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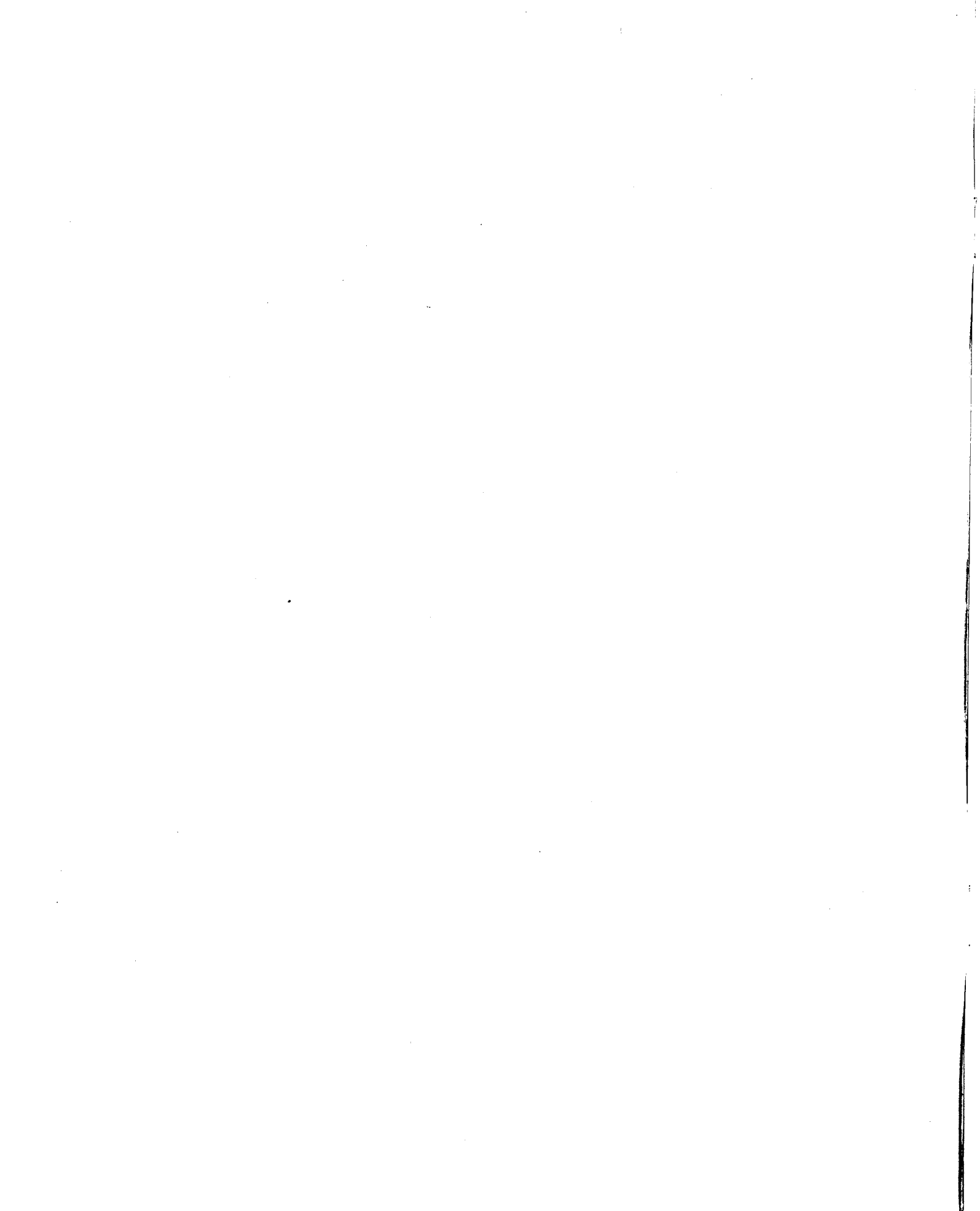
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GUIDE TO PROPOSED FIREARMS REGULATIONS

OCTOBER 1997

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INTRODUCTION

The *Firearms Act* was created to promote safety and responsibility in the use of firearms. The Act received Royal Assent on December 5, 1995. In November 1996 regulations were tabled to provide an administrative framework for the Act. (Regulations are the means of setting out the specific procedures required by an Act.) Recently, in October 1997, the Minister of Justice tabled a second package of proposed regulations that address the remaining critical areas of firearm control, as outlined in the Act, which are necessary for implementation. The proposed regulations affect firearm owners and users and businesses. They were developed through extensive consultations with business and industry groups; shooting organizations; victims of violence; police; Chief Firearms Officers; women's organizations; health professionals; and firearms users, including the User Group on Firearms, an advisory group to the Minister established in November 1995. This second set of proposed regulations is still subject to a parliamentary review process.

