

Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill

Government Bill

Explanatory note

General policy statement

Purpose

This Bill amends the Arms Act 1983 (the **Act**), with the aim of tightening gun control to increase the safety and security of New Zealanders by reducing the risk of death or injury from guns. The Bill recognises the extreme harm that results from the misuse of semi-automatic firearms.

The Bill seeks to remove semi-automatic firearms from circulation and use by the general population in New Zealand. The Bill achieves this by prohibiting semi-automatic firearms, magazines, and parts that can be used to assemble prohibited firearms.

The prohibition will include the existing category of semi-automatic firearms defined as Military Style Semi-Automatics (**MSSAs**), which are already subject to greater licensing controls under the Act compared with other types of firearms. The prohibition will extend beyond MSSAs to include most semi-automatic firearms, and some shotguns. Some small-calibre rimfire semi-automatic firearms and lesser-capacity shotguns are excluded from the prohibition. Those excluded firearms are commonly used in the farming, hunting, and recreational communities, and have a limited magazine capacity.

A small number of firearms licence holders are permitted under the Bill to import, sell, supply, and possess semi-automatic firearms and other items for genuine and justifiable reasons. They will need to apply to the Police to obtain the necessary approvals in order to qualify for the exemptions.

The Bill inserts new provisions to provide a general prohibition on importing, selling, supplying, or possessing any of the following:

- a semi-automatic firearm (other than a pistol), with some exceptions:

- a pump-action shotgun that is capable of being used with a detachable magazine:
- a pump-action shotgun that has a non-detachable tubular magazine or magazines that can hold more than 5 cartridges or magazines:
- magazines for shotguns that can hold more than 5 cartridges:
- magazines for any other firearm that are detachable and can hold—
 - 0.22 calibre or less rimfire cartridges and more than 10 of those cartridges; or
 - more than 10 cartridges and can be used with a semi-automatic or fully automatic firearm:
- any other magazine that can hold more than 10 cartridges:
- a part of a prohibited firearm, including a component, that can be applied to enable, or take significant steps towards enabling, a firearm to be fired with, or near, a semi-automatic action.

Exemptions to import, sell, supply, and possess semi-automatic firearms

The Bill inserts new provisions to provide narrow exemptions for the following:

- licensed dealers:
- people employed or engaged by the Department of Conservation to lawfully kill or hunt wild animals or animal pests, or people who hold a concession granted by the Minister of Conservation to lawfully undertake wild animal recovery operations:
- people employed or engaged by a management agency to lawfully kill or hunt wild animals or animal pests in accordance with the Biosecurity Act 1993:
- bona fide collectors of firearms:
- directors or curators of bona fide museums:
- approved broadcasters, bona fide theatre companies or societies, or film or television production companies.

The Bill provides that only a person in one of the exempted categories can possess a prohibited item. An exempt person can take a prohibited item into their possession only if they have a permit to import it or a permit to possess it, and, if a prohibited item is not imported, only if it has come from either a licensed dealer or a licence holder who has an endorsement permitting them to possess a prohibited item. An exception is made if a licensed dealer who receives a prohibited firearm from a member of the public immediately hands the prohibited item in to the Police.

The Bill provides that only a person in one of the exempted categories can sell a prohibited item, and only to a person who has an endorsement on their licence permitting them to possess a prohibited item, or a permit to possess that prohibited item.

The Bill provides that a permit is required to import a prohibited item. To obtain a permit there must be special reasons why the item should be allowed into New Zea-

land, and, for licensed dealers, the licensed dealer must be acting for a licence holder who has an endorsement allowing the licence holder to possess a prohibited item and a permit to possess it.

Amnesties for return of prohibited items and all firearms

To allow prohibited items to be removed safely from the community, the Bill provides an amnesty for prohibited firearms, magazines, and parts to be surrendered to licensed dealers and the Police by 30 September 2019.

The existing amnesty provision for licensed dealers in the Act is also expanded from pistols and restricted weapons to cover any prohibited firearms that they receive. The amnesty is necessary to help ensure that prohibited items are removed safely from the community, not only from current licensed firearms owners, but also from individuals who have inadvertently come into the possession of a prohibited item and want to relinquish the item in good faith.

The amnesty will also allow time for those gun licensees who are in the exempted categories to apply, if they wish to, for the necessary endorsement and permits for any of their existing firearms that are prohibited firearms.

A new type of ongoing amnesty is also provided for in the Bill, to cover all types of firearms, to encourage the return of unlicensed and unwanted firearms and reduce the circulation of firearms in communities. The Bill affirms that where non-prohibited firearms are handed in under the new general amnesty, the Police have discretion not to prosecute if the offence is considered to be one of possession only and there is no public interest in prosecution.

Enforcement

The Bill contains a number of new offences, and penalties ranging from 2 to 10 years' imprisonment, to support the effect and seriousness of the prohibitions. These include the following:

- unlawful possession of prohibited firearms, magazines, and parts:
- using or intending to use a prohibited firearm to resist arrest or commit offence:
- unlawful possession of a prohibited firearm in a public place:
- presenting a prohibited firearm at another person:
- possession of a prohibited firearm while committing any offence that has a penalty of imprisonment for 3 years or more:
- carrying a prohibited firearm with criminal intent:
- importing prohibited items without a permit:
- knowingly supplying or selling a prohibited firearm to person who does not hold a permit to import or possess one:
- using a prohibited part to assemble or convert a firearm into a prohibited firearm:
- knowingly supplying or selling a prohibited part.

Commencement

The Bill will come into force on the day after Royal assent. It revokes the Arms (Military Style Semi-automatic Firearms) Order 2019, which was made to immediately restrict the possession of particular semi-automatic firearms by declaring them to be MSSAs.

Departmental disclosure statement

Police are required to prepare a disclosure statement to assist with the scrutiny of this Bill. It provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2019&no=125>

Regulatory impact assessments

Police produced a regulatory impact assessment on 1 April 2019 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact assessments can be found at—

- <https://www.police.govt.nz/about-us/publications/corporate>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the Bill amends the Arms Act 1983 (the **principal Act**).

Part 1

Amendments to principal Act

Part 1 (clauses 4 to 68) amends the provisions of the principal Act to delete references to military style semi-automatic firearms, amend offences to cover prohibited firearms, prohibited magazines, prohibited parts, and prohibited ammunition (as appropriate), and to provide for the import, sale, supply, and possession of prohibited items by exempt persons.

Clause 4 amends section 2, which defines terms used in the principal Act. The amendments—

- repeal the definition of military style semi-automatic firearm and amend other definitions to delete references to those firearms:
- replace the definition of part:

- insert cross-references to the new definitions of prohibited firearm, prohibited magazine, prohibited part, and prohibited ammunition as set out in *new sections 2A to 2D*.

Clause 5 inserts *new sections 2A to 2D*, which define the terms prohibited firearm, prohibited magazine, prohibited part, and prohibited ammunition.

Clause 6 amends section 3(2), which provides that nothing in the Act renders unlawful the carriage or possession of firearms, airguns, pistols, restricted weapons, ammunition, or explosives by certain officers of the Crown. The amendment expands the provision to cover the carriage or possession of prohibited magazines and prohibited parts by those persons.

Clause 7 inserts *new section 3A*, which relates to the transitional, savings, and related provisions set out in *new Schedule 1* (as set out in *Schedule 1* of the Bill). *New Schedule 1* clarifies that current endorsements for MSSAs are not valid for prohibited firearms, but also provides an amnesty for all those who lawfully possess a prohibited item. The amnesty is until 30 September 2019 or any later date set by Order in Council.

Clause 8 inserts *new section 4A*, which lists the class of persons (**exempt persons**) who may import, sell, supply, and possess prohibited items in accordance with the principal Act in their capacity as an exempt person.

Clauses 9 to 15 amend the provisions in the principal Act relating to licensed dealers to insert references to prohibited items that licensed dealers may possess and to prohibit the manufacture of prohibited items under a dealer's licence.

Clauses 16 to 22 amend the provisions in the principal Act relating to the importation of firearms, starting pistols, military style self-automatic firearms, restricted airguns, and restricted weapons. References in those provisions to a military style semi-automatic firearm are replaced with references to a prohibited item. It will be an offence, punishable by imprisonment for a term not exceeding 5 years, to import into New Zealand without a permit a prohibited item. The Police will have the burden of proving the commission of this offence. It will also be an offence, punishable by imprisonment for a term not exceeding 5 years, to import into New Zealand prohibited ammunition.

