

New Zealand.



ANALYSIS

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title and commencement. 2. Interpretation. 3. Possession of automatic pistols and other unlawful weapons. 4. Carriage of pistols without permit prohibited. 5. Carriage or possession of arms, ammunition, or explosives, except for proper and sufficient purposes, prohibited. 6. Introduction of firearms, ammunition, or explosives into New Zealand prohibited, save under permit. 7. Permit required for purchase and sale of firearms, ammunition, explosives, other than shot-guns and ammunition therefor. 8. Governor-General may proclaim areas in which possession of arms, ammunition, and explosives is prohibited. 9. Possession of unregistered firearms prohibited. 10. Unlawful acquisition of firearms, ammunition, or explosives an offence. 11. Dealers in arms, ammunition, or explosives to be licensed. 12. Record of sales to be kept by licensed dealers. 13. Presenting firearms at other persons prohibited. | <ol style="list-style-type: none"> 14. Arrest of offenders against this Act. 15. Search of suspected persons and seizure of arms, ammunition, or explosives. 16. Search of land or buildings for arms, ammunition, or explosives. 17. Commissioner of Police may authorize seizure of firearms, ammunition, or explosives held by licensed dealers. 18. Obstruction of officer of police. 19. Restoration of articles seized under this Act. 20. Section 49 of Justices of the Peace Act not to apply. 21. Application of this Act to property of the Crown. 22. Offences committed by incorporated companies. 23. Occupier of premises to be deemed to be in possession of arms, ammunition, and explosives found thereon. 24. Forfeitures. 25. Appeal to Magistrate in respect of compensation under this Act. 26. Regulations. 27. Repeal. 28. Explosive and Dangerous Goods Act not affected by this Act. |
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1920, No. 14.

Title.

AN ACT to make Better Provision for the Public Safety by regulating the Possession of Arms, Ammunition, and Explosives. [6th October, 1920.]

Short Title and commencement.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Arms Act, 1920, and shall come into force on the first day of January, nineteen hundred and twenty-one.

Interpretation.

2. In this Act, except when a contrary intention appears,—

“Explosive” includes any article of which an explosive forms part and which is capable of destructive effect by way of explosion:

“Licensed dealer” means the holder of a dealer’s license under this Act:

“Officer of police” means a member of the Police Force of any rank:

“ Owner ” as used in relation to firearms includes any person for the time being in possession thereof :

“ Pistol ” means any firearm the barrel of which does not exceed twelve inches in length :

“ Automatic pistol ” includes not only the weapon known as an automatic pistol, but also every weapon of a description substantially similar to the weapon so known :

“ Public place ” has the same meaning as in Part II of the Police Offences Act, 1908 :

“ Unlawful weapon ” means an automatic pistol, and includes any other weapon or class of weapon, whether a firearm or not, that may be declared by the Governor-General by Proclamation to be an unlawful weapon within the meaning and for the purposes of this Act

3. (1.) Except as provided in subsection four hereof, every person who, on or after the first day of April, nineteen hundred and twenty-one, is in possession of an automatic pistol, or of any part or parts of an automatic pistol, or of any part or parts specially intended or adapted for use as part of an automatic pistol, or who, on or after that date, is in possession of any ammunition specially intended or adapted for use with an automatic pistol, or attempts to procure or does any act with intent to procure possession of any such pistol, part, or ammunition, shall be guilty of an offence against this section.

Possession of
automatic pistols
and other unlawful
weapons.

(2.) Except as provided in subsection four hereof, every person who is in possession, at the commencement of this Act, of any automatic pistol, or of any part or parts of an automatic pistol, or of any part or parts specially intended or adapted for use as part of an automatic pistol, or of any ammunition specially intended or adapted for use with an automatic pistol, shall, before the first day of April, nineteen hundred and twenty-one, cause the same to be destroyed or exported from New Zealand, or deliver the same to an officer of police authorized in that behalf, and if he fails so to do he shall be guilty of an offence against this section.

