



# Arms (Electronic Transactions) Amendment Regulations 2018

Patsy Reddy, Governor-General

## Order in Council

At Wellington this 17th day of December 2018

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 74 of the Arms Act 1983 on the advice and with the consent of the Executive Council.

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**Arms (Electronic Transactions) Amendment  
Regulations 2018**

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## Regulations

### 1 Title

These regulations are the Arms (Electronic Transactions) Amendment Regulations 2018.

### 2 Commencement

These regulations come into force 28 days after the date of their notification in the *Gazette*.

### 3 Principal regulations

These regulations amend the Arms Regulations 1992 (the **principal regulations**).

### 4 New cross-heading above regulation 2 inserted

After regulation 1, insert:

*Preliminary provisions*

### 5 Regulation 2 amended (Interpretation)

In regulation 2, insert in their appropriate alphabetical order:

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

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

### 6 New regulations 2A and 2B inserted

After regulation 2, insert:

#### 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.

**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).

**7 Regulation 3 amended (Application for dealer's licence)**

Replace regulation 3(1) with:

- (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 Arms Office nearest to the place of business named in the application.

**8 Regulation 4 revoked (Place of application)**

Revoke regulation 4.

**9 Regulation 5 revoked (Form of dealer's licence)**

Revoke regulation 5.

**10 Regulation 6 amended (Application in relation to gun show)**

- (1) Replace regulation 6(1) with:
  - (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 Arms Office nearest to the place at which the gun show is to be held.
- (2) Revoke regulation 6(3).

**11 Regulation 7 amended (Records kept by licensed dealers)**

- (1) In regulation 7(7), replace “The book” with “If a licensed dealer keeps their book in hard copy form, it”.
- (2) After regulation 7(7), insert:
  - (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 5-year period specified in subclause (10).
- (3) Replace regulation 7(9) with:
  - (9) A licensed dealer who keeps their book under section 12(1) of the Act in hard copy form must retain the book for at least 5 years from the date of the last entry in the book.
  - (10) A licensed dealer who keeps their book as an electronic record must retain each record of the particulars and other information entered into that record in respect of an item to which this regulation applies for at least 5 years from the date on which the record is entered.

**12 Regulations 10 and 11 replaced**

Replace regulations 10 and 11 with:

- 10 Applications for permits to import firearms, pistols, military style semi-automatic firearms, starting pistols, restricted airguns, restricted weapons, or parts**
- (1) An application for a permit to import a firearm, pistol, military style semi-automatic firearm, starting pistol, restricted airgun, or restricted weapon, or any part of a firearm, pistol, military style semi-automatic firearm, 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 Arms Office 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, military style semi-automatic firearm, starting pistol, restricted airgun, or restricted weapon that is to be imported;
    - (ii) the part of a firearm, pistol, military style semi-automatic firearm, 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, military style semi-automatic firearm, restricted airgun, or restricted weapon, or any part of a pistol, military style semi-automatic firearm, 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.

### 13 Regulation 13 amended (Notification of importation)

- (1) Replace regulation 13(1) with:
  - (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, military style semi-automatic firearm, starting pistol, restricted airgun, or restricted weapon; or
    - (b) a part of a firearm, pistol, military style semi-automatic firearm, 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 Arms Office 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) In regulation 13(2), replace “The notice shall state—” with “The matters that must be notified are—”.
- (3) Replace regulation 13(2)(d) with:
  - (d) the description and country of origin of the item imported, including the serial number or identification number of the item; and
- (4) In regulation 13(3), replace “subclause (1)” with “this regulation”.

#### **14 Regulation 14 amended (Applicants to undergo theoretical test)**

- (1) Replace the heading to regulation 14 with “**Applicant for firearms licence must undergo course of training and pass tests**”.
- (2) In regulation 14(b), delete “theoretical”.

#### **15 Regulation 15 amended (Supply of particulars for firearms licence)**

- (1) Revoke regulation 15(1).
- (2) In regulation 15(2), replace “The application shall state—” with “Every application for a firearms licence must state—”.

#### **16 Regulation 16 replaced (Place of application)**

Replace regulation 16 with:

##### **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 Arms Office nearest to the applicant’s place of employment;  
or
    - (ii) the Arms Office nearest to the applicant’s place of residence.

#### **17 Regulation 17 revoked (Form of firearms licence)**

Revoke regulation 17.

#### **18 Cross-heading above regulation 21 replaced**

Replace the cross-heading above regulation 21 with:

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

**19 New regulations 20A and 20B inserted**

After the cross-heading above regulation 21, insert:

**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.

**20B Manner of applying for endorsement in respect of military style semi-automatic firearm**

An application for an endorsement in respect of a military style semi-automatic firearm under section 30A of the Act must be made—

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

**20 Cross-heading above regulation 22 revoked**

Revoke the cross-heading above regulation 22.