Clause 23 amends section 20 of the principal Act to provide that holding a firearms licence does not entitle a person to possess a prohibited item.

Clause 24 amends section 22 of the principal Act so that the defence provisions for a prosecution against section 20 do not apply to the possession of a prohibited firearm.

Clauses 25 to 33 amend the provisions in the principal Act relating to endorsements. Currently an endorsement is required to a firearms licence to enable the licence holder to possess any pistol, restricted weapon, or military style semi-automatic firearm. The amendments replace the references to a military style semi-automatic firearm with references to a prohibited firearm and prohibited magazine. Before making an endorsement, a member of the Police must be satisfied that the applicant is a fit and proper person to be in possession of a prohibited firearm or prohibited magazine,

and that it is necessary for the applicant, in their capacity as an exempt person, to have possession of the prohibited firearm or prohibited magazine. Additional criteria apply in respect of exempt persons described in *new section 4A(d) to (g)*. Endorsements are subject to conditions, including that the holder of the firearms licence must possess and use the prohibited firearm or prohibited magazine solely in their capacity as an exempt person.

Clauses 34 to 36 relate to permits to possess a pistol, restricted weapon, or military style semi-automatic firearm. References to a military style semi-automatic firearm are removed from section 35 of the principal Act and a *new section 35A* is inserted dealing specifically with the issue of a permit to possess a specific prohibited firearm or prohibited magazine. The permit requirements for possessing a prohibited firearm or prohibited magazine are the same as those that currently apply for a military style semi-automatic firearm. A person will need to either have a dealer's licence or have an endorsement on their firearms licence authorising possession of that category of prohibited item. In either case, the person will also need a permit to possess the specific prohibited firearm or prohibited magazine.

In section 35, references to "procure" are replaced with "possess" and that term is used in *new section 35A*. This is to ensure that a permit to possess is required in any case where a prohibited firearm is obtained by converting a non-prohibited firearm, as well as obtaining by any other means. The permit to possess must be valid at the time the person obtained or converts the firearm.

Clauses 37 to 40 amend sections 38 to 40 of the principal Act to replace references to a military style semi-automatic firearm with references to a prohibited item or prohibited magazine, and ensure that the owners of all prohibited items are subject to the same obligations as owners of other firearms. These obligations relate to giving notice of an intention to remove a firearm out of New Zealand, or of loss, theft or destruction of a firearm. A person in possession of a firearm or prohibited item is also required, upon request from the Police, to provide their name, address, and date of birth.

Clauses 41 to 57 amend the offence provisions in the principal Act to remove references to a military style semi-automatic firearm and to ensure that all current offences in relation to these firearms will now apply in relation to prohibited firearms and prohibited magazines.

Some of the penalties for offences relating to prohibited firearms and prohibited magazines are more severe than for other firearms and restricted weapons. The penalty for the following offences is a term of imprisonment not exceeding 7 years:

- unlawful carriage or possession in a public place of a prohibited firearm (and also a restricted weapon):
- presenting a prohibited firearm at another person:
- using or attempting to use a prohibited firearm to commit an offence:
- carrying a prohibited firearm with criminal intent.

The penalty for using or attempting to use a prohibited firearm with intent to resist or prevent arrest is 10 years (*new section 53A*).

Eight new offences are inserted, as follows:

- *new section 16(4)* provides that it is an offence to import prohibited firearms, prohibited magazines, and prohibited parts without a permit (punishable by imprisonment for a term not exceeding 5 years):
- *new section 43AA* provides that it is an offence to possess, sell, or supply prohibited ammunition (punishable by imprisonment for a term not exceeding 5 years):
- *new sections 44A and 44B* provide that it is an offence to knowingly supply or sell a prohibited item to a person who does not hold a permit to import or a permit to possess (punishable by imprisonment for a term not exceeding 5 years for a prohibited firearm or prohibited magazine, or 2 years for a prohibited part):
- *new section 50A* provides that it is an offence to unlawfully possess a prohibited firearm (punishable by imprisonment for a term not exceeding 5 years):
- *new section 50B* provides that it is an offence to unlawfully possess a prohibited magazine (punishable by imprisonment for a term not exceeding 2 years):
- *new section 50C* provides that it is an offence to unlawfully possess a prohibited part (punishable by imprisonment for a term not exceeding 2 years):
- *new section 55A* provides that it is an offence to assemble a prohibited firearm or to convert a firearm into a prohibited firearm (punishable by imprisonment for a term not exceeding 5 years):
- *new section 55B* provides that it is an offence to fail to produce a pistol, restricted weapon, prohibited firearm, or prohibited magazine if requested by a member of the Police, or to fail to permit an inspection of it, or of the place where it is kept (punishable by imprisonment for a term not exceeding 3 months, or a fine not exceeding \$1,000, or both).

Clause 58 inserts *new sections 59A and 59B* to facilitate the surrender of pistols, prohibited items, and restricted weapons by licensed dealers and to affirm the discretion by Police not to prosecute for possession if there is no public interest in doing so.

Clause 59 amends section 62 of the principal Act to afford appeal rights in respect of a refusal to issue a permit to possess a prohibited item, or a decision to impose any condition on a permit to possess.

Clauses 60 to 63 amend miscellaneous provisions (sections 65, 66, 69, and 70) of the principal Act to capture prohibited magazines and prohibited parts as well as prohibited firearms. Those sections include provisions relating to the forfeiture of articles seized, and the disposal of items detained by the Police.

Clause 64 amends section 73 to enable carriers and persons who seize articles to have possession of a prohibited magazine or prohibited part.

Clause 65 amends section 74, which empowers the making of regulations, to insert references to prohibited items and to provide other supporting regulation-making powers on the secure storage of vital parts of prohibited firearms or restricted weapons, and to allow for conditions on possession and use to be set for the purposes of the amnesty.

Clause 66 replaces *sections 74 and 74B*, which are regulation-making powers relating to MSSAs. *New section 74A* authorises an Order in Council to be made on the recommendation of the Minister of Police amending the definitions of prohibited firearm and prohibited magazine in *new sections 2A and 2B* and declaring other firearms, magazines, and ammunition to be prohibited firearms, prohibited magazines, and prohibited ammunition for the purposes of the Act. *New section 74B* provides that an Order in Council made under *new section 74A* is a confirmable instrument, which means that the order will be revoked at the stated time unless it is confirmed by an Act of Parliament.

Clauses 67 and 68 repeal section 77 and the Schedule of the principal Act, which are spent.

Part 2

Consequential amendments and revocation

Part 2 (clauses 69 to 71) makes consequential amendments to other enactments and the Arms Regulations 1992. It also consequentially revokes the Arms (Military Style Semi-automatic Firearms) Order 2019 because the Bill replaces that order.

Hon Stuart Nash

Arms (Prohibited Firearms, Magazines, and Parts) Amendment Bill

Government Bill

Contents

		Page
1	Title	5
2	Commencement	5
3	Principal Act	5
Part 1		
Amendments to principal Act		
4	Section 2 amended (Interpretation)	5
5	New sections 2A to 2D inserted	6
	2A Meaning of prohibited firearm	6
	2B Meaning of prohibited magazine	7
	2C Meaning of prohibited part	7
	2D Meaning of prohibited ammunition	7
6	Section 3 amended (Act to bind the Crown)	8
7	New section 3A inserted (Transitional, savings, and related provisions)	8
	3A Transitional, savings, and related provisions	8
8	New section 4A inserted (Persons who may apply to import, sell, supply, and possess prohibited items)	8
	4A Persons who may apply to import, sell, supply, and possess prohibited items	8
9	Section 5 amended (Dealers to be licensed)	9
10	Section 10 replaced (Restriction on possession of pistol or restricted weapon by licensed dealer)	9
	10 Restriction on possession of pistol, restricted weapon, or prohibited item by licensed dealer	9

