



# **Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012**

Public Act 2012 No 117  
Date of assent 11 December 2012  
Commencement see section 2

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012.
  
- 2 Commencement**
  - (1) This Act comes into force on a date appointed by the Governor-General by Order in Council.
  - (2) However, if this Act has not earlier been brought into force, it comes into force on the day that is 1 year after the date on which it receives the Royal assent.
  
- 3 Principal Act amended**  
This Act amends the Arms Act 1983.

## Part 1 Amendments to principal Act

### 4 Interpretation

- (1) Section 2 is amended by repealing the definitions of **military style semi-automatic firearm** and **sporting configuration** and inserting the following definitions in their appropriate alphabetical order:

“**military style semi-automatic firearm** means a firearm (other than a pistol) that is—

- “(a) a semi-automatic firearm having 1 or more of the following features:

“(i) a folding or telescopic butt:

“(ii) a magazine designed to hold 0.22-inch rimfire cartridges that—

“(A) is capable of holding more than 15 cartridges; or

“(B) is detachable, and by its appearance indicates that it is capable of holding more than 15 cartridges:

“(iii) a magazine (other than one designed to hold 0.22-inch rimfire cartridges) that—

“(A) is capable of holding more than 7 cartridges; or

“(B) is detachable, and by its appearance indicates that it is capable of holding more than 10 cartridges:

“(iv) bayonet lugs:

“(v) a flash suppressor:

“(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

“(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

“(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

“(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 this Act

“**restricted airgun** means an airgun that,—

“(a) without any of the attachments with which it is customarily used, has the appearance of being a pistol, a restricted weapon, or a military style semi-automatic firearm; or

“(b) with some or all of the attachments with which it is customarily used, has the appearance of being a pistol, a restricted weapon, or a military style semi-automatic firearm; or

“(c) is designed for use in airsoft or paintball sports and,—

“(i) without any of the attachments with which it is customarily used, has the appearance of being a firearm capable of full automatic fire; or

“(ii) with some or all of the attachments with which it is customarily used, has the appearance of being a firearm capable of full automatic fire

“**semi-automatic firearm** means a firearm that (if it is loaded), with each pull of the trigger,—

“(a) fires a cartridge and ejects its case; and

“(b) (unless all cartridges loaded have been fired) chambers another cartridge”.

(2) Section 2 is amended by adding the following subsection as subsection (2):

“(2) For the purposes of the definition of **restricted airgun** in subsection (1), an airgun can have the appearance of a pistol, restricted weapon, military style semi-automatic firearm, or firearm capable of full automatic fire without having the appearance of any particular model of pistol, restricted weapon, military style semi-automatic firearm, or firearm capable of full automatic fire.”

## 5 Offence to import firearms or parts of firearms without permit

(1) The heading to section 16 is amended by omitting “**or parts of firearms**” and substituting “**, starting pistols, restricted airguns, or restricted weapons, or parts of firearms, starting pistols, or restricted weapons**”.

- (2) Section 16(1) is repealed and the following subsection substituted:
- “(1) A person must not, otherwise than pursuant to a permit issued to the person by a member of the Police, bring or cause to be brought or sent into New Zealand—
- “(a) a firearm, pistol, military style semi-automatic firearm, starting pistol, restricted airgun, or restricted weapon; or
- “(b) any part of a firearm, pistol, military style semi-automatic firearm, starting pistol, or restricted weapon.”

**6 Burden of proof**

Section 17 is amended by omitting “or restricted weapon” and substituting “restricted airgun, or restricted weapon (or a part of a firearm, pistol, starting pistol, or restricted weapon)”.

**7 Issue of permits to import firearms or parts of firearms**

- (1) The heading to section 18 is amended by omitting “**or parts of firearms**” and substituting “, **parts of firearms, or restricted airguns**”.
- (2) Section 18(1)(a) is amended by inserting “restricted airguns,” after “starting pistols,”.
- (3) Section 18(1)(b)(i) is amended by inserting “restricted airgun,” after “starting pistol,”.
- (4) Section 18(2) is amended by inserting “restricted airgun,” after “military style semi-automatic firearm,” where it first and thirdly occurs.

**8 Expiration of permits to import firearms or parts of firearms**

The heading to section 18A is amended by omitting “**or parts of firearms**” and substituting “, **starting pistols, restricted airguns, or restricted weapons, or parts of firearms, starting pistols, or restricted weapons**”.

