

# History of Firearms Control in Canada: Up to and Including the Firearms Act

## **Pre-1892**

Justices of the Peace had the authority to impose a six-month jail term on anyone carrying a handgun, if the person did not have reasonable cause to fear assault against life or property.

## **1892**

The first Criminal Code required individuals to have a basic permit, known as a 'certificate of exemption,' to carry a pistol unless the owner had cause to fear assault or injury. It became an offence to sell a pistol to anyone under 16. Vendors who sold pistols or airguns had to keep a record of the purchaser's name, the date of the sale and information that could identify the gun.<sup>1913</sup>

Carrying a handgun outside the home or place of business without a permit could result in a three-month sentence. It became an offence to transfer a firearm to any person under the age of 16, or for a person under 16 to buy one. The first specific search, seizure and forfeiture powers for firearms and other weapons were created.

## **1919-1920**

A Criminal Code amendment required individuals to obtain a permit to possess a firearm, regardless of where the firearm was kept. These permits were available from a magistrate, a chief of police or the RCMP. British subjects did not need a permit for shotguns or rifles they already owned; they only needed one for newly acquired firearms. Permits were valid for one year within the issuing province. The Criminal Code did not provide for a central registry; records were maintained at the local level.

## **1921**

A Criminal Code amendment repealed the requirement for everyone in possession of a firearm to have a permit. Instead, only 'aliens' needed a permit to possess firearms. (British subjects still needed a permit to carry pistols or handguns).

## **1932-1933**

Specific requirements were added for issuing handgun permits. Before this, applicants only had to be of 'discretion and good character.' They now also had to give reasons for wanting a handgun. Permits could only be issued to protect life or property, or for using a firearm at an approved shooting club. The minimum age for possessing firearms was lowered from 16 to 12 years. Other changes included the creation of the first mandatory minimum consecutive sentence - 2 years for the possession of a handgun or concealable firearm while committing an offence. The punishment for carrying a handgun outside the home or place of business was increased from 3 months to a maximum of 5 years.

## **1934**

The first real registration requirement for handguns was created. Before then, when a permit holder bought a handgun, the person who issued the permit was notified. The new provisions required records identifying the owner, the owner's address and the firearm. These records were not centralized. Registration certificates were issued and records were kept by the Commissioner of the RCMP or by police departments that provincial Attorneys General had designated as firearms registries.

### **1938**

Handguns had to be re-registered every five years, starting in 1939. (Initially, certificates had been valid indefinitely). While guns did not require serial numbers, it became an offence to alter or deface numbers (S.C.1938, c.44). The mandatory 2-year minimum sentence provision was extended to include the possession of any type of firearm, not just handguns and concealable firearms, while committing an offence. The minimum age was raised from 12 to 14 years. The first 'minor's permit' was created to allow persons under 14 to have access to firearms.

### **1939-1944**

Re-registration was postponed because of World War II. During the war years, rifles and shotguns had to be registered. This was discontinued after the war ended.

### **1947**

The Criminal Code provisions dealing with 'constructive murder' were expanded to include any case where a death resulted from the possession or use of any weapon, including any firearm, during the commission of an offence, even if the offender did not intend to kill.

### **1950**

The Criminal Code was amended so that firearm owners no longer had to renew registration certificates. Certificates became valid indefinitely.

### **1951**

The registry system for handguns was centralized under the Commissioner of the RCMP for the first time. Automatic firearms were added to the category of firearms that had to be registered. These firearms now had to have serial numbers. The 2-year mandatory minimum sentence created in 1932-33 was repealed after a 1949 Supreme Court decision (R. v. Quon) found that it did not apply to common crimes such as armed robbery.

### **1968-1969**

The categories of 'firearm,' 'restricted weapon' and 'prohibited weapon' were created for the first time. This ended confusion over specific types of weapons and allowed the creation of specific legislative controls for each of the new categories. The new definitions included powers to designate weapons to be prohibited or restricted by Order-in-Council. The minimum age to get a minor's permit to possess firearms was increased to 16. For the first time, police had preventive powers to search for firearms and seize them if they had a warrant from a judge, and if they had reasonable grounds to believe that possession endangered the safety of the owner or any other person, even though no

offence had been committed. The current registration system, requiring a separate registration certificate for each restricted weapon, took effect in 1969.

### **1976**

Bill C-83 was introduced. Its proposals included: new offences and stricter penalties for the criminal misuse of firearms; and the prohibition of fully automatic firearms. It also proposed a licensing system requiring anyone aged 18 or older to get a licence to acquire or possess firearms or ammunition. (Those under 18 were eligible only for minors' permits). The licensing provisions were based on the concept that people should have to show fitness and responsibility before being allowed to use firearms. To this end, Bill-83 would have required licence applicants to include statements from two persons who were willing to guarantee the applicant's fitness. The Bill died on the Order Paper in July 1976.

### **1977**

Bill C-51 passed in the House of Commons. It then received Senate approval and Royal Assent on August 5. The two biggest changes included requirements for Firearms Acquisition Certificates (FACs) and requirements for Firearms and Ammunition Business Permits. Other changes included provisions dealing with new offences, search and seizure powers, increased penalties, and new definitions for prohibited and restricted weapons. Fully automatic weapons became classified as prohibited firearms unless they had been registered as restricted weapons before January 1, 1978. Individuals could no longer carry a restricted weapon to protect property. Mandatory minimum sentences were re-introduced. This time, they were in the form of a 1-14 year consecutive sentence for the actual use (not mere possession) of a firearm to commit an indictable offence.

### **1978**

All of the provisions contained in Bill C-51 came into force, except for the requirements for FACs and for Firearms and Ammunition Business Permits.