**Arms (Prohibited Firearms, Magazines, and Parts)
Amendment Bill**

11	Section 11 amended (Dealers and their employees and agents to hold firearms licences)	9
12	Section 12 amended (Record of dealings by licensed dealers)	10
13	Section 13 amended (Seizure of firearms, ammunition, airguns, pistols, and restricted weapons held by licensed dealers)	10
14	Section 14 amended (Disposal of firearms, ammunition, airguns, pistols, and restricted weapons of dealer whose licence is revoked)	10
15	Section 15 amended (Offence for licensed dealer to carry on business following revocation of his licence)	10
16	Section 16 amended (Offence to import firearms, starting pistols, restricted airguns, or restricted weapons, or parts of firearms, starting pistols, or restricted weapons without permit)	10
17	New section 16A inserted (Offence to import prohibited ammunition)	11
	16A Offence to import prohibited ammunition	11
18	Section 17 amended (Burden of proof)	11
19	Section 18 amended (Issue of permits to import firearms, parts of firearms, or restricted airguns)	11
20	Section 18A amended (Expiration of permits to import firearms, starting pistols, restricted airguns, or restricted weapons, or parts of firearms, starting pistols, or restricted weapons)	12
21	Section 18B amended (Samples)	12
22	Section 19 amended (Seizure of illegally imported items)	12
23	Section 20 amended (Restrictions on possession of firearms)	12
24	Section 22 amended (Exemptions)	12
25	Section 30 amended (Power to make endorsement in respect of pistols or restricted weapons)	12
26	Section 30A amended (Application for endorsement in respect of military style semi-automatic firearm)	12
27	Section 30B replaced (Power to make endorsement in respect of military style semi-automatic firearm)	13
	30B Power to make endorsement in respect of prohibited firearm or prohibited magazine	13
28	Section 31 amended (Possession of firearm, pistol, military style semi-automatic firearm, or restricted weapon for stage, film, or television purposes)	14
29	New section 31A inserted (Conditions of endorsements)	14
	31A Conditions of endorsements	14
30	Section 32 amended (Conditions of endorsements)	15
31	Section 33A replaced (Conditions of endorsement in respect of military style semi-automatic firearms)	15
	33A Further conditions of endorsement in respect of prohibited firearm or prohibited magazine	15

**Arms (Prohibited Firearms, Magazines, and Parts)
Amendment Bill**

32	Section 33B amended (Revocation of endorsement in respect of military style semi-automatic firearms)	15
33	Section 34 amended (Notification of change of address)	16
34	Cross-heading above section 35 replaced	16
35	Section 35 amended (Issue of permit to procure pistol, military style semi-automatic firearm, or restricted weapon)	16
36	New section 35A inserted (Issue of permit to possess prohibited firearm or prohibited magazine)	16
	35A Issue of permit to possess prohibited firearm or prohibited magazine	16
37	Section 38 amended (Removal of pistol, military style semi-automatic firearm, or restricted weapon out of New Zealand)	16
38	Cross-heading above section 39 replaced	17
39	Section 39 amended (Loss, theft, or destruction)	17
40	Section 40 amended (On demand by Police person in possession of firearm, airgun, pistol, or restricted weapon to give name, address, and date of birth)	17
41	Section 43 amended (Selling or supplying firearm or airgun to unlicensed person)	17
42	New section 43AA inserted (Possessing, selling, or supplying prohibited ammunition)	17
	43AA Possessing, selling, or supplying prohibited ammunition	17
43	Section 43A amended (Mail order sale of firearm or ammunition)	18
44	Section 44 amended (Selling or supplying pistol, military style semi-automatic firearm, or restricted weapon to person who does not hold permit to import or to procure)	18
45	New sections 44A and 44B inserted	18
	44A Offence to sell or supply prohibited firearm or prohibited magazine	18
	44B Offence to sell or supply prohibited part	18
46	Section 45 amended (Carrying or possession of firearms, airguns, pistols, restricted weapons, or explosives, except for lawful, proper, and sufficient purpose)	18
47	Section 49A amended (Unlawful possession of firearm or airgun after revocation of firearms licence)	19
48	Section 50 amended (Unlawful possession of pistol, military style semi-automatic firearm, or restricted weapon)	19
49	New sections 50A to 50D inserted	19
	50A Unlawful possession of prohibited firearm	19
	50B Unlawful possession of prohibited magazine	19
	50C Unlawful possession of prohibited part	19
	50D Unlawfully carrying or possessing prohibited firearm in public place	20

**Arms (Prohibited Firearms, Magazines, and Parts)
Amendment Bill**

50	Section 51 amended (Unlawful carriage or possession in public place of firearm, airgun, pistol, ammunition, explosive, or restricted weapon)	20
51	New section 51A inserted (Presenting prohibited firearm at other person)	20
	51A Presenting prohibited firearm at other person	20
52	Section 52 amended (Presenting firearm, airgun, pistol, or restricted weapon at other person)	20
53	New section 53A inserted (Use or attempted use of prohibited firearm to resist or prevent arrest or commit offence)	20
	53A Use or attempted use of prohibited firearm to resist or prevent arrest or commit offence	21
54	Section 54 amended (Use or attempted use of firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive to resist or prevent arrest or commit offence)	21
55	New section 54A inserted (Carrying prohibited firearm with criminal intent)	21
	54A Carrying prohibited firearm with criminal intent	21
56	Section 55 amended (Carrying firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with criminal intent)	21
57	New section 55A inserted (Offence to use prohibited part to build prohibited firearm)	21
	55A Offence to assemble prohibited firearm	22
	55B Offence of failing to produce firearm, etc, on demand or to permit inspection of firearm, etc	22
58	New sections 59A and 59B and cross-heading inserted	22
	<i>Surrender or delivery of firearms, etc</i>	
	59A Surrender by licensed dealer of firearms, etc	22
	59B Voluntary delivery to Police of firearms, etc	22
59	Section 62 amended (Right of appeal from official decisions)	23
60	Section 65 amended (Restoration of articles seized)	23
61	Section 66 amended (Occupier of premises or driver of vehicle deemed to be in possession of firearm, airgun, pistol, imitation firearm, restricted weapon, or explosive found therein)	23
62	Section 69 amended (Forfeitures)	23
63	Section 70 amended (Authorising disposal of firearm, etc, detained by Police)	23
64	Section 73 amended (Savings in respect of carriers and persons authorised to exercise powers of seizure)	23
65	Section 74 amended (Regulations)	23
66	Sections 74A and 74B replaced	24
	74A Order in Council relating to definitions of prohibited firearm, prohibited magazine, and prohibited ammunition	24

	74B	Orders under section 74A are confirmable instruments	24
67		Section 77 repealed (Repeals)	24
68		Schedule replaced	25

Part 2

Consequential amendments and revocation

69		Consequential amendments to other enactments	25
70		Consequential amendments to Arms Regulations 1992	25
71		Revocation	25

Schedule 1

Schedule replaced

26

Schedule 2

Consequential amendments to other enactments

27

Schedule 3

Consequential amendments to Arms Regulations 1992

29

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act **2019**.

2 Commencement

5

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

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

Part 1

10

Amendments to principal Act

4 Section 2 amended (Interpretation)

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

exempt person means a person listed in **section 4A(1)**

prohibited ammunition means ammunition declared by Order in Council under **section 2D** to be prohibited ammunition 15

prohibited firearm has the meaning given in **section 2A**

prohibited item means a prohibited firearm, a prohibited magazine, a prohibited part or any or all of those things, as the case requires

prohibited magazine has the meaning given in **section 2B** 20

prohibited part has the meaning given in **section 2C**

- (2) In section 2(1), repeal the definition of **military style semi-automatic firearm**.
- (3) In section 2(1), replace the definition of **part** with:

part—

- (a) in relation to a pistol or a restricted weapon, includes any thing, such as a butt, stock, magazine, silencer, or sight, that, although not essential for the discharge by a pistol or a restricted weapon of any shot, bullet, missile, or other projectile, is designed, or intended to be, an integral part of the pistol or restricted weapon; and
- (b) in relation to a prohibited firearm, includes any thing, such as a butt, stock, magazine (other than a prohibited magazine), silencer, or sight, that although not essential for the discharge by the prohibited firearm of any shot, bullet, missile, or other projectile, is designed, or intended to be, an integral part of the prohibited firearm; and
- (c) in relation to any other firearm, means the action for that firearm and for any firearm that has upper and lower receivers, includes the upper receiver and lower receiver, whether together or individually; and
- (d) in relation to any firearm, includes any thing, such as bolt carrier group parts, trigger group parts, lower parts kits, barrel, gas block, gas tube, folding or telescoping stock, magazine loader, sub-calibre conversion kits, and carbine stock

- (4) In section 2(1), definition of **restricted airgun**, replace “a restricted weapon, or a military style semi-automatic firearm” with “prohibited firearm or restricted weapon” in each place.
- (5) In section 2(2), replace “military style semi-automatic firearm,” with “prohibited firearm” in each place.

