

Version  
as at 28 October 2021



## Arms Regulations 1992 (SR 1992/346)

Catherine A Tizard, Governor-General

### Order in Council

At Wellington this 7th day of December 1992

Present:

Her Excellency the Governor-General in Council

Pursuant to section 74 of the Arms Act 1983, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These regulations are administered by the New Zealand Police.**

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## Regulations

### 1 Title and commencement

- (1) These regulations may be cited as the Arms Regulations 1992.
- (2) These regulations shall come into force on 11 December 1992.

#### *Preliminary provisions*

Heading: inserted, on 17 January 2019, by regulation 4 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

### 2 Interpretation

In these regulations, unless the context otherwise requires,—

**the Act** means the Arms Act 1983

**armoury contractor** means a person who, under a contract with the Chief of Defence Force, is administering 1 or more defence armouries

**commissioned officer of Police** means a constable who is of or above the level of position of inspector

**defence area** has the meaning given to that term by section 2(1) of the Defence Act 1990

**defence armoury** means an armoury of the New Zealand Defence Force

**Internet site** means an Internet site maintained by, or on behalf of, the Commissioner.

Regulation 2: substituted, on 15 June 1998, by regulation 2 of the Arms Amendment Regulations 1998 (SR 1998/155).

Regulation 2 **commissioned officer of Police**: inserted, on 17 January 2019, by regulation 5 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 2 **Internet site**: inserted, on 17 January 2019, by regulation 5 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 2 **reclassified MSSA**: revoked, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### 2A Provisions for making applications, etc, electronically through Internet site

- (1) A provision in these regulations for an application to be made electronically through an Internet site, or for some other thing to be done in that manner, applies only when the Commissioner, on an Internet site, offers to receive that application or permits that other thing to be done electronically through that Internet site.
- (2) Until the Commissioner makes that offer or gives that permission, and during any period when the Internet site is not accessible for any reason, the application must be made or the other thing must be done in an alternative manner provided for in or under these regulations.

Regulation 2A: inserted, on 17 January 2019, by regulation 6 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

**2B General qualification on provisions for making applications electronically through Internet site**

Despite a provision in these regulations for an application to be made electronically through an Internet site, a person must make their application under that provision in writing, in hard copy form, if a commissioned officer of Police requires them to do so (regardless of whether, at the time the requirement is made, the person has already commenced their application electronically through an Internet site).

Regulation 2B: inserted, on 17 January 2019, by regulation 6 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

**2C Prescribed wild animals and animal pests**

The following wild animals and animal pests are prescribed for the purposes of section 4A(1)(i) of the Act:

- (a) a wild animal as defined in paragraph (a) of the definition of that term in section 2(1) of the Wild Animal Control Act 1977:
- (b) wallaby (*family Macropodidae*):
- (c) feral rabbit:
- (d) feral hare:
- (e) Canada goose (*Branta canadensis*).

Regulation 2C: inserted, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

*Licensed dealers*

**3 Application for dealer's licence**

- (1) An application for a dealer's licence must be made—
  - (a) in writing in hard copy form; or
  - (b) electronically through an Internet site.
- (1A) An application in writing in hard copy form must be—
  - (a) signed by the applicant; and
  - (b) delivered to the Police Station nearest to the place of business named in the application.
- (2) The application shall state—
  - (a) the full name of the applicant; and
  - (b) the sex of the applicant; and
  - (c) the date of birth of the applicant; and
  - (d) the address and occupation of the applicant; and
  - (e) the number of the applicant's firearms licence; and
  - (f) the address of the place at which the business is to be carried on; and

- (g) if the applicant intends to manufacture firearms, the class or classes of firearms intended to be manufactured.
- (3) Where the applicant wishes to carry on business at more than 1 address, the applicant shall apply for a separate licence in respect of each address.

Regulation 3(1): replaced, on 17 January 2019, by regulation 7 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 3(1A): inserted, on 17 January 2019, by regulation 7 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 3(1A)(b): amended, on 25 June 2020, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

#### 4 Place of application

*[Revoked]*

Regulation 4: revoked, on 17 January 2019, by regulation 8 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

#### 5 Form of dealer's licence

*[Revoked]*

Regulation 5: revoked, on 17 January 2019, by regulation 9 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

#### 6 Application in relation to gun show

- (1) A licensed dealer who wishes to apply for the consent of a commissioned officer of Police for the purposes of section 7A of the Act must make that application—
  - (a) in writing in hard copy form; or
  - (b) electronically through an Internet site.
- (1A) An application in writing in hard copy form must be—
  - (a) signed by the applicant; and
  - (b) delivered to the Police Station nearest to the place at which the gun show is to be held.
- (2) The application shall state—
  - (a) the full name of the applicant; and
  - (b) the address of the place at which the gun show is to be conducted; and
  - (c) the period (not exceeding 5 days) over which the gun show is to be held.
- (3) *[Revoked]*

Regulation 6(1): replaced, on 17 January 2019, by regulation 10(1) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 6(1A): inserted, on 17 January 2019, by regulation 10(1) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 6(1A)(b): amended, on 25 June 2020, by section 109 of the Arms Legislation Act 2020 (2020 No 23).



Regulation 6(3): revoked, on 17 January 2019, by regulation 10(2) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

## **7 Records kept by licensed dealers**

- (1) This regulation applies to an item if it is a firearm, pistol, prohibited firearm, prohibited magazine, 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) the name and address of the person from whom the item is received, unless the item is a pistol, prohibited item, or restricted weapon and the item is immediately surrendered by the licensed dealer to a member of the Police; and
  - (d) the number of the firearms licence of the person from whom the item is received, unless—
    - (i) the item is a pistol, prohibited item, or restricted weapon and the item is immediately surrendered by the licensed dealer to a member of the Police; or
    - (ii) the item is a restricted airgun received from a person of or over the age of 18 years.
- (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, prohibited firearm, prohibited magazine, or restricted weapon delivered to a person who requires a permit to possess it, the date and place of issue of the permit.

- (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.
- (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) If a licensed dealer keeps their book in hard copy form, it must be so kept as to disclose readily the particulars required to be recorded in it.
- (7A) The book may be kept as an electronic record if—
- (a) the integrity of the particulars and the other information that must be entered into that record is maintained in a manner that ensures that the information remains complete and unaltered; and
  - (b) the licensed dealer has in place and maintains the systems and processes necessary to enable the licensed dealer to access and provide to a member of the Police, on request, the particulars and other information entered into that record, at any time during the 10-year period specified in section 12(1B) of the Act.
- (8) Each entry must be made at or immediately following the time of the transaction to which it relates.
- (9) *[Revoked]*
- (10) *[Revoked]*

Regulation 7: replaced, on 11 December 2013, by section 15 of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Regulation 7(1): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 7(2)(c): replaced, on 21 June 2019, by regulation 4 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 7(2)(d): replaced, on 21 June 2019, by regulation 4 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 7(4)(e): replaced, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 7(4A): replaced, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 7(7): amended, on 17 January 2019, by regulation 11(1) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 7(7A): inserted, on 17 January 2019, by regulation 11(2) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 7(7A)(b): amended, on 24 June 2021, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

Regulation 7(9): revoked, on 24 June 2021, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

Regulation 7(10): revoked, on 24 June 2021, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

## **8 Conditions relating to security precautions**

Every dealer's licence shall be subject to the following conditions:

- (a) the building in which the dealer's place of business is located shall be, and be maintained, in a structurally sound condition:
- (b) the doors that can give access to the dealer's place of business, and their locks, bolts, hinges, and other fastenings, shall be strong and stout and shall be maintained in good condition:
- (c) the windows, skylights, or other things intended to cover openings to the dealer's place of business, and their locks, bolts, hinges, and other fastenings, shall be maintained in good condition:
- (d) all such doors and all such windows, skylights, and other things shall be capable of being secured against unlawful entry:
- (e) whenever the dealer's place of business is left unattended or unoccupied, the dealer shall ensure that all reasonable steps are taken to secure the place of business from unlawful entry:
- (f) the dealer shall ensure that all firearms (other than airguns and miniature replica cannon) at the dealer's place of business, which are not in the physical possession of the dealer or of a member of the dealer's staff or which are not being displayed to a customer under the immediate continuous personal supervision of the dealer or of a member of the dealer's staff, are either—
  - (i) dismantled, rendered inoperable, or immobilised (which includes securing them in a display cabinet or rack so that they cannot be readily removed), in a manner approved for the time being either generally or in the particular case by a member of the Police, so that none of them can be fired; or
  - (ii) locked up in a steel box or a steel cabinet (being a box or cabinet secured to the building) or in a steel safe or in a steel and concrete strongroom, which such box, cabinet, safe, or strongroom shall be of sound construction and of a type approved for the time being either generally or in the particular case by a member of the Police:
- (g) where vital parts are removed from a firearm for the purpose of complying with paragraph (f)(i), those parts shall be locked up in a box, cabinet, safe, or strongroom complying with paragraph (f)(ii) or in a secure place in premises separate from the premises in which the firearm is stored:

- (h) all pistols (other than air pistols or miniature replica cannon) and prohibited items at the dealer's place of business which are not in the physical possession of the dealer or of a member of the dealer's staff or which are not being displayed to a customer under the immediate and continuous personal supervision of the dealer or a member of the dealer's staff shall be locked up in a box, cabinet, safe, or strongroom complying with paragraph (f)(ii):
- (i) all airguns at the dealer's place of business which are not in the physical possession of the dealer or of a member of the dealer's staff or which are not being displayed to a customer under the immediate and personal supervision of the dealer or a member of the dealer's staff shall be secured in a manner so that they cannot be readily removed.

Regulation 8(h): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **9 Power to grant exemptions in respect of security precautions**

- (1) Any commissioned officer of Police may, by writing, exempt any dealer from compliance with any of the conditions set out in regulation 7 if that officer is satisfied that the security conditions being observed by that dealer are sufficient to prevent the unlawful removal of firearms from the dealer's place of business.
- (2) Any exemption under subclause (1) may at any time in like manner be revoked by any commissioned officer of Police.
- (3) Any exemption under subclause (1) may be limited to such days or times or both as are specified in it.

### *Importation of firearms, pistols, prohibited items, starting pistols, restricted airguns, and restricted weapons*

Heading: amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Heading: amended, on 11 December 2013, by section 16 of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

## **10 Applications for permits to import firearms, pistols, prohibited items, starting pistols, restricted airguns, restricted weapons, or parts**

- (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 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.
- (2) An application in writing in hard copy form must be—
  - (a) signed by the applicant; and
  - (b) delivered to the Police Station nearest to—

- (i) the applicant's place of business; or
  - (ii) the applicant's residence; or
  - (iii) the place at which the item proposed to be imported is to be landed in New Zealand.
- (3) The application must state—
  - (a) the full name of the applicant; and
  - (b) the address and occupation of the applicant; and
  - (c) a description of—
    - (i) the firearm, pistol, prohibited item, starting pistol, restricted air-gun, or restricted weapon that is to be imported;
    - (ii) the part of a firearm, pistol, prohibited item, starting pistol, or restricted weapon that is to be imported; and
  - (d) in relation to each item described,—
    - (i) its country of origin; and
    - (ii) the quantity to be imported; and
    - (iii) the name of the manufacturer; and
    - (iv) the place at which the item is to be landed in New Zealand; and
  - (e) if the application is for a permit to import a pistol, prohibited item, restricted airgun, or restricted weapon, or any part of a pistol, prohibited item, or restricted weapon, the special reasons why that item should be allowed into New Zealand.
- (4) In this regulation, **New Zealand** has the same meaning as in section 16(2) of the Act.

Regulation 10: replaced, on 17 January 2019, by regulation 12 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 10 heading: amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 10(1): replaced, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 10(1): amended, on 21 June 2019, by regulation 5 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 10(2)(b): amended, on 25 June 2020, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

Regulation 10(3)(c)(i): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 10(3)(c)(ii): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 10(3)(e): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## 11 Place of application

*[Revoked]*

Regulation 11: revoked, on 17 January 2019, by regulation 12 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

## 12 Identification numbers

- (1) Every person who imports into New Zealand a firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon (other than a firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon that is an antique firearm) that does not bear a serial number must stamp or engrave, or cause to be stamped or engraved, in clear view on the frame of that firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon, within 30 days after the day on which it is imported, a number by which that firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon may be identified.
  - (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 engrave, or cause to be stamped or engraved, in clear view on that magazine, a number by which the magazine may be identified.
  - (1B) Every person who manufactures or assembles a firearm, pistol, prohibited firearm, restricted airgun, or restricted weapon (other than a pistol, prohibited firearm, restricted airgun, or restricted weapon that is an antique firearm) must stamp or engrave identifying markings on it at the time of manufacture (if it does not already bear one).
- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$400 who contravenes subclause (1) or (1A).

Regulation 12(1): amended, on 25 June 2020, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

Regulation 12(1): amended, on 21 June 2019, by regulation 6(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 12(1): amended, on 21 June 2019, by regulation 6(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 12(1): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 12(1): amended, on 11 December 2013, by section 19 of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Regulation 12(1A): inserted, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 12(1A): amended, on 21 June 2019, by regulation 6(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 12(1B): inserted, on 25 June 2020, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

Regulation 12(2): amended, on 21 June 2019, by regulation 6(4) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 12(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### **13 Notification of importation**

- (1) This regulation applies to a person who imports one of the following items into New Zealand under a permit issued for the purposes of section 16(1) of the Act:
  - (a) a firearm, pistol, prohibited magazine, starting pistol, restricted airgun, or restricted weapon; or
  - (b) a part of a firearm, pistol, prohibited magazine, starting pistol, or restricted weapon.
- (1A) Every person to whom this regulation applies must, within 30 days after the date on which the item is imported, notify the Police of the matters specified in subclause (2) by—
  - (a) delivering a notice in writing in hard copy form to the Police Station from which the permit was issued if the application for the permit to import the item was made in writing in hard copy form; or
  - (b) lodging a notice electronically through an Internet site if the application for the permit to import the item was made electronically through an Internet site.
- (2) The matters that must be notified are—
  - (a) the full name of the applicant; and
  - (b) the address and occupation of the applicant; and
  - (c) the quantity imported; and
  - (d) the description and country of origin of the item imported, including the serial number or identification number of the item; and
  - (e) the name of the manufacturer of the firearm, pistol, prohibited magazine, prohibited part, starting pistol, restricted airgun, or restricted weapon; and
  - (f) the place at which the firearm, pistol, prohibited magazine, prohibited part, starting pistol, restricted airgun, or restricted weapon was landed in New Zealand; and
  - (g) the date of importation; and
  - (h) the date on which and the place at which the permit under section 16(1) of the Act was issued.
- (3) Every person commits an offence and is liable on conviction to a fine not exceeding \$400 who contravenes this regulation.

Regulation 13(1): replaced, on 17 January 2019, by regulation 13(1) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 13(1)(a): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 13(1)(b): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 13(1A): inserted, on 17 January 2019, by regulation 13(1) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 13(1A)(a): amended, on 25 June 2020, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

Regulation 13(2): amended, on 17 January 2019, by regulation 13(2) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 13(2)(d): replaced, on 17 January 2019, by regulation 13(3) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 13(2)(e): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 13(3)(e): amended, on 11 December 2013, by section 20 of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Regulation 13(2)(f): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 13(2)(f): amended, on 11 December 2013, by section 20 of the Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117).

Regulation 13(3): amended, on 17 January 2019, by regulation 13(4) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 13(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### *Firearms licences*

#### **14 Applicant for firearms licence must undergo course of training and pass tests**

Every applicant for a firearms licence shall, unless a commissioned officer of Police otherwise directs,—

- (a) undergo a course of training which is conducted by a member of the Police or a person approved for the purpose by a member of the Police and which is designed to teach the applicant to handle firearms safely; and
- (b) pass such tests as may be required to determine the applicant's ability to handle firearms safely (being tests conducted by a member of the Police or a person approved for the purpose by a member of the Police).

