

House of Representatives

# Supplementary Order Paper

**Tuesday, 16 June 2020**

**Arms Legislation Bill**

*Proposed amendments for the consideration of the Committee of the whole House*

**Key:**

- **this is inserted text**
- **~~this is deleted text~~**

**Note:** This Supplementary Order Paper shows amendments to the Bill that are being proposed by the Minister for the purposes of consideration in Committee of the whole House. This document does—

- **NOT have official status in terms of unamended text**
- **NOT have the status of an as-reported version of the Bill.**



## Explanatory note

This Supplementary Order Paper sets out amendments to the Arms Legislation Bill.

The following substantive amendments are made to the Bill:

### Commencement

*Clause 2* is amended so that the provisions in the Bill relating to the establishment of the registry now come into force 3 years, not 2 years, after the enactment of the Bill.

### Definitions

*Clause 6*, which amends section 2 of the Arms Act 1983 (the **principal Act**), is amended to—

- include definitions for non-prohibited ammunition, non-prohibited firearm, non-prohibited magazine, and non-prohibited part;
- clarify the definition of specified ammunition to ensure that the definition captures only ammunition used on pistol shooting ranges approved by the Commissioner of Police (the **Commissioner**);
- reword the definition of theatrical armourer to make it clear that it is the endorsement on a person's firearms licence or dealer's licence that enables them to act in the capacity of a theatrical armourer;
- capture in the definition of exempt person the persons specified in *new section 4A(1A), (1B), and (1C)*.

*Clause 6A*, which replaces section 2A of the principal Act, is amended to clarify the definition of specified semi-automatic firearm, in particular to clarify that it includes only firearms that satisfy all 3 of the specified criteria.

### Exempt persons

*Clause 8* is amended to insert *new section 4A(1)(j)* into the principal Act to enable persons involved in agricultural, horticultural, or silvicultural businesses to obtain an endorsement on their firearms licence that permits them to possess a prohibited firearm or prohibited magazine for use in controlling pests on their land. To obtain an endorsement, these persons must satisfy the Commissioner that they have a genuine need to use a prohibited firearm or prohibited magazine to control the pests to protect the commercial viability of their business, and also that they cannot effectively control the pests using a non-prohibited firearm or non-prohibited magazine.

### Licensed dealers

*Clause 10* is amended to,—

- in *new section 5(1A)*, expressly provide that a dealer's licence issued to a senior manager of a body corporate authorises the senior manager to carry on dealer activities on behalf of the body corporate;
- in *new section 5A(1)(b)*, require a dealer's licence to specify the place of business from which the dealer activities will be carried on:

- in *new section 5B(1)*, clarify that each place of business from which a dealer activity is being carried on must have appropriate secure storage facilities.

*Clause 11* is amended to insert *new section 6C* into the principal Act to expressly provide that any breach of a condition of a dealer's licence may result in the issue of an improvement notice (under *new section 60*) or the temporary suspension of the licence (under *new section 60A*).

*Clause 11A*, which replaces section 7 of the principal Act, is amended to provide in *new section 7(1B)* that a dealer may only be issued with a licence authorising the dealer to operate from more than 1 place of business if, at each of those places of business, there is a manager who has a dealer's licence. This provision was previously in *new section 5(1B)*.

*New clause 12A* replaces section 8 and inserts *new section 8A*. This is to separately provide for the duration and renewal of a dealer's licence. *New clause 12A* also inserts *new section 8B* to provide that a dealer may surrender their licence, and *new section 8C* to set out the effect of the expiry or surrender of a dealer's licence.

*Clause 13* now replaces section 9 of the principal Act with *new sections 9, 9A, and 9B*. *New section 9* expressly provides that a dealer's licence is immediately revoked if the holder's firearms licence is revoked. *New section 9A* enables a commissioned officer of Police to revoke a dealer's licence that is temporarily suspended under *new section 60A*. *New section 9B* sets out the effect of the revocation of a dealer's licence, most importantly that the dealer ceases to be licensed to carry on any dealer activity and must immediately surrender their dealer's licence to a member of the Police.

*Clause 14* now replaces section 10(2) of the principal Act to more clearly set out the circumstances in which a licensed dealer may possess a prohibited part for the purposes of carrying on a dealer activity.

*Clause 16(2)* is deleted as the provision inserted by this subclause is now included in *new sections 8C(1)(c) and 9B(1)(c)*.

*Clause 18* now replaces section 14 of the principal Act to more clearly provide for the disposal of items in the possession of a dealer whose licence expires or has been surrendered or revoked.

*Clause 19*, which replaces section 15 of the principal Act, is amended to expressly provide that if the senior manager holding a dealer's licence on behalf of a body corporate allows their dealer's licence to expire, surrenders their dealer's licence, or has their dealer's licence revoked, the body corporate may not carry on any dealer activity.

### **Permits to import firearms, etc**

*Clause 24, new section 18* is amended to provide that a permit to import non-prohibited firearms, blank-firing guns, parts of non-prohibited firearms or blank-firing guns, and non-prohibited ammunition must be issued if specified criteria are satisfied.

*Clause 24A, new section 18AA*, is amended to clarify that if a person appoints a dealer as their agent to import a pistol carbine conversion kit, it is the person, not the dealer,

who is the applicant for the permit to import. *New section 18AAB* is similarly amended.

### General restrictions

*Clause 27, new section 19C*, is amended to clarify that the restrictions relating to the possession of pistols and restricted weapons do not apply to employees of licensed dealers acting in that capacity or assisting with the carrying on of a dealer activity.

*Clause 31, new section 22A(1)*, is replaced and now provides that a person may possess a non-prohibited magazine or non-prohibited part if they have a firearms licence or they are under the immediate supervision of the holder of a firearms licence.

*Clause 31, new section 22BA(2)*, is inserted to clarify that the restrictions relating to the possession of pistol carbine conversion kits do not apply to employees of licensed dealers acting in that capacity or assisting with the carrying on of a dealer activity.

### Firearms licences

*Clause 34* is amended to insert a *new section 23(2B)* into the principal Act, which provides that the requirement for persons applying for a firearms licence to give the name and contact details of their health practitioner does not apply to applicants who are visitors to New Zealand.

*Clause 35* is amended to insert a *new section 24(4)* into the principal Act, which provides that the requirement to notify a person's health practitioner that the person has been issued with a firearms licence does not apply if the person is a visitor to New Zealand.

*Clause 36, new section 24A*, is amended to clarify that the criteria specified in this section for determining whether a person is a fit and proper person to be in possession of a firearm or airgun apply also to licence holders.

*Clause 36* is also amended to insert a *new section 24D* into the principal Act to expressly provide that any breach of a condition of a firearms licence may result in the issue of an improvement notice (under *new section 60*) or the temporary suspension of the licence (under *new section 60A*).

*Clause 37A*, which replaces section 27 of the principal Act, is amended to provide that a person may at any time surrender their firearms licence to a member of the Police.

*Clause 40* now replaces section 28 of the principal Act to set out more clearly the effect of the revocation or surrender of a firearms licence.

### Shooting clubs and shooting ranges

In *clause 53, new section 38R* is amended to provide that the Commissioner may cancel a shooting range's certification if the operator of the range has failed to comply with an improvement notice issued under *new section 38U*.

*Clause 53* is amended to insert *new section 38V* to provide for the temporary suspension of a shooting club's operations pending the possible cancellation of the shooting club's certificate of approval.

*Clause 53* is amended to insert *new section 38VA* to provide for the temporary suspension of a shooting range's operations pending the possible cancellation of the shooting range's certification.

### **Temporary suspension of licences**

In *clause 75*, *new section 60A* is amended to require a notice of temporary suspension of a licence to also state the licence that it applies to, the date on which the suspension begins, and that a dealer's licence will be suspended at the same time as a firearms licence.

In *clause 75*, *new section 60B* is now split into 2 provisions. *New section 60B* sets out the effect of the temporary suspension of a firearms licence, and *new section 60C* sets out the effect of the temporary suspension of a dealer's licence.

### **Regulations**

*Clause 82* is amended to include, in section 74(1) of the principal Act, provision for regulations to be made providing for the duration of licences and endorsements to be extended in the event of a pandemic, an epidemic, or an emergency being declared under the Civil Defence Emergency Management Act 2002.

*Clause 82C* is amended to consolidate the regulation-making powers in *new section 74D* and *clause 17* of *Schedule 1* of the Bill.

### **Arms Advisory Group**

In *clause 83*, *new section 88* is amended to provide that the Arms Advisory Group is established by the Minister of Police rather than the Commissioner. The members are appointed by the Minister of Police and provide advice to the Minister.

### **Review of operation of principal Act**

In *clause 83*, *new section 95* is amended to provide that the Minister of Police must review the operation of the principal Act when all of the provisions of the Bill (except *new sections 85 and 87*) have been in force for 3 years. *New section 95* is also amended to specifically require the following to be reviewed:

- the operation of the registry that is required to be kept under *new section 92* of the principal Act; and
- the offences and penalties in the principal Act; and
- the impact of the amendments made to the principal Act by this Bill.

### **Schedule 2**

*Schedule 2* of the Bill is amended to include in Part 3 of *Schedule 1* of the Criminal Investigations (Bodily Samples) Act 1995 references to additional offences. These additional offences will be "relevant offences" for the purposes of that Act. This means, for example, that the Police may require a person arrested or intended to be charged with one of these offences to give a bodily sample.

**The Honourable Stuart Nash, in Committee, to propose the amendments shown in the following document.**





*Hon Stuart Nash*

# **Arms Legislation Bill**

Government Bill

## **Contents**

		Page
1	Title	11
2	Commencement	11
<b>Part 1</b>		
<b>Amendments to Arms Act 1983</b>		
3	Principal Act	13
4	Long Title repealed	13
5	New Part 1 heading and section 1A inserted	13
<b>Part 1</b>		
<b>Preliminary provisions</b>		
	1A Purposes of this Act	13
6	Section 2 amended (Interpretation)	13
6A	Section 2A replaced (Meaning of prohibited firearm)	17
	2A Meaning of prohibited firearm	17
6B	Section 2B amended (Meaning of prohibited magazine)	18
7	Section 3 amended (Act to bind the Crown)	18
8	Section 4A amended (Persons who may apply to import, sell, supply, possess, or use prohibited items)	20
9	Cross-heading above section 5 replaced	21
<b>Part 2</b>		
<b>Licensed dealers</b>		
10	Sections 5 and 6 replaced	21
	5 Dealers to be licensed	21
	5A Application for dealer's licence	22
	5B Issue of dealer's licence	23

**Proposed amendments to  
Arms Legislation Bill**

	5C	On-site theatrical armourers to supervise firearms use in certain cases	23
	6	Fit and proper person to hold dealer's licence	24
10A		Section 6A amended (Conditions of dealer's licence)	24
11		New sections <u>6B and 6C</u> inserted ( <del>Special condition of dealer's licence relating to manufacture of firearms, etc</del> )	25
	6B	Special condition of dealer's licence relating to manufacture of firearms, etc	25
	6C	<u>Breach of conditions to which dealer's licence is subject</u>	25
11A		Section 7 replaced (Place of business)	25
	7	Place of business	26
12		Section 7A amended (Gun shows)	27
12A		Section 8 replaced (Duration of dealer's licence)	27
	8	<u>Duration of dealer's licence</u>	27
	8A	<u>Renewal of dealer's licence</u>	27
	8B	<u>Surrender of dealer's licence</u>	27
	8C	<u>Effect of expiry or surrender of dealer's licence</u>	27
13		Section 9 amended (Revocation of dealer's licence)	28
13		Section 9 replaced (Revocation of dealer's licence)	28
	9	<u>Revocation of dealer's licence</u>	28
	9A	<u>Revocation of suspended dealer's licence</u>	28
	9B	<u>Effect of revocation of dealer's licence</u>	28
14		Section 10 amended (Restriction on possession of pistol, prohibited items, or restricted weapon by licensed dealer)	29
15		Section 11 replaced (Dealers and their employees and agents to hold firearms licences)	30
	11	Employees of licensed dealer to hold firearms licence bearing appropriate endorsements	30
16		Section 12 amended (Record of dealings by licensed dealers)	30
17		Section 13 amended (Seizure of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons held by licensed dealers)	31
18		Section 14 amended ( <del>Disposal of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons of dealer whose licence is revoked</del> )	32
18		Section 14 replaced ( <u>Disposal of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons of dealer whose licence is revoked</u> )	32
	14	<u>Disposal of items of dealer if licence expires or is surrendered or revoked</u>	32
19		Section 15 replaced (Offence for licensed dealer to carry on business following revocation of his licence)	32
	15	Offence to carry on dealer activities following <u>expiry, surrender, or revocation</u> of dealer's licence	32

**Proposed amendments to  
Arms Legislation Bill**

20	Cross-heading above section 16 replaced	33
<b>Part 3</b>		
<b>Permits to import</b>		
21	Section 16 replaced (Offence to import firearms, etc, without permit)	33
	16 Offence to import firearms, etc, without permit	33
22	Section 16A replaced (Offence to import prohibited ammunition)	34
	16A Offence to import prohibited ammunition	34
23	Section 17 repealed (Burden of proof)	34
24	Section 18 replaced (Issue of permit to import)	34
	18 Issue of permit to import firearms, etc	34
24A	New sections 18AA to 18AAD inserted	36
	18AA Issue of permit to import pistol carbine conversion kits	36
	18AAB Issue of permit to import air pistol carbine conversion kits	38
	18AAC Revocation and validity of permit to import	38
	18AAD Permit to import issued for items to be brought into or sent into New Zealand in single consignment or multiple consignments	39
25	Section 18B replaced (Samples)	39
	18B Production of samples	39
	18C Export of specified items not corresponding with sample or otherwise approved for importation	40
26	Section 19 replaced (Seizure of illegally imported items)	40
	19 Seizure of illegally <del>transported</del> imported items	40
27	New Part 4 heading, cross-heading, and sections 19A <del>and to</del> 19C inserted	41
<b>Part 4</b>		
<b>General restrictions</b>		
<i>General restrictions on possession of firearms, airguns, magazines, parts, and ammunition</i>		
	19A Restriction on possession of prohibited firearms and prohibited magazines	41
	19B Restriction on possession of prohibited parts	41
	19C Restriction on possession of pistols and restricted weapons	42
28	Cross-heading above section 20 repealed	42
29	Section 20 amended (Restrictions on possession of firearms)	42
30	Section 21 amended (Restrictions on possession of airguns)	43
31	New sections 22A to 22F and cross-headings inserted	43
	22A Restriction on possession of non-prohibited magazines and non-prohibited parts	43
	22B Restriction on possession of ammunition	43

**Proposed amendments to  
Arms Legislation Bill**

	<i>Restrictions on possession of pistol carbine conversion kits</i>	
22BA	Restrictions on possession of pistol carbine conversion kits	44
	<i>Restrictions on sale or supply of ammunition</i>	
22C	Restrictions on selling or supplying ammunition	44
22D	Ammunition seller to keep record of ammunition sales	45
	<i>Restriction on ownership of firearms and restricted weapons by visitors</i>	
22E	Visitors may not take ownership of firearm or restricted weapon	46
	<i>Restriction on manufacture of prohibited items</i>	
22F	Restriction on manufacture of prohibited items	46
32	Cross-heading above section 23 replaced	46
	<b>Part 5</b>	
	<b>Firearms licences, endorsements, and permits to possess</b>	
	<i>Firearms licences</i>	
33	New section 22G inserted (Persons disqualified from holding firearms licence)	47
	22G Persons disqualified from holding a firearms licence	47
34	Section 23 amended (Application for firearms licence)	47
35	Section 24 replaced (Issue of firearms licence)	48
	24 Issue of firearms licence	48
36	New sections 24A to <del>24C</del> 24D inserted	48
	24A Fit and proper person to possess firearm or airgun	48
	24B General conditions of firearms licence	51
	24C Special condition of firearms licence relating to sale or supply of ammunition	52
	<u>24D Breach of conditions to which firearms licence is subject</u>	<u>52</u>
37	Section 25 amended (Duration of firearms licence)	52
37A	Section 27 replaced (Revocation and surrender of firearms licence)	53
	<del>27 Revocation and surrender</del> <u>Surrender and revocation of firearms licence</u>	<u>53</u>
38	Section 27A repealed (Family violence and firearms licences)	53
39	New sections 27B and 27C inserted	53
	27B Revocation and surrender of licence if holder becomes disqualified	53
	27C Revocation of suspended firearms <del>or dealer's</del> licence	54
40	<u>Section 28 replaced (Effect of revocation or surrender of firearms licence)</u>	<u>54</u>
	<u>28 Effect of revocation or surrender of firearms licence</u>	<u>54</u>

**Proposed amendments to  
Arms Legislation Bill**

40	Section 28 amended (Effect of revocation or surrender of firearms licence)	55
41	New cross-heading after section 28 inserted	55
<i>Endorsements</i>		
42	Section 29 amended (Application for endorsements in respect of pistol or restricted weapon)	55
43	Section 30 amended (Power to make endorsement in respect of pistols or restricted weapons)	56
44	Section 30A replaced (Application for endorsement in respect of prohibited firearm or prohibited magazine)	56
	30A Application for endorsement in respect of prohibited firearm or prohibited magazine	56
45	Section 30B amended (Power to make endorsement in respect of prohibited firearm or prohibited magazine)	57
<u>45A</u>	<u>Section 31 amended (Possession of firearm, pistol, prohibited item, or restricted weapon for stage, film, or television purposes)</u>	<u>57</u>
46	New section 33C inserted (Duration of endorsements)	57
	33C Duration of endorsements	57
47	Section 34 amended (Notification of change of address)	58
48	Section 34B amended (Effect of non-compliance with requirements in relation to photographs or to calling-in of licences)	58
48A	Cross-heading above section 35 replaced	58
<i>Permits to possess pistols, restricted weapons, prohibited firearms, prohibited magazines, and pistol carbine conversion kits</i>		
49	Section 35 amended (Issue of permit to possess pistol or restricted weapon)	58
49A	New section 35AAA inserted (Issue of permit to possess pistol carbine conversion kit)	59
	35AAA Issue of permit to possess pistol carbine conversion kit	59
50	Section 35A amended (Issue of permit to possess prohibited firearm or prohibited magazine)	60
51	Section 36 amended (Offence to carry pistol or restricted weapon without authority)	60
52	Section 38 amended (Removal of pistol, prohibited firearm, prohibited magazine, or restricted weapon out of New Zealand)	60
53	New Parts 6 and 7 inserted	60
<b>Part 6 Shooting clubs and shooting ranges</b>		
	38A Interpretation	61
<i>Shooting clubs</i>		
	38B Shooting club must have certificate of approval	61

**Proposed amendments to  
Arms Legislation Bill**

38BA	Shooting club must be incorporated society if ammunition or firearms sold on its behalf	62
38C	Application to have shooting club approved	62
38D	Commissioner may make inquiries and request further information	62
38E	Decision on application for certificate of approval	62
38F	Issue of certificate of approval	63
38G	Duration of certificate of approval	63
38H	Cancellation of certificate of approval	63
38I	Club may have to reapply for certificate of approval	63
38J	Annual reports	64
<i>Shooting ranges</i>		
38K	Shooting ranges must be certified	64
38L	Application to have shooting range certified	64
38M	Commissioner may make inquiries and request further information	64
38N	Decision on application to have shooting range certified	65
38O	Grant of certification	65
38P	Certification granted subject to conditions	65
38Q	Duration of certification	65
38R	Cancellation of certification	65
38S	Renewal of certification	66
<i>Compliance</i>		
38T	Inspections of shooting clubs and shooting ranges	66
38U	Improvement notices	67
38V	<del>Suspension</del>	67
38V	<u>Temporary suspension of shooting club's operations pending possible cancellation of certificate of approval</u>	67
38VA	<u>Temporary suspension of shooting range's operations pending possible cancellation of certification</u>	67
<b>Part 7</b>		
<b>Direct access by certain government agencies to registry</b>		
38W	Interpretation	68
38X	Relationship between this Part and other law	69
38Y	Direct access to licence information	69
38Z	Direct access to import and export information recorded in registry	69
38ZA	Direct access must be in accordance with direct access agreement	69
38ZB	Matters to which Ministers must have regard before entering into direct access agreement	69
38ZC	Consultation before entering into direct access agreement	70

**Proposed amendments to  
Arms Legislation Bill**

	38ZD	Content of direct access agreements	70
	38ZE	Variation of direct access agreement	71
	38ZF	Publication of direct access agreements	71
54		Sections 39 to 41 and cross-heading repealed	71
55		New section 41A inserted (Marking of firearms)	71
	41A	Marking of firearms	71
56		Cross-heading above section 42 replaced	72
<b>Part 8 Offences</b>			
57		Section 42 replaced (Offences in respect of licences)	72
	42	Offences in respect of licences	72
58		Section 43 replaced (Selling or supplying firearm or airgun to unlicensed person)	73
	43	Selling or supplying firearm or airgun to unlicensed person	73
58A		Section 43AA replaced (Possessing, selling, or supplying prohibited ammunition)	73
	43AA	Selling or supplying prohibited ammunition	74
59		Section 43A replaced (Mail order sale of firearm or ammunition)	74
	<del>43A</del>	<del>Mail order or Internet sale of arms items or ammunition</del>	<del>74</del>
	43A	Mail order or Internet sale of arms items or ammunition	75
61		Section 43B repealed (Restriction on sale of ammunition)	76
62		Section 44 replaced (Selling or supplying pistol or restricted weapon to person who does not hold permit to possess)	76
	44	Selling or supplying pistol or restricted weapon to person who does not hold permit to import or permit to possess	76
	44AA	Unlawful sale or supply of pistol carbine conversion kit	76
62A		Section 44A amended (Offence to sell or supply prohibited firearm or prohibited magazine)	77
63		Section 46 replaced (Carrying of imitation firearm, except for lawful, proper, and sufficient purpose)	77
	46	Carrying of imitation firearm, except for lawful, proper, and sufficient purpose	77
64		Section 48 replaced (Discharging firearm, airgun, pistol, or restricted weapon in or near dwellinghouse or public place)	78
	48	Discharging firearm, airgun, pistol, or restricted weapon in or near dwellinghouse or public place	78
64A		New section 50AA inserted (Unlawful possession of pistol carbine conversion kit)	78
	50AA	Unlawful possession of pistol carbine conversion kit	78
64B		New section 50CA inserted (Unlawful possession of prohibited ammunition)	79
	50CA	Unlawful possession of prohibited ammunition	79

**Proposed amendments to  
Arms Legislation Bill**

65	Section 50D amended (Unlawfully carrying or possessing prohibited firearm in public place)	79
66	Section 52 amended (Presenting firearm, airgun, pistol, or restricted weapon at other person)	79
67	Section 53A amended (Use or attempted use of prohibited firearm to resist or prevent arrest or commit offence)	79
68	Section 54 amended (Use or attempted use of firearm, etc, to resist or prevent arrest or commit offence)	79
69	Section 55B amended (Offence of failing to produce firearm, etc, on demand or to permit inspection of firearm, etc)	79
70	New sections 55C to 55I inserted	79
	55C Offence of failing to produce firearm other than pistol, restricted weapon, or prohibited firearm on demand or to permit inspection of firearm	80
	55D Offences relating to illegal manufacturing of certain arms items	80
	55E Offences relating to illegal trafficking of firearms, parts, or ammunition	81
	55F Offences relating to falsifying firearm markings	81
	55G Offences relating to removing or altering firearm markings	82
	55H Extraterritorial jurisdiction for offences against section <b>55D, 55E, 55F, or 55G</b>	82
	55I Attorney-General's consent required	83
71	New section 58A inserted (Offences relating to registry)	83
	58A Offences relating to registry	83
72	Section 59 amended (Unsafe firearms or pistols)	84
73	New Part 9 heading inserted	84
<b>Part 9</b>		
<b>Miscellaneous provisions</b>		
74	Section 59A replaced (Surrender by licensed dealer of firearms, etc)	84
	59A Surrender by licensed dealer of firearms, etc	84
74A	Section 59B replaced (Voluntary delivery to Police of firearms, etc)	84
	59B Voluntary delivery to Police of firearms, etc	85
75	New sections 60 to <del>60B</del> <u>60C</u> inserted	85
	60 Improvement notices	85
	60A Temporary suspension of licence pending possible revocation	85
	<del>60B</del> Effect of temporary suspension of licensee	87
	<u>60B</u> Effect of temporary suspension of firearms licence	88
	<u>60C</u> Effect of temporary suspension of dealer's licence	88
76	Section 62 replaced (Right of appeal from official decisions)	88