5 New sections 2A to 2D inserted

After section 2, insert:

2A Meaning of prohibited firearm

In this Act, unless the context otherwise requires, **prohibited firearm**—

- (a) means the following firearms:
- (i) a semi-automatic firearm (except a pistol), other than—
- (A) a semi-automatic firearm that is capable of firing only 0.22 calibre or less 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 that firearm’s chamber size:

- (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:
- (ii) a pump-action shotgun that is capable of being used with a detachable magazine: 5
- (iii) a pump-action shotgun that has a non-detachable tubular magazine or magazines that are capable of holding more than 5 cartridges commensurate with that firearm's chamber size; 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. 10

2B Meaning of prohibited magazine

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

- (a) in relation to a shotgun, means a magazine, whether or not detachable, that is capable of holding more than 5 cartridges commensurate with that shotgun's chamber size: 15
- (b) in relation to any other firearm (except a pistol),—
 - (i) means any detachable magazine—
 - (A) that is capable of holding 0.22 calibre or less rimfire cartridges and that is capable of holding more than 10 of those cartridges: 20
 - (B) that is capable of holding more than 10 cartridges and being used with a semi-automatic or fully automatic firearm:
 - (ii) means any other magazine, whether or not detachable, that is capable of holding more than 10 cartridges; and 25
- (c) includes any other magazine declared by Order in Council made under **section 74A** to be a prohibited magazine for the purposes of this Act.

2C Meaning of prohibited part

In this Act, unless the context otherwise requires, **prohibited part** means—

- (a) a part of a prohibited firearm: 30
- (b) a component that can be applied to enable, or take significant steps towards enabling, a firearm to be fired with, or near to, a semi-automatic or automatic action.

2D Meaning of prohibited ammunition

In this Act, **prohibited ammunition** means any ammunition declared by the Governor-Governor by Order in Council to be prohibited ammunition. 35

6	Section 3 amended (Act to bind the Crown)	
	In section 3(2) and (3), after “pistols,”, insert “prohibited magazines, prohibited parts,” in each place.	
7	New section 3A inserted (Transitional, savings, and related provisions)	
	After section 3, insert:	5
3A	Transitional, savings, and related provisions	
	The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.	
8	New section 4A inserted (Persons who may apply to import, sell, supply, and possess prohibited items)	10
	After section 4, insert:	
4A	Persons who may apply to import, sell, supply, and possess prohibited items	
(1)	Only the following persons may apply to import, sell, supply, or possess a prohibited item in accordance with the provisions of this Act and in their capacity as—	15
	(a) a licensed dealer:	
	(b) a bona fide collector of firearms:	
	(c) a director or curator of a bona fide museum:	
	(d) an approved person or approved member referred to in section 29(2)(e):	20
	(e) a person who is employed or engaged by the Department of Conservation and involved in the killing or hunting of wild animals or animal pests in accordance with a specified Act:	
	(f) a person who is the holder of a concession granted by the Minister of Conservation to undertake wild animal recovery operations in accordance with a specified Act:	25
	(g) a person who is employed or engaged by a management agency (as defined in section 100 of the Biosecurity Act 1993) and involved in the killing or hunting of wild animals or animal pests in accordance with that Act.	30
(2)	In subsection (1)(e) and (f) , specified Act means—	
	(a) the Wildlife Act 1953:	
	(b) the Wild Animal Control Act 1977:	
	(c) the Conservation Act 1987:	
	(d) the Biosecurity Act 1993.	35

9 Section 5 amended (Dealers to be licensed)

(1) Replace section 5(1) with:

(1) No person may, unless they hold a dealer’s licence under this Act issued by a commissioned officer of the Police,—

- (a) in the way of business sell any firearm, prohibited magazine, prohibited part, airgun, pistol, or restricted weapon; or
- (b) manufacture for sale any firearm, airgun, pistol, or restricted weapon.

(2) After section 5(3A), insert:

(3B) Despite **subsections (1) to (3)**, no dealer’s licence may be issued for the manufacture for sale of prohibited items. 10

10 Section 10 replaced (Restriction on possession of pistol or restricted weapon by licensed dealer)

Replace section 10 with:

10 Restriction on possession of pistol, restricted weapon, or prohibited item by licensed dealer 15

(1) No licensed dealer may take a pistol, restricted weapon, prohibited firearm, or prohibited magazine into their possession for sale unless the licensed dealer obtains it—

- (a) pursuant to a permit issued for the purposes of section 16(1) or under section 35 or **35A**; and
- (b) either—
 - (i) from a holder of a firearms licence that bears an endorsement made under section 30 or **30B**; or
 - (ii) from another licensed dealer.

(2) No licensed dealer may take a prohibited part into their possession for sale unless the licensed dealer obtains it— 25

- (a) from a holder of a firearms licence that bears an endorsement made under **section 30B**; or
- (b) pursuant to a permit issued for the purposes of section 16(1); or
- (c) from another licensed dealer. 30

(3) Every person who contravenes **subsection (1) or (2)** commits an offence and is liable on conviction to a fine not exceeding \$2,000.

(4) **Subsection (3)** is subject to **section 59A(1)**.

11 Section 11 amended (Dealers and their employees and agents to hold firearms licences) 35

In section 11(1), after “pistol,” insert “prohibited item,”.

- 12 Section 12 amended (Record of dealings by licensed dealers)**
- (1) In section 12(1), after “pistols,” insert “prohibited items,”.
 - (2) In section 12(2), after “pistols,” insert “prohibited items,” in each place.
 - (3) After section 12(3), insert:
 - (4) **Subsection (3)** is subject to **section 59A(2)**. 5
- 13 Section 13 amended (Seizure of firearms, ammunition, airguns, pistols, and restricted weapons held by licensed dealers)**
- (1) In the heading to section 13, after “pistols,” insert “prohibited items,”.
 - (2) In section 13(1), after “pistols,” insert “prohibited items,”.
 - (3) In section 13(2), (4), and (5), after “pistols,” insert “prohibited items,”. 10
- 14 Section 14 amended (Disposal of firearms, ammunition, airguns, pistols, and restricted weapons of dealer whose licence is revoked)**
- (1) In the heading to section 14, after “pistols,” insert “prohibited items,”.
 - (2) In section 14, after “pistols,” insert “prohibited items,”.
- 15 Section 15 amended (Offence for licensed dealer to carry on business following revocation of his licence)** 15
- (1) In section 15(1), after “pistol,” insert “prohibited item,”.
 - (2) In section 15(2), after “pistols,” insert “prohibited items,”.
- 16 Section 16 amended (Offence to import firearms, starting pistols, restricted airguns, or restricted weapons, or parts of firearms, starting pistols, or restricted weapons without permit)** 20
- (1) Replace the heading to section 16 with “Offence to import firearms, etc, without permit”.
 - (2) Replace section 16(1) with:
 - (1) A person must have a permit to bring or cause to be brought or sent into New Zealand any of the following items: 25
 - (a) a firearm (other than a prohibited firearm), pistol, starting pistol, restricted airgun, or restricted weapon:
 - (b) any part of a firearm (other than a prohibited firearm), pistol, starting pistol, or restricted weapon: 30
 - (c) a prohibited item.
 - (3) In section 16(3), replace “subsection (1)” with “subsection (1)(a) and (b)”.
 - (4) After section 16(3), insert:
 - (4) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who acts in contravention of **subsection (1)(c)**. 35

17 New section 16A inserted (Offence to import prohibited ammunition)

After section 16, insert:

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. 5
- (2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who acts in contravention of **subsection (1)**.

18 Section 17 amended (Burden of proof)

In section 17, replace “section 16 of this Act” with “**section 16(1)(a) or (b)**”.

