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Evaluation of the Canadian Gun Control Legislation. First Progress Report

by

**Elisabeth Scarff
Ted Zaharchuk
Terrence Jacques
Michael McAuley**

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EVALUATION OF THE
CANADIAN GUN CONTROL LEGISLATION:
FIRST PROGRESS REPORT

PROJECT TEAM:

- Elisabeth Scarff (Project Manager)
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SOLICITOR GENERAL'S PREFACE

When amendments to the firearms provisions of the Criminal Code were being considered by Parliament in 1977, the Government made a commitment to conduct a thorough and objective evaluation of the effectiveness of firearms control. Decision Dynamics Corporation, an independent consulting firm specializing in research related to the Criminal Justice System, was retained to carry out a three year study of the program. The study will be completed in 1982. This is the first interim report based on their findings after one full year of data collection.

Although firm conclusions about the effectiveness of the program should not be drawn from this first report, I think that readers will find it interesting from several points of view. It will provide comprehensive and detailed information about firearms control in Canada for readers not familiar with all provisions of the law. This feature of the report, together with the preliminary findings, will inform opinion and debate on the subject of gun control. Moreover, readers of this interim report will appreciate how difficult it is to carry out research in this complicated area and will understand why three full years of data collection are required before conclusions can be drawn.

My Ministry's publication of the work of independent researchers always carries a traditional and important disclaimer to the effect that the views of the authors do not necessarily reflect the views of the Solicitor General of Canada. In this case, the disclaimer is particularly important because it gives emphasis to the independence and objectivity of the researchers' work.

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ABSTRACT

In February, 1979, the Solicitor General of Canada retained Decision Dynamics Corporation to undertake a three year evaluation on the effectiveness of the most recent federal firearm legislation, Bill C-51. This is the first substantive report highlighting our findings after one full year of data collection.

The study has undertaken two basic types of analyses. The first is an assessment of various "objective" measures that would indicate whether or not Bill C-51 was promoting a reduction in criminal and other types of firearm incidents. The second is an examination of the implementation of the legislative and administrative provisions, and where possible, their effects.

Unfortunately, we do not have sufficient data to draw firm conclusions on whether Bill C-51 has promoted a reduction in firearm incidents. Nevertheless, we have been able to identify some historic trends in gun usage which indicate that the "gun problem" per se, was less serious in the late 1970's than in the early and middle years of the decade. Generally, these favourable trends have continued through the first full year of firearm control in Canada.

Our data collection activities will continue to the end of 1981. Subsequent reports will describe more comprehensive data bases and will continue to monitor implementation procedures as they are utilized by the various justice and law enforcement agencies throughout the country.

EXECUTIVE SUMMARY

A. INTRODUCTION

In February 1979, the Federal Ministry of the Solicitor General retained Decision Dynamics Corporation to conduct an independent three-year study of the government's new gun control provisions in the Criminal Law Amendment Act, 1977 (Bill C-51). This is the first substantive interim report resulting from the study.

The object of the study is to evaluate the effectiveness of the new gun control measures. The object of the interim Report is to provide the highlights of our findings after one year of data collection and to describe the progress of the study to date. A further interim report will be submitted in the summer of 1981. The final comprehensive and detailed evaluation will be submitted in the summer of 1982.

Although Bill C-51 contains some important initiatives, in large part it was designed to strengthen a number of measures that had been part of Canada's gun control system since the 19th century. The Bill itself was an omnibus bill containing significant amendments to various sections of the Criminal Code, one part of which dealt with firearms. The greater part of the firearm legislation was declared to be in force on January 1, 1978. Provision was made for a firearms amnesty period, which was in fact, proclaimed during the month of November, 1978. Finally, on January 1, 1979, the sections dealing with firearm acquisition certificates (FAC's), business permits and an annual report to Parliament came into force. At this time, the only unproclaimed section is s.104(2)(c) which requires completion of a firearm safety course or test as a condition for the issuance of a FAC.

Firearm control in Canada is made up of a set of provisions which we have summarized as: administration; screening; prohibition; business regulation; search and seizure; sentencing; safe handling and storage; and an amnesty and recall program. Many of these provisions were in effect prior to the implementation of Bill C-51. In some instances, Bill C-51 only invoked marginal changes. Yet in other instances, it made major innovations. The more important changes as they relate to the eight sets of provisions include:

- administration - the creation of the positions of firearms officers and Chief Provincial/Territorial Firearms Officers (C.P.F.O.'s);

- screening - the Firearms Acquisition Certificate (FAC) program, and the new conditions and stricter controls attached to the issuance of registration certificates;
- prohibition - the creation of additional categories of firearm prohibition orders to be imposed by the courts in specified circumstances, including situations not involving a criminal conviction;
- regulation of businesses - increasing the types of businesses requiring business permits, and providing for stricter controls of the practices of businesses dealing with firearms and ammunition;
- search and seizure - authorizing search and seizure without a warrant, without the occurrence of a criminal offence;
- sentencing - increasing the scope of certain offences and providing for more severe penalties for the criminal use of firearms, including the imposition of minimum sentences in certain situations;
- safe handling and storage - granting extensive powers to the Governor in Council to make regulations concerning business activities as they relate to firearms;
- the amnesty and recall program - providing for the suspension of prosecution for illegal possession of firearms to persons submitting their firearms for disposal or registration.

B. EVALUATION AND METHODOLOGY

The overall goal of gun control legislation is "to reduce the number of incidents involving firearms". The legislation is designed to ultimately accomplish this goal through a set of diverse means, i.e., the eight sets of provisions noted above. We cannot make a direct causal connection between these provisions and any reduction in the number of firearm incidents. All we can do is determine whether the outcomes are being satisfied, i.e., firearm incidents are falling significantly, and whether the means are in fact being applied, e.g., FAC's are being used for screening purposes, etc.

Accordingly, two types of analyses have been undertaken:

- outcome analysis - the assessment of changes, if any, in the number of firearm incidents; and

- process analysis - the assessment of the effects of the administrative and legislative provisions and the monitoring of their implementation.

The outcome analyses are essentially the presentation and interpretation of quantitative data on various kinds of firearm incidents (e.g., crime, accidents).

Our analyses will determine whether there are significant changes occurring in our measures, over time. If so, we will then try to interpret the relationship between those changes and the legislation. In the interim Report, we only discuss those findings which appear significant at this time.

The process analyses study each of the eight sets of provisions described above and determine how they are implemented and their effects. Such analyses utilize both qualitative and quantitative data.

C. DATA SOURCES

Canadian data sources available for this evaluation are subject to a variety of constraints. For example, much of the data from government sources, i.e., Statistics Canada, takes two or more years for release, thus 1978 data are only now available. However, we have collected and present as much reliable information as could be practically accumulated.

Three geographic levels of data collection were accessed; national, provincial and local. Seventeen data sources were utilized. These are listed below.

National Data Sources: the R.C.M. Police Criminal History Records (F.P.S.); the R.C.M. Police Firearms Registration and Administration Section (F.R.A.S.); the Vital Statistics and Disease Registry Section, the Hospital Morbidity Statistics Section and the Justice Statistics Section, of Statistics Canada; and numerous published Statistics Canada sources.

Provincial Data Sources: Chief Provincial/Territorial Firearms Officers (C.P.F.O.'s); Directors of Prosecution/Chief Provincial Crowns; Ontario's Hospital Medical Records Institute (H.M.R.I.); and Hunter Safety Coordinators.

Local Data Bases: the police forces in Vancouver, Calgary, Toronto, Ottawa, Quebec City and a R.C.M. Police Division in a rural area of Nova Scotia and Saskatchewan; business inspectors; police officers; Crown Attorneys, defence lawyers and Judges; and firearm businesses.

D. THE OUTCOMES

Our examination of outcomes first assesses data on firearm crimes, and then data on non-criminal firearm incidents (e.g. accidents).

1. Firearm Crimes

Our findings to date are described in relation to whether the criminal use of firearms is increasing or decreasing in Canada; whether historically, there has been a displacement effect between the use of guns and knives in criminal activities; and whether the characteristics of firearm crimes are changing over time.

Our analyses draw on published data from Statistics Canada; and statistics provided by the police departments in Vancouver, Calgary, Toronto, Ottawa and Quebec City. Data collection in the two rural R.C.M. Police jurisdictions did not commence until 1980 and therefore, is not to be discussed until the next report.