(3.) Except as provided in subsection four hereof, every person who is at any time in possession of any weapon declared by the Governor-General to be an unlawful weapon within the meaning of this Act shall, before the first day of April, nineteen hundred and twenty-one, or before the expiry of one month after the publication in the *Gazette* of the Proclamation declaring such weapon to be an unlawful weapon (whichever is the later date), cause the same to be destroyed or exported from New Zealand, or deliver the same to an officer of police authorized in that behalf, and if he fails so to do he shall be guilty of an offence against this section.

(4.) The Minister of Defence may, by license in writing, authorize any person who has served beyond the seas as a member of the New Zealand Expeditionary Force, or any near relative of that member, to retain possession of any unlawful weapon which that member has used beyond the seas, or which he has brought with him from beyond the seas, subject, however, to such conditions as to user or custody as the said Minister may impose. Any such license may at any time be revoked by the Minister without notice

(5.) The Minister of Finance shall pay compensation out of the Consolidated Fund for the value of all weapons in a serviceable condition, and for all ammunition or parts, delivered to an officer of police under the foregoing provisions of this section.

(6.) Every person who commits an offence against this section shall be liable on summary conviction to imprisonment for three months or to a fine of one hundred pounds.

Carriage of pistols without permit prohibited.

4. (1.) On and after the commencement of this Act it shall be unlawful for any person to carry a pistol in any place beyond the limits of his dwellinghouse, or the curtilage thereof, save under and in accordance with the conditions of a license in that behalf under this section.

(2.) Every person who commits an offence against this section shall be liable on summary conviction to imprisonment for three months or to a fine of one hundred pounds.

(3.) In any prosecution under this section the burden of proving that the pistol carried by the accused was carried by him under and in accordance with the conditions of a license so granted to him shall lie upon the accused.

(4.) A license under this section may be granted by a Superintendent or Inspector of Police, and may be granted subject to such conditions as he thinks fit.

(5.) Any such license may be at any time revoked by a Superintendent or Inspector of Police.

Carriage or possession of arms, ammunition, or explosives, except for proper and sufficient purposes, prohibited.

5. (1.) No person shall carry or be in possession of any firearm, ammunition, explosive, or dangerous weapon except for some lawful, proper, and sufficient purpose, and the burden of proving the existence of such purpose shall lie upon the accused.

(2.) Every person who commits an offence against this section shall be liable on summary conviction to imprisonment for three months or to a fine of one hundred pounds.

Introduction of firearms, ammunition, or explosives into New Zealand prohibited, save under permit.

6. (1.) No person other than a licensed dealer shall bring or cause to be brought or sent into New Zealand any firearm, ammunition, or explosive save in pursuance of a permit issued to him for that purpose by a Superintendent or Inspector of Police.

(2.) The term "New Zealand" as used in this section does not include the harbours and other territorial waters of New Zealand.

(3.) Every person who commits, or attempts to commit, or conspires to commit, an offence against this section shall be liable on summary conviction to imprisonment for three months or to a fine of one hundred pounds, or on indictment to imprisonment for three years, and the burden of proving the existence and terms of such a permit as aforesaid shall lie on the accused.

(4.) Any permit issued under this section may be at any time revoked by any Superintendent of Police, or by the Inspector of Police who issued the same.

Permit required for purchase and sale of firearms, ammunition, explosives, other than shot-guns and ammunition therefor.

7. (1.) No person other than a licensed dealer shall, whether by way of purchase or in any other manner, procure the possession of any firearm, ammunition, or explosive save in pursuance of a permit issued to him in that behalf by an officer of police authorized in that behalf pursuant to regulations under this Act.

(2.) No person shall, whether by way of sale or in any other manner, deliver possession of any firearm, ammunition, or explosive to any person other than a person entitled to obtain the same by virtue of such a permit as aforesaid.