This guide explains how the proposed firearms regulations, tabled by the Minister in October 1997, will affect both individual firearm owners and businesses. The proposed regulations deal with:

- registration of firearms by individuals and businesses;
- operators and users of shooting clubs and ranges;
- public service agents such as police officers, wildlife officers and fisheries officers;
- residents and non-residents who take firearms across the border (import/export);
- gun show sponsors and exhibitors; and
- special circumstances for lending replicas or taking prohibited firearms to shooting ranges.

Additions to regulations dealing with firearm storage and transport; fees; and the transfer of firearms, originally tabled in 1996, were also tabled in 1997. This guide also includes, where applicable, changes to those 1996 regulations. These changes are identified with an asterisk (*).

This document is intended only as a guide; it is not a legal text. For more detailed information see the Firearms Act and regulations. You may also call 1-800-731-4000; visit our web site at <http://canada.justice.gc.ca> ; or e-mail the Canadian Firearms Centre at: canadian.firearms@justice.x400.gc.ca

REGISTERING FIREARMS

The *Firearms Act* requires every firearm in Canada to be registered. This section of the guide explains some of the key provisions in the proposed regulations, including some of the responsibilities of the Registrar and firearm owners, with respect to registering firearms. The **Registrar** is the head of the **Canadian Firearms Registry**, which is the agency responsible for registering firearms in Canada.

APPLYING FOR A REGISTRATION CERTIFICATE

Under the *Firearms Act*, a firearm owner will need either a valid Firearms Acquisition Certificate or one of the new licences issued under the Act to register firearms. The licence must cover the class of firearm being registered. An application for a licence and a registration certificate can be made at the same time.

IDENTIFYING FIREARMS

When registering a firearm, the owner will need to provide information on the application form, for each firearm that is being registered, including:

- make
- model (if present)
- calibre
- barrel length
- type
- action
- year of manufacture (if known)
- number of shots
- manufacturer (if different from make)
- serial number, if there is one

The Registrar's office will compare this information to a Firearms Reference Table. If the information doesn't match, or if any of the firearms are not on the Registrar's table of firearms, the Registrar will seek further information from the applicant.

Once a firearm has been properly identified and classified as non-restricted, restricted or prohibited, the Registrar will issue a registration certificate for that firearm. On the registration certificate, there will be a firearm identification number (FIN) that the Registrar has assigned to the registered firearm. If the firearm has no serial number, or if the serial number is not unique and there is no other way to tell the firearm apart from all other firearms, the firearm owner will have to put the FIN on the firearm. (The Registrar will tell the owner if the FIN must be placed on the firearm.)

For any firearms owned at the start of registration, the firearm owner may either use a special **sticker** provided by the Registrar, **or** may permanently and legibly **engrave** or **stamp** the FIN on the firearm. Firearm owners will not be able to use a sticker for any firearms they acquire after registration starts, except for imported firearms that were manufactured before the start of registration, that is, October 1, 1998. The FIN must be **visible to the naked eye** on a **clearly visible** part of the **frame or receiver** unless:

- the manufacturer of that type of firearm usually places the serial number in a hidden place;
- the firearm does not have a visible space that is suitable for stamping, engraving or sticking the FIN;
- making the FIN visible would greatly reduce the value of rare or unusually valuable firearms (applies only to firearms that are owned at the time the law comes into effect);
- the firearm has been imported by a licensed business for a short time only, for a purpose set out in section 21 of the firearms licence regulations.

If the firearm owner chooses to use the sticker to attach the FIN, the owner must do so within 30 days of the date on the registration certificate. If the owner chooses to stamp or engrave the FIN on the firearm, he or she will have 90 days to do so.