Regulation 14 heading: amended, on 17 January 2019, by regulation 14(1) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 14(b): amended, on 17 January 2019, by regulation 14(2) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

#### **15 Supply of particulars for firearms licence**

- (1) *[Revoked]*
- (2) Every application for a firearms licence must state—
  - (a) the full name of the applicant; and
  - (b) the date of birth of the applicant; and
  - (c) the place of birth of the applicant; and



- (d) the address and occupation of the applicant; and
- (e) the place at which the applicant carries on his or her occupation; and
- (f) the name and address of a near relative of the applicant; and
- (g) the name and address of a person (not being a near relative of the applicant) of whom inquiries can be made about whether the applicant is a fit and proper person to be in possession of a firearm; and
- (h) whether the applicant has been convicted of any offence, whether in New Zealand or any other country; and
- (i) whether the applicant has previously made application to be issued with a firearms licence whether in New Zealand or any other country and has been refused.

Regulation 15(1): revoked, on 17 January 2019, by regulation 15(1) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 15(2): amended, on 17 January 2019, by regulation 15(2) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

## **16 Manner of application**

- (1) An application for a firearms licence must be made—
  - (a) in writing in hard copy form; or
  - (b) electronically through an Internet site.
- (2) An application in writing in hard copy form must be—
  - (a) signed by the applicant; and
  - (b) delivered to—
    - (i) the Police Station nearest to the applicant's place of employment;  
or
    - (ii) the Police Station nearest to the applicant's place of residence.

Regulation 16: replaced, on 17 January 2019, by regulation 16 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 16(2)(b)(i): amended, on 25 June 2020, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

Regulation 16(2)(b)(ii): amended, on 25 June 2020, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

## **17 Form of firearms licence**

*[Revoked]*

Regulation 17: revoked, on 17 January 2019, by regulation 17 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

## **18 Action on death of licensee**

Where the holder of a firearms licence in respect of a pistol, prohibited firearm, prohibited magazine, or restricted weapon dies, the personal representative of the holder of the firearms licence or any other person who obtains possession

of the pistol, prohibited firearm, prohibited magazine, or restricted weapon, shall forthwith notify the Police of—

- (a) the death; and
- (b) the location of the pistol, prohibited firearm, prohibited magazine, or restricted weapon.

Regulation 18: amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 18(b): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **19 Conditions relating to security precautions**

- (1) Every firearms licence shall be subject to the following conditions:
  - (a) the holder shall not put a firearm in such a place that a young child has ready access to it:
  - (b) the holder, where he or she has both a firearm and ammunition for it in his or her possession, either—
    - (i) shall take reasonable steps to ensure that the ammunition is not stored in such a way that a person who obtains access to the firearm also obtains access to the ammunition; or
    - (ii) shall ensure that, where the ammunition is stored with the firearm, the firearm is not capable of being discharged:
  - (c) the holder shall take reasonable steps to ensure that any firearm in the holder's possession is secured against theft:
  - (d) the holder shall, where he or she has possession of a firearm that is—
    - (i) a flare pistol; or
    - (ii) a humane killer; or
    - (iii) a stock marking pistol,—  
keep it in a locked container, except where it is under the holder's immediate and personal supervision.
- (2) On and after 1 July 1993 the reasonable steps required by subclause (1)(c) shall include—
  - (a) keeping on the holder's premises—
    - (i) a lockable cabinet, container, or receptacle of stout construction in which firearms may be stored; or
    - (ii) a lockable steel and concrete strongroom in which firearms may be stored; or
    - (iii) a display cabinet or rack in which firearms may be immobilised and locked so that none of them may be fired; and
  - (b) keeping locked or immobilised and locked in the cabinet, container, receptacle, strongroom, display cabinet, or rack required by paragraph

- (a) every firearm which is on the holder's premises and which is not under immediate and personal supervision of the holder or some other holder of a firearms licence; and
- (c) ensuring that no firearm in the holder's possession is left in a vehicle that is unattended.

*Exemption from general restriction on possession of firearms*

**20 Exemption from section 20**

Nothing in section 20 of the Act makes it an offence for any person to be in possession of a firearm of the kind known as—

- (a) a dog training dummy launcher;
- (b) an improvised explosive device disrupter.

*Endorsements in respect of pistols, prohibited firearms, prohibited magazines, and restricted weapons*

Heading: replaced, on 17 January 2019, by regulation 18 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Heading: amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**20A Manner of applying for endorsement in respect of pistol or restricted weapon**

An application for an endorsement in respect of a pistol or restricted weapon under section 29 of the Act must be made—

- (a) in writing in hard copy form; or
- (b) electronically through an Internet site.

Regulation 20A: inserted, on 17 January 2019, by regulation 19 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

**20B Manner of applying for endorsement in respect of prohibited firearm or prohibited magazine**

An application for an endorsement in respect of a prohibited firearm under section 30A of the Act must be made—

- (a) in writing in hard copy form; or
- (b) electronically through an Internet site.

Regulation 20B: inserted, on 17 January 2019, by regulation 19 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 20B heading: amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 20B: amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**21 Application by visitor to New Zealand for endorsement in respect of pistol**

- (1) For the purposes of section 29 of the Act, a visitor to New Zealand who wishes to use a pistol for competitive shooting on a pistol range in New Zealand is a class of person who may be permitted to obtain an endorsement permitting that person to have possession of a pistol in that person's capacity as such a visitor.
- (2) The class of person specified in subclause (1) is in addition to the classes of persons specified in paragraphs (a) to (f) of section 29(2) of the Act.

*Conditions of endorsements in respect of pistols and restricted weapons**[Revoked]*

Heading: revoked, on 17 January 2019, by regulation 20 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

**22 Conditions of endorsements in respect of pistols and restricted weapons**

- (1) Where an endorsement made under section 30 of the Act permits a person to have possession of a pistol in his or her capacity as a member of an incorporated pistol shooting club for the time being recognised by the Commissioner for the purposes of section 29 of the Act, that endorsement shall be subject to the following conditions:
  - (a) a condition that that person may use the pistol only for target pistol shooting on a pistol range approved by the Commissioner for the purpose;
  - (b) a condition that that person participate actively in the affairs of the pistol shooting club by taking part in its activities, on the pistol range used by that club, on at least 12 days in each year.
- (2) Where an endorsement made under section 30 of the Act permits a person to have possession of a pistol or a restricted weapon in his or her capacity as—
  - (a) a bona fide collector of firearms; or
  - (b) a person to whom the pistol or restricted weapon has special significance as an heirloom or memento; or
  - (c) the Director or Curator of a bona fide museum; or
  - (d) an approved employee or approved member of any body, being—
    - (i) a broadcaster within the meaning of the Broadcasting Act 1989; or
    - (ii) any bona fide theatre company or society or cinematic or television film production company or video recording production company,—that endorsement shall be subject to the condition that that person shall not under any circumstances use live ammunition in the pistol or restricted weapon.
- (3) The conditions imposed by subclauses (1) and (2) are in addition to any other conditions imposed by or under the Act or these regulations.

*Endorsements in respect of pistols, military style semi-automatic firearms, and restricted weapons*

*[Revoked]*

Heading: revoked, on 17 January 2019, by regulation 21 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

**23 Forms of endorsement**

*[Revoked]*

Regulation 23: revoked, on 17 January 2019, by regulation 21 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

*Permits to possess pistols, prohibited firearms, prohibited magazines, and restricted weapons*

Heading: replaced, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**23A Manner of applying for permit to possess**

- (1) Every application for a permit to possess an item that is a pistol, prohibited firearm, prohibited magazine, or restricted weapon must be made—
  - (a) in writing in hard copy form; or
  - (b) electronically through an Internet site.
- (1A) If the purpose of the application for a permit to possess is to make an endorsement made under section 30(2)(b) or 30B(5)(b) of the Act specific in relation to an item that the applicant is acquiring from another person,—
  - (a) regulations 24, 25, 26, and 27(2) and (4) apply to an application that is made in writing in hard copy form:
  - (b) regulations 24, 26A, and 27(2) and (4) apply to an application that is made electronically through an Internet site.
- (1B) If the purpose of the application for a permit to possess is to make an endorsement made under section 30(2)(b) or 30B(5)(b) of the Act specific in relation to an item that the applicant already possesses under a different endorsement or in reliance on clause 5 of Schedule 1 of the Act,—
  - (a) regulations 24, 25, 26B, and 27(3) and (4) apply to an application that is made in writing in hard copy form:
  - (b) regulations 24, 26C, and 27(3) and (4) apply to an application that is made electronically through an Internet site.
- (1C) *[Revoked]*
- (2) An application for a permit to possess an item described in subclause (1A)(b) may be made electronically through an Internet site only if—
  - (a) the person intending to apply for the permit through the Internet site has—

- (i) provided the information specified in regulation 24(1) to the Police through the Internet site; and
  - (ii) received an application number; and
  - (iii) provided that application number to the person intending to hand over possession of the item; and
- (b) after receiving the application number, the person intending to hand over possession of the item has agreed to complete the transaction through the Internet site by doing the following through that site:
- (i) checking the information that the person intending to take possession of the item has provided under regulation 24(1)(d) to (g) and confirming that it is correct; and
  - (ii) providing a description of the item, including the make, model, calibre, and serial number or identification number (if it has one at that time) of the item; and
  - (iii) confirming that they agree to provide through the Internet site the date of transfer of the item and the serial number or identification number of the item transferred (if that number has not already been provided under subparagraph (ii)) not later than 7 days after the date of the transfer.

Regulation 23A: inserted, on 17 January 2019, by regulation 22 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 23A heading: replaced, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 23A(1): amended, on 21 June 2019, by regulation 7(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 23A(1): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 23A(1A): inserted, on 21 June 2019, by regulation 7(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 23A(1B): inserted, on 21 June 2019, by regulation 7(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 23A(1C): revoked, on 29 November 2019, by regulation 4 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 23A(2): amended, on 21 June 2019, by regulation 7(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 23A(2): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 23A(2)(a)(i): amended, on 21 June 2019, by regulation 7(4) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

## **24 Application for permit to possess pistol, prohibited firearm, prohibited magazine, or restricted weapon**

- (1) Every application for a permit to possess a pistol, prohibited firearm, prohibited magazine, or restricted weapon shall state—

- (a) the full name of the applicant; and
  - (b) the address of the applicant; and
  - (c) the number of the applicant's firearms licence; and
  - (d) the general description of the pistol, prohibited firearm, prohibited magazine, or restricted weapon; and
  - (e) the location of the pistol, prohibited firearm, prohibited magazine, or restricted weapon; and
  - (f) the full name of the owner of the pistol, prohibited firearm, prohibited magazine, or restricted weapon; and
  - (g) the number of the owner's firearms licence; and
  - (h) the capacity referred to in section 4A(1) or 29(2) of the Act in respect of which the applicant's firearms licence bears an endorsement (made under section 30 or 30B of the Act); and
  - (i) the capacity referred to in section 4A(1) or 29(2) of the Act in respect of which the applicant applies to possess the pistol, prohibited firearm, prohibited magazine, or restricted weapon.
- (1A) In the case of an application for a permit to possess a prohibited firearm or prohibited magazine, the applicant must also provide evidence to satisfy the member of the Police considering the application that it is appropriate for the applicant to possess the prohibited firearm or prohibited magazine in the capacity stated under subclause (1)(i).
- (1B) In the case of an application for a permit to possess a pistol, prohibited firearm, prohibited magazine, or restricted weapon in the circumstances described in regulation 23A(1B) or (1C), the application must also state the serial number or identification number of the pistol, prohibited firearm, prohibited magazine, or restricted weapon (if it has one).
- (2) Nothing in subclause (1) or subclause (1B) or in section 35 or section 44 of the Act shall apply in respect of any pistol that is an antique firearm or any restricted weapon that is an antique firearm.

Regulation 24 heading: replaced, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 24(1): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 24(1)(d): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 24(1)(e): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 24(1)(f): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 24(1)(h): inserted, on 21 June 2019, by regulation 8(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 24(1)(i): inserted, on 21 June 2019, by regulation 8(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 24(1A): inserted, on 21 June 2019, by regulation 8(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 24(1B): inserted, on 21 June 2019, by regulation 8(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 24(2): amended, on 21 June 2019, by regulation 8(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

## **25 Place of delivery of application in hard copy form**

An application for a permit to possess a pistol, prohibited firearm, prohibited magazine, or restricted weapon that is in writing in hard copy form must be delivered to a member of the Police.

Regulation 25: replaced, on 21 June 2019, by regulation 9 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

## **26 Delivery of permit in writing in hard copy form where item acquired from another person**

- (1) This regulation applies when a person—
  - (a) applies in writing in hard copy form for a permit to possess a pistol, prohibited firearm, prohibited magazine, or restricted weapon; and
  - (b) is issued with the permit; and
  - (c) takes possession of that pistol, prohibited firearm, prohibited magazine, or restricted weapon under the permit from another person.
- (1A) The person taking possession of the pistol, prohibited firearm, prohibited magazine, or restricted weapon must deliver the permit to the person handing over possession of that item.
- (2) The person handing over possession of the pistol, prohibited firearm, prohibited magazine, or restricted weapon—
  - (a) shall forthwith write on the permit—
    - (i) a description of the pistol, prohibited firearm, prohibited magazine, or restricted weapon, including the make, model, calibre, and serial number or identification number; and
    - (ii) the date of delivery of the pistol, prohibited firearm, prohibited magazine, or restricted weapon; and
    - (iii) his or her signature; and
    - (iv) the number of his or her firearms licence; and
  - (b) shall then return the permit to the person obtaining possession of the pistol, prohibited firearm, prohibited magazine, or restricted weapon.
- (3) The person obtaining possession of the pistol, prohibited firearm, prohibited magazine, or restricted weapon must immediately—
  - (a) return the permit to a member of the Police; and



- (b) produce the pistol, prohibited firearm, prohibited magazine, or restricted weapon to a member of the Police for inspection.

Regulation 26 heading: amended, on 21 June 2019, by regulation 10(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 26 heading: amended, on 17 January 2019, by regulation 24(1) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 26(1): replaced, on 17 January 2019, by regulation 24(2) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 26(1)(a): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 26(1)(c): amended, on 21 June 2019, by regulation 10(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 26(1)(c): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 26(1A): inserted, on 17 January 2019, by regulation 24(2) of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 26(1A): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 26(2): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 26(2)(a)(i): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 26(2)(a)(ii): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 26(2)(b): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 26(3): replaced, on 21 June 2019, by regulation 10(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

## **26A Delivery of permit through Internet site where item acquired from another person**

- (1) This regulation applies when—
  - (a) the parties to an intended transfer of possession of a pistol, prohibited firearm, prohibited magazine, or restricted weapon have completed the process set out in regulation 23A(2); and
  - (b) the person intending to take possession of the item is issued with a permit to possess that item and takes possession of it under the permit.
- (2) The person handing over possession of the pistol, prohibited firearm, prohibited magazine, or restricted weapon must notify the Police, through the Internet site, of the date of the transfer and the serial number or identification number of the item transferred (if that number has not already been provided under regulation 23(2)(b)(ii)) not later than 7 days after the date of the transfer.
- (3) The person taking possession of the item must—

- (a) notify the Police, through the Internet site, of the date on which the person took possession of the item, not later than 7 days after taking possession; and
  - (b) present it to the Police for inspection.
- (4) The item must be presented by displaying it to a member of the Police by means of a video telecommunications (or other) system recognised by the Police, in a manner that enables the member of the Police to determine whether it is the same as the item described in the person's application for a permit to possess and verify the serial number or identification number provided to the Police by the person handing over possession.
- (5) However, if the member of the Police is unable to confirm to their satisfaction that the pistol, prohibited firearm, prohibited magazine, or restricted weapon that they are inspecting is the same as the item described, or unable to verify the serial number or identification number to their satisfaction,—
- (a) the member of the Police may require the person to present the item for inspection at a specified Police station within 7 days; and
  - (b) the person obtaining possession must comply with that requirement.

