

Canadian Coalition for Firearm Rights

Legislative Revisions of Bill C- 71: Act to amend certain Acts and Regulations in relation to firearms in context of the *Criminal Code of Canada*, R.S.C., 1985, c. C-46

The proposed legislative revisions contained in Bill C-71 are incorporated in this copy of the *Criminal Code of Canada*, R.S.C., 1985, c. C-46, as it is in force as of March 20, 2018, with the proposed legislative revisions marked in yellow highlight with:

- (a) additions marked in yellow as in this sample: “sample”; and
- (b) deletions marked in yellow as in this example: “~~deleted provision~~”.

This discussion copy of the *Firearms Act* and its amendments is derived from an unofficial copy of the legislation, and of course is an unofficial copy itself. Please refer to official copies of all legislation and Bills for all legal purposes.

Criminal Code

R.S.C., 1985, c. C-46

An Act respecting the Criminal Law

Short Title

Short title

1 This Act may be cited as the Criminal Code.

Interpretation

Definitions

2 In this Act, ...

firearm means a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm; (*arme à feu*)

Further definitions — firearms

2.1 In this Act, ammunition, antique firearm, automatic firearm, cartridge magazine, cross-bow, handgun, imitation firearm, prohibited ammunition, prohibited device, prohibited firearm, prohibited weapon, replica firearm, restricted firearm and restricted weapon, as well as authorization, licence and registration certificate when used in relation to those words and expressions, have the same meaning as in subsection 84(1).

PART III

Firearms and Other Weapons

Interpretation

Definitions

84 (1) In this Part,

ammunition means a cartridge containing a projectile designed to be discharged from a firearm and, without restricting the generality of the foregoing, includes a caseless cartridge and a shot shell; (*munitions*)

antique firearm means

(a) any firearm manufactured before 1898 that was not designed to discharge rim-fire or centre-fire ammunition and that has not been redesigned to discharge such ammunition, or

(b) any firearm that is prescribed to be an antique firearm; (*arme à feu historique*)

authorization means an authorization issued under the [Firearms Act](#); (*autorisation*)

automatic firearm means a firearm that is capable of, or assembled or designed and manufactured with the capability of, discharging projectiles in rapid succession during one pressure of the trigger; (*arme automatique*)

cartridge magazine means a device or container from which ammunition may be fed into the firing chamber of a firearm; (*chargeur*)

chief firearms officer means a chief firearms officer as defined in subsection 2(1) of the [Firearms Act](#); (*contrôleur des armes à feu*)

Commissioner of Firearms means the Commissioner of Firearms appointed under section 81.1 of the [Firearms Act](#); (*commissaire aux armes à feu*)

cross-bow means a device with a bow and a bowstring mounted on a stock that is designed to propel an arrow, a bolt, a quarrel or any similar projectile on a trajectory guided by a barrel or groove and that is capable of causing serious bodily injury or death to a person; (*arbalète*)

export means export from Canada and, for greater certainty, includes the exportation of goods from Canada that are imported into Canada and shipped in transit through Canada; (*exporter*)

firearms officer means a firearms officer as defined in subsection 2(1) of the [Firearms Act](#); (*préposé aux armes à feu*)

handgun means a firearm that is designed, altered or intended to be aimed and fired by the action of one hand, whether or not it has been redesigned or subsequently altered to be aimed and fired by the action of both hands; (*arme de poing*)

imitation firearm means any thing that imitates a firearm, and includes a replica firearm; (*fausse arme à feu*)

import means import into Canada and, for greater certainty, includes the importation of goods into Canada that are shipped in transit through Canada and exported from Canada; (*importer*)

licence means a licence issued under the [Firearms Act](#); (*permis*)

non-restricted firearm means

(a) a firearm that is neither a prohibited firearm nor a restricted firearm, or

~~(b) a firearm that is prescribed to be a non-restricted firearm; (*arme à feu sans restriction*)~~

non-restricted firearm means a firearm that is neither a prohibited firearm nor a restricted firearm; (*arme à feu sans restriction*)

Version anglaise seulement

prescribed means prescribed by the regulations; (*Version anglaise seulement*)

prohibited ammunition means ammunition, or a projectile of any kind, that is prescribed to be prohibited ammunition; (*munitions prohibées*)

prohibited device means

(a) any component or part of a weapon, or any accessory for use with a weapon, that is prescribed to be a prohibited device,

(b) a handgun barrel that is equal to or less than 105 mm in length, but does not include any such handgun barrel that is prescribed, where the handgun barrel is for use in international sporting competitions governed by the rules of the International Shooting Union,

(c) a device or contrivance designed or intended to muffle or stop the sound or report of a firearm,

(d) a cartridge magazine that is prescribed to be a prohibited device, or

(e) a replica firearm; (*dispositif prohibé*)

prohibited firearm means

(a) a handgun that

(i) has a barrel equal to or less than 105 mm in length, or

(ii) is designed or adapted to discharge a 25 or 32 calibre cartridge,

but does not include any such handgun that is prescribed, where the handgun is for use in international sporting competitions governed by the rules of the International Shooting Union,

(b) a firearm that is adapted from a rifle or shotgun, whether by sawing, cutting or any other alteration, and that, as so adapted,

(i) is less than 660 mm in length, or

(ii) is 660 mm or greater in length and has a barrel less than 457 mm in length,

(c) an automatic firearm, whether or not it has been altered to discharge only one projectile with one pressure of the trigger, or

(d) any firearm that is prescribed to be a prohibited firearm; (*arme à feu prohibée*)

prohibited weapon means

(a) a knife that has a blade that opens automatically by gravity or centrifugal force or by hand pressure applied to a button, spring or other device in or attached to the handle of the knife, or

(b) any weapon, other than a firearm, that is prescribed to be a prohibited weapon; (*arme prohibée*)

prohibition order means an order made under this Act or any other Act of Parliament prohibiting a person from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all such things; (*ordonnance d'interdiction*)

Registrar means the Registrar of Firearms appointed under section 82 of the [Firearms Act](#); (*directeur*)

registration certificate means a registration certificate issued under the [Firearms Act](#); (*certificat d'enregistrement*)

replica firearm means any device that is designed or intended to exactly resemble, or to resemble with near precision, a firearm, and that itself is not a firearm, but does not include any such device that is designed or intended to exactly resemble, or to resemble with near precision, an antique firearm; (*réplique*)

restricted firearm means

(a) a handgun that is not a prohibited firearm,

(b) a firearm that

(i) is not a prohibited firearm,

(ii) has a barrel less than 470 mm in length, and

(iii) is capable of discharging centre-fire ammunition in a semi-automatic manner,

(c) a firearm that is designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping or otherwise, or

(d) a firearm of any other kind that is prescribed to be a restricted firearm; (*arme à feu à autorisation restreinte*)

restricted weapon means any weapon, other than a firearm, that is prescribed to be a restricted weapon; (*arme à autorisation restreinte*)

superior court means

(a) in Ontario, the Superior Court of Justice, sitting in the region, district or county or group of counties where the relevant adjudication was made,

(b) in Quebec, the Superior Court,

(c) in New Brunswick, Manitoba, Saskatchewan and Alberta, the Court of Queen's Bench,

(d) in Nova Scotia, British Columbia, Prince Edward Island and a territory, the Supreme Court, and

(e) in Newfoundland and Labrador, the Trial Division of the Supreme Court; (*cour supérieure*)

transfer means sell, provide, barter, give, lend, rent, send, transport, ship, distribute or deliver. (*cession*)

Barrel length

(2) For the purposes of this Part, the length of a barrel of a firearm is

(a) in the case of a revolver, the distance from the muzzle of the barrel to the breach end immediately in front of the cylinder, and

(b) in any other case, the distance from the muzzle of the barrel to and including the chamber,

but does not include the length of any component, part or accessory including any component, part or accessory designed or intended to suppress the muzzle flash or reduce recoil.

Certain weapons deemed not to be firearms

(3) For the purposes of sections 91 to 95, 99 to 101, 103 to 107 and 117.03 of this Act and the provisions of the [Firearms Act](#), the following weapons are deemed not to be firearms:

(a) any antique firearm;

(b) any device that is

(i) designed exclusively for signalling, for notifying of distress, for firing blank cartridges or for firing stud cartridges, explosive-driven rivets or other industrial projectiles, and

(ii) intended by the person in possession of it to be used exclusively for the purpose for which it is designed;

(c) any shooting device that is

(i) designed exclusively for the slaughtering of domestic animals, the tranquillizing of animals or the discharging of projectiles with lines attached to them, and

(ii) intended by the person in possession of it to be used exclusively for the purpose for which it is designed; and

(d) any other barrelled weapon, where it is proved that the weapon is not designed or adapted to discharge

(i) a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 m per second or at a muzzle energy exceeding 5.7 Joules, or

(ii) a shot, bullet or other projectile that is designed or adapted to attain a velocity exceeding 152.4 m per second or an energy exceeding 5.7 Joules.

Exception — antique firearms

(3.1) Notwithstanding subsection (3), an antique firearm is a firearm for the purposes of regulations made under paragraph 117(h) of the *Firearms Act* and subsection 86(2) of this Act.

Meaning of *holder*

(4) For the purposes of this Part, a person is the holder of

(a) an authorization or a licence if the authorization or licence has been issued to the person and the person continues to hold it; and

(b) a registration certificate for a firearm if

(i) the registration certificate has been issued to the person and the person continues to hold it, or

(ii) the person possesses the registration certificate with the permission of its lawful holder.

Subsequent offences

(5) In determining, for the purpose of subsection 85(3), 95(2), 99(2), 100(2) or 103(2), whether a convicted person has committed a second or subsequent offence, if the person was earlier convicted of any of the following offences, that offence is to be considered as an earlier offence:

(a) an offence under section 85, 95, 96, 98, 98.1, 99, 100, 102 or 103 or subsection 117.01(1);

(b) an offence under section 244 or 244.2; or

(c) an offence under section 220, 236, 239, 272 or 273, subsection 279(1) or section 279.1, 344 or 346 if a firearm was used in the commission of the offence.

However, an earlier offence shall not be taken into account if 10 years have elapsed between the day on which the person was convicted of the earlier offence and the day on which the person was convicted of the offence for which sentence is being imposed, not taking into account any time in custody.

Sequence of convictions only

(6) For the purposes of subsection (5), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction.

Use Offences

Using firearm in commission of offence

85 (1) Every person commits an offence who uses a firearm, whether or not the person causes or means to cause bodily harm to any person as a result of using the firearm,

(a) while committing an indictable offence, other than an offence under section 220 (criminal negligence causing death), 236 (manslaughter), 239 (attempted murder), 244 (discharging firearm with intent), 244.2 (discharging firearm — recklessness), 272 (sexual assault with a weapon) or 273 (aggravated sexual assault), subsection 279(1) (kidnapping) or section 279.1 (hostage taking), 344 (robbery) or 346 (extortion);

(b) while attempting to commit an indictable offence; or

(c) during flight after committing or attempting to commit an indictable offence.

Using imitation firearm in commission of offence

(2) Every person commits an offence who uses an imitation firearm

(a) while committing an indictable offence,

(b) while attempting to commit an indictable offence, or

(c) during flight after committing or attempting to commit an indictable offence,

whether or not the person causes or means to cause bodily harm to any person as a result of using the imitation firearm.

Punishment

(3) Every person who commits an offence under subsection (1) or (2) is guilty of an indictable offence and liable

(a) in the case of a first offence, except as provided in paragraph (b), to imprisonment for a term not exceeding fourteen years and to a minimum punishment of imprisonment for a term of one year; and

(b) in the case of a second or subsequent offence, to imprisonment for a term not exceeding 14 years and to a minimum punishment of imprisonment for a term of three years.