The data from the five police departments is of two types: yearly summaries of occurrences of those types of criminal activities most commonly associated with the illegal use of firearms; and police occurrence reports on incidents involving a firearm. The former statistics allow us to conduct preliminary time series analyses to isolate trends in overall levels of criminal activity.

The data from the occurrence reports allow us to examine the characteristics of gun incidents by looking at:

- the type of offence, as well as charges and, in some cases, the disposition of charges, related to that offence;
- the specific circumstances of incidents; i.e., location, type of firearm used, suspect/victim relationship; and
- the characteristics of suspects; i.e., age, sex, occupation, criminal history, etc.

Unfortunately, when we were preparing the Report, our 1979 occurrence report data bases were incomplete. As a result, we have not analysed these data at this time.

Turning to our analyses of the summary police data from the five urban jurisdictions, we examined these data to establish trends in gun related incidents in seven offence categories: homicides; attempted murder; rape, attempted rape and indecent assault; assault; wounding; robbery; and weapons offences.

However, because there are inconsistencies among the five data bases, we were not able to use data from all five jurisdictions in our analysis of each category. For example, although each set of statistics is complete to the end of 1979, they begin in different years. Further, the data on firearm usage vary from jurisdiction to jurisdiction. Vancouver and Toronto, for example, have provided comprehensive data on guns employed in all offence categories; while Quebec City has given us no summary information in this regard. Finally, only Vancouver, Toronto and Calgary have recorded incidents involving knives.

In spite of these limitations, we have sufficient information to demonstrate some clear trends in the criminal use of guns in the 1970's. Thus, our analyses indicate that the use of firearms in criminal activities was decreasing in Canada in the late 1970's. For many different types of crimes, we observed either very few gun incidents or a decline in their absolute numbers. A closer examination of our findings on the use of firearms in homicides, robberies and weapons charges bears this out.

The Use of Firearms in Homicides: On a national basis, our data shows that the number of homicide victims from all causes increased between 1961 and 1977, but in 1978 showed a seven percent decrease relative to the previous year (eight percent on a per 100,000 population basis). Homicides by firearms (all types) and by handguns alone, also increased from 1961 but started to decrease in 1975.

A similar picture emerged when we examined homicide statistics from Vancouver. During the period 1975 to 1979, the total number of homicides gradually increased. Incidents increased from 16 in 1975, to 26 in both 1978 and 1979. Over the same period, however, there was an absolute decrease in the use of "all firearms" and handguns in this crime category. And, there was a steady decline in the proportion of homicides involving any type of firearm. In 1975, 37.5 percent of all homicides were committed with a gun. In 1979, this figure had fallen to 11.5 percent. The corresponding percentages for handguns were 25

percent and 11.5 percent.

Accordingly, we observe that although homicides have been on the increase in Vancouver over the past five years, the use of guns in this type of incident has been declining. And, it has been declining since 1975.

In Toronto, from 1974 to 1979, the total number of homicides fluctuated, with no apparent trend. During this period, however, the use of all firearms, when measured as a proportion of total homicide incidents, reached a high of 40 percent in 1974, levelled off from 1975 to 1978, and dropped to 27.9 percent in 1979. The pattern with respect to handguns is not as consistent. Usage was high in 1975 and 1978; but fell off dramatically in the last year to a point almost equivalent to its 1974 level.

It appears that in spite of rising homicide rates in Toronto, the use of firearms in homicides was relatively stable over the period under review; and, it declined noticeably in 1979.

The Use of Firearms in Robberies: Of all of our crime categories, guns were used most often in robberies. We have comprehensive data on gun usage from Vancouver, Toronto, Ottawa and Calgary. Both Toronto and Vancouver have experienced a decline in firearm usage in robberies, over the periods covered by our statistics. This was especially noticeable in Vancouver, where, in 1976, there was proportionally a firearm involved in over half the City's 530 robberies. In 1979, there was a substantial drop in the use of "all firearms" and handguns which was more pronounced than in any other crime category.

In Calgary, the number of robberies involving a firearm was constant between 1977 and 1979. The situation in Ottawa is an anomaly when contrasted with the data from our other case jurisdictions. Although the proportion of gun related robberies was relatively stable from 1976 to 1978, there was a considerable increase in 1979. We shall be monitoring the 1980 and 1981 data to see whether the increase continues.

The Number of Weapons Charges Involving a Firearm: Weapons charges include those incidents in which an offensive weapon (e.g. knife, bat, explosive) was used.

In Vancouver, in a proportional sense, the data shows firearm incidents increased from 1975 to 1977 and then

fell during 1978 and 1979. Handguns were involved in a large percentage of all firearm incidents in this offence category. In Toronto, firearms have been involved in a decreasing proportion of weapon incidents. However, the number and percentage of occurrences involving a handgun remained relatively constant from 1974 to 1979.

In summarizing, the trends in the crime categories examined in the local jurisdictions, indicate that the reduction in gun related incidents was most dramatic in Vancouver. The use of both firearms in general, and handguns, declined (in a proportional sense), in each time period examined.

In Toronto, the decline in gun usage has not been as dramatic as in Vancouver; but it has been considerable. During the period under review, the use of all firearms and handguns peaked in 1975, and was lower in each subsequent year.

Our Calgary statistics extend over only three years and display wide fluctuations during this period. Therefore, it is impossible to gauge accurately, long-term trends. To a lesser degree, the Ottawa data base suffers from the same limitations as the Calgary data base. Our statistics do, however, extend back as far as 1976, and show no clear trend with respect to gun usage.

In addition to assessing the use of firearms in criminal incidents, we have also looked at the use of knives in criminal incidents because of the possibility that greater controls over firearms may encourage the use of other weapons in the commission of offences. This is a "displacement effect".

Only Vancouver, Calgary and Toronto provide data on the number of incidents in selected crime categories where the instrument of violence was a knife. However, the Calgary data commences in 1977 and was not analysed in the Report. In Vancouver and Toronto, we looked at both gun and knife occurrences in all violent crimes, from 1975 to 1979 and 1974 to 1979 respectively.

As a result of our analyses, we concluded that historically there has not been a displacement effect between firearms and knives and that Bill C-51 has not promoted one. The use of knives is not directly related to patterns of firearm usage or vice versa. We have observed a decline in the use of both types of weapons, when their use in violent criminal activities

is measured as a percentage of total incidents in this crime category.

Accordingly, we conclude that knives are replacing, not displacing, guns as the most common instruments of violence in criminal activities. We see no indication that it has anything to do with a displacement effect.

2. Non-Criminal Firearm Incidents

In addition to data on firearm related criminal incidents, we have also examined data relating to: firearm accidents (fatal and non-fatal); hunting accidents with firearms; accidental firearm deaths; and firearm suicides.

We do not have uniform data on each of these topics for the whole country. With one exception, our data is on a provincial basis. The exception is Toronto where the police department has provided us with statistics on suicides from 1974 to 1979. In addition, excepting the Toronto suicide data and Saskatchewan hunter/safety statistics, our data go up to only 1978. Therefore, our current review can only discuss some important trends in this area and provide a useful background for post-legislative data that we will collect over the next two years.

From our analyses we concluded that:

- Fatal and non-fatal firearm accidents were relatively constant in Canada over the period 1974 to 1978. There was a slight reduction in the number and per capita rate of incidents in 1978; however, overall there was no clear trend in this incident category.
- We observed a decline in hunting accidents, provincially and nationally, over the period 1966 to 1978. However, these indices have been relatively stable since 1972.
- On a national and provincial basis, there was a considerable decline in both the number and per capita rate of accidental firearm deaths from 1971 to 1978. However, these indices were relatively stable over the last three years of our review.
- The number and per capita rate of firearm suicides increased over the period 1971 to 1978 both nationally and provincially. However,

there was only a minimal increase in the proportion of all suicides involving guns. In Toronto, we observed a considerable drop in gun suicides in 1979. We do not yet know if a similar decline occurred at the national and provincial levels.

In three of our non-criminal incident categories, trends related to firearms incidents have been relatively stable since the mid 1970's. Only gun suicides have increased. However, taking a longer-term perspective, we see that both hunting accidents and accidental firearm deaths have declined since the late 1960's and early 1970's.

In general, we conclude that the situation with respect to non-criminal firearm incidents has not improved since the mid-1970's; and, looking at gun suicides, it has worsened. This contrasts sharply with our findings in the previous section, where we observed declines in firearm crimes over this period.