Regulation 26A: inserted, on 17 January 2019, by regulation 25 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 26A heading: amended, on 21 June 2019, by regulation 11(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 26A(1)(a): amended, on 21 June 2019, by regulation 11(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 26A(1)(a): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 26A(1)(b): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 26A(2): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 26A(3)(a): amended, on 21 June 2019, by regulation 11(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 26A(4): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 26A(5): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 26A(5)(a): amended, on 21 June 2019, by regulation 11(4) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

## **26B Delivery of permit in writing in hard copy form where item already possessed by applicant**

- (1) This regulation applies to an applicant who—
- (a) applies in writing in hard copy form for a permit to possess an item that is a pistol, prohibited firearm, prohibited magazine, or restricted weapon and that—

- (i) is already in the applicant's possession under a different endorsement or in reliance on clause 5 of Schedule 1 of the Act; or
  - (ii) was possessed by the applicant before 12 April 2019, but after 11 April 2019 and on or before 20 December 2020 was surrendered to a member of the Police; and
- (b) is issued with a permit.
- (2) The applicant must immediately,—
  - (a) if no serial number or identification number of the item was provided under regulation 24(1B), write on the permit the serial number or identification number of the item and return the permit to a member of the Police; and
  - (b) if directed to do so by a member of the Police, present the item to a member of the Police for inspection.

Regulation 26B: inserted, on 21 June 2019, by regulation 12 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 26B(1)(a)(ii): replaced, on 29 November 2019, by regulation 5 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

## **26C Delivery of permit through Internet site where item already possessed by applicant**

- (1) This regulation applies to an applicant who—
  - (a) applies electronically, through an Internet site, for a permit to possess an item that is a pistol, prohibited firearm, prohibited magazine, or restricted weapon and that—
    - (i) is already in the applicant's possession under a different endorsement or in reliance on clause 5 of Schedule 1 of the Act; or
    - (ii) was possessed by the applicant before 12 April 2019, but after 11 April 2019 and on or before 20 December 2020 was delivered to a member of the Police; and
  - (b) is issued with a permit.
- (2) The applicant must,—
  - (a) if no serial number or identification number of the item was provided under regulation 24(1B), notify the Police, through the Internet site, of the serial number or identification number of the item, not later than 7 days after the issue of the permit to possess it; and
  - (b) present the item to a member of the Police for inspection in the manner described in subclause (3).
- (3) The item must be presented by displaying it to a member of the Police by means of a video telecommunications (or other) system recognised by the Police, in a manner that enables the member of the Police to—

- (a) determine whether it is the same as the item described in the applicant's application for a permit to possess; and
  - (b) verify the serial number or identification number of the item.
- (4) However, if a member of the Police is unable to confirm to their satisfaction that the item that they are inspecting is the same as the item described, or is unable to verify to their satisfaction the serial number or identification number of the item,—
  - (a) the member of the Police may require the applicant to present, within 7 days, the item for inspection at a specified Police station; and
  - (b) the applicant must comply with that requirement.

Regulation 26C: inserted, on 21 June 2019, by regulation 12 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 26C(1)(a)(ii): replaced, on 29 November 2019, by regulation 6 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

## 27 Identification numbers

- (1) This regulation applies in respect of an item that is a pistol, prohibited firearm, prohibited magazine, or restricted weapon and that—
  - (a) is not an antique firearm; and
  - (b) does not bear a serial number.
- (2) A person who is handing over possession of the item to a person who holds a permit to possess the item must, before handing over the item,—
  - (a) in the case of an item that is a pistol, prohibited firearm, or restricted weapon, stamp or engrave, or cause to be stamped or engraved, in clear view on the frame of the item, a number by which it may be identified:
  - (b) in the case of an item that is a prohibited magazine, stamp or engrave, or cause to be stamped or engraved, in clear view on the item, a number by which it may be identified.
- (3) A person who obtains a permit to possess an item in the circumstances set out in regulation 23A(1B) or (1C) must, within 7 days of the issue of the permit,—
  - (a) in the case of an item that is a pistol, prohibited firearm, or restricted weapon, stamp or engrave, or cause to be stamped or engraved, in clear view on the frame of the item, a number by which it may be identified:
  - (b) in the case of an item that is a prohibited magazine, stamp or engrave, or cause to be stamped or engraved, in clear view on the item, a number by which it may be identified.
- (4) A person commits an offence and is liable on conviction to a fine not exceeding \$400 who contravenes subclause (2) or (3).

Regulation 27: replaced, on 21 June 2019, by regulation 13 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

**28 Security precautions in relation to pistols, prohibited firearms, prohibited magazines, and restricted weapons**

- (1) Every person who is lawfully entitled to possession of a pistol, prohibited firearm, prohibited magazine, or restricted weapon other than an air pistol by virtue of a permit under section 18 of the Act or a firearms licence endorsed under section 30 or section 30B of the Act shall ensure that, except when the pistol, prohibited firearm, prohibited magazine, or restricted weapon is in his or her immediate physical possession or is being used, in accordance with section 31 of the Act, for the purpose of making a broadcast or producing or staging a play or filming a cinematic production or television film or is in the custody of a licensed dealer or a member of the Police, it is—
  - (a) kept in a steel and concrete strongroom of sound construction and of a type approved for the time being in writing either generally or in the particular case by a member of the Police; or
  - (b) kept in a room of stout and secure construction capable of being adequately secured against unlawful entry, being in every case a room which is approved for the purpose by a member of the Police and which meets the following requirements:
    - (i) the room shall be in structurally sound condition:
    - (ii) the doors that give access to the room, and their locks, bolts, hinges, and other fastenings shall be in good condition:
    - (iii) the windows, skylights, or other things intended to cover openings to the room, and their locks, bolts, hinges, and other fastenings shall be in good condition:
    - (iv) the doors referred to in subparagraph (ii) and the windows, skylights, and other things referred to in subparagraph (iii) shall be capable of being secured against unlawful entry; or
  - (c) locked in a steel safe or steel box or steel cabinet (being in every case a safe, box, or cabinet of sound construction and of a type approved in writing either generally or in the particular case by a member of the Police) bolted or otherwise securely fixed (in a manner approved in writing either generally or in the particular case by a member of the Police) to the building within which the pistol, prohibited firearm, prohibited magazine, or restricted weapon is kept.
- (2) Where a pistol, prohibited firearm, prohibited magazine, or restricted weapon is kept in a steel box, steel cabinet, or steel safe in accordance with subclause (1)(c), ammunition for that firearm shall not be kept in that steel box, steel cabinet, or steel safe.
- (3) Where the governing body of a bona fide museum keeps a pistol, prohibited firearm, prohibited magazine, or restricted weapon in a room in accordance with subclause (1)(b), that governing body shall ensure, if the room is one to which members of the public have access, that the pistol, prohibited firearm,

prohibited magazine, or restricted weapon is adequately secured, in a manner approved in each case by a member of the Police, to prevent unlawful removal.

- (4) The Commissioner may, by writing, exempt any person from compliance with any of the provisions of subclauses (1) to (3) where the Commissioner is satisfied that the precautions being taken by that person are sufficient to prevent unlawful removal of the pistol, prohibited firearm, prohibited magazine, or restricted weapon; and any such exemption may in like manner be revoked.
- (5) Every permit under section 18 of the Act and every firearms licence that is endorsed under section 30 or section 30B of the Act shall be deemed to be issued subject to the condition that every person who is lawfully entitled to possession of a pistol, prohibited firearm, prohibited magazine, or restricted weapon by virtue of that permit or firearms licence (as so endorsed) will observe the provisions of this regulation to the extent that they are applicable to that person.

Regulation 28(1): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 28(1)(c): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 28(2): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 28(3): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 28(4): amended, on 21 June 2019, by regulation 14 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 28(5): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **28AAA Secure storage of vital parts removed from prohibited firearms**

- (1) This regulation applies in respect of a vital part of a prohibited firearm that,—
  - (a) in accordance with section 33A(1)(c)(ii)(A) of the Act, is removed by the holder of a firearms licence who is an exempt person described in section 4A(1)(b), (c), (d), or (e) of the Act (the **exempt person**); and
  - (b) in accordance with section 33A(1)(c)(iii) of the Act, must be kept at a separate address from the prohibited firearm.
- (2) To ensure the secure storage of the vital part, a member of the Police may approve a commercial storage facility as a separate address at which the vital part must be kept.
- (3) If a member of the Police approves a commercial storage facility as a separate address, the member of the Police must advise the exempt person that the exempt person is liable to meet any costs incurred or arising as a result of the storage of the vital part in that facility.
- (4) The Commissioner may require that the endorsement on the exempt person's firearms licence be subject to the condition that the person access the vital part

kept at a separate address only with the prior written permission of a member of the Police for the purpose and period specified in that permission.

Regulation 28AAA: inserted, on 21 June 2019, by regulation 15 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

*Authorisations for Commissioner to prescribe forms, etc, and give directions*

Heading: inserted, on 17 January 2019, by regulation 26 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

**28A Applications, etc, in electronic form must comply with other prescribed requirements**

An application or other thing that, under these regulations, may be made or done electronically through an Internet site must be made or done in accordance with the requirements that the Commissioner prescribes under regulation 28B (if any) as well as the requirements specified in these regulations.

Regulation 28A: inserted, on 17 January 2019, by regulation 26 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

**28B Commissioner may prescribe, approve, and require use of forms, etc**

The Commissioner may prescribe or approve forms (including electronic forms) of applications, permits, licences, endorsements, registers, and other documents required for the purposes of the Act and require that those forms be used.

Regulation 28B: inserted, on 17 January 2019, by regulation 26 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

**28C Commissioner may direct who may issue licences, etc, and grant endorsements**

The Commissioner may direct that only certain members of the Police may issue permits or licences or grant endorsements under the Act.

Regulation 28C: inserted, on 17 January 2019, by regulation 26 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

*Amnesty scheme for reclassified MSSAs*

*[Revoked]*

Heading: revoked, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

**28D Commissioner may prescribe conditions on licences, etc**

The Commissioner may prescribe conditions on—

- (a) a dealer's licence:
- (b) a firearms licence:
- (c) a permit issued under section 18 of the Act:
- (d) an endorsement made under section 30 or 30B of the Act:

(e) a permit issued under section 35 or 35A of the Act.

Regulation 28D: replaced, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

*Transitional and savings provisions relating to Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019*

*[Revoked]*

Heading: revoked, on the close of 31 December 2020, pursuant to section 74C(3)(b) of the Arms Act 1983 (1983 No 44).

**28E Definitions for regulation 28G**

*[Revoked]*

Regulation 28E: revoked, on the close of 31 December 2020, by section 74C(3)(b) of the Arms Act 1983 (1983 No 44).

**28F Existing businesses involved in permitted supply of prohibited magazines or prohibited parts are exempt persons**

*[Revoked]*

Regulation 28F: revoked, on 25 June 2020, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

**28G Conditions of temporary amnesty for persons possessing prohibited items before commencement**

*[Revoked]*

Regulation 28G: revoked, on the close of 31 December 2020, by section 74C(3)(b) of the Arms Act 1983 (1983 No 44).

*Compensation for prohibited items*

Heading: inserted, on 20 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

**28H Interpretation**

In regulations 28I to 28WA, unless the context otherwise requires,—

**amnesty period** has the meaning given to it in clause 1 of Schedule 1 of the Act

**approved gunsmith** means a gunsmith who is approved by the Commissioner and whose name is published on a list of approved gunsmiths available online at <http://www.police.govt.nz>

**approved licensed dealer** means a licensed dealer who is approved by the Commissioner and whose name is published on a list of approved licensed dealers available online at <http://www.police.govt.nz>

**compensation schedule** means a compensation schedule issued by the Commissioner under regulation 28M



**prohibited item** means all or any of the following:

- (a) a prohibited firearm;
- (b) a prohibited magazine;
- (c) a prohibited part

**prohibited part**—

- (a) has the meaning given to it in section 2C of the Act; and
- (b) for the purposes of regulations 28I to 28WA,—
  - (i) includes the following classes of prohibited parts:
    - (A) a semi-automatic lower receiver that is capable of being attached to a centrefire upper receiver (whether or not it is also capable of being attached to a rimfire upper receiver) or is capable of being able to accept and cycle centrefire cartridges or rimfire cartridges greater than 0.22 calibre; and
    - (B) an upper receiver that is capable of being attached to any semi-automatic centrefire compatible lower receiver; but
  - (ii) excludes—
    - (A) a part of a prohibited firearm that may be used on a firearm other than a prohibited firearm (not being a part referred to in subparagraph (i)); and
    - (B) a part of a pistol.

Regulation 28H: inserted, on 20 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 28H: amended, on 29 November 2019, by regulation 7(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28H **prohibited part**: replaced, on 29 November 2019, by regulation 7(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

## **28I Limits on compensation**

The amount of compensation payable in respect of a prohibited item under these regulations that is set out in a compensation schedule, or determined by the Commissioner under regulation 28P or 28S, does not in any case include compensation for any of the following:

- (a) any economic loss; or
- (b) any consequential loss; or
- (c) any loss for business interruption; or
- (d) any loss attributable to intrinsic or sentimental value.

Regulation 28I: inserted, on 20 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

*Compensation scheme for delivery of prohibited items to Police*

Heading: inserted, on 20 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Heading: amended, on 29 November 2019, by regulation 8 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

**28J Prohibited items delivered to approved licensed dealer to be surrendered to Police**

- (1) A person may, during the amnesty period, deliver a prohibited item to an approved licensed dealer for surrender to a member of the Police.
- (2) If a person who delivers a prohibited item to an approved licensed dealer advises the dealer that an application for compensation is intended to be made in respect of the item, the dealer must—
  - (a) record, in the manner directed by the Commissioner,—
    - (i) the name of the dealer or employee of the dealer to whom the item was delivered; and
    - (ii) the date the item was delivered; and
    - (iii) the name and contact details of the person who delivered the item; and
    - (iv) the name and contact details of the owner of the item, if the person who delivered the item was not the owner of the item; and
    - (v) the number of the owner's firearm licence, if a licence is required in respect of the item; and
    - (vi) the particulars of the item (including, in the case of a firearm, the firearm's serial number, calibre, make, and model); and
    - (vii) the bank account details of the owner of the item; and
    - (viii) any other information, including photographs, that the Commissioner may require to be recorded for the purposes of determining an application for compensation; and
  - (b) be satisfied as to the identity of the person who delivered the item and record the evidence relied on to establish the person's identity.
- (3) If a person who delivers a prohibited item to an approved licensed dealer advises the dealer that an application for compensation is not intended to be made in respect of the item, the dealer must record, in the manner directed by the Commissioner,—
  - (a) the date the item was delivered; and
  - (b) the particulars of the item (including, in the case of a firearm, the firearm's serial number, calibre, make, and model).
- (4) Subclauses (2) and (3) override regulation 7(2).

- (5) Sections 50A to 50C of the Act (unlawful possession of prohibited firearm, prohibited magazine, and prohibited part) do not apply to an approved licensed dealer, or an employee of an approved licensed dealer, to whom a prohibited item is delivered under this regulation if the licensed dealer—
- (a) notifies a member of the Police that the licensed dealer or employee has taken delivery of the item as soon as is reasonably practicable after taking delivery of the item; and
  - (b) complies with any direction from a member of the Police relating to—
    - (i) the surrender of the item to a member of the Police; and
    - (ii) the disclosure of the records made under subclauses (2) and (3); and
    - (iii) the disclosure of any other information that the member of the Police may require relating to the delivery of the item.

Regulation 28J: inserted, on 21 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

**28K Administration fee payable to approved licensed dealer**

The Police must pay to an approved licensed dealer \$50 (excluding goods and services tax) in respect of each person who—

- (a) delivers 1 or more prohibited items to the dealer (irrespective of the number of deliveries made by the person to the dealer and the total number of prohibited items delivered by the person to the dealer); and
- (b) is paid compensation, under regulation 28L or 28P, in respect of any item.