(c) [Repealed, 2008, c. 6, s. 3]

Sentences to be served consecutively

(4) A sentence imposed on a person for an offence under subsection (1) or (2) shall be served consecutively to any other punishment imposed on the person for an offence arising out of the same event or series of events and to any other sentence to which the person is subject at the time the sentence is imposed on the person for an offence under subsection (1) or (2).

Careless use of firearm, etc.

86 (1) Every person commits an offence who, without lawful excuse, uses, carries, handles, ships, transports or stores a firearm, a prohibited weapon, a restricted weapon, a prohibited device or any ammunition or prohibited ammunition in a careless manner or without reasonable precautions for the safety of other persons.

Contravention of storage regulations, etc.

(2) Every person commits an offence who contravenes a regulation made under paragraph 117(h) of the *Firearms Act* respecting the storage, handling, transportation, shipping, display, advertising and mail-order sales of firearms and restricted weapons.

Punishment

(3) Every person who commits an offence under subsection (1) or (2)

(a) is guilty of an indictable offence and liable to imprisonment

(i) in the case of a first offence, for a term not exceeding two years,
and

(ii) in the case of a second or subsequent offence, for a term not
exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

Pointing a firearm

87 (1) Every person commits an offence who, without lawful excuse, points a firearm at another person, whether the firearm is loaded or unloaded.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not
exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

Possession Offences

Marginal note: Possession of weapon for dangerous purpose

88 (1) Every person commits an offence who carries or possesses a weapon, an imitation of a weapon, a prohibited device or any ammunition or prohibited ammunition for a purpose dangerous to the public peace or for the purpose of committing an offence.

Marginal note: Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) is guilty of an offence punishable on summary conviction.

Carrying weapon while attending public meeting

89 (1) Every person commits an offence who, without lawful excuse, carries a weapon, a prohibited device or any ammunition or prohibited ammunition while the person is attending or is on the way to attend a public meeting.

Punishment

(2) Every person who commits an offence under subsection (1) is guilty of an offence punishable on summary conviction.

Carrying concealed weapon

90 (1) Every person commits an offence who carries a weapon, a prohibited device or any prohibited ammunition concealed, unless the person is authorized under the [*Firearms Act*](#) to carry it concealed.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

Unauthorized possession of firearm

91 (1) Subject to subsection (4), every person commits an offence who possesses a prohibited firearm, a restricted firearm or a non-restricted firearm without being the holder of

- (a) a licence under which the person may possess it; and
- (b) in the case of a prohibited firearm or a restricted firearm, a registration certificate for it.

Unauthorized possession of prohibited weapon or restricted weapon

(2) Subject to subsection (4), every person commits an offence who possesses a prohibited weapon, a restricted weapon, a prohibited device, other than a replica firearm, or any prohibited ammunition, without being the holder of a licence under which the person may possess it.

Punishment

- (3)** Every person who commits an offence under subsection (1) or (2)
- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
 - (b) is guilty of an offence punishable on summary conviction.

Exceptions

- (4)** Subsections (1) and (2) do not apply to
- (a) a person who possesses a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition while the person is under the direct and immediate supervision of a person who may lawfully possess it, for the purpose of using it in a manner in which the supervising person may lawfully use it; or
 - (b) a person who comes into possession of a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition by the operation of law and who, within a reasonable period after acquiring possession of it,
 - (i) lawfully disposes of it, or
 - (ii) obtains a licence under which the person may possess it and, in the case of a prohibited firearm or a restricted firearm, a registration certificate for it.

(5) [Repealed, 2012, c. 6, s. 2]

Possession of firearm knowing its possession is unauthorized

92 (1) Subject to subsection (4), every person commits an offence who possesses a prohibited firearm, a restricted firearm or a non-restricted firearm knowing that the person is not the holder of

- (a) a licence under which the person may possess it; and
- (b) in the case of a prohibited firearm or a restricted firearm, a registration certificate for it.

Possession of prohibited weapon, device or ammunition knowing its possession is unauthorized

(2) Subject to subsection (4), every person commits an offence who possesses a prohibited weapon, a restricted weapon, a prohibited device, other than a replica firearm, or any prohibited ammunition knowing that the person is not the holder of a licence under which the person may possess it.

Punishment

(3) Every person who commits an offence under subsection (1) or (2) is guilty of an indictable offence and liable

- (a) in the case of a first offence, to imprisonment for a term not exceeding ten years;
- (b) in the case of a second offence, to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year; and
- (c) in the case of a third or subsequent offence, to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of two years less a day.

Exceptions

(4) Subsections (1) and (2) do not apply to

- (a) a person who possesses a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition while the person is under the direct and immediate supervision of a person who may lawfully possess it, for the purpose of using it in a manner in which the supervising person may lawfully use it; or
- (b) a person who comes into possession of a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a

prohibited device or any prohibited ammunition by the operation of law and who, within a reasonable period after acquiring possession of it,

- (i) lawfully disposes of it, or
- (ii) obtains a licence under which the person may possess it and, in the case of a prohibited firearm or a restricted firearm, a registration certificate for it.

(5) and (6) [Repealed, 2012, c. 6, s. 3]

Possession at unauthorized place

93 (1) Subject to subsection (3), every person commits an offence who, being the holder of an authorization or a licence under which the person may possess a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device or prohibited ammunition, possesses them at a place that is

- (a) indicated on the authorization or licence as being a place where the person may not possess it;
- (b) other than a place indicated on the authorization or licence as being a place where the person may possess it; or
- (c) other than a place where it may be possessed under the *Firearms Act*.

Punishment

(2) Every person who commits an offence under subsection (1)

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction.

Exception

(3) Subsection (1) does not apply to a person who possesses a replica firearm.

Unauthorized possession in motor vehicle

94 (1) Subject to subsections (3) and (4), every person commits an offence who is an occupant of a motor vehicle in which the person knows there is a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device, other than a replica firearm, or any prohibited ammunition, unless

- (a) in the case of a prohibited firearm, a restricted firearm or a non-restricted firearm,

(i) the person or any other occupant of the motor vehicle is the holder of

(A) a licence under which the person or other occupant may possess the firearm, and

(B) in the case of a prohibited firearm or a restricted firearm, an authorization and a registration certificate for it,

(ii) the person had reasonable grounds to believe that any other occupant of the motor vehicle was the holder of

(A) a licence under which that other occupant may possess the firearm, and

(B) in the case of a prohibited firearm or a restricted firearm, an authorization and a registration certificate for it, or

(iii) the person had reasonable grounds to believe that any other occupant of the motor vehicle was a person who could not be convicted of an offence under this Act by reason of sections 117.07 to 117.1 or any other Act of Parliament; and

(b) in the case of a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition,

(i) the person or any other occupant of the motor vehicle is the holder of an authorization or a licence under which the person or other occupant may transport the prohibited weapon, restricted weapon, prohibited device or prohibited ammunition, or

(ii) the person had reasonable grounds to believe that any other occupant of the motor vehicle was

(A) the holder of an authorization or a licence under which the other occupant may transport the prohibited weapon, restricted weapon, prohibited device or prohibited ammunition, or

(B) a person who could not be convicted of an offence under this Act by reason of sections 117.07 to 117.1 or any other Act of Parliament.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) is guilty of an offence punishable on summary conviction.

Exception

(3) Subsection (1) does not apply to an occupant of a motor vehicle who, on becoming aware of the presence of the firearm, weapon, device or ammunition in the motor vehicle, attempted to leave the motor vehicle, to the extent that it was feasible to do so, or actually left the motor vehicle.

Exception

(4) Subsection (1) does not apply to an occupant of a motor vehicle when the occupant or any other occupant of the motor vehicle is a person who came into possession of the firearm, weapon, device or ammunition by the operation of law.

(5) [Repealed, 2012, c. 6, s. 4]

Possession of prohibited or restricted firearm with ammunition

95 (1) Subject to subsection (3), every person commits an offence who, in any place, possesses a loaded prohibited firearm or restricted firearm, or an unloaded prohibited firearm or restricted firearm together with readily accessible ammunition that is capable of being discharged in the firearm, without being the holder of

(a) an authorization or a licence under which the person may possess the firearm in that place; and

(b) the registration certificate for the firearm.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years and to a minimum punishment of imprisonment for a term of

(i) in the case of a first offence, three years, and

(ii) in the case of a second or subsequent offence, five years; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding one year.

Exception

(3) Subsection (1) does not apply to a person who is using the firearm under the direct and immediate supervision of another person who is lawfully entitled to possess it and is using the firearm in a manner in which that other person may lawfully use it.

Possession of weapon obtained by commission of offence

96 (1) Subject to subsection (3), every person commits an offence who possesses a firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition that the person knows was obtained by the commission in Canada of an offence or by an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year; or

(b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding one year.

Exception

(3) Subsection (1) does not apply to a person who comes into possession of anything referred to in that subsection by the operation of law and who lawfully disposes of it within a reasonable period after acquiring possession of it.

97 [Repealed before coming into force, 2008, c. 20, s. 3]

Breaking and entering to steal firearm

98 (1) Every person commits an offence who

(a) breaks and enters a place with intent to steal a firearm located in it;

(b) breaks and enters a place and steals a firearm located in it; or

(c) breaks out of a place after

(i) stealing a firearm located in it, or

(ii) entering the place with intent to steal a firearm located in it.

Definitions of *break* and *place*

(2) In this section, *break* has the same meaning as in section 321, and *place* means any building or structure — or part of one — and any motor vehicle, vessel, aircraft, railway vehicle, container or trailer.

Entrance

(3) For the purposes of this section,

(a) a person enters as soon as any part of his or her body or any part of an instrument that he or she uses is within any thing that is being entered; and

(b) a person is deemed to have broken and entered if he or she

(i) obtained entrance by a threat or an artifice or by collusion with a person within, or

(ii) entered without lawful justification or excuse by a permanent or temporary opening.

Punishment

(4) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for life.

Robbery to steal firearm

98.1 Every person who commits a robbery within the meaning of section 343 with intent to steal a firearm or in the course of which he or she steals a firearm commits an indictable offence and is liable to imprisonment for life.

Trafficking Offences

Weapons trafficking

99 (1) Every person commits an offence who

(a) manufactures or transfers, whether or not for consideration, or

(b) offers to do anything referred to in paragraph (a) in respect of

a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition or any prohibited ammunition knowing that the person is not authorized to do so under the [Firearms Act](#) or any other Act of Parliament or any regulations made under any Act of Parliament.

Punishment — firearm

(2) Every person who commits an offence under subsection (1) when the object in question is a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited device, any ammunition or any prohibited ammunition is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years and to a minimum punishment of imprisonment for a term of

(a) in the case of a first offence, three years; and

(b) in the case of a second or subsequent offence, five years.

Punishment — other cases

(3) In any other case, a person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years and to a minimum punishment of imprisonment for a term of one year.

Possession for purpose of weapons trafficking

100 (1) Every person commits an offence who possesses a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition or any prohibited ammunition for the purpose of

- (a) transferring it, whether or not for consideration, or
- (b) offering to transfer it,

knowing that the person is not authorized to transfer it under the [Firearms Act](#) or any other Act of Parliament or any regulations made under any Act of Parliament.

Punishment — firearm

(2) Every person who commits an offence under subsection (1) when the object in question is a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited device, any ammunition or any prohibited ammunition is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years and to a minimum punishment of imprisonment for a term of

- (a) in the case of a first offence, three years; and
- (b) in the case of a second or subsequent offence, five years.

Punishment — other cases

(3) In any other case, a person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years and to a minimum punishment of imprisonment for a term of one year.

Transfer without authority

101 (1) Every person commits an offence who transfers a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition or any prohibited ammunition to any person otherwise than under the authority of the [Firearms Act](#) or any other Act of Parliament or any regulations made under an Act of Parliament.