(3.) Nothing in this section shall apply to shot-guns of a kind ordinarily used in New Zealand for sporting purposes, or to ammunition ordinarily used for such shot-guns.

(4.) Every person who commits, or attempts to commit, or conspires to commit, an offence against this section shall be liable on summary conviction to imprisonment for three months or a fine of one hundred pounds, and the burden of proving the existence and terms of any such permit as aforesaid shall lie on the accused.

(5.) Every permit issued under this section shall remain in force for six days after the date of the issue thereof, and shall then expire:

Provided that any such permit may from time to time be extended for periods not longer than six days at any time, or may at any time during its currency be revoked by the officer of police who issued the same or by any other officer of equal or higher rank authorized to issue permits.

8. (1.) The Governor-General may from time to time by Proclamation declare that any area specified in the Proclamation is an area in which the possession of firearms, ammunition, and explosives is prohibited.

Governor-General may proclaim areas in which possession of arms, ammunition, and explosives is prohibited.

(2.) Any area so specified shall, while and so far as such Proclamation remains in force, be a prescribed area within the meaning and for the purposes of this Act.

(3.) Any such Proclamation may by subsequent Proclamation be cancelled either as to the whole or any part of the prescribed area.

(4.) No person shall, save in pursuance of a permit issued to him for that purpose by a Superintendent or Inspector of Police, or other officer of police authorized in that behalf, have in his possession in a prescribed area any firearm, ammunition, or explosive at any time later than three clear days after the date of the gazetting of the Proclamation by which that area was constituted.

(5.) Any permit issued under the last preceding subsection may be at any time revoked by any Superintendent of Police, or by the Inspector or other officer of police who issued the same.

(6.) Every person who on the gazetting of any Proclamation constituting a prescribed area as aforesaid is in possession in that area of any firearms, ammunition, or explosives shall, before the expiration of the time limited by subsection four hereof, deliver all such firearms, ammunition, and explosives to an officer of police authorized in that behalf, unless he obtains a permit to retain possession thereof as provided in that subsection; and if he fails so to deliver any such firearms, ammunition, or explosives he shall be guilty of an offence against this section.

(7.) All firearms, ammunition, and explosives delivered to an officer of police pursuant to this section may be detained for such period as the Commissioner of Police thinks fit, or may, in the discretion of the Governor-General in Council, become the property of His Majesty, free and discharged from all right, title, estate, or interest possessed in respect thereof by any other person.

(8.) The Minister of Finance shall pay out of the Consolidated Fund compensation for the value of all firearms, ammunition, or explosives delivered to an officer of police under this section and which have become the property of His Majesty as hereinbefore provided.

(9.) No person shall bring or send, or cause to be brought or sent, into a prescribed area any firearm, ammunition, or explosive save in pursuance of a permit issued to him for that purpose by a Superintendent or Inspector of Police.

(10.) Every person who commits, or attempts to commit, or conspires to commit, an offence against this section shall be liable on summary conviction to imprisonment for three months or to a fine of one hundred pounds, or on indictment to imprisonment for three years, and the burden of proving the existence and terms of any permit under subsection four hereof shall lie on the accused.

Possession of
unregistered
firearms prohibited.

9. (1.) On and after the commencement of this Act it shall not be lawful for any person other than a licensed dealer to be in possession for a period longer than one month of any firearm unless he is registered as the owner thereof under this Act.

(2.) Every person who commits an offence against this section shall be liable on summary conviction to a fine of fifty pounds; and on any prosecution for such an offence, if the accused is proved to have been in possession of the firearm, the burden of proving that he was registered as aforesaid or that he had not been in possession thereof for more than one month shall lie on the accused.

(3.) Registration under this section shall be effected by obtaining a certificate of registration from an officer of police authorized in that behalf.

(4.) Application for such a certificate must be made in writing, delivered at a police-station, and setting out—

- (a.) The full name, abode, and occupation of the applicant; and
- (b.) Such description of the firearm as may, so far as practicable, enable it to be identified.