**Proposed amendments to  
Arms Legislation Bill**

62	Right of review of official decisions	89
62A	How review to be conducted	89
62B	Right of appeal to District Court	89
62C	Further provisions relating to appeals	91
76A	Section 63 amended (Appeal to District Court Judge in respect of compensation)	91
77	Section 64 amended (Appeal on a question of law)	91
77A	Section 65 amended (Restoration of articles seized)	91
78	Cross-heading above section 66 replaced	91
<i>Other miscellaneous provisions</i>		
79	New sections 66A to 66D inserted	91
66A	Loss, theft, or destruction of firearm, etc	91
66B	Person in possession of firearm, etc, must give identifying information to Police	92
66C	Powers of Police to require surrender of airguns or antique firearms	92
66D	Obligations of owner or operator of craft temporarily visiting New Zealand and carrying firearms, etc	93
80	Section 69 replaced (Forfeitures)	94
69	Forfeitures	94
80A	Section 70 amended (Authorising disposal of firearms, etc, detained by Police)	94
81	Section 72A amended (Service of documents)	94
81A	Section 73 amended (Savings in respect of carriers and persons authorised to exercise powers of seizure)	94
82	Section 74 amended (Regulations)	94
82A	Section 74A amended (Order in Council relating to definitions of prohibited firearm and prohibited magazine, and declaring prohibited ammunition)	98
82B	Section 74C amended (Regulations providing for transitional matters)	98
82C	New section 74D inserted (Regulations providing for transitional matters relating to Arms Legislation Act <b>2019</b> )	98
74D	Regulations providing for transitional matters relating to Arms Legislation Act <b>2019</b>	98
83	New sections 79 to 95 and cross-headings inserted	99
<i>Cost recovery</i>		
79	Purpose of <b>sections 80 to 86</b>	99
80	Activities that may be subject to cost recovery	100
81	Criteria for cost recovery	100
82	Consultation	101
83	Methods of cost recovery	101
84	Payment of fee or charge	102

**Proposed amendments to  
Arms Legislation Bill**

85	Exemptions, waivers, and refunds	102
86	Regulations relating to cost recovery	102
	<i>Guidance notices</i>	
87	Guidance notices	103
	<del>Commissioner's Firearms Advisory Group</del> <u>Arms Advisory Group</u>	
88	<del>Commissioner's Firearms Advisory Group</del> <u>Arms Advisory Group</u>	103
89	Operations of advisory group	104
90	Provisions relating to appointment of members of advisory group	104
90A	Removal of members of advisory group	105
	<i>Medical assessments</i>	
91	Health practitioners may give Police medical reports of persons unfit to use firearm	105
	<i>Registration of firearms and dealings</i>	
92	Commissioner to keep registry	106
93	Content of registry	106
94	Obligation to provide information to registry	107
	<i>Review of operation of this Act</i>	
95	Review of this Act	107
84	New Part 2 of Schedule 1 inserted	108

**Part 2**

**Amendments to other enactments**

	Subpart 1—Amendments to Extradition Act 1999	
85	Amendments to Extradition Act 1999	108
	Subpart 2—Amendment to Intelligence and Security Act 2017	
86	Amendment to Intelligence and Security Act 2017	109
	Subpart 3—Amendment to Mutual Assistance in Criminal Matters Act 1992	
87	Amendment to Mutual Assistance in Criminal Matters Act 1992	109
	Subpart 4—Consequential amendments	
88	Consequential amendments to other enactments	110
	<b>Schedule 1</b>	111
	<b>New Part 2 of Schedule 1 inserted</b>	
	<b>Schedule 2</b>	119
	<b>Consequential amendments to other enactments</b>	

The Parliament of New Zealand enacts as follows:

**1 Title**

This Act is the Arms Legislation Act **2019**.

**2 Commencement**

(1) The following provisions come into force on the day after the date on which this Act receives the Royal assent:

- (a) **sections 3 to 9, 10A, 11A to 15, 17 to 30, 37, 37A, 40, 41, 42(1), (2), and (4) to (6), 43 to 52, 54 to 59, 62 to 70, 72 to 74A, 76A, 77A, and 78 to 82C:**
- (b) **section 10**, to the extent that it relates to new **section 5C** of the principal Act:
- (c) **section 31**, to the extent that it relates to new **sections 22BA, 22E, and 22F** of the principal Act:
- (d) **section 83**, to the extent that it relates to new **sections 79 to 90A and 95** of the principal Act:
- (e) **section 84 and Schedule 1**, to the extent that they relate to new **clauses 8 to 10, 13, and 16A to 16E, and 17** of **Schedule 1** of the principal Act:
- (f) **section 88 and Part 1 of Schedule 2:**
- (g) **section 88 and Part 2 of Schedule 2**, to the extent that they relate to regulations 3(1A)(b), 6(1A)(b), 10(2)(b), 12(1), **12(1B)**, 13(1A)(a), 16(2)(b)(i) and (ii), 28E, 28F, and 29A(a) of the Arms Regulations 1992.

(2) The following provisions come into force 6 months after the date on which this Act receives the Royal assent:

- (a) **section 31**, to the extent that it relates to new **sections 22A, 22B, 22C, and to 22D and 22F** of the principal Act:
- (b) **sections 32 to 36, 38, and 39:**
- (c) **section 61:**
- (d) **sections 75 to 76 and 77 75, 76, and 77:**
- (e) **section 83**, to the extent that it relates to new **section 91** of the principal Act:
- (f) **section 84 and Schedule 1**, to the extent that they relate to new **clauses 11 and 12** of **Schedule 1** of the principal Act:
- (f) **section 88 and Part 2 of Schedule 2**, to the extent that they relate to rule 20.13(1)(d) of the District Court Rules 2014.
- (g) **section 86:**

(3) The following provisions come into force 12 months after the date on which this Act receives the Royal assent:

Proposed amendments to  
Arms Legislation Bill

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cl 2

- (a) **section 10**, to the extent that it relates to new **sections 5 to 5B and 6** of the principal Act:
  - (b) **section 11**:
  - (c) **section 16**:
  - (d) **section 88 and Part 2 of Schedule 2**, to the extent that they relate to regulation 7(7A)(b), (9), and (10) of the Arms Regulations 1992:
  - (e) **section 88 and Part 2 of Schedule 2**, to the extent that they relate to regulation 9.2 of the Health and Safety at Work (Hazardous Substances) Regulations 2017.
- (4) The following provisions come into force 2 years after the date on which this Act receives the Royal assent:
- (a) **section 42(3)**:
  - (b) **section 53**, to the extent that it relates to new ~~**sections 38A to 38V**~~ **Part 6** of the principal Act:
  - (c) **section 84 and Schedule 1**, to the extent that they relate to new **clauses 14 and 15** of **Schedule 1** of the principal Act:
  - (d) **section 88 and Part 2 of Schedule 2**, to the extent that they relate to regulation 22(1)(a) of the Arms Regulations 1992.
- (5) The following provisions come into force 2-3 years after the date on which this Act receives the Royal assent, ~~unless brought into force earlier under **subsection (6)** or on an earlier date specified by the Governor-General by Order in Council~~:
- (a) **section 53**, to the extent that it relates to ~~new **sections 38W to 38ZF**~~ **Part 7** of the principal Act:
  - (b) **section 71**:
  - (c) **section 83**, to the extent that it relates to new **sections 92 to 94** of the principal Act:
  - (d) **section 84 and Schedule 1**, to the extent that they relate to new **clause 16** of **Schedule 1** of the principal Act:
  - (e) **section 88**:
  - (f) any other provision whose commencement is not provided for by ~~**subsections (1) to (4)**~~.
- (6) **Sections 85 and 87** come into force on a date appointed by the Governor-General by Order in Council.
- (6A) Any provision whose commencement is not provided for in **subsections (1) to (6)** comes into force 2 years after the date on which this Act receives the Royal assent, or on an earlier date specified by the Governor-General by Order in Council.

- (7) ~~The Governor-General may, by Order in Council, appoint commencement dates for~~ For the purposes of **subsections (5) and (6) to (6A)**, and ~~1 or more~~ 1 or more orders may be made appointing different dates for different provisions and for different purposes.

## Part 1 Amendments to Arms Act 1983

### 3 Principal Act

This Part amends the Arms Act 1983 (the **principal Act**).

### 4 Long Title repealed

Repeal the Long Title.

### 5 New Part 1 heading and section 1A inserted

After section 1, insert:

## Part 1 Preliminary provisions

### 1A Purposes of this Act

- (1) The purposes of this Act are to—
- (a) promote the safe possession and use of firearms and other weapons; and
  - (b) impose controls on the possession and use of firearms and other weapons.
- (2) The regulatory regime established by this Act to achieve those purposes reflects the following principles:
- (a) that the possession and use of arms is a privilege; and
  - (b) that persons authorised to import, manufacture, supply, sell, possess, or use arms have a responsibility to act in the interests of personal and public safety.

### 6 Section 2 amended (Interpretation)

- (1) In section 2(1), insert in their appropriate alphabetical order:

#### **air pistol carbine conversion kit—**

- (a) means a frame or kit that may 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
- (b) does not include a pistol carbine conversion kit

**ammunition seller**—

- (a) means a person who is responsible for the day-to-day management of a business that includes selling or supplying ammunition; but
- (b) does not include—
  - (i) a licensed dealer; and
  - (ii) a member of a shooting club, if the member sells ammunition—
    - (A) 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
    - (B) the sales revenue is used for the benefit of the club

**arms item** means an item of any of the following classes of arms:

- (a) firearms (including prohibited firearms):
- (b) magazines (including prohibited magazines):
- (c) parts (including prohibited parts):
- (d) airguns:
- (e) pistols:
- (f) restricted weapons:
- (g) pistol carbine conversion kits

**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
  - (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 or a cap

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

**dealer activity** means any activity of a kind specified in **section 5(1)**

**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

**improvement notice** means a notice issued under **section 60**

**manufacture**, in relation to an item, includes the assembly of that item

**non-prohibited ammunition** means ammunition that is not prohibited ammunition

**non-prohibited firearm** means a firearm that is not—

- (a) a prohibited firearm; or
- (b) a pistol; or
- (c) a restricted weapon

**non-prohibited magazine** means a magazine that is not a prohibited magazine

**non-prohibited part** means a part that is not a prohibited part

**pistol carbine conversion kit**—

- (a) means a frame or kit that may 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
- (b) includes a frame or kit described in **paragraph (a)** that is also capable of being used as an air pistol carbine conversion kit

**registry** means the registry kept and operated under **section 92**

**semi-automatic pistol** means a firearm that is designed or adapted to be held and fired with 1 hand, including any firearm that is less than 762 millimetres in length and that when loaded, with each pull of the trigger,—

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

**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)

**shooting club** has the meaning given in **section 38A**

**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
- (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 certified pistol range

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

Proposed amendments to  
Arms Legislation Bill

Part 1 cl 6

~~**theatrical armourer** means a person who holds a current endorsement under section 29(2)(e) and is recognised by the Police as having the required competence to supervise the use and secure storage of firearms and restricted weapons during theatrical, cinematic, television, film, or video productions~~

**theatrical armourer** means a person who holds a firearms licence or dealer's licence that bears a current endorsement under section 30(1)(c) or 30B(3) allowing them to possess, use, or supervise the use of any of the following items in making a broadcast or in theatrical, cinematic, television film, or video recording productions:

- (a) firearms:
- (b) prohibited magazines:
- (c) restricted weapons

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

- (2) In section 2(1), replace the definition of **antique firearm** with:

**antique firearm**—

- (a) means—
  - (i) any firearm 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 centerfire cartridge ammunition; or
  - (ii) any firearm declared by regulations made under this Act to be an antique firearm for the purposes of this Act; but
- (b) does not include any firearm manufactured after 1899

- (3) In section 2(1), repeal the definition of **arms office**.

- (3A) In section 2(1), definition of **exempt person**, after “section 4A(1)”, insert “or described in **section 4A(1A), (1B), or (1C)**”.

- (4) In section 2(1), replace the definition of **part** with:

**part**, in relation to any firearm or restricted weapon—

- (a) means—
  - (i) any component that, of itself, is essential to the discharge of any shot, bullet, missile, or other projectile from the firearm or restricted weapon; and
  - (ii) any component that is exclusively designed to be, or is intended to be, an integral part of the firearm or restricted weapon (for example, a butt, stock, magazine, or other component that feeds or contributes to feeding ammunition to the firearm or restricted weapon); and



- (b) includes the following components or accessories that can be fitted to, or adapted to fit, a firearm or restricted weapon:
- (i) grips:
  - (ii) frames:
  - (iii) chassis systems:
  - ~~(iv) conversion kits:~~
  - (iv) magazine adapters:
  - (v) magazine couplers:
  - (vi) magazine loaders:
  - (vii) flash suppressors:
  - (viii) silencers:
  - (ix) folding or telescoping stocks; but
- (c) does not include the following:
- (i) pistol carbine conversion kits:
  - (ii) air pistol carbine conversion kits

- (5) In section 2(1), replace the definition of **pistol** with:

**pistol** means a firearm (other than a prohibited firearm or restricted weapon) that is designed or adapted to be held and fired with 1 hand, and includes any firearm (other than a prohibited firearm or restricted weapon) that is less than 762 millimetres in length

#### 6A Section 2A replaced (Meaning of prohibited firearm)

Replace section 2A with:

#### 2A Meaning of prohibited firearm

- (1) In this Act, unless the context otherwise requires, **prohibited firearm**—
- (a) means any of the following firearms:
- (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:
    - (C) a small semi-automatic pistol:
    - (D) a semi-automatic pistol (not being a small semi-automatic pistol) held by in the possession or under the control of a person referred to in subsection (3):

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 6B

- (ii) a pump-action shotgun that is capable of being used with a detachable magazine:
  - (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:
  - (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 74A to be a prohibited firearm for the purposes of this Act.
- (2) In **subsection (1)(a)(i)(A)**, **specified semi-automatic firearm** means a semi-automatic firearm—
- (a) that is capable of firing only 0.22 calibre or lower rimfire cartridges; and ~~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~~
  - (aa) 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
  - (b) if the firearm has a lower receiver, the lower receiver that does not have a lower receiver that is not able to be attached to a centrefire upper receiver so as to result in a firearm that that the resulting firearm is able to function.
- (3) For the purposes of **subsection (1)(a)(i)(D)**, the person is ~~the holder of a firearms licence~~ a person who—
- (a) ~~if the person's has a firearms licence~~ that bears an endorsement made under section 30 permitting the holder to possess the semi-automatic pistol in the capacity referred to in section 29(2)(b), (c), (d), or (e); and
  - (b) ~~the person has been issued with a permit to import the pistol (under section 18)~~ **or a permit to possess the pistol (under section 35).**

**6B Section 2B amended (Meaning of prohibited magazine)**

In section 2B(b), replace “(except a pistol)” with “(except a pistol described in **section 2A(1)(a)(i)(C) or (D)**)”.

**7 Section 3 amended (Act to bind the Crown)**

- (1A) In section 3(2), replace “possession of firearms, airguns, pistols, magazines, parts, restricted weapons,” with “possession of arms items,”.

- (1) In section 3(2)(a)(ii), after “employed”, insert “or engaged”.
- (2) Replace section 3(2)(a)(v) with:
  - (v) a person authorised by the Commissioner or the Chief of Defence Force to provide training to members of their respective organisations referred to in this paragraph in the use of any arms item, ammunition, or explosive; or
  - (va) 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
  - (vb) a Customs officer; or
- (2A) In section 3(2)(b), replace “firearms, airguns, pistols, magazines, parts, restricted weapons,” with “arms items,”.
- (2B) In section 3(3)(a) and (b), replace “firearms, airguns, pistols, magazines, parts, restricted weapons,” with “arms items,”.
- (3) After section 3(3)(a), insert:
  - (aba) 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
  - (aeb) 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
- (4) After section 3(3), insert:
  - (4) Nothing in this Act makes unlawful the importation, carriage, or possession of any firearm or other item regulated by or under this Act by any person who is a visiting law enforcement officer from another country and is authorised by the Commissioner to import the firearm or other item into New Zealand or to carry or possess the firearm or other item while in New Zealand.
- (5) The following requirements of this Act do not apply in relation to any arms items, ammunition, or explosives, or other items regulated by or under this Act that are owned by the Crown, except to the extent provided by regulations made under section 74:
  - (a) any requirement to notify or report any event or circumstance to the Police;
  - (b) any requirement to mark any firearm or other item with an identifying marking;
  - (c) any requirement to provide any particulars to the Police for inclusion in the registry;

Proposed amendments to  
Arms Legislation Bill

Part 1 cl 8

- (d) any requirement to record any particulars, whether in the registry or elsewhere.
- (6) No prosecution for an offence against any of **sections 55D, 55E, 55F, and 55G** may be commenced or continued against any constable in respect of any act committed by them at a time or during a period when they were acting as an undercover officer, except with the leave of the Attorney-General.
- (7) In **subsection (6), undercover officer**—
  - (a) means a constable whose identity is for the time being concealed for the purpose of a particular investigation of any suspected offence against any of **sections 55D, 55E, 55F, and 55G**; and
  - (b) includes any other constable who is for the time being directing or assisting that constable in the course of that investigation.
- (8) 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 (6)**, conclusive evidence of that fact.

**8 Section 4A amended (Persons who may apply to import, sell, supply, possess, or use prohibited items)**

- (1) In the heading to section 4A, after “**import,**”, insert “**manufacture,**”.
- (2) In section 4A(1)(a), delete “or an employee or agent of a licensed dealer”.
- (2A) After section 4A(1)(i), insert:
  - (j) a person who is the owner or manager, or is an employee, of an agricultural, a horticultural, or a 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 wild animals or animal pests on any land used for that business (subject to prescribed limits, if any).
- (3) After section 4A(1), insert:
  - (1A) A person who before 12 April 2019 was in the business of manufacturing prohibited parts for the purposes of permitted supply is an exempt person in their capacity as a manufacturing business if the person continues, for the purposes of permitted supply, to manufacture prohibited parts.
  - (1B) A person who before 12 April 2019 was in the business of permitted supply is an exempt person in their capacity as a permitted supply business if the person continues, for the purposes of carrying out permitted supply, to use prohibited items to test and demonstrate prohibited parts.
  - (1C) A person employed or engaged by a person referred to in **subsection (1A) or (1B)** is an exempt person for the purpose of carrying out their duties in accordance with their contract of employment or engagement.
- (4) After section 4A(2), insert:

- (3) In this section, **permitted supply** means—
- (a) the supply of prohibited parts to the Crown that is permitted under section 3(2) or (3):
  - (b) the export of prohibited parts to any person that is permitted or authorised under the Customs and Excise Act 2018:
  - (c) the supply of prohibited parts to other persons expressly permitted or authorised under this Act to possess prohibited parts (other than by clause 5 of Schedule 1).

**9 Cross-heading above section 5 replaced**

Replace the cross-heading above section 5 with:

**Part 2  
Licensed dealers**

**10 Sections 5 and 6 replaced**

Replace sections 5 and 6 with:

**5 Dealers to be licensed**

- (1) A person other than a body corporate must not carry on any of the following activities in relation to a class of arms items without a dealer's licence that authorises the person to carry on the activity in relation to that class of arms items:
- (a) ~~carrying on~~ the business of selling, hiring, lending, or otherwise supplying a class of arms items:
  - (b) possessing, for the purposes of an auction, a class of arms items:
  - (c) ~~carrying on~~ the business of repairing or modifying a class of arms items:
  - (d) displaying, as the director or curator of a bona fide museum, a class of arms items:
  - (e) ~~carrying on~~ the business of manufacturing for sale, hire, lending, or other supply a class of arms items:
  - (f) manufacturing (for the purposes of permitted supply (as defined in **section 4A(3)**)) prohibited parts and using prohibited items to test and demonstrate those prohibited parts.
- (1A) A body corporate must not carry on any of the activities specified in **subsection (1)** in relation to a class of arms items unless a senior manager of the body corporate has a dealer's licence authorising the senior manager to carry on the activities in relation to the class of arms items on behalf of the body corporate.
- (1B) ~~A licensed dealer must not operate from 2 or more places of business carrying on any of the activities specified in **subsection (1)** in relation to a class of arms items unless the manager of each place of business has a dealer's licence~~

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 10

~~authorising the manager to carry on the activity in relation to the class of arms items:~~

- (1C) Despite **subsections (1) and (1A)**, a dealer's licence is not required for the following activities:
- (a) commercial hunting guide services by a firearms licence holder who during the provision of those services supplies no more than 6 firearms to 1 or more clients;
  - (b) the selling, hiring, lending, or supplying of firearms by a member of a shooting club, if the member—
    - (i) 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; and
    - (ii) the revenue from the sale, hire, lending, or supply of the firearms is used for the benefit of the club.
- (2) A dealer's licence may not be issued for the carrying on of any of the activities specified in **subsection (1)** in relation to—
- (a) anti-personnel mines; or
  - (b) cluster munitions.
- (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, without reasonable excuse, contravenes **subsection (1)** this section.

**5A Application for dealer's licence**

- (1) An application for a dealer's licence must—
- (a) be made on a form provided by a member of the Police, or in any way approved by a member of the Police; and
  - (b) specify—
    - (i) the dealer activities for which the dealer's licence is sought; and
    - (ii) the class or classes of arms items in respect of which those activities will be carried on; and
    - (ia) the place of business from which the dealer activities will be carried on; and
    - (iii) if the dealer intends to operate from 2 or more places of business, the name of the manager of each place of business and the address of each place of business.
- (2) An application for a dealer's licence to carry on or manage the dealer activity specified in **section 5(1)(e)** in relation to the manufacture of any prohibited items may only be made by a person described in **section 4A(1A)**.
- (3) An application for a dealer's licence to carry on the dealer activity specified in **section 5(1)(f)** may only be made by a person described in **section 4A(1A)**.

**5B Issue of dealer's licence**

- (1) A commissioned officer of Police may issue a dealer's licence to an applicant authorising the applicant to carry on 1 or more dealer activities in respect of 1 or more classes of arms items if—
  - (a) the applicant holds a firearms licence; and
  - (b) the commissioned officer of Police is satisfied that ~~the applicant~~—
    - (i) the applicant is a fit and proper person to carry on the dealer activity or activities; and
    - (ii) has in each place of business from which the dealer activity or activities are being 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 out the activity or on the dealer activity or activities.
- (2) A dealer's licence that is issued to an applicant for the carrying on of a dealer activity in respect of any of the following classes of arms items must bear an appropriate endorsement made under section 30 or 30B:
  - (a) prohibited firearms;
  - (b) prohibited magazines;
  - (c) pistols;
  - (d) restricted weapons;
  - (e) pistol carbine conversion kits.
- (3) A dealer's licence is personal to the person to whom it is issued, may not be transferred to any other person, and must specify—
  - (a) the dealer activity or activities the person may carry on; and
  - (b) the class or classes of arms items in respect of which that activity or those activities may be carried on.
- (4) However, if the person to whom a dealer's licence is issued is a senior manager of a body corporate, the senior manager may, on behalf of the body corporate, carry out the dealer activities specified in the dealer's licence in relation to the class or classes of arms items specified in the dealer's licence.

**5C On-site theatrical armourers to supervise firearms use in certain cases**

- (1) This section applies if a holder of a dealer's licence hires out firearms for use by a bona fide theatre company or society or cinematic or television film production company or video recording production company.
- (2) The use of those firearms by members of the company or society must be supervised by an on-site theatrical armourer.