Punishment

- (2) Every person who commits an offence under subsection (1)
- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
 - (b) is guilty of an offence punishable on summary conviction.

Assembling Offence

Making automatic firearm

102 (1) Every person commits an offence who, without lawful excuse, alters a firearm so that it is capable of, or manufactures or assembles any firearm that is capable of, discharging projectiles in rapid succession during one pressure of the trigger.

Punishment

- (2) Every person who commits an offence under subsection (1)
- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year; or
 - (b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding one year.

Export and Import Offences

Importing or exporting knowing it is unauthorized

- 103 (1)** Every person commits an offence who imports or exports
- (a) a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition, or
 - (b) any component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm,

knowing that the person is not authorized to do so under the [Firearms Act](#) or any other Act of Parliament or any regulations made under an Act of Parliament.

Punishment — firearm

- (2) Every person who commits an offence under subsection (1) when the object in question is a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited

device or any prohibited ammunition is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years and to a minimum punishment of imprisonment for a term of

- (a) in the case of a first offence, three years; and
- (b) in the case of a second or subsequent offence, five years.

Punishment — other cases

(2.1) In any other case, a person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years and to a minimum punishment of imprisonment for a term of one year.

Attorney General of Canada may act

(3) Any proceedings in respect of an offence under subsection (1) may be commenced at the instance of the Government of Canada and conducted by or on behalf of that government.

Unauthorized importing or exporting

104 (1) Every person commits an offence who imports or exports

- (a) a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition, or
- (b) any component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm,

otherwise than under the authority of the [*Firearms Act*](#) or any other Act of Parliament or any regulations made under an Act of Parliament.

Punishment

(2) Every person who commits an offence under subsection (1)

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction.

Attorney General of Canada may act

(3) Any proceedings in respect of an offence under subsection (1) may be commenced at the instance of the Government of Canada and conducted by or on behalf of that government.

Offences relating to Lost, Destroyed or Defaced Weapons, etc.

Losing or finding

105 (1) Every person commits an offence who

(a) having lost a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device, any prohibited ammunition, an authorization, a licence or a registration certificate, or having had it stolen from the person's possession, does not with reasonable despatch report the loss to a peace officer, to a firearms officer or a chief firearms officer; or

(b) on finding a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition that the person has reasonable grounds to believe has been lost or abandoned, does not with reasonable despatch deliver it to a peace officer, a firearms officer or a chief firearms officer or report the finding to a peace officer, a firearms officer or a chief firearms officer.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

Destroying

106 (1) Every person commits an offence who

(a) after destroying any prohibited firearm, restricted firearm, prohibited weapon, restricted weapon, prohibited device or prohibited ammunition, or

(b) on becoming aware of the destruction of any prohibited firearm, restricted firearm, prohibited weapon, restricted weapon, prohibited device or prohibited ammunition that was in the person's possession before its destruction,

does not with reasonable despatch report the destruction to a peace officer, firearms officer or chief firearms officer.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

False statements

107 (1) Every person commits an offence who knowingly makes, before a peace officer, firearms officer or chief firearms officer, a false report or statement concerning the loss, theft or destruction of a prohibited firearm, a restricted firearm, a non-restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device, any prohibited ammunition, an authorization, a licence or a registration certificate.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

Definition of *report* or *statement*

(3) In this section, *report* or *statement* means an assertion of fact, opinion, belief or knowledge, whether material or not and whether admissible or not.

Tampering with serial number

108 (1) Every person commits an offence who, without lawful excuse, the proof of which lies on the person,

(a) alters, defaces or removes a serial number on a firearm; or

(b) possesses a firearm knowing that the serial number on it has been altered, defaced or removed.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

Exception

(3) No person is guilty of an offence under paragraph (1)(b) by reason only of possessing a prohibited firearm or restricted firearm the serial number on which has been altered, defaced or removed, if that serial number has been replaced and a registration certificate in respect of the firearm has been issued setting out a new serial number for the firearm.

Evidence

(4) In proceedings for an offence under subsection (1), evidence that a person possesses a firearm the serial number on which has been wholly or partially obliterated otherwise than through normal use over time is, in the absence of evidence to the contrary, proof that the person possesses the firearm knowing that the serial number on it has been altered, defaced or removed.

Prohibition Orders

Mandatory prohibition order

109 (1) Where a person is convicted, or discharged under section 730, of

(a) an indictable offence in the commission of which violence against a person was used, threatened or attempted and for which the person may be sentenced to imprisonment for ten years or more,

(a.1) an indictable offence in the commission of which violence was used, threatened or attempted against

(i) the person's current or former intimate partner,

(ii) a child or parent of the person or of anyone referred to in subparagraph (i), or

(iii) any person who resides with the person or with anyone referred to in subparagraph (i) or (ii),

(b) an offence under subsection 85(1) (using firearm in commission of offence), subsection 85(2) (using imitation firearm in commission of offence), 95(1) (possession of prohibited or restricted firearm with ammunition), 99(1) (weapons trafficking), 100(1) (possession for purpose of weapons trafficking), 102(1) (making automatic firearm), 103(1) (importing or exporting knowing it is unauthorized) or section 264 (criminal harassment),

(c) an offence relating to the contravention of subsection 5(1) or (2), 6(1) or (2) or 7(1) of the *Controlled Drugs and Substances Act*, or

(d) an offence that involves, or the subject-matter of which is, a firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition, any prohibited ammunition or an explosive substance and, at the time of the offence, the person was prohibited by any order made under this Act or any other Act of Parliament from possessing any such thing,

the court that sentences the person or directs that the person be discharged, as the case may be, shall, in addition to any other punishment that may be imposed for that offence or any other condition prescribed in the order of discharge, make an order prohibiting the person from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition and explosive substance during

the period specified in the order as determined in accordance with subsection (2) or (3), as the case may be.

Duration of prohibition order — first offence

(2) An order made under subsection (1) shall, in the case of a first conviction for or discharge from the offence to which the order relates, prohibit the person from possessing

(a) any firearm, other than a prohibited firearm or restricted firearm, and any crossbow, restricted weapon, ammunition and explosive substance during the period that

(i) begins on the day on which the order is made, and

(ii) ends not earlier than ten years after the person's release from imprisonment after conviction for the offence or, if the person is not then imprisoned or subject to imprisonment, after the person's conviction for or discharge from the offence; and

(b) any prohibited firearm, restricted firearm, prohibited weapon, prohibited device and prohibited ammunition for life.

Duration of prohibition order — subsequent offences

(3) An order made under subsection (1) shall, in any case other than a case described in subsection (2), prohibit the person from possessing any firearm, cross-bow, restricted weapon, ammunition and explosive substance for life.

Definition of *release from imprisonment*

(4) In subparagraph (2)(a)(ii), *release from imprisonment* means release from confinement by reason of expiration of sentence, commencement of statutory release or grant of parole.

Application of ss. 113 to 117

(5) Sections 113 to 117 apply in respect of every order made under subsection (1).

Discretionary prohibition order

110 (1) Where a person is convicted, or discharged under section 730, of

(a) an offence, other than an offence referred to in any of paragraphs 109(1)(a) to (c), in the commission of which violence against a person was used, threatened or attempted, or

(b) an offence that involves, or the subject-matter of which is, a firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, ammunition, prohibited ammunition or an explosive substance and, at the time

of the offence, the person was not prohibited by any order made under this Act or any other Act of Parliament from possessing any such thing,

the court that sentences the person or directs that the person be discharged, as the case may be, shall, in addition to any other punishment that may be imposed for that offence or any other condition prescribed in the order of discharge, consider whether it is desirable, in the interests of the safety of the person or of any other person, to make an order prohibiting the person from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all such things, and where the court decides that it is so desirable, the court shall so order.

Duration of prohibition order

(2) An order made under subsection (1) against a person begins on the day on which the order is made and ends not later than ten years after the person's release from imprisonment after conviction for the offence to which the order relates or, if the person is not then imprisoned or subject to imprisonment, after the person's conviction for or discharge from the offence.

Exception

(2.1) Despite subsection (2), an order made under subsection (1) may be imposed for life or for any shorter duration if, in the commission of the offence, violence was used, threatened or attempted against

- (a) the person's current or former intimate partner;
- (b) a child or parent of the person or of anyone referred to in paragraph (a); or
- (c) any person who resides with the person or with anyone referred to in paragraph (a) or (b).

Reasons

(3) Where the court does not make an order under subsection (1), or where the court does make such an order but does not prohibit the possession of everything referred to in that subsection, the court shall include in the record a statement of the court's reasons for not doing so.

Definition of *release from imprisonment*

(4) In subsection (2), *release from imprisonment* means release from confinement by reason of expiration of sentence, commencement of statutory release or grant of parole.

Application of ss. 113 to 117

(5) Sections 113 to 117 apply in respect of every order made under subsection (1).

Definition of *intimate partner*

110.1 In sections 109 and 110, *intimate partner* includes a spouse, a common-law partner and a dating partner.

Application for prohibition order

111 (1) A peace officer, firearms officer or chief firearms officer may apply to a provincial court judge for an order prohibiting a person from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all such things, where the peace officer, firearms officer or chief firearms officer believes on reasonable grounds that it is not desirable in the interests of the safety of the person against whom the order is sought or of any other person that the person against whom the order is sought should possess any such thing.

Date for hearing and notice

(2) On receipt of an application made under subsection (1), the provincial court judge shall fix a date for the hearing of the application and direct that notice of the hearing be given, in such manner as the provincial court judge may specify, to the person against whom the order is sought.

Hearing of application

(3) Subject to subsection (4), at the hearing of an application made under subsection (1), the provincial court judge shall hear all relevant evidence presented by or on behalf of the applicant and the person against whom the order is sought.

Where hearing may proceed *ex parte*

(4) A provincial court judge may proceed *ex parte* to hear and determine an application made under subsection (1) in the absence of the person against whom the order is sought in the same circumstances as those in which a summary conviction court may, under Part XXVII, proceed with a trial in the absence of the defendant.

Prohibition order

(5) Where, at the conclusion of a hearing of an application made under subsection (1), the provincial court judge is satisfied that the circumstances referred to in that subsection exist, the provincial court judge shall make an order prohibiting the person from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all such things, for such period, not exceeding five years, as is specified in the order, beginning on the day on which the order is made.

Reasons

(6) Where a provincial court judge does not make an order under subsection (1), or where a provincial court judge does make such an order but does not prohibit the possession of everything referred to in that subsection, the provincial court judge shall include in the record a statement of the court's reasons.

Application of ss. 113 to 117

(7) Sections 113 to 117 apply in respect of every order made under subsection (5).

Appeal by person or Attorney General

(8) Where a provincial court judge makes an order under subsection (5), the person to whom the order relates, or the Attorney General, may appeal to the superior court against the order.

Appeal by Attorney General

(9) Where a provincial court judge does not make an order under subsection (5), the Attorney General may appeal to the superior court against the decision not to make an order.

Application of Part XXVII to appeals

(10) The provisions of Part XXVII, except sections 785 to 812, 816 to 819 and 829 to 838, apply in respect of an appeal made under subsection (8) or (9), with such modifications as the circumstances require and as if each reference in that Part to the appeal court were a reference to the superior court.

Definition of *provincial court judge*

(11) In this section and sections 112, 117.011 and 117.012, *provincial court judge* means a provincial court judge having jurisdiction in the territorial division where the person against whom the application for an order was brought resides.

Revocation of prohibition order under s. 111(5)

112 A provincial court judge may, on application by the person against whom an order is made under subsection 111(5), revoke the order if satisfied that the circumstances for which it was made have ceased to exist.