Regulation 28K: inserted, on 21 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

**28L Compensation for prohibited item during amnesty period**

- (1) This regulation applies to a person who,—
  - (a) before 3 pm on 21 March 2019, lawfully possessed a firearm that—
    - (i) was declared by the Arms (Military Style Semi-automatic Firearms) Order 2019 to be a military style semi-automatic firearm; and
    - (ii) became a prohibited item under the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019;
  - (b) before 12 April 2019, lawfully possessed an item that became a prohibited item under the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019.
- (2) A person referred to in subclause (1) may apply for compensation from the Crown in respect of the prohibited item that they lawfully possessed as referred to in that subclause if,—

- (a) during the amnesty period,—
  - (i) the item is delivered to—
    - (A) a member of the Police; or
    - (B) an approved licensed dealer for surrender to a member of the Police; or
  - (ii) arrangements are made for a member of the Police to collect the item; and
- (b) during the amnesty period, the person does not apply for and obtain—
  - (i) an endorsement made under section 30B of the Act permitting the person to possess a prohibited firearm or prohibited magazine in their capacity as an exempt person; and
  - (ii) a permit issued under section 35A of the Act to possess the prohibited firearm or prohibited magazine.
- (3) This regulation also applies to a person who, before 12 April 2019, arranged to lawfully import a firearm, magazine, or part that, on 12 April 2019, became a prohibited item.
- (4) A person referred to in subclause (3) may apply for compensation from the Crown in respect of the prohibited item if—
  - (a) the item is being, or has been, treated as prohibited goods under section 98 of the Customs and Excise Act 2018:
  - (b) the item is, or has been, delivered to a member of the Police in accordance with an authorisation given by the chief executive of the New Zealand Customs Service under section 85(1)(b) of the Customs and Excise Act 2018:
  - (c) the item is forfeited to the Crown under section 176(1)(a) of the Customs and Excise Act 2018:
  - (d) the person, during the amnesty period, does not apply for and obtain—
    - (i) an endorsement made under section 30B of the Act permitting the person to possess a prohibited firearm or prohibited magazine in the capacity as an exempt person; and
    - (ii) a permit issued under section 35A of the Act to possess the prohibited firearm or prohibited magazine.
- (4A) This regulation also applies to a person who, on or after 12 April 2019, lawfully possesses or lawfully imports a non-prohibited semi-automatic firearm (other than a pistol) that includes 1 or more prohibited parts.
- (4B) A person referred to in subclause (4A) may apply for compensation from the Crown in respect of the 1 or more prohibited parts referred to in that subclause if,—
  - (a) during the amnesty period,—

- (i) the prohibited part or parts are delivered to a member of the Police; or
  - (ii) arrangements are made for a member of the Police to collect the prohibited part or parts; and
- (b) during the amnesty period, the person does not apply for and obtain an endorsement made under section 30B of the Act permitting the person to possess a prohibited firearm.
- (5) An application for compensation under this regulation must be made before the end of the amnesty period by the person referred to in subclause (1), (3), or (4A) submitting to the Commissioner a completed application form.
- (6) The amount of compensation payable in respect of a prohibited item that is referred to in subclause (2), (4), or (4B) is—
  - (a) the amount in respect of the prohibited item that is set out in a compensation schedule issued by the Commissioner; or
  - (b) the amount for the prohibited item that is determined by the Commissioner under regulation 28P.
- (7) The Commissioner must make arrangements for the compensation for a prohibited item to be paid to the bank account nominated by the owner of the item.
- (8) Subclause (6) is subject to regulation 28LA.
- (9) In this regulation, **person** does not include a person who is described in—
  - (a) regulation 28R; or
  - (b) regulation 28RA; or
  - (c) regulation 28TA(1).

Regulation 28L: inserted, on 21 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 28L heading: replaced, on 29 November 2019, by regulation 9(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28L(2): replaced, on 29 November 2019, by regulation 9(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28L(4A): inserted, on 29 November 2019, by regulation 9(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28L(4B): inserted, on 29 November 2019, by regulation 9(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28L(5): amended, on 29 November 2019, by regulation 9(4) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28L(6): amended, on 29 November 2019, by regulation 9(5) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28L(8): inserted, on 29 November 2019, by regulation 9(6) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28L(9): inserted, on 29 November 2019, by regulation 9(6) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

**28LA Compensation for large quantities of prohibited magazines or prohibited parts**

- (1) This regulation applies if a person applies for compensation under regulation 28L for a quantity of prohibited items that exceeds the quantity of prohibited items that the Commissioner considers appropriate for the reasonable personal use of the person.
- (2) In determining the quantity of prohibited items that is appropriate for the reasonable personal use of a person, the Commissioner may consider—
  - (a) the number and type of firearms owned by the person in respect of which the prohibited items may be used; and
  - (b) the age of the prohibited items; and
  - (c) the quantity of the prohibited items typically possessed by the holder of a firearms licence who owns a firearm of the same kind as, or of a similar kind to, that owned by the person in respect of which the prohibited items may be used; and
  - (d) any other matter the Commissioner considers appropriate.
- (3) The amount of compensation payable to a person in respect of the quantity of prohibited items is,—
  - (a) for the quantity the Commissioner considers appropriate for the reasonable personal use of the person, the sum of the amount of compensation payable in respect of each prohibited item, being—
    - (i) the amount for the item set out in a compensation schedule; or
    - (ii) the amount for the item determined by the Commissioner under regulation 28P; and
  - (b) for the remaining quantity, the sum of the amount of compensation payable in respect of each prohibited item, being the lowest of the following:
    - (i) the amount for the item set out in a compensation schedule;
    - (ii) the amount for the item determined by the Commissioner under regulation 28P;
    - (iii) the price for which the prohibited item was purchased by the person.
- (4) In this regulation, **prohibited items** means—
  - (a) prohibited magazines; and
  - (b) prohibited parts; and
  - (c) prohibited magazines and prohibited parts.

Regulation 28LA: inserted, on 29 November 2019, by regulation 10 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

**28LB Compensation for prohibited item after end of amnesty period**

- (1) This regulation applies to a person described in regulation 28L(1) or (3) to whom regulation 28L applies, and who—
  - (a) is an exempt person of or over the age of 18 years; and
  - (b) before the end of the amnesty period, applied for—
    - (i) an endorsement to be made on their firearms licence under section 30B of the Act permitting them to possess a prohibited firearm or prohibited magazine in their capacity as an exempt person; or
    - (ii) the issue of a permit, under section 35A of the Act, permitting them to possess, as the case may be,—
      - (A) the firearm or magazine referred to in regulation 28L(1) that became a prohibited item; or
      - (B) the firearm or magazine referred to in regulation 28L(3) that became a prohibited item; and
  - (c) after 20 November 2019, receives notification from a member of the Police that their application has been declined.
- (2) This regulation also applies to a person described in regulation 28L(4A) to whom regulation 28L applies, and who—
  - (a) is an exempt person of or over the age of 18 years; and
  - (b) before the end of the amnesty period, applied for an endorsement to be made on their firearms licence under section 30B of the Act permitting them to possess a prohibited firearm; and
  - (c) after 20 November 2019, receives notification from a member of the Police that their application has been declined.
- (3) This regulation also applies to a person who, before 12 April 2019, lawfully possessed a firearm described in regulation 28U(1) and who,—
  - (a) before the end of the amnesty period, arranged under regulation 28U(2) to have the firearm and its non-detachable magazine or magazines safely and permanently modified by an approved gunsmith to convert the firearm and magazine or magazines to non-prohibited items; and
  - (b) after 20 November 2019, receives advice from the approved gunsmith that the modification to the firearm cannot in fact be made.
- (4) This regulation also applies to a person described in regulation 28UA(1), and who,—
  - (a) after the end of the amnesty period, arranges under regulation 28UA(2) with an approved gunsmith to have a firearm and its non-detachable magazine or magazines safely and permanently modified to convert the firearm and magazine or magazines to non-prohibited items; and

- (b) after making those arrangements receives advice from the approved gunsmith that the modification to the firearm and magazine or magazines cannot in fact be made.
- (5) A person described in subclause (1) may apply for compensation from the Crown in respect of the prohibited item referred to in subclause (1)(b)(ii) on or before the date that is the 30th day after the person receives the notification referred to in subclause (1)(c).
- (6) A person described in subclause (2) may apply for compensation from the Crown in respect of the prohibited part or parts referred to in regulation 28L(4A) on or before the date that is the 30th day after the person receives the notification under subclause (2)(c).
- (7) A person described in subclause (3) may apply for compensation from the Crown in respect of the firearm referred to in that subclause on or before the date that is the 30th day after the person receives the advice referred to in subclause (3)(b).
- (8) A person described in subclause (4) may apply for compensation from the Crown in respect of the firearm and magazine or magazines referred to in that subclause on or before the date that is the 30th day after the person receives the advice referred to in subclause (4)(b).
- (9) An application for compensation under subclause (5), (6), (7) or (8) in respect of a prohibited item may be made after the end of the amnesty period.
- (10) An application must be made by—
- (a) submitting to the Commissioner a completed application form; and
  - (b) either—
    - (i) delivering the item to a member of the Police; or
    - (ii) arranging for a member of the Police to collect the item.
- (11) A person applying for compensation under this regulation may, at the same time as making the application, apply to the Commissioner in writing under regulation 28P to have the amount of compensation for the item determined by the Commissioner and not in accordance with a compensation schedule.
- (12) The amount of compensation payable in respect of an application made under this regulation is—
- (a) the amount in respect of the prohibited item that is set out in a compensation schedule; or
  - (b) the amount for the prohibited item that is determined by the Commissioner under regulation 28P.
- (13) The Commissioner must make arrangements for the compensation for a prohibited item to be paid to the bank account nominated by the person.

Regulation 28LB: inserted, on 29 November 2019, by regulation 10 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).



### 28LC Proof of possession or purchase price may be required

- (1) This regulation applies to a person who,—
  - (a) before 12 April 2019, lawfully possessed an item that became a prohibited item under the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019; and
  - (b) applies under regulation 28L, 28LA, or 28LB for compensation in respect of that item.
- (2) The person must provide to a member of the Police, if requested, proof of either or both of the following:
  - (a) that the person lawfully possessed the item before 12 April 2019;
  - (b) the price for which the person purchased the item.

Regulation 28LC: inserted, on 29 November 2019, by regulation 10 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

### 28M Compensation schedules to be issued by Commissioner

- (1) The Commissioner must, as soon as is reasonably practicable, issue 1 or more compensation schedules setting out the amounts of compensation payable in respect of prohibited items delivered or surrendered to a member of the Police, or forfeited to the Crown.
- (2) The Commissioner may, at any time before the close of 20 December 2020, do any of the following:
  - (a) amend a schedule by inserting, deleting, or replacing any item in a schedule;
  - (b) issue a replacement schedule;
  - (c) issue 1 or more supplementary schedules setting out the amounts of compensation payable in respect of prohibited items not included in any previously issued schedule.
- (3) A compensation schedule issued under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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#### Legislation Act 2019 requirements for secondary legislation made under this regulation

<b>Publication</b>	The maker must: <ul style="list-style-type: none"><li>• notify it in the <i>Gazette</i></li><li>• make it available online at <a href="http://www.police.govt.nz">http://www.police.govt.nz</a></li></ul>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
<b>Presentation</b>	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the secondary legislation.*

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Regulation 28M: inserted, on 20 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 28M(2): amended, on 29 November 2019, by regulation 11 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28M(3): replaced, on 28 October 2021, by regulation 137 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

## **28N Information required to be set out in compensation schedules**

A compensation schedule must set out for each prohibited item (described by brand, type, and model)—

- (a) the base price for the prohibited item, being the price that the Commissioner considers reflects the value of the item immediately before 10 March 2019, having taken into account—
  - (i) retailers' prices, and online prices, for the prohibited item; and
  - (ii) advice on the valuation of the prohibited item from industry specialists; and
  - (iii) in the case of a prohibited firearm, whether the firearm was, as at 10 March 2019, a current, superseded, or discontinued model; and
- (b) the amount of compensation payable in respect of the prohibited item depending on its condition as determined by a member of the Police and calculated as a percentage of the base price of the item, as follows:
  - (i) for a prohibited firearm—
    - (A) in new or near-new condition, 95% of the base price:
    - (B) in used condition, 70% of the base price:
    - (C) in poor condition, 25% of the base price:
  - (ii) for a prohibited magazine or part,—
    - (A) in new or used condition, 70% of the base price:
    - (B) in poor condition, 25% of the base price.

Regulation 28N: inserted, on 20 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

## **28O Indicators for determining condition of prohibited item to be published**

The Commissioner must publish online at <http://www.police.govt.nz> the indicators used to determine for the purposes of regulation 28N—

- (a) whether the condition of a prohibited firearm is—
  - (i) new or near-new:
  - (ii) used:
  - (iii) poor; and
- (b) whether the condition of a prohibited magazine or prohibited part is—
  - (i) new or used:
  - (ii) poor.

Regulation 28O: inserted, on 20 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

**28P Compensation for unique prohibited item**

- (1) The following persons may apply to the Commissioner in writing to have the amount of compensation for a prohibited item determined by the Commissioner and not in accordance with a compensation schedule:
  - (a) a person referred to in regulation 28L(1), (3), or (4A) who is making an application under regulation 28L(2), (4), or (4B);
  - (b) a person referred to in regulation 28LB(1), (2), (3), or (4) who is making an application under regulation 28LB(9).
- (1A) An application under subclause (1) must be made at the same time as the application being made under regulation 28L(5) or 28LB(9), as the case may be.
- (2) A person may make an application under subclause (1) only if—
  - (a) the prohibited item is not listed in a compensation schedule and it—
    - (i) is rare or has other distinguishing characteristics that significantly affect its value; or
    - (ii) is otherwise unique, and is substantially different from any other prohibited item listed in a compensation schedule; or
  - (b) the prohibited item is listed in a compensation schedule, but the item has been modified in such a manner and to such an extent that the person has reasonable grounds to believe that the value of the item is at least 30% above the base price for that item listed in the schedule.
- (3) An application for compensation in respect of a prohibited item is made by submitting to the Commissioner—
  - (a) a completed application form; and
  - (b) evidence of the value of the item; and
  - (c) if available, evidence of the amount for which the person purchased the item; and
  - (d) if the application is made in reliance on subclause (2)(a)(i), evidence of the item's rarity or other distinguishing characteristics that significantly affect its value and, in respect of any distinguishing characteristics, how those characteristics significantly affect its value; and
  - (e) if the application is made in reliance on subclause (2)(a)(ii), an explanation of why the item is considered unique and substantially different from any other prohibited item listed in a compensation schedule; and
  - (f) if the application is made in reliance on subclause (2)(b), evidence of the cost of the modifications, and details of the grounds on which the person believes the value of the item is at least 30% above the base price for the item listed in a compensation schedule; and
  - (g) an application fee of \$120 (excluding goods and services tax).

- (4) After receiving an application, the Commissioner may require the applicant to—
- (a) obtain a valuation of the prohibited item from an approved valuer chosen by the applicant; and
  - (b) pay the cost of that valuation; and
  - (c) submit the prohibited item to a member of the Police for inspection.
- (5) The Commissioner must, as soon as is reasonably practicable after considering an application, all information accompanying that application under subclause (3), any valuation obtained under subclause (4), and any other information or advice that is available to the Commissioner or that the Commissioner has obtained relating to the value of the item (including the value of the item, if any, specified in a compensation schedule),—
- (a) determine the amount of compensation payable in respect of the item that is—
    - (i) the amount for the item listed in a compensation schedule; or
    - (ii) any other amount.
  - (b) give the applicant written notice of that determination.
- (6) In this regulation, **approved valuer** means a valuer who is approved by the Commissioner and whose name is included in the list of approved valuers held by the Police.