**6 Fit and proper person to hold dealer’s licence**

In deciding whether, for the purposes of **section 5B(1)(b)(i)**, an applicant is a fit and proper person to hold a dealer’s licence, the commissioned officer of Police—

- (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 dealer activity or activities for which the dealer’s licence is sought; and
  - (iii) has any convictions; and
  - (iv) has a sound knowledge of firearms; and
  - (v) understands the legal obligations of a holder of a dealer’s licence; and
  - (vi) understands the legal obligations of a holder of a firearms licence, 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) in the case of an applicant who is a senior manager of a body corporate, and who, in reliance on **section 5(1A)**, is applying for a dealer’s licence to enable the body corporate to carry on a dealer activity, the commissioned officer of Police must take into account whether—
  - (ii) the body corporate has appropriate record-keeping systems and other systems to comply with the requirements of this Act and any regulations made under this Act; and
  - (iii) if the body corporate operates from 2 or more places of business, there will be, at each of those places, a manager who has appropriate oversight and control of the proposed dealer activity or activities to be carried on at that place; and
- (c) may take into account any other matters the commissioned officer of Police considers relevant.

**10A Section 6A amended (Conditions of dealer’s licence)**

- (1) In section 6A(1), replace “possession of a pistol,” with “possession of a pistol, pistol carbine conversion kit,”.
- (2) In section 6A(1)(a), replace “produce that pistol,” with “produce that pistol, pistol carbine conversion kit,”.
- (3) In section 6A(1)(b), replace “inspect the pistol,” with “inspect the pistol, pistol carbine conversion kit,”.
- (4) In section 6A(2)(a) and (b), replace “possession of the pistol,” with “possession of the pistol, pistol carbine conversion kit,”.



**11 New sections 6B and 6C inserted (~~Special condition of dealer's licence relating to manufacture of firearms, etc~~)**

After section 6A, insert:

**6B Special condition of dealer's licence relating to manufacture of firearms, etc**

- (1) Every dealer's licence issued for the purpose of carrying on a dealer activity relating to the manufacture for sale, hire, lending, or other supply of any of the following classes of items is issued subject to the condition in **subsection (2)**:
  - (a) pistols:
  - (b) restricted weapons:
  - (c) pistol carbine conversion kits:
  - (d) air pistol carbine conversion kits.
- (2) Before manufacturing any class of items referred to in **subsection (1)**, a dealer must—
  - (a) apply to the Commissioner for approval to manufacture that class of item, stating in the application the number of items intended to be manufactured; and
  - (b) obtain the Commissioner's written approval for the manufacture of that class of item.
- (4) The Commissioner, before approving the manufacture of any class of items specified in **subsection (1)(a), (b), or (c)**, must be satisfied that there are special reasons why the items that are proposed to be manufactured should be in New Zealand.
- (5) The Commissioner 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 paintball club that is affiliated with a national airsoft or paintball organisation.

**6C Breach of conditions to which dealer's licence is subject**

A dealer who breaches a condition that their dealer's licence is subject to under section 6A or 6B may—

- (a) be issued with an improvement notice under **section 60**; or
- (b) have their dealer's licence temporarily suspended under **section 60A** (*see **section 60C**, which sets out the effect of the temporary suspension of a dealer's licence*).

**11A Section 7 replaced (Place of business)**

Replace section 7 with:

**7 Place of business**

- (1) A dealer's licence may be issued in respect of ~~a single~~<sup>1</sup> place of business only, and that place of business must be specified in the licence.
- (1A) **Subsection (1)** is subject to **subsections (1B) to (2A)**.
- (1B) A dealer may be issued with a dealer's licence authorising the dealer to operate from more than 1 place of business if, at each of those places of business, there is a manager holding a dealer's licence.
- (2) ~~However, any firearms belonging to the business may be handled at any other site if—~~
- (a) ~~the dealer hires out the firearms for use by a bona fide theatre company or society or cinematic or television film production company or video recording production company, and—~~
    - (i) ~~the handling and secure storage of the firearms at that site is supervised by a theatrical armourer; and~~
    - (ii) ~~the armourer's endorsement under section 29(2)(c) specifies—~~
      - (A) ~~that the firearms may be handled at sites other than the dealer's place of business; and~~
      - (B) ~~that the armourer must hold written consent from a member of the Police that specifies the location of the site, and the duration and description of the theatrical production at that site;~~
  - (b) ~~in any other case, the dealer's licence contains a condition allowing the dealer to carry on activities on an occasional basis at places other than the dealer's place of business specified in the licence.~~
- (2) Any firearms, prohibited magazines, and restricted weapons in the possession of a dealer may be handled at any site in addition to the place of business specified in the dealer's licence if the dealer hires out those items for use by a broadcaster, bona fide theatre company or society or cinematic or television film production company or video recording production company and—
- (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 endorsed under section 30(1)(c) or 30B(3) and the endorsement specifies—
    - (i) that the items may be handled at sites other than the dealer's place of business; and
    - (ii) that the armourer must hold written consent from a member of the Police that specifies the location of the site and the duration and description of the theatrical production at that site.

- (2A) A dealer may, on an occasional basis, carry on dealer activities from places additional to the place of business specified in their dealer’s licence if a condition to which their licence is subject permits them to do so.
- (3) For the purpose of **subsection (2)(b)**, a dealer’s 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.

**12 Section 7A amended (Gun shows)**

- (1) In section 7A(1), replace “sections 6 and 7” with “section 7”.
- (2) Replace section 7A(3) with:
- (3) Any consent given under subsection (1) may be given subject to any conditions specified by the commissioned officer of Police.
- (3) Repeal section 7A(4).

**12A Section 8 replaced (Duration of dealer’s licence)**

Replace section 8 with:

**8 Duration of dealer’s licence**

- (1) A dealer’s licence comes into force on the date it is issued.
- (2) A dealer’s licence expires 12 months after the date it comes into force unless it is surrendered or revoked earlier.

**8A Renewal of dealer’s licence**

- (1) A dealer’s licence may from time to time be renewed.
- (2) An application for renewal of a dealer’s licence must be made before the licence expires.
- (3) **Sections 5A, 5B, and 6 to 8** apply to an application for renewal of a dealer’s licence as if the application were an application for a new dealer’s licence.
- (4) If an application for renewal of a dealer’s licence has been made but not determined before the date on which the licence would otherwise expire, the licence continues in force until the application is determined.
- (5) The renewal of a licence takes effect from the date of expiry of the previous licence.

**8B Surrender of dealer’s licence**

A dealer may at any time surrender their dealer’s licence to a member of the Police.

**8C Effect of expiry or surrender of dealer’s licence**

- (1) If a dealer’s licence expires or is surrendered,—
- (a) the dealer ceases to be licensed to carry on any dealer activity; and

**Proposed amendments to  
Arms Legislation Bill**

Part 1-cl 13

- (b) an employee of the dealer may not carry on or assist with the carrying on of any dealer activity on behalf of the dealer; and
  - (c) the dealer must immediately surrender to a member of the Police all records they are required by section 12 to keep that have not been entered in the registry.
- (2) A dealer 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 dealer, without reasonable excuse, contravenes this section.

**13 Section 9 amended (Revocation of dealer's licence)**

In section 9, insert as subsection (2):

- (2) ~~When a dealer's licence is revoked,—~~
- (a) ~~the dealer must immediately surrender the licence to a member of the Police; and~~
  - (b) ~~an employee of the dealer may not carry on a dealer activity for the dealer.~~

**13 Section 9 replaced (Revocation of dealer's licence)**

Replace section 9 with:

**9 Revocation of dealer's licence**

- (1) A dealer's licence is immediately revoked if the holder's firearms licence is revoked.
- (2) A dealer's licence may be revoked at any time by the Commissioner.

**9A Revocation of suspended dealer's licence**

- (1) A commissioned officer of Police may, by notice in writing to the holder of a dealer's licence that is temporarily suspended under **section 60A**, revoke the licence if the commissioned officer of Police—
- (a) has considered any submissions made by the holder before the 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) A commissioned officer of Police must give the holder written notice of a decision on whether to revoke a dealer's licence temporarily suspended under **section 60A** promptly after the decision is made.

**9B Effect of revocation of dealer's licence**

- (1) When a dealer's licence is revoked,—
- (a) the dealer ceases to be licensed to carry on any dealer activity and must immediately surrender their dealer's licence to a member of the Police; and

- (b) an employee of the dealer may not carry on or assist with the carrying on of any dealer activity on behalf of the dealer; and
  - (c) the dealer must immediately surrender to a member of the Police all records they are required by section 12 to keep that have not been entered in the registry.
- (2) A dealer 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 dealer, without reasonable excuse, contravenes this section.

**14 Section 10 amended (Restriction on possession of pistol, prohibited items, or restricted weapon by licensed dealer)**

- (1) Replace the heading to section 10 with “**Restriction on possession of prohibited firearms, prohibited magazines, pistols, restricted weapons, and pistol carbine conversion kits**”.
- (2) Replace section 10(1) and (2) with:
- (1) A licensed dealer may not take an arms item that is a prohibited firearm, prohibited magazine, pistol, restricted weapon, or pistol carbine conversion kit into their possession for the purpose of carrying on a dealer activity unless the licensed dealer—
- (a) is the holder of a dealer’s licence that—
    - (i) specifies that the dealer may carry on that activity in respect of a prohibited firearm, prohibited magazine, pistol, restricted weapon, or pistol carbine conversion kit; and
    - (ii) bears an appropriate endorsement made under section 30 or 30B; and
  - (b) either—
    - (i) obtains the arms item under—
      - (A) a permit to import issued under **section 18** or **18AA**; or
      - (B) a permit to possess issued under section 35, 35A, or **35AAA**; or
    - (ii) manufactures it with the written approval of the Commissioner under **section 6B(2)**.
- (2) A licensed dealer may not take a prohibited part into their possession for the purpose of carrying on a dealer activity unless the dealer obtains it—
- (a) from a holder of a firearms licence that bears an endorsement made under section 30B permitting the holder to possess a prohibited firearm;  
or
  - (b) under a permit issued under **section 18**; or

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 15

(c) from another licensed dealer whose dealer's licence bears an endorsement made under section 30B permitting the dealer to possess a prohibited firearm.

(2A) ~~In section 10(2)(c), after "dealer", insert "whose dealer's licence bears an endorsement made under section 30B to possess prohibited firearms".~~

(3) Replace section 10(3) with:

(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, without reasonable excuse, contravenes **subsection (1)** or (2).

**15 Section 11 replaced (Dealers and their employees and agents to hold firearms licences)**

Replace section 11 with:

**11 Employees of licensed dealer to hold firearms licence bearing appropriate endorsements**

(1) An employee of a licensed dealer must not ~~perform any duties that include assist with~~ carrying on a any dealer activity unless the employee holds a firearms licence.

(2) If the employee's duties include the carrying on of a dealer activity in respect of pistols, pistol carbine conversion kits, restricted weapons, prohibited firearms, or prohibited magazines, the employee's firearms licence must also bear appropriate endorsements made under section 30 or 30B that authorise the employee to possess any such items in connection with their duties as an employee of the licensed dealer.

(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 this section.

**16 Section 12 amended (Record of dealings by licensed dealers)**

(1) Replace section 12(1) with:

(1) A licensed dealer must keep at the place of business referred to in their licence a book that records the particulars prescribed by regulations made under this Act relating to—

(a) the transactions conducted in the course of carrying on a dealer activity; and

(b) the arms items and ammunition received, sold, supplied, or manufactured in the course of carrying on their business.

(1A) A licensed dealer who keeps their book under **subsection (1)** in hard copy form must retain the book for at least 10 years from the date of the last entry in the book.

- (1B) A licensed dealer who keeps their book under **subsection (1)** electronically must retain each electronic record for at least 10 years from the date on which the record is entered.
- (1A) In section 12(2)(b) and (c), after “pistols,” insert “pistol carbine conversion kits,” in each place.
- (2) ~~After section 12(2), insert:~~
- (2A) ~~If a person’s dealer’s licence is revoked or surrendered, the person must immediately surrender to a member of the Police all records they are required by this section to keep that have not been entered in the registry.~~
- (3) ~~Replace section 12(3) and (4) with:~~
- (3) ~~A licensed dealer 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), (2) or (2A)**.~~
- (4) ~~After section 12(4), insert:~~
- (53) Despite **subsection (1)**, a licensed dealer need not record particulars under that subsection if—
- (a) the particulars are declared by regulations made under section 74 to be exempt from the requirement in that subsection; or
- (b) the dealer provides the particulars to the Police for inclusion in the registry in accordance with the regulations.
- (4) ~~A licensed dealer 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 dealer, without reasonable excuse, contravenes this section.~~
- (5) ~~**Subsection (4)** is subject to **section 59A(2)**.~~
- 17 Section 13 amended (Seizure of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons held by licensed dealers)**
- (1) Replace the heading to section 13 with “**Seizure of items held by licensed dealer**”.
- (2) ~~In section 13(1), (2), (4), and (5), after “firearms,” insert “magazines, parts,”.~~
- (3) ~~In section 13(1), (2), (4), and (5), after “pistols,” insert “pistol carbine conversion kits,”.~~
- (2) ~~In section 13(1), (2), and (4), replace “firearms, ammunition, airguns, pistols, prohibited items, or restricted weapons” with “arms items and ammunition”.~~
- (3) ~~Replace section 13(5) with:~~
- (5) ~~The Minister of Finance must pay out of a Crown Bank Account compensation in respect of all arms items and ammunition seized under this section that have become the property of the Crown.~~

**18 Section 14 amended (Disposal of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons of dealer whose licence is revoked)**

- (1) Replace the heading to section 14 with “**Disposal of items of dealer whose licence is revoked**”.
- (1A) In section 14, delete “under section 9”.
- (2) In section 14, after “firearms,”, insert “magazines,”.
- (3) In section 14, after “pistols,”, insert “pistol-carbine conversion kits,”.

**18 Section 14 replaced (Disposal of firearms, ammunition, airguns, pistols, prohibited items, and restricted weapons of dealer whose licence is revoked)**

Replace section 14 with:

**14 Disposal of items of dealer if licence expires or is surrendered or revoked**

- (1) If a dealer’s licence has expired or has been surrendered or revoked, the dealer may, within 3 months or any longer period that the Commissioner 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.
- (2) The sale or disposal of any arms item or ammunition must be to a person approved for the purpose by a commissioned officer of Police.

**19 Section 15 replaced (Offence for licensed dealer to carry on business following revocation of his licence)**

Replace section 15 with:

**15 Offence to carry on dealer activities following expiry, surrender, or revocation of dealer’s licence**

- (1) ~~A licensed dealer whose dealer’s licence is revoked under section 9 or **27C** may not—~~
  - (a) ~~carry on any dealer activity; or~~
  - (b) ~~have any business interest in any of the kinds of items specified in section 14.~~
- (2) ~~However, nothing in **subsection (1)** applies to a dealer who—~~
  - (a) ~~sells or otherwise disposes of any of the kinds of items specified in section 14 in accordance with that section; or~~
  - (b) ~~after the revocation of their dealer’s licence is, at any subsequent time, issued with another dealer’s licence.~~
- (1) If a person’s dealer’s licence expires or is surrendered or revoked, the person may not—



- (a) carry on any dealer activity; or
- (b) have any business interest in any arms item or ammunition.
- (2) If the person referred to in **subsection (1)** is a senior manager authorised to carry on dealer activities on behalf of a body corporate, the body corporate may not carry on any dealer activity at any place of business.
- (3) However,—
  - (a) nothing in **subsection (1)** applies to any person who—
    - (i) sells or otherwise disposes of any of the kinds of items specified in **section 14** in accordance with that section; or
    - (ii) after the expiry, surrender, or revocation of their dealer’s licence is, at any subsequent time, issued with another dealer’s licence; and
  - (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 14** 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 dealer’s licence on behalf of the body corporate; or
    - (iii) if another senior manager of the body corporate is issued with a dealer’s licence authorising that senior manager to carry on 1 or more dealer activities on behalf of the body corporate.
- (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.

**20 Cross-heading above section 16 replaced**

Replace the cross-heading above section 16 with:

**Part 3**  
**Permits to import**

**21 Section 16 replaced (Offence to import firearms, etc, without permit)**

Replace section 16 with:

**16 Offence to import firearms, etc, without permit**

- (1) A person must have a permit to bring or cause to be brought or sent into New Zealand any of the following items:
  - (a) a firearm (other than a prohibited firearm), pistol, restricted airgun, restricted weapon, or blank-firing gun:

- (b) any part of a firearm (other than a prohibited firearm), pistol, restricted weapon, or blank-firing gun:
  - (c) non-prohibited ammunition (other than projectiles for airguns):
  - (ca) a pistol carbine conversion kit:
  - (cb) an air pistol carbine conversion kit:
  - (d) a prohibited item:
  - (e) prohibited ammunition that is authorised or permitted expressly by or pursuant to this Act to be possessed.
- (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, without reasonable excuse, contravenes **subsection (1)(a), (b), (c), (ca), or (cb)**.
- (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 **subsection (1)(d) or (e)**.

**22 Section 16A replaced (Offence to import prohibited ammunition)**

Replace section 16A with:

**16A Offence to import prohibited ammunition**

- (1) A person must not, without reasonable excuse, bring or cause to be brought or sent into New Zealand any prohibited ammunition that is not authorised or permitted expressly by or pursuant to this Act to be possessed.
- (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 contravenes **subsection (1)**.

**23 Section 17 repealed (Burden of proof)**

Repeal section 17.

**24 Section 18 replaced (Issue of permit to import)**

Replace section 18 with:

**18 Issue of permit to import firearms, etc**

- (1) A member of the Police to whom an application is made for the issue of a permit to import any item described in **section 16(1)(a) to (e)** may require the applicant to produce for examination and testing samples of any item of the kind referred to in the application that the member of the Police considers necessary.

- (2) A member of the Police ~~may, if satisfied of the matters in **subsection (2A)**,~~ must grant an application for the issue of a permit to import any of the following items:
- (a) a non-prohibited firearm:
  - (b) a blank-firing gun:
  - (c) any part of an item described in **paragraph (a) or (b)**:
  - (d) any non-prohibited ammunition.
- (2A) ~~The matters referred to in **subsection (2)** are that—~~
- (a) the applicant is lawfully able to possess the item; and
  - (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 by a member of the Police;
    - (ii) a sample of the item is not required to be produced for examination and testing;
    - (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 18B**.
- (3) The Commissioner may grant an application for the issue of a permit to import any of the following items:
- (a) a prohibited firearm:
  - (b) a prohibited magazine:
  - (c) a prohibited part:
  - (d) a pistol:
  - (e) a restricted airgun:
  - (f) a restricted weapon:
  - (g) any part of a pistol or restricted weapon:
  - (h) any prohibited ammunition that is authorised or permitted expressly by or pursuant to this Act to be possessed.
- (4) The Commissioner may issue a permit under **subsection (3)** in respect of an item only if—
- (a) the Commissioner is satisfied that there are special reasons why the item should be allowed in New Zealand; and
  - (b) in the case of an application for the issue of a permit, under **subsection (3)(a), (b), (d), or (f)**, the application is made by—

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 24A

- (i) ~~the holder of a dealer's licence who is acting as an agent for a person who holds a firearms licence, and both the dealer's licence and the person's firearm licence bear that bears~~ an endorsement made under section 30 or 30B permitting the dealer ~~and the person~~ to possess the item; or
- (ii) the holder of a firearms licence that bears an endorsement made under section 30 or 30B permitting the person to possess the item; and
- (c) in the case of an application for the issue of a permit under **subsection (3)(h)**, the applicant—
  - (i) is a person permitted by regulations made under this Act to possess prohibited ammunition; and
  - (ii) is the holder of a firearms licence.
- (5) If an application for the issue of a permit is made under **subsection (3)(c)** in relation to a prohibited part that may be used by a licence holder on or with a non-prohibited firearm, the Commissioner—
  - (a) must be satisfied that the part will only be used by the licence holder with or on a non-prohibited firearm; and
  - (b) may impose conditions on the permit that enables a member of the Police to verify the use of the part.
- (6) A permit issued under this section is personal to the person to whom it is issued and may not be transferred to any other person.
- (7) A permit may in no case be issued under this section in respect of an anti-personnel mine or cluster munition.

**24A New sections 18AA to 18AAD inserted**

After section 18, insert:

**18AA Issue of permit to import pistol carbine conversion kits**

- (1) A member of the Police to whom an application is made for the issue of a permit to import a pistol carbine conversion kit may require the applicant to produce for examination and testing samples of any pistol carbine conversion kit of the kind referred to in the application that the member of the Police considers necessary.
- (2) The Commissioner may grant an application for the issue of a permit to bring or cause to be brought or sent into New Zealand a pistol carbine conversion kit only if—
  - (a) the Commissioner 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
  - (iii) the pistol carbine conversion kit does not modify the pistol in any way other than as specified in **subparagraph (ii)**; and
- (b) the application is made by—
  - (i) ~~the holder of a dealer’s licence who is acting as an agent for a person who holds a firearms licence that bears an endorsement made under section 30 permitting the person to possess a pistol, and—~~
    - (A) ~~the dealer’s licence bears an endorsement made under section 30 permitting the dealer to possess a pistol; and~~
    - (B) ~~the dealer has been issued with a permit to import a pistol (under **section 18**) or a permit to possess a pistol (under section 35); or~~
  - (ii) the holder of a firearms licence—
    - (A) ~~whose licence bears an endorsement made under section 30 permitting the holder to possess a pistol; and~~
    - (B) ~~who has been issued with a permit to import a pistol (under **section 18**) or a permit to possess a pistol (under section 35).~~
- (b) the application is made by the holder of a firearms licence—
  - (i) whose licence bears an endorsement made under section 30 permitting the holder to possess a pistol; and
  - (ii) who has been issued with a permit to import a pistol (under **section 18**) or a permit to possess a pistol (under section 35).
- (3) However, if an application is made by an applicant in the applicant’s capacity referred to in section 29(2)(b), (c), (d), or (e), the Commissioner may grant the application without being satisfied of the matters in **subsection (2)(a)(ii) and (iii)**.
- (3A) If the applicant has appointed a dealer to import a pistol carbine conversion kit as their agent, the dealer must hold—
  - (a) a firearms licence; and
  - (b) a dealer’s licence that bears an endorsement made under section 30 permitting the dealer to possess a pistol.
- (4) Any permit issued under this section is personal to the person to whom it is issued and may not be transferred to any other person.

**18AAB Issue of permit to import air pistol carbine conversion kits**

- (1) A member of the Police to whom an application is made for the issue of a permit to import an air pistol carbine conversion kit may require the applicant to produce for examination and testing samples of any air pistol carbine conversion kit of the kind referred to in the application that the member of the Police considers necessary.
- (2) ~~The Commissioner may grant an application for the issue of a permit to bring or cause to be brought or sent into New Zealand an air pistol carbine conversion kit only if the Commissioner is satisfied that the application is made by—~~
  - (a) ~~the holder of a dealer's licence who is acting as an agent for a person who intends to personally use the kit as a member of an airsoft or paintball club that is affiliated with a national airsoft or paintball organisation;~~
  - ~~or~~
  - (b) ~~any other person who intends to personally use the kit as a member of an airsoft or paintball club that is affiliated with a national airsoft or paintball organisation.~~
- (2) The Commissioner may grant an application for the issue of a permit to bring or cause to be brought or sent into New Zealand an air pistol carbine conversion kit only if the Commissioner is satisfied that the application is made by an applicant who intends to personally use the kit as a member of an airsoft or paintball club that is affiliated with a national airsoft or paintball organisation.
- (3) Any permit issued under this section is personal to the person to whom it is issued and may not be transferred to any other person.