Lifting of prohibition order for sustenance or employment

113 (1) Where a person who is or will be a person against whom a prohibition order is made establishes to the satisfaction of a competent authority that

(a) the person needs a firearm or restricted weapon to hunt or trap in order to sustain the person or the person's family, or

(b) a prohibition order against the person would constitute a virtual prohibition against employment in the only vocation open to the person,

the competent authority may, notwithstanding that the person is or will be subject to a prohibition order, make an order authorizing a chief firearms officer or the Registrar to issue, in accordance with such terms and conditions as the competent authority considers appropriate, an authorization, a licence or a registration certificate, as the case may be, to the person for sustenance or employment purposes.

Factors

(2) A competent authority may make an order under subsection (1) only after taking the following factors into account:

- (a) the criminal record, if any, of the person;
- (b) the nature and circumstances of the offence, if any, in respect of which the prohibition order was or will be made; and
- (c) the safety of the person and of other persons.

Effect of order

(3) Where an order is made under subsection (1),

(a) an authorization, a licence or a registration certificate may not be denied to the person in respect of whom the order was made solely on the basis of a prohibition order against the person or the commission of an offence in respect of which a prohibition order was made against the person; and

(b) an authorization and a licence may, for the duration of the order, be issued to the person in respect of whom the order was made only for sustenance or employment purposes and, where the order sets out terms and conditions, only in accordance with those terms and conditions, but, for greater certainty, the authorization or licence may also be subject to terms and conditions set by the chief firearms officer that are not inconsistent with the purpose for which it is issued and any terms and conditions set out in the order.

When order can be made

(4) For greater certainty, an order under subsection (1) may be made during proceedings for an order under subsection 109(1), 110(1), 111(5), 117.05(4) or 515(2), paragraph 732.1(3)(d) or subsection 810(3).

Meaning of *competent authority*

(5) In this section, *competent authority* means the competent authority that made or has jurisdiction to make the prohibition order.

Requirement to surrender

114 A competent authority that makes a prohibition order against a person may, in the order, require the person to surrender to a peace officer, a firearms officer or a chief firearms officer

(a) any thing the possession of which is prohibited by the order that is in the possession of the person on the commencement of the order, and

(b) every authorization, licence and registration certificate relating to any thing the possession of which is prohibited by the order that is held by the person on the commencement of the order,

and where the competent authority does so, it shall specify in the order a reasonable period for surrendering such things and documents and during which section 117.01 does not apply to that person.

Forfeiture

~~**115 (1)** Unless a prohibition order against a person specifies otherwise, every thing the possession of which is prohibited by the order that, on the commencement of the order, is in the possession of the person is forfeited to Her Majesty.~~

Forfeiture

115 (1) Unless a prohibition order against a person specifies otherwise, every thing the possession of which is prohibited by the order is forfeited to Her Majesty if, on the commencement of the order, the thing is in the person's possession or has been seized and detained by, or surrendered to, a peace officer.

Exception

(1.1) Subsection (1) does not apply in respect of an order made under section 515.

Disposal

(2) Every thing forfeited to Her Majesty under subsection (1) shall be disposed of or otherwise dealt with as the Attorney General directs.

Authorizations revoked or amended

116 (1) Subject to subsection (2), every authorization, licence and registration certificate relating to any thing the possession of which is prohibited by a prohibition order and

issued to a person against whom the prohibition order is made is, on the commencement of the prohibition order, revoked, or amended, as the case may be, to the extent of the prohibitions in the order.

Duration of revocation or amendment — orders under section 515

(2) An authorization, a licence and a registration certificate relating to a thing the possession of which is prohibited by an order made under section 515 is revoked, or amended, as the case may be, only in respect of the period during which the order is in force.

Return to owner

117 Where the competent authority that makes a prohibition order or that would have had jurisdiction to make the order is, on application for an order under this section, satisfied that a person, other than the person against whom a prohibition order was or will be made,

(a) is the owner of any thing that is or may be forfeited to Her Majesty under subsection 115(1) and is lawfully entitled to possess it, and

(b) in the case of a prohibition order under subsection 109(1) or 110(1), had no reasonable grounds to believe that the thing would or might be used in the commission of the offence in respect of which the prohibition order was made,

the competent authority shall order that the thing be returned to the owner or the proceeds of any sale of the thing be paid to that owner or, if the thing was destroyed, that an amount equal to the value of the thing be paid to the owner.

Possession contrary to order

117.01 (1) Subject to subsection (4), every person commits an offence who possesses a firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition, any prohibited ammunition or an explosive substance while the person is prohibited from doing so by any order made under this Act or any other Act of Parliament.

Failure to surrender authorization, etc.

(2) Every person commits an offence who wilfully fails to surrender to a peace officer, a firearms officer or a chief firearms officer any authorization, licence or registration certificate held by the person when the person is required to do so by any order made under this Act or any other Act of Parliament.

Punishment

(3) Every person who commits an offence under subsection (1) or (2)

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or
- (b) is guilty of an offence punishable on summary conviction.

Exception

(4) Subsection (1) does not apply to a person who possessed a firearm in accordance with an authorization or licence issued to the person as the result of an order made under subsection 113(1).

Limitations on Access

Application for order

117.011 (1) A peace officer, firearms officer or chief firearms officer may apply to a provincial court judge for an order under this section where the peace officer, firearms officer or chief firearms officer believes on reasonable grounds that

- (a) the person against whom the order is sought cohabits with, or is an associate of, another person who is prohibited by any order made under this Act or any other Act of Parliament from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all such things; and
- (b) the other person would or might have access to any such thing that is in the possession of the person against whom the order is sought.

Date for hearing and notice

(2) On receipt of an application made under subsection (1), the provincial court judge shall fix a date for the hearing of the application and direct that notice of the hearing be given, in such manner as the provincial court judge may specify, to the person against whom the order is sought.

Hearing of application

(3) Subject to subsection (4), at the hearing of an application made under subsection (1), the provincial court judge shall hear all relevant evidence presented by or on behalf of the applicant and the person against whom the order is sought.

Where hearing may proceed *ex parte*

(4) A provincial court judge may proceed *ex parte* to hear and determine an application made under subsection (1) in the absence of the person against whom the order is sought in the same circumstances as those in which a summary conviction court may, under Part XXVII, proceed with a trial in the absence of the defendant.

Order

(5) Where, at the conclusion of a hearing of an application made under subsection (1), the provincial court judge is satisfied that the circumstances referred to in that subsection exist, the provincial court judge shall make an order in respect of the person against whom the order was sought imposing such terms and conditions on the person's use and possession of anything referred to in subsection (1) as the provincial court judge considers appropriate.

Terms and conditions

(6) In determining terms and conditions under subsection (5), the provincial court judge shall impose terms and conditions that are the least intrusive as possible, bearing in mind the purpose of the order.

Appeal by person or Attorney General

(7) Where a provincial court judge makes an order under subsection (5), the person to whom the order relates, or the Attorney General, may appeal to the superior court against the order.

Appeal by Attorney General

(8) Where a provincial court judge does not make an order under subsection (5), the Attorney General may appeal to the superior court against the decision not to make an order.

Application of Part XXVII to appeals

(9) The provisions of Part XXVII, except sections 785 to 812, 816 to 819 and 829 to 838, apply in respect of an appeal made under subsection (7) or (8), with such modifications as the circumstances require and as if each reference in that Part to the appeal court were a reference to the superior court.

Revocation of order under s. 117.011

117.012 A provincial court judge may, on application by the person against whom an order is made under subsection 117.011(5), revoke the order if satisfied that the circumstances for which it was made have ceased to exist.

Search and Seizure

Search and seizure without warrant where offence committed

117.02 (1) Where a peace officer believes on reasonable grounds

(a) that a weapon, an imitation firearm, a prohibited device, any ammunition, any prohibited ammunition or an explosive substance was used in the commission of an offence, or

(b) that an offence is being committed, or has been committed, under any provision of this Act that involves, or the subject-matter of which is, a firearm, an imitation firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, ammunition, prohibited ammunition or an explosive substance,

and evidence of the offence is likely to be found on a person, in a vehicle or in any place or premises other than a dwelling-house, the peace officer may, where the conditions for obtaining a warrant exist but, by reason of exigent circumstances, it would not be practicable to obtain a warrant, search, without warrant, the person, vehicle, place or premises, and seize any thing by means of or in relation to which that peace officer believes on reasonable grounds the offence is being committed or has been committed.

Disposition of seized things

(2) Any thing seized pursuant to subsection (1) shall be dealt with in accordance with sections 490 and 491.

Seizure on failure to produce authorization

117.03 (1) Despite section 117.02, a peace officer who finds

(a) a person in possession of a prohibited firearm, a restricted firearm or a non-restricted firearm who fails, on demand, to produce, for inspection by the peace officer, an authorization or a licence under which the person may lawfully possess the firearm and, in the case of a prohibited firearm or a restricted firearm, a registration certificate for it, or

(b) a person in possession of a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition who fails, on demand, to produce, for inspection by the peace officer, an authorization or a licence under which the person may lawfully possess it,

may seize the firearm, prohibited weapon, restricted weapon, prohibited device or prohibited ammunition unless its possession by the person in the circumstances in which it is found is authorized by any provision of this Part, or the person is under the direct and immediate supervision of another person who may lawfully possess it.

Return of seized thing on production of authorization

(2) If a person from whom any thing is seized under subsection (1) claims the thing within 14 days after the seizure and produces for inspection by the peace officer by whom it was seized, or any other peace officer having custody of it,

- (a) a licence under which the person is lawfully entitled to possess it, and
- (b) in the case of a prohibited firearm or a restricted firearm, an authorization and registration certificate for it,

the thing shall without delay be returned to that person.

Forfeiture of seized thing

(3) Where any thing seized pursuant to subsection (1) is not claimed and returned as and when provided by subsection (2), a peace officer shall forthwith take the thing before a provincial court judge, who may, after affording the person from whom it was seized or its owner, if known, an opportunity to establish that the person is lawfully entitled to possess it, declare it to be forfeited to Her Majesty, to be disposed of or otherwise dealt with as the Attorney General directs.

Application for warrant to search and seize

117.04 (1) Where, pursuant to an application made by a peace officer with respect to any person, a justice is satisfied by information on oath that there are reasonable grounds to believe that the person possesses a weapon, a prohibited device, ammunition, prohibited ammunition or an explosive substance in a building, receptacle or place and that it is not desirable in the interests of the safety of the person, or of any other person, for the person to possess the weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, the justice may issue a warrant authorizing a peace officer to search the building, receptacle or place and seize any such thing, and any authorization, licence or registration certificate relating to any such thing, that is held by or in the possession of the person.

Search and seizure without warrant

(2) Where, with respect to any person, a peace officer is satisfied that there are reasonable grounds to believe that it is not desirable, in the interests of the safety of the person or any other person, for the person to possess any weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, the peace officer may, where the grounds for obtaining a warrant under subsection (1) exist but, by reason of a possible danger to the safety of that person or any other person, it would not be practicable to obtain a warrant, search for and seize any such thing, and any authorization, licence or registration certificate relating to any such thing, that is held by or in the possession of the person.

Return to justice

(3) A peace officer who executes a warrant referred to in subsection (1) or who conducts a search without a warrant under subsection (2) shall forthwith make a return to the justice who issued the warrant or, if no warrant was issued, to a justice who might otherwise have issued a warrant, showing

- (a) in the case of an execution of a warrant, the things or documents, if any, seized and the date of execution of the warrant; and

(b) in the case of a search conducted without a warrant, the grounds on which it was concluded that the peace officer was entitled to conduct the search, and the things or documents, if any, seized.

Authorizations, etc., revoked

(4) Where a peace officer who seizes any thing under subsection (1) or (2) is unable at the time of the seizure to seize an authorization or a licence under which the person from whom the thing was seized may possess the thing and, in the case of a seized firearm, a registration certificate for the firearm, every authorization, licence and registration certificate held by the person is, as at the time of the seizure, revoked.

