



## Detailed table of contents

This chapter contains the following topics:

### [Summary](#)

- [Introduction](#)
- [Further information](#)

### [Definitions](#)

### [Offences](#)

- [Introduction](#)
- [Table of offences](#)
- [Occupier of premises deemed to have possession](#)

### [Licensing](#)

- [Administration](#)
- [Possession](#)
- [Police employees](#)
- [Airguns](#)
- [MSSAs, pistols and restricted weapons](#)
- [Exemptions](#)

### [Types of licence](#)

- [Types](#)
- [A Licence](#)
- [D Licence](#)
- [V Licence](#)
- [Licence endorsements](#)
  - [B endorsement](#)
  - [C endorsement](#)
  - [E endorsement](#)
- [Security](#)
- [Issuing new licences](#)

### [Police powers and duties](#)

- [To revoke a firearms licence](#)
- [To seize firearms from a licensed dealer](#)
- [To demand particulars](#)
- [Searches](#)

### [Sale and licensing offences](#)

- [Conducting business after licence has been revoked](#)
- [Failure to issue identification number](#)
- [Failure to notify of import](#)
- [Failure to record dealings](#)
- [Importing firearms or parts without a permit](#)
- [Selling ammunition to unlicensed person](#)
- [Selling firearm or ammunition by mail order without a written order](#)
- [Selling or supplying a firearm or airgun to an unlicensed person](#)
- [Selling or supplying pistol etc to person without import permit](#)

### [Possession offences](#)

- [Being in charge of a firearm etc while under the influence](#)
- [Carrying a pistol or restricted weapon without authority](#)
- [Carrying imitation firearms without lawful purpose](#)
- [Carrying or possessing firearms etc without lawful purpose](#)
- [Failing to give particulars on demand](#)
- [Failing to notify loss, theft or destruction of firearm](#)
- [Failing to produce a firearms licence](#)
- [Unlawful carriage or possession of firearm etc in public place](#)
- [Unlawfully possessing a firearm](#)
- [Unlawfully possessing a firearm or airgun after licence revoked](#)

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## Arms, Continued...

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Version : 16.0

- [Unlawfully possessing a pistol, MSSA or restricted weapon](#)
- [Unlawfully possessing an airgun](#)

### [Using offences](#)

- [Aggravated robbery](#)
- [Assault with intent to rob](#)
- [Careless use of firearm, airgun, pistol or restricted weapon](#)
- [Carrying firearm etc with criminal intent](#)
- [Committing a crime with a firearm](#)
- [Discharging a firearm etc at person, with intent or reckless disregard](#)
- [Discharging a firearm etc in or near dwelling or public place](#)
- [Failing to report injuries](#)
- [Presenting a firearm, airgun or restricted weapon at another person](#)
- [Using a firearm against a Police or correctional officer, or to resist arrest](#)
- [Using, discharging or carrying some firearms without lawful purpose](#)
- [Using imitation firearm etc to prevent arrest or commit offence](#)
- [Obstruction](#)

### [Procedures](#)

- [Reporting firearms related searches to the Commissioner](#)
- [Dealing with armed offenders](#)
- [Notification of shootings](#)
- [Firearms licence applications](#)
- [Receiving applications](#)
- [Vetting applicants](#)
- [Security checks](#)
- [Authority to approve applications](#)
- [Flow diagram of the application process](#)
- [Notifying behaviour that may mean a person is not fit and proper to possess or access firearms](#)
- [Retaining files](#)
- [Revoking firearms licences](#)
  - [Appeals](#)
- [Offence investigation procedures](#)



### Summary

This section contains the following topics:

- [Introduction](#)
- [Further information](#)

### Introduction

Many of the functions relating to firearms are administrative requirements and carried out by Arms Officers. These can be found in the New Zealand Police [Arms Manual 2002](#) which is issued on the authority of the Commissioner to provide detailed information and instructions on the provisions of the Arms Act 1983, the Arms Regulations 1992 and related policy and procedures.

All Police employees must be guided by the procedures and requirements in the Arms Manual (2002) relating to the licensing and control of firearms.

In addition, response staff must be familiar with the legislation and the initial action for offences involving the misuse of firearms.

The Armed Offenders Squad provides specialist services for armed offenders' incidents, where there is a threat to life and the Special Tactics Group for incidents beyond the AOS capability.

This chapter summarises some of the provisions of the legislation most likely to involve operational staff. It covers the ingredients required to prove firearm offences:

- sale
- licensing
- possession and misuse.

The definitions provide detailed information on the various types of firearms. The powers given relate mainly to search.

The initial action for offences involving firearms is contained in '[Police Firearms](#)' chapter of the Police Manual which should be read together with this chapter. For search procedures, see the chapters on '[Search](#)'.

### Further information

For further or related information, see, as appropriate, these chapters of the Police Manual:

- [Robbery](#)
- [Armoury](#).

Relevant legislation includes:

- [Arms Act 1983](#)
- [Arms Regulations 1992](#)
- [Crimes Act 1961](#)
- [Land Transport \(Road User\) Rule 2004](#)
- [Trespass Act 1980](#)
- [Wild Animal Control Act 1977](#).

Also refer to:

- '[Arms Code - Firearms Safety Manual](#)', issued by the New Zealand Police and the New Zealand Mountain Safety Council
- '[Arms Manual 2002](#)'.



### Definitions

#### Table of definitions

This table provides definitions of terms under section [2](#) of the Arms Act 1983 (or as indicated) relevant to this chapter.

Term	Definition
Airgun	'Airgun' includes any air rifle and any air pistol, and any weapon from which, by the use of gas or compressed air (and not by force of explosive), any shot, bullet, missile or other projectile can be discharged.
Antique firearm	'Antique firearm' means any firearm that: <ul style="list-style-type: none"><li>• is held in the possession of any person solely as an antique (but not as a copy or replica of an antique), and</li><li>• is not designed for firing, and is not capable of firing, rimfire or centrefire cartridge ammunition;</li></ul> or <ul style="list-style-type: none"><li>• any firearm declared by regulations under the Arms Act to be an antique for the purposes of the Act.</li></ul>
Arms Office	'Arms Office' means any Police station or Police office appointed as such by the Commissioner.
Arms Officer	An Arms Officer is a Police employee who is responsible for the day-to-day administration of the legislative provisions dealing with firearms licensing and similar matters.
Commissioner	'Commissioner' means the Commissioner of Police.
Explosive	'Explosive': <ul style="list-style-type: none"><li>• means any substance or mixture or combination of substances which in its normal state is capable either of decomposition at such rapid rate as to result in an explosion or of producing a pyrotechnic effect; and</li><li>• without limiting the bullet above, includes gunpowder, nitroglycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, coloured flares, fog signals, fuses, rockets, percussion caps, detonators, cartridges, and ammunition of all descriptions; and</li><li>• without limiting the two bullet points above, includes any device, contrivance, or article, which uses any substance or mixture or combination of substances to which the two bullet points above apply as an integral part of it for the purposes of producing an explosion or a ballistic or pyrotechnic effect; but does not include a firearm; and</li><li>• does not include any firework as defined in section <a href="#">2</a> of the Hazardous Substances and New Organisms Act 1996.</li></ul>