Movie suppliers and museums do not have to visibly mark firearms when they are importing firearms temporarily for a film or movie production, or for an exhibition.

Each registration certificate will be valid for as long as the firearm owner owns the firearm, unless he or she modifies the firearm and changes its class. In that case, the firearm owner will need a new registration certificate to reflect the change. * The fee for this will be \$12.50 (half the original \$25 registration fee). Businesses will not have to pay a fee to register firearms.

CHANGING A FIREARM

A firearm owner must notify the Registrar within 60 days if he or she:

- changes a registered firearm in any way that changes the class of the firearm, or
- modifies the action, calibre or barrel length of a firearm registered as a frame or receiver, even if it does not change the class of the firearm.

These requirements may not apply to the movie industry if the changes are only going to be for 12 months or less.

If a FIN sticker comes off a firearm or becomes impossible to read, the firearm owner must notify the Registrar without delay. When they receive a new sticker from the Registrar, the owner must put it on the firearm as soon as they get it.

REVOKING A REGISTRATION CERTIFICATE

The Registrar may revoke a registration certificate if the firearm owner does not meet the requirement to mark the firearm or to notify the Registrar of changes to the firearm. If a registration certificate is revoked, the firearm owner may appeal to a provincial court judge.

SHOOTING CLUBS AND SHOOTING RANGES

When the *Firearms Act* and regulations come into force, they will regulate **all** shooting ranges in Canada, including ranges for long guns. The regulations define **shooting range** as "a place that is designed or intended for the safe discharge, on a regular or structured basis, of firearms for the purpose of target practice or target shooting competitions." The requirements in the regulations apply to all shooting ranges, except for those that are:

- part of a licensed business, and used only by business owners and employees with a licence to acquire restricted firearms; or
- used only by public officers, such as police officers, in connection with their duties.

The proposed regulations will also affect shooting clubs. The regulations define a **shooting club** as "a non-profit organization whose activities include target practice or target shooting competitions using restricted firearms or prohibited handguns."

APPROVAL REQUIREMENTS: SHOOTING RANGES

Anyone who wants to open or operate a shooting range must get approval from the provincial minister, usually through the Chief Firearms Officer (CFO). There will be no fee for this approval. In their request for approval, applicants must provide:

- their name, address and phone number (plus fax number and e-mail address if they have one);
- the name, address, phone number and firearms licence number of each owner, operator, range safety officer and employee who will be handling firearms;
- the address of the range, including the road directions to reach it;
- hours of operation of the range;
- a document showing the geographical location and layout of the range, the area around it, and the land use of the surrounding area;
- the proposed safety rules;
- evidence of at least \$2 million of comprehensive business liability insurance, including errors and omissions insurance, with continuous coverage;
- evidence of compliance with the safety standards described below;

- evidence of compliance with zoning laws and operating licences required by federal, provincial or municipal laws; and
- evidence of compliance with environmental protection laws.

APPROVAL REQUIREMENTS: SHOOTING CLUBS

Anyone who wants to establish or operate a shooting club must get approval from the provincial minister, usually through the CFO of the province or territory in which the club will be located. There will be no fee for this approval. In their request for approval, applicants must provide:

- their name, address and phone number (plus fax number and e-mail address if they have one);
- the name, address and phone number of each member and officer of the club, as well as their firearms licence number or date of birth;
- evidence that the shooting club is a non-profit organization;
- evidence that the shooting club has permission to use at least one approved shooting range;
- the name and address of each approved shooting range that the shooting club uses; and
- evidence of at least \$2 million of comprehensive business liability insurance, including errors and omissions insurance, with continuous coverage.

If the shooting club intends to have its own safety rules, the approval request must also include a copy of the rules, as well as the name, address, phone number and firearms licence number of the range safety officer responsible for making and applying the rules.

OPERATIONS - SAFETY STANDARDS AND OTHER OBLIGATIONS

To promote **safety on the range**, operators of approved shooting ranges must:

- ensure that the design and operation of the range are such that projectiles discharged from firearms will not leave the range, if they are discharged in accordance with the safety rules;
- create a warning system to warn individuals that they are entering a shooting range and alert them if the range is in use;
- ensure that the safety rules are appropriate for the shooting activities and firearms allowed on the range;
- assign a range safety officer who will be responsible for developing and applying safety rules to protect people both inside and outside the range;

- assign a range officer if more than one person is shooting; and
- post these club safety rules in a place where everyone will notice them.