Application for disposition

117.05 (1) Where any thing or document has been seized under subsection 117.04(1) or (2), the justice who issued the warrant authorizing the seizure or, if no warrant was issued, a justice who might otherwise have issued a warrant, shall, on application for an order for the disposition of the thing or document so seized made by a peace officer within thirty days after the date of execution of the warrant or of the seizure without a warrant, as the case may be, fix a date for the hearing of the application and direct that notice of the hearing be given to such persons or in such manner as the justice may specify.

***Ex parte* hearing**

(2) A justice may proceed *ex parte* to hear and determine an application made under subsection (1) in the absence of the person from whom the thing or document was seized in the same circumstances as those in which a summary conviction court may, under Part XXVII, proceed with a trial in the absence of the defendant.

Hearing of application

(3) At the hearing of an application made under subsection (1), the justice shall hear all relevant evidence, including evidence respecting the value of the thing in respect of which the application was made.

Forfeiture and prohibition order on finding

(4) Where, following the hearing of an application made under subsection (1), the justice finds that it is not desirable in the interests of the safety of the person from whom the thing was seized or of any other person that the person should possess any weapon, prohibited device, ammunition, prohibited ammunition and explosive substance, or any such thing, the justice shall

(a) order that any thing seized be forfeited to Her Majesty or be otherwise disposed of; and

(b) where the justice is satisfied that the circumstances warrant such an action, order that the possession by that person of any weapon, prohibited device, ammunition, prohibited ammunition and explosive substance, or of any such thing, be prohibited during any period, not exceeding five years, that is specified in the order, beginning on the making of the order.

Reasons

(5) Where a justice does not make an order under subsection (4), or where a justice does make such an order but does not prohibit the possession of all of the things referred to in that subsection, the justice shall include in the record a statement of the justice's reasons.

Application of ss. 113 to 117

(6) Sections 113 to 117 apply in respect of every order made under subsection (4).

Appeal by person

(7) Where a justice makes an order under subsection (4) in respect of a person, or in respect of any thing that was seized from a person, the person may appeal to the superior court against the order.

Appeal by Attorney General

(8) Where a justice does not make a finding as described in subsection (4) following the hearing of an application under subsection (1), or makes the finding but does not make an order to the effect described in paragraph (4)(b), the Attorney General may appeal to the superior court against the failure to make the finding or to make an order to the effect so described.

Application of Part XXVII to appeals

(9) The provisions of Part XXVII, except sections 785 to 812, 816 to 819 and 829 to 838, apply in respect of an appeal made under subsection (7) or (8) with such modifications as the circumstances require and as if each reference in that Part to the appeal court were a reference to the superior court.

Where no finding or application

117.06 (1) Any thing or document seized pursuant to subsection 117.04(1) or (2) shall be returned to the person from whom it was seized if

(a) no application is made under subsection 117.05(1) within thirty days after the date of execution of the warrant or of the seizure without a warrant, as the case may be; or

(b) an application is made under subsection 117.05(1) within the period referred to in paragraph (a), and the justice does not make a finding as described in subsection 117.05(4).

Restoration of authorizations

(2) Where, pursuant to subsection (1), any thing is returned to the person from whom it was seized and an authorization, a licence or a registration certificate, as the case may be, is revoked pursuant to subsection 117.04(4), the justice referred to in paragraph (1)(b) may order that the revocation be reversed and that the authorization, licence or registration certificate be restored.

Exempted Persons

Public officers

117.07 (1) Notwithstanding any other provision of this Act, but subject to section 117.1, no public officer is guilty of an offence under this Act or the [Firearms Act](#) by reason only that the public officer

(a) possesses a firearm, a prohibited weapon, a restricted weapon, a prohibited device, any prohibited ammunition or an explosive substance in the course of or for the purpose of the public officer's duties or employment;

(b) manufactures or transfers, or offers to manufacture or transfer, a firearm, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition or any prohibited ammunition in the course of the public officer's duties or employment;

(c) exports or imports a firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition in the course of the public officer's duties or employment;

(d) exports or imports a component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm in the course of the public officer's duties or employment;

(e) in the course of the public officer's duties or employment, alters a firearm so that it is capable of, or manufactures or assembles any firearm with intent to produce a firearm that is capable of, discharging projectiles in rapid succession during one pressure of the trigger;

(f) fails to report the loss, theft or finding of any firearm, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance that occurs in the course of the public officer's duties or employment or the destruction of any such thing in the course of the public officer's duties or employment; or

(g) alters a serial number on a firearm in the course of the public officer's duties or employment.

Definition of *public officer*

(2) In this section, *public officer* means

- (a) a peace officer;
- (b) a member of the Canadian Forces or of the armed forces of a state other than Canada who is attached or seconded to any of the Canadian Forces;
- (c) an operator of a museum established by the Chief of the Defence Staff or a person employed in any such museum;
- (d) a member of a cadet organization under the control and supervision of the Canadian Forces;
- (e) a person training to become a police officer or a peace officer under the control and supervision of
 - (i) a police force, or
 - (ii) a police academy or similar institution designated by the Attorney General of Canada or the lieutenant governor in council of a province;
- (f) a member of a visiting force, within the meaning of section 2 of the *Visiting Forces Act*, who is authorized under paragraph 14(a) of that Act to possess and carry explosives, ammunition and firearms;
- (g) a person, or member of a class of persons, employed in the federal public administration or by the government of a province or municipality who is prescribed to be a public officer; or
- (h) the Commissioner of Firearms, the Registrar, a chief firearms officer, any firearms officer and any person designated under section 100 of the *Firearms Act*.

Individuals acting for police force, Canadian Forces and visiting forces

117.08 Notwithstanding any other provision of this Act, but subject to section 117.1, no individual is guilty of an offence under this Act or the *Firearms Act* by reason only that the individual

- (a) possesses a firearm, a prohibited weapon, a restricted weapon, a prohibited device, any prohibited ammunition or an explosive substance,
- (b) manufactures or transfers, or offers to manufacture or transfer, a firearm, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition or any prohibited ammunition,

- (c) exports or imports a firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition,
- (d) exports or imports a component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm,
- (e) alters a firearm so that it is capable of, or manufactures or assembles any firearm with intent to produce a firearm that is capable of, discharging projectiles in rapid succession during one pressure of the trigger,
- (f) fails to report the loss, theft or finding of any firearm, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance or the destruction of any such thing, or
- (g) alters a serial number on a firearm,

if the individual does so on behalf of, and under the authority of, a police force, the Canadian Forces, a visiting force, within the meaning of section 2 of the [Visiting Forces Act](#), or a department of the Government of Canada or of a province.

Employees of business with licence

117.09 (1) Notwithstanding any other provision of this Act, but subject to section 117.1, no individual who is the holder of a licence to possess and acquire restricted firearms and who is employed by a business as defined in subsection 2(1) of the [Firearms Act](#) that itself is the holder of a licence that authorizes the business to carry out specified activities in relation to prohibited firearms, prohibited weapons, prohibited devices or prohibited ammunition is guilty of an offence under this Act or the [Firearms Act](#) by reason only that the individual, in the course of the individual's duties or employment in relation to those specified activities,

- (a) possesses a prohibited firearm, a prohibited weapon, a prohibited device or any prohibited ammunition;
- (b) manufactures or transfers, or offers to manufacture or transfer, a prohibited weapon, a prohibited device or any prohibited ammunition;
- (c) alters a firearm so that it is capable of, or manufactures or assembles any firearm with intent to produce a firearm that is capable of, discharging projectiles in rapid succession during one pressure of the trigger; or
- (d) alters a serial number on a firearm.

Employees of business with licence

(2) Notwithstanding any other provision of this Act, but subject to section 117.1, no individual who is employed by a business as defined in subsection 2(1) of the [Firearms Act](#) that itself is the holder of a licence is guilty of an offence under this Act or the [Firearms Act](#) by reason only that the individual, in the course of the individual's duties or employment, possesses, manufactures or transfers, or offers to manufacture or

transfer, a partially manufactured barrelled weapon that, in its unfinished state, is not a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person.

Employees of carriers

(3) Notwithstanding any other provision of this Act, but subject to section 117.1, no individual who is employed by a carrier, as defined in subsection 2(1) of the [Firearms Act](#), is guilty of an offence under this Act or that Act by reason only that the individual, in the course of the individual's duties or employment, possesses any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition or prohibited ammunition or transfers, or offers to transfer any such thing.

Employees of museums handling functioning imitation antique firearm

(4) Notwithstanding any other provision of this Act, but subject to section 117.1, no individual who is employed by a museum as defined in subsection 2(1) of the [Firearms Act](#) that itself is the holder of a licence is guilty of an offence under this Act or the [Firearms Act](#) by reason only that the individual, in the course of the individual's duties or employment, possesses or transfers a firearm that is designed or intended to exactly resemble, or to resemble with near precision, an antique firearm if the individual has been trained to handle and use such a firearm.

Employees of museums handling firearms generally

(5) Notwithstanding any other provision of this Act, but subject to section 117.1, no individual who is employed by a museum as defined in subsection 2(1) of the [Firearms Act](#) that itself is the holder of a licence is guilty of an offence under this Act or the [Firearms Act](#) by reason only that the individual possesses or transfers a firearm in the course of the individual's duties or employment if the individual is designated, by name, by a provincial minister within the meaning of subsection 2(1) of the [Firearms Act](#).

Public safety

(6) A provincial minister shall not designate an individual for the purpose of subsection (5) where it is not desirable, in the interests of the safety of any person, to designate the individual.

Conditions

(7) A provincial minister may attach to a designation referred to in subsection (5) any reasonable condition that the provincial minister considers desirable in the particular circumstances and in the interests of the safety of any person.

Restriction

117.1 Sections 117.07 to 117.09 do not apply if the public officer or the individual is subject to a prohibition order and acts contrary to that order or to an authorization or a licence issued under the authority of an order made under subsection 113(1).

General

Onus on the accused

117.11 Where, in any proceedings for an offence under any of sections 89, 90, 91, 93, 97, 101, 104 and 105, any question arises as to whether a person is the holder of an authorization, a licence or a registration certificate, the onus is on the accused to prove that the person is the holder of the authorization, licence or registration certificate.

Authorizations, etc., as evidence

117.12 (1) In any proceedings under this Act or any other Act of Parliament, a document purporting to be an authorization, a licence or a registration certificate is evidence of the statements contained therein.

Certified copies

(2) In any proceedings under this Act or any other Act of Parliament, a copy of any authorization, licence or registration certificate is, if certified as a true copy by the Registrar or a chief firearms officer, admissible in evidence and, in the absence of evidence to the contrary, has the same probative force as the authorization, licence or registration certificate would have had if it had been proved in the ordinary way.

Certificate of analyst

117.13 (1) A certificate purporting to be signed by an analyst stating that the analyst has analyzed any weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or any part or component of such a thing, and stating the results of the analysis is evidence in any proceedings in relation to any of those things under this Act or under section 19 of the [Export and Import Permits Act](#) in relation to subsection 15(2) of that Act without proof of the signature or official character of the person appearing to have signed the certificate.

Attendance of analyst

(2) The party against whom a certificate of an analyst is produced may, with leave of the court, require the attendance of the analyst for the purposes of cross-examination.

Notice of intention to produce certificate

(3) No certificate of an analyst may be admitted in evidence unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced reasonable notice of that intention together with a copy of the certificate.

(4) and (5) [Repealed, 2008, c. 18, s. 2]

Amnesty period

117.14 (1) The Governor in Council may, by order, declare for any purpose referred to in subsection (2) any period as an amnesty period with respect to any weapon, prohibited device, prohibited ammunition, explosive substance or component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm.

