



GUIDE TO

PROPOSED

FIREARMS

REGULATIONS

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Table of Contents

	Page
Introduction	1
1. Fees	2
2. Licences	3
3. Storing, displaying, transporting and handling firearms (for individuals)	7
4. Transporting restricted or prohibited firearms	7
5. Carrying restricted or prohibited firearms	8
6. Exporting or importing firearms (for businesses)	8
7. Aboriginal communities	8
8. Transferring firearms	9
9. Buying ammunition	9
10. Firearms	9



Introduction

The *Firearms Act* received Royal Assent on December 5, 1995. On January 1, 1996, certain provisions dealing with mandatory minimum sentences for criminal offences came into force. This document outlines proposed regulations which will provide an administrative framework for the Act. These regulations are still subject to a parliamentary review process.

The regulations are the product of over ten months of consultations with key stakeholders, including businesses, police, Chief Firearms Officers, victims of violence, health professionals, women's organizations, Aboriginal groups, industry groups and firearms users, including the User Group on Firearms, an advisory group to the government established in November, 1995.

The regulations address issues affecting both individual gun owners and businesses. More specifically, they deal with:

- all fees payable under the *Firearms Act*;
- the licensing of firearms owners;
- the storage, display, and transportation of firearms;
- authorizations to transport restricted and prohibited firearms;
- authorizations to carry restricted firearms and prohibited handguns for limited purposes;
- the purchase of ammunition;
- authorizations to import or export firearms by businesses;
- conditions for transferring firearms;
- the maintenance of records;
- adaptations for Aboriginal people.

This document is a guide only. For more detailed information, consult the Firearms Act and regulations. You may also call 1-800-731-4000 or visit our Internet site: <http://canada.justice.gc.ca>



1. Fees

Under the *Firearms Act*, every business and individual must obtain a licence to possess or acquire a firearm. The proposed regulations include a chart that outlines the fees for all licences, registration certificates and authorizations that individuals and businesses may need under the *Firearms Act*.

The proposed regulations deal with five types of licences for individuals:

1. licences for possession only;
2. licences to possess and acquire firearms;
3. licences for minors;
4. licences to acquire crossbows; and
5. temporary borrowing licences for visitors to Canada.

Licence fees for individuals

Type of Licence	Fee
POSSESSION-ONLY LICENCE (currently-owned firearms)	\$10 for 5 years*
POSSESSION AND ACQUISITION LICENCE (non-restricted firearms, i.e. rifles and shotguns)	\$60 for 5 years
POSSESSION AND ACQUISITION LICENCE (restricted or prohibited firearms)	\$80 for 5 years
POSSESSION LICENCE FOR MINORS	\$10 for up to 1 year \$20 for 1 to 2 years \$30 for 2 to 3 years
ACQUISITION LICENCE FOR A CROSSBOW Firearms Acquisition Licences and valid FACs can also be used to acquire crossbows	\$60 for 5-year term
TEMPORARY BORROWING LICENCE FOR NON-RESIDENTS	\$30 for 60 days
CUSTOMS CONFIRMED DECLARATION FOR VISITORS WITH OWN FIREARM	\$50 for 60 days

* Increases to \$45 for 5 years in 1999 and \$60 for 5 years in 2000.



Licence fees for businesses

The fees for business licences will depend largely on the nature of the business. The chart included in the proposed regulations provides more detail on the licence fees for various types of businesses involved with firearms, including museums, manufacturers, retailers, wholesalers and others.

Registration fees

The *Firearms Act* will now require businesses and individuals to register their non-restricted firearms as well as their restricted and prohibited firearms. The proposed regulations will require individuals to pay a flat registration fee of \$10 for all non-restricted firearms they register during 1998, regardless of the number of firearms, if they register them all at the same time. This fee will rise to a maximum of \$18 in 2001 for all non-restricted firearms that an individual registers at the same time. There are no registration fees for restricted firearms legally owned by January 1, 1998.

A registration fee is valid for as long as an individual owns a firearm, and there are no renewal fees. If a firearm is transferred, the new owner must register the firearm in their name and pay a \$25 transfer fee to obtain a new registration certificate.

Persons with a valid FAC who apply after January 1, 2000 are eligible for reduced licence fees as set out in the regulations.

2. Licensing requirements

The proposed regulations establish the eligibility requirements for each type of licence, describe the procedures that individuals and businesses must follow when they apply for a licence, and set conditions for some types of licences.

Licences for individuals

Although all firearms licences will become available early in 1998, the period to acquire a licence will be phased in over three years. Current Firearm Acquisition Certificates (FACs) are valid until their expiry date or until January 1, 2001, whichever is earlier. By January 1, 2001, everyone will require a licence to possess or acquire a firearm.



