

ARMS BILL.

EXPLANATORY MEMORANDUM.

THE purpose of this Bill is to repeal the Arms Act, 1908 (which has long been obsolete), and to make better provision for securing the public safety in respect of the possession and use of arms, ammunition, and explosives.

Clause 3 : This clause prohibits absolutely the possession of automatic pistols after the 1st January, 1921. All such pistols are required to be delivered up to an officer of police, and full compensation is payable out of the Consolidated Fund. An exception is made in favour of members of the New Zealand Expeditionary Force, in respect of pistols used by them abroad.

Clause 4 : This clause makes it unlawful for any person to carry a pistol beyond the limits of his dwellinghouse.

Clause 5 : This clause makes the carriage and possession of any firearm or dangerous weapon unlawful, except for some proper and sufficient purpose.

Clause 6 : This clause prohibits the importation into New Zealand of any arms, ammunition, or explosives, save in pursuance of a permit issued by a superior officer of police.

Clause 7 : This clause prohibits any person from obtaining possession of any arms, ammunition, or explosives, save in pursuance of a permit issued by an officer of police. The clause is not applicable to shot-guns or to ammunition therefor.

Clause 8 : This clause enables the Governor-General by Proclamation to prescribe areas in which the possession of arms, ammunition, and explosives is absolutely prohibited, save pursuant to a permit issued by a superior officer of police. On any such area being prescribed all unauthorized persons in possession of arms, &c., are required to deliver them up to an officer of police, compensation being payable out of the Consolidated Fund.

Clause 9 : This clause provides for the preparation of a register of the owners of arms. Every person in possession of arms is required to register himself as the owner thereof within six days after obtaining possession.

Clause 10 : This clause makes it an offence punishable on summary conviction to obtain possession of arms by unlawful means.

Clause 11 : This clause prohibits any person from carrying on business as a dealer in arms, &c., except pursuant to a dealer's license.

Clause 12 : This clause requires dealers to keep records of all sales effected by them.

Clause 13 : This clause makes it an offence for any person to present a firearm at any other person, except for some lawful and sufficient purpose.

Clause 14 : This clause confers on officers of police authority to search persons reasonably suspected to be in possession of arms in a public place in contravention of the Act.

Clause 16 : This clause authorizes an officer of police to seize and take possession of any arms of which any person is found unlawfully in possession in a public place.

Clause 17 : This clause empowers the Commissioner of Police or a Superintendent or Inspector of Police to authorize a search of any house, building, or other premises if it is suspected that there are any arms, ammunition, or explosives kept therein in breach of the Act.

Clause 18 : This clause enables an officer of police, on being authorized by the Commissioner so to do, to seize and take possession of arms, &c., held by a licensed dealer.

Clause 19 : This clause prescribes a penalty for obstructing the police in the execution of their duties under this Act.

Clause 20 : This clause enables a Magistrate to make an order for the restoration of any arms, &c., seized and detained under the provisions of the Act.

Clause 21 : This clause excludes the provisions of section 49 of the Justices of the Peace Act (limiting the time within which prosecutions for offences must be commenced).

Clause 22 : This clause excludes from the operation of the Act firearms lawfully in the possession of the Defence Forces or of the Police Force.

Clause 23 : This clause prescribes a fine of £500 in respect of offences committed by companies.

Clause 24 : This clause relates to matters of evidence as to the possession of arms.

Clause 25 : This clause provides for the forfeiture of arms to the Crown in certain cases.

Clause 26 : This clause enables the Governor-General to make regulations for the purpose of giving effect to the Act.

Clause 27 : This clause repeals the Arms Act, 1908.

Right Hon. Mr. Massey.

A R M S.

ANALYSIS.

