (5) of section 9 of the principal Act is hereby amended by adding the following proviso:

“Provided that no person whose name is included as aforesaid shall retain possession of the firearm for more than one month unless he becomes registered as the owner thereof or unless he is residing at the same address as the registered owner.”

(2) Subsection (6) of section 9 of the principal Act is hereby amended by adding the words “or where, in the opinion of the member, the circumstances which justified the inclusion of the name in the certificate no longer exist.”

6. Offences—(1) Section 16 of the principal Act is hereby amended by inserting, after subsection (2), the following subsections:

“(2A) No person shall, without reasonable cause, discharge or otherwise deal with a firearm in a manner likely to injure or endanger the safety of any person or property or with reckless disregard for the safety of others.

“(2B) No person shall, without reasonable cause, discharge any firearm in a public place, or so near thereto as to endanger property or to endanger, annoy, or frighten members of the public, or discharge any firearm in or near a dwelling-house.”

(2) Paragraph (ff) of section 3 of the Police Offences Act 1927 and subsection (1) of section 3 of the Police Offences Amendment Act 1950 are hereby repealed.

5 **7. Presenting firearm**—(1) Section 18 of the principal Act is hereby amended by omitting the words “whether loaded or unloaded”, and substituting the words “whether or not it is loaded or capable at the time of the offence of discharging any shot, bullet, or other missile”.

10 (2) Section 18 of the principal Act is hereby further amended by adding, as subsection (2), the following subsection:

15 “(2) Every person who, except for some lawful or sufficient purpose, presents at any person anything which, in the circumstances, is likely to lead that person to believe that it is a firearm commits an offence, and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both.”