



“Red flag” law: Emergency prohibition order process

In an emergency, call 9-1-1 or local police.

If someone is believed to be a safety risk to themselves or others, anyone can apply to a provincial or territorial court for an emergency prohibition order asking that firearms, other items, and firearms licenses be temporarily removed.

Application process

1. Application to a provincial or territorial court

The first step is an application to a provincial or territorial court for an emergency prohibition order to remove firearms and other items if someone is believed to be a safety risk to themselves or others.

Anyone can apply for an emergency prohibition order.

Note: If there is a risk that the individual could access another person's firearms, an application can also be made for an emergency limitations on access order.

2. Judge holds a hearing

Following this, a judge holds a hearing (where the applicant provides evidence) to determine if the emergency prohibition order should be made.

The person subject to the order is not present at the hearing.

Note: The person will not be notified of the hearing or application unless the order is made. The applicant can also ask the court to protect their anonymity by deleting identifying information included in the application or denying access to it. The court may close the hearing to the public/media.

After the hearing for an emergency prohibition order, one of two things could occur:

1. If the judge is not convinced that the order should be made to ensure the protection of any person, the order is not issued, and no further action is taken.
2. If the judge is convinced that the order should be made to ensure the protection of any person, the order will be granted. An order is effective immediately and can last up to 30 days.

3. Person subject to the order is notified; firearms removed

When an emergency prohibition order is made, the person subject to the order is notified. The person's firearms, weapons and other items are removed for up to 30 days. The firearms are either seized by police or turned in by the owner.

Note: While the order is in effect, the person the order is against may apply to have it cancelled. They can also apply to have the prohibition order lifted for sustenance or employment reasons. The judge has discretion whether to cancel or lift the order.

If the emergency prohibition order is cancelled or when it expires, the person's items and firearms licence are returned as soon as possible.

4. Longer-term prohibition order (Judge's discretion)

The judge may decide to set a hearing to consider a longer-term prohibition order, which can last up to five years.

The person's items and firearms licence are not returned until the hearing is complete.

Once the hearing is complete, one of two things could occur:

1. **The judge does not grant a longer-term order.** The emergency prohibition order is cancelled, and the person's items and firearms licence will be returned to them as soon as possible; or
2. **The judge grants a longer-term prohibition order for up to 5 years.**
The person's items and firearms licence **are not** returned.

For more information on red flag laws and these protections, contact your local court. Learn more about “red flag” laws and how they can help prevent firearms violence: canada.ca/red-flag-laws.

Aussi disponible en français sous le titre :

Loi « drapeau rouge » : le processus d'ordonnance d'interdiction d'urgence

Also available in an accessible, digital format online:

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