E. THE PROVISIONS

1. Administration

The changes introduced by Bill C-51 have had the net result of substantially increasing the administrative steps required to conduct applicant screening and central record keeping. These administrative responsibilities are allocated between the R.C.M.P.'s Firearms Registration and Administration Section, the Chief Provincial Firearms Officers and firearms officers and registrars.

Generally we found that these offices are carrying out their responsibilities smoothly and efficiently. And, C.P.F.O.'s have made a significant attempt to maintain interprovincial consistency in policies.

However, the division of responsibilities between the federal, provincial and local jurisdictions is not distinct. There is both independence and interdependence among authorities. This, on occasion, caused some friction. However, by the end of 1979, there was a diminution of these problems.

2. Screening

Screening attempts to prevent firearms from getting into the hands of incompetent or dangerous persons. Further, it aims at preventing "spur of the moment"

buying by persons in an emotional state (e.g. anger or depression), by allowing for a "cooling-off" period.

Screening occurs when applicants apply for one of seven certificates or permits: firearm acquisition certificates (FAC's); minors' permits; registration certificates (and permits to convey); carrying permits; permits to transport and business permits. (Screening for business permits will be discussed further below). The newly introduced FAC system constitutes the most profound change to screening because, for the first time, it requires a certificate to acquire almost any firearm (not just restricted weapons).

Firearms Acquisition Certificates: The basic screening of FAC applicants is to check the applicant's name through the Canadian Police Information Centre (CPIC) and local police records. In 1979, 245,331 FAC's were issued nationally. On a per capita basis, the Yukon and the Northwest Territories issued more than any other jurisdiction. Relative to population, Ontario and Quebec issued very few.

We also found that refusal rates were low. The 1979 national rate of refusal was only 0.40 percent. This is probably due in large part to a system of "pre-screening", in which firearms officers attempt to dissuade "poor" candidates from making formal application.

Of the formal refusals which did occur, few resulted in a reference, i.e. an appeal, (6.6 percent nationally). And, of these, 53.5 percent resulted in the subsequent issuance of a FAC. However, it is premature to draw inferences from these figures. For one thing, the base numbers are very low. In addition, given that it is a new system, we do not know whether the lower "refusal confirmed" rate is a result of indiscriminate screening or alternatively, very strict magistrates requiring substantial evidence to support refusal.

During our assessment of the FAC data, we made an interesting observation regarding the number of FAC's not picked up. In Toronto, Ottawa, Calgary and Vancouver, an average of 7.12 percent of approved FAC's were not picked up. Pursuant to financial agreements between the federal and provincial governments, reimbursements are made for the cost of processing all FAC's even if they are not paid for and retrieved. Consequently, FAC's not picked up are

still a charge to the system.

We noted that Vancouver was well below the average with only 0.06 percent not picked up and that in B.C., payment of the \$10 FAC fee is required before the application is accepted for processing (to be returned if the FAC is refused). Accordingly, we conclude that pre-payment of the FAC fee reduces the number of FAC's not picked up.

Registration Certificates: Restricted weapons require a registration certificate which will only be issued for specified reasons. Accordingly, screening is more stringent than for FAC's. It has two steps: a general background check; and an evaluation and verification of the need for a restricted weapon.

According to data from the R.C.M.P.'s Firearms Registration and Administration Section, there were 38,717 more certificates issued in 1979 than 1978. However, this increase may be a result of the amnesty and recall program, conducted in November, 1978, since 40,035 applications for registration were received during the amnesty. Accordingly, we will have to wait for the 1980 data in order to assess whether the number of certificates issued has changed since the implementation of stricter controls.

Our data indicate that target practice, either at a club or elsewhere, accounts for the recommendation of more certificates (on a per capita basis) than all other reasons combined. In 1979, 66 refusals (0.06 percent) and 32 revocations (0.01 percent) were recorded.

Revocations and refusals of certificates are the responsibility of the Commissioner of the R.C.M. Police. Such action is usually the result of recommendations from the local Firearms Section. We were advised frequently, by registrars and Chief Provincial Firearms Officers that the Commissioner does not always confirm recommendations for refusals, and that there is a reluctance to revoke certificates. These comments illustrate the split in the administration of registration certificate screening. Two completely divergent levels of authority, local and national, are responsible for processing a single certificate. In our opinion this is redundant and the Commissioner's roles as a decision making authority is unnecessary.

3. Prohibition

In the context of firearm legislation, prohibitions are orders of the Court preventing an individual from owning, possessing or having control of a firearm, ammunition or explosive substance for a specified number of years. They are an attempt to reduce firearm incidents by preventing access to persons who have already demonstrated a propensity for misuse.

There are six categories; three which occur in sentencing situations and three which can be ordered without a criminal offence per se, having been committed. Three of the categories are entirely new.

To be effective, prohibitions must be recorded in the Canadian Police Information Centre (CPIC). Yet, there is general acknowledgment that the recorded data on prohibitions is incomplete. To a large extent, the fault appears to lie with the inability or unwillingness of the courts to cooperate with such recording.

In any event, it appears that prohibition orders are not being fully utilized, even in supposedly mandatory situations. Non-utilization is most pronounced for prohibitions which are part of the sentence following a criminal conviction.

Most Crown Prosecutors interviewed felt that the lack of Crown requests for prohibitions was purely a function of familiarity with the legislation. However, our interviews took place in 1979 and early 1980 and we still found many prosecutors who were unfamiliar with the prohibition terms.

Our prohibition data are from a limited time frame (November, 1979 to March, 1980), but the data do show that prohibitions accompany a low percentage of s.83 (using a firearm while committing an indictable offence) convictions, - in Quebec and Ontario, less than 15 percent. Neither does a previous criminal record appear to drastically increase the likelihood of receiving a prohibition order. In the country as a whole, persons with a criminal record, convicted of an offence arising out of an incident involving a firearm, incurred a prohibition in less than 14 percent of firearm cases.

The utilization of non-conviction prohibitions is probably more frequent because of the direct involvement of firearms officers or liaising police officers.

Pre-emptive prohibitions are interesting because they

attempt to prevent firearm misuse before the act. They are used mostly in situations involving recurring domestic confrontations and unsafe storage habits, and constitute a relatively high proportion of prohibitions issued. On the whole, most applications for pre-emptive prohibition were made by firearms officers and registrars. Patrol constables and/or sergeants were often unaware of its provisions.

Prohibitions following FAC refusals that have been confirmed by the courts are probably considered in most cases. This is primarily because firearms officers are directly involved when refused applicants request a reference to the courts and they are able to advise the magistrate of the mandatory provision. Our data also indicate that a high proportion of confirmed firearm search and seizure hearings also result in prohibitions.

In summary, courts appear to be more amenable to viewing non-conviction prohibitions as a preventative measure (as compared to conviction prohibitions) and their use is proportionately more prevalent.

4. The Regulation of Businesses

Before the passage of the 1977 amendments to the Criminal Code, only dealers in restricted weapons were required to have permits. The substance of the new provisions affecting businesses is the requirement that all firearms dealers have a permit. In addition, businesses are required to keep records of all inventory and firearm related transactions and are subject to inspections with respect to security and record-keeping, restrictions on advertising, mail orders and shipping of firearms. These requirements aim at reducing access to firearms by dangerous and irresponsible users.

We have found that in those provinces which have a centralized inspection system of some sort, there is a high degree of consistency and common standards in screening. In jurisdictions where the inspections are conducted by the local police, standards vary from onerous to superficial.

Insofar as the direct impact of the controls on businesses is concerned, we found that the general opinion of the Chief Provincial Firearms Officers and business inspectors was that the larger firearm businesses were generally unaffected by the new business permit provisions. These establishments had always maintained good security and accurate records.

Those businesses most affected by the legislation were outlets which sold a few firearms as a sideline (e.g. hardware stores).

However, our data on retail business permits issued indicate that in 1979, 88.7 percent of all firearm businesses were only selling unrestricted firearms. Of these, 61.1 percent only sold up to 15 firearms per year. This suggests not only that firearms are a minor product line for many outlets, but also the new business permit requirements did not discourage these outlets from obtaining a permit.

Indications of the indirect effect of the new gun control provisions generally, were found in data provided by seven of 12 members of the Canadian Sporting Arms and Ammunition Association. These businesses provided details on sales of their products from 1976 to 1979. The data indicate a decline in gun sales subsequent to the implementation of Bill C-51. While 1978 was a record year in unit and dollar sales of long guns, there was a considerable decline in 1979. The weapons most affected were inexpensive centre-fire and rim-fire rifles.

