

Updated 21/2/2025

### What to do during a visit from the Police

If the Police come and knock on your door -

- **The rules for all contact -**

- i. Be polite but firm.
- ii. Ask to see identification.
- iii. Record the name of the officer and their station.
- iv. Ask why they are there.
- v. Ask them to refer to the exact statutory authority they are using to visit your home or to ask you any questions.
- vi. Record the conversation either via your phone or CCTV cameras (for your own notes and records).

- **What is the situation -**

- i. If you are a firearms licence holder – standard (see Section 1).
- ii. If you are a firearms licence holder with an endorsed licence (for pistol, restricted weapon, prohibited firearm or prohibited magazine) (see Section 2).
- iii. The police search your home (see Section 3).
- iv. If the police wish to question you (see Section 4).
- v. If your firearms licence has been suspended (see Section 5).

### **Section 1 – If you are a standard firearms licence holder**

You must permit the police to enter your home to inspect all your firearms you are in possession of, your gun safe and security, and your ammunition and where it is stored.

However:

- i) You must be given at least 7 days' notice of this inspection occurring.
- ii) The inspection must be at a "reasonable time". This is a time that most people in the community would consider to be reasonable, for example 9 am – 5 pm, and if there was a good reason why it was not reasonable for the householder, for example "I have a sick child asleep in that room please come back tomorrow at ...."
- iii) It only applies to firearms and ammunition you are actually in possession (i.e. control) of and firearms that you have registered. It does not include firearms that are in another person's possession, such as a licenced friend, gunsmith or gun

dealer etc., under the provisions of a 30-day temporary transfer. This only applies to standard firearms.

- iv) A temporary transfer does not require an update to the Arms Registry (s95(4)).
  - v) If you have yet to register your firearms there is no requirement to disclose any information about a firearm not currently in your control or possession.
  - vi) If you are asked about firearms that you have previously purchased or possessed (usually from the dealer's records), and sold and disposed of pre-24 June 2023, you do not have to answer or make any comment at all. If you wish you can say "I have disposed or sold that firearm to a fully licenced person before 24 June 2023).
  - vii) To the question "who did you sell it to?" the answer is "that is private and confidential, I am not legally required to disclose that information to you".
- At no time can the police photograph your firearms.
  - At no time can they record the serial numbers of your replica, blank firing or airsoft firearms.
  - Under the Arms Regulations (29), the police may record the quantity and type of each firearm in your possession. Note "type" refers to "rifle" or "shotgun" only.
  - It is an offence to refuse the police to inspect your firearms, ammunition and security without a good reason. This once again only applies to firearms and ammunition you are actually in possession of.
  - You need to produce your firearms licence on demand, but you have 7 days to do this if it cannot be located immediately (s 26 2 of the Arms Act 1983).

## **Section 2 - If you are an endorsed firearms licence holder**

- As a firearms licence holder, and as in section 1 above, the police can at a reasonable time ask to see individual restricted or prohibited firearms that you hold as an endorsed person (s31A).
- For this purpose, they may enter the premise to view and inspect the restricted weapon, prohibited firearm or pistol and the security for it (31A (1)).
- You must be given at least 7 days' notice of this inspection occurring (24B (3)(a)), as the endorsement for pistols, prohibited firearms and restricted weapons is attached to your standard firearms licence; the endorsement does not exist on its own.
- The inspection must be at a reasonable time to inspect your safe and security.
- 5 am in the morning is not a reasonable time. For example, if you have a sick child or guests asleep in the room where the firearms are stored it is therefore not a reasonable time for you as the homeowner. Politely ask them to come back later or set a time with them for another day.
- However, if it is a reasonable time, you must allow them to inspect your endorsed firearm (singular) (pistols, restricted weapons, prohibited firearms or prohibited magazines) and your safe(s) and security.

- It is a breach of the conditions of your endorsement to refuse to produce a pistol, prohibited firearm or restricted weapon to the police on demand, or to refuse their request to inspect it and the security for it, but this demand to inspect or produce is tempered by and must be a reasonable time to the home owner, and only if you are actually in possession of the items they are requesting at the time of their demand.
- Remember there was no such thing as a register of firearms in NZ pre 23 June 2023. The police record of endorsed firearms was their own creation and had no legal basis and was of little concern to you. The permission for you to possess a firearm came from your endorsement and permit to possess or import that individual firearm. This is important for questions concerning items such as MSSA's, pistols, and restricted weapons possessed prior to 23 June 2023.
- You must produce your firearms licence on demand by the police. You have 7 days to comply with this demand if it cannot be immediately located.
- The legal requirement states that the police must identify and ask to inspect a specific identified firearm (by make, model, caliber and serial number). Upon that request the endorsed licence holder must produce it for inspection. It is not a requirement that all need to be produced for inspection at once. Each separate item must be identified and then produced in turn in order to comply with the conditions on the endorsement.

### **Section 3 – The Police enter your home via a search warrant, or under the Search and Surveillance Act warrantless search or Arms Act provisions for search.**

- Ask – “Under which enactment are you searching my home?”
- Ask for a copy of any search warrant.
- Do not answer any questions and say, “no comment thank you”, “I do not wish to make any statement or answer any of your questions”. You have a right to silence. If you are detained lawfully by the police, you must give your name, address and date of birth, but nothing else. There is no such thing as “*off the record*”. Ask to call your lawyer without delay (Nicholas Taylor – Barrister 021 362 123).
- Record the name of the OC (officer in charge) and record QID numbers (collar tags) of all police staff attending the search.

### **Section 4 - The Police ask you to attend the police station and/or come to your home and wish you to answer questions, e.g. your name is on a “list” of people to be spoken to etc.**

- Get the name and QID number (collar tag) of the officer. Ask for identification.
- Ask - “Under which statutory authority are you requiring me to answer these questions?”
- Politely and calmly refuse to answer any questions and ...
- Ask them to leave your property immediately.
- Call a lawyer who can advise or assist you with Official Information Act requests concerning the reasons for their visit and IPCA complaints if appropriate.
- Record the conversations (for you own notes and records).

## **SECTION 5 – The police issue you with a suspension of firearms licence notice (s60A Arms Act 1983**

- The Police can, without warning at any time of the night or day, appear at your address in force and issue you with a Notice of Suspension of Firearms Licence.
- The Police will demand you surrender all your firearms, Arms Items and ammunition to them immediately.
- Note: Arms Item – is any component part of a firearm including stocks, grips, silencers, muzzle breaks etc.
- No offence is committed by you if you refuse this demand to surrender your firearms etc.
- Do not invite them into your home.
- Do not consent to them entering your home.
- The police may seize your arms items if you refuse but they cannot enter your premises to do so. This would be an unlawful search.
- They cannot use your refusal as a reason to execute a warrantless search (as no offence has been committed by you).
- The police will need to seek a search warrant or conduct a warrantless search for this to actually occur. Certain legal requirements need to be met before this can occur and can be challenged.
- The effect of a suspension of a firearms licence is akin to being an unlicensed person; you can still use a firearm under immediate supervision but not possess a firearm, arms item or ammunition on your own.
- You have 28 days from the date of suspension of your firearms licence to file a submission (contact a lawyer to assist in this).
- If your licence is revoked after this then you have 28 days to file an Application for Review to police.
- If the application to revoke your firearms licence is upheld, you have 20 working days to file an Originating Application of Appeal in the District Court.
- If you fail to do this, you have lost your firearms licence for a minimum of 5 years.

**A fit and proper person should be one who co-operates with the police within the requirements of the law, but not beyond it.**