## Arms, Continued...

Version : 16.0

Firearm	<p>'Firearm':</p> <ul style="list-style-type: none"><li>• means anything from which any shot, bullet, missile, or other projectile can be discharged by force of explosive; and</li><li>• includes:<ul style="list-style-type: none"><li>(i) anything that has been adapted so that it can be used to discharge a shot, bullet, missile, or other projectile by force of explosive; and</li><li>(ii) anything which is not for the time being capable of discharging any shot, bullet, missile, or other projectile but which, by its completion or the replacement of any component part or parts or the correction or repair of any defect or defects, would be a firearm within the meaning of paragraph (a) of this definition or subparagraph (i) of this paragraph; and</li><li>(iii) anything (being a firearm within the meaning of paragraph (a) of this definition or subparagraph (i) of this paragraph) which is for the time being dismantled or partially dismantled; and</li><li>(iv) any specially dangerous airgun.</li></ul></li></ul> <p><b>Note:</b> The definition of firearm is the same for both the Crimes Act and Arms Act.</p>
Firearms licence	<p>'Firearms licence' means a licence issued under section <a href="#">24</a> of the Arms Act.</p>
Imitation firearm	<p>'Imitation firearm' means anything that has the appearance of being a firearm capable of discharging any shot, bullet, missile or other projectile, whether or not it is capable of discharging any such projectile.</p> <p><b>Note:</b> This includes toy guns.</p>
Kea gun	<p>'Kea gun' means a single shot pistol that is chambered for a .410 inch shot cartridge.</p>
Lawful purpose	<p>A lawful purpose is any purpose that is not criminal or punishable by law - <i>R v Culling</i> (1986) 9 TCL 18/5 refers.</p>
Licensed dealer	<p>'Licensed dealer' means a holder of a dealer's licence issued under the Arms Act.</p>



## Arms, Continued...

Version : 16.0

Military style semi-automatic firearm	<p>'Military style semi-automatic firearm' means a firearm (other than a pistol) that is:</p> <ul style="list-style-type: none"> <li>(a) a semi-automatic firearm having 1 or more of the following features: <ul style="list-style-type: none"> <li>(i) a folding or telescopic butt</li> <li>(ii) a magazine designed to hold 0.22-inch rimfire cartridges that: <ul style="list-style-type: none"> <li>(A) is capable of holding more than 15 cartridges; or</li> <li>(B) is detachable, and by its appearance indicates that it is capable of holding more than 15 cartridges</li> </ul> </li> <li>(iii) a magazine (other than one designed to hold 0.22-inch rimfire cartridges) that: <ul style="list-style-type: none"> <li>(A) is capable of holding more than 7 cartridges; or</li> <li>(B) is detachable, and by its appearance indicates that it is capable of holding more than 10 cartridges</li> </ul> </li> <li>(iv) bayonet lugs</li> <li>(v) a flash suppressor</li> <li>(vi) a component of a kind defined or described by an order under section 74A as a pistol grip for the purposes of this definition; or</li> </ul> </li> <li>(b) a semi-automatic firearm of a make and model declared by an order under section 74A to be a military style semi-automatic firearm for the purposes of this Act; or</li> <li>(c) a semi-automatic firearm of a description declared by an order under section 74A to be a military style semi-automatic firearm for the purposes of this Act; or</li> <li>(d) a semi-automatic firearm that has a feature of a kind defined or described in an order under section 74A as a feature of military style semi-automatic firearms for the purposes of the Arms Act 1983.</li> </ul>
Part	<p>'Part':</p> <ul style="list-style-type: none"> <li>• in relation to a pistol, restricted weapon or MSSA firearm, includes anything, such as a butt, stock, magazine, silencer or sight, which, while not essential for the discharge by a pistol, restricted weapon or MSSA firearm of any shot, bullet, missile or other projectile, is designed or intended to be an integral part of a pistol, restricted weapon or MSSA firearm; and</li> <li>• in relation to any other firearm, means the action for that firearm.</li> </ul>
Pistol	<p>'Pistol' means any firearm that is designed or adapted to be held and fired with one hand; and includes any firearm that is less than 762mm in length.</p>
Police employee	<p>Police employee means a person employed under section <a href="#">18</a> and, except in Part <a href="#">4</a>, includes a person seconded to the Police.</p>



## Arms, Continued...

Version : 16.0

Possession	<p>The word "possession" can mean different things in different contexts. Ideally, a possessor of a thing has complete physical control over it, and knows of its existence, its location and its qualities - <i>Robertson v Police</i> (unreported, High Court Palmerston North, 8 July 1988, AP138/88) refers.</p> <p>Whether possession implies complete physical control depends on the circumstances. For example, a man who lived in Oxfordshire but kept his firearms at his mother's house in Surrey was deemed to be in possession because he owned the firearms and could obtain them at any time - <i>Sullivan v Earl of Caithness</i> (1976) 1 All ER 844 refers.</p>
Presenting	<p>If a firearm is brandished, deployed or displayed in a threatening way, it could be presented. Where a firearm is simply carried in a bag or left on a table, it is doubtful that it has been presented. Once it is used in an intimidating manner, it is deemed to have been presented within the meaning of section <a href="#">52</a>(1) of the Act - <i>Police v Ashby</i> (1993) 12 CRNZ 114 refers.</p>
Public place	<p>'Public place' means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train or vehicle carrying or available to carry passengers for reward - section <a href="#">2</a>(1) of the Summary Offences Act 1981 refers.</p> <p>Without limiting the definition of the term 'public place' above, for the purposes of the Summary Offences Act 1981, a person is in a public place if in any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle, which is in a public place.</p>