However, only a handful of the retailers had amended their marketing strategies. Those that had, basically focused on promoting an understanding of the FAC process. Two thirds of our retailers did not anticipate any changes in products sold. Only 12 percent had decided to decrease firearms lines.

It may be that the new gun control measures and the FAC system in particular did have an impact on firearm sales in 1979. But, we are not able to confirm such impact.

5. Search and Seizure

The Criminal Code provides for four circumstances when search and seizure, relating exclusively to firearms and other offensive weapons, is authorized. Three of these have been amended by Bill C-51, and one is new.

Two of the provisions (ss.99 and 100) deal with actual breaches of the Code, and relate predominately to the reduction and discouragement of criminal usage. The remaining two [ss.101(1) and 101(2)], apply to situations of apprehended danger rather than criminal activities per se. Accordingly, they relate more to the objective of reducing access to irresponsible users, i.e., prevention.

Despite the drafting changes, we do not feel there are any significant changes in the use of ss.99, 100 and 101(1). The real change is the use of the new s.101(2) provision - search and seizure without a warrant, in situations of apprehended danger. This section is novel to Canadian firearms legislation.

Based on the data available to us, we feel that s.101(2) is not used frivolously and is generally restricted to "non-criminal" situations of danger. Indeed in some jurisdictions, there appeared to be a reluctance to use the section because of uncertainty as to the extent of its scope. Our opinion is however, subject to a proviso.

This relates to the review of the search and/or seizure by the courts. To safeguard against abuse, the legislation requires that following any s.101 search, with or without a warrant, a report or return shall be made forthwith to the magistrate. However, we have found that in most jurisdictions, returns are made only if a seizure has occurred and a request for forfeiture is intended. Since returns are made only in those instances where the evidence is strong enough to support a forfeiture application, any protection afforded by having a magistrate review all s.101 searches, is non-existent.

When hearings are held, we have found that they are most often conducted in a manner analogous to bail "show-cause" hearings. If the forfeiture of the seized weapons is confirmed there is a significant likelihood that a prohibition order will also be issued.

6. Sentencing

The traditional means of controlling firearms misuse has been through the prosecution and sentencing of offenders in the criminal courts. Bill C-51 has used two methods to enhance the effectiveness of this means: it has created new criminal firearm offences and amended existing ones; and it has provided for increased severity in sentences.

Unfortunately, we do not have any data on dispositions of pre-1978 firearm convictions. However, in our final report we will look at the severity of sentences over the three year period of the study to determine whether there are any changes in sentencing patterns as the judicial system becomes more aware of the new sentencing provisions.

Twelve new offences have been created. The most important of these is probably s.83 - using a firearm while committing or attempting to commit an indictable offence. It is subject to a minimum sentence of one year on a first offence and three years on a subsequent offence, and, pursuant to s.98(1), a mandatory prohibition order.

In addition, many existing offences have been redrafted, either to plug loopholes, or to broaden the application of the section. For example, "dangerous" use of firearms has been changed to "careless or unreasonable" use, such terminology having much broader application.

Our available data on prosecution and sentencing, are limited for the interim Report and provide a bird's eye view only. So, in Calgary we learned that all s.83 charges laid in 1979, were either dismissed or withdrawn. And, of the 254 firearm charges laid, 132, (or 52 percent), were either dismissed or withdrawn.

We cannot, at this time, statistically determine whether this pattern of dismissals and withdrawals is widespread. However, based on our interviews with Crowns, police, defence lawyers and judges, we feel that the withdrawal of firearm charges by Crowns is a frequent occurrence.

In the next report, we will be able to conduct a substantial analysis of the relationship between the number of incidents involving a firearm and the number of firearm charges; and, between the number of firearm charges and the number of firearm convictions. At this stage, we are only able to make some observations related to actual sentencing patterns once a firearm conviction has been obtained.

Thus, our data indicate that nationally, from November 1979 to March 1980, 94.4 percent of persons convicted of a s.83 offence, received a jail sentence. During this same period, 98.9 percent of persons receiving a disposition on charges including an indictable offence arising out of an incident involving a firearm, had had a previous criminal charge of some sort and 62.3 percent had had a previous jail sentence. The accused who were actually convicted, received an average jail sentence of 3.5 years. Finally, 37.4 percent of the accused receiving a conviction, had a previous firearm charge in their record. In the next report we will be able to assess any changes in the number of persons charged with either summary or indictable offences, who have had a previous firearm charge.

7. Safe Handling and Storage

Bill C-51 has provided for the encouragement of responsible ownership by imposing standards on firearm handling and storage by businesses, private owners and even non-owners who come into contact with mislaid or lost firearms.

Safe handling is also an objective shared by the provinces, who actively promote it through their hunter/safety programs. Bill C-51 has recognized this shared participation in two ways. The first is the section, proclaimed on January 1, 1979, providing that a hunting licence etc. could, upon application by the provincial Attorney General to the Governor in Council, be deemed to be a valid FAC. At the present time, no province has made an application.

The second means is the provision that a further requisite to acquiring a FAC, be the production of evidence of completion of a firearms safety course or test approved for those purposes by the provincial Attorney General. The intent is to utilize the existing hunter safety programs. For the moment, the section is unproclaimed and inoperative.

With the exception of charges of careless use, our data indicate a negligible number of charges laid under the safe handling and storage sections. But, of all firearm charges laid against persons charged with an indictable offence arising out of an incident involving a firearm, (which charges were disposed of between November, 1979 and March, 1980), 10.9 percent were charges of careless use. It is interesting to note that 26.5 percent of the careless use convictions incurred a fine only. It would appear that in many cases, courts are taking the view that the laying of a charge and a conviction are sufficient to encourage safe handling practices.

We have found that Bill C-51 has had only a minimal effect on provincial hunter/firearm safety courses. There is very little interaction between police agencies and hunter/firearm safety departments, regarding Criminal Code firearm prohibitions. With the possible exception of Nova Scotia, unless the incident also constitutes a major hunting offence under the provincial legislation, certificates and licences are unaffected by a prohibition.

However, the hunter/firearm safety courses do appear to have had an effect on the rate of firearm

accidents, particularly hunting accidents. There has been a significant decline in hunting accidents since 1966. In Ontario, New Brunswick and British Columbia, the mandatory hunter safety programs appear to have contributed to the declines.

8. Amnesty and Recall Program

The month of November, 1978 was declared a firearms amnesty period. During this month, immunity was granted to persons delivering up their weapons for disposal or registration. Although not one of the on-going methods of gun control, it was the first formal amnesty and recall in Canada.

A total of 47,330 firearms were surrendered, 40,035 for registration or update. The applicants for registration certificates became subject to the normal registration certificate screening process. It appears that 14.8 percent of all handguns in Canada were brought forward during the program, although it is impossible to estimate what proportion this constitutes of illegally owned handguns.

F. SOME OBSERVATIONS

Although this is only our first substantive report, we are prepared to make the following observations:

- the \$10 FAC fee should be collected with the preliminary FAC application in an effort to reduce the number of applications which are processed but never picked up;
- having the Commissioner of the R.C.M. Police issue registration certificates appears mostly to be a means of ensuring that the restricted weapon registry is as accurate as possible. However, it is our opinion, that the role of the Commissioner as a decision making authority in issuing the certificates is redundant. Accordingly, very specific regulations should be enacted to ensure accurate reporting to F.R.A.S., but issuing authority should be given to the local registrar or other designated person, rather than the Commissioner. Alternatively, if accurate reporting cannot be otherwise guaranteed, issuance by the Commissioner should be a pro forma exercise for record keeping purposes only;
- a standard national method of reporting and recording prohibitions should be implemented;
- notices listing persons subject to firearm

prohibition orders should be sent routinely to provincial hunter and/or safety certificate issuing offices, so that they have the option of noting the prohibitions;

- returns on all s.101 searches and/or seizures should be made to the court, regardless of whether a seizure is made or an application for forfeiture intended; and
- centralized business inspection systems should be implemented in all provinces.

There are other aspects of the legislation which could be improved. However, because many of these may merely be a question of familiarity and exposure, we will re-assess them in our next report.

CHAPTER I

INTRODUCTION

A. AN OVERVIEW OF THE REPORT

In February 1979, the Federal Ministry of the Solicitor General retained Decision Dynamics Corporation to conduct an independent three-year study of the government's new gun control legislation, Bill C-51. The contract directed Decision Dynamics Corporation to prepare a number of progress reports during the course of the study. This is the first substantive report in the series.