Regulation 28P: inserted, on 21 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 28P(1): replaced, on 29 November 2019, by regulation 12(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28P(1A): inserted, on 29 November 2019, by regulation 12(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28P(5)(a): replaced, on 29 November 2019, by regulation 12(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

### *Compensation payable to licensed dealers for delivery of prohibited items to Police*

Heading: inserted, on 21 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

#### **28Q Licensed dealers required to mitigate losses**

- (1) Before applying for compensation under regulation 28R, a licensed dealer must take all reasonable steps in the circumstances to mitigate their losses sustained in respect of prohibited items (for example, cancelling orders before shipment or returning items to suppliers).
- (2) When making an application for compensation under regulation 28R, a licensed dealer must provide evidence of the reasonable steps they have taken under subclause (1).

Regulation 28Q: inserted, on 21 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

**28R Licensed dealers entitled to claim compensation for prohibited items before end of amnesty period**

- (1) This regulation applies to a licensed dealer who,—
  - (a) before 3 pm on 21 March 2019, lawfully purchased or ordered a firearm that—
    - (i) was declared by the Arms (Military Style Semi-automatic Firearms) Order 2019 to be a military style semi-automatic firearm; and
    - (ii) became a prohibited item under the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019:
  - (b) before 12 April 2019, lawfully purchased or ordered an item that became a prohibited item under the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019.
- (1A) This regulation also applies to a licensed dealer who, on or after 12 April 2019, lawfully possesses or imports a non-prohibited semi-automatic firearm that includes 1 or more prohibited parts.
- (2) A licensed dealer referred to in subclause (1) or (1A) may apply for compensation from the Crown in respect of the prohibited item if, at the date of the dealer's application,—
  - (a) the item is held by the dealer, but is subject to arrangements that have been made for its delivery to a member of the Police:
  - (b) the item is subject to the control of the New Zealand Customs Service:
  - (c) the item has been forfeited to the Crown under section 176(1)(a) of the Customs and Excise Act 2018:
  - (d) the item has been delivered by the New Zealand Customs Service to the Police under section 85(1)(b) of the Customs and Excise Act 2018.
- (3) An application for compensation under this regulation must be made before the end of the amnesty period by submitting to the Commissioner a completed application form.
- (4) Only 1 application for compensation may be submitted by a licensed dealer for all prohibited items for which the dealer seeks compensation unless the Police are satisfied that there are exceptional circumstances preventing the dealer from making only 1 application.
- (5) An application for compensation that is referred to in regulation 28S(1) must be accompanied by documentary evidence (for example, records or receipts held by the dealer) to support all amounts of compensation claimed.
- (6) An application for compensation that is referred to in regulation 28S(2) or (3) must, if possible, be accompanied by documentary evidence (for example,

records or receipts held by the dealer) to support all amounts of compensation claimed.

Regulation 28R: inserted, on 21 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 28R heading: amended, on 29 November 2019, by regulation 13(1) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28R(1A): inserted, on 29 November 2019, by regulation 13(2) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

Regulation 28R(2): amended, on 29 November 2019, by regulation 13(3) of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

### **28RA Licensed dealers entitled to claim compensation for prohibited items after end of amnesty period**

- (1) This regulation applies to a licensed dealer who—
  - (a) is described in regulation 28R(1); and
  - (b) before the end of the amnesty period, applied for—
    - (i) an endorsement to be made on their dealer’s licence under section 30B of the Act permitting them to possess a prohibited firearm or prohibited magazine in their capacity as a licensed dealer; or
    - (ii) the issue of a permit, under section 35A of the Act, permitting them to possess a firearm or magazine referred to in regulation 28R(1) that became a prohibited item; and
  - (c) after 20 November 2019, receives notification from a member of the Police that their application has been declined.
- (2) A licensed dealer described in subclause (1) may apply for compensation from the Crown in respect of the prohibited item referred to in that subclause if,—
  - (a) at the date of the dealer’s application, the item is held by the dealer but is subject to arrangements that have been made for its delivery to a member of the Police; and
  - (b) an application is made on or before the date that is the 30th day after the licensed dealer receives the notification referred to in subclause (1)(c).
- (3) This regulation also applies to a licensed dealer who—
  - (a) is described in regulation 28R(1A); and
  - (b) before the end of the amnesty period, applied for an endorsement to be made on their dealer’s licence under section 30B of the Act permitting them to possess a prohibited firearm; and
  - (c) after 20 November 2019, receives notification from a member of the Police that their application has been declined.
- (4) A licensed dealer described in subclause (3) may apply for compensation from the Crown in respect of the prohibited part or parts referred to in regulation 28R(1A) if,—

- (a) at the date of the dealer's application, the part or parts are held by the dealer but are subject to arrangements that have been made for their delivery to a member of the Police; and
  - (b) an application is made on or before the date that is the 30th day after the dealer receives the notification referred to in subclause (3)(c).
- (5) An application for compensation under subclause (2) or (4) may be made after the end of the amnesty period.
  - (6) An application must be made by submitting to the Commissioner a completed application form.
  - (7) The amount of compensation payable in respect of an application made under this regulation is the amount payable under regulation 28S.
  - (8) An application for compensation referred to in regulation 28S(1) must be accompanied by documentary evidence (for example, records or receipts held by the dealer) to support all amounts of compensation claimed.
  - (9) An application for compensation referred to in regulation 28S(2) and (3) must, if possible, be accompanied by documentary evidence (for example, records or receipts held by the dealer) to support all amounts of compensation claimed.

Regulation 28RA: inserted, on 29 November 2019, by regulation 14 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

## **28S Amount of compensation payable**

- (1) A licensed dealer who, at the date of their application holds a prohibited item that was purchased new, may apply for compensation in respect of—
  - (a) the purchase price of the item; and
  - (b) any external costs reasonably incurred that are directly attributable to, or that may be apportioned to, the purchase of the item, including domestic and international freight costs.
- (2) A licensed dealer who at the date of their application holds a prohibited item that was purchased second-hand may apply for compensation in respect of—
  - (a) either—
    - (i) the purchase price of the item; or
    - (ii) the amount payable for an equivalent item specified in a compensation schedule, if the dealer is unable to provide evidence, or sufficient evidence, of the purchase price of the item; and
  - (b) any external costs reasonably incurred that are directly attributable to, or that may be apportioned to, the purchase of the item, including domestic and international freight costs.
- (3) A licensed dealer who at the date of their application holds a prohibited item that was received as a trade-in may apply for compensation in respect of—
  - (a) the value for which the dealer received the item (the **trade-in value**); or

- (b) the amount payable for an equivalent item specified in a compensation schedule, if the dealer is unable to provide evidence, or sufficient evidence, of the trade-in value of the item.
- (4) A licensed dealer who has imported a prohibited item that is subject to the control of the New Zealand Customs Service, or that has been delivered by the New Zealand Customs Service to the Police, and that is unable to be returned to the supplier may apply for compensation in respect of—
  - (a) the purchase price of the item; and
  - (b) any external costs reasonably incurred that are directly attributable to, or that may be apportioned to, the importation of the item, including international freight costs.
- (5) A licensed dealer who has imported a prohibited item that has been forfeited to the Crown may apply for compensation in respect of—
  - (a) the purchase price of the item; and
  - (b) any external costs reasonably incurred that are directly attributable to, or that may be apportioned to, the importation of the item, including international freight costs.
- (6) The amount of compensation payable to a licensed dealer under this regulation is determined by the Commissioner, but in the case of an application for compensation referred to in subclause (2)(a) or (3)(a) may not exceed the amount of compensation payable in respect of the equivalent item specified in a compensation schedule.
- (7) If the Commissioner is not satisfied that a licensed dealer has taken all reasonable steps to mitigate their losses as required by regulation 28Q, the Commissioner may determine that—
  - (a) no compensation is payable to the dealer under this regulation; or
  - (b) a reduced amount of compensation is payable to the dealer under this regulation.

Regulation 28S: inserted, on 21 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

### **28T No other compensation payable**

A licensed dealer is not entitled to receive compensation in their capacity as a licensed dealer except as provided in regulations 28R, 28RA, and 28TA.

Regulation 28T: inserted, on 21 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

Regulation 28T: amended, on 29 November 2019, by regulation 15 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).



*Compensation payable to manufacturers of prohibited magazines and prohibited parts*

Heading: inserted, on 29 November 2019, by regulation 16 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

**28TA Manufacturers entitled to claim compensation for prohibited magazines and prohibited parts**

- (1) This regulation applies to any person (including a licensed dealer) who,—
  - (a) before 12 April 2019, manufactured from raw materials an item that became a prohibited item under the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019; and
  - (b) is not a person described in regulation 28F to whom section 4A of the Act applies.
- (2) A person referred to in subclause (1) may apply for compensation from the Crown in respect of a prohibited item that they manufactured as referred to in that subclause if, at the date of the person's application,—
  - (a) the item is delivered to a member of the Police; or
  - (b) arrangements have been made with the Police for the item to be delivered to a member of the Police.
- (3) A person who applies for compensation under this regulation in respect of a prohibited item may claim compensation in respect of only the following:
  - (a) the purchase price of the raw materials used in the manufacture of the item; and
  - (b) any costs incurred that are directly attributable to the manufacture of the item.
- (4) An application for compensation must be made before the end of the amnesty period by submitting to the Commissioner a completed application form that includes a statement of the date of manufacture of the prohibited item.
- (5) An application for compensation must be accompanied by documentary evidence (for example, records or receipts held by the person) to support all amounts of compensation claimed.
- (6) The amount of compensation payable to a person under this regulation for a prohibited item is determined by the Commissioner, taking into account—
  - (a) the amount of compensation claimed in accordance with subclause (3); and
  - (b) the condition of the item in respect of which compensation is claimed.
- (7) In this regulation, **prohibited item** means either or both of the following:
  - (a) a prohibited magazine;
  - (b) a prohibited part.

Regulation 28TA: inserted, on 29 November 2019, by regulation 16 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288).

*Additional transitional and savings provisions relating to Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019*

*[Revoked]*

Heading: revoked, on the close of 31 December 2020, pursuant to section 74C(3)(b) of the Arms Act 1983 (1983 No 44).

**28U Converting prohibited item to non-prohibited item before end of amnesty period**

*[Revoked]*

Regulation 28U: revoked, on the close of 31 December 2020, by section 74C(3)(b) of the Arms Act 1983 (1983 No 44).

**28UA Converting prohibited item to non-prohibited item after end of amnesty period**

*[Revoked]*

Regulation 28UA: revoked, on the close of 31 December 2020, by section 74C(3)(b) of the Arms Act 1983 (1983 No 44).

**28V Return of prohibited items to supplier by licensed dealer**

*[Revoked]*

Regulation 28V: revoked, on the close of 31 December 2020, by section 74C(3)(b) of the Arms Act 1983 (1983 No 44).

**28W Certain provisions not to apply to approved licensed dealers, valuers, and approved gunsmiths**

*[Revoked]*

Regulation 28W: revoked, on the close of 31 December 2020, by section 74C(3)(b) of the Arms Act 1983 (1983 No 44).

**28WA Certain provisions not to apply to other specified persons**

*[Revoked]*

Regulation 28WA: revoked, on 20 December 2020, by regulation 28WA(3).

**28X Appeal in respect of payments made under regulation 28U or 28V**

*[Revoked]*

Regulation 28X: revoked, on the close of 31 December 2020, by section 74C(3)(b) of the Arms Act 1983 (1983 No 44).

### *Prohibited ammunition*

Heading: inserted, on 21 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

#### **28Y Certain persons may possess prohibited ammunition**

- (1) The following persons may possess prohibited ammunition that is manufactured for small arms:
  - (a) a director or curator of a bona fide museum;
  - (b) a bona fide collector of ammunition.
- (2) A researcher may possess prohibited ammunition if the researcher is—
  - (a) employed or contracted by—
    - (i) the New Zealand Defence Force; or
    - (ii) the Institute of Environmental Science and Research Limited; and
  - (b) researching the chemical makeup of certain types of prohibited ammunition.
- (3) Subclauses (1) and (2) apply despite section 43AA(a) of the Act.
- (4) A person to whom subclause (1) or (2) applies and who possesses prohibited ammunition must, as soon as is reasonably practicable, notify a member of the Police of any prohibited ammunition that the person—
  - (a) possesses as at the commencement of the Arms (Prohibited Ammunition) Order 2019 (the **Order**); and
  - (b) takes possession of after the commencement of the Order; and
  - (c) disposes of after the commencement of the Order.
- (5) In this regulation, **small arms** means—
  - (a) a rifle of a calibre up to 20 millimetres;
  - (b) a pistol of a calibre up to 20 millimetres.

Regulation 28Y: inserted, on 21 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

#### **28Z Temporary amnesty for persons possessing prohibited ammunition**

- (1) This regulation applies to a person who, before the commencement of the Arms (Prohibited Ammunition) Order 2019, possessed prohibited ammunition.
- (2) The person does not commit an offence under section 43AA(a) of the Act for the continued possession of the prohibited ammunition if the person—
  - (a) notifies a member of the Police that the person is in possession of prohibited ammunition; and
  - (b) complies with any direction from a member of the Police relating to the delivery of the ammunition to a member of the Police.
- (3) Subclause (2)—

- (a) ceases to have effect on 30 September 2019; and
- (b) is subject to the following conditions:
  - (i) the person in possession of the prohibited ammunition must not use the ammunition; and
  - (ii) the person in possession of the prohibited ammunition must at all times keep the ammunition in secure storage on the person's premises.

Regulation 28Z: inserted, on 21 June 2019, by regulation 18 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136).

*Compensation for specified items and specified parts*

Heading: inserted, on 1 February 2021, by regulation 4 of the Arms Amendment Regulations 2020 (LI 2020/309).

**28ZA Compensation scheme and related provisions for purposes of Part 2 of Schedule 1 of Arms Act 1983**

The compensation and related provisions in Schedule 2 apply according to their terms for the purposes of Part 2 of Schedule 1 of the Arms Act 1983.

Regulation 28ZA: inserted, on 1 February 2021, by regulation 4 of the Arms Amendment Regulations 2020 (LI 2020/309).

*Extension of licences and endorsements because of 2021 COVID-19 outbreak*

Heading: inserted, on 8 October 2021, by regulation 4 of the Arms (Extension of Licences and Endorsements) Amendment Regulations 2021 (LI 2021/303).

**28ZB Extension of licences**

- (1) This regulation applies despite sections 8 and 25(1) of the Act.
- (2) Subclause (3) applies if—
  - (a) a licence (an **original licence**) expired on a date during the period commencing on 26 September 2020 and ending on 16 August 2021 (the **expiry date**); and
  - (b) the holder of the original licence applied before the expiry date—
    - (i) to renew the original licence, if the original licence was a dealer's licence; or
    - (ii) for a new firearms licence to replace the original licence, if the original licence was a firearms licence; and
  - (c) the application referred to in paragraph (b) has not been determined before the commencement of this regulation.
- (3) If this subclause applies, the original licence, unless it is sooner surrendered or revoked, does not expire on its expiry date but must be treated as continuing in force until the earlier of the following:

- (a) the date on which the licence holder is notified of the determination made on their application referred to in subclause (2)(b):
  - (b) the date that is 12 months after the expiry date.
- (4) Subclause (5) applies if a licence (an **original licence**) expires on a date during the period commencing on 17 August 2021 and ending on 30 November 2021, or under section 65I of the Act is treated as continuing in force until a date that is during this period, (the **expiry date**).
- (5) If this subclause applies, the original licence (as defined in subclause (4)), unless it is sooner surrendered or revoked, does not expire on its expiry date (as defined in subclause (4)) but must be treated as continuing in force until the date that is 4 months after the expiry date (the **extended expiry date**).
- (6) If the holder of a licence that continues in force under subclause (5) (an **extended licence**) applies for a licence to replace the extended licence before the extended expiry date, the extended licence, unless it is sooner surrendered or revoked, does not expire on its extended expiry date but must be treated as continuing in force until the earlier of the following:
  - (a) the date on which the licence holder is notified of the determination made on their application:
  - (b) the date that is 12 months after the expiry date (as defined in subclause (4)).
- (7) While a licence is treated as continuing in force under subclause (3), (5), or (6),—
  - (a) any endorsement on the licence (not being an endorsement of a kind referred to in regulation 28ZC or 28ZD) continues to apply unless sooner surrendered or revoked; and,
  - (b) any condition to which an endorsement is subject continues to apply unless sooner revoked; and
  - (c) any condition to which the licence is subject continues to apply.
- (8) A licence issued on the application for a new firearms licence referred to in subclause (2)(b)(ii) or (6) comes into force on the date on which it is issued (*see* section 8A(5) of the Act for the date on which a renewal of a dealer's licence takes effect).
- (9) In this regulation, **licence** means—
  - (a) a dealer's licence; or
  - (b) a firearms licence (other than a licence referred to in section 25(2) of the Act granted to a visitor to New Zealand).
- (10) This regulation is revoked on the close of 30 November 2022.