**9 Samples**

Section 18B is amended by inserting “restricted airgun,” after “starting pistol,” wherever it occurs.

**10 New section 19 substituted**

Section 19 is repealed and the following section substituted:

**“19 Seizure of illegally imported items**

A member of the Police or officer of the Customs who suspects on reasonable grounds that a firearm, pistol, military style semi-automatic firearm, starting pistol, restricted airgun, or restricted weapon (or a part of a firearm, pistol, military style semi-automatic firearm, starting pistol, or restricted weapon) 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),—

“(a) may seize and detain it; and

“(b) in effecting its seizure, may use any reasonably necessary force.”

**11 Right of appeal from official decisions**

(1) Section 62 is amended by repealing subsection (1) and substituting the following subsections:

“(1) This subsection applies to—

“(a) a person who is affected by a determination by the Commissioner that a firearm is a military style semi-automatic firearm; and

“(b) a person whose application for 1 of the following has been refused:

“(i) a dealer’s licence:

“(ii) consent under section 7A:

“(iii) a permit for the purposes of section 16(1):

“(iv) a firearms licence:

“(v) an endorsement under section 30, 30B, or 36:

“(vi) a permit under section 35 to procure a pistol, military style semi-automatic firearm, or restricted weapon; and

“(c) a person who has had 1 of the following issued subject to conditions imposed by a member of the Police or revoked:

“(i) a dealer’s licence:

“(ii) a permit for the purposes of section 16(1):

“(iii) a firearms licence:

- “(iv) an endorsement under section 30, 30B, or 36:
- “(v) a permit under section 35 to procure a pistol, military style semi-automatic firearm, or restricted weapon; and
- “(d) a person who has been served with a notice under section 41 or 59.
- “(1A) A person to whom subsection (1) applies may, by way of originating application, appeal to a District Court Judge from the determination, refusal, imposition of conditions, revocation, or service.”
- (2) Section 62(2) is amended by omitting “subsection (1)” and substituting “subsection (1A)”.

## **12 New sections 74A and 74B inserted**

The following sections are inserted after section 74:

- “74A Orders relating to military style semi-automatic firearms**  
The Governor-General may by Order in Council do any or all of the following things:
- “(a) describe a kind of component as a pistol grip for the purposes of the definition in section 2 of military style semi-automatic firearm:
  - “(b) declare semi-automatic firearms (other than pistols) of a stated make and model to be military style semi-automatic firearms for the purposes of this Act:
  - “(c) declare semi-automatic firearms (other than pistols) of a stated description to be military style semi-automatic firearms for the purposes of this Act:
  - “(d) define or describe features of a semi-automatic firearm (other than a pistol) as features of a military style semi-automatic firearm for the purposes of this Act.
- “74B Certain orders relating to military style semi-automatic firearms to expire unless confirmed**
- “(1) Where an order under section 74A(b), (c), or (d)—
    - “(a) has in any year been made on or after 1 January and before 1 July; and
    - “(b) has not been revoked with effect on or before 1 July in the next year; and

“(c) has not ceased, and will not cease, to have effect on or before 1 July in the next year by virtue of the Regulations (Disallowance) Act 1989,—

it must be treated as having been revoked with the close of the 30th day of June in that next year unless it has been confirmed by an Act of Parliament passed on or before that day.

“(2) Where an order under section 74A(b), (c), or (d)—

“(a) has in any year been made after 30 June and on or before 31 December; and

“(b) has not been revoked with effect on or before 1 January in the year after the next year; and

“(c) has not ceased, and will not cease, to have effect on or before 1 January in the year after the next year by virtue of the Regulations (Disallowance) Act 1989,—

it must be treated as having been revoked with the close of 31 December in that next year unless it has been confirmed by an Act of Parliament passed on or before that day.”

## Part 2 Consequential amendments

### *Amendments to Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984*

#### **13 Amendments to Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984**

(1) This section amends the Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984.

(2) The definition of **specified pre-charged pneumatic air rifles** in clause 1A is amended by omitting “that are not for use in airsoft or paintball sports” and substituting “, other than airguns that are designed for use in airsoft or paintball sports and are in the same configuration as when they were manufactured”.