### **1979**

The requirements for FACs and Firearms and Ammunition Business Permits came into force. Both involved the screening of applicants and record-keeping systems. Provinces were given the option of requiring FAC applicants to take a firearm safety course.

### **1990**

Bill C-80 was introduced but died on the Order Paper. ( Many of the proposals contained in Bill C-80 were later included in Bill C-17). Among the major changes proposed by Bill C-80 were: the prohibition of automatic firearms that had been converted to semi-automatics to avoid the 1978 prohibition; the creation of new controls for other types of military or para-military firearms; and better screening of FAC applicants.

### **1991-1994**

Bill C-17 was introduced. It passed in the House of Commons on November 7, received Senate approval and Royal Assent on December 5, 1991, then came into force between 1992 and 1994. Changes to the FAC system included requiring applicants to provide a photograph and two references; imposing a mandatory 28-day waiting period for an FAC;

a mandatory requirement for safety training; and expanding the application form to provide more background information. Bill C-17 also required a more detailed screening check of FAC applicants.

Some other major changes included: increased penalties for firearm-related crimes; new Criminal Code offences; new definitions for prohibited and restricted weapons; new regulations for firearms dealers; clearly defined regulations for the safe storage, handling and transportation of firearms; and a requirement that firearm regulations be drafted for review by Parliamentary committee before being made by Governor-in-Council. A major focus of the new legislation was the need for controls on military, para-military and high-firepower guns. New controls in this area included the prohibition of large-capacity cartridge magazines for automatic and semi-automatic firearms, the prohibition of automatic firearms that had been converted to avoid the 1978 prohibition (existing owners were exempted); and a series of Orders-in-Council prohibiting or restricting most para-military rifles and some types of non-sporting ammunition.

The Bill C-17 requirement for FAC applicants to show knowledge of the safe handling of firearms came into force in 1994. To demonstrate knowledge, applicants had to pass the test for a firearms safety course approved by a provincial Attorney General, or a firearms officer had to certify that the applicant was competent in handling firearms safely.

Bill C-17 added a requirement that safety courses had to cover firearms laws as well as safety issues.

After the 1993 federal election, the new Government indicated its intention to proceed with further controls, including some form of licensing and registration system that would apply to all firearms and their owners. Provincial and Federal officials met several times between January and July to define issues relating to universal licensing and registration proposals.

Between August 1994 and February 1995, policy options were defined for a new firearms control scheme, and new legislation was drafted.

## **1995**

Bill C-68 was introduced in February 14. Senate approval and Royal Assent were granted on December 5, 1995. Major changes include:

Criminal Code amendments providing harsher penalties for certain serious crimes where firearms are used- for example, kidnapping, murder;

the creation of the Firearms Act, to take the administrative and regulatory aspects of the licensing and registration system out of the Criminal Code;

a new licensing system to replace the FAC system; licences required to possess and acquire firearms, and to buy ammunition;

registration of all firearms, including shotguns and rifles

## **1996**

The provisions requiring mandatory minimum sentences for serious firearms crimes came into effect in January. The Canadian Firearms Centre (CFC) was given the task to develop the regulations, systems and infrastructure needed to implement the Firearms Act. CFC officials consulted extensively with the provinces and territories, and with groups and individuals with an interest in firearms, to ensure that the regulations reflected their needs as much as possible.

The Minister of Justice tabled proposed regulations on November 27. These dealt with such matters as:

- all fees payable under the Firearms Act;licensing requirements for firearms owners;
- safe storage, display and transportation requirements for individuals and businesses;
- authorizations to transport restricted or prohibited firearms;
- authorizations to carry restricted firearms and prohibited handguns for limited purposes;
- authorizations for businesses to import or export firearms;
- conditions for transferring firearms from one owner to another;
- record-keeping requirements for businesses;
- adaptations for Aboriginal people

### **1997**

In January and February, public hearings on the proposed regulations were held by the House of Commons Sub-Committee on the Draft Regulations on Firearms, of the Standing Committee of Justice and Legal Affairs, and by the Senate Legal and Constitutional Affairs Committee. Based on the presentations that were made, a number of recommendations were made for improvements to the regulations. These recommendations were to clarify various provisions and to give more recognition to legitimate needs of firearms users. The Committee also recommended that the government develop a variety of communications programs to provide information on the new law to groups and individuals with an interest in firearms.

In April, the Minister of Justice tabled the government's response, accepting all but one of the Committee's 39 recommendations. The government rejected a recommendation for an additional procedure in the licence approval process.In October, the Minister of Justice tabled some amendments to the 1996 regulations. She also tabled additional regulations at that time, dealing with:

- firearms registration certificates;
- exportation and importation of firearms;
- the operation of shooting clubs and shooting ranges;
- gun shows
- special authority to possess; and
- public agents

### **1998**

The regulations were passed in March. The Firearms Act and regulations are being phased in starting December 1, 1998.

### **2001**

As of January 1, 2001, Canadians need a licence to possess and acquire firearms.

### **2002**

As of January 1, 2003, Canadians need a valid businesses and individuals need a valid registration certificate for all firearms in their possession, including non-restricted rifles and shotguns.

### **2003**

On May 13, 2003, Bill C-10A, An Act to Amend the Criminal Code (Firearms) and the Firearms Act received Royal Assent.

In June 2003, proposed amendments to the regulations supporting the Firearms Act were tabled in Parliament. Consultations with key stakeholders concerning the proposed regulations took place in the fall of 2003.

For more information, or to order a copy of the Firearms Act, its regulations, application forms and other CFC publications, contact us at:

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