Regulation 28ZB: inserted, on 8 October 2021, by regulation 4 of the Arms (Extension of Licences and Endorsements) Amendment Regulations 2021 (LI 2021/303).

**28ZC Extension of endorsements made under section 30 or 30B of Act on licences held by employees of licensed dealers**

- (1) This regulation applies despite section 33C(1) of the Act.
- (2) Subclause (3) applies if—
  - (a) an endorsement was made under section 30 or 30B on a firearms licence held by an employee of a licensed dealer in their capacity as an employee of a licensed dealer (an **original endorsement**); and
  - (b) the 12-month period for which the endorsement was issued (and any extended period for which the endorsement is treated as continuing in force under section 65I of the Act) expired on or before 16 August 2021 (the **expiry date**); and
  - (c) the employee applied before the expiry date for a new endorsement; and
  - (d) the application referred to in paragraph (c) has not been determined before the commencement of this regulation.
- (3) If this subclause applies, the original endorsement does not expire on its expiry date but must be treated as continuing in force until the earlier of the following:
  - (a) the date on which the employee is notified of the determination made on their application referred to in subclause (2)(c);
  - (b) the date on which an event specified in section 33C(1)(a) to (f) of the Act occurs;
  - (c) the date that is 12 months after the expiry date.
- (4) Subclause (5) applies if the 12-month period for which an original endorsement referred to in subclause (2)(a) was issued (or any extended period for which the endorsement is treated as continuing in force under section 65I of the Act) expires on a date during the period commencing on 17 August 2021 and ending on 30 November 2021 (the **expiry date**).
- (5) If this subclause applies, the original endorsement does not expire on its expiry date (as defined in subclause (4)) but must be treated as continuing in force until the date (the **extended expiry date**) that is the earlier of the following:
  - (a) the date on which an event specified in section 33C(1)(a) to (f) of the Act occurs;
  - (b) the date that is 4 months after the expiry date (as defined in subclause (4)).
- (6) Subclause (7) applies if an employee holding a licence bearing an endorsement that has an extended expiry date under subclause (5)(b) (an **extended endorsement**) applies for a new endorsement to replace the extended endorsement before the extended expiry date.
- (7) If this subclause applies, the extended endorsement does not expire on its extended expiry date but must be treated as continuing in force until the earlier of the following:

- (a) the date on which the employee is notified of the determination made on their application referred to in subclause (6):
- (b) the date on which an event specified in section 33C(1)(a) to (f) of the Act occurs:
- (c) the date that is 12 months after the expiry date (as defined in subclause (4)).
- (8) While an endorsement is treated as continuing in force under subclause (3), (5), or (7), any condition to which the endorsement is subject continues to apply.
- (9) An endorsement issued on an application referred to in subclause (2)(b) or (6) comes into force on the date on which it is made.
- (10) This regulation is revoked on the close of 30 November 2022.

Regulation 28ZC: inserted, on 8 October 2021, by regulation 4 of the Arms (Extension of Licences and Endorsements) Amendment Regulations 2021 (LI 2021/303).

**28ZD Extension of endorsements made under section 30B of Act on licences held by specified exempt persons for purposes of wild animal and pest control**

- (1) This regulation applies despite section 33C(2) of the Act.
- (2) Subclause (3) applies if an endorsement made under section 30B of the Act at any time after 12 April 2019 on a firearms licence held by a specified exempt person (an **original endorsement**)—
  - (a) permits the specified exempt person to possess a prohibited firearm or prohibited magazine in their capacity as a specified exempt person; and
  - (b) expires on or before 30 November 2021 other than because the specified exempt person’s licence expires (the **expiry date**).
- (3) If this subclause applies, the original endorsement does not expire on its expiry date but must be treated as continuing in force until the date (the **extended expiry date**) that is the earlier of the following:
  - (a) the date on which the endorsement is surrendered or revoked:
  - (b) the date on which the licence on which the endorsement is made is—
    - (i) surrendered or revoked; or
    - (ii) expires:
  - (c) the date that is 4 months after the expiry date.
- (4) Subclause (5) applies if the holder of the licence bearing an endorsement that has an extended expiry date under subclause (3)(c) (an **extended endorsement**) applies for a new endorsement to replace the extended endorsement before the extended expiry date.
- (5) If this subclause applies, the extended endorsement does not expire on its extended expiry date but must be treated as continuing in force until the earlier of the following:

- (a) the date on which the licence holder is notified of the determination made on their application referred to in subclause (4);
  - (b) the date on which the endorsement is surrendered or revoked;
  - (c) the date on which the licence on which the endorsement is made—
    - (i) is surrendered or revoked; or
    - (ii) expires;
  - (d) the date that is 12 months after the expiry date (as defined in subclause (2)(b)).
- (6) While an endorsement is treated as continuing in force under subclause (3) or (5), any condition to which the endorsement is subject continues to apply.
  - (7) An endorsement issued on an application referred to in subclause (4) comes into force on the date on which it is made.
  - (8) In this regulation, **specified exempt person** means a person described in section 4A(1)(f), (g), (h), (i), or (j) of the Act.
  - (9) This regulation is revoked on the close of 30 November 2022.

Regulation 28ZD: inserted, on 8 October 2021, by regulation 4 of the Arms (Extension of Licences and Endorsements) Amendment Regulations 2021 (LI 2021/303).

### *Miscellaneous provisions*

## **29 Inspection of pistols, military style semi-automatic firearms, and restricted weapons**

*[Revoked]*

Regulation 29: revoked, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## **29A Endorsement on mail order for sale of firearm or ammunition**

A person who wishes to apply for a member of the Police to endorse a written order for a firearm or ammunition for the purposes of section 43A of the Act may submit the order—

- (a) by delivering it in hard copy form to a Police Station; or
- (b) electronically through an Internet site.

Regulation 29A: inserted, on 17 January 2019, by regulation 27 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

Regulation 29A(a): amended, on 25 June 2020, by section 109 of the Arms Legislation Act 2020 (2020 No 23).

## **30 Photographs**

- (1) A person who is required to supply a photograph under section 34A of the Act must supply a photograph that—

- (a) has been taken not more than 12 months before the date on which the person supplies it; and



- (b) is a full frontal view of the person's face, head, and shoulders, with the head filling most of the photograph; and
  - (c) is of the person without a hat or head covering (except where the person's religion requires the wearing of a hat or head covering); and
  - (d) has a plain, light-coloured background; and
  - (e) is a colour photograph; and
  - (f) is a good likeness of the person.
- (2) The requirements in subclauses (3) and (4) are additional to the requirements in subclause (1).
- (3) A person who makes an application in writing in hard copy form and is required to supply 1 or more photographs for the purposes of the application must comply with the following requirements:
- (a) each photograph must be delivered by hand, in hard copy form, to the Arms Office at which the person is making, or has made, the application; and
  - (b) each photograph supplied must be—
    - (i) 45 mm by 35 mm untrimmed; and
    - (ii) on good-quality paper; and
    - (iii) if the person is required to supply more than 1 photograph, identical to each other photograph supplied.
- (4) A person who makes an application electronically through an Internet site and is required to supply a photograph must supply, in the manner prescribed by the Commissioner, a digital photograph that complies with the requirements in subclause (1)(a) to (f) and any technical requirements prescribed by the Commissioner.

Regulation 30: replaced, on 17 January 2019, by regulation 28 of the Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271).

### **30A Staff members of corrections prisons may carry or possess pepper spray**

- (1) In this regulation,—
- corrections prison** has the same meaning as in section 3(1) of the Corrections Act 2004
- pepper spray** has the same meaning as in regulation 123A of the Corrections Regulations 2005
- staff member** has the same meaning as in section 3(1) of the Corrections Act 2004.
- (2) A staff member of a corrections prison may carry or possess pepper spray belonging to the Crown in accordance with the Corrections Regulations 2005.

Regulation 30A: inserted, on 1 January 2010, by regulation 4 of the Arms Amendment Regulations 2009 (SR 2009/373).

Regulation 30A(1) **pepper spray**: amended, on 1 July 2017, by regulation 6(2) of the Corrections Amendment Regulations 2017 (LI 2017/113).

Regulation 30A(2): amended, on 1 July 2017, by regulation 6(3) of the Corrections Amendment Regulations 2017 (LI 2017/113).

### **31 Power to authorise carriage of firearms by officers of penal institutions**

*[Revoked]*

Regulation 31: revoked, on 1 June 2005, by section 207 of the Corrections Act 2004 (2004 No 50).

### **31A Armoury contractors may handle weapons in certain cases**

- (1) If an armoury contractor is administering a defence armoury in a defence area, the armoury contractor and the armoury contractor's employees, while in that defence area, may carry or possess firearms, airguns, pistols, prohibited magazines, prohibited parts, restricted weapons, ammunition, or explosives belonging to the Crown if the contract under which the armoury contractor is administering that defence armoury complies with subclause (2).
- (2) The contract must provide for—
  - (a) adequate security of the defence armoury to ensure that firearms, airguns, pistols, prohibited magazines, prohibited parts, restricted weapons, ammunition, or explosives are stored securely and accounted for at all times; and
  - (b) the Chief of Defence Force to monitor the performance of the armoury contractor in administering the defence armoury.

Regulation 31A: inserted, on 15 June 1998, by regulation 3 of the Arms Amendment Regulations 1998 (SR 1998/155).

Regulation 31A(1): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Regulation 31A(2)(a): amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **31B Chief of Defence Force to notify Commissioner of irregularities**

If an armoury contractor is administering a defence armoury, the Chief of Defence Force must notify the Commissioner immediately after the Chief of Defence Force becomes aware that any firearm, airgun, pistol, prohibited magazine, prohibited part, restricted weapon, ammunition, or explosive is lost from or is unaccounted for at that defence armoury.

Regulation 31B: inserted, on 15 June 1998, by regulation 3 of the Arms Amendment Regulations 1998 (SR 1998/155).

Regulation 31B: amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

### **31C Defence Force Orders not affected**

These regulations do not limit or affect any Defence Force Order issued under section 27 of the Defence Act 1990.

Regulation 31C: inserted, on 15 June 1998, by regulation 3 of the Arms Amendment Regulations 1998 (SR 1998/155).

### **32 Replacement of lost licence, etc**

- (1) On application by any person to whom a licence or permit has been issued, and on proof to the satisfaction of a member of the Police by statement in writing, statutory declaration, or other evidence that the licence or permit or any copy of the licence or permit has been lost, destroyed, or mutilated, or has become illegible, and on payment of the prescribed fee, the member of the Police may, at any time during the currency of the licence or permit, issue to the applicant a duplicate of the licence or permit, including any endorsement made thereon, or a new licence.

- (2) *[Revoked]*

Regulation 32(2): revoked, on 1 February 1999, by regulation 3 of the Arms Amendment Regulations 1998 (SR 1998/466).

### **33 Fees**

- (1) The fees specified in column A of the Schedule are payable in respect of the applications and matters set out in the Schedule, in respect of the period beginning on 1 February 1999 and ending with the close of 31 July 1999.
- (1A) The fees specified in column B of the Schedule are payable in respect of the applications and matters set out in the Schedule, on and after 1 August 1999.
- (2) All such fees shall be prepaid.
- (3) All amounts received as fees shall be paid into a Crown Bank Account or a Departmental Bank Account.

Regulation 33(1): substituted, on 1 February 1999, by regulation 4 of the Arms Amendment Regulations 1998 (SR 1998/466).

Regulation 33(1A): inserted, on 1 February 1999, by regulation 4 of the Arms Amendment Regulations 1998 (SR 1998/466).

Regulation 33(3): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

### **34 Goods and services tax included**

The fees prescribed by these regulations are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

### **35 Revocations**

The Arms Regulations 1984 (SR 1984/121) and the Arms Regulations 1984, Amendment No 1 (SR 1988/40) are hereby revoked.

## Schedule 1

### Fees payable

r 33

Schedule 1: substituted, on 1 February 1999, by regulation 2 of the Arms Amendment Regulations 1998 (SR 1998/466).

	Column A Effective 1 February 1999 (\$)	Column B Effective 1 August 1999 (\$)
<i>Firearms licences</i>		
Application for a firearms licence—		
(a) by any person visiting New Zealand for a period not exceeding 12 months	25.00	25.00
(b) by any person whose previous firearms licence either—	123.75	236.25
(i) expired; or		
(ii) was deemed to be revoked by section 38(1) of the Arms Amendment Act 1992, and was not reinstated under section 39 of that Act		
(c) by any other person	123.75	123.75
Application for replacement of firearms licence	25.00	25.00
<i>Dealers' licences</i>		
Application for a dealer's licence	200.00	200.00
Application for renewal of a dealer's licence	200.00	200.00
Application under section 7A of the Act for consent in respect of a gun show	50.00	50.00
<i>Endorsements</i>		
Application for 1 or more endorsements under section 29 or section 30A of the Act provided that no fee is payable—	200.00	200.00
(a) if the firearms licence to be endorsed is held by a visitor to New Zealand who wishes to use a pistol for international competitive shooting on a pistol range in New Zealand; or		
(b) <i>[Revoked]</i>		

Schedule 1: amended, on 12 April 2019, by section 74 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

## Schedule 2

### Compensation and related provisions for purposes of Part 2 of Schedule 1 of Arms Act 1983

r 28ZA

Schedule 2: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

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## Part 1

### Preliminary and general provisions

Schedule 2 Part 1: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

#### 1 Interpretation

In this schedule, unless the context otherwise requires,—

**Act** means the Arms Act 1983

**amnesty period** has the meaning given to it in clause 8 of Schedule 1 of the Act

**compensation schedule** means a compensation schedule issued by the Commissioner under clause 3

**Schedule 2** means this schedule

**specified item** means—

- (a) a semi-automatic firearm that—
  - (i) is capable of firing only 0.22 calibre or lower rimfire cartridges; and
  - (ii) has a magazine, whether or not detachable or otherwise externally fed, that is capable of holding no more than 10 cartridges commensurate with the firearm's chamber size; and
  - (iii) has a lower receiver that is able to be attached to a centrefire upper receiver so that the resulting firearm is able to function:
- (b) a semi-automatic pistol that is not—
  - (i) a semi-automatic pistol held by a person referred to in section 2A(3) of the Act; or

- (ii) a small semi-automatic pistol:
- (c) a centrefire pump-action rifle that is capable of being used with a detachable magazine:
- (d) a centrefire pump-action rifle that has 1 or more non-detachable magazines (tubular or otherwise) capable of holding more than 10 cartridges commensurate with that firearm's chamber size:
- (e) a pistol carbine conversion kit (as defined in section 2(1) of the Act)
- ()

**specified part—**

- (a) means a part of a specified item that cannot lawfully be used on a non-prohibited firearm; but
- (b) does not include a part that could be used on a prohibited item to which any of regulations 28H to 28WA applied before 25 June 2020, unless—
  - (i) the part relates specifically to a firearm that is a specified item (as defined in this clause); and
  - (ii) that firearm was lawfully possessed before 25 June 2020 and is delivered or otherwise surrendered to a member of the Police in accordance with clause 18 of Schedule 1 of the Act and with Schedule 2.

Schedule 2 clause 1: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

**2 Limits on compensation**

The amount of compensation payable in respect of a specified item or specified part under Schedule 2 that is set out in a compensation schedule, or determined by the Commissioner under Schedule 2, does not in any case include compensation for any of the following:

- (a) any economic loss:
- (b) any consequential loss:
- (c) any loss for business interruption:
- (d) any loss attributable to intrinsic or sentimental value.