## Arms, Continued...

Version : 16.0

Restricted weapon	<p>'Restricted weapon' means any weapon, whether a firearm or not, declared by the Governor-General, by Order in Council made under section 4 of the Arms Act, to be a restricted weapon.</p> <p>The relevant order is the <a href="#">Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984</a>. The Schedule declares these to be restricted weapons:</p> <ul style="list-style-type: none"> <li>• anti-tank projectors, and ammunition for them</li> <li>• grenade dischargers, grenade launchers, and grenades containing explosives</li> <li>• incendiary grenades, including Molotov cocktails and consisting of:             <ul style="list-style-type: none"> <li>- a container or containers, the only or principal content being an inflammable liquid or mixture, and</li> <li>- a means of ignition of the inflammable substance or mixture, whether that means is a wick, an explosive or other device, a fuse, or a chemical</li> </ul> </li> <li>• machine carbines or guns, submachine carbines or guns, and machine pistols, of any kind, including those operated by gas or compressed air, and including all other firearms capable of full automatic fire</li> <li>• mines of an explosive nature</li> <li>• mortars of military kinds, and ammunition for them</li> <li>• rocket launchers and ammunition for them</li> <li>• every firearm, weapon, and device designed for the purpose of discharging any lachrymatory, deleterious, or toxic gas, smoke, or other stupefying or overpowering thing capable of rendering any person either wholly or partially incapable of resistance (other than any device designed and intended solely for any medical, surgical, veterinary, scientific, agricultural, industrial or other similar lawful purpose)</li> <li>• any gas, substance, material or thing specially intended or adapted for use in conjunction with any firearm, weapon, or device specified above.</li> </ul>
Mace	<p>In <i>Police v Burns</i>, mace in a perfume bottle was held to be a restricted weapon. The court held that in order to discover the purpose of a thing, it had to look at it as a whole. Agreeing with the decision in <i>Police v Nichols</i> [1989] DCR 206 that 'designed, made or adapted' are synonymous, it decided that 'designed for the purpose of discharging' can therefore be taken to mean 'intended for the purpose of discharging' - <i>Police v Burns</i> (unreported, District Court Upper Hutt, 23 October 1991, Judge Frater) refers.</p> <p><b>Partial incapacity</b></p> <p>The court also found that although the incapacity may be only partial, it must be a true incapacity. Devices that deter by emitting a loud sound or by causing an unpleasant sensation are not restricted weapons.</p>
Sale	<p>'Sale' includes:</p> <ul style="list-style-type: none"> <li>• barter; and</li> <li>• offering or attempting to sell, or</li> <li>• having in possession for sale, or</li> <li>• exposing for sale, or</li> <li>• sending or delivering for sale, or</li> <li>• causing or allowing to be sold, offered or exposed for sale; and</li> <li>• 'to sell' has a corresponding meaning.</li> </ul>



## Arms, Continued...

Version : 16.0

Specially dangerous airgun	'Specially dangerous airgun' means any airgun declared by the Governor-General, by Order in Council made under section 4 of the Arms Act, to be a specially dangerous airgun.
Sporting configuration	'Sporting configuration', in relation to a semi-automatic firearm, means being without any of these features: <ul style="list-style-type: none"><li>• a folding or telescopic butt</li><li>• a magazine capable of holding, or that, by its appearance, indicates that it is capable of holding:<ul style="list-style-type: none"><li>- in the case of a magazine designed to hold .22 inch rimfire cartridges, more than 15 cartridges;</li><li>- in any other case, more than 7 cartridges</li></ul></li><li>• bayonet lugs</li><li>• a military pattern free-standing pistol grip</li><li>• a flash suppressor.</li></ul>



## Offences

This section contains the following topics:

- [Introduction](#)
- [Table of offences](#)
- [Occupier of premises deemed to have possession](#)

### Introduction

A guide to categories of offences can be found in section [6](#) of the Criminal Procedure Act 2011.

Widely understood definitions for "offence" and "crime" were repealed as one consequence of major changes introduced by the Criminal Procedure Act 2011. The following informal definition is intended as a guide and has been drafted with assistance from legal experts.

"Offence" and "crime" are words that are used interchangeably in statute, and there is no material difference between them. They may be described as any act or omission that is punishable on conviction under any enactment, and are demarcated into four categories as defined in section [6](#) of the Criminal Procedure Act 2011.

### Table of offences

This table outlines offences under the Arms Act 1983 or other enactments as stated relevant to arms.

<b>Offence</b>	<b>Section (Arms Act unless otherwise stated)</b>	<b>Category</b>
Dealing without a licence	<a href="#">s5</a>	Category 1 offence
Unlawful acquisition by licensed dealer of pistol or restricted weapon for sale	<a href="#">s10</a>	Category 1 offence
Dealer, employee or agent failing to hold a firearms licence	<a href="#">s11</a>	Category 1 offence
Licensed dealer failing to record dealings	<a href="#">s12</a>	Category 1 offence
Dealer conducting business after licence has been revoked	<a href="#">s15</a>	Category 2 offence
Importing firearms without a permit	<a href="#">s16</a>	Category 2 offence
Unlawful possession of firearms	<a href="#">s20</a>	Category 2 offence
Unlawful possession of airguns	<a href="#">s21</a>	Category 2 offence
Failing to produce a firearms licence within seven days	<a href="#">s26</a>	Category 1 offence
Carrying a pistol, military style semi-automatic firearm (MSSA), or restricted weapon without authority	<a href="#">s36</a>	Category 2 offence
Removing a pistol or restricted weapon from New Zealand	<a href="#">s38</a>	Category 1 offence
Failing to notify loss, theft or destruction of firearm, pistol or restricted weapon	<a href="#">s39</a>	Category 1 offence
Failing to supply particulars	<a href="#">s40</a>	Category 2 offence
Altering or misusing, or supplying false particulars for, licences	<a href="#">s42</a>	Category 2 offence
Selling or supplying a firearm or airgun to an unlicensed person	<a href="#">s43</a>	Category 2 offence

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## Arms, Continued...

Version : 16.0

Selling firearms or ammunition by mail order without a written order	<a href="#">s43A</a>	Category 1 offence
Selling ammunition to unlicensed person	<a href="#">s43B</a>	Category 1 offence
Selling or supplying a pistol, MSSA or restricted weapon to a person who does not hold a permit	<a href="#">s44</a>	Category 3 offence
Carrying or possessing firearms, airguns, pistols, restricted weapons or explosives without lawful, proper and sufficient purpose	<a href="#">s45</a>	Category 3 offence
Carrying imitation firearms without lawful, proper and sufficient purpose	<a href="#">s46</a>	Category 2 offence
Being in charge of firearm, airgun, pistol or restricted weapon while under the influence of drink or drug	<a href="#">s47</a>	Category 2 offence
Discharging a firearm, airgun, pistol or restricted weapon in or near a dwelling or public place	<a href="#">s48</a>	Category 2 offence
Using, discharging, or carrying certain firearms without lawful, proper and sufficient purpose	<a href="#">s49</a>	Category 2 offence
Unlawful possession of firearm or airgun after licence has been revoked	<a href="#">s49A</a>	Category 2 offence
Unlawful possession of pistol, MSSA or restricted weapon	<a href="#">s50</a>	Category 3 offence
Unlawful carriage or possession of firearm, airgun, ammunition, explosive or restricted weapon in a public place	<a href="#">s51</a>	Category 3 offence
Presenting a firearm, airgun, pistol or restricted weapon at other person	<a href="#">s52</a>	Category 2 offence
Careless use of firearm, airgun, pistol or restricted weapon	<a href="#">s53</a>	Category 3 offence
Using or attempting to use imitation firearm, restricted weapon, ammunition or explosive to prevent arrest or commit offence	<a href="#">s54</a>	Category 3 offence
Carrying firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition or explosive with criminal intent	<a href="#">s55</a>	Category 3 offence
Obstructing member of Police	<a href="#">s56</a>	Category 2 offence
Failing to report injuries	<a href="#">s58</a>	Category 2 offence
Failure to issue identification number	<a href="#">Reg12</a> - Arms Regulations 1992	Category 1 offence
Failure to notify of import	<a href="#">Reg13</a> - Arms Regulations 1992	Category 1 offence
Discharging firearm, airgun or similar weapon at any person with intent, or with reckless disregard	<a href="#">s198(1)(a) &amp; (2)</a> - Crimes Act 1961	Category 3 offence
Using a firearm against police or correctional officer	<a href="#">s198A(1)</a> - Crimes Act 1961	Category 3 offence
Using a firearm to resist arrest or prevent the arrest of another	<a href="#">s198A(2)</a> - Crimes Act 1961	Category 3 offence
Committing a crime with a firearm	<a href="#">s198B</a> - Crimes Act 1961	Category 3 offence

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## Arms, Continued...