19 Section 18 amended (Issue of permits to import firearms, parts of firearms, or restricted airguns) 10

- (1) Replace the heading to section 18 with “**Issue of permit to import**”.
- (2) Replace section 18(1) and (2) with:
- (1) A member of the Police to whom an application is made for the issue of a permit for the purposes of **section 16(1)** may require the applicant to produce for examination and testing samples of any firearms, pistols, starting pistols, restricted airguns, prohibited magazines, prohibited parts, or restricted weapons of any kind referred to in the application that the member of the Police considers necessary. 15
- (2) A member of the Police may grant an application for the issue of a permit for the purposes of **section 16(1)** in respect of the following items: 20
- (a) any firearm (other than a prohibited firearm) or starting pistol; or
- (b) any part of an item described in **paragraph (a)**.
- (2A) The Commissioner may grant an application for the issue of a permit for the purposes of **section 16(1)** in respect of the following items: 25
- (a) a pistol, prohibited item, restricted airgun, or restricted weapon; or
- (b) any part of a pistol, restricted airgun, or restricted weapon.
- (2B) The Commissioner may issue a permit under **subsection (2A)** only if— 30
- (a) the Commissioner is satisfied that there are special reasons why the item should be allowed into New Zealand; and
- (b) in the case of an application by a licensed dealer in respect of a prohibited item, the Commissioner is satisfied that the dealer is acting as an agent for a person who is the holder of a firearms licence that bears an endorsement made under **section 30B** that permits the person to possess the prohibited item. 35
- (2C) If the application for the issue of a permit for the purposes of **section 16(1)** is in relation to a prohibited part that may be used by a licence holder on or with a

**Arms (Prohibited Firearms, Magazines, and Parts)
Amendment Bill**

Part 1 cl 20

- firearm that is not a prohibited firearm (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 enable the Police to verify the use of that part. 5
- 20 Section 18A amended (Expiration of permits to import firearms, starting pistols, restricted airguns, or restricted weapons, or parts of firearms, starting pistols, or restricted weapons)**
- Replace the heading to section 18A with “**Expiry of permits to import**”. 10
- 21 Section 18B amended (Samples)**
- In section 18B(1), (2), and (3), replace “military style semi-automatic firearm” with “prohibited item” in each place.
- 22 Section 19 amended (Seizure of illegally imported items)**
- In section 19, replace “military style semi-automatic firearm” with “prohibited item” in each place. 15
- 23 Section 20 amended (Restrictions on possession of firearms)**
- In section 20(2), replace “military style semi-automatic firearm” with “prohibited item”.
- 24 Section 22 amended (Exemptions)** 20
- In section 22(2)(a), after “pistol”, insert “, prohibited firearm,”.
- 25 Section 30 amended (Power to make endorsement in respect of pistols or restricted weapons)**
- In section 30, insert as subsection (2):
- (2) A person whose firearms licence bears an endorsement made under this section is not entitled to lawfully possess a pistol or restricted weapon until— 25
 - (a) the person is issued with a permit for the purposes of **section 16(1)** to bring or cause to be brought or sent into New Zealand a pistol or restricted weapon; or
 - (b) the endorsement is made specific to the pistol or restricted weapon in respect of which a permit has been issued under section 35. 30
- 26 Section 30A amended (Application for endorsement in respect of military style semi-automatic firearm)**
- (1) Replace the heading to section 30A with “**Application for endorsement in respect of prohibited firearm or prohibited magazine**”. 35
 - (2) Replace section 30A(1) with:

- (1) An exempt person of or over the age of 18 years, and who is a holder of a firearms licence or is applying for a firearms licence, may apply for an endorsement on their licence permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an exempt person.
- (3) After section 30A(2), insert: 5
- (2A) An application must state in which capacity referred to in **section 4A(1)** the applicant is an exempt person.
- 27 Section 30B replaced (Power to make endorsement in respect of military style semi-automatic firearm)**
- Replace section 30B with: 10
- 30B Power to make endorsement in respect of prohibited firearm or prohibited magazine**
- (1) On receiving an application under section 30A, a member of the Police may, subject to any direction of the Commissioner, make an endorsement on the applicant's firearms licence permitting the applicant to possess a prohibited firearm or prohibited magazine if the member of the Police is satisfied that— 15
- (a) the applicant is a fit and proper person to possess a prohibited firearm or prohibited magazine to which the application relates; and
- (b) it is necessary for the applicant, in their capacity as an exempt person, to possess a prohibited firearm or prohibited magazine. 20
- (2) In the case of an application made by an exempt person described in **section 4A(1)(d)**, the member of the Police must, before making the endorsement, be satisfied—
- (a) of the matters in **subsection (1)**; and
- (b) that the possession of a prohibited firearm or prohibited magazine by the applicant is required for the purpose of— 25
- (i) making a broadcast; or
- (ii) producing or staging a play; or
- (iii) filming a cinematic production or television film or making a video recording. 30
- (3) In the case of an application made by an exempt person described in **section 4A(1)(e), (f), or (g)**, the member of the Police must, before making an endorsement, be satisfied—
- (a) of the matters in **subsection (1)**; and
- (b) that the exempt person has a genuine need to possess the prohibited firearm or prohibited magazine; and 35

- (c) that the prohibited firearm or prohibited magazine will be used by the exempt person solely for the purpose of controlling wild animals or animal pests; and
- (d) that purpose cannot effectively be achieved by the use of a non-prohibited firearm or non-prohibited magazine. 5
- (4) A person whose firearms licence bears an endorsement made under this section is not entitled to lawfully possess a prohibited firearm or prohibited magazine until—
- (a) the person is issued with a permit for the purposes of **section 16(1)** to bring or cause to be brought or sent into New Zealand a prohibited firearm or prohibited magazine; or 10
- (b) the endorsement is made specific to the prohibited firearm or prohibited magazine in respect of which a permit has been issued under **section 35A**.
- 28 Section 31 amended (Possession of firearm, pistol, military style semi-automatic firearm, or restricted weapon for stage, film, or television purposes)** 15
- (1) In the heading to section 31, replace “**military style semi-automatic firearm**” with “**prohibited item**”.
- (2) In section 31, replace “military style semi-automatic firearm” with “prohibited item” in each place. 20
- 29 New section 31A inserted (Conditions of endorsements)**
- After section 31, insert:
- 31A Conditions of endorsements**
- (1) Every endorsement is granted subject to the condition that any person who is in possession of a pistol, restricted weapon (other than an air pistol), prohibited firearm, or prohibited magazine by virtue of that endorsement must— 25
- (a) produce that pistol, restricted weapon, prohibited firearm, or prohibited magazine to any member of the Police on demand; and
- (b) permit the member of the Police to inspect the pistol, restricted weapon, prohibited firearm, or prohibited magazine and the place where it is kept, and, for that purpose, to enter at all reasonable times upon the premises where the place is situated. 30
- (2) It is the duty of every member of the Police exercising any power conferred by **subsection (1)**— 35
- (a) to identify himself or herself to the person in possession of the pistol, restricted weapon, prohibited firearm, or prohibited magazine; and

- (b) to tell the person in possession of the pistol, restricted weapon, prohibited firearm, or prohibited magazine that the power is being exercised under **subsection (1)**; and
- (c) if they are not in uniform, to produce on initial entry, and, if requested, at any subsequent time, evidence that they are a member of the Police. 5
- 30 Section 32 amended (Conditions of endorsements)**
Replace the heading to section 32 with “**Further conditions of endorsements in respect of pistols and restricted weapons**”.
- 31 Section 33A replaced (Conditions of endorsement in respect of military style semi-automatic firearms)** 10
Replace section 33A with:
- 33A Further conditions of endorsement in respect of prohibited firearm or prohibited magazine**
An endorsement on a firearms licence in respect of a prohibited firearm or prohibited magazine made under **section 30B** is subject to the following conditions: 15
- (a) the holder of the firearms licence may only possess the prohibited item in their capacity as an exempt person; and
- (b) the holder of the firearms licence must observe in respect of every prohibited item in their possession all security precautions required by regulations made under this Act; and 20
- (c) the holder of the firearms licence who is an exempt person under **section 4A(1)(b), (c), or (d)** must— 25
- (i) not use live ammunition in the prohibited firearm in their possession; and
- (ii) ensure that the firearm is—
- (A) rendered inoperable by removal of a vital part; and
- (B) maintained, by reason of the removal of the vital part, in an inoperable condition; and
- (d) any other conditions regarding the use and custody of the prohibited item in their possession that the Commissioner thinks necessary. 30
- 32 Section 33B amended (Revocation of endorsement in respect of military style semi-automatic firearms)**
- (1) Replace the heading to section 33B with “**Revocation of endorsement in respect of prohibited firearm or prohibited magazine**”. 35
- (2) In section 33B(2), replace “military style semi-automatic firearm” with “prohibited firearm or prohibited magazine”.