SHOOTING CLUB USERS

Anyone who uses a **restricted firearm or prohibited handgun** on a shooting range must be:

- a member or officer of an approved shooting club;
- a visitor who is a non-resident of Canada and belongs to a recognized shooting organization; or
- a guest of either a member or officer.

SAFETY TRAINING

The range safety officer must inform all first-time users of the range of its safety rules. This can be done by personal instruction, brochures, or signs. First-time users may not use the range until they have received this information.

CONTINUING COMPLIANCE - MAINTAINING SAFETY

Every five years after the approval date, range operators must submit to the CFO an up-to-date version of the documents that were required for the initial approval of the range.

The CFO may request proof of the above more frequently:

- if the CFO has concerns about the safe operation of the range; and/or
- they have received a personal injury report or change report within the past year.

PERSONAL INJURY REPORT

Shooting range or shooting club operators must report any injuries that occur as a result of discharging a firearm on the range. They must inform the local police as soon as possible, and the CFO within 30 days. The report must include:

- the date, time and place of the incident;
- the names of the people involved;
- the name of any range officer or range safety officer on duty at the time;
- whether or not medical attention was sought; and
- a general description of the incident, including how it happened, if known.

CHANGE REPORT

Shooting range operators must advise the CFO of any changes to the range that might affect safety, including:

- changes or proposed changes to the physical layout of the range or surrounding area, whether planned or beyond the operator's control; and/or
- changes in operating permits or licences.

RECORDS ON MEMBERS AND THEIR TARGET SHOOTING

It will be important for shooting clubs to keep accurate records, to help their members provide proof of target shooting activities when they renew their licence for restricted firearms. The proposed regulations require shooting clubs to keep records on their club members for a six-year period, including their members':

- names;
- addresses;
- phone numbers;
- membership card numbers; and
- firearms licence numbers.

Shooting clubs must also supply a written description of an individual member's or guest's target shooting activities at the club over the last five years, at the request of the individual or the CFO.

PUBLIC AGENTS

These regulations apply to public service agencies and public agents. (For the purposes of the regulations, “**public agent**” is defined as any police or peace officer; police or peace officer trainee; firearms officer; or prescribed employee of a federal, provincial or municipal government who handles firearms or ammunition as part of their duties.

The proposed regulations set requirements for:

- storing firearms and other weapons;
- recording all firearms with the Registrar; and
- reporting certain events, including the loss, theft, finding or seizure of firearms.

The regulations also establish a requirement for training public agents who handle or use firearms, and provide for an offence for breaching storage requirements.

REPORTING FIREARMS TO THE REGISTRAR

Each agency must get an **agency identification number** from the Registrar. The *Firearms Act* provides that firearms owned by government agencies will not be registered as such, but they will be recorded with the Registrar under the agency identification number. Within a year after the Act comes into effect, public service agencies must provide the Registrar with a complete inventory of all firearms in their possession.

IDENTIFYING AND MARKING FIREARMS

To identify the firearms, the inventory must include the serial number, if any, as well as the make, model, type, action, calibre, barrel length, manufacturer and number of shots of each firearm. The Registrar will then assign a FIN to the firearm. If an **agency-owned firearm** does not have a serial number, or if the serial number is not unique, the FIN must be permanently and legibly **stamped or engraved** on a **visible** part of the **frame or receiver**, unless the firearm is exclusively used by public officers involved in covert operations.

ADDING TO, DISPOSING OF OR TRANSFERRING FIREARMS IN THE INVENTORY

If a public agency adds to, disposes of or transfers the firearms in its inventory, it must inform the Registrar within 30 days. There are a variety of ways an agency's inventory of firearms can change. It can import, export, find, seize, lose or have a firearm surrendered to it. It can also modify a firearm to change its class or it can transfer a firearm to or from another agency.

In all cases, an agency must give the Registrar as much information as possible about the change in inventory. It must include its agency name and identification number, the serial number and/or FIN as well as the make, model, type, action, calibre, barrel length, manufacturer and number of shots of the firearms involved.