Schedule 2 clause 2: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

**3 Compensation schedules to be issued by Commissioner**

- (1) The Commissioner must, as soon as is reasonably practicable, issue 1 or more compensation schedules setting out the amounts of compensation payable in respect of specified items and specified parts delivered or surrendered to a member of the Police, or forfeited to the Crown.
- (2) The Commissioner may, at any time before the close of 1 May 2022, do any of the following:

- (a) amend a schedule by inserting, deleting, or replacing the description of any item or part in a schedule:
  - (b) issue a replacement schedule:
  - (c) issue 1 or more supplementary schedules setting out the amounts of compensation payable in respect of items or parts not included in any previously issued schedule.
- (3) A compensation schedule issued under this clause is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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**Legislation Act 2019 requirements for secondary legislation made under this clause**

<b>Publication</b>	The maker must: <ul style="list-style-type: none"> <li>• notify it in the <i>Gazette</i></li> <li>• make it available online at <a href="http://www.police.govt.nz">http://www.police.govt.nz</a></li> </ul>	LA19 ss 73, 74(1)(a), Sch 1 cl 14
<b>Presentation</b>	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the secondary legislation.*

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Schedule 2 clause 3: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

Schedule 2 clause 3(3): replaced, on 28 October 2021, by regulation 138 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

#### 4 Information required to be set out in compensation schedules

A compensation schedule must set out for each specified item (described by brand, type, or model) and each specified part—

- (a) the base price for the item or part, being the price that the Commissioner considers reflects the value of the item or part immediately before 12 November 2019, having taken into account—
  - (i) retailers' prices, and online prices, for the item or part; and
  - (ii) advice on the valuation of the item or part from industry specialists; and
- (b) the amount of compensation payable in respect of the item or part depending on its condition as determined by a member of the Police and calculated as a percentage of the base price of the item, as follows:
  - (i) for a specified item—
    - (A) in new or near-new condition, 95% of the base price:
    - (B) in used condition, 70% of the base price:
    - (C) in poor condition, 25% of the base price:
  - (ii) for a specified part—
    - (A) in new or used condition, 70% of the base price:
    - (B) in poor condition, 25% of the base price.



Schedule 2 clause 4: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

**5 Indicators for determining condition of specified item or specified part to be published**

The Commissioner must publish online at <http://www.police.govt.nz> the indicators used to determine for the purposes of clause 4—

- (a) whether the condition of a specified item is—
  - (i) new or near-new; or
  - (ii) used; or
  - (iii) poor; and
- (b) whether the condition of a specified part is—
  - (i) new or used; or
  - (ii) poor.

Schedule 2 clause 5: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

**6 Certain provisions do not apply to valuers**

- (1) The following sections of the Act do not apply to an approved valuer (as defined in clause 12(8)) in respect of a specified item or specified part that is delivered to the valuer for valuation:
  - (a) section 44AA (unlawful sale or supply of pistol carbine conversion kit), to the extent that, after valuing a pistol carbine conversion kit, the valuer returns the pistol carbine conversion kit to the person from whom it was received:
  - (b) section 44A (offence to sell or supply prohibited firearm or prohibited magazine), to the extent that, after valuing a prohibited firearm or prohibited magazine, the valuer returns the prohibited firearm or prohibited magazine to the person from whom it was received:
  - (c) section 44B (offence to sell or supply prohibited part), to the extent that the valuer returns the prohibited part to the person from whom it was received:
  - (d) section 50AA (unlawful possession of pistol carbine conversion kit):
  - (e) section 50A (unlawful possession of prohibited firearm):
  - (f) section 50B (unlawful possession of prohibited magazine):
  - (g) section 50C (unlawful possession of prohibited part).
- (2) The protection conferred on a valuer by subclause (1) expires at the end of the amnesty period, unless subclause (3) applies.

- (3) If the valuer returns the specified item or specified part to the person from whom it was received after the end of the amnesty period, the protection conferred on the valuer by subclause (1) expires on the earlier of the following:
- (a) the date on which that item or part is returned:
  - (b) 1 August 2022.

Schedule 2 clause 6: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

## Part 2

### Amnesty and compensation provisions

Schedule 2 Part 2: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

#### Subpart 1—Temporary amnesty

Schedule 2 subpart 1: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

#### 7 **Temporary amnesty extended for individuals and licensed dealers possessing specified items or specified parts**

- (1) In addition to the provisions in clause 17 of Schedule 1 of the Act, the following persons do not commit an offence under section 50AA (unlawful possession of pistol carbine conversion kit), 50A (unlawful possession of prohibited firearm), 50B (unlawful possession of prohibited magazine), or 50C (unlawful possession of prohibited part) of the Act for the continued possession of a specified item or specified part:
- (a) a person who, within 60 days after the commencement of this Part or earlier, applies as an individual or a licensed dealer for either of the following and does not, before the end of the amnesty period, receive notification from a member of the Police that their application has been approved or declined:
    - (i) an endorsement to be made on their firearms licence or dealer licence under section 30B of the Act permitting them to possess the item or part in their capacity as an exempt person:
    - (ii) a permit issued under section 35A or 35AAA of the Act to possess the item or part:
  - (b) a person who, within 60 days after the commencement of this Part or earlier, applies as an individual or a licensed dealer for an endorsement or a permit referred to in paragraph (a) and, before the end of the amnesty period, receives notification from a member of the Police that their application has been declined:
  - (c) a person to whom the following apply:
    - (i) either,—

- (A) within 90 days after the commencement of this Part, they apply as an individual for compensation under Schedule 2 in respect of the item or part; or
    - (B) within 60 days after the commencement of this Part, they apply as a licensed dealer for compensation under Schedule 2 in respect of the item or part; and
  - (ii) a member of the Police agrees in writing to collect that item or part.
- (2) The amnesty granted by subclause (1)(a) continues to apply to the person—
  - (a) until the person receives notification that their application has been approved; or
  - (b) until the person receives notification that their application has been declined, and for a further 30 days starting on the date of that notification if—
    - (i) the person applies for compensation within that 30-day period; and
    - (ii) at the same time the person delivers the item or part to the Police, unless, at the time of the application, the Police agree in writing to collect the item or part at a specified time.
- (3) The amnesty granted by subclause (1)(b) continues to apply to the person for a further 30 days starting on the day after the date of that notification if—
  - (a) the person applies for compensation within that 30-day period and the end of that 30-day period falls outside the amnesty period; and
  - (b) at the same time the person delivers the item or part to the Police, unless, at the time of application, the Police agree in writing to collect the item or part at a specified time.
- (4) The amnesty granted by subclause (1)(c) and the amnesty continued by subclause (2)(b) or (3)(b) continues to apply to the person until the earlier of the following:
  - (a) the time the Police collect their item or part;
  - (b) 12 months after the date of their application for compensation.

Schedule 2 clause 7: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

## **8 Conditions of temporary amnesty under Act and extended amnesty under clause 7**

- (1) The temporary amnesty granted by clause 17(2) of Schedule 1 of the Act and the extended amnesty under clause 7 of Schedule 2 are subject to the following conditions:
  - (a) the person in possession of the specified item or part must not use the item or part during the amnesty period; and

- (b) the person must at all times during the amnesty period keep the item or part in secure storage on their premises.
- (2) Subclause (1)(b) does not apply if the person is transporting the specified item or specified part for the purpose of—
  - (a) delivering the item or part from secure storage to—
    - (i) a member of the Police; or
    - (ii) an approved valuer (as defined in clause 12(8)) for valuation; or
  - (b) exporting the item or part with a permit from the Ministry of Foreign Affairs and Trade or a certificate from the Ministry for Culture and Heritage.

Schedule 2 clause 8: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

### Subpart 2—Compensation for individuals

Schedule 2 subpart 2: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

## 9 Compensation for specified item or specified part

- (1) This clause applies to a person if any of the following circumstances apply:
  - (a) the person lawfully possessed a specified item or specified part on 24 June 2020:
  - (b) the person arranged to lawfully import a specified item or specified part on or before 24 June 2020:
  - (c) the circumstances referred to in either or both of paragraphs (a) and (b) apply, and the person,—
    - (i) within 60 days after the date of commencement of this Part or earlier, applies for—
      - (A) an endorsement under section 30B of the Act to possess a prohibited firearm; or
      - (B) a permit under section 35A of the Act to possess a prohibited firearm; or
      - (C) a permit under section 35AAA of the Act to possess a pistol carbine conversion kit; and
    - (ii) is notified by the Police that their application has been declined and, within 30 days after that the date of that notification, applies for compensation under subclause (2).
- (2) A person referred to in subclause (1)(a) may apply for compensation from the Crown in respect of the specified item or specified part that the person lawfully possessed if—
  - (a) the person applies for compensation within 90 days after the commencement of this Part, and—

- (i) the item or part is delivered to a member of the Police; or
    - (ii) the Police agree in writing to collect the item or part at a specified time; and
  - (b) the person does not apply within 60 days after the commencement of this Part or earlier for an endorsement or a permit in accordance with subclause (1)(c)(i) and obtain an endorsement or a permit.
- (3) A person referred to in subclause (1)(b) may apply for compensation from the Crown in respect of the specified item or specified part if the person applies for compensation within 90 days after the commencement of this Part, and—
- (a) the item or part is being, or has been, treated as prohibited goods under section 98 of the Customs and Excise Act 2018;
  - (b) the item or part is, or has been, delivered to a member of the Police in accordance with an authorisation given by the chief executive of the New Zealand Customs Service under section 85(1)(b) of the Customs and Excise Act 2018;
  - (c) the item or part is forfeited to the Crown under section 176(1)(a) of the Customs and Excise Act 2018;
  - (d) the person does not apply within 60 days after the commencement of this Part or earlier for an endorsement or a permit in accordance with subclause (1)(c)(i) and obtain an endorsement or a permit.
- (4) The following provisions apply in relation to an application for compensation under this clause:
- (a) the applicant must make the application within 90 days after the commencement of this Part unless—
    - (i) subclause (1)(c)(ii) applies and the 30-day period after notification falls outside that 90-day period; or
    - (ii) a later period is agreed by the Commissioner on the ground that exceptional circumstances justify the making of the application after the 90-day period:
  - (b) the applicant must submit the application to the Commissioner in a form prescribed by the Commissioner;
  - (c) the applicant must, at the same time as submitting the application, deliver the item or part to the Police, unless the Police agree in writing to collect the item or part at a specified time;
  - (d) the applicant must provide the Police, if requested, with proof of 1 or more of the following:
    - (i) that the applicant lawfully possessed the item or part on 24 June 2020 or arranged to lawfully import it before 24 June 2020;
    - (ii) the purchase price and evidence of the transaction by which the applicant acquired the item or part.

- (5) In this clause, **person** does not include a licensed dealer or manufacturer who is eligible to apply for compensation under subpart 3.
- (6) This clause is subject to clause 12 if a person is applying for compensation for a unique specified item or specified part, and, in that case, the 90-day application period in this clause does not apply.

Schedule 2 clause 9: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

### **10 Amount of compensation for specified item or specified part during amnesty period**

- (1) The amount of compensation payable in respect of a specified item or specified part that is referred to in clause 9(1) is—
  - (a) the amount in respect of the item or part that is set out in a compensation schedule issued by the Commissioner; or
  - (b) the amount for the item or part that is determined by the Commissioner under Schedule 2.
- (2) Subclause (1) is subject to clause 12.
- (3) The Commissioner must make arrangements for the compensation for a specified item or specified part to be paid to the bank account nominated by the owner of the item or part.

Schedule 2 clause 10: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

### **11 Compensation for large quantities of specified parts or pistol carbine conversion kits**

- (1) This clause applies if a person applies for compensation under clause 9 for a quantity of specified parts or pistol carbine conversion kits that exceeds the quantity of parts or kits that the Commissioner considers appropriate for the reasonable personal use of the person.
- (2) In determining the quantity of specified parts or pistol carbine conversion kits that is appropriate for the reasonable personal use of a person, the Commissioner may consider—
  - (a) the number and type of specified items that are prohibited firearms owned by the person in respect of which the parts may be used;
  - (b) the number and type of pistols owned by the person in respect of which the kits may be used;
  - (c) the age of the parts or kits;
  - (d) the quantity of the parts or kits typically possessed by the holder of a firearms licence who owns a firearm of the same kind as, or of a kind similar to, that owned by the person in respect of which the parts or kits may be used;

- (e) the number of kits owned by the person in respect of which parts of kits may be used.
- (3) The amount of compensation payable to a person in respect of the quantity of specified parts or pistol carbine conversion kits is determined as follows:
  - (a) for the quantity the Commissioner considers appropriate for the reasonable personal use of the person, the amount of compensation payable is the sum of the amount of compensation payable in respect of each part or kit, being—
    - (i) the amount for the part or kit set out in a compensation schedule; or
    - (ii) the amount for the part or kit determined by the Commissioner under clause 12; and
  - (b) for the remaining quantity, clause 9(4)(d)(ii) applies (applicant to provide evidence) and the amount of compensation payable is the sum of the amount of compensation payable in respect of each part or kit, being the lowest of the following:
    - (i) the amount for the part or kit set out in a compensation schedule;
    - (ii) the amount for the part or kit determined by the Commissioner under clause 12;
    - (iii) the price for which the part or kit was purchased by the person, based on evidence provided in accordance with clause 9(4)(d)(ii).

Schedule 2 clause 11: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

## **12 Compensation for unique specified item or specified part**

- (1) A person who applies for compensation under clause 9 or 11 may apply to the Commissioner in writing to have the amount of compensation for a specified item or specified part determined by the Commissioner instead of in accordance with a compensation schedule.
- (2) An application under this clause must be made—
  - (a) within 60 days starting on the day after the date of commencement of this Part; or
  - (b) if it is an application following a declined application for an endorsement, within 30 days starting on the day after the date of the notification declining an endorsement; or
  - (c) within any later period agreed by the Commissioner on the ground that exceptional circumstances justify the making of the application after the end of the 60-day period.
- (3) A person may apply under subclause (1) only if—
  - (a) the item or part is not listed in a compensation schedule and it—

- (i) is rare or has other distinguishing characteristics that significantly affect its value; or
    - (ii) is otherwise unique, and is substantially different from any other item or part listed in a compensation schedule; or
  - (b) the item or part is listed in a compensation schedule, but has been modified in such a manner and to such an extent that the applicant has reasonable grounds to believe that the value of the item or part is at least 30% above the base price for that item or part listed in the schedule.
- (4) An application for compensation in respect of an item or a part is made by submitting to the Commissioner—
- (a) a completed application in the form prescribed by the Commissioner; and
  - (b) evidence of the value of the item or part; and
  - (c) if available, evidence of the amount for which the person purchased the item or part; and
  - (d) if the application is made in reliance on subclause (3)(a)(i), evidence of the item's or part's rarity or other distinguishing characteristics that significantly affect its value and, in respect of any distinguishing characteristics, how those characteristics significantly affect its value; and
  - (e) if the application is made in reliance on subclause (3)(a)(ii), an explanation of why the item or part is considered unique and substantially different from any other specified item or specified part listed in a compensation schedule; and
  - (f) if the application is made in reliance on subclause (3)(b), evidence of the cost of the modifications, and details of the grounds on which the person believes the value of the item or part is at least 30% above the base price for the item or part listed in a compensation schedule; and
  - (g) an application fee of \$120 (excluding goods and services tax).
- (5) After receiving an application, the Commissioner may require the applicant to—
- (a) obtain a valuation of the specified item or specified part from an approved valuer chosen by the applicant; and
  - (b) pay the cost of the valuation; and
  - (c) submit the specified item or specified part to a member of the Police for inspection; and
  - (d) provide any further evidence or explanation relevant to the application, as requested by the Police, within 10 days of that requirement or any further period agreed by the Commissioner.