- 33 Section 34 amended (Notification of change of address)**
In section 34(2), replace “military style semi-automatic firearm” with “prohibited firearm or prohibited magazine” in each place.
- 34 Cross-heading above section 35 replaced**
Replace the cross-heading above section 35 with: 5
- Permits to possess pistols, prohibited items, and restricted weapons*
- 35 Section 35 amended (Issue of permit to procure pistol, military style semi-automatic firearm, or restricted weapon)**
- (1) Replace the heading to section 35 with “**Issue of permit to possess pistol or restricted weapon**”. 10
- (2) In section 35(1) and (2), delete “, military style semi-automatic firearm,” in each place.
- (3) In section 35(1) and (2), replace “procure” with “possess”.
- 36 New section 35A inserted (Issue of permit to possess prohibited firearm or prohibited magazine)** 15
After section 35, insert:
- 35A Issue of permit to possess prohibited firearm or prohibited magazine**
- (1) A permit to possess a prohibited firearm or prohibited magazine may be issued only by a member of the Police acting under a direction of the Commissioner.
- (2) A permit to possess a prohibited firearm or prohibited magazine may be issued if the member of the Police to whom the application is made is satisfied that it is necessary for the applicant to possess the prohibited firearm or prohibited magazine, and the applicant is the holder of— 20
- (a) a dealer’s licence; or
- (b) a firearms licence that bears an endorsement made under **section 30B** that permits the applicant to possess a prohibited firearm or prohibited magazine. 25
- (3) 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.
- (4) A permit may at any time be revoked by a commissioned officer of Police. 30
- 37 Section 38 amended (Removal of pistol, military style semi-automatic firearm, or restricted weapon out of New Zealand)**
- (1) In the heading to section 38, replace “**military style semi-automatic firearm**” with “**prohibited firearm, prohibited magazine**”.
- (2) In section 38(1), replace “military style semi-automatic firearm” with “prohibited firearm or prohibited magazine”. 35

38 Cross-heading above section 39 replaced

Replace the cross-heading above section 39 with:

Miscellaneous obligations

39 Section 39 amended (Loss, theft, or destruction)

Replace section 39(1) with:

5

(1) This section applies if—

(a) a firearm, pistol, prohibited magazine, prohibited part, or restricted weapon is lost or stolen; or

(b) a pistol, prohibited firearm, prohibited magazine, or restricted weapon is destroyed.

10

(1A) The owner of the firearm, pistol, prohibited magazine, prohibited part, or restricted weapon must—

(a) immediately give written notice of the loss, theft, or destruction to a member of the Police; and

(b) give all information in their possession relating to the loss, theft, or destruction to a member of the Police.

15

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

(1) Replace the heading to section 40 with “**Person in possession of firearm, etc, must give identifying information to Police**”.

20

(2) In section 40(1), after “pistol,”, insert “prohibited magazine, prohibited part”.

41 Section 43 amended (Selling or supplying firearm or airgun to unlicensed person)

In section 43(1)(a) and (3), replace “military style semi-automatic firearm” with “prohibited item”.

25

42 New section 43AA inserted (Possessing, selling, or supplying prohibited ammunition)

After section 43, insert:

43AA Possessing, selling, or supplying prohibited ammunition

30

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who—

(a) possesses prohibited ammunition; or

(b) sells or supplies prohibited ammunition.

- 43 Section 43A amended (Mail order sale of firearm or ammunition)**
In section 43A(2), replace “military style semi-automatic firearm” with “prohibited item”.
- 44 Section 44 amended (Selling or supplying pistol, military style semi-automatic firearm, or restricted weapon to person who does not hold permit to import or to procure)** 5
- (1) Replace the heading to section 44 with “**Selling or supplying pistol or restricted weapon to person who does not hold permit to possess**”.
- (2) In section 44(1), (2) and (4), delete “, military style semi-automatic firearm,” in each place. 10
- (3) In section 44(2), replace “supplied a pistol or a military style semi-automatic firearm” with “supplied a pistol”.
- 45 New sections 44A and 44B inserted**
After section 44, insert:
- 44A Offence to sell or supply prohibited firearm or prohibited magazine** 15
Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who, without reasonable excuse, sells or supplies a prohibited firearm or prohibited magazine to a person other than a person who holds—
- (a) a permit issued for the purposes of **section 16(1)** under section 18 to bring or cause to be brought or sent into New Zealand that prohibited firearm or prohibited magazine; or 20
- (b) a permit issued under **section 35A** to possess that prohibited firearm or prohibited magazine.
- 44B Offence to sell or supply prohibited part** 25
Every person commits an offence and is liable to imprisonment for a term not exceeding 2 years who, without reasonable excuse, sells or supplies a prohibited part to a person other than a person who holds an endorsement to possess a prohibited firearm.
- 46 Section 45 amended (Carrying or possession of firearms, airguns, pistols, restricted weapons, or explosives, except for lawful, proper, and sufficient purpose)** 30
- (1) Replace the heading to section 45 with “**Carrying or possessing firearms, etc, except for lawful, proper, and sufficient purpose**”.
- (2) In section 45(1) and (2), after “pistol,” insert “prohibited magazine,”. 35

47	Section 49A amended (Unlawful possession of firearm or airgun after revocation of firearms licence)	
(1)	In the heading to section 49A, after “firearm”, insert “, prohibited magazine, prohibited part,”.	
(2)	In section 49, after “firearm”, insert “, prohibited magazine, prohibited part,” in each place.	5
48	Section 50 amended (Unlawful possession of pistol, military style semi-automatic firearm, or restricted weapon)	
(1)	In the heading to section 50, delete “, military style semi-automatic firearm,”.	10
(2)	Repeal section 50(1)(c).	
(3)	In section 50(3), delete “, military style semi-automatic firearm,” in each place.	
49	New sections 50A to 50D inserted	
	After section 50, insert:	
50A	Unlawful possession of prohibited firearm	15
	Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who—	
(a)	is in possession of a prohibited firearm; and	
(b)	is not authorised or permitted expressly by or pursuant to this Act to be in possession of that prohibited firearm.	20
50B	Unlawful possession of prohibited magazine	
	Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years who—	
(a)	is in possession of a prohibited magazine; and	
(b)	is not authorised or permitted expressly by or pursuant to this Act to be in possession of that prohibited magazine.	25
50C	Unlawful possession of prohibited part	
	Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years who—	
(a)	is in possession of a prohibited part; and	30
(b)	is not authorised by an endorsement made under section 30B to possess a prohibited firearm.	

- 50D Unlawfully carrying or possessing prohibited firearm in public place**
Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years who, without lawful purpose, carries or possesses a prohibited firearm in a public place.
- 50 Section 51 amended (Unlawful carriage or possession in public place of firearm, airgun, pistol, ammunition, explosive, or restricted weapon)** 5
- (1) In the heading to section 51, replace “**explosive, or restricted weapon**” with “**or explosive**”.
- (2) Replace section 51(1) with:
- (1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years, or a fine not exceeding \$4,000, or both, who, without lawful purpose,— 10
- (a) carries a firearm (other than a prohibited firearm), airgun, pistol, restricted weapon, ammunition, or explosive in a public place; or
- (b) possesses a firearm (other than a prohibited firearm), airgun, pistol, restricted weapon, ammunition, or explosive in a public place. 15
- (3) In section 51(2), replace “**explosive, or restricted weapon**” with “**or explosive**”.
- 51 New section 51A inserted (Presenting prohibited firearm at other person)**
After section 51, insert:
- 51A Presenting prohibited firearm at other person** 20
- (1) Every person commits an offence and is liable on conviction to imprisonment for a term of not exceeding 7 years who, unless for some lawful purpose, presents at any other person—
- (a) a prohibited firearm; or
- (b) anything that, in the circumstances, is likely to lead that person to believe it to be a prohibited firearm. 25
- (2) For the purposes of an offence against **subsection (1)(a)**, it does not matter whether the prohibited firearm is loaded or capable at the time of the offence of discharging any shot, bullet, missile, or other projectile.
- 52 Section 52 amended (Presenting firearm, airgun, pistol, or restricted weapon at other person)** 30
- (1) In section 52(1), replace “presents a firearm” with “presents a firearm (other than a prohibited firearm)”.
- (2) In section 52(2), after “firearm”, insert “(other than a prohibited firearm)”.
- 53 New section 53A inserted (Use or attempted use of prohibited firearm to resist or prevent arrest or commit offence)** 35
After section 53, insert:

53A Use or attempted use of prohibited firearm to resist or prevent arrest or commit offence	
(1) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 10 years who makes, or attempts to make, any use whatsoever of any prohibited firearm with intent to resist or prevent the lawful arrest or lawful detention of—	5
(a) themselves:	
(b) any other person.	
(2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years who, at the time of committing an offence punishable by imprisonment for a term of 3 years or more, possesses a prohibited firearm.	10
(3) It is a good defence to a prosecution for an offence against subsection (2) if the defendant proves that they possessed the prohibited firearm for a lawful purpose.	15
54 Section 54 amended (Use or attempted use of firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive to resist or prevent arrest or commit offence)	
(1) Replace the heading to section 54 with “Use or attempted use of firearm, etc to resist or prevent arrest or commit offence”.	20
(2) In section 54(2), after “any firearm”, insert “(other than a prohibited firearm)”.	
55 New section 54A inserted (Carrying prohibited firearm with criminal intent)	
After section 54, insert:	
54A Carrying prohibited firearm with criminal intent	25
Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 7 years who carries any prohibited firearm with intent to commit an offence.	
56 Section 55 amended (Carrying firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with criminal intent)	30
(1) Replace the heading to section 55 with “Carrying firearm, etc, with criminal intent”.	
(2) In section 55(1) and (2), replace “any firearm” with “any firearm (other than a prohibited firearm)”.	
57 New section 55A inserted (Offence to use prohibited part to build prohibited firearm)	35
After section 55, insert:	

55A Offence to assemble prohibited firearm

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years who, without lawful purpose,—

- (a) assembles a prohibited firearm; or
- (b) converts a firearm into a prohibited firearm. 5

55B Offence of failing to produce firearm, etc, on demand or to permit inspection of firearm, etc

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months, or to a fine not exceeding \$1,000, or both, who, having a firearms licence endorsed under section 30 or **30B**, fails to— 10

- (a) produce a pistol, restricted weapon, prohibited firearm, or prohibited magazine in their possession to any member of the Police upon demand; or
- (b) permit any member of the Police to inspect the pistol, restricted weapon, prohibited firearm, or prohibited weapon, or the place where it is kept, or to enter that place. 15

58 New sections 59A and 59B and cross-heading inserted

After section 59, insert:

*Surrender or delivery of firearms, etc***59A Surrender by licensed dealer of firearms, etc** 20

(1) A licensed dealer does not contravene **section 10** if, on obtaining possession of any pistol, restricted weapon, or prohibited item from any person, the licensed dealer immediately surrenders the pistol, restricted weapon, or prohibited item to the nearest Arms Office for inspection and inquiries.

(2) A licensed dealer does not contravene section 12 if the licensed dealer does not record the particulars of a firearm that is received by that dealer and the firearm is immediately surrendered to the nearest Arms Office for inspection and inquiries. 25

59B Voluntary delivery to Police of firearms, etc

(1) If any firearm, airgun, restricted weapon, or prohibited item is delivered to the Police by a person who is not authorised to be in possession of it, it is affirmed that the Police have the discretion not to prosecute where the offence is considered to be one of possession only and there is no public interest in proceeding with the prosecution. 30

(2) *See also **Schedule 1**.* 35

Compare: 1961 No 43 s 59(4)

- 59 Section 62 amended (Right of appeal from official decisions)**
- (1) Repeal section 62(1)(a).
- (2) Replace section 62(1)(b)(vi) with:
- (vi) a permit under section 35 to possess a pistol or restricted weapon:
 - (vii) a permit under **section 35A** to possess a prohibited item; and
- 5
- (3) Replace section 62(1)(c)(v) with:
- (v) a permit under section 35 to possess a pistol or restricted weapon:
 - (vi) a permit under **section 35A** to possess a prohibited item; and
- 60 Section 65 amended (Restoration of articles seized)**
- In section 65, after “restricted weapon,”, insert “prohibited magazine,”. 10
- 61 Section 66 amended (Occupier of premises or driver of vehicle deemed to be in possession of firearm, airgun, pistol, imitation firearm, restricted weapon, or explosive found therein)**
- (1) In the heading to section 66, after “**restricted weapon**,”, insert “**prohibited magazine, prohibited part**,”. 15
- (2) In section 66, after “restricted weapon,”, insert “prohibited magazine, prohibited part,” in each place.
- 62 Section 69 amended (Forfeitures)**
- In section 69(1) and (2), after “imitation firearm,”, insert “prohibited magazine, prohibited part,” in each place. 20
- 63 Section 70 amended (Authorising disposal of firearm, etc, detained by Police)**
- In section 70(1) and (2), after “imitation firearm,”, insert “prohibited magazine, prohibited part,” in each place.
- 64 Section 73 amended (Savings in respect of carriers and persons authorised to exercise powers of seizure)** 25
- In section 73, after “restricted weapon,”, insert “prohibited magazine, prohibited part,” in each place.
- 65 Section 74 amended (Regulations)**
- (1) In section 74(1)(e), after “subject”, insert “, or authorising the Commissioner to prescribe conditions of that kind”. 30
- (2) After section 74(1)(h), insert:
- (ha) making provision for the secure storage of a vital part removed from a prohibited firearm or restricted firearm to render it inoperable and pre-

**Arms (Prohibited Firearms, Magazines, and Parts)
Amendment Bill**

Part 1 cl 66

scribing precautions to be taken to prevent the theft or misuse of vital parts in the possession of any person or class of persons:

- (3) In section 74(1)(i) and (j), after “pistols, ”, insert “prohibited items,”.
- (4) In section 74(1)(l), after “firearms”, insert “, magazines, and parts”.
- (5) After section 74(1)(q), insert: 5
 - (qa) providing for, during the amnesty period (as defined in **Schedule 1**), any conditions or requirements that apply to possession or use of prohibited items:

66 Sections 74A and 74B replaced

Replace sections 74A and 74B with: 10

74A Order in Council relating to definitions of prohibited firearm, prohibited magazine, and prohibited ammunition

The Governor-General may, by Order in Council made on the recommendation of the Minister,—

- (a) amend or replace the description in **section 2A** of a semi-automatic firearm (except a pistol) or pump action shotgun that is a prohibited firearm: 15
- (b) amend or replace the description in **section 2B** of a magazine that is a prohibited magazine:
- (c) declare any semi-automatic firearm (except a pistol) or pump-action shotgun of a stated name or description to be a prohibited firearm for the purposes of this Act: 20
- (d) declare any magazine of a stated name or description to be a prohibited magazine for the purposes of this Act:
- (e) declare any ammunition to be prohibited ammunition for the purposes of this Act. 25

74B Orders under section 74A are confirmable instruments

The explanatory note of an Order in Council made under **section 74A** must indicate that—

- (a) it is a confirmable instrument under section 47B of the Legislation Act 2012; and 30
- (b) it is revoked at a time stated in the note, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act. 35

67 Section 77 repealed (Repeals)

Repeal section 77.

68 Schedule replaced

Replace the Schedule with the **Schedule 1** set out in the Schedule of this Act.

Part 2

Consequential amendments and revocation

69 Consequential amendments to other enactments

5

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

70 Consequential amendments to Arms Regulations 1992

Amend the Arms Regulations 1992 as set out in **Schedule 3**.

71 Revocation

The Arms (Military Style Semi-automatic Firearms) Order 2019 (LI 2019/55) 10
is revoked.

Schedule 1
Schedule replaced

s 68

Schedule 1
Transitional, savings, and related provisions

5

s 3A

Part 1
Provisions relating to Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019

- 1 Interpretation** 10
- In this Part,—
- Amendment Act** means the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act **2019**
- amnesty period** means the period on and from the commencement until the close of **30 September 2019** or any later period prescribed by Order in Council 15
- commencement** means the commencement of the Amendment Act.
- 2 Endorsements issued under section 30B of Act before commencement are revoked**
- (1) An endorsement issued under section 30B of the Act (as in force immediately before the commencement) is revoked. 20
- (2) However, **subclause (1)** does not limit **clause 3**.
- 3 Temporary amnesty for persons possessing prohibited items before commencement**
- (1) This clause applies to a person who, before the commencement, possesses a prohibited item. 25
- (2) The person does not commit an offence under **section 50A, 50B, or 50C** for the continued possession of the prohibited item.
- (3) **Subclause (2)**—
- (a) ceases to have effect at the end of the amnesty period; and 30
- (b) is subject to any other conditions set by the regulations (if any).
- (4) *See also* the provisions governing surrender and voluntary delivery of prohibited items in **sections 59A and 59B**.