**18AAC Revocation and validity of permit to import**

- (1) A permit issued under **section 18**, **18AA**, or **18AAB** may be revoked at any time by a commissioned officer of Police.
- (2) A permit issued under **section 18** or **18AA** is automatically revoked if—
  - (a) the permit was issued to a licensed dealer and the dealer's licence, or any endorsement on the dealer's licence required for the issue of the permit, is revoked or suspended or has expired or been surrendered; or
  - (b) the permit was issued to any other person who, for the purposes of the issue of the permit, was required to hold a firearms licence, and that person's firearms licence, or any endorsement on the firearms licence required for the issue of the permit, is revoked or suspended or has expired or been surrendered.
- (3) **Subsection (4)** applies if—
  - (a) a permit is issued under **section 18** or **18AA** to a licensed dealer permitting the dealer to import 1 or more items on behalf of ~~1 or more persons~~ a person; and

- (b) any person referred to in **paragraph (a)** who is required to hold a firearms licence, or a firearms licence bearing an endorsement, to possess an item being imported on their behalf—
  - (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 licensed dealer is invalid to the extent that it permits the importation of an item on behalf of a person referred to in **subsection (3)(b)** in respect of which the person required the licence or endorsement.

**18AAD Permit to import issued for items to be brought into or sent into New Zealand in single consignment or multiple consignments**

- (1) A permit may be issued under **section 18, 18AA, or 18AAB** only in relation to items that are to be brought or sent into 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.
- (2) If, after ~~to~~ the issue of a permit 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.

**25 Section 18B replaced (Samples)**

Replace section 18B with:

**18B Production of samples**

- (1) If an applicant is required, under **section 18(1), 18AA(1), or 18AAB(1)**, to produce for examination and testing a sample, the applicant must produce the sample as soon as practicable.
- (2) Before producing a sample, an applicant must ensure 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 a member of the Police 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) 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 Commissioner directs.

**18C Export of specified items not corresponding with sample or otherwise approved for importation**

- (1) This section applies if—
  - (a) a specified item is brought into New Zealand under a permit issued for the purposes of **section 16(1)**; and
  - (b) the specified item—
    - (i) does not correspond with a sample produced to a member of the Police as required by the description of the specified item in the permit; or
    - (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 or caused it to be brought or sent into New Zealand must, within 12 months after being informed in writing by a member of the Police 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—
  - (a) the specified item; and
  - (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 Commissioner directs.
- (4) In this section, **specified item** means any firearm, pistol, prohibited item, restricted airgun, restricted weapon, blank-firing gun, pistol carbine conversion kit, air pistol carbine conversion kit, or non-prohibited ammunition.

**26 Section 19 replaced (Seizure of illegally imported items)**

Replace section 19 with:

**19 Seizure of illegally ~~transported~~ imported items**

- (1) **Subsection (2)** applies if a member of the Police or a Customs officer suspects on reasonable grounds that an item referred to in **section 16**—
  - (a) has been brought into New Zealand without a permit issued under **section 18, 18AA, or 18AAB**; 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 issued under **section 18, 18AA, or ~~18AB~~ 18AAB**.
- (2) If this subsection applies, the member of the Police or the Customs officer may—
  - (a) seize and detain the item; and
  - (b) use any reasonable necessary force to seize the item.



- (3) If an item is seized and detained under **subsection (1A2)**, sections 65 and 70 apply, with all necessary modifications, in respect of that item.

- 27 New Part 4 heading, cross-heading, and sections 19A and to 19C inserted**  
After section 19, insert:

**Part 4**  
**General restrictions**

*General restrictions on possession of firearms, airguns, magazines, parts, and ammunition*

**19A Restriction on possession of prohibited firearms and prohibited magazines**

- (1) No person may have in their possession a prohibited firearm or prohibited magazine unless the person is—
- (a) the holder of a dealer’s licence that bears an endorsement made under section 30B and who obtains the prohibited firearm or prohibited magazine in any of the ways specified in **section 10(1)(b)**; or
  - (b) the holder of a firearms licence that bears an endorsement that—
    - (i) is made under section 30B permitting the holder to possess a prohibited firearm or prohibited magazine; and
    - (ii) is made specific to the prohibited firearm or prohibited magazine by—
      - (A) a permit to import issued under **section 18**; or
      - (B) a permit to possess issued under section 35A.
- (2) This section does not apply to an employee of a licensed dealer when—
- (a) acting in their capacity as an employee; and
  - (b) assisting with the carrying on of a dealer activity (if they are qualified under **section 11** to do so).
- (3) A person who contravenes this section commits an offence under section 50A or 50B (as the case may be).

**19B Restriction on possession of prohibited parts**

- (1) No person may have in their possession a prohibited part unless the person—
- (a) is an exempt person of or over the age of 18 years; and
  - (b) either—
    - (i) is the holder of a dealer’s licence that bears an endorsement made under section 30B permitting the holder to possess a prohibited firearm or prohibited magazine and the holder has obtained the prohibited part in any of the ways specified in section 10(2); or

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 28

- (ii) is the holder of a firearm's licence that bears an endorsement made under section 30B that permits the holder to possess a prohibited firearm.
- (2) This section does not apply to an employee of a licensed dealer when—
  - (a) acting in their capacity as an employee; and
  - (b) assisting with the carrying on of a dealer activity (if they are qualified under **section 11** to do so).
- (3) A person who contravenes this section commits an offence under section 50C.

**19C Restriction on possession of pistols and restricted weapons**

- (1) No person may have in their possession a pistol or restricted weapon unless the person is—
  - (a) the holder of a dealer's licence that bears an endorsement that—
    - (i) is made under section 30 permitting the holder to possess a pistol or restricted weapon; and
    - (ii) is made specific to the pistol or restricted weapon by—
      - (A) a permit to import issued under **section 18**; or
      - (B) a permit to possess issued under section 35; or
  - (b) the holder of a firearms licence that bears an endorsement that—
    - (i) is made under section 30 permitting the holder to possess a pistol or restricted weapon; and
    - (ii) is made specific to the pistol or restricted weapon by—
      - (A) a permit to import issued under **section 18**; or
      - (B) a permit to possess issued under section 35.
- (1A) This section does not apply to an employee of a licensed dealer when—
  - (a) acting in their capacity as an employee; and
  - (b) assisting with the carrying on of a dealer activity (if they are qualified under **section 11** to do so).
- (2) A person who contravenes this section commits an offence under section 50.

**28 Cross-heading above section 20 repealed**

Repeal the cross-heading above section 20.

**29 Section 20 amended (Restrictions on possession of firearms)**

- (1) Replace the heading to section 20 with “**Restriction on possession of non-prohibited firearms**”.
- (2) In section 20(1), replace “firearm” with “non-prohibited firearm”.
- (3) In section 20(2), delete “, prohibited item,”.

- (4) Replace section 20(3) with:
- (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 subsection (1).

**30 Section 21 amended (Restrictions on possession of airguns)**

Replace section 21(2) with:

- (2) A person commits an offence and is liable on conviction to a fine not exceeding \$1,000 if the person, without reasonable excuse, contravenes subsection (1).

**31 New sections 22A to 22F and cross-headings inserted**

After section 22, insert:

**22A Restriction on possession of non-prohibited magazines and non-prohibited parts**

- (1) ~~A person must not have in their possession either of the following unless the person is the holder of a firearms licence:~~
- ~~(a) a magazine for a firearm that is not a prohibited magazine;~~
  - ~~(b) a part that is not a prohibited part.~~
- (1) A person must not have in their possession an arms item specified in **subsection (1A)** unless the person—
- (a) is the holder of a firearms licence; or
  - (b) is under the immediate supervision of a person who is the holder of a firearms licence.
- (1A) The arms items referred to in **subsection (1)** are—
- (a) a non-prohibited magazine;
  - (b) a non-prohibited part.
- (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)~~ **this section.**

**22B Restriction on possession of ammunition**

- (1) A person must not have in their possession any ammunition (other than projectiles for airguns) unless the person—
- (a) is the holder of a firearms licence; or
  - (b) is not the holder of a firearms licence, but is under the immediate supervision of a person who is the holder of a firearms licence; or

- (c) is an employee of an ammunition seller who is performing their duties at their place of work under the supervision of a person who is the holder of a firearms licence.
- (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)**.

*Restrictions on possession of pistol carbine conversion kits*

**22BA Restrictions on possession of pistol carbine conversion kits**

- (1) A person must not have in their possession a pistol carbine conversion kit unless the person is—
  - (a) the holder of a dealer’s licence that bears an endorsement made under section 30 permitting the holder to possess a pistol and has been issued with—
    - (i) a permit to import issued under **section 18AA**; or
    - (ii) a permit to possess issued under **section 35AAA**; or
  - (b) the holder of a firearms licence—
    - (i) whose licence bears an endorsement made under section 30 permitting the holder to possess a pistol; and
    - (ii) who has been issued with—
      - (A) a permit, under **section 18**, to import a pistol; or
      - (B) a permit, under section 35, to possess a pistol; and
    - (iii) who has been issued with—
      - (A) a permit, under **section 18AA**, to import a pistol carbine conversion kit; or
      - (B) a permit, under **section 35AAA**, to possess a pistol carbine conversion kit.
- (2) This section does not apply to an employee of a licensed dealer when—
  - (a) acting in their capacity as an employee; and
  - (b) assisting with the carrying on of a dealer activity (if they are qualified under **section 11** to do so).
- (3) A person who contravenes this section commits an offence under **section 50AA**.

*Restrictions on sale or supply of ammunition*

**22C Restrictions on selling or supplying ammunition**

- (1) A person who sells or supplies ammunition (other than projectiles for airguns) must hold a firearms licence.

- (2) A person may only sell or supply ammunition (other than projectiles for air-guns) to a person who holds a firearms licence.
- (3) **Subsection (1)** does not apply to an employee of an ammunition seller performing their duties under the supervision of a person who is the holder of a firearms licence.
- (4) 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) or (2)**.
- (5) It is a defence to a prosecution for an offence against **subsection (1) or (2)** if—
  - (a) the defendant proves that the defendant took reasonable steps to ascertain whether the person to whom the defendant sold or supplied the ammunition (**A**) was the holder of a firearms licence; or
  - (b) the defendant proves 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 under the immediate supervision of B.
- (6) Nothing in **subsection (3)** applies in relation to any ammunition sold or supplied for a firearm of the kind described in section 22(1)(a), (b), or (c).

## **22D Ammunition seller to keep record of ammunition sales**

- (1) An ammunition seller must keep at their place of business a book that records the following details in respect of all ammunition (other than projectiles for air-guns) sold or supplied in the course of their business:
  - (a) the name of the person to whom the ammunition was sold or supplied; and
  - (b) the quantity and type of ammunition sold or supplied to the person; and
  - (c) the person's firearms licence number, or, if the ammunition was sold or supplied to the person for use under the immediate supervision of another person who holds a firearms licence, the name and firearms licence number of that other person.
- (2) Despite **subsection (1)**, an ammunition seller need not record details under that subsection if—
  - (a) the details are declared by regulations made under section 74 to be exempt from the requirement in that subsection; or
  - (b) the dealer provides the details to the Police for inclusion in the registry in accordance with the regulations.

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 32

- (3) An ammunition seller must, at all reasonable times, permit any member of the Police to inspect and make copies of any entries in the book referred to in **subsection (1)** if the ammunition seller has received at least 7 days' prior notice of the member's intention to do so.
- (5) An ammunition seller who keeps their book under **subsection (1)** in hard copy form must retain the book for at least 10 years from the date of the last entry in the book.
- (6) An ammunition seller who keeps their book under **subsection (1)** electronically must retain each electronic record for at least 10 years from the date on which the record is entered.
- (6A) When an ammunition seller's firearms licence expires or is revoked or surrendered, or the ammunition seller ceases selling or supplying ammunition, the ammunition seller must immediately surrender to the Police all records they are required by this section to keep that have not been included in the registry.
- (7) An ammunition seller commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the ammunition seller, without reasonable excuse, contravenes any of **subsections (1) to (46A)**.

*Restriction on ownership of firearms and restricted weapons by visitors*

**22E Visitors may not take ownership of firearm or restricted weapon**

- (1) A visitor who holds a firearms licence may not, during their stay in New Zealand, acquire ownership of any firearm or restricted weapon for possession in New Zealand.
- (2) If a person contravenes **subsection (1)**, that person's firearms licence is ~~auto-~~immediately revoked.

*Restriction on manufacture of prohibited items*

**22F Restriction on manufacture of prohibited items**

- (1) No person may manufacture a prohibited item.
- (2) **Subsection (1)** does not apply to an exempt person described in **section 4A(1A)**.
- (3) A person who contravenes this section commits an offence under section 50A, 50B, or 50C (as the case may be).

**32 Cross-heading above section 23 replaced**

Replace the cross-heading above section 23 with:

**Part 5**  
**Firearms licences, endorsements, and permits to possess**

*Firearms licences*

**33 New section 22G inserted (Persons disqualified from holding firearms licence)**

Before section 23, insert:

**22G Persons disqualified from holding a 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:
  - (i) an offence under section **16(4)**, **16A**, 44A, 50A, 50D, 51A, 53A, 54, 54A, 55, 55A, **55D**, **55E**, or **55F**;
  - (ii) a serious violent offence as defined in section 86A of the Sentencing Act 2002;
  - (iii) an offence under section 92, 98, 98A, 189A, 199, 202C, 238, 267(1), 269(1) and (3), or 306 of the Crimes Act 1961;
  - (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
  - (ii) section 14 of the Domestic Violence Act 1995.

**34 Section 23 amended (Application for firearms licence)**

(1) Replace section 23(1) with:

- (1) A person may apply to a member of the Police for a firearms licence if the person—
  - (a) is of or over the age of 16 years; and
  - (b) has not had a firearms licence revoked in the previous 5 years (or, if they have, the revocation was reversed by the District Court); and
  - (c) is not disqualified under **section 22G** from holding a firearms licence.

(2) After section 23(2), insert:

(2A) An applicant must, at the time of making an application for a firearms licence, provide to a member of the Police the name and contact details of their health practitioner.

(2B) **Subsection (2A)** does not apply to an applicant who is a visitor.

**35 Section 24 replaced (Issue of firearms licence)**

Replace section 24 with:

**24 Issue of firearms licence**

- (1) Subject to **subsection (2)**, a firearms licence must be issued by a member of the Police to an applicant if the member of the Police is satisfied that—
  - (a) the applicant—
    - (i) is of or over the age of 16 years; and
    - (ii) is a fit and proper person to be in possession of a firearm or an airgun; and
  - (b) either—
    - (i) the applicant’s storage facilities for their firearms and ammunition have been inspected by a member of the Police and are compliant with the requirements for the secure storage of firearms and ammunition; or
    - (ii) if the applicant is a visitor ~~to New Zealand~~, a member of the Police is satisfied with the arrangements made by the applicant for the storage of the firearms and ammunition they will possess while ~~residing~~ in New Zealand.
- (2) A firearms licence must not be issued to an applicant if, in the opinion of a commissioned officer of Police, 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 from holding a firearms licence; or
  - (b) has had their firearms licence revoked on the ground that they are not a fit and proper person to be in possession of a firearm or an airgun; or
  - (c) is not a fit and proper person to be in possession of a firearm or an airgun.
- (3) As soon as is reasonably practicable after issuing a firearms licence to a person, a member of the Police must notify the person’s health practitioner that a firearms licence has been issued to the person.
- (4) **Subsection (3)** does not apply to an applicant who is a visitor.

**36 New sections 24A to ~~24C~~ 24D inserted**

After section 24, insert:

**24A Fit and proper person to possess firearm or airgun**

- (1) For the purposes of this Act, a member of the Police may find ~~an applicant a~~ person is not a fit and proper person to be in possession of a firearm or an airgun if the member of the Police is satisfied that 1 or more of the following circumstances exist:



- (a) ~~the applicant person~~ 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):
- (b) ~~the applicant person~~ is charged with or has been convicted of an offence under this Act:
- (c) ~~the applicant person~~ is charged with or has been convicted of an offence against—
  - (i) section 231A of the Crimes Act 1961; or
  - (ia) the Game Animal Council Act 2013; or
  - (ii) the Wildlife Act 1953; or
  - (iii) the Wild Animal Control Act 1977:
- (d) ~~the applicant person~~ 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:
- (da) ~~the applicant person~~ has inflicted, or is inflicting, family violence against ~~a another person and and~~ that ~~other~~ person has grounds under the Family Violence Act 2018 to apply for a protection order ~~against the applicant in~~ respect of that violence:
- (db) ~~the applicant person~~ has, or has had at any time, a restraining order made against them under the Harassment Act 1997:
- (e) ~~the applicant person~~ has engaged in any conduct involving non-compliance with any requirements of—
  - (i) this Act; or
  - (ii) any regulations made under this Act; or
  - (iii) any conditions to which a permit, licence, or endorsement previously issued to ~~the applicant person~~ under this Act was subject:
- (f) ~~the applicant person~~ shows, or has recently shown, symptoms of a mental or physical illness or injury that may adversely affect their ability to safely possess firearms:
- (g) ~~the applicant person~~ abuses alcohol, or is dependent on alcohol, to an extent that affects detrimentally their judgement or behaviour:
- (h) ~~the applicant person~~ uses drugs (illegal or legal) in a way that affects detrimentally their judgement or behaviour:
- (i) ~~the applicant person~~ is a member of, or has close affiliations with, a gang or an organised criminal group:

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 36

- (j) ~~the applicant person~~ has shown patterns of behaviour demonstrating a tendency to exhibit, encourage, or promote violence, hatred, or extremism:
  - (k) ~~the applicant person~~ has been assessed as a risk to a State's national security:
  - (l) ~~the applicant person~~ satisfies any criteria prescribed in regulations made under **section 74(1)(bb)**.
- (2) In determining whether, for the purposes of this Act, ~~an applicant a person~~ is a fit and proper person to be in possession of a firearm or an airgun, the member of the Police may take into account—
- (a) whether the applicant—
    - (i) has a sound knowledge of the safe possession and use of firearms:
    - (ii) understands the legal obligations of a holder of a firearms licence, including the endorsements that may be made on a firearms licence; and
  - (~~aba~~) any other criteria prescribed in regulations made under **section 74(1)(bc)**; and
  - (b) any other relevant matters the member of the Police considers appropriate.
- (3) The member of the Police may, for the purpose of determining whether a person is a fit and proper person to be in possession of a firearm or an airgun,—
- (a) seek and receive any information that the member of the Police thinks appropriate; and
  - (b) consider information obtained from any source.
- (4) If the member of the Police proposes to take into account any information that is or may be prejudicial to an applicant's application, the member of the Police must, subject to **subsection (5)**, disclose that information to the applicant and give the applicant a reasonable opportunity to refute or comment on it.
- (5) Nothing in **subsection (4)** requires the member of the Police to disclose any information to an applicant if that disclosure would be likely to—
- (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—
    - (i) the government of any other country; or
    - (ii) any international organisation.
- (6) In this section,—

**family violence** has the meaning given in section 9 of the Family Violence Act 2018

**gang** has the meaning given in section 4 of the Prohibition of Gang Insignia in Government Premises Act 2013

**organised criminal group** has the meaning given in section 98A of the Crimes Act 1961.

#### **24B General conditions of firearms licence**

- (1) Every firearms licence is issued—subject to the conditions that the holder of a firearms licence must,—
- (a) when using a firearm, act in a way that does not pose a risk to themselves or others; and
  - (b) produce any firearm that the licence holder is carrying to a member of the Police on demand; and
  - (c) permit a member of the Police to inspect all firearms in the licence holder's possession, ~~and the place or places where the firearms are or will be kept, and the place or places where the ammunition is or will be kept,~~ and, ~~for that purpose those purposes,~~ to enter at all reasonable times upon the premises where that place or those places are situated; and
  - (d) permit a member of the Police to inspect the security arrangements in any vehicle used by the holder to transport the licence holder's firearms; and
  - (e) inform a member of the Police if, after the issue of the licence, any of the circumstances described in **section 24A(1)** apply to the licence holder; and
  - (f) inform a member of the Police if their health practitioner changes, and provide updated details of the name and contact details of their health practitioner.
- (1A) **Subsection (1)(f)** does not apply to a holder of a firearms licence who is a visitor.
- (2) It is the duty of every member of the Police exercising any power conferred by **subsection (1)(c) or (d)**—
- (a) to give at least 7 days' notice of the proposed inspection under **subsection (1)(c) or (d)**; and
  - (b) to identify themselves to the holder of the firearms licence; and
  - (c) to tell the holder of the firearms licence that the power is being exercised under **subsection (1)(c) or (d)**, as the case may be; and
  - (d) 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.

- (3) **Subsections (1)(c) and (2)** are subject to section 31A if the licence bears an endorsement made under section 30 or 30B.

**24C Special condition of firearms licence relating to sale or supply of ammunition**

A firearms licence ~~issued to~~ held by an ammunition seller is subject to the condition that the ammunition seller has appropriate facilities to ensure the secure storage of all ammunition that, at any time, they possess.

**24D Breach of conditions to which firearms licence is subject**

A holder of a firearms licence who breaches a condition that their firearms licence is subject to under **section 24B or 24C** may—

- (a) be issued with an improvement notice under **section 60**; or
- (b) have their firearms licence temporarily suspended under **section 60A** (*see **section 60B**, which sets out the effect of the temporary suspension of a firearms licence*).

**37 Section 25 amended (Duration of firearms licence)**

- (1) Replace section 25(1) with:

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

- (a) ~~expires 5 years from that date in the case of—~~
  - (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 expire without applying for a new licence prior to the expiry date:~~
- (b) ~~expires 10 years from that date in any other case.~~

- (1) A firearms licence comes into force on the date specified in the licence and, unless revoked or surrendered earlier,—

- (a) expires 5 years from that date in the case of—
  - (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 expire without applying for a new licence before the expiry date:
- (b) expires 10 years from that date in any other case.

- (2) In section 25(2), delete “to New Zealand and intends to reside in New Zealand for 1 year or less”.

**37A Section 27 replaced (Revocation and surrender of firearms licence)**

Replace section 27 with:

- 27 ~~Revocation and surrender~~ Surrender and revocation of firearms licence**
- (1) A person may at any time surrender their firearms licence to a member of the Police.
- (2+) A commissioned officer of Police may, by written notice, revoke a firearms licence if, in the opinion of the officer,—
- (a) the holder of the licence is not a fit and proper person to be in possession of a firearm or an airgun; or
  - (b) the holder of the licence has failed or refused to secure any arms item or ammunition in the person’s possession, in accordance with regulations made under this Act; or
  - (c) access to any firearm or airgun in the possession of the holder of the licence is reasonably likely to be obtained by any person—
    - (i) whose firearms licence has been revoked on the ground that they are not a fit and proper person to be in possession of a firearm or airgun; or
    - (ii) who, in the opinion of a commissioned officer of Police, is not a fit and proper person to be in possession of a firearm or airgun.
- (2) ~~A person whose firearms licence is revoked must, on request, surrender the licence to a member of the Police.~~
- (3) ~~A person may at any time surrender their firearms licence.~~

**38 Section 27A repealed (Family violence and firearms licences)**

Repeal section 27A.

**39 New sections 27B and 27C inserted**

Before section 28, insert:

- 27B Revocation and surrender of licence if holder becomes disqualified**
- (1) If the holder of a firearms licence becomes disqualified under **section 22G** from holding a firearms licence, the holder’s licence is immediately revoked.—
- (a) ~~the holder’s licence is immediately revoked; and~~
  - (b) ~~the holder must, on request, surrender their licence to a member of the Police.~~
- (2) Nothing in **sections 27, 27C, and 62 to 62C** applies to a revocation under this section.

**27C Revocation of suspended firearms-or-dealer's licence**

- (1) A member of the Police may, by notice in writing to the holder of a firearms-or-dealer's licence that is temporarily suspended under **section 60A**, revoke the licence if the-officer member of the Police—
  - (a) has considered any submissions made by the holder before the 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) A member of the Police must give the holder written notice of a decision on whether to revoke a firearms-or-dealer's licence temporarily suspended under **section 60A** promptly after the decision is made.