(5.) An officer of police may, before issuing a certificate of registration, require the applicant to produce the firearm for his inspection, and may withhold the certificate in the meantime.

(6.) Subject to the provisions of this Act, the issue of a certificate of registration shall be a matter of right.

(7.) No person shall be exempt from the necessity of becoming registered as the owner of a firearm under this section on the ground that he obtained that firearm in pursuance of a permit issued under this Act.

Unlawful
acquisition of
firearms,
ammunition, or
explosives an
offence.

10. Every person who procures, or attempts to procure, or conspires to procure, the possession of any firearm, ammunition, or explosive by way of trespass or otherwise without lawful right or title thereto shall be guilty of an offence against this Act, and shall be liable on summary conviction to imprisonment for three months or to a fine of one hundred pounds, or on indictment to imprisonment for three years.

Dealers in arms,
ammunition, or
explosives to be
licensed.

11. (1.) It shall not be lawful for any person to sell, or offer for sale, or have in his possession for sale, in the way of his business, any firearms, ammunition, or explosives unless he is the holder of

a dealer's license issued to him by a Superintendent, Inspector, Sub-Inspector, or sergeant of police under this Act.

(2.) Every person who commits an offence against this section shall be liable on summary conviction to a fine of one hundred pounds.

(3.) All dealers' licenses in force under the Arms Act, 1908, at the commencement of this Act shall be deemed to have been issued under this Act, and shall have effect accordingly until revoked or determined under this Act.

(4.) If the holder of a dealer's license is convicted of an offence against this Act his license shall thereupon determine.

(5.) A dealer's license may be at any time revoked by the Commissioner of Police.

12. (1.) Every licensed dealer shall keep at his place of business, or at each such place, a book in which he shall record or cause to be recorded a true record of all sales made by him of firearms, ammunition, or explosives for the purchase of which a permit is required by this Act. Such record shall set out in respect of each sale the date thereof, and the name, occupation, and address of the purchaser, and the particulars of the articles purchased.

Record of sales to be kept by licensed dealers.

(2.) Every licensed dealer shall at all times permit any officer of police to inspect and make copies of any entries in the book so kept by him as aforesaid, and shall at all times on demand afford to any officer of police all further information in his possession with respect to any sales made by him of firearms, ammunition, or explosives.

(3.) Every licensed dealer who commits an offence against this section shall be liable on summary conviction to a fine of fifty pounds.

13. Every person who, except for some lawful and sufficient purpose, presents a firearm, whether loaded or unloaded, at any other person shall be guilty of an offence, and shall be liable on summary conviction to imprisonment for two months or to a fine of twenty pounds.

Presenting firearms at other persons prohibited.

14. Any person reasonably suspected of having committed an offence against this Act which is punishable by imprisonment may be arrested by an officer of police without warrant.

Arrest of offenders against this Act.

15. If an officer of police has reasonable grounds to suspect that any person being in a public place is carrying or is in possession of any firearm, ammunition, or explosive in breach of this Act, the officer may without warrant search that person, or any vehicle, package, or other thing there in his possession or under his control, and may detain that person for the purpose of such search, and may seize any such firearm, ammunition, or explosive, and detain the same.

Search of suspected persons and seizure of arms, ammunition, or explosives.

16. If the Commissioner of Police, or any Superintendent or Inspector of Police, has reason to suspect that there is in any house, building, land, vessel, or other premises any firearms, ammunition, or explosives in respect of which any offence against this Act or any indictable offence has been or is about to be committed or which may be evidence of any such offence, the Commissioner, Superintendent, or Inspector, or any officer or officers of police authorized by him in writing, may enter such house, building, land, vessel, or premises, by force, if need be, and either by day or by night, and search the same

Search of land or buildings for arms, ammunition, or explosives.

or any part thereof, and may seize any firearms, ammunition, or explosives found therein, and detain the same.