IMPORTING AND EXPORTING FIREARMS

Unlike commercial businesses, public service agencies will not have to get approval from the Registrar to import or export firearms. However, they will have to report imports and exports to the Registrar within 30 days, so that these can be recorded in the Canadian Firearm Registration System (CFRS) and attributed to that agency.

Public service agencies will also have to meet the requirements of customs legislation by reporting any shipments of firearms to customs and by paying the applicable duty and taxes. In addition, if the agency uses a business to import or export firearms, the business must get an authorization to import or export.

PROTECTED FIREARMS

A **protected firearm** is a firearm that an agency is responsible for, but does not own, such as a seized or a found firearm.

When an agency takes possession of a protected firearm, it must give the Registrar the basic information concerning the firearm within 30 days. It must state whether the firearm was found, seized, surrendered in an amnesty or surrendered in another situation. The FIN must be attached by a special **sticker** to a visible part of the frame or receiver, even if the firearm is slated for eventual disposal.

These requirements also apply to any additional firearms that come into an agency's possession after the Act comes into effect.

TRANSFERRING FIREARMS BETWEEN PUBLIC AGENCIES

When an agency transfers a firearm to another agency, it must notify the Registrar. It must give the name and agency identification number of both agencies and the serial number and FIN of the firearm. If neither the serial number or FIN is available, the agency must give whatever inventory information it has on the firearm.

DISPOSING OF FIREARMS

Public service agencies may not sell firearms in their possession to the public. To dispose of a firearm, they must first offer it to the Registrar or to their CFO for destruction or for scientific, research or educational purposes. If neither the CFO nor the Registrar deals with the firearm, the only way the agency can dispose of it is to destroy it. Before destroying a firearm, agencies must tell the Registrar how they intend to destroy it; afterwards, they must notify the Registrar how, when and where the firearm was destroyed.

STORING FIREARMS

Public service agencies must store firearms that are not in use in a secure, locked, container, vault, safe or room.

In most cases, **off-duty public agents**, when they store an agency firearm at home, must follow the same safe storage rules that apply to other individuals. However, the proposed regulations make allowances for public agents whose duties require quick access to their firearm – for example, police officers on standby call. In these situations, public agents must get specific written instructions from someone in authority at the agency, on how to store the firearm safely.

The proposed regulations make it an offence under section 109 of the *Firearms Act* to store a firearm in a way that has not been authorized or that breaches the required standards.

TRAINING

All public agents must receive training appropriate to their duties before they store, transport, handle or use a firearm. The employing public service agency will be responsible for providing this training.

EXPORTATION AND IMPORTATION OF FIREARMS

(INDIVIDUALS)

The regulations in this section, dealing with the exportation and importation of firearms, will not come into effect until January 1, 2001. The proposed regulations will:

- describe the way declarations, required by the Act, will be made by individuals whenever a non-resident or a resident wants to cross the border with a personal firearm;
- describe how customs officers confirm the declaration so that the individual may cross the border with the firearm; and
- explain how detained or seized firearms will be disposed of.

NON-RESIDENTS-IMPORTING FIREARMS

Visitors bringing firearms into Canada must declare, in person and in writing, the firearms they are importing to a customs officer. A customs officer may accept an **oral declaration** if:

- the visitor and the firearm can be sufficiently identified by oral declaration;
- the firearm is **non-restricted**; and
- safety is not in question.

Once this declaration is made, it will be confirmed by the customs officer and a confirmation number will be provided to the visitor. If the imported firearm is restricted, visitors will require an Authorization to Transport before they can enter the country. That document must also be confirmed by the customs officer.

NON-RESIDENTS-EXPORTING FIREARMS

To export a firearm previously brought in, the visitor must produce the confirmed declaration which was the basis for entry. If the declaration upon entry was made in writing, the declaration may be delivered:

- in person to a customs officer; or
- to a location designated by the Minister of National Revenue - this may be a "drop box."

However, if the declaration upon entry was made orally, the declaration may be delivered orally or in writing.

Visitors will also be given, in writing or orally, a confirmation number to export the firearm(s).