**40 Section 28 replaced (Effect of revocation or surrender of firearms licence)**

Replace section 28 with:

**28 Effect of revocation or surrender of firearms licence**

- (1) A person whose firearms licence is revoked must immediately surrender their licence to a member of the Police.
- (2) On the revocation or surrender of a firearms licence, the holder of the licence—
  - (a) ceases to be licensed to possess any arms item or ammunition under the licence or any endorsement on it; and
  - (b) must, on demand, deliver any arms item or ammunition in their possession or under their control to a member of the Police.
- (3) A person whose firearms licence is revoked or surrendered may at any time within 3 months, or any longer period that the Commissioner 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 a member of the Police.
- (4) Subject to **subsection (3)**, any arms item or ammunition delivered to a member of the Police under this section may be detained for any period that the Commissioner thinks fit, or may, in the discretion of the Minister of Police, become the property of the Crown, free and discharged from any right, title, or interest possessed by any other person.
- (5) 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 a member of the Police under this section and that has become the property of the Crown.
- (6) If a person whose firearms licence is revoked or surrendered also holds a dealer's licence, their dealer's licence is immediately revoked and must be surrendered with the person's firearms licence.
- (7) A person 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 person, without reasonable excuse, contravenes **subsection (1) or (2)(b)**.

**40 Section 28 amended (Effect of revocation or surrender of firearms licence)**

(1) Before section 28(1), insert:

(1AAA) ~~If a person whose firearms licence is revoked also holds a dealer's licence, the dealer's licence is automatically revoked and **section 9(2)** applies accordingly.~~

(1AAB) ~~If a person who surrenders their firearms licence also holds a dealer's licence, the person must surrender their dealer's licence with their firearms licence and **section 9(2)(b)** applies accordingly.~~

(1AAC) ~~If a licence is revoked or surrendered, the holder of the licence ceases to be licensed to possess any arms item or ammunition under the licence or any endorsement on it.~~

(2) In section 28(1) and (2), after “pistol,” insert “pistol-carbine conversion kit.”

(3) In section 28(3) and (4), after “pistols,” insert “pistol-carbine conversion kits.”

(4) Replace section 28(5) with:

(5) ~~A person 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 person, without reasonable excuse, contravenes subsection (1).~~

(6) ~~See **section 60B(2)(b)** for the application of this section where a licence is temporarily suspended under **section 60A**.~~

**41 New cross-heading after section 28 inserted**

After section 28, insert:

*Endorsements*

**42 Section 29 amended (Application for endorsements in respect of pistol or restricted weapon)**

(1) Repeal section 29(1).

(2) In section 29(2), replace “at an Arms Office to a member of the Police for an endorsement” with “to a member of the Police for an endorsement on their firearms licence”.

(3) Replace section 29(2)(a) with:

(a) a member of an incorporated pistol shooting club that holds a certificate of approval issued under **section 38F**; or

(4) Replace section 29(2)(f) with:

(f) an employee of a licensed dealer; or

(5) After section 29(2), insert:

(2A) An applicant for a dealer's licence or the holder of a dealer's licence may apply to a member of the Police for an endorsement on their dealer's licence permit-

ting them to possess a pistol or restricted weapon (other than an anti-personnel mine or a cluster munition) in their capacity as a licensed dealer.

(2B) A person described in subsection (2)(b), (c), (d), or (e) who is an applicant for a firearms licence or a holder of a firearms licence may apply to a member of the Police under this section for an endorsement permitting that person to have possession of a semi-automatic pistol.

(6) Replace section 29(4) with:

(4) An application under subsection (2), ~~or (2A), or (2B)~~ must be made on a form provided by a member of the Police.

**43 Section 30 amended (Power to make endorsement in respect of pistols or restricted weapons)**

(1) In section 30(2), after “firearms licence”, insert “or dealer’s licence”.

(2) After section 30(2), insert:

(3) A person whose firearms licence or dealer’s licence bears an endorsement made under this section is not entitled to lawfully possess a pistol carbine conversion kit until—

(a) the person is issued with a permit under **section 18AA** for the purposes of **section 16(1)(e)** to bring or cause to be brought or sent into New Zealand a pistol carbine conversion kit; or

(b) the person holds a permit issued under **section 35AAA** to possess the pistol carbine conversion kit.

**44 Section 30A replaced (Application for endorsement in respect of prohibited firearm or prohibited magazine)**

Replace section 30A with:

**30A Application for endorsement in respect of prohibited firearm or prohibited magazine**

(1) An exempt person described in any of paragraphs (b) to ~~(i)~~ **(j)** of section 4A(1) who is of or over the age of 18 years, and who is the holder of a firearms licence or is applying for a firearms licence, may apply for an endorsement on their firearms licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an exempt person.

(2) A person who is of or over the age of 18 years, and who is the holder of a dealer’s licence or is applying for a dealer’s licence, may apply for an endorsement on their dealer’s licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as a licensed dealer.

(3) A person who is of or over the age of 18 years, and who is the employee of a licensed dealer, may apply for an endorsement on their firearms licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an employee of the licensed dealer.



- (4) An application under this section must—
  - (a) be made on a form provided by a member of the Police; and
  - (b) state in which capacity referred to in **subsection (1), (2), or (3)** the applicant is making the application.
- (5) An applicant must permit a member of the Police to take, or cause to be taken, for the purposes of the application, 1 or more photographs of the applicant.

**45 Section 30B amended (Power to make endorsement in respect of prohibited firearm or prohibited magazine)**

- (1) In section 30B(1), after “firearms licence”, insert “or dealer’s licence”.
- (1A) In section 30B(4), replace “or (i)” with “(i), or **(j)**”.
- (2) In section 30B(5), after “firearms licence”, insert “or dealer’s licence”.

**45A Section 31 amended (Possession of firearm, pistol, prohibited item, or restricted weapon for stage, film, or television purposes)**

In section 31, replace “producing or staging a play or filming a cinematic production or television film” with “a theatrical, cinematic, television film, or video recording production”.

**46 New section 33C inserted (Duration of endorsements)**

After section 33B, insert:

**33C Duration of endorsements**

- (1) An endorsement made under section 30 or 30B on a firearms licence held by an employee of a licensed dealer for the purposes of their employment with the dealer continues in force for 1 year after the date on which the endorsement was made, unless one of the following first occurs:
  - (aa) the employee’s firearms licence expires:
    - (a) the employee’s firearms licence is surrendered or revoked:
    - (b) the licensed dealer’s licence expires:
    - (c) the licensed dealer’s licence is surrendered or revoked:
  - (ca) the relevant endorsement made under section 30 or 30B on the licensed dealer’s licence is revoked:
  - (d) the employee ceases to be employed by the licensed dealer.
- (2) However, unless earlier revoked or surrendered, an endorsement made under section 30B at any time after 12 April 2019 on a firearms licence held by a person described in section 4A(1)(f), (g), (h), (i), or ~~(i)~~ **(j)** continues in force until the earlier of the following dates:
  - (a) the date that is ~~2.5 years~~ 2 years and 6 months after the date on which the endorsement was made:

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 47

- (b) the date on which the licence—
  - (i) is surrendered or revoked; or
  - (ii) expires.
- (3) Unless earlier revoked or surrendered, an endorsement made under section 30 or 30B on a firearms licence held by any other person, or on a dealer’s licence, continues in force for so long as the licence continues in force.

**47 Section 34 amended (Notification of change of address)**

- (1) Replace section 34(1) with:
  - (1) A holder of a firearms licence who changes their address must, within 30 days after doing so, give written notice of the change to a member of the Police.
  - (2) In section 34(2), replace “shall notify an Arms Office” with “must notify a member of the Police”.
  - (3) Replace section 34(3) with:
    - (3) A person commits an offence and is liable on conviction to a fine not exceeding \$2,000 if the person, without reasonable excuse, contravenes **subsection (1) or (2)**.

**48 Section 34B amended (Effect of non-compliance with requirements in relation to photographs or to calling-in of licences)**

In section 34B(b), replace “an Arms Office” with “a Police station”.

**48A Cross-heading above section 35 replaced**

Replace the cross-heading above section 35 with:

*Permits to possess pistols, restricted weapons, prohibited firearms, prohibited magazines, and pistol carbine conversion kits*

**49 Section 35 amended (Issue of permit to possess pistol or restricted weapon)**

Replace section 35(2) with:

- (2) A permit to possess a pistol or restricted weapon may be issued if the member of the Police to whom the application is made is satisfied—
  - (a) that the applicant holds a dealer’s licence that bears an endorsement made under section 30; or
  - (b) that the applicant holds a firearms licence that bears an endorsement made under section 30 and that, by virtue of that licence and endorsement, the applicant is permitted to have possession of the pistol or restricted weapon, as the case may be.
- (2A) A permit may not be issued under this section to an applicant acting in their capacity as an employee of a licensed dealer.

**49A New section 35AAA inserted (Issue of permit to possess pistol carbine conversion kit)**

After section 35, insert:

**35AAA Issue of permit to possess pistol carbine conversion kit**

- (1) A permit to possess a pistol carbine conversion kit may be issued to an applicant only by a member of the Police acting under a direction of the Commissioner.
- (2) A permit to possess a pistol carbine conversion kit may be issued if the member of the Police to whom the application is made is satisfied—
  - (a) that the applicant—
    - (i) is the holder of a dealer’s licence that bears an endorsement made under section 30 permitting the holder to possess a pistol; and
    - (ii) has been issued with—
      - (A) a permit, under **section 18**, to import a pistol; or
      - (B) a permit, under section 35, to possess a pistol; or
  - (b) that the applicant (not being an employee of a licensed dealer)—
    - (i) is the holder of a firearms licence that bears an endorsement made under section 30 permitting the holder to possess a pistol; and
    - (ii) has been issued with—
      - (A) a permit, under **section 18**, to import a pistol; or
      - (B) a permit, under section 35, to possess a pistol.
- (3) The member of the Police to whom the application is made 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)**.
- (4) However, if an application is made by an applicant in the applicant’s capacity referred to in section 29(2)(b), (c), (d), or (e), the Commissioner may grant the application without being satisfied of the matters in **subsection (3)**.
- (5) Unless sooner revoked, a permit issued under this section remains in force for the period specified in the permit, which must not exceed 1 month.
- (6) A permit may at any time be revoked by a commissioned officer of Police.

**50 Section 35A amended (Issue of permit to possess prohibited firearm or prohibited magazine)**

Replace section 35A(2) with:

- (2) A permit to possess a prohibited firearm or prohibited magazine may be issued if the applicant holds a dealer's licence or firearms licence that bears an endorsement made under section 30B permitting the applicant to possess a prohibited firearm or prohibited magazine and the member of the Police is satisfied that it is appropriate for the applicant to possess the prohibited firearm or prohibited magazine.
- (2A) A permit may not be issued under this section to an applicant acting in their capacity as an employee of a licensed dealer.

**51 Section 36 amended (Offence to carry pistol or restricted weapon without authority)**

- (1) Replace the heading to section 36 with “**Offence to carry pistol, prohibited firearm, prohibited magazine, or restricted weapon without authority**”.
- (2) In section 36(1), after “pistol”, insert “, prohibited firearm, prohibited magazine,”.
- (3) Replace section 36(3) with:
  - (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, without reasonable excuse, contravenes subsection (1).
- (4) Repeal section 36(4).

**52 Section 38 amended (Removal of pistol, prohibited firearm, prohibited magazine, or restricted weapon out of New Zealand)**

- (1) Replace section 38(1) with:
  - (1) A holder of a firearms licence who intends to remove any pistol, prohibited firearm, prohibited magazine, or restricted weapon from New Zealand must—
    - (a) give not less than 4 days' notice of the intended removal to a member of the Police; and
    - (b) deliver to a Police station their firearms licence for amendment of the endorsement.
- (2) Replace section 38(2) with:
  - (2) A person commits an offence and is liable on conviction to a fine not exceeding \$2,000 if the person, without reasonable excuse, contravenes **subsection (1)**.

**53 New Parts 6 and 7 inserted**

After section 38, insert:

## Part 6 Shooting clubs and shooting ranges

### 38A Interpretation

In this Part,—

**application for approval** means an application made under **section 38C** to have a shooting club approved

**application for certification** means an application made under **section 38K** to have a shooting range certified

**certified shooting range** means a shooting range certified under **section 38O**  
**shooting activities**—

- (a) means activities that are carried out using a firearm 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

**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

**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.

### *Shooting clubs*

### 38B Shooting club must have certificate of approval

- (1) A shooting club that uses a shooting range for its shooting activities must hold a certificate of approval issued by the Commissioner.
- (2) A pistol club that applies for a certificate of approval must be registered under the Incorporated Societies Act 1908.
- (3) A person commits an offence and is liable on conviction to a fine not exceeding \$10,000 if the person, without reasonable excuse, establishes or continues to operate a shooting club without the club holding a certificate of approval.

**38BA Shooting club must be incorporated society if ammunition or firearms sold on its behalf**

- (1) This section applies if ammunition or firearms are sold on behalf of a shooting club.
- (2) A shooting club to which this section applies may not hold a certificate of approval under **section 38F** unless it is registered under the Incorporated Societies Act 1908.

**38C Application to have shooting club approved**

- (1) An application for a certificate of approval must be made,—
  - (a) if the shooting club is a body corporate, by a person who is authorised to make the application; or
  - (b) if the 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 approval must be made to the Commissioner in the manner prescribed by regulations made under this Act, and must—
  - (a) be in a form approved by the Commissioner; and
  - (b) be supported by any information and documents that are prescribed; and
  - (c) be accompanied by the prescribed application fee (if any).

**38D Commissioner may make inquiries and request further information**

On receipt of an application for approval made under **section 38C**, the Commissioner—

- (a) may make whatever inquiries the Commissioner considers necessary to determine whether the application should be granted; and
- (b) may request the applicant to provide any further information or documents that the Commissioner considers necessary to determine whether the application should be granted.

**38E Decision on application for certificate of approval**

The Commissioner may grant an application for approval made under **section 38C** if the Commissioner is satisfied that the shooting club—

- (a) will be using a certified shooting range for its shooting activities; and
- (b) has rules relating to the safe operation of firearms and promotes the safe possession and use of firearms; and
- (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 shooting range used by the club.

**38F Issue of certificate of approval**

- (1) If the Commissioner grants an application for approval, the Commissioner must issue to the shooting club a certificate of approval.
- (2) A certificate of approval may be granted subject to any conditions that the Commissioner considers appropriate.

**38G Duration of certificate of approval**

A certificate of approval granted to a shooting club continues until—

- (a) surrendered by the shooting club; or
- (b) cancelled by the Commissioner.

**38H Cancellation of certificate of approval**

- (1) The Commissioner must cancel a shooting club's certificate of approval if the Commissioner is satisfied that—
  - (a) the shooting club is not using a certified shooting range for its shooting activities; or
  - (b) the shooting club is no longer carrying on its operations; or
  - (c) the shooting club no longer meets the requirements in **section 38BA or 38E**; or
  - (d) the shooting club has failed to comply with an improvement notice issued under **section 38U**.
- (2) The Commissioner may cancel a shooting club's certificate of approval if the Commissioner is satisfied that—
  - (a) the shooting club has failed to comply with any conditions to which its certificate of approval is subject; or
  - (b) the shooting club has failed to report any serious firearms-related safety incident; or
  - (c) any activity of the shooting club has raised any reasonable concern about the safety of its members or the public.

**38I Club may have to reapply for certificate of approval**

- (1) The Commissioner may require a shooting club to reapply for a certificate of approval if—
  - (a) the club has amalgamated with another shooting club that has a different discipline; or
  - (b) the club is an incorporated society that has ceased to be registered under the Incorporated Societies Act 1908 for at least 2 years.
- (2) **Sections 38C to 38H** apply to an application as if the application were an application for a certificate of approval.

**38J Annual reports**

- (1) A shooting club must, not later than 5 months after the end of its financial year, provide to the Commissioner an annual report on its operation.
- (2) The annual report must include the particulars prescribed in regulations made under this Act.

*Shooting ranges*

**38K Shooting ranges must be certified**

- (1) A person may not operate a shooting range unless the shooting range is a certified shooting range.
- (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)**.

**38L Application to have shooting range certified**

- (1) An application for certification of a shooting range may be made,—
  - (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.
- (2) An application for certification must be made to the Commissioner in the manner prescribed by regulations made under this Act, and must—
  - (a) be in a form approved by the Commissioner; and
  - (b) be supported by any information and documents that are prescribed; and
  - (c) be accompanied by the prescribed application fee (if any).

**38M Commissioner may make inquiries and request further information**

On receipt of an application for certification made under **section 38L**, the Commissioner—

- (a) may make whatever inquiries the Commissioner considers necessary to determine whether the application should be granted; and
- (b) may request the applicant to provide any further information or documents that the Commissioner considers necessary to determine whether the application should be granted.



**38N Decision on application to have shooting range certified**

The Commissioner may grant an application for certification made under **section 38L** if the Commissioner is satisfied that—

- (a) the shooting range meets all required safety standards published by the Commissioner; and
- (b) all necessary territorial authority and regional council consents to operate the shooting range have been obtained.

**38O Grant of certification**

If the Commissioner grants an application for certification in respect of a shooting range, the Commissioner must issue a certificate to the applicant.

**38P Certification granted subject to conditions**

- (1) A certificate granted under **section 38O** is subject to the condition that, at all times while the certified shooting range is in use, an officer is on duty who—
  - (a) holds a firearms licence; and
  - (b) is appropriately trained in shooting range safety management.
- (2) Certification granted under **section 38O** may be made subject to any other conditions that the Commissioner considers appropriate, which may include conditions relating to—
  - (a) maintenance of the shooting range;
  - (b) public access to the shooting range;
  - (c) restrictions on the types of firearms and ammunition that may be used at the shooting range;
  - (d) competitions that may be conducted at the shooting range.
- (3) A certified shooting range must request the Commissioner to review its range certification if it is intended that the operation of the range will depart from the conditions imposed by or under this section.

**38Q Duration of certification**

A certificate issued in respect of a shooting range remains in force 5 years after the date it is issued unless the certificate is sooner surrendered or cancelled.

**38R Cancellation of certification**

The Commissioner may cancel certification in respect of a shooting range if the Commissioner is satisfied that—

- (a) the shooting range is no longer being operated as a shooting range; or
- (b) the shooting range is not being operated with proper regard to individual or public safety; or

- (c) ~~the owner or~~ operator of the shooting range is not complying with any conditions imposed under **section 38P**; or
- (d) having regard to the matters specified in **section 38N**, it is no longer appropriate that the shooting range be certified; ~~or~~
- (e) the operator of a shooting range has failed to comply with an improvement notice issued under **section 38U**.

### **38S Renewal of certification**

- (1) A certificate granted under **section 38O** may be renewed on 1 or more occasions.
- (2) **Sections 38L to 38R** apply to an application for renewal of certification as if the application were an application for certification, unless **subsection (4)** applies.
- (3) A renewed certificate is to be treated for all purposes as a new certification granted under **section 38O**.
- (4) If the circumstances of the 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 Commissioner instead of applying under **section 38L**.

### *Compliance*

### **38T 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, a person who is a member of the Police and authorised in writing by the Commissioner may—
  - (a) enter and inspect—
    - ~~(i) any venue of the shooting club that is part of a shooting range; or~~
    - ~~(ii) the shooting range or any designated area used for the primary purpose of shooting activities that is used by a shooting club or members of the public;~~
    - (i) any shooting range (including any shooting club that is part of the range); and
    - (ii) any place where the shooting club stores firearms or ammunition;
  - (b) inspect, print, copy, or remove any documents that the person believes on reasonable grounds to be those of the shooting club or shooting range.
- (1A) A member of the Police must give at least 7 days' notice of their intention to enter and inspect a venue of a shooting club or a shooting range.
- (2) The provisions of Part 4 of the Search and Surveillance Act 2012 (apart from subpart 3) apply.

Compare: 1989 No 80 s 319; 2002 No 40 s 39

**38U Improvement notices**

- (1) This section applies if a member of the Police reasonably believes that a shooting club or shooting range—
  - (a) is failing, is likely to fail, or has failed to comply with any conditions to which a certificate of approval or certification is subject; or
  - (b) is contravening, is likely to contravene, or has contravened a provision of this Act or regulations made under this Act.
- (2) If this section applies, the member of the Police may issue an improvement notice to the shooting club or the operator of the shooting range requiring the shooting club or shooting range, within a reasonable period of time specified in the notice, to—
  - (a) remedy the non-compliance or contravention; or
  - (b) prevent a likely non-compliance or contravention from occurring.

Compare: 2015 No 70 s 101

**38V Suspension**

~~If the shooting club or shooting range fails to comply with an improvement notice, it must suspend operations on the date and for the period (not exceeding 90 days) specified in the notice.~~

**38V Temporary suspension of shooting club's operations pending possible cancellation of certificate of approval**

- (1) A member of the Police may, by notice in writing to a shooting club, temporarily suspend the operations of the shooting club if the member is satisfied that the shooting club has failed to comply with an improvement notice issued under **section 38U**.
- (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 Police to consider cancelling the shooting club's certificate of approval on that ground; and
  - (d) that the suspension lasts until notice of the decision as to whether to cancel the certificate of approval is given to the 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.

**38VA Temporary suspension of shooting range's operations pending possible cancellation of certification**

- (1) A member of the Police may, by notice in writing to the operator of a shooting range, temporarily suspend the operations of the shooting range if the member

is satisfied that the shooting range has failed to comply with an improvement notice issued under **section 38U**.

- (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 Police to consider cancelling the shooting range's certification on that ground; and
  - (d) that the suspension lasts until notice of the decision as to whether to cancel the certification is given to the operator of the shooting range, 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.

## Part 7

### Direct access by certain government agencies to registry

#### 38W Interpretation

In this Part,—

**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 meaning given in section 2(1) 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):

- (a) search the registry;
- (b) copy any information stored on the registry

**import and export information**, in relation to a licence holder, means details relating to—

- (a) any permit to import issued to the licence holder under **section 18(2) or (2A)**;
- (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
- (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) name; and
- (ii) date of birth; and
- (iii) residential address; 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
  - (iii) any endorsements on the firearms licence.

**38X Relationship between this Part and other law**

This Part does not prevent or limit the collection, use, or disclosure of information that—

- (a) is authorised or required by or under any enactment; or
- (b) is permitted under any enactment.

**38Y Direct access to licence information**

- (1) The Department of Conservation may have direct access to a licence holder's 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.

**38Z Direct access to import and export information recorded in registry**

- (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 the agencies in performing or exercising their functions, duties, and powers in relation to the movement of lawfully permitted and lawfully possessed arms items.

**38ZA Direct access must be in accordance with direct access agreement**

All direct access authorised by **section 38Y or 38Z** must be in accordance with a written direct access agreement entered into between—

- (a) the Minister responsible for the accessing agency; and
- (b) the Minister of Police.

**38ZB Matters to which Ministers must have regard before entering into direct access agreement**

Before entering into a direct access agreement, the Ministers referred to in **section 38ZA** must be satisfied—

- (a) that—

- (i) in the case of direct access authorised by **section 38Y**, the direct access will enable the Director-General of Conservation to more effectively or efficiently issue permits for hunting; or
- (ii) in the case of direct access authorised by **section 38Z**, 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
- (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.

#### **38ZC Consultation before entering into direct access agreement**

- (1) Before entering into a direct access agreement, the Ministers referred to in **section 38ZA** must consult and invite comment on the proposed agreement from—
  - (a) the Privacy Commissioner; and
  - (b) the advisory group established under **section 88**.
- (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 38ZB(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.

#### **38ZD Content of direct access agreements**

A direct access agreement must specify—

- (a) the particular information in relation to licence holders that may be accessed:
- (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:
- (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:

- (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:
- (j) the requirements for reviewing the agreement:
- (k) the requirement to regularly audit access to the registry.

**38ZE Variation of direct access agreement**

**Sections 38ZB and 38ZC** apply with any necessary modifications in respect of a proposal to enter into an agreement varying a direct access agreement.

**38ZF Publication of direct access agreements**

- (1) An 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 Police.
- (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.
- (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 accessing agency; and
  - (b) an Internet site maintained by or on behalf of the Police.