Version : 16.0

Aggravated robbery	s235(c) - Crimes Act 1961	Category 3 offence
Assault with intent to rob	s236(1)(b) - Crimes Act 1961	Category 3 offence
Operating a vehicle on which is carried a loaded firearm	Rule 7.21 - Land Transport (Road User) Rule 2004	Category 1 offence
Trespassing with a firearm	Sections 6(a) and 11 - Trespass Act 1980	Category 2 offence
Unlawful hunting (1st offence)	Sections 8 and 39 - Wild Animal Control Act 1977	Category 1 offence
Unlawful hunting (2nd offence)	Sections 8 and 39 - Wild Animal Control Act 1977	Category 1 offence

### Occupier of premises deemed to have possession

Under section 66 of the Arms Act 1983, the occupier of a premises or driver of a vehicle in which any weapon or explosive is found, is deemed to be in possession of the weapon or explosive. This holds unless they prove that the weapon or explosive is not their property and is in the possession of some other person.

### Occupier

The Trespass Act 1980 defines an occupier of a place or land as any person lawfully occupying it, or any employee or other person acting under their authority. If the land or premises are unoccupied, 'occupier' means the owner.

Case law has established that an occupier includes a person who has, either alone or with others, the right to use the premises for such purposes as he or she wishes. This applies principally in the case of dwellinghouses used as homes - *Bright v Police* [1971] NZLR 1016 refers.

The occupier need not have control of the premises, nor a legal right to occupy the property. The Court of Appeal said in *R v McKeown*: "The Crown does not need to prove any legal right to occupy the property by the accused in the sense that they were either owners or tenants. What the judge meant no doubt was that there should be de facto occupation of the premises. With that we would agree, a trespasser or squatter may well be in occupation of premises without any right of occupation."

In this case of seven people convicted of unlawfully possessing two pistols found at a motorcycle club headquarters, the Court of Appeal held that the important factors in occupation were how much time the occupants spent at the premises and how likely they were to be there at the relevant times. If they could show the pistols were not their property and that they did not know of their existence, they would prove the pistols were not in their possession even though they occupied the premises. They did not have to identify who did have possession - *R v McKeown* (1988) 3 CRNZ 438 refers.



### Licensing

This section contains the following topics:

- [Administration](#)
- [Possession](#)
- [Police employees](#)
- [Airguns](#)
- [MSSAs, pistols and restricted weapons](#)
- [Exemptions](#)

#### Administration

Most of the requirements for the administration of firearms licensing are contained in the:

- [Arms Act 1983](#)
- [Arms Regulations 1992](#)
- [Arms Manual](#).

**Note:** The administrative functions are carried out at Police Arms offices.

#### Possession

With certain exceptions, the base requirement is that the person has a firearms licence.

#### Police employees

Under section [3](#)(2)(a) of the Arms Act 1983, nothing in the Act makes it unlawful for Police employees or Police armourers to carry or possess firearms, airguns, pistols, restricted weapons, ammunition or explosives in the course of their duties. This means that Police employees do not require firearms licences to perform their duties (although they do require firearms licences for private possession).

#### Airguns

Under section [21](#)(1), no one may possess an airgun unless they are of or over 18 years of age, or are aged 16 or 17 years old and has a firearms licence.

#### MSSAs, pistols and restricted weapons

There are endorsements for, and special restrictions on the possession and use of, MSSAs, pistols and restricted weapons.

Refer to sections [20](#)(2), [29](#), [30](#), [30A](#), [31](#), [32](#), [33A](#) and [33B](#) of the Arms Act 1983.

#### Exemptions

Licences are not required in respect of certain firearms that, because of the way they work, are defined as firearms, but that have special functions. Included in these are bolt guns, stud guns, flare pistols, tranquilliser guns and miniature cannons.



### Types of licence

This section contains the following topics:

- [Types](#)
- [A Licence](#)
- [D Licence](#)
- [V Licence](#)
- [Licence endorsements](#)
  - [B endorsement](#)
  - [C endorsement](#)
  - [E endorsement](#)
- [Security](#)
- [Issuing new licences](#)

### Types

There are two main types of licence: firearms licence and dealer's licence. For administrative purposes, these are known as [A Licences](#) and [D Licences](#).

A third type of licence is the [Visitors \(V\) Licence](#).

### A Licence

An A Licence:

- permits the holder to possess sporting rifles and shotguns
- is required for airguns if the holder is 16 or 17 years old
- is issued only to those who are of or over the age of 16 years and who satisfy Police that they are fit and proper people to be in possession of a firearm or airgun
- remains in force for 10 years from the date of issue, unless it is surrendered or revoked
- as a standard condition on the licence firearms must be secured.

### D Licence

A D Licence:

- allows the holder, in the way of business, to sell or manufacture for sale any firearm, airgun, pistol or restricted weapon
- remains in force for one year from the date of issue, unless it is revoked. It may, from time to time, be renewed for the succeeding year.

**Note:** The holder, or their agent or employee, may **not** sell any firearm or airgun **unless** they hold an A Licence. If they wish to sell pistols, restricted weapons or MSSAs an endorsement is required on that licence.

### V Licence

A V Licence:

- allows a visitor to New Zealand to possess sporting rifles and shotguns
- is valid for one year or until the person leaves New Zealand, whichever comes first.

**Note:** A Visitors Licence may have an endorsement permitting the holder to compete on a pistol range or use and MSSA at a competition.

### Licence endorsements

There are three main types of endorsement. For administrative purposes, they are known as [B](#), [C](#) and [E](#) endorsements.

### B endorsement

A person who is applying for, or who holds, a firearms licence can apply for an endorsement permitting them to have possession of a pistol or restricted weapon in their



capacity as a member of an incorporated pistol club that is recognised by the Commissioner of Police.

A visitor to New Zealand who wishes to use a pistol for competitive shooting on a pistol range in New Zealand may be permitted to obtain an endorsement permitting them to have possession of a pistol in that capacity.

### **C endorsement**

A C endorsement permits the holder of a firearms licence to possess pistols and restricted weapons if the holder is:

- a bona fide collector of firearms, or
- the director or curator of a bona fide museum, or
- an approved employee or member of a body involved in making a broadcast or producing or staging a play, film or television production, or
- a person for whom a particular pistol or restricted weapon has special significance as an heirloom or memento.