In most cases, applications for all but the temporary licence must include a photograph that clearly identifies the applicant. The photograph does not need to have been professionally-taken. It can be in colour or black-and-white, but must be on a plain background and show an unobstructed, full front-view of the applicant's head and shoulders. The view of the applicant's head must be at least 30mm (1.375 inches) in length.

Other requirements for these types of licence are indicated in the chart below.

Type of Licence	Requirements
1. POSSESSION - ONLY LICENCE <ul style="list-style-type: none">• allows you to keep your existing firearm• for adults (18 or older)• must apply before January 1, 2001	<ul style="list-style-type: none">• The applicant and one other person must sign a statement confirming that the photograph accurately identifies the applicant.• The other person must sign a statement confirming that they have known the applicant for at least three years.
2. POSSESSION AND ACQUISITION LICENCE <ul style="list-style-type: none">• allows you to purchase another firearm• for adults (18 or older)	<ul style="list-style-type: none">• The applicant and one other person must sign a statement confirming that the photograph accurately identifies the applicant.• Two people (other than a spouse) must sign a statement confirming that, to the best of their knowledge:<ul style="list-style-type: none">• the information in the application is true;• the applicant poses no safety concerns.• These persons must sign a statement confirming that they have known the applicant for at least three years.• The applicant must provide the name, current address and telephone number of every spouse or common-law partner with whom he or she has lived within the past two years. (If the applicant does not know the current address or phone number, he or she must make a written statement to that effect).• There is a 28-day waiting period unless the applicant has a valid FAC.



Type of Licence	Requirements
3. POSSESSION LICENCE FOR MINORS <ul style="list-style-type: none">• for those under 18• for non-restricted firearms only	<ul style="list-style-type: none">• A parent or guardian must give written consent.• The applicant and a parent or guardian must verify a statement confirming that the photograph accurately identifies the applicant.
4. ACQUISITION LICENCE FOR A CROSSBOW	<ul style="list-style-type: none">• The applicant and one other person must sign a statement confirming that the photograph accurately identifies the applicant.• Two people (other than a spouse) who have known the applicant for at least three years must sign a statement confirming that, to the best of their knowledge:<ul style="list-style-type: none">• the information in the application is true;• the applicant poses no safety concerns.• These persons must sign a statement confirming that they have known the applicant for at least three years.

Licence holders must report any changes in their name or address to a Chief Firearms Officer within 30 days of the change.

A major goal of the *Firearms Act* and the proposed regulations is to help prevent an escalation in violence in already difficult or abusive domestic situations. If a person identifies a current or former spouse or common-law partner on an application to acquire a firearm, a Chief Firearms Officer will be required to notify the spouse or partner about the application. This will enable individuals to raise any concerns about their own safety, or about the safety of others.

The Firearms Act requires individuals to take the Canadian Firearms Safety Course and pass the test, to get a licence to acquire a firearm. As an alternative, individuals can:

- pass the test without taking the course;
- show a certificate stating that they have already completed the course and passed the test;
- show that they have taken an equivalent course approved by the Attorney General of Manitoba or Quebec in 1993 or 1994; or
- have a Chief Firearms Officer certify that they have adequate knowledge of safe handling and use of firearms, and of the laws relating to firearms.



Applicants for other types of licences do not have to take the safety course or be certified.

Temporary licences

Visitors who bring their own firearm into the country must declare it at Customs. They must then obtain a “confirmed declaration” from Customs, which serves as a temporary licence and registration certificate. Frequent visitors may wish to apply for a Canadian firearms licence.

Adult visitors can also obtain a 60-day licence that will allow them to *borrow* a firearm for one of the following purposes:

- to hunt with an outfitter, a similarly authorized hunting service or a Canadian resident who has a hunting licence;
- to shoot at an approved club or range;
- to compete in a shooting competition;
- to participate in an historical re-enactment or display; or
- to take part in business or scientific activities in remote areas, where firearms are needed to control predators.

An application for a 60-day licence must include a statement signed by a person who is directly associated with one of the above activities. The statement must confirm that, to the best of that person’s knowledge, the visitor will be using the firearm for the specified purpose.

Business licences

The proposed regulations, which were developed through consultations with representatives of affected groups, define purposes for which businesses and museums may have a licence to possess prohibited firearms, weapons, devices or ammunition. They also provide for mandatory conditions for business licences. For example, businesses must not depict or promote violence in any advertisements for a firearm or weapon; they must notify a Chief Firearms Officer if an employee who is authorized to carry a firearm for employment purposes ceases to be an employee; they must keep records of all their transactions related to firearms; and they must keep an inventory of all firearms, restricted and prohibited weapons, prohibited devices and ammunition, and components or parts of automatic firearms.