Purposes of amnesty period

(2) An order made under subsection (1) may declare an amnesty period for the purpose of

(a) permitting any person in possession of any thing to which the order relates to do anything provided in the order, including, without restricting the generality of the foregoing, delivering the thing to a peace officer, a firearms officer or a chief firearms officer, registering it, destroying it or otherwise disposing of it; or

(b) permitting alterations to be made to any prohibited firearm, prohibited weapon, prohibited device or prohibited ammunition to which the order relates so that it no longer qualifies as a prohibited firearm, a prohibited weapon, a prohibited device or prohibited ammunition, as the case may be.

Reliance on amnesty period

(3) No person who, during an amnesty period declared by an order made under subsection (1) and for a purpose described in the order, does anything provided for in the order, is, by reason only of the fact that the person did that thing, guilty of an offence under this Part.

Proceedings are a nullity

(4) Any proceedings taken under this Part against any person for anything done by the person in reliance of this section are a nullity.

Regulations

117.15 (1) Subject to subsection (2), the Governor in Council may make regulations prescribing anything that by this Part is to be or may be prescribed.

Restriction

(2) In making regulations, the Governor in Council may not prescribe any thing to be a prohibited firearm, a restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device or prohibited ammunition if, in the opinion of the Governor in Council, the thing to be prescribed is reasonable for use in Canada for hunting or sporting purposes.

Non-restricted firearm

(3) Despite the definitions *prohibited firearm* and *restricted firearm* in subsection 84(1), a firearm that is prescribed to be a non-restricted firearm is deemed not to be a prohibited firearm or a restricted firearm.

Restricted firearm

(4) Despite the definition *prohibited firearm* in subsection 84(1), a firearm that is prescribed to be a restricted firearm is deemed not to be a prohibited firearm.

~~Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted~~

Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted

SOR/98-462

CRIMINAL CODE

Registration 1998-09-16

Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted

P.C. 1998-1662 1998-09-16

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, pursuant to the definitions “prohibited ammunition”^{Footnote^a}, “prohibited device”^{Footnote^a}, “prohibited firearm”^{Footnote^a}, “prohibited weapon”^{Footnote^a} and “restricted firearm”^{Footnote^a} in subsection 84(1) and to subsection 117.15(1)^{Footnote^a} of the Criminal Code, hereby makes the annexed Regulations Prescribing Certain Firearms and other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted.

Interpretation

1 In these Regulations, “semi-automatic”, in respect of a firearm, means a firearm that is equipped with a mechanism that, following the discharge of a cartridge, automatically operates to complete any part of the reloading cycle necessary to prepare for the discharge of the next cartridge.

Prescription

2 The firearms listed in Part 1 of the schedule are prohibited firearms for the purposes of paragraph (d) of the definition “prohibited firearm” in subsection 84(1) of the Criminal Code.

3 The firearms listed in Part 2 of the schedule are restricted firearms for the purposes of paragraph (d) of the definition *restricted firearm* in subsection 84(1) of the Criminal Code, except for those firearms that are prohibited firearms within the meaning of paragraph (b) or (c) of the definition *prohibited firearm* in that subsection.

3.1 The firearms listed in Part 2.1 of the schedule that have a barrel that is less than 470 mm in length, and firearms listed in items 3, 4, 6, 7, 9 and 10 of that Part that do not have a barrel, are restricted firearms for the purposes of paragraph (d) of the definition *restricted firearm* in subsection 84(1) of the *Criminal Code*, except for those firearms that

(a) discharge projectiles in rapid succession during one pressure of the trigger; or

(b) are prohibited firearms within the meaning of paragraph (b) of the definition *prohibited firearm* in subsection 84(1) of the *Criminal Code*;

3.2 The firearms listed in Part 2.1 of the schedule that have a barrel that is at least 470 mm in length, and the firearms listed in items 1, 2, 5, 8 and 11 to 15 of that Part that do not have a barrel, are non-restricted firearms for the purposes of paragraph (b) of the definition *non-restricted firearm* in subsection 84(1) of the *Criminal Code*, except for those firearms that

(a) discharge projectiles in rapid succession during one pressure of the trigger; or

(b) are prohibited firearms within the meaning of paragraph (b) of the definition *prohibited firearm* in subsection 84(1) of the *Criminal Code*;

4 The weapons listed in Part 3 of the schedule are prohibited weapons for the purposes of paragraph (b) of the definition “prohibited weapon” in subsection 84(1) of the *Criminal Code*.

5 The components and parts of weapons, accessories, and cartridge magazines listed in Part 4 of the schedule are prohibited devices for the purposes of paragraphs (a) and (d) of the definition “prohibited device” in subsection 84(1) of the *Criminal Code*.

6 The ammunition and projectiles listed in Part 5 of the schedule are prohibited ammunition for the purposes of the definition “prohibited ammunition” in subsection 84(1) of the *Criminal Code*.

Coming into Force

7 These Regulations come into force on December 1, 1998.

SCHEDULE

(Sections 2 to 6)

PART 1

Prohibited Firearms

Former Prohibited Weapons Order, No. 3

1 Any firearm capable of discharging a dart or other object carrying an electrical current or substance, including the firearm of the design commonly known as the Taser Public Defender and any variant or modified version of it.

Former Prohibited Weapons Order, No. 8

2 The firearm known as the SSS-1 Stinger and any similar firearm designed or of a size to fit in the palm of the hand.

Former Prohibited Weapons Order, No. 11

3 The firearm of the design commonly known as the Franchi SPAS 12 shotgun, and any variant or modified version of it, including the Franchi LAW 12 shotgun.

4 The firearm of the design commonly known as the Striker shotgun, and any variant or modified version of it, including the Striker 12 shotgun and the Streetsweeper shotgun.

5 The firearm of the design commonly known as the USAS-12 Auto Shotgun, and any variant or modified version of it.

6 The firearm of the design commonly known as the Franchi SPAS-15 shotgun, and any variant or modified version of it.

7 The firearms of the designs commonly known as the Benelli M1 Super 90 shotgun and the Benelli M3 Super 90 shotgun, and any variants or modified versions of them, with the exception of the

- (a) M1 Super 90 Field;
- (b) M1 Super 90 Sporting Special;
- (c) Montefeltro Super 90;
- (d) Montefeltro Super 90 Standard Hunter;
- (e) Montefeltro Super 90 Left Hand;
- (f) Montefeltro Super 90 Turkey;
- (g) Montefeltro Super 90 Uplander;
- (h) Montefeltro Super 90 Slug;

- (i) Montefeltro Super 90 20 Gauge;
- (j) Black Eagle;
- (k) Black Eagle Limited Edition;
- (l) Black Eagle Competition;
- (m) Black Eagle Slug Gun;
- (n) Super Black Eagle; and
- (o) Super Black Eagle Custom Slug.

8 The firearms of the designs commonly known as the Bernardelli B4 shotgun and the Bernardelli B4/B shotgun, and any variants or modified versions of them.

9 The firearm of the design commonly known as the American 180 Auto Carbine, and any variant or modified version of it, including the AM-180 Auto Carbine and the Illinois Arms Company Model 180 Auto Carbine.

10 The firearms of the designs commonly known as the Barrett “Light Fifty” Model 82A1 rifle and the Barrett Model 90 rifle, and any variants or modified versions of them.

11 The firearm of the design commonly known as the Calico M-900 rifle, and any variant or modified version of it, including the M-951 carbine, M-100 carbine and M-105 carbine.

12 The firearm of the design commonly known as the Iver Johnson AMAC long-range rifle, and any variant or modified version of it.

13 The firearm of the design commonly known as the McMillan M87 rifle, and any variant or modified version of it, including the McMillan M87R rifle and the McMillan M88 carbine.

14 The firearms of the designs commonly known as the Pauza Specialties P50 rifle and P50 carbine, and any variants or modified versions of them.

15 The firearm of the design commonly known as the Encom MK-IV carbine, and any variant or modified version of it.

16 The firearms of the designs commonly known as the Encom MP-9 and MP-45 carbines, and any variants or modified versions of them.

17 The firearm of the design commonly known as the FAMAS rifle, and any variant or modified version of it, including the MAS 223, FAMAS Export, FAMAS Civil and Mitchell MAS/22.

18 The firearm of the design commonly known as the Feather AT-9 Semi-Auto Carbine, and any variant or modified version of it, including the Feather AT-22 Auto Carbine.

19 The firearm of the design commonly known as the Federal XC-450 Auto Rifle, and any variant or modified version of it, including the Federal XC-900 rifle and Federal XC-220 rifle.

- 20** The firearm of the design commonly known as the Gepard long-range sniper rifle, and any variant or modified version of it.
- 21** The firearm of the design commonly known as the Heckler and Koch (HK) Model G11 rifle, and any variant or modified version of it.
- 22** The firearm of the design commonly known as the Research Armament Industries (RAI) Model 500 rifle, and any variant or modified version of it.
- 23** The firearm of the design commonly known as the Spectre Auto Carbine, and any variant or modified version of it.
- 24** The firearm of the design commonly known as the US Arms PMAI “Assault” 22 rifle, and any variant or modified version of it.
- 25** The firearm of the design commonly known as the Weaver Arms Nighthawk Carbine, and any variant or modified version of it.
- 26** The firearm of the design commonly known as the A.A. Arms AR9 Semi-Automatic Rifle, and any variant or modified version of it.
- 27** The firearms of the designs commonly known as the Claridge HI-TEC C, LEC-9 and ZLEC-9 carbines, and any variants or modified versions of them.
- 28** The firearm of the design commonly known as the Kimel Industries AR-9 rifle or carbine, and any variant or modified version of it.
- 29** The firearm of the design commonly known as the Grendel R-31 Auto Carbine, and any variant or modified version of it.
- 30** The firearms of the designs commonly known as the Maadi Griffin Rifle and the Maadi Griffin Carbine, and any variants or modified versions of them.
- 31** The firearm of the design commonly known as the AA Arms Model AR-9 carbine, and any variant or modified version of it.
- 32** The firearm of the design commonly known as the Bushmaster Auto Pistol, and any variant or modified version of it.
- 33** The firearm of the design commonly known as the Calico M-950 Auto Pistol, and any variant or modified version of it, including the M-110 pistol.
- 34** The firearm of the design commonly known as the Encom MK-IV assault pistol, and any variant or modified version of it.
- 35** The firearms of the designs commonly known as the Encom MP-9 and MP-45 assault pistols, and any variants or modified versions of them, including the Encom MP-9 and MP-45 mini pistols.
- 36** The firearm of the design commonly known as the Federal XP-450 Auto Pistol, and any variant or modified version of it, including the XP-900 Auto Pistol.

37 The firearm of the design commonly known as the Heckler and Koch (HK) SP89 Auto Pistol, and any variant or modified version of it.

38 The firearm of the design commonly known as the Intratec Tec-9 Auto Pistol, and any variant or modified version of it, including the Tec-9S, Tec-9M, Tec-9MS, and any semi-automatic variants of them, including the Tec-DC9, Tec-DC9M, Tec-9A, Tec-Scorpion, Tec-22T and Tec-22TN.

39 The firearms of the designs commonly known as the Iver Johnson Enforcer Model 3000 Auto Pistol and the Iver Johnson Plainfield Super Enforcer Carbine, and any variants or modified versions of them.

40 The firearm of the design commonly known as the Skorpion Auto Pistol, and any variant or modified version of it.

41 The firearm of the design commonly known as the Spectre Auto Pistol, and any variant or modified version of it.

42 The firearm of the design commonly known as the Sterling Mk 7 pistol, and any variant or modified version of it, including the Sterling Mk 7 C4 and Sterling Mk 7 C8.