### **E endorsement**

An E endorsement permits the holder of a firearms licence to possess an MSSA.

### **Security**

All firearms must be properly stored when not in the licence holder's immediate possession. Security requirements are particularly strict for licensed dealers and for licence holders who possess pistols, restricted weapons or MSSAs.

The security requirements are conditions to which the licence or endorsement is subject. Failure to observe them can lead to the licence or endorsement being revoked, and the firearms seized.

Refer to sections [32](#) and [33](#) of the Arms Act 1983 and regulations [8](#), [19](#) and [28](#) of the Arms Regulations 1992.

### **Issuing new licences**

If a person wishes to apply for a new licence, they must apply at an Arms Office. All Police premises are Arms Offices for the purpose of firearms licensing.



### Police powers and duties

This section contains the following topics:

- [To revoke a firearms licence](#)
- [To seize firearms from a licensed dealer](#)
- [To demand particulars](#)
- [Searches](#)

#### To revoke a firearms licence

Under section [27](#) of the Arms Act 1983, a Police employee at the level of inspector or above can revoke a person's firearms licence if they think that:

- for any reason, the person is not a fit and proper person to be in possession of a firearm or airgun;

or

- access to the person's weapons is likely to be gained by:
  - anyone who is not a fit and proper person to be in possession of a firearm or airgun, or
  - anyone who:
    - has been refused a firearms licence under the Arms Act 1983; or
    - has been refused a permit or any certificate of registration under the Arms Act 1983; or
    - has had their firearms licence revoked because they are not a fit and proper persons to be in possession of a firearm or airgun.

A Police employee at the level of inspector or above can revoke a person's firearms licence if they think that the person is not a fit and proper person to be in possession of a firearm or airgun because:

- there are grounds under the [Domestic Violence Act 1995](#) for an application for a protection order against the person, or
- such an order is already in force.

See section 11.2 of the [Arms Manual 2002](#) for the revocation process to be followed.

#### To seize firearms from a licensed dealer

The Commissioner can issue a warrant authorising you under section [13](#) of the Arms Act 1983 to seize all weapons in the possession, or under the control, of a licensed arms dealer. This process is managed through the Licensing and Vetting Service Centre at PNHQ.

**Note:** This does not affect your right to obtain a warrant under section [198](#) of the Summary Proceedings Act 1957.

#### To demand particulars

Under section [40](#)(1) of the Arms Act 1983, you can require any person in possession of a firearm, airgun, pistol or restricted weapon to give you their name, address and date of birth.

**Note:** If you are not in uniform, you must produce evidence that you are a Police employee.

#### Searches

Refer to the relevant parts of the [Search](#) chapter.



### Sale and licensing offences

This section contains the following topics:

- [Conducting business after licence has been revoked](#)
- [Failure to issue identification number](#)
- [Failure to notify of import](#)
- [Failure to record dealings](#)
- [Importing firearms or parts without a permit](#)
- [Selling ammunition to unlicensed person](#)
- [Selling firearm or ammunition by mail order without a written order](#)
- [Selling or supplying a firearm or airgun to an unlicensed person](#)
- [Selling or supplying pistol etc to person without import permit](#)

#### Conducting business after licence has been revoked

You must prove the identity of the suspect and they:

- sold by way of business, or had any business interest in,
- any firearm, ammunition, airgun, pistol or restricted weapon
- after his or her dealer's licence had been revoked.

**Note:** This does not apply to arms being disposed of in accordance with section [14](#) of the Arms Act 1983.

#### Powers

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

#### Failure to issue identification number

You must prove the identity of the suspect and they:

- imported into New Zealand a pistol, MSSA or restricted weapon (other than one that is an antique firearm) that did not bear a serial number, and
- failed to stamp an identification number, or cause one to be stamped, in clear view on the frame of the pistol, MSSA or restricted weapon
- within 30 days after the day it was imported.

#### Powers

You can issue a summons under regulation [12\(2\)](#) of the Arms Regulations 1992.

#### Failure to notify of import

You must prove the identity of the suspect and they:

- imported a firearm, pistol, MSSA, starting pistol or restricted weapon into New Zealand pursuant to a permit issued under section [16\(1\)](#) of the Arms Act, and
- failed to deliver written notice of the importation to the Arms Office that issued the permit
- within 30 days after the day of the import.

#### Powers

You can issue a summons under regulation [13\(3\)](#) of the Arms Regulations 1992.

#### Failure to record dealings

You must prove the identity of the suspect and they failed to:

- keep at the place of business, a book recording the particulars prescribed by regulations made under the Arms Act; or
- allow Police to inspect and copy any entry in this book; or
- give Police all information in their possession about their arms dealings; or
- allow Police to inspect the stock and premises.

**Note:** The records to be kept are listed in regulation [7](#) of the Arms Regulations 1992.



### **Powers**

You can issue a summons under section [12\(3\)](#) of the Arms Act 1983. If the dealer denies access, you can also arrest for obstruction under section [56](#) of the Arms Act 1983.

### **Importing firearms or parts without a permit**

You must prove the identity of the suspect and they:

- brought, or caused to be brought or sent, into New Zealand
- any firearm, pistol, MSSA, starting pistol or restricted weapon, or
- any parts of any of the above
- other than pursuant to a permit.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

If you have reasonable grounds to suspect that any firearm or restricted weapon, or part thereof, has been brought into New Zealand in breach of section [16\(1\)](#), or has been brought into the harbours or other territorial waters of New Zealand and is intended to be brought into New Zealand in breach of section [16\(1\)](#), you can seize the item, using such force as is reasonably necessary, and detain it (section [19](#)).

### **Selling ammunition to unlicensed person**

You must prove the identity of the suspect and they:

- sold or supplied
- ammunition for any firearm or restricted weapon
- to any person who is not a firearms licence holder or a licensed dealer.

The burden of proving that the buyer was a licence holder or a licensed dealer rests with the defendant. The defendant can discharge this burden by proving that they took reasonable steps to find out if this was the case.

It is a defence to prove:

- the ammunition was in the possession of the buyer for use under the immediate supervision of the holder of a firearms licence, and
- at all times while the buyer was in possession of the ammunition, he or she was under the immediate supervision of the holder of a firearms licence.

### **Powers**

You can issue a summons under section [43B\(1\)](#) of the Arms Act 1983.

### **Selling firearm or ammunition by mail order without a written order**

You must prove the identity of the suspect and they:

- sold by mail order
- any firearm, or ammunition for a firearm or restricted weapon
- other than pursuant to a written order.

The written order must:

- be signed by the purchaser, and
- bear an endorsement signed by a Police employee, stating that the employee:
  - has inspected the buyer's firearms licence, and
  - is satisfied that the buyer is a fit and proper person to make the purchase.

**Note:** This section does not apply to pistols, restricted weapons or military style semi-automatic weapons. These are subject to permit to procure processes.