Refusals and revocations

The proposed regulations stipulate the manner in which authorities must notify a business or an individual whose licence has been refused or revoked. Any individual or business whose licence has been refused or revoked can appeal the decision to a provincial court judge.

3. Storing, displaying, transporting and handling firearms (for individuals)

The current requirements *will not change* under the proposed regulations.

Under the current storage requirements, *non-restricted firearms*:

- must be stored unloaded;
- must be locked-up or deactivated; and
- must be stored separately from ammunition.

Restricted or prohibited firearms:

- must be stored unloaded;
- must be locked with a trigger lock or other secure locking device, and stored in a locked case, cupboard or room *or* locked in a vault or other place specifically designed for maximum security; and
- ammunition must be locked up separately *or* stored with the firearm in a vault or other locked place specially designed for maximum security.

As before, no authorization will be needed to transport non-restricted firearms. Non-restricted firearms, except for muzzle-loading firearms, must always be transported unloaded. Muzzle-loading firearms, when being transported between hunting sites, may be loaded but must have the firing cap or flint removed.

4. Transporting restricted and prohibited firearms

Authorizations to transport firearms will replace the old "permit to transport." The process will be automated, making it easier and more convenient for gun owners to obtain the authorization to transport firearms. There will not be a fee for this authorization.



5. Carrying restricted firearms

The proposed regulations establish the circumstances in which an individual can apply for an authorization to carry a restricted firearm or a prohibited handgun. Eligible individuals will include people who need firearms for their work – for example, armoured truck personnel, licensed or authorized trappers, and people who work in the remote wilderness.

In very rare situations, individuals may be authorized to carry these types of firearms if their life or the life of someone in their care is in imminent danger from another person. However, the police must first assess the threat. Authorization will only be given if the police cannot provide adequate protection *and* if the applicant can justify possessing the firearm for protection from death or serious bodily harm.

The proposed regulations also describe the procedures for applying for such authorization; the mandatory conditions attached to the authorization; and circumstances in which a notice of refusal or revocation must be given.

6. Exporting or importing firearms (for businesses)

Businesses and museums will need to obtain an authorization every time they import or export firearms of any type, components or parts of automatic firearms, prohibited devices, prohibited weapons, prohibited ammunition, or restricted weapons.

The proposed regulations set out the procedures for applying for such authorizations. For example, they indicate what type of information businesses must provide in their application. They also stipulate how businesses must label the outer packaging of shipments to enable Customs officials to identify the nature and quantity of items in the shipment.

7. Aboriginal communities

The firearms regulations, including licensing and registration, will apply to everyone. In Aboriginal communities, these regulations will be implemented in a way that respects the Aboriginal way of life, and reflects the government's commitment to respecting existing constitutional and treaty rights. For example, there will be provisions that recognize communal ownership of firearms, and storage requirements will differ in remote wilderness areas, such as out-post camps.



Sustenance hunters and trappers, non-Aboriginal and Aboriginal, will be exempt from licensing and registration fees.

8. Transferring firearms

The proposed regulations specify the information that must be provided, and the steps that must be followed, when individuals or businesses sell, barter, loan or give away firearms.

For most firearms sales or transfers, the parties will need to provide their names, addresses and firearms licence numbers. For handguns, the purpose of acquisition must be provided. Additional requirements will apply in the sale or transfer of restricted and prohibited firearms.

Once the system is fully operational, obtaining approvals for retail sales will, in most cases, be similar to obtaining approvals for credit card purchases. The retailer will "swipe" the purchaser's licence and other relevant documents on a machine that is linked by computer to the Canadian Firearms Registry System. Approval will be communicated back through the computer link.

When the transfer of a firearm takes place, a registration certificate for that firearm will be issued to the new owner.

9. Buying ammunition

On January 1, 2001, every individual who wishes to buy ammunition will be required to have a licence to possess a firearm. Until that date, the proposed regulations will allow individuals who do not have a licence to use another approved form of identification. For example, adults aged 18 and older may use a document from a government, government agency or college or university, showing the applicant's age or date of birth. Persons under the age of 18 will need a valid minor's permit if they do not have a licence.

10. Firearms records

The proposed regulations set out the responsibilities of the Canadian Firearms Registrar and Chief Firearms Officers with respect to maintaining, amending and destroying records.

Information will be protected under the *Privacy Act*. The registration system will use advanced technology to protect the data bases against tampering or unauthorized entry. Individuals will be able to apply in writing for access to their own personal records kept by the Registrar or a Chief Firearms Officer.