The object of the study is to evaluate the effectiveness of the legislative and administrative features of the new gun control measures. The object of this interim Report is to provide the highlights of our findings after one year of data collection and to describe the progress of the study to date. A further interim report highlighting possible trends and conclusions after a second year of evaluation will be submitted in the summer of 1981. The final comprehensive and detailed evaluation will be submitted in the summer of 1982.

The present Report is composed of five chapters. Following this overview, the remainder of this chapter will briefly describe the historical background of the legislation. This is to show that Bill C-51 is part of an evolutionary continuum in Canadian legislative history on firearms that extends back to Confederation. We then present an overview of the present firearms legislation, with particular emphasis on those measures which have been newly incorporated into the legislation by Bill C-51. We will also show that the legislation can be separated into eight sets of provisions and that each of these provisions relates to the objectives of the legislation.

In Chapter II, we describe the overall methodology of the study and the various data bases we have developed or used to support our research. Data from all these sources are not available for the present Report. And, in some cases, even though data are now collected, it will not be useful to analyse them until we receive statistics from 1980 and 1981. Even so, the data bases used are as comprehensive as circumstances have permitted and provide a unique and unparalleled source for commentary on the "state of the firearms situation" in Canada.

In the next chapter, we begin to review substantive results of our evaluation research. This Chapter focuses on the

perceived outcomes of the legislation. We separate our presentation into two major sections: firearm crimes and non-criminal firearm incidents (e.g. hunting accidents).

We have attempted to measure outcomes in every way possible, given the data presently in hand. However, because of the interim nature of this Report, we only present analyses and comment on those data which at this point in time indicate a clear trend. Of course, our outcomes analyses will be significantly enhanced by two additional years of information, and the analyses presented in the final report will be far more exhaustive.

In Chapter IV, we evaluate the actual implementation of the eight legislative provisions which we set out in Chapter II. We discuss any difficulties or problems which may have arisen during implementation and we assess the effect of each provision.

Finally, in the last chapter, we describe our conclusions. This is an interim report and the study is only one-third complete. However, from our analyses of data available to date, and from the insights gained from our many interviews and discussions, the Study Team has developed a significant perspective on Canadian firearms legislation. Accordingly, we feel that our preliminary conclusions or observations may be useful if changes to the legislation or its implementation are considered before the completion of the three-year study.

In addition, we have prepared a set of Appendices. Since this Report only highlights our findings to date, most of our actual statistics are not included in the Report itself. However, some of these may be of particular interest to persons concerned with implementing the legislation or they may be of general interest to the research community. Accordingly, these statistics are presented in the Appendices. Tables and Figures labelled A1 and A2 are found in Appendix 1 and Appendix 2 respectively. The provisions of Bill C-51 are contained in Appendix 3.

B. SOME BACKGROUND TO THE LEGISLATION

Gun control, in one form or another, has been a fact of life for Canadians since the 19th Century. Although the present legislation contains some important initiatives, in large part, it was designed to strengthen a number of measures that had been part of Canada's gun control system for many years. As a result, the legislation cannot be viewed in isolation. It evolved in relation to a changing society. A society which was transformed from a rural to

an urban base, and where, during the 1960's and 1970's, firearm crimes were perceived to be increasing at an alarming rate.

A cursory look at the history of firearm legislation in Canada shows that gun control developed through several stages. Initially, it centered on the prohibition of certain types of conduct involving firearms. It gradually evolved into a sophisticated system using several means of control, including criminal sanctions, permits and registration.

The earliest legislative initiatives sought to control improper firearm use by prohibiting certain types of conduct associated with gun usage, and by imposing criminal sanctions for such conduct. A more proactive approach to gun control was apparent by 1897, when a permit system for the carrying of small arms was introduced. In 1921, firearm legislation reflected the development of separate policies to deal with, on the one hand, small arms, and on the other, rifles and shotguns. Thus, while owners of handguns required permits in specified circumstances, rifles and shotguns were essentially placed outside the permit system.

In 1934, a major initiative was undertaken, and gun owners were required to register all handguns, wherever they were kept. The Commissioner of the R.C.M. Police, or police departments designated as firearms registries by Provincial Attorneys General, were empowered to issue registration certificates. There was no discretion to refuse to issue a certificate; however, for the first time, authorities were able to make a link between certain specific weapons and their lawful owners.

Perhaps, more important, an administrative mechanism was instituted to co-ordinate the registration process. The R.C.M. Police, under the direction of the Federal Department of Justice, established the National Firearms Registry, the precursor of the present Firearms Registration and Administration Section. Information pertaining to all weapons registered in the system was therefore, theoretically contained in a single section of the R.C.M. Police.

In 1951, major amendments were enacted to increase the efficiency and accuracy of the central registration system. The last major attempt to further the reliability and efficiency of the system was contained in the omnibus legal reform package of 1968-69.

There was a renewed interest in firearms legislation in the 1970's. This stemmed, in large part, from a growing

feeling that existing gun control mechanisms were not doing the job. The Government's initial response was Bill C-83 which was introduced in 1976. The Bill contained a number of measures which were attacked by a variety of gun-related interest groups in Canada, and did not proceed beyond the Parliamentary Order Paper. But, in 1977, a modified package was introduced in Bill C-51. It is this legislation which is the subject of this study.

Bill C-51 was an umbrella bill containing significant amendments to various sections of the Criminal Code, one part of which dealt with firearms. The greater part of the firearm legislation was declared to be in force on January 1, 1978. Provision was made for a firearms amnesty period which was in fact, proclaimed during the month of November, 1978. Finally, on January 1, 1979, the sections dealing with Firearm Acquisition Certificates (FAC's), business permits and an annual report to Parliament came into force. At this time, the only unproclaimed section is s.104(2)(c) which requires completion of a firearm safety course as a condition to the issuance of a FAC.

C. AN OVERVIEW OF THE LEGISLATION

Firearm control in Canada is made up of a set of provisions, which we have summarized as follows:

- administration;
- screening;
- prohibition;
- regulation of businesses;
- search and seizure;
- sentencing;
- safe handling and storage; and
- an amnesty and recall program.

An examination of the implementation and effects of these provisions is found in Chapter IV. At this point we will look at the relationship between the eight provisions and the basic objectives of the legislation; the impact of Bill C-51 on the provisions; and finally, will briefly outline the categories of weapons and certificates/permits which constitute the framework of the legislation.

1. The Basic Objectives

The overall purpose of the gun control legislation can be summarized briefly. The overall goal is "to reduce the number of incidents involving firearms". The more specific objectives - that is, the means whereby the overall goal is to be achieved - may be stated as follows:

- to reduce access to firearms by potentially dangerous or irresponsible users;
- to reduce or discourage the criminal usage of firearms; and
- to encourage responsible ownership, handling, storage and usage of firearms.

Although there are many overlaps, we can make some fundamental assumptions about the relationship between the provisions of the legislation and the objectives of the legislation. Figure I.1 summarizes this relationship. The eight sets of provisions are mapped to the three specific objectives set out above. In Chapter IV, we will discuss if and how the provisions are meeting these objectives.