### **Powers**

You can issue a summons under section [43A\(1\)](#) of the Arms Act 1983.



## Arms, Continued...

Version : 16.0

### Selling or supplying a firearm or airgun to an unlicensed person

You must prove the identity of the suspect and they sold or supplied:

- a firearm (other than a pistol, military style semi-automatic firearm or restricted weapon) to a person who did not hold a firearms or dealer's licence, or permit issued under section [16\(1\)](#);
- or
- an airgun to any person under the age of 18 who did not hold a firearms licence.

In both cases the burden of proving that the buyer held a licence rests with the defendant. The defendant can discharge this burden by proving that they took reasonable steps to find out if the buyer held a licence, or in the case of an airgun, was over 18.

In the case of:	it is a defence to prove that:
a firearm,	<ul style="list-style-type: none"> <li>• the firearm was in the possession of the buyer for use under the immediate supervision of the holder of a firearms licence, and</li> <li>• at all times while the buyer was in possession of the firearm, they were under the immediate supervision of the holder of a firearms licence.</li> </ul>
an airgun,	<ul style="list-style-type: none"> <li>• the airgun was in the possession of the buyer for use under the immediate supervision of a person of or over the age of 18 or the holder of a firearms licence, and</li> <li>• at all times while the buyer was in possession of the airgun, they were under the immediate supervision of a person of or over the age of 18 or the holder of a firearms licence.</li> </ul>

### Powers

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### Selling or supplying pistol etc to person without import permit

You must prove the identity of the suspect and they:

- sold or supplied a pistol, military style semi-automatic firearm or restricted weapon
- to any person who did not have a permit to bring it, or cause it to be brought or sent, into New Zealand, or to procure it.

The burden of proving that the buyer held a permit rests with the defendant. The defendant can discharge this burden by proving that he or she took reasonable steps to find out if this was the case.

It is a defence to prove the defendant supplied the weapon for use:

- on the range of an incorporated pistol club recognised by the Commissioner, and
  - under the immediate supervision of a person licensed and bearing an endorsement permitting that person to possess that class of weapon;
- and
- that at all times while the person was in possession of the pistol, he or she was both on such a range and under the immediate supervision of the holder of such a firearms licence.

### Powers

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.



### Possession offences

This section contains the following topics:

- [Being in charge of a firearm etc while under the influence](#)
- [Carrying a pistol or restricted weapon without authority](#)
- [Carrying imitation firearms without lawful purpose](#)
- [Carrying or possessing firearms etc without lawful purpose](#)
- [Failing to give particulars on demand](#)
- [Failing to notify loss, theft or destruction of firearm](#)
- [Failing to produce a firearms licence](#)
- [Unlawful carriage or possession of firearm etc in public place](#)
- [Unlawfully possessing a firearm](#)
- [Unlawfully possessing a firearm or airgun after licence revoked](#)
- [Unlawfully possessing a pistol, MSSA or restricted weapon](#)
- [Unlawfully possessing an airgun](#)

#### Being in charge of a firearm etc while under the influence

You must prove the identity of the suspect and they were:

- in charge of a firearm, airgun, pistol or restricted weapon, and
- under the influence of drink or drug to the extent that they were incapable of having proper control over the weapon.

#### Powers

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

#### Carrying a pistol or restricted weapon without authority

You must prove the identity of the suspect and they:

- carried a pistol or restricted weapon
- in any place beyond the curtilage of their dwelling (generally taken to be outside the bounds of the place they live)
- except in accordance with the conditions endorsed on their licence (see Arms Manual 2002, section 3.4).

The burden of proving that the weapon was carried in accordance with these conditions rests with the defendant.

It is a defence to prove:

- the defendant held a firearms licence, and
  - had owned the weapon since before 16 May 1969, and
  - was registered immediately before that date as the weapon's owner;
- and
- although the firearm was less than 762 millimetres long, it was not reduced to below that length on or after the above date, and was not designed or adapted to be held and fired with one hand.

#### Powers

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

#### Carrying imitation firearms without lawful purpose

You must prove the identity of the suspect and they:

- carried an imitation firearm
- without lawful, proper and sufficient purpose.

The burden of proving there was lawful, proper and sufficient purpose rests with the defendant.



### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Carrying or possessing firearms etc without lawful purpose**

You must prove the identity of the suspect and they:

- carried, or was in possession of,
- any firearm, airgun, pistol, restricted weapon, or explosive
- without lawful, proper and sufficient purpose.

The burden of proving there was lawful, proper and sufficient purpose rests with the defendant.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Failing to give particulars on demand**

You must prove the identity of the suspect and they:

- were in possession of a firearm, airgun, pistol or restricted weapon;
- and
- failed to give full name, address or date of birth, or gave false particulars
  - to any Police employees who were in uniform, or gave evidence of being Police employees.

### **Powers**

You can caution the person and, if they continue to refuse to give the correct particulars, arrest them without warrant under section [40\(2\)](#) of the Arms Act 1983.

### **Failing to notify loss, theft or destruction of firearm**

You must prove the identity of the suspect and they failed to give:

- notice in writing of the loss or theft of a firearm, pistol or restricted weapon, or the destruction of a pistol or restricted weapon; or
- all information in their possession about the event.

### **Powers**

You can issue a summons under section [39\(2\)](#) of the Arms Act 1983.

### **Failing to produce a firearms licence**

You must prove the identity of the suspect and they failed to:

- produce the licence when required to by a Police employee; or
- keep the licence undefaced and legible.

**Note:** The holder has seven days to produce the licence at a place specified by the member.

### **Powers**

You can issue a summons under section [26\(3\)](#) of the Arms Act 1983.

### **Unlawful carriage or possession of firearm etc in public place**

You must prove the identity of the suspect and they:

- carried, or had in their possession,
- in a public place,
- any firearm, airgun, pistol, ammunition, explosive or restricted weapon,
- without lawful purpose.

**Note:** The burden of proving there was lawful purpose rests with the defendant.



## Arms, Continued...

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Version : 16.0



## Arms, Continued...

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Version : 16.0

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Unlawfully possessing a firearm**

You must prove the identity of the suspect and they:

- possessed a firearm;
- and
- were under the age of 16, or
- did not have a firearms licence.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Unlawfully possessing a firearm or airgun after licence revoked**

You must prove the identity of the suspect and they:

- being a person whose firearms licence had been revoked,
- was in possession of a firearm or airgun while not:
  - holding a firearms licence, or
  - authorised to be in possession of the firearm or airgun.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Unlawfully possessing a pistol, MSSA or restricted weapon**

You must prove the identity of the suspect and they:

- were in possession of a pistol, military style semi-automatic firearm or restricted weapon
- without authority or permit.

**Note:** The burden of proving authority or permit rests with the defendant.

A person who has in their possession a semi-automatic firearm that is in sporting configuration and also has a large-capacity magazine (that is, one that holds more than seven cartridges) in circumstances that it is reasonable to consider that the magazine had been used with that firearm is deemed to be in possession of an MSSA - *Police v Bruce* (District Court Wellington, 30 May 1996, CRN 5085022673) refers.

