

New Zealand.



ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Firearms not to be imported for sale without import license.</p> <p>3. Certificate of registration may be refused or existing certificate may be revoked. Repeal.</p> | <p>4. Unregistered firearms to be surrendered to police.</p> <p>5. Right of appeal from official decisions under principal Act or this Act.</p> <p>6. Protection of persons acting under the authority of the principal Act.</p> |
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1934, No. 3.

AN ACT to amend the Arms Act, 1920.

[24th August, 1934.]

Title.

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 Amendment Act, 1934, and shall be read together with and deemed part of the Arms Act, 1920 (hereinafter referred to as the principal Act).

Short Title.

2. (1) Every person, whether a licensed dealer within the meaning of the principal Act or not, commits an offence against this section who, for the purpose of sale, brings any firearm into New Zealand or causes any firearm to be brought into New Zealand, after the first day of

See Reprint of Statutes. Vol. III, p. 163

Firearms not to be imported for sale without import license. Cf. 1920, No. 14, s. 6

January, nineteen hundred and thirty-five, save in pursuance of an import license issued to him for that purpose by a Superintendent or Inspector of Police.

(2) Any Superintendent or Inspector of Police to whom application for an import license is made under this section may require the applicant to produce for examination and testing such samples of any firearms or of firearms of any kind referred to in the application as he may deem necessary, and may in his discretion refuse to grant an import license with respect to any firearm, or with respect to firearms of any specified kind.

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

(4) Every person who commits, or attempts to commit, or conspires with any other person 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 an import license shall lie on the accused.

(5) An import license 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.

Certificate of registration may be refused or existing certificate may be revoked.

3. (1) No person shall be registered as the owner of any firearm who, in the opinion of the Superintendent or Inspector of Police in the district in which he resides, is not a fit and proper person to be in possession of such firearm.

(2) If any person who is registered as the owner of any firearm (whether so registered before or after the passing of this Act) is, in the opinion of any Superintendent or Inspector of Police, not a fit and proper person to be in possession of such firearm, such Superintendent or Inspector may, by notice in writing under his hand, revoke the certificate of registration, and the person so registered shall upon demand surrender the certificate to an officer of police for cancellation by the Superintendent or Inspector.

(3) On the revocation of a certificate of registration pursuant to this section the person to whom such certificate was issued shall cease to be the registered owner of the firearm to which it relates, whether or not the certificate has been surrendered for cancellation.

(4) Section nine of the principal Act is hereby amended by repealing subsection six thereof. Repeal.

4. (1) On the revocation of any certificate of registration under the provisions of the last preceding section, or on the refusal of any officer of police to issue a certificate of ownership under section nine of the principal Act, the owner or other person for the time being in possession of the firearm to which such application or certificate relates shall, on demand, deliver such firearm to an officer of police, and if he fails so to do he shall be guilty of an offence against this section. Unregistered firearms to be surrendered to police.

(2) The owner of any firearm in respect of which a certificate of ownership has been revoked as aforesaid, or in respect of which an application for a certificate of ownership has been refused, may at any time within three months thereafter, or such longer period as the Commissioner of Police may allow, sell or otherwise dispose of such firearm to a person approved for the purpose by a Superintendent or Inspector of Police.

(3) Subject to the provisions of the last preceding subsection, all firearms 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, or interest possessed in respect thereof by any other person.

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

(5) 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.

5. (1) Any person whose application for an import license under this Act has been refused, or whose import license has been revoked, or whose application for a certificate of registration under the principal Act as the owner of any firearm has been refused, or whose certificate of registration as the owner of any firearm has been revoked, may, in accordance with regulations to be made under the principal Act in that behalf, appeal to a Stipendiary Magistrate from the refusal to Right of appeal from official decisions under principal Act or this Act.

grant such license or certificate, or from the revocation of such license or certificate, as the case may be. On the hearing of any such appeal the Magistrate may either confirm or reverse the decision appealed against.

(2) Notwithstanding that any such appeal may have been determined in favour of the appellant, any Superintendent or Inspector of Police, in exercise of the powers conferred on him by this Act, may, subject to the like right of appeal, revoke any certificate or license to which the appeal related or any certificate or license granted in compliance with the decision of the Magistrate on such appeal on any sufficient grounds supported by facts or evidence discovered since the hearing of the appeal.

(3) Subject to the provisions of the last preceding subsection the decision of the Magistrate on any appeal under this subsection shall be final and conclusive.

(4) No person shall be excused from complying with any of the provisions of the principal Act or this Act on the ground that an appeal is pending under this section.

6. No action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person against the Crown, or any Minister of the Crown, or any person acting in the execution or intended execution of the principal Act, save only in respect of any compensation that is payable in accordance with the express provisions of the principal Act (including this Act).

Protection of
persons acting
under the
authority of
the principal
Act.

Cf. 1932, No. 3,
s. 5