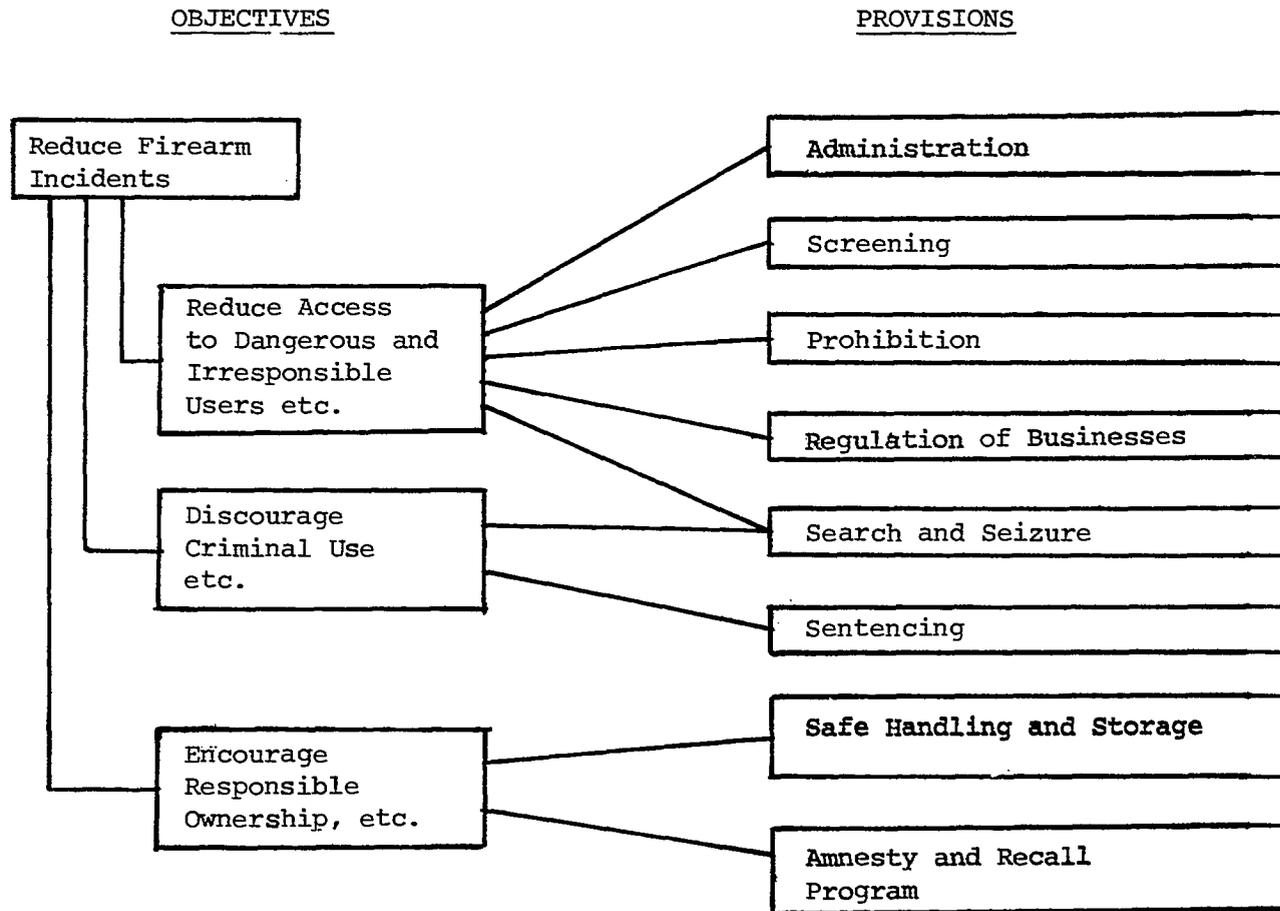
2. The Impact of Bill C-51

As shown by the glimpse at the history of firearm legislation in Canada, Bill C-51 was merely the last in a long list of amendments to firearm legislation. The basic provisions and mechanisms of firearm control have been in effect for some time. In some instances, Bill C-51 only invoked marginal changes to the pre-existing legislation. Yet in other instances, it made major innovations. Again, more thorough discussion of these new amendments is found in Chapter IV. The major innovations as they relate to the eight sets of provisions are:

- administration - the creation of the positions of firearms officers and Chief Provincial/Territorial Firearms Officers (C.P.F.O.'s);
- screening - the Firearms Acquisition Certificate (FAC) program, and the new conditions and stricter controls attached to the issuance of registration certificates;
- prohibition - the creation of additional categories of firearm prohibitions available in

Figure I.1

THE MAJOR ELEMENTS OF THE LEGISLATION



specified circumstances, including situations not involving a criminal conviction;

- regulation of businesses - increasing the types of businesses requiring business permits, and providing for stricter controls on the practices of businesses dealing with firearms and ammunition;
- search and seizure - authorizing search and seizure without a warrant, without the occurrence of a criminal offence;
- sentencing - increasing the scope of certain offences and providing for more severe penalties for the criminal use of firearms, including the imposition of minimum sentences in certain situations;
- safe handling and storage - granting extensive powers to the Governor in Council to make regulations concerning business activities as they relate to firearms;
- the amnesty and recall program - providing for the suspension of prosecution for illegal possession of firearms to persons submitting their firearms for disposal or registration.

3. Categories of Weapons, Certificates/Permits and the Issuing Authorities

The following discussion provides a concise outline of the various categories of weapons, certificate/permit requirements and issuing authorities, and their inter-relationships. These factors form the framework of the legislation by defining the parameters of weapon acquisition. The implementation of the eight provisions takes place within this framework.

(a) Weapon Categories

The legislation governs both firearms and other offensive weapons. These weapons fall into three categories:

- prohibited weapons;
- restricted weapons; and
- other firearms (which this Report calls unrestricted firearms).

Private possession of prohibited weapons is absolutely barred; restricted weapons are available in certain limited circumstances; and unrestricted firearms are generally available with minimal conditions. Prohibited and restricted weapons are expressly defined in the legislation. Any firearm which falls outside the express definitions is unrestricted.

This categorization of weapons is not new. However, there have been considerable amendments to the definition sections which reflect a trend to limit access to firearms by reclassifying weapons into more stringent categories. The overall effect of the changes has been to increase the list of prohibited and restricted weapons (and presumably narrow the field of unrestricted firearms).

(b) Available Permits

The legislation provides that in certain circumstances, possession and/or acquisition of restricted weapons and unrestricted firearms requires one or more of seven types of certificates/permits.

Acquisition of an unrestricted firearm by an adult since January 1, 1979, almost always requires the production of a FAC. The cost is \$10, although a free FAC can be obtained by persons who require a firearm to hunt or trap in order to sustain themselves or their families. FAC's are valid throughout Canada for five years and enable the acquisition of any number of unrestricted firearms during that period.

Acquisition of a non-restricted firearm by a minor requires one of two types of minors' permits. The first is for minors who hunt or trap to sustain themselves or their families. The second is available to minors who wish to acquire a firearm for recreational purposes.

Possession or ownership of a restricted weapon requires a registration certificate. During the process of applying for the certificate, the conveying of the weapon to the screening authority requires a permit to convey. If the individual wishes routinely to transfer the weapon from one place to another, (e.g. from home to shooting club) a carrying permit is required. If, on the other hand, the restricted weapon needs to be moved only once, (e.g. changing residence) a permit to

transport will be issued. Each restricted weapon requires a separate registration certificate.

As of January 1, 1979, almost all types of businesses dealing in firearms or restricted weapons, (excluding the transport or shipping of such weapons), require a business permit. Each outlet of a business requires a separate permit. Permits are valid for one year. The fees are prescribed by regulation.