In cases where visitors do not comply with the requirements of the Act, firearms may be detained by customs officers.

RESIDENTS-EXPORTING FIREARMS

Residents must have a licence or FAC (prior to January 1, 2001) and a registration certificate, before they can take a firearm out of Canada. Residents must also declare in writing to a customs agent, any firearms being taken out of the country. A customs officer may accept an **oral declaration** if:

- the visitor and the firearm can be sufficiently identified by oral declaration;
- the firearm is **non-restricted**; and
- safety is not in question.

The customs officer will give a confirmation number to the person making the declaration. If the exported firearms are prohibited or restricted, the customs officer must provide the confirmation in writing. For non-restricted firearms, the confirmation may be done orally.

REPLICA FIREARMS

Residents exporting **replica firearms** must declare the replica(s) orally or in writing, including their name, address and telephone number and the description and number of replicas being exported. Replicas, once exported, cannot be brought back by individuals.

RESIDENTS-IMPORTING FIREARMS

Residents must show that they exported their firearms in accordance with the Act, before they can bring them back into Canada. Personal firearms, being brought back into the country, must be declared in writing. However, a customs officer may accept an **oral declaration** if:

- the resident and the firearm can be identified by oral declaration;
- the firearm is **non-restricted**; and
- safety is not in question.

A confirmation number will be supplied by the customs officer.

If the firearm is being imported into Canada **for the first time**, the individual importing the firearm will need an acquisition licence and the import will need to be approved by the CFO. The confirmed declaration from the customs officer will serve as a temporary registration certificate until the new certificate is issued.

GUN SHOWS

For the purposes of *Firearms Act* and regulations, a **display gun show** is a show where guns are displayed only and a **sales gun show** is a show where guns are sold, or offered for sale.

These proposed regulations will apply to all gun shows where firearms are sold or offered for sale. They will also apply to all display gun shows, **except** where the CFO determines that the firearms are displayed for instructional or educational purposes **only**, as part of a larger event.

REQUESTING APPROVAL TO SPONSOR A GUN SHOW

All gun shows where these regulations apply will need a sponsor, who must be approved by the CFO of the province or territory where the show is to take place.

The sponsor must hold a firearms business licence specifically authorizing the sponsorship of that gun show. (An application for a business licence can be made at the same time as the application to sponsor the show.)

Those who want to sponsor a gun show must apply to the CFO for approval **at least 60 days before** the planned show date. In their application, they must indicate:

- their name, address and phone number (plus fax number and e-mail address if they have one);
- the location, date and hours of operation of the show;
- the purpose of the show (display or sales);
- a preliminary list of exhibitors, indicating whether each exhibitor intends to sell firearms or only display them; and
- a description of the security plans for the building and the firearms.

The application must also include the following:

- if the sponsor is an individual, evidence that he or she is a citizen or permanent resident of Canada;
- if the sponsor is an association, evidence that a majority of its officers are citizens or permanent residents of Canada; or
- if the sponsor is a businesses, evidence that it does business in Canada.

RESPONSIBILITIES OF THE SPONSOR

At least 3 working days before the show, the approved sponsors must provide the CFO with a final list of exhibitors, including each exhibitor's address, and a floor plan indicating the table or booth location of each exhibitor. The sponsor must also notify the local police department of the intention to hold a gun show. The notice to the police must include the planned location, date and hours of operation of the show.

During the show, the sponsor's licence to sponsor that show must be posted where it will be noticeable, and a sponsor or delegate must be on duty at the site at all times. The sponsor will have overall responsibility for providing security for the display area, and for ensuring that exhibitors handle and display their firearms safely as required by the regulations. The sponsor must also be sure that each exhibition table is supervised at all times by a person who has reached the age of majority and holds a firearms licence.

RESPONSIBILITIES OF EXHIBITORS

Exhibitors must display their firearms safely, as set out in the regulations. (The safe display regulations for businesses will apply to sales gun shows and the safe display regulations for individuals will apply to display gun shows.) They must also make sure that their display booth is supervised at all times by an adult (18 or older) with a firearms licence.

Exhibitors must keep a record of all sales they make at the show. These records will be separate from those kept in the course of regular business activities.

FEES

The proposed fee for the business licence required for sponsors of gun shows is \$50 per show.