In the case of a pistol, it is a defence to prove:

- the defendant held a firearms licence, and
- had owned the weapon since before 16 May 1969, and
- was registered immediately before that date as the weapon's owner;
- and
- although the firearm was less than 762 millimetres long, it was not reduced to below that length on or after the above date, and was not designed or adapted to be held and fired with one hand.

It is also a defence to prove, while in possession of the pistol, the defendant was at all times:

- on the range of an incorporated pistol club recognised by the Commissioner, and
- under the immediate supervision of a person licensed to possess that class of weapon.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Unlawfully possessing an airgun**



## Arms, Continued...

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Version : 16.0

You must prove the identity of the suspect and they:

- possessed an airgun;
- and
- were under the age of 18, or
- were aged 16 or 17 and did not have a firearms licence.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.



### Using offences

This section contains the following topics:

- [Aggravated robbery](#)
- [Assault with intent to rob](#)
- [Careless use of firearm, airgun, pistol or restricted weapon](#)
- [Carrying firearm etc with criminal intent](#)
- [Committing a crime with a firearm](#)
- [Discharging a firearm etc at person, with intent or reckless disregard](#)
- [Discharging a firearm etc in or near dwelling or public place](#)
- [Failing to report injuries](#)
- [Presenting a firearm, airgun or restricted weapon at another person](#)
- [Using a firearm against a Police or correctional officer, or to resist arrest](#)
- [Using, discharging or carrying some firearms without lawful purpose](#)
- [Using imitation firearm etc to prevent arrest or commit offence](#)
- [Obstruction](#)

### Aggravated robbery

You must prove the identity of the suspect and they:

- robbed any other person
- and
- was armed with an offensive weapon or instrument, or any thing appearing to be such a weapon or instrument.

**Note:** Offensive weapon includes any firearm or any imitation firearm whether or not it is loaded or capable of being fired.

### Powers

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

For more information on aggravated robbery, see the 'Offences' section in the '[Robbery](#)' chapter of the Police Manual.

### Assault with intent to rob

You must prove the identity of the suspect and they:

- with intent to rob any person
  - assaulted that person or any other person
- and
- were armed with an offensive weapon or instrument, or any thing appearing to be such a weapon or instrument.

### Careless use of firearm, airgun, pistol or restricted weapon

#### Causing bodily injury

You must prove the identity of the suspect and they:

- caused bodily injury to, or the death of, any person
- by carelessly using a firearm, airgun, pistol or restricted weapon
- or otherwise dealt with the firearm.

#### Leaving firearm so as to endanger life

You must prove the identity of the suspect and they:

- had in their charge, or under their control,
  - any firearm, airgun, pistol or restricted weapon
  - that was loaded, whether in its breach, barrel, chamber or magazine,
- and
- left that weapon in any place

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## Arms, Continued...

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Version : 16.0

- in circumstances that would endanger the life of any person,
- without taking reasonable precautions to avoid such danger.

### **Discharging or handling firearm with reckless disregard for safety**

You must prove the identity of the suspect and they:

- without reasonable cause,
- discharged or otherwise dealt with a firearm, airgun, pistol or restricted weapon:
- in a manner likely to injure, or endanger the safety of, any person, or
- with reckless disregard for the safety of others.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Carrying firearm etc with criminal intent**

You must prove the identity of the suspect and they:

- had with them any firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive,
- with intent to:
  - commit an offence punishable by three or more years, or
  - resist arrest, or
  - prevent the arrest of another person
- while in possession of the weapon.

### **Had with him or her**

The suspect must have had a close physical link and degree of control over the weapon. This, in turn, requires knowledge that the weapon is present - *R v Manapouri & Anor* [1995] 2 NZLR 407 refers.

Proof that the defendant had possession of the weapon and intended to commit an offence is evidence that he or she intended to have possession of the weapon while committing the offence.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Committing a crime with a firearm**

You must prove the identity of the suspect and they, while committing any crime:

- used any firearm, or
- had any firearm with them in circumstances that prima facie showed an intent to use it in connection with that crime.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Discharging a firearm etc at person, with intent or reckless disregard**

#### **With intent to do grievous bodily harm**

You must prove the identity of the suspect and they:

- discharged any firearm, airgun or other similar weapon
- at any person
- with intent to do grievous bodily harm.

#### **With intent to injure or with reckless disregard**

You must prove the identity of the suspect and they:

- discharged any firearm, airgun or other similar weapon

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- with intent to injure, or
- with reckless disregard for the safety of others.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Discharging a firearm etc in or near dwelling or public place**

You must prove the identity of the suspect and they:

- without reasonable excuse,
- discharged a firearm, airgun, pistol or restricted weapon
- in or near a dwelling or public place so as to:
  - endanger property, or
  - endanger, annoy or frighten any person.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Failing to report injuries**

You must prove the identity of the suspect and they:

- caused injury to, or the death of, any person
  - by using any firearm, airgun, pistol or restricted weapon;
- and
- failed to report the incident in person
  - at the nearest Police station, or to a Police employee,
  - as soon as was reasonably practicable.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Presenting a firearm, airgun or restricted weapon at another person**

You must prove the identity of the suspect and they:

- without lawful, proper and sufficient purpose,
  - presented a firearm, airgun, pistol or restricted weapon, whether or not it was loaded or capable of discharging at the time
  - at any other person;
- or
- without lawful, proper or sufficient purpose,
  - presented at any person
  - anything which, in the circumstances, was likely to lead that person to believe it was a firearm, airgun, pistol or restricted weapon.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Using a firearm against a Police or correctional officer, or to resist arrest**

You must prove the identity of the suspect and they:

- used any firearm in any manner whatever
  - against any police, correctional or traffic officer who was acting in the course of their duty,
  - knowing that, or being reckless whether or not, the person was a police, correctional or traffic officer so acting;
- or
- used any firearm in any manner whatever
  - with intent to resist the lawful arrest or detention of themselves, or any other person.



### Use

Taking a shotgun out of a bag so it can be seen by another person (in this case, a police officer) constitutes use of a firearm - *R v Swain* (1992) 8 CRNZ 657 refers.

### In any manner

'In any manner' is not defined, but might extend to using the firearm as a club.

### Correctional officer

Correctional officer means an officer within the meaning of section 3(1) of the Corrections Act 2004; and includes a "[security officer](#)" within the meaning of that section.

### In the course of their duty

The prosecution must prove the accused knew that, or was reckless whether, the person was a Police or correctional officer acting in the course of their duty.

### With intent to resist

The prosecution must prove that the accused knew that someone was attempting to arrest or detain them - *Fisher v R* (1988) 3 CRNZ 250.