Title.	13. Presenting firearms at other persons prohibited.
1. Short Title.	14. Arrest of offenders against this Act.
2. Interpretation.	15. Search of suspected persons.
3. Possession of automatic pistols prohibited.	16. Seizure of arms, ammunition, or explosives.
4. Carriage of pistols without permit prohibited.	17. Search of land or buildings for arms, ammunition, or explosives.
5. Carriage or possession of arms, ammunition, or explosives, except for proper and sufficient purposes, prohibited.	18. Commissioner of Police may authorize seizure of firearms, ammunition, or explosives held by licensed dealers.
6. Introduction of firearms, ammunition, or explosives into New Zealand prohibited, save under permit.	19. Obstruction of officer of police.
7. Permit required for purchase and sale of firearms, ammunition, explosives, other than shot-guns and ammunition therefor.	20. Restoration of articles seized under this Act.
8. Governor-General may proclaim areas in which possession of arms, ammunition, and explosives is prohibited.	21. Section 49 of Justices of the Peace Act not to apply.
9. Possession of unregistered firearms prohibited.	22. Application of this Act to property of the Crown.
10. Unlawful acquisition of firearms, ammunition, or explosives an offence.	23. Offences committed by incorporated companies.
11. Dealers in arms, ammunition, or explosives to be licensed.	24. Occupier of premises to be deemed to be in possession of arms, ammunition, and explosives found thereon.
12. Record of sales to be kept by licensed dealers.	25. Forfeitures.
	26. Regulations.
	27. Repeal.

A BILL INTITULED

AN ACT to make Better Provision for the Public Safety by regulating the Possession of Arms, Ammunition, and Explosives. Title.

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

1. This Act may be cited as the Arms Act, 1920. Short Title.
2. In this Act, except when a contrary intention appears,— Interpretation.
 - “Explosive” includes any article of which an explosive forms part and which is capable of destructive effect by way of explosion:
 - “Licensed dealer” means the holder of a dealer’s license under this Act:
 - “Officer of police” means a member of the Police Force of any rank:
 - “Owner” as used in relation to firearms includes any person for the time being in possession thereof:
 - “Pistol” means any firearm the barrel of which does not exceed twelve inches in length:
 - “Public place” has the same meaning as in Part II of the Police Offences Act, 1908.
3. (1.) The firearms commonly known as automatic pistols and all other pistols of a substantially similar description are hereby Possession of automatic pistols prohibited.

declared to be unlawful weapons within the meaning and for the purposes of this Act.

(2.) Except as provided in subsection *four* hereof, every person who is in possession of an unlawful weapon, or who attempts to procure or does any act with intent to procure possession of an unlawful weapon, on or after the first day of January, nineteen hundred and *twenty-one*, shall be guilty of an offence against this section. 5

(3.) Except as provided in subsection *four* hereof, every person who is in possession of an unlawful weapon at the commencement of this Act shall before the first day of January, nineteen hundred and *twenty-one*, deliver the same to an officer of police, and if he fails so to do he shall be guilty of an offence against this section. 10

(4.) The Minister of Defence may, by license in writing, authorize any person who has served beyond the seas as a member of the New Zealand Expeditionary Force to retain possession of any unlawful weapon which he has used beyond the seas, or which he has brought with him from beyond the seas, subject, however, to such conditions as to user or custody as the said Minister may impose. Any such license may be at any time revoked by the Minister without notice. 15 20

(5.) The Minister of Finance shall pay out of the Consolidated Fund full compensation for the value of all weapons delivered to an officer of police under subsection *three* hereof.

(6.) Every person who commits an offence against this section shall be liable on summary conviction to imprisonment for *three* months or to a fine of *one hundred* pounds. 25

Carriage of pistols without permit prohibited.

4. (1.) On and after the first day of January, nineteen hundred and *twenty-one*, it shall be unlawful for any person to carry a pistol in any place beyond the limits of his dwellinghouse, save under and in accordance with the conditions of a license to carry arms under this Act. 30

(2.) Every person who commits an offence against this section shall be liable on summary conviction to imprisonment for *three* months or to a fine of *one hundred* pounds. 35

(3.) In any prosecution under this section the burden of proving that the pistol carried by the accused was carried by him under and in accordance with the conditions of a license so granted to him shall lie upon the accused.

(4.) A license to carry arms may be granted by a Superintendent or Inspector of Police, and may be granted subject to such conditions as he thinks fit. 40

(5.) Any such license may be at any time revoked by a Superintendent or Inspector of Police.

Carriage or possession of arms, ammunition, or explosives, except for proper and sufficient purposes, prohibited.