SPECIAL AUTHORITY TO POSSESS

Under the *Firearms Act*, the only prohibited firearms that may be transported for target shooting purposes will be grandfathered handguns with a barrel length of 105 mm or less and handguns of .25 or .32 calibre. These proposed regulations provide for the occasional transport and use of other prohibited firearms at shooting ranges.

These regulations also provide for the temporary possession and manufacture of replica firearms by persons other than specially licensed businesses under certain circumstances. For the purposes of the *Firearms Act* and the regulations, a **replica** is any device that exactly or almost exactly resembles a firearm, but was never able to fire a projectile.

MANUFACTURE OF REPLICAS

When the *Firearms Act* comes into force, a **replica firearm will become a prohibited device**. Individuals may keep the replica firearms they already own, but only businesses with a prescribed purpose, such as movie and theatre supply businesses, can manufacture or acquire them. However, a replica firearm may be manufactured, in particular circumstances, by persons other than those businesses, if it is manufactured for and transferred to a business whose licence allows the possession of prohibited devices.

The person or business who manufactures replica firearms will be responsible for:

- keeping a record of the replicas they produce or transfer; and
- ensuring that one of its employees is responsible for the use, storage and handling of the replicas.

Replica firearms must be stored in a secure, locked, container, vault, safe or room that is securely locked and cannot be easily broken into.

TEMPORARY TRANSFERS OF REPLICA FIREARMS

Under the regulations, replica firearms may be loaned to someone in the motion picture, television, video, theatrical or publishing industry who does not have a business licence with a prescribed purpose. Replicas may also be loaned to safety education instructors, designated by the CFO of the province or territory in which the person instructs.

The **lender** must keep a record of what was loaned, and when. The lender must also ensure that the person who borrowed the replica is aware of these regulations and of the offence provisions in the *Criminal Code* and *Firearms Act* that deal with replica and imitation firearms.

The **borrower** must keep a record of what was borrowed, and when, and be responsible for safe storage of the replica.

A loan as described above cannot exceed one year, but can be extended up to one year if the records kept by both parties are updated. All records kept must be made available to the CFO on demand.

TRANSPORTING PROHIBITED FIREARMS

Under the *Firearms Act*, the only prohibited firearms that may be transported for regular target shooting purposes will be grandfathered handguns with a barrel length of 105 mm or less and handguns of .25 or .32 calibre.

Under these regulations, a person licensed to own a prohibited firearm (other than a prohibited handgun covered by the Act), may be specially authorized to transport the firearm to a shooting range by the CFO of the province or territory where the range is located (if the CFO feels that it is safe to do so), in the following occasional circumstances:

- **automatic firearms:** for occasional test firing or demonstration at a Department of National Defence range;
- **other prohibited firearms:** for occasional test firing, demonstrations, target shooting or target competitions at an approved shooting range or a Department of National Defence range;
- **any prohibited firearm** being transported to the border for an event out of the country.

Owners of prohibited firearms must apply for this authority each time there is a special event and must transport them to and from the range using a reasonably direct route.

***CANADA POST**

Proposed changes to regulations tabled in 1996 will allow Canadians to send **non-restricted** firearms by mail within Canada. The most secure delivery service provided by Canada Post, one that requires a signature upon delivery, must be used.

***VERIFICATION**

(The following addition to the Conditions of Transferring Firearms Regulations, requiring verification on transfer, will come into effect January 1, 2003)

Verification is a way to confirm that the information in the registry database correctly identifies and classifies a firearm.

Verification is a **one-time only** process. The only legal requirement for verification is the **first time** a registered firearm is transferred to a new owner, if it has not already been verified..

This section explains some of the changes in the proposed regulations with respect to verification.

VERIFYING FIREARMS

Firearm owners will take their firearm and registration certificate to an appropriate firearms verifier. The verifier will, in most cases be a community volunteer, knowledgeable in firearms e.g. firearms dealer, gun club member or firearms safety instructor. The verifier will complete the forms. After the registration information on the firearm is verified, a registration certificate indicating that the information has been verified will be sent at no charge, to the owner.

There will be **no charge** for verification.

Businesses will be responsible for verifying any firearms they sell.