



New South Wales

Weapons Prohibition Amendment (Sheriff's Officers) Regulation 2003

under the

Weapons Prohibition Act 1998

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Weapons Prohibition Act 1998*.

MICHAEL COSTA, M.L.C.,

Minister for Police

Explanatory note

The object of this Regulation is to exempt Sheriff's officers acting in the course of their employment from the requirement to have a permit under the *Weapons Prohibition Act 1998* to carry and use oleoresin capsicum spray.

This Regulation is made under the *Weapons Prohibition Act 1998*, including section 6 and section 50 (the general regulation-making power).

2003 No 169

Clause 1 Weapons Prohibition Amendment (Sheriff's Officers) Regulation 2003

Weapons Prohibition Amendment (Sheriff's Officers) Regulation 2003

under the

Weapons Prohibition Act 1998

1 Name of Regulation

This Regulation is the *Weapons Prohibition Amendment (Sheriff's Officers) Regulation 2003*.

2 Amendment of Weapons Prohibition Regulation 1999

The *Weapons Prohibition Regulation 1999* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Schedule 1 Persons exempt from requirement for permit

Insert after clause 3:

3A Possession and use of capsicum spray by Sheriff's officers

- (1) A Sheriff's officer is exempt from the requirement under the Act for a permit to possess or use a prohibited weapon referred to in clause 2 (22) (d) of Schedule 1 to the Act, but only when acting in the course of employment as a Sheriff's officer, and only if the Commissioner is satisfied that the officer has been trained in the use of the prohibited weapon in a manner approved by the Commissioner.
- (2) It is a condition of the exemption referred to in this clause that the person to whom the exemption relates must store or keep the prohibited weapon concerned in a safe and secure manner when it is not being used.
- (3) The failure to comply with the condition under subclause (2) is an offence.

Maximum penalty: 50 penalty units.