Schedule 2
Consequential amendments to other enactments

s 69

Part 1
Amendments to other Acts

5

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

In the Schedule, Part 3, replace the items relating to the Arms Act 1983 with:

Carrying or possessing firearms, etc, except for lawful, proper, and sufficient purpose	section 45
Unlawful possession of pistol or restricted weapon	section 50
Use or attempted use of firearm, etc, to resist or prevent arrest or commit offence	section 54(2)
Carrying firearm, etc with criminal intent	section 55

Family Violence Act 2018 (2018 No 46)

In section 8, definition of **weapon**, after “pistol,”, insert “prohibited magazine, prohibited part,”.

10

Legislation Act 2012 (2012 No 119)

In Schedule 2, replace items relating to the Arms Act 1983 with:

Arms Act 1983	74A(a)
Arms Act 1983	74A(b)
Arms Act 1983	74A(c)
Arms Act 1983	74A(d)
Arms Act 1983	74A(e)

Local Government Act 2002 (2002 No 84)

In section 212, definition of **unauthorised weapon**, paragraph (b)(i), after “pistol,”, insert “prohibited magazine, prohibited part”.

15

Search and Surveillance Act 2012 (2012 No 24)

In section 3(1), replace “restricted weapon, imitation firearm, or explosive (as those terms are defined in section 2 of the Arms Act 1983),” with “prohibited magazine, restricted weapon, imitation firearm, or explosive (as those terms are defined in the Arms Act 1983),”.

20

**Part 2
Amendments to Legislative instruments**

Gambling (Prohibited Property) Regulations 2005 (SR 2005/299)

In regulation 4(a), after “(including ammunition),”, insert “prohibited magazine, prohibited part,”.

5

Schedule 3
Consequential amendments to Arms Regulations 1992

s 70

Regulation 2

In regulation 2, revoke the definition of **reclassified MSSA**. 5

Regulation 7

In regulation 7(1), replace “military style semi-automatic firearm” with “prohibited firearm, prohibited magazine”.

Replace regulation 7(2)(c) and (d) with:

(c) except in the case of a pistol, restricted weapon, or prohibited item received under **section 59A** of the Act, the name and address of the person from whom the item is received; and 10

(d) except in the case of a pistol, restricted weapon, or prohibited item received under **section 59A** of the Act, or a restricted airgun received from a person of or over the age of 18 years, the number of the firearms licence of the person from whom the item is received. 15

In regulation 7(4)(e), replace “military style semi-automatic firearm” with “prohibited firearm, prohibited magazine”.

Replace regulation 7(4A) with:

(4A) On and after the date on which the **Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019** comes into force, every licensed dealer must record, in respect of any prohibited item for which the dealer keeps other particulars under any of subclauses (2) to (4), that the item is a prohibited item. 20

Regulation 8

25

In regulation 8(h), after “cannon”, insert “and prohibited items”.

Cross-heading above regulation 10

In the cross-heading above regulation 10, replace “*military style semi-automatic firearms,*” with “*prohibited items,*”.

Regulation 10

30

In the heading to regulation 10, replace “**military style semi-automatic firearms,**” with “**prohibited items,**”.

Replace regulation 10(1) with:

(1) An application for a permit to import a firearm, prohibited item, pistol, starting pistol, restricted airgun, or restricted weapon, or any part of a firearm (other 35

Regulation 10—*continued*

than a prohibited firearm), pistol, starting pistol, or restricted weapon into New Zealand must be made—

- (a) in writing in hard copy form, in accordance with subclause (2); or
- (b) electronically through an Internet site.

In regulation 10(3)(c) and (e), replace “military style semi-automatic firearm,” with “prohibited item,” in each place. 5

Regulation 12

In regulation 12(1), replace “military style semi-automatic firearm” with “prohibited firearm, prohibited magazine” in each place.

After regulation 12(1), insert: 10

- (1A) Every person who imports into New Zealand a prohibited magazine that does not bear a serial number must, within 30 days after the day on which it is imported, stamp or cause to be stamped, in clear view on the frame of that magazine, a number by which the magazine may be identified.

Regulation 13 15

In regulation 13(1)(a) and (b), replace “military style semi-automatic firearm” with “prohibited item”.

In regulation 13(2)(e) and (f), replace “military style semi-automatic firearm” with “prohibited firearm, prohibited magazine”.

Regulation 18 20

In regulation 18, replace “military style semi-automatic firearm,” with “prohibited firearm, prohibited magazine” in each place.

Regulation 19

In regulation 19(1)(b), replace “both a firearm” with “a firearm, prohibited magazine,”. 25

Replace regulation 19(1)(b)(i) with:

- (i) must take reasonable steps to ensure that the prohibited magazine and ammunition are not stored in a way that a person who obtains access to the firearm also obtains access to the prohibited part and ammunition; or 30

In regulation 19(1)(c), after “firearm”, insert “or prohibited magazine”.

Cross-heading above regulation 20A

In the cross-heading above regulation 20A, replace “*military style semi-automatic firearms*” with “*prohibited items*”.

Regulation 20B

In the heading to regulation 20B, replace “**military style semi-automatic firearm**” with “**prohibited firearm or prohibited magazine**”.

In regulation 20B, replace “military style semi-automatic firearm” with “prohibited firearm”.

5

Cross-heading above regulation 23A

Replace the cross-heading above regulation 23A with “*Permits to possess pistols, prohibited firearms, prohibited magazines, and restricted weapons*”.

Regulation 23A

Replace the heading to regulation 23A with “**Manner of applying for permit to possess**”.

10

In regulation 23A, replace “procure” with “possess” in each place.

In regulation 23A(1), replace “military style semi-automatic firearm” with “prohibited firearm, prohibited magazine”.

Regulation 24

15

Replace the heading to regulation 24 with “**Application for permit to possess pistol, prohibited firearm, prohibited magazine, or restricted weapon**”.

In regulation 24(1), replace “procure a pistol, military style semi-automatic firearm” with “possess a pistol, prohibited firearm, prohibited magazine”.

In regulation 24(1)(d), (e), and (f), replace “military style semi-automatic firearm” with “prohibited firearm, prohibited magazine”.

20

Regulation 25

In regulation 25, replace “procure a pistol, military style semi-automatic firearm” with “possess a pistol, prohibited firearm, prohibited magazine”.

Regulation 26

25

In regulation 26, replace “procure a pistol, military style semi-automatic firearm,” with “a pistol, prohibited firearm, prohibited magazine,”.

In regulation 26(1A), (2), and (3), replace “military style semi-automatic firearm” with “prohibited firearm, prohibited magazine” in each place.

Regulation 26A

30

In regulation 26A(1A) and (2), replace “military style semi-automatic firearm,” with “prohibited firearm, prohibited magazine”.

In regulation 26A(1)(b) and (4) replace “procure” with “possess”.

Regulation 27

In regulation 27, replace “military style semi-automatic firearm” with “prohibited firearm” in each place.

In regulation 27(1) replace “procure” with “possess”.

Regulation 28

5

In the heading to regulation 28, replace “**military style semi-automatic firearms**” with “**prohibited firearms, prohibited magazines**”.

In regulation 28(1), (2), (3), and (5), replace “military style semi-automatic firearm” with “prohibited firearm, prohibited magazine” in each place.

In regulation 28(1)(c), replace “or military style semi-automatic firearm” with “, prohibited firearm, prohibited magazine,”. 10

Regulation 28D

Replace regulation 28D and the cross-heading above regulation 28D with:

28D Commissioner may prescribe conditions on licences, etc

The Commissioner may prescribe conditions on— 15

- (a) a dealer’s licence:
- (b) a firearms licence:
- (c) a permit issued under section 18:
- (d) an endorsement made under section 30 or **30B**:
- (e) a permit issued under section 35 or **35A**. 20

Regulation 29

In the heading to regulation 29, replace “**military style semi-automatic firearms**” with “**prohibited firearms, prohibited magazines**”.

In regulation 29(1) and (2), replace “military style semi-automatic firearm” with “prohibited firearm, prohibited magazine” in each place. 25

In regulation 29(1), replace “permit, licence, or endorsement” with “permit or licence” in each place.

Regulation 31B

In regulation 31B, after “pistol”, insert “prohibited firearm, prohibited magazine,”.

Schedule

30

In the Schedule, item relating to endorsements, paragraph (b), replace “military style semi-automatic firearm” with “prohibited firearm”.

**Arms (Prohibited Firearms, Magazines, and Parts)
Amendment Bill**

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2019