43 The firearm of the design commonly known as the Universal Enforcer Model 3000 Auto Carbine, and any variant or modified version of it, including the Universal Enforcer Model 3010N, Model 3015G, Model 3020TRB and Model 3025TCO Carbines.

44 The firearm of the design commonly known as the US Arms PMAIP “Assault” 22 pistol, and any variant or modified version of it.

45 The firearm of the design commonly known as the Goncz High-Tech Long Pistol, and any variant or modified version of it, including the Claridge Hi-Tec models S, L, T, ZL-9 and ZT-9 pistols.

46 The firearm of the design commonly known as the Leader Mark 5 Auto Pistol, and any variant or modified version of it.

47 The firearm of the design commonly known as the OA-93 assault pistol, and any variant or modified version of it.

48 The firearm of the design commonly known as the A.A. Arms AP9 Auto Pistol, and any variant or modified version of it.

49 The firearm of the design commonly known as the Patriot pistol, and any variant or modified version of it.

50 The firearm of the design commonly known as the XM 231S pistol, and any variant or modified version of it, including the A1, A2 and A3 Flattop pistols.

51 The firearm of the design commonly known as the AA Arms Model AP-9 pistol, and any variant or modified version of it, including the Target AP-9 and the Mini AP-9 pistols.

52 The firearm of the design commonly known as the Kimel Industries AP-9 pistol, and any variant or modified version of it.

53 The firearms of the designs commonly known as the Grendel P-30, P-30 M, P-30 L and P-31 pistols, and any variants or modified versions of them.

54 The firearms of the designs commonly known as the Claridge HI-TEC ZL-9, HI-TEC S, HI-TEC L, HI-TEC T, HI-TEC ZT-9 and HI-TEC ZL-9 pistols, and any variants or modified versions of them.

55 The firearm of the design commonly known as the Steyr SPP Assault Pistol, and any variant or modified version of it.

56 The firearm of the design commonly known as the Maadi Griffin Pistol, and any variant or modified version of it.

57 The firearm of the design commonly known as the Interdynamics KG-99 Assault Pistol, and any variant or modified version of it.

Former Prohibited Weapons Order, No. 12

58 The firearm of the design commonly known as the Sterling Mk 6 Carbine, and any variant or modified version of it.

59 The firearm of the design commonly known as the Steyr AUG rifle, and any variant or modified version of it.

60 The firearm of the design commonly known as the UZI carbine, and any variant or modified version of it, including the UZI Model A carbine and the Mini-UZI carbine.

61 The firearms of the designs commonly known as the Ingram M10 and M11 pistols, and any variants or modified versions of them, including the Cobray M10 and M11 pistols, the RPB M10, M11, SM10 and SM11 pistols and the SWD M10, M11, SM10 and SM11 pistols.

62 The firearm of the design commonly known as the Partisan Avenger Auto Pistol, and any variant or modified version of it.

63 The firearm of the design commonly known as the UZI pistol, and any variant or modified version of it, including the Micro-UZI pistol.

Former Prohibited Weapons Order, No. 13

64 The firearm of the design commonly known as the AK-47 rifle, and any variant or modified version of it except for the Valmet Hunter, the Valmet Hunter Auto and the Valmet M78 rifles, but including the

(a) AK-74;

(b) AK Hunter;

(c) AKM;

(d) AKM-63;

(e) AKS-56S;

- (f) AKS-56S-1;
- (g) AKS-56S-2;
- (h) AKS-74;
- (i) AKS-84S-1;
- (j) AMD-65;
- (k) AR Model .223;
- (l) Dragunov;
- (m) Galil;
- (n) KKMPi69;
- (o) M60;
- (p) M62;
- (q) M70B1;
- (r) M70AB2;
- (s) M76;
- (t) M77B1;
- (u) M78;
- (v) M80;
- (w) M80A;
- (x) MAK90;
- (y) MPiK;
- (z) MPiKM;
- (z.1) MPiKMS-72;
- (z.2) MPiKS;
- (z.3) PKM;
- (z.4) PKM-DGN-60;
- (z.5) PMKM;
- (z.6) RPK;
- (z.7) RPK-74;
- (z.8) RPK-87S;

- (z.9)** Type 56;
- (z.10)** Type 56-1;
- (z.11)** Type 56-2;
- (z.12)** Type 56-3;
- (z.13)** Type 56-4;
- (z.14)** Type 68;
- (z.15)** Type 79;
- (z.16)** American Arms AKY39;
- (z.17)** American Arms AKF39;
- (z.18)** American Arms AKC47;
- (z.19)** American Arms AKF47;
- (z.20)** MAM70WS762;
- (z.21)** MAM70FS762;
- (z.22)** Mitchell AK-22;
- (z.23)** Mitchell AK-47;
- (z.24)** Mitchell Heavy Barrel AK-47;
- (z.25)** Norinco 84S;
- (z.26)** Norinco 84S AK;
- (z.27)** Norinco 56;
- (z.28)** Norinco 56-1;
- (z.29)** Norinco 56-2;
- (z.30)** Norinco 56-3;
- (z.31)** Norinco 56-4;
- (z.32)** Poly Technologies Inc. AK-47/S;
- (z.33)** Poly Technologies Inc. AKS-47/S;
- (z.34)** Poly Technologies Inc. AKS-762;
- (z.35)** Valmet M76;
- (z.36)** Valmet M76 carbine;
- (z.37)** Valmet M78/A2;

(z.38) Valmet M78 (NATO) LMG;

(z.39) Valmet M82; and

(z.40) Valmet M82 Bullpup.

65 The firearm of the design commonly known as the Armalite AR-180 Sporter carbine, and any variant or modified version of it.

66 The firearm of the design commonly known as the Beretta AR70 assault rifle, and any variant or modified version of it.

67 The firearm of the design commonly known as the BM 59 rifle, and any variant or modified version of it, including

(a) the Beretta

(i) BM 59,

(ii) BM 59R,

(iii) BM 59GL,

(iv) BM 59D,

(v) BM 59 Mk E,

(vi) BM 59 Mk I,

(vii) BM 59 Mk Ital,

(viii) BM 59 Mk II,

(ix) BM 59 Mk III,

(x) BM 59 Mk Ital TA,

(xi) BM 59 Mk Ital Para,

(xii) BM 59 Mk Ital TP, and

(xiii) BM 60CB; and

(b) the Springfield Armory

(i) BM 59 Alpine,

(ii) BM 59 Alpine Paratrooper, and

(iii) BM 59 Nigerian Mk IV.

68 The firearm of the design commonly known as the Bushmaster Auto Rifle, and any variant or modified version of it.

69 The firearm of the design commonly known as the Cetme Sport Auto Rifle, and any variant or modified version of it.

70 The firearm of the design commonly known as the Daewoo K1 rifle, and any variant or modified version of it, including the Daewoo K1A1, K2, Max 1, Max 2, AR-100, AR 110C, MAXI-II and KC-20.

71 The firearm of the design commonly known as the Demro TAC-1M carbine, and any variant or modified version of it, including the Demro XF-7 Wasp Carbine.

72 The firearm of the design commonly known as the Eagle Apache Carbine, and any variant or modified version of it.

73 The firearm of the design commonly known as the FN-FNC rifle, and any variant or modified version of it, including the FNC Auto Rifle, FNC Auto Paratrooper, FNC-11, FNC-22 and FNC-33.

74 The firearm of the design commonly known as the FN-FAL (FN-LAR) rifle, and any variant or modified version of it, including the FN 308 Model 44, FN-FAL (FN-LAR) Competition Auto, FN-FAL (FN-LAR) Heavy Barrel 308 Match, FN-FAL (FN-LAR) Paratrooper 308 Match 50-64 and FN 308 Model 50-63.

75 The firearm of the design commonly known as the G3 rifle, and any variant or modified version of it, including the Heckler and Koch

- (a) HK 91;
- (b) HK 91A2;
- (c) HK 91A3;
- (d) HK G3 A3;
- (e) HK G3 A3 ZF;
- (f) HK G3 A4;
- (g) HK G3 SG/1; and
- (h) HK PSG1.

76 The firearm of the design commonly known as the Galil assault rifle, and any variant or modified version of it, including the AP-84, Galil ARM, Galil AR, Galil SAR, Galil 332 and Mitchell Galil/22 Auto Rifle.

77 The firearm of the design commonly known as the Goncz High-Tech Carbine, and any variant or modified version of it.

78 The firearm of the design commonly known as the Heckler and Koch HK 33 rifle, and any variant or modified version of it, including the

- (a) HK 33A2;
- (b) HK 33A3;
- (c) HK 33KA1;

- (d) HK 93;
- (e) HK 93A2; and
- (f) HK 93A3.

79 The firearm of the design commonly known as the J & R Eng M-68 carbine, and any variant or modified version of it, including the PJK M-68 and the Wilkinson Terry carbine.

80 The firearm of the design commonly known as the Leader Mark Series Auto Rifle, and any variant or modified version of it.

81 The firearms of the designs commonly known as the MP5 submachine gun and MP5 carbine, and any variants or modified versions of them, including the Heckler and Koch

- (a) HK MP5;
- (b) HK MP5A2;
- (c) HK MP5A3;
- (d) HK MP5K;
- (e) HK MP5SD;
- (f) HK MP5SD1;
- (g) HK MP5SD2;
- (h) HK MP5SD3;
- (i) HK 94;
- (j) HK 94A2; and
- (k) HK 94A3.

82 The firearm of the design commonly known as the PE57 rifle, and any variant or modified version of it.

83 The firearms of the designs commonly known as the SG-550 rifle and SG-551 carbine, and any variants or modified versions of them.

84 The firearm of the design commonly known as the SIG AMT rifle, and any variant or modified version of it.

85 The firearm of the design commonly known as the Springfield Armory SAR-48 rifle, and any variant or modified version of it, including the SAR-48 Bush, SAR-48 Heavy Barrel, SAR-48 Para and SAR-48 Model 22.

86 The firearm of the design commonly known as the Thompson submachine gun, and any variant or modified version of it, including the

- (a) Thompson Model 1921;

- (b) Thompson Model 1927;
- (c) Thompson Model 1928;
- (d) Thompson Model M1;
- (e) Auto-Ordnance M27A-1;
- (f) Auto-Ordnance M27A-1 Deluxe;
- (g) Auto-Ordnance M1927A-3;
- (h) Auto-Ordnance M1927A-5;
- (i) Auto-Ordnance Thompson M1;
- (j) Commando Arms Mk I;
- (k) Commando Arms Mk II;
- (l) Commando Arms Mk III;
- (m) Commando Arms Mk 9; and
- (n) Commando Arms Mk 45.

PART 2

Restricted Firearms

Former Restricted Weapons Order

1 The firearms of the designs commonly known as the High Standard Model 10, Series A shotgun and the High Standard Model 10, Series B shotgun, and any variants or modified versions of them.

2 The firearm of the design commonly known as the M-16 rifle, and any variant or modified version of it, including the

- (a) Colt AR-15;
- (b) Colt AR-15 SPI;
- (c) Colt AR-15 Sporter;
- (d) Colt AR-15 Collapsible Stock Model;
- (e) Colt AR-15 A2;
- (f) Colt AR-15 A2 Carbine;
- (g) Colt AR-15 A2 Government Model Rifle;
- (h) Colt AR-15 A2 Government Model Target Rifle;

- (i) Colt AR-15 A2 Government Model Carbine;
- (j) Colt AR-15 A2 Sporter II;
- (k) Colt AR-15 A2 H-BAR;
- (l) Colt AR-15 A2 Delta H-BAR;
- (m) Colt AR-15 A2 Delta H-BAR Match;
- (n) Colt AR-15 9mm Carbine;
- (o) Armalite AR-15;
- (p) AAI M15;
- (q) AP74;
- (r) EAC J-15;
- (s) PWA Commando;
- (t) SGW XM15A;
- (u) SGW CAR-AR;
- (v) SWD AR-15; and
- (w) any 22-calibre rimfire variant, including the
 - (i) Mitchell M-16A-1/22,
 - (ii) Mitchell M-16/22,
 - (iii) Mitchell CAR-15/22, and
 - (iv) AP74 Auto Rifle.