- (6) The Commissioner must determine the amount of compensation and give notice under subclause (7) as soon as is reasonably practicable after considering—
- (a) the application; and
  - (b) all information accompanying that application under subclause (4); and
  - (c) any valuation obtained under subclause (5); and
  - (d) any other information or advice that is available to the Commissioner or that the Commissioner has obtained relating to the value of the specified item or specified part (including the value of the item or part, if any, specified in a compensation schedule).
- (7) The Commissioner must, subject to subclause (6),—
- (a) determine the amount of compensation payable in respect of the item or part that is—
    - (i) the amount for the item or part listed in a compensation schedule; or
    - (ii) any other amount; and
  - (b) give the applicant written notice of the determination.
- (8) In this clause, **approved valuer** means a valuer who is approved by the Commissioner and whose name is included in the list of approved valuers held by the Police.

Schedule 2 clause 12: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

### Subpart 3—Provisions relating to licensed dealers and manufacturers

Schedule 2 subpart 3: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

#### *Licensed dealers*

Heading: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

### **13 Licensed dealers required to mitigate losses**

- (1) Before applying for compensation under clause 14 or 15, a licensed dealer must take all reasonable steps in the circumstances to mitigate their losses sustained in respect of specified items or specified parts (for example, cancelling orders before shipment or returning items to suppliers).
- (2) When applying for compensation under clause 14 or 15, a licensed dealer must provide evidence of the reasonable steps the dealer has taken under subclause (1).

Schedule 2 clause 13: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

**14 Compensation following return of specified item or specified part to supplier by licensed dealer**

- (1) This clause applies to a licensed dealer who—
  - (a) lawfully purchased or ordered a specified item or specified part on or before 24 June 2020; and
  - (b) returned the item or part to the supplier; and
  - (c) received a refund for the item or part of an amount less than the amount that the dealer paid for the item or part.
- (2) The dealer may apply to the Crown for a payment in respect of—
  - (a) the difference between the amount the dealer paid for the item or part and the amount of the refund received; and
  - (b) any external costs reasonably incurred that are directly attributable to, or that may be apportioned to, the purchase or return of the item or part, including domestic and international freight costs, but excluding any interest on loans relating to the purchase of the item or part.
- (3) A licensed dealer applies for a payment under this clause by submitting to the Commissioner a completed application in a form prescribed by the Commissioner—
  - (a) within 60 days after the date of commencement of this Part; or
  - (b) if the dealer does not submit an application within that 60-day period and clause 15(1)(b) applies, within 30 days after being notified by the Police that the dealer's application for an endorsement or a permit has been declined.
- (4) The amount payable to a licensed dealer under this clause is determined by the Commissioner.
- (5) The Commissioner must make arrangements for a payment to a licensed dealer under this clause to be paid to the bank account nominated by the dealer.

Schedule 2 clause 14: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

**15 Licensed dealers entitled to claim compensation for specified items or parts**

- (1) This clause applies to a licensed dealer if either of the following circumstances apply:
  - (a) the dealer lawfully purchased, ordered, or received a specified item or specified part on or before 24 June 2020;
  - (b) the circumstances referred to in paragraph (a) apply to the dealer, and the dealer,—
    - (i) within 60 days after the date of commencement of this Part or earlier, applies for—

- (A) an endorsement under section 30B of the Act to possess a prohibited firearm; or
    - (B) a permit under section 35A of the Act to possess a prohibited firearm; or
    - (C) a permit under section 35AAA of the Act to possess a pistol carbine conversion kit; and
  - (ii) is notified by the Police that the application has been declined.
- (2) The licensed dealer may apply for compensation from the Crown in respect of the specified item or specified part if, at the date of the dealer's application,—
- (a) the item or part is held by the dealer and there is an agreement in writing with a member of the Police that the item or part will be either delivered to the Police at a specified time or collected by the Police at a specified time;
  - (b) the item or part is subject to the control of the New Zealand Customs Service;
  - (c) the item or part has been forfeited to the Crown under section 176(1)(a) of the Customs and Excise Act 2018;
  - (d) the item or part has been delivered by the New Zealand Customs Service to the Police under section 85(1)(b) of the Customs and Excise Act 2018.
- (3) A licensed dealer applies for compensation under this clause by submitting to the Commissioner a completed application in a form approved by the Commissioner—
- (a) within 60 days starting on the day after the date of commencement of this Part; or
  - (b) any later period after that 60-day period agreed by the Commissioner on the ground that exceptional circumstances justify the making of the application after the 60-day period; or
  - (c) if subclause (1)(b) applies, within 30 days after being notified by the Police that the dealer's application for an endorsement or a permit has been declined.
- (4) Only 1 application for compensation may be submitted by a licensed dealer for all items or parts for which the dealer seeks compensation under this clause unless the Police are satisfied that there are exceptional circumstances preventing the dealer from making only 1 application.
- (5) An applicant for compensation under this clause must,—
- (a) within 20 days after the date of their application or within any further period agreed by a member of the Police in writing, provide documentary evidence (for example, records or receipts held by the dealer) to

support all amounts of compensation claimed in respect of a new specified item or specified part; and

- (b) if possible, within 20 days after the date of their application, provide documentary evidence (for example, records or receipts held by the dealer) to support all amounts of compensation claimed in respect of a second-hand or trade-in specified item or specified part; and
- (c) provide any further evidence or explanation relevant to the application, as requested by the Police, within 10 days of that request or any further period agreed by a member of the Police in writing.

Schedule 2 clause 15: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

## **16 Amount of compensation payable for prohibited items before end of amnesty period**

- (1) A licensed dealer who, at the date of their application, holds a specified item or specified part to which clause 15 applies that was purchased new, may apply for compensation in respect of—
  - (a) either—
    - (i) the purchase price of the item or part as at the date on which the item or part was purchased; or
    - (ii) if the Commissioner is satisfied that there are good reasons why that evidence of the purchase price is not available, the amount that the item or part would have reasonably cost the dealer to purchase at the time the dealer took possession of it, so long as the dealer provides evidence to substantiate the claim to a standard accepted by the Commissioner; and
  - (b) any external costs reasonably incurred that are directly attributable to, or that may be apportioned to, the purchase of the item or part, including domestic and international freight costs, but excluding any interest on loans relating to the purchase of the item or part.
- (2) A licensed dealer who at the date of their application holds an item or part to which clause 15 applies that was purchased second-hand may apply for compensation in respect of—
  - (a) 1 of the following:
    - (i) the purchase price of the item or part as at the date on which the item or part was purchased;
    - (ii) the amount payable for an equivalent item or part specified in a compensation schedule, if the dealer is unable to provide evidence, or sufficient evidence, of the purchase price of the item or part:

- (iii) if a price for the item or part is not specified in the compensation schedule and there is no evidence of the purchase price, a percentage of a base wholesale price substantiated by the dealer (for example, by referring to overseas wholesale supplier prices at or around the time of purchase), being a percentage specified in clause 4(b)(i) or (ii); and
  - (b) any external costs reasonably incurred that are directly attributable to, or that may be apportioned to, the purchase of the item or part, including domestic and international freight costs, but excluding any interest on loans relating to the purchase of the item or part.
- (3) A licensed dealer who at the date of their application holds an item or a part to which clause 15 applies that was received as a trade-in may apply for compensation in respect of—
  - (a) 1 of the following:
    - (i) the value for which the dealer received the item or part (the **trade-in value**):
    - (ii) the amount payable for an equivalent item or part specified in a compensation schedule, if the dealer is unable to provide evidence, or sufficient evidence, of the trade-in value of the item or part:
    - (iii) if a price for the item or part is not specified in the compensation schedule and there is no evidence of the trade-in value, a percentage of a base wholesale price substantiated by the dealer (for example, by referring to overseas wholesale supplier prices at or around the time of purchase), being a percentage specified in clause 4(b)(i) or (ii); and
  - (b) any external costs reasonably incurred that are directly attributable to, or that may be apportioned to, the purchase of the item or part, including domestic and international freight costs, but excluding any interest on loans relating to the purchase of the item or part.
- (4) To avoid doubt, if parts are stripped off a specified item to which clause 15 applies that was purchased new and the item was sold without that part, the dealer may apply for compensation in respect of the schedule price for those parts, so long as there is evidence of a connection to the specified item.
- (5) A licensed dealer who has imported an item or a part to which clause 15 applies that is subject to the control of the New Zealand Customs Service, or that has been delivered by the New Zealand Customs Service to the Police, and that is unable to be returned to the supplier may apply for compensation in respect of—
  - (a) the purchase price of the item or part; and

- (b) any external costs reasonably incurred that are directly attributable to, or that may be apportioned to, the importation of the item or part, including international freight costs, but excluding any interest on loans relating to the purchase of the item or part.
- (6) A licensed dealer who has imported an item or a part to which clause 15 applies that has been forfeited to the Crown may apply for compensation in respect of—
  - (a) the purchase price of the item or part; and
  - (b) any external costs reasonably incurred that are directly attributable to, or that may be apportioned to, the importation of the item or part, including international freight costs, but excluding any interest on loans relating to the purchase of the item or part.
- (7) The amount of compensation payable to a licensed dealer under this clause is determined by the Commissioner, but in the case of an application for compensation referred to in subclause (2)(a) or (3)(a) may not exceed the amount of compensation payable in respect of a similar item or part specified in a compensation schedule.
- (8) If the Commissioner is not satisfied that a licensed dealer has taken all reasonable steps to mitigate their losses as required by clause 13, the Commissioner may determine that—
  - (a) no compensation is payable to the dealer under this clause; or
  - (b) a reduced amount of compensation is payable to the dealer under this clause.

Schedule 2 clause 16: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

### *Manufacturers*

Heading: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

## **17 Application of clauses 18 to 21**

Clauses 18 to 21 apply to any person (including a licensed dealer) who—

- (a) lawfully manufactured a firearm, part, or pistol carbine conversion kit on or before 24 June 2020 that is a specified item or specified part; and
- (b) is not a person to whom section 4A(1A) of the Act applies (which relates to persons who before 12 April 2019 were in the business of manufacturing prohibited parts for the purposes of permitted supply).

Schedule 2 clause 17: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

**18 Manufacturers required to mitigate losses**

- (1) Before applying for compensation under clause 19 or 20, a manufacturer must take all reasonable steps in the circumstances to mitigate their losses sustained in respect of specified items, specified parts, or raw materials (for example, cancelling orders before shipment, returning items to suppliers, or setting aside materials for the manufacture of non-prohibited items or non-firearm parts that the manufacturer is also equipped to manufacture).
- (2) When making an application for compensation under clause 19 or 20, a manufacturer must provide evidence of the reasonable steps the manufacturer has taken under subclause (1).

Schedule 2 clause 18: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

**19 Compensation following return of materials to supplier by manufacturer**

- (1) This clause applies to a manufacturer who—
  - (a) lawfully purchased or ordered any raw material or item on or before 24 June 2020 exclusively for use in or for the manufacture of a specified item or specified part; and
  - (b) returned that material or item to the supplier; and
  - (c) received a refund for the material or item of an amount less than the amount that the manufacturer paid for the material or item.
- (2) The manufacturer may apply to the Crown for a payment in respect of—
  - (a) the difference between the amount the manufacturer paid for the raw material or item and the amount of the refund received; and
  - (b) any external costs reasonably incurred that are directly attributable to, or that may be apportioned to, the purchase or return of the material or item, including domestic and international freight costs, but excluding any interest on loans relating to the purchase of the material or item.
- (3) A manufacturer applies for compensation under this clause by submitting to the Commissioner a completed application in a form approved by the Commissioner within 60 days after the date of commencement of this Part.
- (4) The amount payable to a manufacturer under this clause is determined by the Commissioner.
- (5) The Commissioner must make arrangements for a payment to a manufacturer under this clause to be paid to the bank account nominated by the manufacturer.

Schedule 2 clause 19: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

**20 Manufacturers entitled to claim compensation for specified items and specified parts**

- (1) A manufacturer may apply for compensation from the Crown in respect of the specified item or specified part that they manufactured if, at the date of the manufacturer's application,—
  - (a) the item or part is delivered to a member of the Police; or
  - (b) the Police agree in writing to collect the item or part at a specified time.
- (2) A manufacturer applies for compensation under this clause by submitting to the Commissioner a completed application, in a form approved by the Commissioner, that includes a statement of the date of manufacture of the specified item or specified part—
  - (a) within 60 days starting on the day after the date of commencement of this Part; or
  - (b) within any later period agreed by the Commissioner on the ground that exceptional circumstances justify the making of the application after the 60-day period.
- (3) An applicant for compensation under this clause must,—
  - (a) within 20 days after the date of their application or within any further period agreed by a member of the Police in writing, provide documentary evidence (for example, records or receipts held by the manufacturer) to support all amounts of compensation claimed in respect of a specified item or specified part; and
  - (b) provide any further evidence or explanation relevant to the application, as requested by the Police, within 10 days of that request or any further period agreed by a member of the Police in writing.

Schedule 2 clause 20: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

**21 Amount of compensation for specified items and specified parts**

- (1) A person who applies for compensation under clause 20 in respect of a specified item or specified part may claim compensation in respect of only the following:
  - (a) the purchase price of the raw materials, shown to the satisfaction of the Commissioner, that were used exclusively in the manufacture of the item or part; and
  - (b) any costs incurred that are directly attributable to the manufacture of the item or part, including the costs of items used for the manufacture of the item or part that cannot lawfully be used in the manufacture of non-prohibited items or parts.



- (2) The amount of compensation payable to a person under this clause for a specified item or specified part is determined by the Commissioner, taking into account—
- (a) the amount of compensation claimed in accordance with subclause (1); and
  - (b) the condition of the item in respect of which compensation is claimed, by applying a discount if the item or part is not in new condition or is incomplete or in an unfinished state.
- (3) If the Commissioner is not satisfied that a manufacturer has taken all reasonable steps to mitigate their losses as required by clause 18, the Commissioner may determine that—
- (a) no compensation is payable to the manufacturer under this clause; or
  - (b) a reduced amount of compensation is payable to the manufacturer under this clause.
- (4) The Commissioner must make arrangements for a payment to a manufacturer under this clause to be paid to the bank account nominated by the manufacturer.

Schedule 2 clause 21: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

*Other compensation excluded for licensed dealers and manufacturers*

Heading: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

**22 No other compensation payable**

A licensed dealer or manufacturer is not entitled to receive compensation under Part 2 of Schedule 1 of the Act and Schedule 2 in their capacity as a licensed dealer or manufacturer except as provided in this Part.

Schedule 2 clause 22: inserted, on 1 February 2021, by regulation 5 of the Arms Amendment Regulations 2020 (LI 2020/309).

Bob MacFarlane,  
Acting for Clerk of the Executive Council.

## Notes

### 1 *General*

This is a consolidation of the Arms Regulations 1992 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### 2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### 3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### 4 *Amendments incorporated in this consolidation*

Arms (Extension of Licences and Endorsements) Amendment Regulations 2021 (LI 2021/303)  
Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): regulations 137, 138  
Arms Amendment Regulations 2020 (LI 2020/309)  
Arms Legislation Act 2020 (2020 No 23): section 109  
Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations (No 2) 2019 (LI 2019/288)  
Arms (Prohibited Firearms, Magazines, and Parts) Amendment Regulations 2019 (LI 2019/136)  
Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12): section 74  
Arms (Electronic Transactions) Amendment Regulations 2018 (LI 2018/271)  
Corrections Amendment Regulations 2017 (LI 2017/113): regulation 6  
Arms (Military Style Semi-automatic Firearms and Import Controls) Amendment Act 2012 (2012 No 117): sections 15–20  
Criminal Procedure Act 2011 (2011 No 81): section 413  
Arms Amendment Regulations 2009 (SR 2009/373)  
Corrections Act 2004 (2004 No 50): section 207  
Arms Amendment Regulations 1998 (SR 1998/466)  
Arms Amendment Regulations 1998 (SR 1998/155)  
Arms Regulations 1992 (SR 1992/346): regulation 28WA(3)  
Public Finance Act 1989 (1989 No 44): section 65R(3)  
Arms Act 1983 (1983 No 44): section 74C(3)(b)