Commissioner of Police may authorize seizure of firearms, ammunition, or explosives held by licensed dealers.

17. (1.) Any officer of police may, on being authorized so to do by warrant under the hand of the Commissioner of Police, seize and take possession of all or any firearms, ammunition, and explosives in the possession or under the control of a licensed dealer under this Act; and for that purpose may enter into or upon any land or building in or upon which any such firearms, ammunition, or explosives may be, and in so doing may use such force, if any, as may be necessary.

(2.) All firearms, ammunition, or explosives seized under this section may be detained by the Commissioner of Police for such period as he thinks fit, or may, in the discretion of the Governor-General in Council, become the property of His Majesty free and discharged from all right, title, estate, or interest possessed in respect thereof by any other person.

(3.) In any case where any such firearms, ammunition, or explosives lawfully in possession of a licensed dealer have become the property of His Majesty as aforesaid the Minister of Finance shall pay compensation therefor out of the Consolidated Fund.

Obstruction of officer of police.

18. Every person who obstructs an officer of police in the exercise of any right of search, seizure, or detention conferred by this Act shall be liable on summary conviction to imprisonment for three months or to a fine of one hundred pounds.

Restoration of articles seized under this Act.

19. On complaint a Magistrate may make such order as he thinks just and expedient for the restoration of any firearms, ammunition, or explosives seized and detained in pursuance of the right of search, seizure, or detention conferred by this Act.

Section 49 of Justices of the Peace Act not to apply.

20. Section forty-nine of the Justices of the Peace Act, 1908, shall have no application to prosecutions for offences against this Act.

Application of this Act to property of the Crown.

21. Nothing in this Act shall render unlawful the carriage or possession of firearms, ammunition, or explosives belonging to the Crown and lawfully in the possession of any member of the Defence Forces, or of the Police Force, or of any other person authorized pursuant to regulations under this Act to carry or possess firearms, ammunition, or explosives.

Offences committed by incorporated companies.

22. When an offence against this Act punishable by imprisonment in the case of an individual person is committed by an incorporated company, the company shall be liable on summary conviction to a fine of five hundred pounds.

Occupier of premises to be deemed to be in possession of arms, ammunition, and explosives found thereon.

23. For the purposes of this Act every person in occupation of any land or building on which any firearms, ammunition, or explosives are found shall, though not to the exclusion of the liability of any other person, be deemed to be in the possession of such firearms, ammunition, or explosives, unless he proves that they were not his property and that they were in the possession of some other person.

Forfeitures.

24. When any person is convicted of carrying or being in possession of any arms, ammunition, or explosives in breach of this Act, the convicting Court may, as part of the conviction, order that such arms, ammunition, or explosives shall be forfeited, and they

shall thereupon become forfeited to the Crown accordingly, and may be disposed of in such manner as the Commissioner of Police directs.

25. The amount of compensation payable under any of the provisions of this Act in respect of any arms, ammunition, explosives, or other property shall not in any case exceed the actual market value thereof, and in case of dispute shall be determined by a Stipendiary Magistrate, whose decision shall be final.

Appeal to Magistrate in respect of compensation under this Act.

26. The Governor-General may by Order in Council make regulations—

Regulations.

- (a.) Prescribing the forms of permits, licenses, and certificates under this Act, and the conditions and manner of their grant ;
- (b.) Prescribing fees payable on the issue of such licenses, permits, and certificates ;
- (c.) Making provision for the marking of firearms with identifying-marks prior to the issue of certificates of registration ; and
- (d.) Generally for any other purpose deemed by the Governor-General to be necessary for giving effect to the full intent and purposes of this Act.

27. The Arms Act, 1908, is hereby repealed.

Repeal.

28. Nothing in this Act shall be so construed as to annul, or to derogate from, the provisions of the Explosive and Dangerous Goods Act, 1908.

Explosive and Dangerous Goods Act not affected by this Act.