5. (1.) No person shall carry or be in possession of any firearm, ammunition, explosive, or dangerous weapon except for some lawful, proper, and sufficient purpose, and the burden of proving the existence of such purpose shall lie upon the accused. 45

(2.) Every person who commits an offence against this section shall be liable on summary conviction to imprisonment for *three* months or to a fine of *one hundred* pounds. 50

6. (1.) No person other than a licensed dealer shall bring or cause to be brought or sent into New Zealand any firearm, ammunition, or explosive save in pursuance of a permit issued to him for that purpose by a Superintendent or Inspector of Police.
- 5 (2.) The term "New Zealand" as used in this section does not include the harbours and other territorial waters of New Zealand.
- (3.) Every person who commits, or attempts to commit, or conspires to commit an offence against this section shall be liable on summary conviction to imprisonment for *three* months or to a fine of *one hundred* pounds, or on indictment to imprisonment for *three* years, and the burden of proving the existence and terms of such a permit as aforesaid shall lie on the accused.
- 10 (7. (1.) No person other than a licensed dealer shall, whether by way of purchase or in any other manner, procure the possession of any firearm, ammunition, or explosive save in pursuance of a permit issued to him in that behalf by an officer of police under this Act.
- 15 (2.) No person shall, whether by way of sale or in any other manner, deliver possession of any firearm, ammunition, or explosive to any person other than a person entitled to obtain the same by virtue of such a permit as aforesaid.
- 20 (3.) Nothing in this section shall apply to shot-guns of a kind ordinarily used in New Zealand for sporting purposes, or to ammunition ordinarily used for such shot-guns.
- (4.) Every person who commits, or attempts to commit, or conspires to commit an offence against this section shall be liable on summary conviction to imprisonment for *three* months or a fine of *one hundred* pounds, and the burden of proving the existence and terms of any such permit as aforesaid shall lie on the accused.
- 25 (8. (1.) The Governor-General may from time to time by Proclamation declare that any area specified in the Proclamation is an area in which the possession of firearms, ammunition, and explosives is prohibited.
- 30 (2.) Any area so specified shall, while and so far as such Proclamation remains in force, be a prescribed area within the meaning and for the purposes of this Act.
- 35 (3.) Any such Proclamation may by subsequent Proclamation be cancelled either as to the whole or any part of the prescribed area.
- (4.) No person shall, save in pursuance of a permit issued to him for that purpose by a Superintendent or Inspector of Police, have in his possession in a prescribed area any firearm, ammunition, or explosive at any time later than *three* clear days after the date of the gazetting of the Proclamation by which that area was constituted.
- 40 (5.) Every person who on the gazetting of any Proclamation constituting a prescribed area as aforesaid is in possession in that area of any firearms, ammunition, or explosives shall, before the expiration of the time limited by the *last preceding* subsection, deliver all such firearms, ammunition, and explosives to an officer of police unless he obtains a permit to retain possession thereof as provided in that subsection, and if he fails so to deliver any such firearms, ammunition, or explosives he shall be guilty of an offence against this section.
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Introduction of firearms, ammunition, or explosives into New Zealand prohibited, save under permit.

Permit required for purchase and sale of firearms, ammunition, explosives, other than shot-guns and ammunition therefor.

Governor-General may proclaim areas in which possession of arms, ammunition, and explosives is prohibited.

(6.) The Minister of Finance shall pay out of the Consolidated Fund full compensation for the value of all firearms, ammunition, or explosives delivered to an officer of police under this section.

(7.) No person shall bring or send, or cause to be brought or sent, into a prescribed area any firearm, ammunition, or explosive, save in pursuance of a permit issued to him for that purpose by a Superintendent or Inspector of Police. 5

(8.) Every person who commits, or attempts to commit, or conspires to commit an offence against this section shall be liable on summary conviction to imprisonment for *three* months or to a fine of *one hundred* pounds, or on indictment to imprisonment for *three* years, and the burden of proving the existence and terms of any permit under subsection *four* hereof shall lie on the accused. 10

Possession of
unregistered
firearms prohibited.