(3) The Schedule is amended by revoking clause 4 and substituting the following clauses:

“4 Machine carbines or guns, submachine carbines or guns, and machine pistols of any kind, including those operated by gas or compressed air.

“4A Firearms and airguns that are capable of full automatic fire, excluding airguns that are designed for use in airsoft or paintball



sports and are in the same configuration as when they were manufactured.”

*Amendments to Arms Regulations 1992*

**14 Amendments to Arms Regulations 1992**

Sections 15 to 20 amend the Arms Regulations 1992.

**15 New regulation 7 substituted**

Regulation 7 is revoked and the following regulation substituted:

**“7 Records kept by licensed dealers**

“(1) This regulation applies to an item if it is a firearm, pistol, military style semi-automatic firearm, restricted airgun, or restricted weapon.

“(2) Every licensed dealer must record, in respect of every item to which this regulation applies received by the licensed dealer (including every item received for sale, repair, or modification),—

“(a) particulars of the item (including its serial number, calibre, make, and model); and

“(b) the date the item was received; and

“(c) except in the case of a pistol or restricted weapon received under section 10(2) of the Act, the name and address of the person from whom the item is received; and

“(d) except in the case of a pistol or restricted weapon received under section 10(2) of the Act or a restricted airgun received from a person who is of or over the age of 18 years, the number of the firearms licence of the person from whom the item is received.

“(3) Every licensed dealer must record, in respect of every item to which this regulation applies manufactured by the licensed dealer,—

“(a) particulars of the item (including the serial number, calibre, make, and model); and

“(b) the date on which the item’s manufacture is completed.

“(4) Every licensed dealer must record, in respect of every item to which this regulation applies delivered by the licensed dealer,—

- “(a) particulars of the item (including the serial number, calibre, make, and model); and
  - “(b) the date on which the item is delivered; and
  - “(c) the name and address of the person to whom the item is delivered; and
  - “(d) except in the case of a restricted airgun delivered to a person who is of or over the age of 18 years, the number of the firearms licence of the person to whom the item is delivered; and
  - “(e) in the case of a pistol, military style semi-automatic firearm, restricted airgun, or restricted weapon delivered to a person who requires a permit to procure it, the date and place of issue of the permit.
- “(5) Every licensed dealer must record, in respect of every airgun delivered to a person who is between 16 and 18 years of age,—
- “(a) the person’s name and address; and
  - “(b) the number of the person’s firearms licence.
- “(6) The particulars stated in subclauses (2) to (5) must be recorded by the licensed dealer in the book required by section 12(1) of the Act to be kept by the licensed dealer at the place of business referred to in the licence.
- “(7) The book must be so kept as to disclose readily the particulars required to be recorded in it.
- “(8) Each entry must be made at or immediately following the time of the transaction to which it relates.
- “(9) Every book kept under section 12(1) of the Act by a licensed dealer must be retained by the dealer for at least 5 years after the date of the last entry in it.”

**16 Heading above regulation 10 amended**

The heading above regulation 10 is amended by inserting “*restricted airguns,*” after “*starting pistols,*”.

**17 Permits to import firearms, pistols, military style semi-automatic firearms, starting pistols, or restricted weapons**

- (1) The heading to regulation 10 is amended by inserting “**restricted airguns,**” after “**starting pistols,**”.

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- (2) Regulation 10 is amended by inserting “restricted airgun,” after “starting pistol,” in each place where it appears.
- (3) Regulation 10(2)(g) is amended by inserting “restricted airgun,” after “military style semi-automatic firearm,”.

**18 Place of application**

Regulation 11 is amended by inserting “restricted airgun,” after “starting pistol,”.

**19 Identification numbers**

Regulation 12(1) is amended by inserting “restricted airgun,” after “military style semi-automatic firearm,” in each place where it appears.

**20 Notification of importation**

Regulation 13 is amended by inserting “restricted airgun,” after “starting pistol,” in each place where it appears.

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**Legislative history**

15 April 2011	Introduction (Bill 285–1)
11 May 2011	First reading and referral to Law and Order Committee
8 August 2011	Reported from Law and Order Committee (Bill 285–2)
22 May 2012	Second reading
5 December 2012	Reported from committee of the whole House, third reading
11 December 2012	Royal assent

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This Act is administered by the New Zealand Police.

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