

Firearm Evaluation: Classification & Approval

Measuring Length of MSSA Firearms

Any firearm any firearm that is less than 762 millimetres in length is defined as a pistol.

Police have examined the classification of MSSA firearms which, when folded or collapsed etc, measure less than 762mm in length.

The pistol definition in the Arms Act 1983 has two limbs, each being able to stand on its own (consistent with *Adams* commentary and comments in *Wall* case). In this case the issue is whether a firearm, which has a folding or telescopic stock, is greater or less than 762 mm in length.

The policy behind the separating out of pistols for different treatment from other firearms within the Arms Act is that they can be readily concealed on a person due to their size and semi-automatic firearms that are pistols are likewise excluded from the MSSA definition for this reason. Therefore, where a firearm is designed to fold into this reduced size, it will be a pistol.

NZ Police have reached the conclusion that Parliament did not intend the definition of MSSA firearm to include firearms which could move between both classifications (MSSA and Pistol) without modification.

To determine whether its classification should be as a pistol, a firearm which has a folding or telescopic stock will be measured in its folded or collapsed state. If it is less than 762mm in that state it is classed as a pistol.

NZ Police is aware that for several years a different measuring method was used which may have resulted in a number of MSSA firearms being classified as MSSA when in fact they are defined in law as pistols.

Owners of semi-automatic firearms with folding stocks which measure less than 762 mm in length when the stock is folded, who lawfully obtained the firearm as an MSSA rather than a pistol, while Police policy allowed for this, will be given suitable time to comply with the legal consequences of this firearm being a pistol. The licence holder can either:

transfer the firearm to a Collectors' endorsement (where it must remain inoperable);
or

return the firearm to its original compliant format; or

dispose of the firearm lawfully to another licence holder; or

hand the firearm into Police for destruction without compensation.

Police has stated that when and where any issue arises, the matter will be dealt with according to the circumstances of the particular case. Police consider that compliance can be achieved, in most cases, with minimal effort and cost.

Classification:

- MSSA firearms will be measured in their "reduced state" (buttstock folded or collapsed) in order to determine their classification.
- Rifles and shotguns which collapse or fold, and which can still be fired in this reduced state will be assessed for classification in the reduced state.
- ANY firearm which is less than 762mm will be classified as a pistol.

The length of any firearm is measured without any "attachments" (whether or not "permanently" attached (e.g. welding, pinned)), such as flash-hiders, silencers, muzzle brakes, or barrel extensions. In the case of rifled firearms (such as rifles and Pistols), barrel length will be determined by measuring from the muzzle to the bolt face (excluding anything attached beyond the muzzle), this means that the chamber is included in the measurement of the barrel, not just the rifled portion. The exception is for revolvers in which barrel length is determined by the barrel only and excluding the chamber.

Classifications are determined by the PNHQ, Resource and Operations, Arms Control team, with technical input from the Police Armourer and PNHQ Policy and Legal sections.

Having determined the classification of a firearm as "A-Cat" or "B-Cat" there is then a requirement to determine whether or not that firearm can be approved for use in New Zealand. This is a separate exercise from the firearms initial classification.

Approved "A-Cat" List

For a firearm to enter the "A-Cat" Approved Firearm List, and thus be authorised for importation through district Arms Officers:

- It has been classified by PNHQ Arms Control
- It has been declared safe by the Armourer
- It has a civilian use which Police approves of i.e. the item is suitable and safe for the purpose proposed by the importer and the use is provided for in NZ Law.
- The configuration in which it has been assessed for classification is a standard configuration provided by the manufacturer i.e. ANY new importation of the firearm will be exactly like the one assessed by NZ Police for classification. Pertains to make; model; configuration. Calibres may vary.
- In the case of incomplete firearms (chassis, receivers and the like), a sample "as built" has been submitted for classification and approved, and the importer has entered into an agreement to ONLY sell the incomplete firearms so imported in this configuration – i.e. as "A-Cat" firearms. Such firearms are to be recorded in detail against the dealer's licence, and sales audited at least twice per financial year.

Approved "B-Cat" List (Target Pistols)

For a firearm to enter the "B-Cat" Approved Firearm List, and thus be authorised for importation by licence holders for use at approved pistol clubs:

- It has been classified by PNHQ Arms Control
- It has been declared safe by the Armourer
- It has a civilian use which Police approves of i.e. the item is suitable and safe for the purpose proposed by the importer and the use is provided for in NZ Law. In addition the use is approved by Pistol New Zealand for participation

in an internationally recognised, and NZ Police approved, shooting discipline; and that there are pistol club ranges approved for this firearm type.

- The configuration in which it has been assessed for classification is a standard configuration provided by the manufacturer i.e. ANY new importation of the firearm will be exactly like the one assessed by NZ Police for classification. Pertains to make; model; barrel length, configuration. Calibres may vary, provided that they are equal to or less than .50 Cal (~.5 inches (12.7 mm) in diameter.