9. (1.) On and after the first day of January, nineteen hundred and *twenty-one*, it shall not be lawful for any person other than a licensed dealer to be in possession for a period longer than *six* clear days of any firearm unless he is registered as the owner thereof under this Act. 15

(2.) Every person who commits an offence against this section shall be liable on summary conviction to a fine of *fifty* pounds; and on any prosecution for such an offence, if the accused is proved to have been in possession of the firearm, the burden of proving that he was registered as aforesaid or that he had not been in possession thereof for more than *six* clear days shall lie on the accused. 20

(3.) Registration under this section shall be effected by obtaining a certificate of registration from an officer of police. 25

(4.) Application for such a certificate must be made in writing, delivered at a police-station, and setting out—

(a.) The full name, abode, and occupation of the applicant; and

(b.) Such description of the firearm as may, so far as practicable, enable it to be identified. 30

(5.) An officer of police may, before issuing a certificate of registration, require the applicant to produce the firearm for his inspection, and may withhold the certificate in the meantime.

(6.) Subject to the provisions of this Act, the issue of a certificate of registration shall be a matter of right. 35

(7.) No person shall be exempt from the necessity of becoming registered as the owner of a firearm under this section on the ground that he obtained that firearm in pursuance of a permit issued under this Act. 40

Unlawful
acquisition of
firearms,
ammunition, or
explosives an
offence.

10. Every person who procures, or attempts to procure, or conspires to procure the possession of any firearm, ammunition, or explosive, by way of trespass or otherwise without lawful right or title thereto, shall be guilty of an offence against this Act and shall be liable on summary conviction to imprisonment for *three* months or to a fine of *one hundred* pounds, or on indictment to imprisonment for *three* years. 45

Dealers in arms,
ammunition, or
explosives to be
licensed.

11. (1.) It shall not be lawful for any person to sell, or offer for sale, or have in his possession for sale, in the way of his business, any firearms, ammunition, or explosives unless he is the holder of a dealer's license issued to him by a Superintendent, Inspector, Sub-Inspector, or sergeant of police under this Act. 50

(2.) Every person who commits an offence against this section shall be liable on summary conviction to a fine of *one hundred* pounds.

(3.) All dealers' licenses in force under the Arms Act, 1908, at the commencement of this Act shall be deemed to have been issued under this Act and shall have effect accordingly, until revoked or determined under this Act.

6 (4.) If a holder of a dealer's license is convicted of an offence against this Act his license shall thereupon determine.

(5.) A dealer's license may be at any time revoked by the Commissioner of Police.

10 12. (1.) Every licensed dealer shall keep at his place of business, or at each such place, a book in which he shall record or cause to be recorded a true record of all sales made by him of firearms, ammunition, or explosives for the purchase of which a permit is required by this Act. Such record shall set out in respect of each sale the date thereof, and the name, occupation, and address of the purchaser, and
15 the particulars of the articles purchased.

Record of sales to be kept by licensed dealers.

(2.) Every licensed dealer shall at all times permit any officer of police to inspect and make copies of any entries in the book so kept by him as aforesaid, and shall at all times on demand afford to any officer of police all further information in his possession with respect
20 to any sales made by him of firearms, ammunition, or explosives.

(3.) Every licensed dealer who commits an offence against this section shall be liable on summary conviction to a fine of *fifty* pounds.

25 13. Every person who, except for some lawful and sufficient purpose, presents a firearm, whether loaded or unloaded, at any other person shall be guilty of an offence and shall be liable on summary conviction to imprisonment for *two* months or to a fine of *twenty* pounds.

Presenting firearms at other persons prohibited.

30 14. Any person reasonably suspected of having committed an offence against this Act which is punishable by imprisonment may be arrested by an officer of police without warrant.

Arrest of offenders against this Act.

35 15. If an officer of police has reasonable grounds to suspect that any person being in a public place is carrying or is in possession of any firearm, ammunition, or explosive in breach of this Act, the officer may without warrant search that person, or any vehicle, package, or other thing there in his possession or under his control, and may detain that person for the purpose of such search.

Search of suspected persons.

40 16. If an officer of police has reasonable grounds to suspect that any person being in a public place is carrying or is in possession of any firearm, ammunition, or explosive in breach of this Act, the officer may seize such firearm, ammunition, or explosive, and may detain the same.