**21 Regulation 23 and cross-heading revoked**

Revoke regulation 23 and the cross-heading above regulation 23.

**22 New regulation 23A inserted (Manner of applying for permit to procure)**

After the cross-heading above regulation 24, insert:

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

- (1) Every application for a permit to procure a pistol, military style semi-automatic firearm, or restricted weapon must be made—
  - (a) in writing in hard copy form; or
  - (b) electronically through an Internet site.
- (2) An application for a permit to procure an item described in subclause (1) 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)(d) to (g) 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.

### 23 Regulation 25 amended (Place of application)

In regulation 25, after “Every application”, insert “in writing in hard copy form”.

### 24 Regulation 26 amended (Delivery of permit)

- (1) In the heading to regulation 26, after “**permit**”, insert “**in writing in hard copy form**”.
- (2) Replace regulation 26(1) with:
  - (1) This regulation applies when a person—
    - (a) applies in writing in hard copy form for a permit to procure a pistol, military style semi-automatic firearm, or restricted weapon; and
    - (b) is issued with the permit; and
    - (c) takes possession of that pistol, military style semi-automatic firearm, or restricted weapon under the permit.
  - (1A) The person taking possession of the pistol, military style semi-automatic firearm, or restricted weapon must deliver the permit to the person handing over possession of that item.

### 25 New regulation 26A inserted (Delivery of permit through Internet site)

After regulation 26, insert:

#### 26A Delivery of permit through Internet site

- (1) This regulation applies when—

- (a) the parties to an intended transfer of possession of a pistol, military style semi-automatic firearm, or restricted weapon have completed the process set out in regulation 23(2); and
  - (b) the person intending to take possession of the item is issued with a permit to procure that item and takes possession of it under the permit.
- (2) The person handing over possession of the pistol, military style semi-automatic firearm, 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 14 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 procure 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, military style semi-automatic firearm, 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 Arms Office within 7 days; and
  - (b) the person obtaining possession must comply with that requirement.

**26 New regulations 28A to 28C and cross-heading inserted**

After regulation 28, insert:

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

**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.

**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.

**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.

**27 New regulation 29A inserted (Endorsement on mail order for sale of firearm or ammunition)**

After regulation 29, insert:

**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 an Arms Office; or
- (b) electronically through an Internet site.

**28 Regulation 30 replaced (Photographs)**

Replace regulation 30 with:

**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.

Michael Webster,  
Clerk of the Executive Council.

### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force 28 days after the date of their notification in the *Gazette*, amend the Arms Regulations 1992 (the **principal regulations**) to enable applications to be made and other processes to be carried out under the Arms Act 1983 (the **Act**) electronically through an Internet site maintained by or on behalf of the Commissioner of Police (the **Internet site**).

Under *new regulation 2A*, the provisions enabling applications to be made or other processes to be carried out in this manner apply only when the Commissioner of Police offers to receive the applications through that Internet site or permits those processes to be carried out through the site. Under *new regulation 2B*, the provisions are also subject to the general qualification that a person must make their application in writing in hard copy form if a commissioned officer of Police requires them to do so.

The main changes made to the principal regulations have the following effect:

#### *Licensed dealers*

- an application for a dealer's licence and an application for a licence relating to a gun show may be made electronically:

- a licensed dealer may keep their book of records of dealings under section 12 of the Act in electronic form if the manner in which this is done ensures that the information remains complete and unaltered and the dealer maintains the systems and processes necessary to enable the dealer to access and provide any record to a member of the Police, on demand, at any time during the period for which the record is required to be kept (5 years from the date on which that electronic record is entered):

#### *Permits to import*

- an application for a permit to import, for the purposes of section 16(1) of the Act, may be made electronically:
- the importer of an item under a permit may also notify that importation electronically:

#### *Permits to procure*

- an application for a permit to procure may be made electronically if both parties to the transaction (the person handing over and the person taking possession of the item) agree to complete that process electronically:

#### *Authorisations for Commissioner to prescribe electronic forms and give directions*

- the Commissioner may prescribe requirements for electronic applications and may prescribe, approve, and require the use of forms:
- *new regulation 28C* enables the Commissioner to direct who may issue licences or permits or grant endorsements:

#### *Miscellaneous*

- a person intending to purchase firearms or ammunition for firearms or restricted weapons by mail order may apply, electronically, for endorsement of the written order for the purposes of section 43A of the Act:
- persons applying for licences electronically may supply photographs electronically:
- regulation 14 is amended to clarify that testing of applicants for firearms licences is not limited to theoretical testing.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 20 December 2018.  
These regulations are administered by the New Zealand Police.