**54 Sections 39 to 41 and cross-heading repealed**

Repeal sections 39 to 41 and the cross-heading above section 39.

**55 New section 41A inserted (Marking of firearms)**

After section 41, insert:

**41A Marking of firearms**

- (1) This section applies to all firearms, parts, pistol carbine conversion kits, and magazines possessed by firearms licence holders, including those manufactured in or imported into ~~NZ~~ New Zealand, but does not apply to antique firearms.
- (2) Firearms, parts, pistol carbine conversion kits, and magazines to which this section applies must be marked to the extent provided in, and in accordance with, requirements set out in regulations made under section 74.

- (3) The Crown is not liable to pay compensation in respect of—
- (a) the loss of value in the case of any firearm, part, pistol carbine conversion kit, or magazine that results from it being marked in accordance with the regulations; or
  - (b) the cost of marking the firearm, part, pistol carbine conversion kit, or magazine.

**56 Cross-heading above section 42 replaced**

Replace the cross-heading above section 42 with:

**Part 8  
Offences**

**57 Section 42 replaced (Offences in respect of licences)**

Replace section 42 with:

**42 Offences in respect of licences**

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
  - (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
    - (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 the holder of a licence, wilfully parts with possession of that licence in order that it may be used by another person; or
- (c) uses or attempts to use a licence issued in the name of another person with the intention of procuring the possession of any firearm, airgun, pistol, restricted weapon, magazine, or ammunition; or
- (d) supplies particulars or answers in any application for a licence under this Act, knowing them to be incorrect or misleading.



**58 Section 43 replaced (Selling or supplying firearm or airgun to unlicensed person)**

Replace section 43 with:

**43 Selling or supplying firearm or airgun to unlicensed person**

- (1) 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) sells or supplies a firearm (other than a pistol, prohibited item, or restricted weapon) to any person who is not the holder of a firearms licence, a dealer's licence, or a permit issued for the purposes of **section 16(1)**; or
  - (b) sells or supplies an airgun to any individual who is under the age of 18 years and is not the holder of a firearms licence.
- (2) It is a defence to a prosecution for an offence against **subsection (1)(a)** if the defendant proves—
  - (a) that the defendant took reasonable steps to ascertain whether the person to whom they sold or supplied the firearm (**A**) was the holder of a firearms licence; or
  - (b) that—
    - (i) the firearm was sold or supplied to **A** for use under the immediate supervision of another person, not being a visitor to New Zealand, who holds a firearms licence (**B**); and
    - (ii) at all times, while **A** was in possession of the firearm, **A** was under the immediate supervision of **B**.
- (3) It is a defence to a prosecution for an offence against **subsection (1)(b)** if—
  - (a) the defendant proves that the defendant took reasonable steps to ascertain whether the individual to whom they sold or supplied the airgun (not being a specially dangerous airgun) (**C**) was the holder of a firearms licence and was a person of or over the age of 18 years; or
  - (b) the defendant proves—
    - (i) that the airgun was sold or supplied to **C** for use under the immediate supervision of another person (**D**) who holds a firearms licence and was a person of or over the age of 18 years; and
    - (ii) that at all times while **C** was in possession of the airgun, **C** was under the immediate supervision of **D**.

**58A Section 43AA replaced (Possessing, selling, or supplying prohibited ammunition)**

Replace section 43AA with:

**43AA Selling or supplying prohibited ammunition**

A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years if the person, without reasonable excuse, sells or supplies prohibited ammunition.

**59 Section 43A replaced (Mail order sale of firearm or ammunition)**

Replace section 43A with:

**43A Mail order or Internet sale of arms items or ammunition**

- (1) ~~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, sells by mail order or a transaction on the Internet any arms item (other than an airgun for use in airsoft or paintball sports), or any ammunition for a firearm or restricted weapon, otherwise than under a written order—~~
- ~~(a) signed by the purchaser; and~~
  - ~~(b) stating the identifying markings on the arms item; and~~
  - ~~(c) bearing an endorsement signed by a member of the Police and stating that the member of the Police—~~
    - ~~(i) has inspected the purchaser's firearms licence; and~~
    - ~~(ii) is satisfied that the purchaser is a fit and proper person to purchase the arms item or ammunition.~~
- (2) ~~Nothing in **subsection (1)** applies in relation to—~~
- ~~(a) any pistol, restricted weapon, or prohibited item; or~~
  - ~~(b) any ammunition for a firearm of the kind described in section 22(1)(a), (b), or (c).~~
- (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, without reasonable excuse, sells any pistol, restricted weapon, or prohibited item—~~
- ~~(a) by mail order; or~~
  - ~~(b) by a transaction on the Internet, unless—~~
    - ~~(i) the purchaser has obtained an endorsement on their dealer's licence or firearms licence that authorises them to possess a pistol, restricted weapon, or prohibited item; and~~
    - ~~(ii) the purchaser has, in the case of a pistol, restricted weapon, prohibited firearm, or prohibited magazine, obtained a permit to possess that pistol, restricted weapon, prohibited firearm, or prohibited magazine; and~~

- (iii) ~~the pistol, restricted weapon, or prohibited item is delivered by a courier specified in the permit or, in the case of a prohibited part, a form specified by the Police.~~

**43A Mail order or Internet sale of arms items or ammunition**

- (1) A person must not sell by mail order or on the Internet any item specified in **subsection (2)**, otherwise than under a written order—
  - (a) signed by the purchaser; and
  - (b) signed by a member of the Police stating that the member of Police—
    - (i) has inspected the purchaser’s firearms licence; and
    - (ii) has inspected, in the case of an item specified in **subsection (2)(d)**, the permit issued to the purchaser under **section 35AAA**; and
    - (iii) is satisfied that the purchaser is a fit and proper person to purchase the item; and
  - (c) recording, in the case of the sale of an item specified in **subsection (2)(a), (b), (c), or (d)**, the marking on the item.
- (2) The items referred to in **subsection (1)** are—
  - (a) non-prohibited firearms;
  - (b) non-prohibited magazines;
  - (c) non-prohibited parts;
  - (d) pistol carbine conversion kits;
  - (e) airguns (other than an airgun for use in airsoft or paintball sports);
  - (f) ammunition (other than ammunition for a firearm of the kind described in section 22(1)(a), (b), or (c)).
- (3) A person must not sell by mail order or on the Internet any prohibited item, pistol, or restricted weapon, unless—
  - (a) the purchaser has obtained an endorsement on their dealer’s licence or firearms licence that authorises them to possess a prohibited item, pistol, or restricted weapon; and
  - (b) the purchaser has, in the case of a prohibited firearm, prohibited magazine, pistol, or restricted weapon, obtained a permit to possess that prohibited firearm, prohibited magazine, pistol, or restricted weapon; and
  - (c) the prohibited 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 prohibited part, a form specified by the Police.
- (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, without reasonable excuse, contravenes **subsection (1) or (3)**.

**61 Section 43B repealed (Restriction on sale of ammunition)**

Repeal section 43B.

**62 Section 44 replaced (Selling or supplying pistol or restricted weapon to person who does not hold permit to possess)**

Replace section 44 with:

**44 Selling or supplying pistol or restricted weapon to person who does not hold permit to import or permit to possess**

- (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 \$30,000, if the person sells or supplies a pistol or restricted weapon to any person other than a person who is authorised—
- (a) by a permit issued for the purposes of **section 16(1)** to bring or cause to be brought or sent into New Zealand that pistol or restricted weapon; or
  - (b) by a permit issued under section 35 to possess that pistol or restricted weapon.
- (2) It is a defence to a prosecution for an offence against **subsection (1)** if—
- (a) the defendant proves that they took reasonable steps to ascertain whether the person to whom they sold or supplied the pistol or restricted weapon (**A**) was the holder of a permit of the kind described in **subsection (1)(a) or (b)**; or
  - (b) the defendant proves, in the case of a prosecution relating to the sale or supply of a pistol,—
    - (i) that the pistol was supplied to A for use—
      - (A) on a range of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of section 29; and
      - (B) under the immediate supervision of another person (**B**) who holds a firearms licence bearing an endorsement permitting them to have that pistol or a pistol of that kind; and
    - (ii) that, at all times while A was in possession of the pistol, A was—
      - (A) on a range of the kind described in **subparagraph (i)(A)**; and
      - (B) under the immediate supervision of B.

**44AA Unlawful sale or supply of pistol carbine conversion kit**

- (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 \$30,000, if the person

- sells or supplies a pistol carbine conversion kit to any person other than a person who is authorised—
- (a) by a permit issued under **section 18AA** for the purposes of **section 16(1)(ca)** to bring or cause to be brought or sent into New Zealand that pistol carbine conversion kit; or
  - (b) by a permit issued under **section 35AAA** to possess that pistol carbine conversion kit.
- (2) It is a defence to a prosecution for an offence against **subsection (1)** if the defendant proves that they took reasonable steps to ascertain whether the person to whom they sold or supplied the pistol carbine conversion kit was the holder of a permit of the kind described in **subsection (1)(a) or (b)**.
- (3) It is also a defence to a prosecution for an offence against **subsection (1)** if the defendant proves—
- (a) that the pistol carbine conversion kit was supplied to a person (A) for use—
    - (i) on a certified pistol range; and
    - (ii) under the immediate supervision of another person (B) who holds a firearms licence that bears an endorsement made under section 30 permitting B to possess a pistol; and
  - (b) that at all times while A was in possession of the pistol carbine conversion kit A was—
    - (i) on a certified pistol range; and
    - (ii) under the immediate supervision of B.

**62A Section 44A amended (Offence to sell or supply prohibited firearm or prohibited magazine)**

In section 44A, insert as subsection (2):

- (2) It is not an offence against this section to sell or supply a semi-automatic pistol to a person in the person's capacity referred to in section 29(2)(b), (c), (d), or (e), if that person has been issued with—
- (a) a permit, under **section 18**, to import a pistol; or
  - (b) a permit, under section 35, to possess a pistol.

**63 Section 46 replaced (Carrying of imitation firearm, except for lawful, proper, and sufficient purpose)**

Replace section 46 with:

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

- (1) 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 \$4,000, if the person,

except for some lawful, proper, and sufficient purpose, carries an imitation firearm.

- (2) In any prosecution for an offence against **subsection (1)** in which it is proved that the defendant was carrying an imitation firearm, the defendant has the burden of proving the existence of some lawful, proper, and sufficient purpose.

**64 Section 48 replaced (Discharging firearm, airgun, pistol, or restricted weapon in or near dwellinghouse or public place)**

Replace section 48 with:

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

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, discharges a firearm, airgun, pistol, or restricted weapon in or near a dwellinghouse or a public place so as to—

- (a) endanger property; or
- (b) endanger, annoy, or frighten any person.

**64A New section 50AA inserted (Unlawful possession of pistol carbine conversion kit)**

After section 50, insert:

**50AA Unlawful possession of pistol carbine conversion kit**

- (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 \$4,000, or both, if the person—
- (a) is in possession of a pistol carbine conversion kit; and
  - (b) is not a person authorised or permitted, expressly or by implication, by or under this Act to be in possession of that pistol carbine conversion kit.
- (2) In any prosecution for an offence against **subsection (1)** 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 or by implication, by or under this Act to be in possession of the pistol carbine conversion kit.
- (3) It is a defence to a prosecution for an offence against **subsection (1)** if the defendant proves that the pistol carbine conversion kit was in their possession for use—
- (a) on a certified range; and
  - (b) under the immediate supervision of another person who holds a firearms licence bearing an endorsement made under section 30 permitting them to possess a pistol.

**64B New section 50CA inserted (Unlawful possession of prohibited ammunition)**

After section 50C, insert:

**50CA Unlawful possession of prohibited ammunition**

A person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years if the person—

- (a) is in possession of prohibited ammunition; and
- (b) is not authorised or permitted expressly by or pursuant to this Act to be in possession of the prohibited ammunition.

**65 Section 50D amended (Unlawfully carrying or possessing prohibited firearm in public place)**

In section 50D, replace “7 years” with “5 years”.

**66 Section 52 amended (Presenting firearm, airgun, pistol, or restricted weapon at other person)**

In section 52(1) and (2), replace “3 months or to a fine not exceeding \$1,000 or to both” with “6 months, or to a fine not exceeding \$10,000,”.

**67 Section 53A amended (Use or attempted use of prohibited firearm to resist or prevent arrest or commit offence)**

In section 53A(2), replace “7 years” with “5 years”.

**68 Section 54 amended (Use or attempted use of firearm, etc, to resist or prevent arrest or commit offence)**

- (1) In the heading to section 54, replace “firearm” with “airgun”.
- (2) In section 54(1), before “restricted weapon”, insert “airgun,”.

**69 Section 55B amended (Offence of failing to produce firearm, etc, on demand or to permit inspection of firearm, etc)**

- (1) In the heading to section 55B, replace “firearm” with “prohibited firearm”.
- (2) In section 55B, replace “3 months” with “6 months”.
- (3) In section 55B, replace “\$1,000” with “\$10,000”.
- (4) In section 55B, replace “fails” with “fails without reasonable excuse”.

**70 New sections 55C to 55I inserted**

After section 55B, insert:

**55C Offence of failing to produce firearm other than pistol, restricted weapon, or prohibited firearm on demand or to permit inspection of firearm**

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—

- (a) produce a firearm (other than a pistol, restricted weapon, or prohibited firearm) in their possession to a member of the Police on demand; or
- (b) permit a member of the Police to inspect a firearm (other than a pistol, restricted weapon, or prohibited firearm) or the place where it is kept, or to enter that place.

**55D Offences relating to illegal manufacturing of certain arms items**

(1) A person commits an offence if the person—

- (a) intentionally manufactures or assembles a firearm or restricted weapon using parts that have been illegally manufactured, imported, or trafficked; or
- (b) intentionally enters into a contract or an arrangement, or arrives at an understanding, to manufacture or assemble a firearm or restricted weapon using parts that have been illegally manufactured, imported, or trafficked; or
- (c) does not hold a dealer's licence, but intentionally manufactures for sale, transfer, rental, or other supply—
  - (i) a firearm, pistol, prohibited firearm, or restricted weapon; or
  - (ii) a part of a firearm, pistol, prohibited firearm, or restricted weapon; or
  - (iii) a pistol carbine conversion kit; or
- (d) does not hold a dealer's licence, but intentionally enters into a contract or an arrangement, or arrives at an understanding, to manufacture for sale, transfer, rental, or other supply—
  - (i) a firearm, pistol, prohibited firearm, or restricted weapon; or
  - (ii) a part of a firearm, pistol, prohibited firearm, or restricted weapon; or
  - (iii) a pistol carbine conversion kit; or
- (e) intentionally fails to mark a firearm, part of a firearm, or pistol carbine conversion kit manufactured by the person in accordance with this Act or regulations made under section 74.

(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).



**55E Offences relating to illegal trafficking of firearms, parts, or ammunition**

- (1) A person commits an offence if the person intentionally—
  - (a) moves, delivers, sends, or transfers any firearm, pistol, pistol carbine conversion kit, prohibited firearm, or restricted weapon, or any part or ammunition, into New Zealand without lawful authority, or if the item is not marked in accordance with this Act and regulations made under section 74, whether or not the person intends to export the item from New Zealand; or
  - (b) moves, delivers, sends, or transfers any firearm, pistol, pistol carbine conversion kit, prohibited firearm, or restricted weapon, or any part 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 made under section 74; or
  - (c) moves, delivers, sends, or transfers any firearm, pistol, pistol carbine conversion kit, prohibited firearm, or restricted weapon, or any part or ammunition, through or across New Zealand to another country without lawful authority; or
  - (d) moves, delivers, sends, or transfers any firearm, pistol, pistol carbine conversion kit, prohibited firearm, or restricted weapon, or any part 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)(a) to (d)**.
- (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).
- (5) Any firearm, pistol, pistol carbine conversion kit, prohibited firearm, or restricted weapon, or any part 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 prohibited good for the purposes of the Customs and Excise Act 2018, except sections 388 and 389 of that Act.

**55F Offences relating to falsifying firearm markings**

- (1) A person commits an offence if the person intentionally—
  - (a) marks a complete firearm, or a complete but unassembled firearm, with any false identifying markings at the time of manufacture; or
  - (b) marks an imported firearm with any false identifying markings.

- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 10 years.

**55G Offences relating to removing or altering firearm markings**

- (1) A person commits an offence if the person, without reasonable excuse, obliterates, removes, or alters a marking on a firearm or part.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to imprisonment for a term not exceeding 3 years.
- (3) If any mark is removed for a lawful and proper purpose, the firearm or part must be re-marked in accordance with the marking requirements of this Act and regulations made under section 74.

**55H Extraterritorial jurisdiction for offences against section 55D, 55E, 55F, or 55G**

- (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 55D, 55E, 55F, or 55G**—
- (a) if the person to be charged—
- (i) is a New Zealand citizen; or
  - (ii) is ordinarily resident in New Zealand; or
  - (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
  - (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
  - (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 55D, 55E, 55F, or 55G**:
- (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).
- (3) Nothing in this section limits—
  - (a) the application of **section 55D, 55E, 55F, or 55G** 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
    - (ii) an event necessary to the completion of an offence; or
  - (c) the application of section 8A of the Crimes Act 1961.

**55I Attorney-General’s consent required**

- (1) No charging document may be filed against any person in relation to an offence against **section 55D, 55E, 55F, or 55G** 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 55D, 55E, 55F, or 55G** 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.

**71 New section 58A inserted (Offences relating to registry)**

After section 58, insert:

**58A Offences relating to registry**

- (1) A person commits an offence who, without reasonable excuse, fails to provide information to the Police in accordance with **section 94**.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$10,000.
- (3) A person commits an offence if the person intentionally fails to provide information to the Police in accordance with **section 94**.
- (4) A person commits an offence if the person provides information to the Police for inclusion in the registry, knowing the information to be false or misleading in a material respect.
- (5) A person who commits an offence against **subsection (3) or (4)** is liable on conviction to a term of imprisonment not exceeding 2 years, or to a fine not exceeding \$20,000.

**72 Section 59 amended (Unsafe firearms or pistols)**

Replace section 59(4) with:

- (4) An owner of a firearm or pistol 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, without reasonable excuse, fails to comply with a notice given to them under subsection (2) in respect of that firearm or pistol.

**73 New Part 9 heading inserted**

After section 59, insert:

**Part 9**  
**Miscellaneous provisions**

**74 Section 59A replaced (Surrender by licensed dealer of firearms, etc)**

Replace section 59A with:

**59A Surrender by licensed dealer of firearms, etc**

- (1) A licensed dealer does not contravene section 10 if, on obtaining possession of any of the following items from any person, the licensed dealer surrenders the item within 5 working days to the nearest Police station for inspection and inquiries:
- (a) a pistol:
  - (b) a pistol carbine conversion kit:
  - (c) a restricted weapon:
  - (d) a prohibited item.
- (2) A licensed dealer does not contravene section 12 if the licensed dealer does not record the particulars of any of the following items that is received by that dealer and, within 5 working days, surrenders the item to the nearest Police station for inspection and inquiries:
- (a) a firearm:
  - (b) an airgun:
  - (c) a pistol:
  - (d) a pistol carbine conversion kit:
  - (e) a prohibited item:
  - (f) a restricted weapon.

**74A Section 59B replaced (Voluntary delivery to Police of firearms, etc)**

Replace section 59B with:

**59B Voluntary delivery to Police of firearms, etc**

- (1) If any arms item or ammunition is delivered to the Police by a person who is not authorised to be in possession of the item or ammunition, it is affirmed that 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.
- (2) *See also* Parts 1 and 2 of Schedule 1 (which contain amnesty provisions).

**75 New sections 60 to ~~60B-60C~~ inserted**

After section 59B, insert:

**60 Improvement notices**

- (1) This section applies if a member of the Police reasonably believes that a person with a firearms or dealer's licence or an ammunition seller is failing, has failed, or is likely to fail to comply with—
  - (a) 1 or more applicable provisions of this Act or regulations made under this Act; or
  - (b) any conditions on a licence, an endorsement, or a permit.
- (2) The member of the Police may issue an improvement notice that—
  - (a) states the applicable provision or provisions, or condition or conditions, that the member of the Police reasonably believes the person is failing, has failed, or is likely to fail to comply with; and
  - (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.
- (3) An improvement notice must be in writing and be sent to the person by post or electronic means to their last known address.
- (4) The member of the Police 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 member of the Police). *See sections 60A and 60B* for possible suspension and revocation of a licence if a person fails to comply with an improvement notice.

**60A Temporary suspension of licence pending possible revocation**

- (1) A member of the Police may, by notice in writing to the holder of a firearms or dealer's licence, temporarily suspend the licence if satisfied that 1 or more of the following apply:

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 75

- (a) the holder is not a fit and proper person to be in possession of any firearm or airgun, which includes a case where—
  - (i) the holder has failed or refused to secure any arms items or ammunition in the person's possession, in accordance with regulations made under this Act; or
  - (ii) the holder has failed to comply with any conditions imposed on their licence; or
  - (iii) the holder has failed to comply with an improvement notice issued under **section 60**; or
  - (iv) the member of the Police is so satisfied on the basis of a notice given under **section 91** by a health practitioner; or
  - (v) the licence has been seized under section 18 of the Search and Surveillance Act 2012:
- (b) the holder, being the holder of a dealer's licence, is not a fit and proper person to hold a dealer's licence:
- (d) access to any firearm or airgun in the possession of the 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 a member of the Police, is not a fit and proper person to be in possession of a firearm or an airgun, or ammunition; or
  - (vi) a person, other than the holder, whose firearms licence has been temporarily suspended.
- (2) A notice of temporary suspension of a licence must state—
  - (a) the ground on which the notice is given; and
  - (aa) the licence that the notice applies to; and
  - (ab) that if the person also holds a dealer's licence, their dealer's licence will also be suspended while that firearms licence is suspended; and
  - (ac) the date on which the suspension begins; and
  - (b) that the suspension is to enable the Police to consider revoking the licence on that ground; and
  - (c) that the holder may, at any time before a day stated in the notice, make oral or written submissions on whether the licence should be revoked ~~in accordance with **section 27**~~ on that ground; and
  - (d) that the suspension lasts until notice of the decision as to whether to revoke the licence ~~has been revoked~~ is given to the holder, 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; and
- (e) that the effect of the notice is that the 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 60B and 60C**); and
  - (f) that the holder may commit an offence if the holder carries on any activities that require the holder to be licensed under this Act; and
  - (g) that the holder may be required immediately or before to a date specified by a member of the Police to surrender to Police the holder's licence and the arms items and ammunition in the holder's possession.
- (3) The day stated under **subsection (2)(c)** must not be sooner than, in the opinion of the Police, is reasonable to enable the holder to prepare and make submissions.

**60B Effect of temporary suspension of licence**

- (1) ~~When, or at any time after, a temporary licence suspension notice is given to the holder, any member of the Police may require the holder (orally or in writing) to surrender the licence and, in that case, the holder must immediately do so.~~
- (2) ~~On and after the date on which the holder of a firearms licence is given a notice, this Act applies as if the holder were not licensed to possess any arms item or ammunition by virtue of the licence or any endorsement on it.~~
- (3) ~~On and after the date on which the holder of a dealer's licence is given a notice,—~~
  - (a) ~~this Act applies as if the holder were not authorised to carry on any dealer activity; and~~
  - (b) ~~an employee of the holder may not carry on a dealer activity for the holder.~~
- (4) ~~On and after the date on which the holder is given a notice or if the holder fails to surrender the arms items concerned, as required by a notice given under **section 60A**, a member of the Police may seize and take possession of any arms item or ammunition in the possession or under the control of the holder.~~
- (5) ~~If the suspended licence is a firearms licence, **subsection (4)** applies despite **subsection (2)(b)**.~~
- (6) ~~If a person's firearms licence is suspended, and the person holds a dealer's licence, the dealer's licence is automatically suspended while the firearms licence remains suspended.~~

**60B** Effect of temporary suspension of firearms licence

- (1) During the period that a firearms licence is suspended, this Act applies as if the firearms licence holder were not licensed to possess any arms item or ammunition under the licence or any endorsement on it.
- (2) At any time during the period that a firearms licence is suspended, a member of the Police may require the firearms licence holder (orally or in writing) to immediately surrender to a member of the Police—
  - (a) their firearms licence; and
  - (b) every arms item in their possession or under their control; and
  - (c) all ammunition in their possession or under their control.
- (3) If a firearms licence holder fails to comply with a requirement under **subsection (2)(b) or (c)**, a member of the Police may seize and take possession of any arms item or ammunition in the possession or under the control of the holder.
- (4) If a person's firearm's licence is temporarily suspended and the person holds a dealer's licence,—
  - (a) the holder's dealer's licence is suspended while their firearms licence remains suspended; and
  - (b) **section 60C** applies.

