



Arms (Extension of Licences and Endorsements) Amendment Regulations 2021

Rt Hon Dame Helen Winkelmann, Administrator of the Government

Order in Council

At Wellington this 4th day of October 2021

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under section 74(1)(ea) of the Arms Act 1983—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Police made after being satisfied of the matter set out in section 74(4) of that Act.

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Regulations

1 Title

These regulations are the Arms (Extension of Licences and Endorsements) Amendment Regulations 2021.

2 Commencement

These regulations come into force on 8 October 2021.

3 Principal regulations

These regulations amend the Arms Regulations 1992.

4 New regulations 28ZB to 28ZD and cross-heading inserted

After regulation 28ZA, insert:

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

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.

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.

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.

Martin Bell,
for 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 on 8 October 2021, amend the Arms Regulations 1992 (the **principal regulations**) to extend the duration of existing licences and endorsements that have expired, or will expire, during the current COVID-19 outbreak. This is necessary because in the current COVID-19 alert level settings the New Zealand Police is unable to undertake some of their usual procedures for processing applications for firearms licences and endorsements and renewal applications for dealer's licences, and also because some licence holders cannot lodge applications due to the inability to pay the required fees.

Clause 4 inserts new regulations 28ZB to 28ZD and a cross-heading into the principal regulations.

New regulation 28ZB provides that if a dealer's licence or a firearms licence expired after 25 September 2020 and on or before 16 August 2021 and, before its expiry, the licence holder applied for a replacement licence and that application has yet to be determined, the licence is to be treated as continuing in force until that application has been determined (unless the licence is sooner surrendered or revoked). If a dealer's licence or a firearms licence expires after 16 August 2021 and on or before 30 November 2021, the licence is to be treated as continuing in force for a further 4-month period or, if the licence holder applies for a replacement licence before the expiry of that extended period, until that application has been determined (unless the licence is sooner surrendered or revoked). However, in either case, a licence may not continue in force under this provision longer than 12 months after its expiry date. Any endorsements or conditions on a licence will continue to apply while the licence continues in force.

*New regulation 28ZC similarly extends an endorsement made under section 30 of the Arms Act 1983 (the **Act**) (in respect of pistols and restricted weapons) or section 30B of the Act (in respect of prohibited firearms and prohibited magazines) on a firearms licence held by an employee of a licensed dealer that is for the purposes of their*

employment with the dealer. If the endorsement expired on or before 16 August 2021 and, before its expiry, the employee applied for a new endorsement and that application has yet to be determined, the endorsement is to be treated as continuing in force until that application has been determined (unless the endorsement is sooner surrendered or revoked, or unless the employee's firearms licence, or the dealer's licence, is sooner surrendered or revoked, or expires). If an endorsement expires after 16 August 2021 and on or before 30 November 2021, the endorsement is to be treated as continuing in force for a further 4-month period or, if the employee applies for a new endorsement before the expiry of that extended period, until that application has been determined (unless the endorsement is sooner surrendered or revoked, or unless the employee's firearms licence, or the dealer's licence, is sooner surrendered or revoked, or expires). However, in either case, an endorsement may not continue in force under this provision longer than 12 months after its expiry date. Any conditions on an endorsement will continue to apply while the endorsement continues in force.

New regulation 28ZD extends an endorsement made under section 30B of the Act at any time after 12 April 2019 on a firearms licence held by a person described in section 4A(1)(f), (g), (h), (i), or (j) of the Act for the purposes of wild animal and pest control. If the endorsement expires on or before 30 November 2021, the endorsement is to be treated as continuing in force for a further 4-month period or, if the person applies for a new endorsement before the expiry of that extended period, until that application has been determined (unless the endorsement is sooner surrendered or revoked, or unless the person's firearms licence is sooner surrendered or revoked, or expires). However, an endorsement may not continue in force under this provision longer than 12 months after its expiry date. Any conditions on an endorsement will continue to apply while the endorsement continues in force.

New regulations 28ZB, 28ZC, and 28ZD are revoked on the close of 30 November 2022 when they will no longer have any effect.

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the New Zealand Police.