



NSW Police Force
www.police.nsw.gov.au

FIREARMS REGISTRY

Antique Firearms

In NSW a person must be authorised by a licence or permit to possess and use firearms. The Firearms Act 1996 provides certain exemptions to this requirement and one of those exemptions relates to the possession of antique firearms.

This FACT sheet provides information on the exemptions for possession of antique firearms and the requirements for the use, registration and safe keeping of antique firearms.

What is an antique firearm?

An antique firearm is defined by section 6A(7) of the *Firearms Act 1996* (the Act) as a firearm manufactured before 1900 that:

- * In the case of a firearm other than a pistol is not capable of discharging breech-loaded metallic cartridges or a firearm for which ammunition is not commercially available, or
- * In the case of a pistol is not capable of discharging breech-loaded metallic cartridges.

See 'Ammunition no Longer Commercially Available' on the Firearms Registry Internet site for a list of ammunition gazetted to be no longer commercially available.

Do I need a firearms licence or permit to authorise possession of an antique firearm?

No. A person does not need to be authorised by a firearms licence or permit to possess an antique firearm - section 6A(1) of the Act.

What if I want to use the antique firearm?

A licence or permit will be required if a person wishes to use an antique firearm.

What about an imitation of an antique firearm?

An exemption from the requirement to obtain a permit exists for possession or use of an imitation of an antique firearm, but not an imitation antique revolver - see section 6A of the *Firearms Act 1996* and clause 116 of the *Firearms Regulation 2006*.

What if I want to possess and use an antique revolver?

The exemption from the requirement to hold a licence or permit provided by section 6A(1) of the Act for possession of an antique firearm does not apply to an antique revolver.

Therefore, if you wish to possess an antique revolver, you must hold the appropriate firearms licence or permit. If you wish to use the antique revolver for target shooting, then the revolver will also need to be registered.

NOTE: An antique revolver is defined as a firearm manufactured before 1900 that is a percussion lock pistol equipped with a revolving cylinder.

Does an antique firearm need to be registered?

No. An antique firearm is exempt from the registration requirements as prescribed by section 6A(2) of the Act.

Do I need to get a Permit to Acquire for an antique firearm?

No. A Permit to Acquire under section 31 of the Act is not required in the case of an antique firearm.

Do I need to get a Permit to Acquire for an antique revolver?

No. A Permit to Acquire under section 31 of the Act is not required in the case of an antique revolver.

What if I want to sell my antique firearm?

Because a person is exempt from the requirement to hold a licence or permit for possession of an antique firearm, the provisions of the Act for sighting the licence or permit prior purchase and sale do not apply in respect of an antique firearm - section 6A(4) of the Act. However, this exemption does not apply to an antique revolver.

What if I want to sell my antique revolver?

The sale or purchase of an antique revolver is subject to the requirement that both the seller and buyer hold a licence or permit for possession of the antique revolver and this licence or permit must be sighted prior to the sale or purchase taking place - section 6A(5) of the Act.

It is an offence to sell an antique revolver unless both the buyer and seller are authorised to possess the antique revolver by a licence or permit.

Antique Firearms

What safe keeping is applicable to an antique firearm?

All persons in possession of a firearm, regardless of whether or not they hold a licence or permit, must comply with the general requirements for safe keeping as prescribed by section 39 of the Act.

Section 39 of the Act requires that a person must take 'all reasonable precautions' to ensure the safe keeping of a firearm to prevent it being lost, stolen or coming into the possession of an unauthorised person.

'All reasonable precautions' are considered by the Commissioner to be the prescribed requirements of section 40 of the Act for category A & B licence holders and section 41 of the Act for category C, D & H licence holders.

Therefore, where the antique firearm is a longarm, Level 1 safe keeping applies. Where the antique firearm is a pistol, Level 2 safe keeping applies. If the antique firearm is held on a collectors licence, Level 9 safe storage applies (clause 34 of the *Firearms Regulation 2006*).

What about an antique revolver?

Where the antique firearm is an antique revolver, the exemption from the requirement to hold a licence or permit does not apply.

Therefore a person in possession of an antique revolver holding a category H firearms licence would be subject to Level 2 safe keeping as prescribed by section 41 of the Act and if the revolver was held on a collectors licence, Level 9 safe storage applies (clause 34 of the *Firearms Regulation 2006*).

A person in possession of an antique revolver holding a firearms permit would also be subject to Level 2 safe keeping as prescribed by section 41 of the Act and this would be outlined in the conditions on their firearms permit.

What if I want to display my antique firearm?

Any matter surrounding the possession of firearms must take into consideration the principles and objects of the *Firearms Act 1996*:

- * To impose strict controls on the possession and use of firearms, and
- * To promote the safe and responsible storage and use of firearms, and
- * To ensure that firearms are stored and conveyed in a safe and secure manner.

Any display of firearms must ensure that the principles and objects of the Act and the general requirement for safe keeping of firearms prescribed by section 39 of the Act are not compromised.

Therefore, the following are determined to be 'all reasonable precautions' for the display of antique firearms.

Where a person wishes to display antique firearms in a gun rack, display rack, display case or similar, the rack or display case must be secured to the wall or floor within a secure room where the firearms will not be visible to anyone outside the room.

The secure room would need to meet the same requirements as a firearms collector prescribed by clause 34(7) of the *Firearms Regulation 2006*.

- * The area or room in which the firearms are displayed must be part of a permanent building with secure locks on all entrances,
- * The area or room must have solid walls that provide a substantial barrier to forced entry,
- * Any window in the area or room must be covered by a security screen,
- * Doors leading into the area or room must be made of solid material or be reinforced,
- * Each such door must be fitted with a "dead latch" type lock, or be fitted with a hasp/barrel bolt and padlock,
- * Door hinges must be concealed or the hinge pins must be welded to prevent them from being punched out.

Where can I find more information?

The information provided in the FACT Sheet is for general guidance only. Applicants and licensees should familiarise themselves with the *Firearms Act 1996* and the *Firearms Regulation 2006*, which are available on the NSW Legislation website - www.legislation.nsw.gov.au.

Firearms Registry

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