**60C** Effect of temporary suspension of dealer's licence

- (1) During the period that the dealer's licence is suspended,—
  - (a) this Act applies as if the dealer were not authorised to carry on any dealer activity; and
  - (b) an employee of the dealer may not carry on or assist with the carrying on of any dealer activity on behalf of the dealer.
- (2) At any time during the period that a dealer's licence is suspended, a member of the Police may require the dealer (orally or in writing) to immediately surrender to a member of the Police—
  - (a) their dealer's licence; and
  - (b) every arms item in their possession or under their control; and
  - (c) all ammunition in their possession or under their control.
- (3) If a dealer fails to comply with a requirement under **subsection (2)(b) or (c)**, a member of the Police may seize and take possession of any arms item or ammunition in the possession or under the control of the dealer.

**76** **Section 62 replaced (Right of appeal from official decisions)**

Replace section 62 with:



## **62 Right of review of official decisions**

- (1) This section applies to a decision to refuse an application for, or to revoke, a firearms licence.
- (2) A person who is the subject of a decision to which this section applies may apply in the prescribed manner to the Commissioner for a review of the decision.
- (3) An application must state—
  - (a) the decision that the applicant wishes to be reviewed; and
  - (b) the reasons why the applicant thinks the decision should be reviewed; and
  - (c) the outcome the applicant is seeking.
- (4) An application must, subject to **subsection (5)**, be made within 28 days after the date on which notice of the relevant decision is given to the person.
- (5) The Commissioner may accept a late application no later than 28 days after the closing date in **subsection (4)** if satisfied that there are extenuating circumstances that affected the ability of the claimant to make the application by the closing date.

## **62A How review to be conducted**

- (1) The Commissioner must delegate under section 72 the responsibility for reviewing a decision to which **section 62** applies to 1 or more persons other than the person who made the original decision.
- (2) The reviewer must review the decision on the papers within 28 days after the date on which the application for review was lodged.
- (3) The Commissioner must give the applicant a written or an electronic notice of the reviewer's decision, and that decision has effect according to its terms.
- (4) The original decision remains in force until the reviewer's decision is notified to the applicant.

## **62B Right of appeal to District Court**

- (1) A person who is the subject of a decision referred to in **paragraph (a) or (b)** or is a person described in **paragraph (c)** may, by way of originating application, appeal to a District Court Judge against the decision as follows:
  - (a) a decision to refuse an application for any of the following:
    - (i) a dealer's licence:
    - (ii) consent under section 7A:
    - (iii) a permit for the purposes of **section 16(1)**:
    - (iv) a firearms licence:
    - (v) an endorsement under section 30, 30B, or 36:

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 76

- (vi) a permit under section 35 to possess a pistol or restricted weapon:
- (via) a permit under **section 35AAA** to possess a pistol carbine conversion kit:
- (vii) a permit under section 35A to possess a prohibited item:
- (viii) a certificate of approval for a shooting club under **section 38F**:
- (x) certification of a shooting range under **section 380**:
- (b) a decision to issue subject to conditions imposed by a member of the Police, or to revoke, any of the following:
  - (i) a dealer's licence:
  - (ii) a permit for the purposes of **section 16(1)**:
  - (iii) a firearms licence:
  - (iv) an endorsement under section 30, 30B, or 36:
  - (v) a permit under section 35 to possess a pistol or restricted weapon:
  - (va) a permit under **section 35AAA** to possess a pistol carbine conversion kit:
  - (vi) a permit under section 35A to possess a prohibited item:
  - (viii) a certificate of approval for a shooting club under **section 38F**:
  - (ix) certification of a shooting range under **section 380**:
- (c) a person who has been served with a notice under section 59 or **66C**.
- (2) However, in the case of a decision to which **section 62** applies, a person has no right of appeal under this section unless the person has—
  - (a) first applied under **section 62** for a review of the decision; and
  - (b) been notified of the reviewer's decision.
- (3) On hearing an appeal under **subsection (1)**, the District Court Judge may, subject to **subsection (5)**, confirm, vary, or reverse the decision appealed against.
- (4) **Subsection (5)** applies if—
  - (a) an application for a firearms licence has been refused on the ground set out in section 24(2); or
  - (b) a firearms licence has been revoked on the ground set out in section 27(1).
- (5) 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.

**62C Further provisions relating to appeals**

- (1) Despite the fact that any appeal under **section 62B** may have been determined in favour of the appellant, any commissioned officer of Police, in the exercise of powers conferred on the officer by this Act, may, subject to the like right of appeal, revoke any licence or permit to which the appeal related, or any licence or permit granted in compliance with the decision of the District Court Judge on the appeal, on any sufficient grounds supported by facts or evidence discovered since the hearing of the appeal.
- (2) The decision of the District Court Judge on any appeal under **section 62B** is final and conclusive, subject to **subsection (1)** and to section 64.
- (3) No person is excused from complying with any of the provisions of this Act on the ground that—
  - (a) the person has applied for a review under **section 62B** and the review is pending; or
  - (b) the person has appealed under **section 62B** and the appeal or the decision on the appeal is pending.

**76A Section 63 amended (Appeal to District Court Judge in respect of compensation)**

In section 63, after “pistol,”, insert “pistol carbine conversion kit,”.

**77 Section 64 amended (Appeal on a question of law)**

In section 64(1), replace “section 62” with “**section 62B**”.

**77A Section 65 amended (Restoration of articles seized)**

In section 65, after “pistol,”, insert “pistol carbine conversion kit,”.

**78 Cross-heading above section 66 replaced**

Replace the cross-heading above section 66 with:

*Other miscellaneous provisions*

**79 New sections 66A to 66D inserted**

After section 66, insert:

**66A Loss, theft, or destruction of firearm, etc**

- (1) This section applies if—
  - (a) a firearm, prohibited magazine, prohibited part, or restricted weapon is lost, stolen, or destroyed; or
  - (b) a non-prohibited part or non-prohibited magazine that is required to be recorded in the registry is lost, stolen, or destroyed.
- (2) The owner of the firearm, magazine, part, or restricted weapon must—

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 79

- (a) immediately notify a member of the Police of the loss, theft, or destruction; and
  - (b) give all information in their possession relating to the loss, theft, or destruction to the member of the Police.
- (3) A notification under **subsection (2)** must be given in the form or manner, or both the form and manner, approved by the Commissioner.
- (4) Every 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)**.

**66B Person in possession of firearm, etc, must give identifying information to Police**

- (1) A person in possession of any arms item or ammunition, must, on demand, give their full name, address, and date of birth to any member of the Police who is in uniform or who produces evidence that they are a member of the Police.
- (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 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.
- (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
  - (b) willingly gives false particulars about their name, address, or date of birth.

**66C Powers of Police to require surrender of airguns or antique firearms**

- (1) If any person who is not the holder of a firearms licence or a dealer's licence is in possession of an airgun or antique firearm, a commissioned officer of Police may, by notice in writing served on that person, require that person to surrender the airgun or antique firearm to a member of the Police, if that officer is of the opinion that that person is not a fit and proper person to be in possession of the airgun or antique firearm.
- (2) If any person is served with a notice under **subsection (1)**, that person must, on demand, deliver the airgun or antique firearm to a member of the Police, and ~~section 28(2) to (4)~~ **section 28(3) to (5)** applies accordingly with all necessary modifications.

- (3) Any person required under this section to surrender an airgun or antique firearm may appeal under **section 62B** 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, without reasonable excuse, fails to comply with a notice given to them under **subsection (1)**.

**66D Obligations of owner or operator of craft temporarily visiting New Zealand and carrying firearms, etc**

- (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 items that are not being off-loaded, the owner or operator of the craft must—
  - (a) include details of all arms items on board the craft—
    - (i) in an advance notice of arrival that is required to be provided to the New Zealand Customs Service by section 12 of the Customs and Excise Act 2018; or
    - (ii) in an inward report that is required to be provided to the New Zealand Customs Service by 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 relating to the secure storage of those arms items, which may include a direction that the arms items be temporarily surrendered to a member of the Police or a Customs officer.
- (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 or a Customs officer may—
  - (a) board the craft; and
  - (b) seize and detain the arms items; and
  - (c) in effecting the seizure and detention of the arms items, use any reasonably necessary force.

- (3) In this section,—

**arms items** means any firearms, pistols, restricted airguns, prohibited items, restricted weapons, pistol carbine conversion kits, or ammunition

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

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

**owner** has the meaning given in section 5(1) of the Customs and Excise Act 2018.

**80 Section 69 replaced (Forfeitures)**

Replace section 69 with:

**69 Forfeitures**

- (1) If a person is convicted of an offence of using, carrying, or being in possession of any specified item, the convicting court must, as part of the sentencing, order that the specified item be forfeited to the Crown.
- (2) However, **subsection (1)** does not apply and the convicting court need not make an order under that provision if the court considers that, given the circumstances of the offending, it would be unjust to make that order.
- (3) Any specified item ordered under **subsection (1)** to be forfeited to the Crown—
  - (a) is forfeited to the Crown accordingly; and
  - (b) may be disposed of in any manner that the Commissioner directs.
- (4) In this section, **specified item** means any firearm, airgun, pistol, restricted weapon, imitation firearm, prohibited item, pistol carbine conversion kit, ammunition, or explosive.

**80A Section 70 amended (Authorising disposal of firearms, etc, detained by Police)**

In section 70(1) and (2), after “prohibited part,” insert “pistol carbine conversion kit,” in each place.

**81 Section 72A amended (Service of documents)**

After section 72A(1)(c), insert:

- (d) made available to that person electronically through the registry, so long as an email is sent to an address supplied by the person to tell them that the notice or other document has been made available and the person has agreed to receive notices or documents in that way.

**81A Section 73 amended (Savings in respect of carriers and persons authorised to exercise powers of seizure)**

- (~~1~~) ~~In section 73(1)(a) and (b), after “prohibited part,” insert “a pistol carbine conversion kit.”~~
- (1) In section 73(1)(a) and (b), replace “a prohibited magazine, a prohibited part” with “a magazine, a part, a pistol carbine conversion kit”.

**82 Section 74 amended (Regulations)**

- (1) In section 74(1)(b), after “licences,” insert “certificates of approval, certifications.”
- (2) After section 74(1)(ba), insert:

- (bb) providing criteria, not inconsistent with this Act, for finding that ~~an applicant for a firearms licence~~ a person is not a fit and proper person to be in possession of a firearm or an airgun:
- (bc) providing criteria, not inconsistent with this Act, for finding that ~~an applicant for a firearms licence~~ a person is a fit and proper person to be in possession of a firearm or an airgun:
- (3) In section 74(1)(e), after “licences,”, insert “certificates of approval, certifications,”.
- (3A) After section 74(1)(e), insert:
- (ea) extending the expiry date of licences and endorsements in the event of a pandemic, an epidemic, or an emergency being declared under the Civil Defence Emergency Management Act 2002:
- (4) Repeal section 74(1)(f) and (2).
- (5) After section 74(1)(g), insert:
- (ga) prescribing the details that persons carrying on business are required under **section 22D** to enter in the registry relating to the sale or supply of ammunition:
- (gb) prescribing the particulars that are required to be included in annual reports of 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:
- (gc) prescribing the information and documents required to support an application under **section 38C** for approval of a shooting club:
- (gd) prescribing the information and documents required to support an application under **section 38L** for certification of a shooting range, including the types of firearms and ammunition for which the range is certified:
- (6A) In section 74(1)(i) and (j), after “restricted weapons,”, insert “pistol carbine conversion kits,”.
- (6B) After section 74(1)(i), insert:
- (ia) 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:
- (7) After section 74(1)(j), insert:
- (ja) providing for 1 or more of the following in relation to the sale or hiring of any arms item and ammunition:

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 82

- (i) material that must be included in any advertising, promotion, or display of any arms item and ammunition:
  - (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 dealers:
- (jc) providing for 1 or more of the following in relation to notices given by health practitioners for the purposes of **section 91**:
- (i) the information that the Police must provide to a licence holder when notifying the 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 91(3)**:
  - (iii) the kinds or classes of health practitioners who may make a further assessment under **section 91** and any time limits or other requirements that apply to the assessment:
  - (iv) the responsibilities of a health practitioner who makes a further assessment:
- (8) Replace section 74(1)(l) with:
- (l) making provisions that relate to any marking required for any firearms, magazines, and parts with identifying markings:
- (8A) In section 74(1)(lb), replace “section 4A(1)(f) to (i)” with “section 4A(1)(f) to **(j)**”.
- (8B) In section 74(1)(lc), replace “section 4A(1)(i)” with “section 4A(1)(i) and **(j)**”.
- (9) After section 74(1)(p), insert:
- (pa) providing for any matters necessary or desirable for the efficient operation of the registry, including provisions that—
    - (i) require licence holders or other persons to provide specified information to the Police for inclusion in the 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 Police for inclusion in the registry:
    - (iii) impose additional requirements to be met for the purposes of the registry by persons described in section 4A who apply for—
      - (A) consent to conduct business at a gun show under section 7A; or



- (B) a permit to import under **section 18**; or
  - (C) an endorsement under section 30B to possess a prohibited firearm; or
  - (D) a permit to possess under section 35A:
- (iv) impose different requirements for different kinds of licences, conditions, or endorsements:
- (pb) without limiting **paragraph (pa)(i)**, requiring specified persons to provide specified information to the Police in accordance with the regulations in relation to firearms, parts, and magazines that are not required to be marked with identifying markings (for example, antique firearms and firearms exempted from or not covered by regulations made under **paragraph (I)**):
  - (pc) requiring specified particulars to be recorded in the registry for the purpose of **section 93(1)(f)**:
- (10) In section 74(1)(r), replace “\$400” with “\$2,000”.
- (11) After section 74(1)(ra), insert:
- (rb) providing for matters not inconsistent with this Act that relate to the operation of the advisory group appointed under **section 88**, including provisions that—
    - (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:
    - (iii) prohibit members from disclosing any information provided to them in confidence in their capacity as members of the group:
    - (iv) enable the appointment of subcommittees:
  - (rc) providing for matters not inconsistent with this Act that relate to the operation of the review process under **section 62**, including provisions that prescribe, or authorise the Commissioner to prescribe, the form of applications for a review under **section 62**:
  - (rd) without limiting any class of persons who are authorised to do so under section 3, providing for other persons to be authorised to carry or possess firearms, airguns, pistols, prohibited magazines, prohibited parts, restricted weapons, pistol carbine conversion kits, ammunition, or explosives belonging to the Crown:
  - (re) providing that any requirements mentioned in **section 3(5)(a) to (d)** do apply in relation to any firearms or other items regulated by or under this Act that are owned by the Crown, to the extent provided in the regulations:
- (12) After section 74(2), insert:

- (3) Regulations under **subsection (1)(pa)** may be made only on the recommendation of the Minister of Police after being satisfied that the Commissioner has consulted the Privacy Commissioner about the proposed regulations.
- (4) Subject to **subsection (3)**, regulations may be made under this section only on the recommendation of the Minister of Police after being satisfied that the Commissioner has done everything reasonable to consult persons or organisations (or representatives of those organisations) that appear to the Commissioner to be affected or likely to be affected by the regulations, except where the Minister is satisfied that in the circumstances it was not practicable to consult to that extent or to carry out any consultation.
- (5) No regulations made under **subsection (1)(ja)** may come into force earlier than 3 months after the date of their notification in the *Gazette* unless the Minister is satisfied that in all the circumstances there are reasons that justify an earlier commencement date and recommends accordingly.

**82A Section 74A amended (Order in Council relating to definitions of prohibited firearm and prohibited magazine, and declaring prohibited ammunition)**

- (1) Replace section 74A(a) with:
  - (a) amend the description in **section 2A** of a semi-automatic firearm (except a small semi-automatic pistol) or pump-action shotgun that is a prohibited firearm:
- (2) Replace section 74A(c) with:
  - (c) declare any semi-automatic firearm (except a small semi-automatic pistol) or pump-action firearm of a stated name or description to be a prohibited firearm for the purposes of this Act:

**82B Section 74C amended (Regulations providing for transitional matters)**

In the heading to section 74C, after “**matters**”, insert “**relating to Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019**”.

**82C New section 74D inserted (Regulations providing for transitional matters relating to Arms Legislation Act 2019)**

After section 74C, insert:

**74D Regulations providing for transitional matters relating to Arms Legislation Act 2019**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Police, make regulations—
  - (a) providing transitional and savings provisions concerning the coming into force of the amendment Act that may be in addition to, or in substitution for, the transitional and savings provisions in **Part 2 of Schedule 1**:

- (b) providing that (subject to any conditions specified in the regulations), during a specified transitional period,—
- (i) specified provisions of this Act (including definitions or transitional and savings provisions) do not apply (or apply with modifications or additions):
  - (ii) specified provisions repealed, ~~revoked~~, or amended by the amendment Act continue to apply (or continue to apply with modifications or additions):
  - (iii) specified terms have the meanings given to them by regulations:
  - (~~iii~~iv) conditions for the possession and use of a specified item apply during the amnesty period (as defined in **clause 8 of Schedule 1**):
- (c) providing for any other matters necessary for facilitating or ensuring an orderly transition from the legislative regime that applies under this Act before the amendment Act comes fully into force to the legislative regime that applies when the amendment Act comes fully into force.
- (2) ~~The Minister may recommend the making of regulations under this section only if the Minister is satisfied that the regulations are necessary or desirable for the orderly implementation of the amendment Act.~~
- (3) On the close of 31 December ~~2024~~ 2025,—
- (a) this section is repealed; and
  - (b) any regulations made under it are revoked.
- (4) ~~In this section, **amendment Act** means the Arms Legislation Act **2019**.~~
- (4) In this section,—  
**amendment Act** means the Arms Legislation Act **2019**  
**amnesty period** has the meaning given in **clause 8 of Schedule 1**  
**specified item** has the meaning given in **clause 8 of Schedule 1**.

### 83 New sections 79 to 95 and cross-headings inserted

After section 78, insert:

#### *Cost recovery*

#### 79 Purpose of sections 80 to 86

The purpose of **sections 80 to 86** is to enable the Police to recover its costs in respect of certain activities undertaken by the Police under this Act.

Compare: 2008 No 72 s 79A

**80 Activities that may be subject to cost recovery**

- (1) The Minister of Police may recommend the making of a regulation under **section 86** only if satisfied that the fee or charge concerned relates to an activity undertaken by the Police 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 86**—
  - (a) include—
    - (i) processing an application for a firearms or dealer's licence, including assessing whether the applicant is a fit and proper person;
    - (ii) providing training and testing services in relation to obtaining a firearms licence;
    - (iii) issuing any licence under this Act;
    - (iv) processing any application for an endorsement, a permit to possess, or permit to import;
    - (v) issuing any endorsement, a permit to possess, or permit to import;
    - (vi) undertaking inspections and compliance checks, including checks relating to any licence, endorsement, permit, certification, conditions, or improvement notices;
    - (vii) providing testing of samples in relation to firearms, firearm parts, restricted weapons, parts of restricted weapons, magazines, pistol carbine conversion kits, air pistol carbine conversion kits, blank-firing guns, or ammunition;
    - (viii) processing any application for approval or certification of a club or range;
    - (ix) approving the manufacture for sale of arms items;
  - (b) do not include—
    - (i) the response of the Police to calls relating to potential offending; or
    - (ii) the conduct of criminal investigations; or
    - (iii) the prosecution of criminal offences.

Compare: 2008 No 72 s 79B

**81 Criteria for cost recovery**

The Minister of Police may recommend that regulations be made under **section 86** only if the Minister is satisfied that,—

- (a) subject to the provisions of **section 86**, 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
- (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.

Compare: 2008 No 72 s 79C

## 82 Consultation

- (1) The Minister of Police may recommend that regulations be made under **section 86** only if the Minister is satisfied that the Commissioner has done everything reasonable on the Commissioner's part to consult the persons or organisations (or representatives of those organisations) that appear to the Commissioner to be affected or likely to be affected by the fee or charge.
- (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
  - (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 86**.

Compare: 2008 No 72 s 79D

## 83 Methods of cost recovery

- (1) Regulations for the recovery of costs may provide for the following:
  - (a) fixed fees or charges;
  - (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.
- (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:
- (c) takes into account indirect costs, which include the costs and potential costs of support, maintenance, and development associated with provision of the activity.

Compare: 2008 No 72 s 79E

#### **84 Payment of fee or charge**

- (1) A fee or charge prescribed by regulations made under **section 86** 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 86** and received by the Police or any other government agency must be paid into a departmental bank account.

Compare: 2008 No 72 s 79F

#### **85 Exemptions, waivers, and refunds**

- (1) Regulations made under **section 86** may provide for exemptions from, or waivers or refunds of, any fee or charge prescribed by regulations made under this Act, in whole or in part, in any class of case.
- (2) Regulations made under **section 86** may authorise the Commissioner, as the Commissioner thinks fit in the circumstances specified in those regulations, to exempt, waive, or refund the whole or any part of a fee or charge prescribed by the regulations.

Compare: 2008 No 72 s 79G

#### **86 Regulations relating to cost recovery**

The Governor-General may, by Order in Council on the recommendation of the Minister of Police made after consultation in accordance with **section 82**,—

- (a) make regulations prescribing fees or charges for specified activities in accordance with **sections 79 to 83**:
- (b) make regulations for the purposes of **section 84**:
- (c) make regulations for the purposes of **section 85**.

Compare: 2008 No 72 s 102A

*Guidance notices*

**87 Guidance notices**

- (1) The Commissioner may issue notices that provide guidance or details of an administrative nature that relate to 1 or more of the following:
  - (a) the requirements of regulations made under section 74(1)(i) that relate to the security of licensed dealer premises:
  - (b) the requirements of regulations made under section 74(1)(j) that relate to the security of premises where firearms are kept:
  - (c) the issuing of identifying markings for firearms and magazines manufactured in or imported into New Zealand:
  - (d) the approval of any shooting club or certification of any shooting range:
  - (e) how to demonstrate the positive behaviours, skills, and knowledge that are expected of a fit and proper person:
  - (f) how to manage specific situations where non-licensed persons come into possession of a firearm:
  - (g) matters that health practitioners consider when determining whether to notify the Police under **section 91**:
  - (h) generally, about any aspect of the Act or regulations made under this Act where the Commissioner thinks further guidance or detail is useful.
- (2) The Commissioner must consult the ~~Commissioner's Firearms Advisory Group~~ Arms Advisory Group, and may consult any other person or organisation that the Commissioner thinks appropriate, before issuing any notice.
- (3) The Commissioner must—
  - (a) publish the notice in the *Gazette*; or
  - (b) notify in the *Gazette* the fact that the notice has been made and state in that notification where members of the public can access a copy of the notice in electronic form.
- (4) A notice issued under this section is neither a disallowable instrument nor a legislative instrument for the purposes of the Legislation Act 2012.

~~*Commissioner's Firearms Advisory Group*~~ *Arms Advisory Group*

**88 ~~Commissioner's Firearms Advisory Group~~ Arms Advisory Group**

- (1) The ~~Commissioner~~ Minister of Police must establish a ~~Commissioner's Firearms Advisory Group~~ an Arms Advisory Group (the **advisory group**) comprising a chairperson appointed by the ~~Minister of Police~~ and up to 8 other members appointed by the Commissioner.