PART 2.1

Firearms for the Purposes of Sections 3.1 and 3.2

- 1 Česká Zbrojovka (CZ) Model CZ858 Tactical 2P rifle**
- 2 Česká Zbrojovka (CZ) Model CZ858 Tactical 2V rifle**
- 3 Česká Zbrojovka (CZ) Model CZ858 Tactical 4P rifle**
- 4 Česká Zbrojovka (CZ) Model CZ858 Tactical 4V rifle**
- 5 SAN Swiss Arms Model Classic Green rifle**
- 6 SAN Swiss Arms Model Classic Green carbine**
- 7 SAN Swiss Arms Model Classic Green CQB rifle**

8 SAN Swiss Arms Model Black Special rifle

9 SAN Swiss Arms Model Black Special carbine

10 SAN Swiss Arms Model Black Special CQB rifle

11 SAN Swiss Arms Model Black Special Target rifle

12 SAN Swiss Arms Model Blue Star rifle

13 SAN Swiss Arms Model Heavy Metal rifle

14 SAN Swiss Arms Model Red Devil rifle

15 SAN Swiss Arms Model Swiss Arms Edition rifle

PART 3

Prohibited Weapons

Former Prohibited Weapons Order, No. 1

1 Any device designed to be used for the purpose of injuring, immobilizing or otherwise incapacitating any person by the discharge therefrom of

(a) tear gas, Mace or other gas, or

(b) any liquid, spray, powder or other substance that is capable of injuring, immobilizing or otherwise incapacitating any person.

Former Prohibited Weapons Order, No. 2

2 Any instrument or device commonly known as “nunchaku”, being hard non-flexible sticks, clubs, pipes, or rods linked by a length or lengths of rope, cord, wire or chain, and any similar instrument or device.

3 Any instrument or device commonly known as “shuriken”, being a hard non-flexible plate having three or more radiating points with one or more sharp edges in the shape of a polygon, trefoil, cross, star, diamond or other geometrical shape, and any similar instrument or device.

4 Any instrument or device commonly known as “manrikigusari” or “kusari”, being hexagonal or other geometrically shaped hard weights or hand grips linked by a length or lengths of rope, cord, wire or chain, and any similar instrument or device.

5 Any finger ring that has one or more blades or sharp objects that are capable of being projected from the surface of the ring.

Former Prohibited Weapons Order, No. 3

6 Any device that is designed to be capable of injuring, immobilizing or incapacitating a person or an animal by discharging an electrical charge produced by means of the amplification or accumulation of the electrical current generated by a battery, where the device is designed or altered so that the electrical charge may be discharged when the device is of a length of less than 480 mm, and any similar device.

7 A crossbow or similar device that

(a) is designed or altered to be aimed and fired by the action of one hand, whether or not it has been redesigned or subsequently altered to be aimed and fired by the action of both hands; or

(b) has a length not exceeding 500 mm.

Former Prohibited Weapons Order, No. 4

8 The device known as the “Constant Companion”, being a belt containing a blade capable of being withdrawn from the belt, with the buckle of the belt forming a handle for the blade, and any similar device.

9 Any knife commonly known as a “push-dagger” that is designed in such a fashion that the handle is placed perpendicular to the main cutting edge of the blade and any other similar device other than the aboriginal “ulu” knife.

10 Any device having a length of less than 30 cm and resembling an innocuous object but designed to conceal a knife or blade, including the device commonly known as the “knife-comb”, being a comb with the handle of the comb forming a handle for the knife, and any similar device.

Former Prohibited Weapons Order, No. 5

11 The device commonly known as a “Spiked Wristband”, being a wristband to which a spike or blade is affixed, and any similar device.

Former Prohibited Weapons Order, No. 6

12 The device commonly known as “Yaqua Blowgun”, being a tube or pipe designed for the purpose of shooting arrows or darts by the breath, and any similar device.

Former Prohibited Weapons Order, No. 7

13 The device commonly known as a “Kiyoga Baton” or “Steel Cobra” and any similar device consisting of a manually triggered telescoping spring-loaded steel whip terminated in a heavy calibre striking tip.

14 The device commonly known as a “Morning Star” and any similar device consisting of a ball of metal or other heavy material, studded with spikes and connected to a handle by a length of chain, rope or other flexible material.

Former Prohibited Weapons Order, No. 8

- **15** The device known as “Brass Knuckles” and any similar device consisting of a band of metal with one or more finger holes designed to fit over the fingers of the hand.

PART 4

Prohibited Devices

Former Prohibited Weapons Order, No. 9

1 Any electrical or mechanical device that is designed or adapted to operate the trigger mechanism of a semi-automatic firearm for the purpose of causing the firearm to discharge cartridges in rapid succession.

2 Any rifle, shotgun or carbine stock of the type known as the “bull-pup” design, being a stock that, when combined with a firearm, reduces the overall length of the firearm such that a substantial part of the reloading action or the magazine-well is located behind the trigger of the firearm when it is held in the normal firing position.

Former Cartridge Magazine Control Regulations

3 (1) Any cartridge magazine

(a) that is capable of containing more than five cartridges of the type for which the magazine was originally designed and that is designed or manufactured for use in

(i) a semi-automatic handgun that is not commonly available in Canada,

(ii) a semi-automatic firearm other than a semi-automatic handgun,

(iii) an automatic firearm whether or not it has been altered to discharge only one projectile with one pressure of the trigger,

(iv) the firearms of the designs commonly known as the Ingram M10 and M11 pistols, and any variants or modified versions of them, including the Cobray M10 and M11 pistols, the RPB M10, M11 and SM11 pistols and the SWD M10, M11, SM10 and SM11 pistols,

(v) the firearm of the design commonly known as the Partisan Avenger Auto Pistol, and any variant or modified version of it, or

(vi) the firearm of the design commonly known as the UZI pistol, and any variant or modified version of it, including the Micro-UZI pistol; or

(b) that is capable of containing more than 10 cartridges of the type for which the magazine was originally designed and that is designed or manufactured for use in a semi-automatic handgun that is commonly available in Canada.

(2) Paragraph (1)(a) does not include any cartridge magazine that

(a) was originally designed or manufactured for use in a firearm that

(i) is chambered for, or designed to use, rimfire cartridges,

(ii) is a rifle of the type commonly known as the “Lee Enfield” rifle, where the magazine is capable of containing not more than 10 cartridges of the type for which the magazine was originally designed, or

(iii) is commonly known as the U.S. Rifle M1 (Garand) including the Beretta M1 Garand rifle, the Breda M1 Garand rifle and the Springfield Armoury M1 Garand rifle;

(b) is not a reproduction and was originally designed or manufactured for use in a firearm that

(i) is commonly known as the Charlton Rifle,

(ii) is commonly known as the Farquhar-Hill Rifle, or

(iii) is commonly known as the Huot Automatic Rifle;

(c) is of the “drum” type, is not a reproduction and was originally designed or manufactured for use in a firearm commonly known as

(i) the .303 in. Lewis Mark 1 machine-gun, or any variant or modified version of it, including the Lewis Mark 1*, Mark 2, Mark 2*, Mark 3, Mark 4, Lewis SS and .30 in. Savage-Lewis,

(ii) the .303 in. Vickers Mark 1 machine-gun, or any variant or modified version of it, including the Mark 1*, Mark 2, Mark 2*, Mark 3, Mark 4, Mark 4B, Mark 5, Mark 6, Mark 6* and Mark 7, or

(iii) the Bren Light machine-gun, or any variant or modified version of it, including the Mark 1, Mark 2, Mark 2/1, Mark 3 and Mark 4;

(d) is of the “metallic-strip” type, is not a reproduction and was originally designed or manufactured for use in conjunction with the firearm known as the Hotchkiss machine-gun, Model 1895 or Model 1897, or any variant or modified version of it, including the Hotchkiss machine-gun, Model 1900, Model 1909, Model 1914 and Model 1917, and the Hotchkiss machine-gun (Enfield), Number 2, Mark 1 and Mark 1*;

(e) is of the “saddle-drum” type (*doppeltrommel* or *satteltrommel*), is not a reproduction and was originally designed or manufactured for use in the automatic firearms known as the MG-13, MG-15, MG-17, MG-34, T6-200 or T6-220, or any variant or modified version of it; or

(f) is of the “belt” type consisting of a fabric or metal belt, is not a reproduction and was originally designed or manufactured for the purpose of feeding cartridges into a automatic firearm of a type that was in existence before 1945.

(3) Paragraph (1)(b) does not include any cartridge magazine that

(a) is of the “snail-drum” type (*schnecken-trommel*) that was originally designed or manufactured for use in a firearm that is a handgun known as the Parabellum-Pistol, System Borchardt-Luger, Model 1900, or “Luger”, or any variant or modified version of it, including the Model 1902, Model 1904 (Marine), Model 1904/06 (Marine), Model 1904/08 (Marine), Model 1906, Model 1908 and Model 1908 (Artillery) pistols;

(b) was originally designed or manufactured for use in a firearm that is a semi-automatic handgun, where the magazine was manufactured before 1910;

(c) was originally designed or manufactured as an integral part of the firearm known as the Mauser Selbstlade-pistole C/96 (“broomhandle”), or any variant or modified version of it, including the Model 1895, Model 1896, Model 1902, Model 1905, Model 1912, Model 1915, Model 1930, Model 1931, M711 and M712; or

(d) was originally designed or manufactured for use in the semi-automatic firearm that is a handgun known as the Webley and Scott Self-Loading Pistol, Model 1912 or Model 1915.

(4) A cartridge magazine described in subsection (1) that has been altered or re-manufactured so that it is not capable of containing more than five or ten cartridges, as the case may be, of the type for which it was originally designed is not a prohibited device as prescribed by that subsection if the modification to the magazine cannot be easily removed and the magazine cannot be easily further altered so that it is so capable of containing more than five or ten cartridges, as the case may be.

(5) For the purposes of subsection (4), altering or re-manufacturing a cartridge magazine includes

(a) the indentation of its casing by forging, casting, swaging or impressing;

(b) in the case of a cartridge magazine with a steel or aluminum casing, the insertion and attachment of a plug, sleeve, rod, pin, flange or similar device, made of steel or aluminum, as the case may be, or of a similar material, to the inner surface of its casing by welding, brazing or any other similar method; or

(c) in the case of a cartridge magazine with a casing made of a material other than steel or aluminum, the attachment of a plug, sleeve, rod, pin, flange or similar device, made of steel or of a material similar to that of the magazine casing, to the inner surface of its casing by welding, brazing or any other similar method or by applying a permanent adhesive substance, such as a cement or an epoxy or other glue.

PART 5

Prohibited Ammunition

Former Prohibited Weapons Order, No. 10

1 Any cartridge that is capable of being discharged from a commonly available semi-automatic handgun or revolver and that is manufactured or assembled with a projectile that is designed, manufactured or altered so as to be capable of penetrating body armour, including KTW, THV and 5.7 x 28 mm P-90 cartridges.

2 Any projectile that is designed, manufactured or altered to ignite on impact, where the projectile is designed for use in or in conjunction with a cartridge and does not exceed 15 mm in diameter.

3 Any projectile that is designed, manufactured or altered so as to explode on impact, where the projectile is designed for use in or in conjunction with a cartridge and does not exceed 15 mm in diameter.

4 Any cartridge that is capable of being discharged from a shotgun and that contains projectiles known as “fléchettes” or any similar projectiles.