### Powers

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### Using, discharging or carrying some firearms without lawful purpose

You must prove the identity of the suspect and they:

- without lawful, proper and sufficient purpose
- used, discharged or carried anywhere, any:
  - bolt gun or stud gun, or
  - humane killer, or
  - tranquilliser gun, or
  - stock marking pistol, or
  - underwater spear gun, or
  - flare pistol, or
  - deer net gun, or
  - pistol that is part of rocket or line throwing equipment, or
  - miniature cannon.

**Note:** The burden of proving there was lawful, proper and sufficient purpose rests with the defendant.

### Powers

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### Using imitation firearm etc to prevent arrest or commit offence

#### Preventing arrest

You must prove the identity of the suspect and they:

- made, or attempted to make, any use whatever
- of any restricted weapon, imitation firearm, ammunition or explosive
- with intent to resist or prevent the lawful arrest or detention of themselves or anyone else.

#### Committing an offence

You must prove the identity of the suspect and they:

- at the time of committing an offence punishable by three or more years' imprisonment,



## Arms, Continued...

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Version : 16.0

- had in their possession any firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive.

It is a defence to prove that the defendant had the firearm in their possession for a lawful purpose.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.

### **Obstruction**

You must prove the identity of the suspect and they:

- obstructed a Police employee
- while that employee was exercising any right of entry, search, seizure or detention conferred by the Act.

### **Powers**

You can arrest without warrant under section [315\(2\)\(a\)](#) of the Crimes Act 1961.



### Procedures

This section contains the following topics:

- [Reporting firearms related searches to the Commissioner](#)
- [Dealing with armed offenders](#)
- [Notification of shootings](#)
- [Firearms licence applications](#)
- [Receiving applications](#)
- [Vetting applicants](#)
- [Security checks](#)
- [Authority to approve applications](#)
- [Flow diagram of the application process](#)
- [Notifying behaviour that may mean a person is not fit and proper to possess or access firearms](#)
- [Retaining files](#)
- [Revoking firearms licences](#)
  - [Appeals](#)
- [Offence investigation procedures](#)

#### Reporting firearms related searches to the Commissioner

Reports must be sent to the Commissioner, using the 'Firearms Search & Seizure' form which can be accessed through the Create Notification feature in the Bulletin Board. In the report, firearms must be accurately described; that is, by type, make, model and calibre. If any person concerned is a firearms licence holder, the report must give the licence number.

#### Dealing with armed offenders

For the action to take when a person uses, or intends to use, a firearm to commit an offence, see the '[Police firearms](#)' chapter of the Police Manual.

#### Notification of shootings

If a person is injured or killed by a firearm, whether accidentally or intentionally, the National Manager: Operations must be advised, using the 'Shoot' form, which is accessed through the Create Notification feature in the Bulletin Board.

**Note:** This does not apply to shootings by Police in the course of duty.

#### Firearms licence applications

With the exception of V Licences, which can be issued direct by districts, firearms licences are issued via the Licensing and Vetting Service Centre, PNHQ. However, applications are received, vetted and approved at district level.

#### Receiving applications

For the purpose of receiving applications for firearms licences, all Police premises are designated as Arms offices.

When receiving applications for a firearms licence, ensure that one photograph and a receipt of payment of fee are attached.

If a person calls at the station to apply for a licence and you cannot receive the application at the time, take the person's name, address and contact telephone number so that firearms licensing staff can follow up.

#### Vetting applicants

This is done at district level, usually by staff who are employed especially for the purpose.

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Every applicant for a firearms licence must, in the opinion of a Police employee, be a fit and proper person to be in possession of a firearm. The onus is on the applicant to satisfy you of this. To establish the applicant's fitness vetting must be completed as in the Vetting Guide (form POL67/K).

**Note:** A firearms licence must **not** be issued while there is a protection order in force against the applicant.

### **Security checks**

The applicant's firearms security must be checked, and where the application is to renew a licence that security is commensurate with the firearms possessed.

Security checks need not be limited to when an application is made. You can carry one out at any time, provided that the check is recorded on the person's firearms licence details and the text is held on the firearms subsystem.

### **Authority to approve applications**

A licences must be approved by Police employees designated for the role in District.

B, C and E endorsements must be approved by the area commander of the position of Inspector or above, of the area in which the applicant normally resides.

D licences are approved by the area commander of the position of Inspector or above, of the area in which the applicant is conducting, or intends to conduct, business as a firearms dealer.

Each application must be individually approved and have a minute attached that says: "I am satisfied that in accordance with the provisions of the Arms Act 1983 that (full name of applicant) is a fit and proper person to be in possession of a firearm and can be issued with (type of licence and/or endorsement)."

The minute must be followed by a signature block that clearly identifies the approving Police employee.

### **Flow diagram of the application process**

Section 2 of the Arms Manual 2002 contains the flow diagrams of the licensing process.

### **Notifying behaviour that may mean a person is not fit and proper to possess or access firearms**

Where Police employees become aware of behaviours that suggest a person may not be fit and proper to possess or access firearms they should enter a noting on Police systems and bring this to the attention of the local Arms Officer. An e mail is sufficient.

Under the [Privacy Act 1993](#), the person has the right to access the computer record and ask you to correct any information that they think is wrong.

### **Retaining files**

Firearms files are required to be retained for at least 10 years after the last action on the file. For ease of administration, store them separately from other files.

### **Revoking firearms licences**

Where any person behaves in such a way as to suggest they are not fit and proper to possess or have access to firearms, including being mentally disordered and the refusal or revocation of a firearms licence is considered, the procedures in section 11 of the



## Arms, Continued...

Version : 16.0

Manual (Revocations and Refusals) must be complied with. This is a summary of the process involved in revoking a firearms licence.

Stage	Description
1	If you suspect on reasonable grounds that a licence holder is no longer a fit and proper person to be in possession of a firearm, your first priority is to seize any firearms and firearms licence that are in the holder's possession. For a description of these powers, see ' <a href="#">Police powers and duties</a> '.
2	Present the facts to a Police employee at the level of inspector or above.
3	The inspector must then: <ul style="list-style-type: none"><li>• decide whether to revoke the licence, by assessing the information you have on the holder and applying the criteria set out in section <a href="#">27</a> and <a href="#">27A</a> of the Arms Act (see '<a href="#">Police powers and duties</a>')</li><li>• if a decision is made to revoke the licence, follow the process outlined in section 11 of the Arms Manual 2002.</li></ul>
4	The person must have the opportunity to make oral and/or written submissions.
5	Document every action taken.
6	After arresting a person for an offence, check if they have a firearms licence. If the suspect has a licence and is not, in your opinion, a 'fit and proper person' to do so, take action to revoke it. Notifying the local Arms Officer is a first step.
7	When you are on premises where firearms are stored, check firearms security. Consider seeking to revoke the licence if the conditions are breached.

### Appeals

If a person whose licence has been revoked appeals your decision to a district court, the court will hear the matter afresh. Usually the Court will make its considerations on papers. Careful documentation is essential.

### Offence investigation procedures

For the investigation procedures for general firearms offences, Police employees must be guided, where applicable, by the procedures and instructions contained in this chapter.