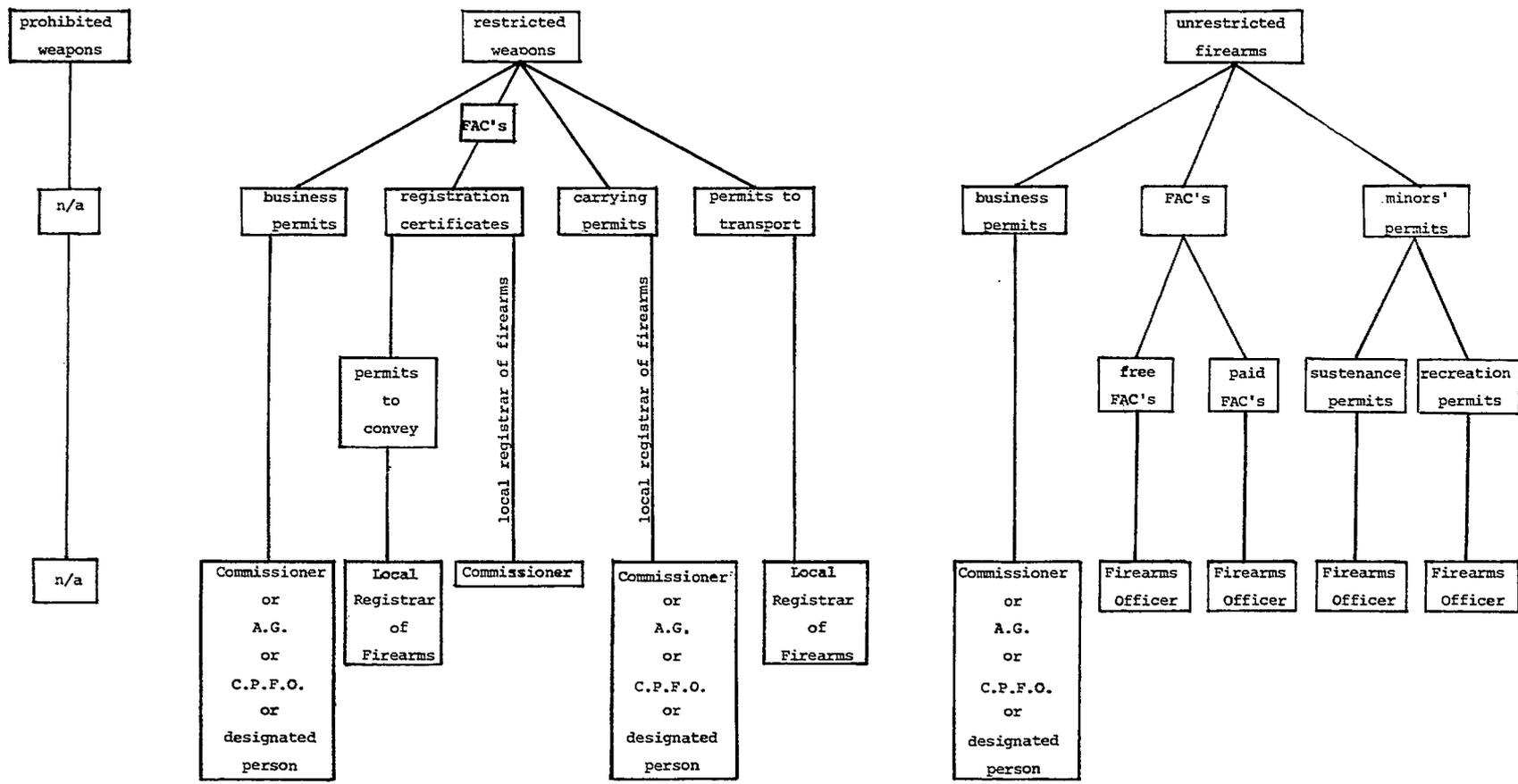
(c) Issuing Authorities

The predominant feature of the system of issuing authorities is that it is a scheme that establishes relationships among the federal, provincial and local jurisdictions. The Commissioner of the R.C.M. Police operates at the federal level. The C.P.F.O. is responsible for provincial (or territorial) matters. Finally, registrars of firearms and firearms officers conduct affairs in local jurisdictions.

The relationship between the categories of weapons, certificates/permits, and issuing authorities, is set out in Figure I.2.

Figure E.2

RELATIONSHIP BETWEEN CATEGORIES OF WEAPONS,
CERTIFICATE/PERMITS & ISSUING AUTHORITIES



CHAPTER II

EVALUATION METHODOLOGY AND DATA SOURCES

This Chapter is separated into two major sections. The first contains an explanation of the methodology of the evaluation. The second provides a general description of the various sources of data which we have accessed.

A. METHODOLOGY

The object of this study is to evaluate the effectiveness of the new gun control measures. Such an evaluation must keep in mind the distinction between the desired effect of the legislation and its means. That is, although the legislation was ultimately designed to accomplish its end (goal) of reducing firearms incidents, it does so through a set of diverse means (provisions). Generally, we cannot establish direct causal connections between this end, and the means used to achieve it. For example, we can only postulate that a reduction in firearm incidents may be attributed to reducing irresponsible users' access to guns through the new FAC system. All we can do, therefore, is determine whether the outcomes are being satisfied, i.e., firearms incidents are falling significantly, and whether the means are being applied, e.g., FAC's are being used for screening purposes, etc.

Accordingly, two types of analyses have been undertaken:

- outcome analysis - an assessment of changes, if any, in the number of firearm incidents; i.e., analysing the ends; and
- process analysis - an assessment of the effects of the administrative and legislative provisions and an evaluation of their implementation, i.e., analysing the means.

The outcome analyses are essentially the presentation and interpretation of quantitative data on various kinds of firearm incidents (e.g., crime, accidents). Our data bases are subject to a variety of constraints such as availability and/or time. However, we have selected as much diverse data as are practical and reliable, with a view to answering questions such as:

- Has there been a reduction in the number and rate of firearm deaths, firearm homicides or firearm accidents?

- Has there been an increased use of dangerous weapons other than firearms in homicides, violent crimes against persons, or suicides?
- Has there been a reduction in the use of firearms in violent crimes against persons?
- Has there been a change in the characteristics of criminals or criminal incidents involving the use of firearms?
- Has there been a reduction in the number and rate of fatal and non-fatal hunting accidents?
- Has there been a reduction in the number and rate of attempted and actual suicides with firearms?

Our analyses will determine whether there are meaningful changes occurring in our measures, over time. If so, we will then try to interpret the relationship between those changes and the legislation. In this interim Report, we will only discuss those findings which appear significant at this time. At the conclusion of this study, in 1982, when we have developed a substantially larger data base, we will present more comprehensive analyses.

The process analyses will study each of the eight sets of provisions described in Chapter I, and determine how they are implemented and their effects. Such analyses will utilize both qualitative and quantitative data. The questions addressed by the analyses include the following:

- How often and under what circumstances are individuals refused FAC's?
- How effectively is the FAC system working as a screening process?
- Has there been any change in the extent handguns and other restricted weapons are involved in firearm incidents?
- What are the effects, if any, of the stricter business regulations on storage and handling practices, sales and marketing policies?
- Has there been any change in the number of thefts of firearms?

- How often and under what circumstances are individuals placed under prohibition orders?
- To what extent are individuals subject to prohibition orders, involved in various types of firearm incidents?
- How often, under what circumstances and to what effect, do the police use the new search and seizure powers?
- In practice, how do the new search and seizure powers compare with those in effect before the enactment of the legislation?
- How often and under what circumstances are the new penalties being invoked for criminals who use firearms?
- Are repeat criminal offences involving firearms declining compared to first offences?
- Are criminals who use firearms receiving more severe penalties?
- Are there major differences in the manner in which the provinces are implementing the various provisions of the gun control legislation?
- Are variations in implementation protocols related to differences in "outcomes" observed among provincial jurisdictions?

Before proceeding to describe our data sources, some comment must be made regarding the confounding effect of extraneous variables on our analyses. We suspect that there are a number of such variables affecting the use of firearms in both criminal and non-criminal incidents. Factors such as demographic changes, changes in unemployment, or media coverage of the use of firearms in crime, probably have had some impact on the use of firearms. However, it is beyond the scope of this study to incorporate an analysis of these variables into our evaluation. Accordingly, the conclusions we make are exclusive of these considerations.

B. THE EVALUATION DATA BASES

Canadian data sources available for this evaluation are subject to limitations. For example, the record keeping methods of most court jurisdictions makes it difficult to collect statistics describing the processing of individuals through the courts; data unrelated to firearms (e.g.

explosives) are included in the tabulations of firearms statistics (e.g. Vital Statistics, Hospital Morbidity data) making it difficult to extract the elements useful to our study; much of the data from government sources, i.e., Statistics Canada, takes two or more years for release, thus 1978 data are only now available.

Given these limitations, we have collected and will present as much reliable information as could be practically accumulated. Some of it originates from previously compiled sources. In other areas, however, we have had to develop original data collection structures and procedures.

Three geographic levels of data collection were utilized; national, provincial and local. Since detailed data, particularly on the characteristics of firearm offences, are scarce and incomplete at the national and provincial levels, data from the local case jurisdictions allows for a more detailed analysis.

At the commencement of the study, we explored 23 possible data sources. Six were eliminated. The remainder of this section presents a brief description of each data base. Relevant limitations of each base will be discussed when the data are actually presented.

1. National Data Bases

- Criminal History Data Base (F.P.S.): Operated by the R.C.M. Police, selected elements provide us with information on criminal histories of individuals convicted of indictable firearm offences. It also contains sentencing information;
- Firearms Registration and Administration Section (F.R.A.S.): A section of the R.C.M. Police, responsible for the central registry of registration certificates;
- Vital Statistics and Disease Registry Section: Part of the Health Division of Statistics Canada, is a national data base on causes of death by different means;
- Hospital Morbidity Statistics Section: A section of Statistics Canada, provides information on the number of individuals entering hospitals as a result of firearms injuries;

- Justice Statistics Section: A section of Statistics Canada, has provided a fragmentary file on adult court dispositions and sentences for firearms as well as other indictable offences in parts of British Columbia and Quebec, for 1978;
- Numerous Published Statistics Canada Sources: These include statistical information on homicides and demographic characteristics. Also utilized was data collected during a special gun ownership and use survey conducted by Statistics Canada in August, 1976.