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 83

- (2) The purpose of the advisory group is to advise the ~~Commissioner~~ Minister on matters that contribute to achieving the objectives of this Act, in particular, the safe use and control of firearms.
- (3) The advisory group may provide advice on any matter relating to firearms in New Zealand, including legislative proposals, policies for regulating New Zealand's firearms regime, and the promotion of firearms safety.

**89 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 regulations made under this Act.
- (3) The advisory group must, as soon as practicable after the end of each financial year, provide the ~~Commissioner~~ Minister of Police with an annual report of its proceedings and operations during that year.
- (4) The Commissioner must provide the resources and administrative support necessary to enable the advisory group to perform its functions.
- (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.

**90 Provisions relating to appointment of members of advisory group**

- (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 about the mitigation of harm from firearms from a health perspective.
- (2) In appointing any member of the advisory group, the Minister of Police ~~or the Commissioner (as the case may be)~~ must have regard to the need for the advisory group to possess knowledge and experience in some or all of the following areas:
  - (a) New Zealand and international firearms 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 firearms awareness, safety, or law reform:
  - (f) any other matters the Minister ~~or the Commissioner (as the case may be)~~ 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 ~~Commissioner~~ Minister of Police must, by notice in the *Gazette*, notify the appointment 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 accordance with the fees framework.
- (6) In this section, **fees framework** means the framework determined by the Government for the classification and remuneration of statutory and other bodies in which the Crown has an interest.

#### **90A Removal of members of advisory group**

- (1) The ~~Minister of Police or Commissioner~~ may, if satisfied that there is just cause to do so, remove from office any member ~~appointed by them~~ 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.
- (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).

#### *Medical assessments*

#### **91 Health practitioners may give Police medical reports of persons unfit to use firearm**

- (1) This section applies if a health practitioner who has attended or been consulted in respect of a person who the practitioner knows or has reason to believe is a firearms licence holder considers that the health condition of the licence holder is such that, in the interests of the safety of individuals or the public, the licence holder—
  - (a) should not be permitted to use or possess a firearm; or
  - (b) should only be permitted to use or possess a firearm subject to any limitations that may be warranted by the health condition of the licence holder.
- (2) If this section applies, the health practitioner must consider notifying the Police as soon as practicable—
  - (a) of the opinion under **subsection (1)**; and

- (b) the grounds on which it is based; and
  - (c) whether the practitioner believes the licence holder poses an immediate or imminent danger of self-harm or harm to others.
- (3) If the Police have been notified by a health practitioner under **subsection (2)**, the Commissioner may require a licence holder to undergo a further medical assessment by a health practitioner who is independent from the practitioner who made the initial assessment and, in that case, the licence holder must either—
- (a) undergo the further assessment; or
  - (b) surrender their licence under section 27(2).
- (4) Regulations made under section **74(1)(jc)** (if any) 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.

*Registration of firearms and dealings*

**92 Commissioner to keep registry**

The Commissioner must keep and operate a registry for the purposes of this Act.

**93 Content of registry**

- (1) The following particulars must be recorded in the registry:
- (a) the number and date of expiry of every type of licence held by a person under this Act;
  - (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 74;
  - (e) the particulars of the make, model, and identifying markings of every firearm, restricted weapon, and prohibited magazine possessed by a licence holder, and of the location of the firearm, restricted weapon, and prohibited magazine, if the particulars are held by the Police;
  - (f) every particular that regulations made under section 74 require to be recorded in the registry.
- (2) The registry may include—
- (a) photographs provided under section 34A; and

- (b) any other information that the Commissioner considers necessary or desirable—
  - (i) to ensure that the registry is complete and accurate; or
  - (ii) for the administration of this Act and regulations made under it; and
- (c) any other photographs that the Commissioner considers necessary or desirable.

#### 94 **Obligation to provide information to registry**

- (1) This section applies to the following persons:
  - (a) every holder of a firearms licence:
  - (b) every holder of a dealer's licence:
  - (c) every other person who is or intends to be in possession of a firearm or other item regulated by or under this Act.
- (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:
  - (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 74.
- (3) Every person to whom this section applies, and every person who has responsibility in relation to any event to which this section applies, must provide the relevant details to the Police in accordance with the time and any other requirements prescribed by regulations made under section 74.
- (4) In this section, **temporary transfer** means a transfer of possession of the firearm (not being a pistol, restricted weapon, prohibited magazine, or prohibited firearm) or other item for less than 30 days.

#### *Review of operation of this Act*

#### 95 **Review of this Act**

- (1) The Minister of Police must—
  - (a) ~~review the operation of this Act, including the impact of the **Arms Legislation Act 2019** (the **amendment Act**), when the amendment Act has been fully in force for 5 years; and~~

**Proposed amendments to  
Arms Legislation Bill**

Part 1 cl 84

- (a) review the operation of this Act when all of the provisions of the amendment Act, **except sections 85 and 87**, have been in force for 3 years; and
  - (b) prepare a report on that review, including recommendations for amendments to this Act.
- (1A) The review must include reviewing—
- (aaa) the operation of the registry; and
  - (a) all offences and penalties in this Act; and
  - (b) the impact of the amendment Act.
- (2) The review must be completed within 18 months after all of the provisions of the amendment Act, **except sections 85 and 87**, have been ~~has been fully~~ in force for 5-3 years.
- (3) The Minister must present the report to the House of Representatives as soon as practicable after it has been completed.
- (1) In this section, **amendment Act** means the Arms Legislation Act **2019**.

**84 New Part 2 of Schedule 1 inserted**

In Schedule 1, after Part 1, insert the **Part 2** set out in **Schedule 1** of this Act.

**Part 2  
Amendments to other enactments**

Subpart 1—Amendments to Extradition Act 1999

**85 Amendments to Extradition Act 1999**

- (1) This subpart amends the Extradition Act 1999.
- (2) After section 101B(1)(a), insert:
  - (aa) every offence against any of **sections 55C, 55D, 55E, and 55F** of the Arms Act 1983:
- (3) In section 101B(5), insert in its appropriate alphabetical order:

**firearms protocol** means the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime, done at New York on 31 May 2001
- (4) In section 101B(5), definition of **foreign country**, paragraph (b), after “(as the case may be)”, insert “the firearms protocol,”.

Subpart 2—Amendment to Intelligence and Security Act 2017

**86 Amendment to Intelligence and Security Act 2017**

- (1) This subpart amends the Intelligence and Security Act 2017.
- (2) In Schedule 2, after the item relating to information about people and locations identified as posing a possible physical threat to GCSB or NZSIS employees, insert:

NZSIS	Information about people and firearms collected in connection with the performance or exercise of a function, duty, or power under the Arms Act 1983, to be used for the purpose of assisting Police in determining whether a person is a fit and proper person to possess firearms or airguns	New Zealand Police
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Subpart 3—Amendment to Mutual Assistance in Criminal Matters Act 1992

**87 Amendment to Mutual Assistance in Criminal Matters Act 1992**

- (1) This subpart amends the Mutual Assistance in Criminal Matters Act 1992.
- (2) In Schedule 1, after item 32, insert:

33	Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime, done at New York on 31 May 2001	An offence against any of the following sections of the Arms Act 1983:	
		<i>section</i>	<i>subject matter</i>
		<b>55D</b>	Offences relating to illegal manufacturing of firearms or parts
		<b>55E</b>	Offences relating to illegal trafficking of firearms, parts, or ammunition
		<b>55F</b>	Offences relating to falsifying firearm markings
		<b>55G</b>	Offences relating to removing or altering firearm markings

Subpart 4—Consequential amendments

**88 Consequential amendments to other enactments**

Amend the enactments specified in **Schedule 2** as set out in that schedule.

**Schedule 1**  
**New Part 2 of Schedule 1 inserted**

s 84

**Part 2**  
**Provisions relating to Arms Legislation Act 2019**

**8 Interpretation**

In this Part,—

~~Act~~ means the Arms Act 1983

**amendment Act** means the Arms Legislation Act **2019**

**amnesty period** means the period—

- (a) beginning on the ~~enactment~~ commencement date; and
- (b) ending on—
  - (i) the date that is 6 months after the first date on which regulations made under **clause 16E** come into force; or
  - (ii) any later date prescribed by Order in Council

~~enactment~~ commencement date means the day after the date on which the amendment Act receives the Royal assent

**specified item** means—

- (a) a specified prohibited firearm;
- (b) a pistol carbine conversion kit

**specified prohibited firearm** means—

- (a) ~~a semi-automatic firearm that has a lower receiver, if the lower receiver is able to be attached to a centrefire upper receiver so that the resulting firearm is able to function:~~
  - (a) a semi-automatic firearm that—
    - (i) is capable of firing only 0.22 calibre or lower rimfire cartridges;  
and
    - (ii) 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
    - (iii) has a lower receiver that is able to be attached to a centrefire upper receiver so that the resulting firearm is able to function;
  - (b) a semi-automatic pistol that is not—
    - (i) a small semi-automatic pistol:

**Proposed amendments to  
Arms Legislation Bill**

Schedule 1

(ii) a semi-automatic pistol held by a person referred to in **section 2A(3)**:

- (c) a centrefire pump-action rifle that is capable of being used with a detachable magazine;
- (d) a centrefire pump-action rifle that has 1 or more non-detachable magazines (tubular or otherwise) capable of holding more than 10 cartridges commensurate with that firearm's chamber size.

**9 Duration of firearms licences issued or applied for before-enactment commencement date**

- (1) If a firearms licence is issued on or after **10 February 2020** on an application made on or after that date but before the enactment commencement date, the licence is treated as having effect only for 5 years in the case of an applicant who—
  - (a) has never previously held a firearms licence; or
  - (b) has had their previous licence revoked or has surrendered their previous licence; or
  - (c) has allowed their previous licence to expire without applying for a new licence before the expiry date.
- (2) Nothing in the amendment Act affects the duration of any other firearms licence applied for before the enactment commencement date.

**10 Disqualification from holding firearms licence**

- (1) This clause applies to a person who is the holder of a firearms licence immediately before the date of commencement of **section 22G**.
- (2) The holder is not disqualified under **section 22G** from holding the firearms licence even if the holder has, within the previous 10-year period ending on the date of commencement of **section 22G**,—
  - (a) been convicted of any of the offences specified in that section; or
  - (b) been released from custody after being convicted of any of those offences; or
  - (c) had a 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.

**11 ~~Rights of holders of existing firearms licences~~**

- (1) ~~This clause applies to every person who, immediately before the commencement of **section 24A** (as inserted by **section 36** of the amendment Act), holds a valid firearms licence.~~



- (2) If, on or after the commencement of **section 24A**, any of the circumstances set out in **section 24A(1)** arise in connection with the person, a member of the Police may—
- (a) take into account those circumstances and any other circumstances arising prior to the commencement of **section 24A**; and
  - (b) find that the person is no longer a fit and proper person to hold the licence for the purposes of this Act; and
  - (c) deal with the person under this Act accordingly.

## 12 Rights of holders of existing dealer's licence

- (1) This clause applies to every person who, immediately before the commencement of **section 6** (as inserted by **section 10** of the amendment Act), holds a valid dealer's licence.
- (2) If, on or after the commencement of **section 6**, any of the circumstances set out in **section 6** arise in connection with the person or the person's senior manager, a member of the Police may—
- (a) take into account those circumstances and any other circumstances arising prior to the commencement of **section 6**; and
  - (b) find that the person is no longer a fit and proper person to hold the licence for the purposes of this Act; and
  - (c) deal with the person under this Act accordingly.

## 13 Kea guns

- (1) This clause applies to a person who—
- (a) is the registered owner of a kea gun; and
  - (b) has a firearms licence that bears an endorsement made under section 29(1) (as it read immediately before its repeal by **section 42(1)** of the amendment Act).
- (2) The person must, within 6 months after the commencement of **section 42(1)** of the amendment Act,—
- (a) obtain an endorsement under section 30 permitting the person to have possession of the kea gun in a capacity specified in section 29(2)(b), (c), or (d); or
  - (b) surrender the kea gun to a member of the Police.

## 14 Shooting clubs

- (1) **Subclause (2)** applies to an incorporated pistol shooting club that, immediately before the date of commencement of **Part 6**, was recognised by the Commissioner for the purposes of section 29 (as in force immediately before the commencement of **section 42** of the amendment Act).

- (2) On and after the commencement of **Part 6**, the incorporated pistol shooting club is to be treated as if the club has been issued with a certificate of approval under **section 38F**.
- (3) In the case of any other shooting club that existed as a shooting club immediately before the commencement of **Part 6**, an application under **section 38B** must be made within 12 months after the date of commencement of **Part 6**.
- (4) If an application for certification of the club is made within that 12-month period, the club is to be treated, as from the time the Commissioner receives the application until the application has been decided, as if the club has been issued with a certificate of approval under **section 38F**.

### 15 Shooting ranges

- (1) **Subclause (2)** applies to a pistol shooting range that at the date of commencement of **Part 6** was approved by the Commissioner in accordance with regulation 22 of the Arms Regulations 1992.
- (2) The pistol shooting range is to be treated as if the range has been issued with a certificate under **section 380** during the period that—
  - (a) commences on the date of commencement of **Part 6**; and
  - (b) ends on whichever of the following dates first occurs:
    - (i) the date of cancellation of the Commissioner's approval of the shooting range given before the commencement of **Part 6**;
    - (ii) the date that is 5 years after the date of commencement of **Part 6**.
- (3) In the case of any other shooting range that existed as a shooting range immediately before the commencement of **Part 6**, an application under **section 38K** must be made within 12 months after the commencement of **Part 6**.
- (4) If an application for certification of the range is made within that 12-month period, the range is to be treated, as from the time the Commissioner receives the application until the application has been decided, as if the range has been issued with a certificate under **section 380**.

### 16 Obligations relating to registry

- (1) This clause applies if a person is a licence or permit holder under this Act immediately before the date of commencement of **section 94** or is a prescribed person for the purposes of this clause.
- (2) In **subclause (1)**, **prescribed person** means any person who belongs to a class of persons declared by regulations made under **clause 17**~~section 74D~~ to be prescribed persons for the purposes of **subclause (1)**.
- (3) The person must provide the Police with the relevant information within the time and in accordance with any other requirements prescribed by regulations made under section 74 or **clause 17**~~74D~~ (as the case may be) if the person—
  - (a) is applying for a licence or an endorsement; or

- (b) is notifying a change in circumstances (such as a change of address); or
  - (c) has responsibility in relation to an event referred to in **section 94(2)**; or
  - (d) is subject to compliance or enforcement action by the Police under this Act.
- (4) If none of the circumstances in **subclause (3)** apply to the person within 5 years after the registry starts operating, the person must, from the close of that 5-year period, provide the Police with the relevant information in accordance with regulations made under section 74.
- (5) If none of the circumstances in **subclause (3)** apply to a licence holder within 5 years after the registry starts operating and the holder no longer possesses a firearm, part, magazine, or ammunition at the end of that 5-year period, the holder must notify the Police of that fact as soon as practicable after that period ends.
- 16A Permits to import issued for purposes of section 16(1) of Act before ~~enactment commencement~~ date revoked**
- (1) A permit issued for the purposes of section 16(1) of this Act (as in force immediately before the ~~enactment commencement~~ date) is revoked to the extent that it authorises the importation of a firearm that,—
- (a) after the ~~enactment commencement~~ date, is a specified prohibited firearm; and
  - (b) before the ~~enactment commencement~~ date, has not been brought or sent into New Zealand.
- (2) This clause does not apply to permits issued for the purposes of enabling persons referred to in section 3(2) of this Act to carry out their duties.
- 16B Specified prohibited firearms subject to the control of Customs at ~~enactment commencement~~ date**
- (1) This clause applies to a specified prohibited firearm that is subject to the control of the New Zealand Customs Service at the ~~enactment commencement~~ date.
- (2) The specified prohibited firearm is to be treated as specified prohibited goods under section 98 of the Customs and Excise Act 2018 and the chief executive of the New Zealand Customs Service may, under section 85(1)(b) of that Act, authorise the delivery of the specified prohibited firearm to the Police.
- (3) At the time of that delivery, the specified prohibited firearm ceases to be subject to the control of Customs.
- (4) In this clause, **subject to the control of Customs** has the same meaning as in section 6 of the Customs and Excise Act 2018.

**16C Temporary amnesty for persons possessing specified items before ~~enactment commencement~~ date**

- (1) This clause applies to a person who, before the ~~enactment commencement~~ date, lawfully possesses a specified item.
- (2) The person does not commit an offence under section 50A or **50AA** of this Act for the continued possession of the specified item if the person does not use the specified item during the amnesty period.
- (3) **Subclause (2)**—
  - (a) ceases to have effect at the end of the amnesty period; and
  - (b) is subject to any other conditions (if any) set by regulations.
- (4) *See also* the provisions governing surrender and voluntary delivery of prohibited items in **sections 59A and 59B** of this Act.

**16D Compensation for specified items delivered to Police**

- (1) This clause applies in respect of a specified item that, on or after the ~~enactment commencement~~ date, is delivered or otherwise surrendered to a member of the Police.
- (2) The specified item becomes the property of the Crown, free and discharged from all right, title, or interest possessed by any person in respect of that item.
- (3) Compensation may be paid in respect of the specified item in accordance with any regulations made under **clause 16E**.
- (4) However, nothing in this Act or the amendment Act otherwise confers any right to compensation, or is to be relied on in any proceedings as a basis for a claim to compensation, except and to the extent authorised by regulations made under **clause 16E**.

**16E Regulations establishing compensation for delivery of specified items to Police**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Police, make regulations establishing 1 or more schemes for the purpose of paying compensation in respect of a specified item that, during the amnesty period or any other specified period or periods, is delivered or otherwise surrendered to a member of the Police or meets any other prescribed requirements.
- (2) Regulations made under **subclause (1)** may—
  - (a) apply to 1 or more classes of licence holders or other persons who, before ~~enactment commencement~~ date, lawfully possessed the specified item:
  - (b) apply to 1 or more classes of specified items:
  - (c) confer the right to compensation only if specified criteria or conditions are met:

- (d) limit the right to compensation in specified circumstances (for example, the maximum number of pistol carbine conversion kits for which compensation may be paid to a person):
  - (e) provide for the Commissioner to determine the amount of compensation to be paid in respect of ~~for~~ a specified item or a class of specified items (whether that item or class of items is of a specified type, make, model, description, or condition, or a combination of them), including—
    - (i) by issuing a schedule of those amounts:
    - (ii) by determining the method by which the amount of compensation to be paid in respect of ~~for~~ a specified item is calculated, which may include—
      - (A) the maximum amount of compensation payable in respect of an item:
      - (B) the minimum amount of compensation payable in respect of an item:
      - (C) the proportion of a specified amount of compensation payable in respect of an item:
  - (f) impose conditions on any payment of compensation:
  - (g) specify the criteria that the Commissioner may apply when determining or assessing the compensation payable in respect of a specified item:
  - (h) confer and make any provisions with respect to rights of review or appeal against any compensation determined or assessed in respect of a specified item.
- (3) Regulations made under **subclause (1)** may make different provision with respect to different persons, specified items, or circumstances or different classes of persons, specified items, or circumstances.
- (4) To avoid doubt, regulations made under **subclause (1)** need not include compensation for—
- (a) any economic loss; or
  - (b) any consequential loss; or
  - (c) any loss for business interruption; or
  - (d) any loss attributable to intrinsic or sentimental value.

**17 Regulations providing for transitional matters**

- (1) ~~The Governor-General may, by Order in Council, make regulations—~~
- (a) ~~providing that, subject to any conditions stated in the regulations, transitional or savings provisions prescribed by the regulations that relate to the implementation of the amendment Act (in addition to, or in substitution for, any other transitional provisions in the amendment Act) apply during the whole or any part of a specified transitional period:~~

**Proposed amendments to  
Arms Legislation Bill**

Schedule 1

- (b) ~~providing that, subject to any conditions that are specified in the regulations, during a specified transitional period,—~~
  - (i) ~~specified provisions of this Act (including definitions) do not apply, or are to continue to apply, or apply with modifications or additions, or both:~~
  - (ii) ~~specified terms have the meanings given to them by the regulations:~~
  - (iii) ~~specified provisions repealed, amended, or revoked by the Amendment Act are to continue to apply:~~
- (c) ~~providing for any other matters necessary for facilitating or ensuring an orderly transition from the legislative regime that applies under this Act before the amendment Act comes fully into force to the legislative regime that applies when the amendment Act comes fully into force.~~
- (2) ~~No regulations made under this clause may be made, or continue in force, later than 5 years after the commencement of this clause.~~

## Schedule 2 Consequential amendments to other enactments

s 88

### Part 1 Amendments to other Acts

#### Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)

In Schedule 1, Part 3, insert the following items relating to the Arms Act 1983 in their appropriate numerical order:

Offence to import firearms, etc, without permit	<b>section 16(4)</b>
Offence to import prohibited ammunition	<b>section 16A</b>
<u>Offence to sell or supply pistol or restricted weapon to person who does not hold permit to import or permit to possess</u>	<b>section 44</b>
<u>Offence to sell or supply prohibited firearm or prohibited magazine</u>	<b>section 44A</b>
Offence to assemble prohibited firearm	section 55A
Offences relating to illegal manufacturing of arms items	<b>section 55D</b>
Offences relating to illegal trafficking of firearms, parts, or ammunition	<b>section 55E</b>
Offences relating to falsifying firearms markings	<b>section 55F</b>
<u>Offences relating to removing or altering firearm markings</u>	<b>section 55G</b>

#### Search and Surveillance Act 2012 (2012 No 24)

Replace section 45(1)(b) with:

- (b) against section **16(4)**, **16A**, **43**, **43AA**, **44**, **44AA**, 44A, 45, 50, 50A, **50AA**, 50B, **50C**, **50CA**, 50D, 51, 53A(2), 54, 55, or 55A of the Arms Act 1983; or

Replace section 45(2)(b) with:

- (b) against section **16(4)**, **16A**, **44**, 44A, 45, 50, 50A, 50B, **50C**, **50D**, 51, 53A(2), 54, 55, or 55A of the Arms Act 1983; or

### Part 2 Amendments to legislative instruments

#### Arms Regulations 1992 (SR 1992/346)

In regulation 3(1A)(b), replace “Arms Office” with “Police Station”.

In regulation 6(1A)(b), replace “Arms Office” with “Police Station”.

In regulation 7(7A)(b), replace “5-year period specified in subclause (10)” with “10-year period specified in **section 12(1B)** of the Act”.

Revoke regulation 7(9) and (10).

**Proposed amendments to  
Arms Legislation Bill**

Schedule 2

**Arms Regulations 1992 (SR 1992/346)—*continued***

In regulation 10(2)(b), replace “Arms Office” with “Police Station”.

In regulation 12(1), replace “pistol” with “firearm, pistol” in each place.

After regulation 12(1A), insert:

(1B) Every person who manufactures or assembles a firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon (other than a pistol, prohibited firearm, restricted airgun, or restricted weapon that is an antique firearm) must stamp or engrave identifying markings on it at the time of manufacture (if it does not already bear one).

In regulation 13(1A)(a), replace “Arms Office” with “Police Station”.

In regulation 16(2)(b)(i) and (ii), replace “Arms Office” with “Police Station”.

In regulation 22(1)(a), replace “approved by the Commissioner for the purpose” with “that has been certified under **section 380**”.

Replace the heading to regulation 28E with “**Definitions for regulation 28G**”.

In regulation 28E, replace “regulations 28F and 28G” with “regulation 28G”.

In regulation 28E, revoke the definitions of **existing manufacturing business**, **existing supply business**, and **permitted supply**.

Revoke regulation 28F.

In regulation 29A(a), replace “Arms Office” with “Police Station”.

**District Court Rules 2014 (LI 2014/179)**

Replace rule 20.13(1)(d) with:

(d) sections **62B**, 63, and 65 of the Arms Act 1983:

**Health and Safety at Work (Hazardous Substances) Regulations 2017 (LI 2017/131)**

In Part 9, regulation 9.2, definition of **firearms dealer’s licence**, replace “section 5” with “**section 5B**”.