Seizure of arms, ammunition, or explosives.

45 17. If the Commissioner of Police, or any Superintendent or Inspector of Police, has reason to suspect that there is in any house, building, land, vessel, or other premises any firearms, ammunition, or explosives in respect of which any offence against this Act or any indictable offence has been or is about to be committed or which may be evidence of any such offence, the Commissioner, Superintendent, or Inspector, or any officer or officers of police authorized by him
50 in writing, may enter such house, building, land, vessel, or premises, by force, if need be, and either by day or night, and search the same or any part thereof, and may seize any firearms, ammunition, or explosives found therein, and detain the same.

Search of land or buildings for arms, ammunition, or explosives.

Commissioner of Police may authorize seizure of firearms, ammunition, or explosives held by licensed dealers.

18. (1.) Any officer of police may, on being authorized so to do by warrant under the hand of the Commissioner of Police, seize and take possession of all or any firearms, ammunition, and explosives in the possession or under the control of a licensed dealer under this Act; and for that purpose may enter into or upon any land or building in or upon which any such firearms, ammunition, or explosives may be, and in so doing may use such force, if any, as may be necessary. 5

(2.) All firearms, ammunition, or explosives seized under this section may be detained by the Commissioner of Police for such period as he thinks fit, or may, in the discretion of the Governor-General in Council, become the property of His Majesty free and discharged from all right, title, estate, or interest possessed in respect thereof by any other person. 10

(3.) In any case where any such firearms, ammunition, or explosives become the property of His Majesty as aforesaid, full compensation for the value thereof shall be payable therefor out of the Consolidated Fund. 15

Obstruction of officer of police.

19. Every person who obstructs an officer of police in the exercise of any right of search, seizure, or detention conferred by this Act shall be liable on summary conviction to imprisonment for three months or to a fine of one hundred pounds. 20

Restoration of articles seized under this Act.

20. On complaint a Magistrate may make such order as he thinks just and expedient for the restoration of any firearms, ammunition, or explosives seized and detained in pursuance of the right of search, seizure, or detention conferred by this Act. 25

Section 49 of Justices of the Peace Act not to apply.

21. Section forty-nine of the Justices of the Peace Act, 1908, shall have no application to prosecutions for offences against this Act.

Application of this Act to property of the Crown.

22. Nothing in this Act shall render unlawful the carriage or possession of firearms, ammunition, or explosives belonging to the Crown and lawfully in the possession of any member of the Defence Forces, or of the Police Force, or of any other person authorized pursuant to regulations under this Act to carry or possess firearms, ammunition, or explosives. 30

Offences committed by incorporated companies.

23. When an offence against this Act punishable by imprisonment in the case of an individual person is committed by an incorporated company, the company shall be liable on summary conviction to a fine of five hundred pounds. 35

Occupier of premises to be deemed to be in possession of arms, ammunition, and explosives found thereon.

24. For the purposes of this Act every person in occupation of any land or building on which any firearms, ammunition, or explosives are found shall, though not to the exclusion of the liability of any other person, be deemed to be in the possession of such firearms, ammunition, or explosives, unless he proves that they were not his property and that they were in the possession of some other person. 40

Forfeitures.

25. When any person is convicted of carrying or being in possession of any arms, ammunition, or explosives in breach of this Act, the convicting Court may, as part of the conviction, order that such arms, ammunition, or explosives shall be forfeited, and they shall thereupon become forfeited to the Crown accordingly, and may 50

be disposed of in such manner as the Commissioner of Police directs.

26. The Governor-General may by Order in Council make Regulations.
regulations—

- 5 (a.) Prescribing the forms of permits, licenses, and certificates under this Act, and the conditions and manner of their grant ;
- (b.) Prescribing fees payable on the issue of such licenses, permits, and certificates ;
- 10 (c.) Making provision for the marking of firearms with identifying marks prior to the issue of certificates of registration ; and
- (d.) Generally for any other purpose deemed by the Governor-General to be necessary for giving effect to the full intent and purposes of this Act.
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27. The Arms Act, 1908, is hereby repealed.

Repeal.