2. Provincial Data Bases

- Returns from Chief Provincial/Territorial Firearms Officers (C.P.F.O.'s): Each has supplied us with copies of the monthly reports on certificates/permits processed and issued.
- Directors of Prosecution/Chief Provincial Crowns: A sample has been interviewed to provide the prosecutors' perspectives on the legislation.
- Hospital Medical Records Institute (H.M.R.I.): This provides data on causes of death by different means in the province of Ontario.
- Hunter Safety Coordinators: Provided both statistical data on hunting accidents, and other information on hunter safety programs;

3. Local Data Bases

- Local Police Jurisdictions: Seven different police jurisdictions have made summary data and occurrence report information available to us on firearm and related crimes. The jurisdictions are: Vancouver, Calgary, Toronto, Ottawa, Quebec City and R.C.M. Police Divisions in Nova Scotia and Saskatchewan;
- Firearms Officers and Registrars: From Vancouver, Calgary, Toronto and Ottawa, we have received both statistical and interview data on FAC screening procedures, etc.;
- Business Inspectors: Provided information on the nature of business inspections;

- Police Officers: Were interviewed to comment on the application of the legislation at the "street level";
- Crown Attorneys, Defence Lawyers and Judges: A group from each constituency was interviewed to comment on the adjudication process associated with the legislation;
- Firearms Businesses: Provided descriptive and some statistical information on the impact of the legislation on business activity.

CHAPTER III

PRELIMINARY ANALYSES OF THE OUTCOME EVALUATION MEASURES

We are studying the effectiveness of the gun control legislation in relation to its outcomes and its provisions. In this Chapter, we focus on a number of outcome evaluation measures.

We confine our discussion to those analyses that reveal clear trends in various types of gun occurrences. We also make parenthetical references to incomplete data bases to illustrate the more thorough analyses that we plan to undertake at the conclusion of the study.

Most of our tabulations of raw data can be found in Appendix 1. Our extensive use of graphs as opposed to tables, throughout this Chapter, reflects our concern to illustrate various trends in the most simple and readily understandable way.

This Chapter contains two main sections. The first assesses data on firearm crimes. We examine homicides from both a national and local perspective, and look at occurrences in other crime categories in five urban case jurisdictions. In addition, we analyse whether or not, historically, there has been a "displacement effect" between the use of guns and knives in certain criminal activities. Finally, we describe briefly, data that we are compiling related to the circumstances of gun incidents.

The second section assesses data on other types of firearm incidents. These include: firearm accidents; hunting accidents; all deaths by firearms; including suicides. Because of the nature of our sources, there is, to some extent, an overlap between the data bases discussed in this section. Nevertheless, we are able to isolate some interesting trends in the four discrete categories of non-criminal incidents identified above.

A. FIREARM CRIMES

There is little doubt that the gun control legislation was directed primarily at the reduction of firearm crimes. Many of the issues surrounding firearms in the early 1970's stemmed from their use in criminal activities. Therefore, much of the debate on the legislation focused on its ability to control firearm use by criminals. And, most of the provisions of the legislation (e.g., stiffer sentences, prohibitions, etc.) addressed the criminal use of firearms.

Accordingly, a large part of our research and data collection activities represents an overwhelming interest in assessing firearm use in crimes. The remainder of this section describes our findings to date in relation to three fundamental research questions:

- is the criminal use of firearms increasing or decreasing in Canada?
- historically, has there been a displacement effect between the use of guns and knives in criminal activities?
- are the characteristics of firearm crimes changing over time?

In 1982, we will have more comprehensive post-legislation data. This will enable us to assess whether or not Bill C-51 has had a noticeable effect on trends in each of our three primary areas on inquiry. In this Report, we present the statistical background to which our post-legislative data will be compared.

Our analyses in this Section draw on two basic statistical sources. These are:

- published data from Statistics Canada. These are identified more specifically on various Tables and Figures; and
- statistics provided by local police departments in five urban case jurisdictions. (Firearm incident information from R.C.M. Police Divisions in Saskatchewan and in Nova Scotia, i.e. two rural jurisdictions, is also being collected. However, data collection did not commence until 1980. Therefore, this information will not be discussed until the next report.)

It was necessary for us to obtain local jurisdictional data for several reasons. First, for a number of crimes where firearms are a common instrument of violence, there is no other source of information that describes criminal activity in terms of the type of weapon employed. Secondly, police occurrence reports are the sole source of readily accessible information on the circumstances of specific gun related incidents. Access to these or similar documents can only be obtained through the co-operation of police authorities at the local level.

In this Section, we analyse two distinct sets of local jurisdictional data.

First, police departments in Vancouver, Calgary, Toronto, Ottawa and Quebec City have provided us with yearly summaries of occurrences of those types of criminal activities most commonly associated with the illegal use of firearms. We therefore have data bases that describe the total number of incidents in various crime categories, e.g., homicides, robberies, assaults. Except for Quebec City, the data also describe the number of incidents, in selected crime categories, where the instrument of violence was a long gun, handgun or other type of firearm.

These data cover different time periods in each jurisdiction. These are:

- Vancouver, 1975 - 1979 inclusive
- Calgary, 1977 - 1979 inclusive
- Toronto, 1974 - 1979 inclusive
- Ottawa, 1976 - 1979 inclusive
- Quebec City, 1971 - 1979 inclusive

Accordingly, for each of our five urban jurisdictions, we have sufficient data to conduct preliminary time series analyses to isolate trends in overall levels of criminal activity; and, with the exception of Quebec City, trends in the use of different weapons in various crime categories. These categories are:

- homicide;
- attempted murder;
- rape and attempted rape, and indecent assault (males and females);
- assault;
- wounding;
- robbery;
- weapons offences.

At this time, these aggregate data are our most complete source of criminal statistics. They enable us to develop a microscopic view of patterns of gun usage in some of Canada's most important urban jurisdictions, through the latter half of the 1970's. They also provide the basis to assess whether or not there has been a displacement effect between firearms and knives during this period.

Our second major source of local data are police occurrence reports. These will allow us to focus on the specific circumstances of gun related incidents.

The record-keeping sections for the police departments in our urban jurisdictions and our two rural jurisdictions, have been "flagging" occurrence reports where a firearm was involved. Information has then been coded for subsequent computer analyses. The data describe firearm incidents from three different perspectives:

- the type of offence, as well as charges and, in some cases, the disposition of charges, related to that offence;
- the specific circumstances of incidents; i.e., location, type of firearm used, suspect/victim relationship; and
- the characteristics of suspects; i.e., age, sex, occupation, criminal history, etc.

In our 1982 report, we will be able to examine not only levels, but also characteristics of gun incidents in both urban and rural environments. In this interim assessment, we can only describe how we will develop profiles of "typical" gun crimes in our urban jurisdictions. We have no basis, at this time, for assessing whether or not these profiles are changing over time.

Therefore, in our discussion of firearm crime characteristics, we simply describe the data we have been collecting from occurrence reports; and indicate how they will be incorporated in our final report.

1. The Use of Firearms in Criminal Incidents in Canada

Our first area of concern in relation to firearm crimes is to determine whether they have been increasing or decreasing in recent years. We have collected two sets of data that address this question:

- annual Homicide Reports, published by Statistics

Canada, that record firearm usage in the legal variations of homicide (murder, manslaughter and infanticide); and

- summary police data on homicides and other crimes, from our urban jurisdictions.

We have organized our analyses in this sub-section into nine parts. First we describe, in greater detail, the raw summary data that has been provided to us by individual police departments. (Actual tabulations of incidents are presented in Tables A1.1 to A1.5.) Next, we assess these and other relevant data to establish trends in gun related incidents in the seven offence categories previously noted. Our analyses focus on the proportion of incidents involving firearms in each category. This is the only means of relating gun usage to overall crime rates. We use a bar graph format to display our various measures. Finally, we present a summary of our findings that describes the overall pattern of firearms use in crimes in Canada, through the latter half of the 1970's.

(a) A Summary of Crime Statistics in Five Canadian Urban Jurisdictions

As noted above, police departments in Vancouver, Calgary, Toronto, Ottawa and Quebec City have provided us with yearly summaries of incidents, in various offence categories, occurring in their jurisdictions.

There are major inconsistencies among the five data bases. First, they extend over different time periods. Although each set of statistics is complete to the end of 1979, they begin in different years. Second, the data on firearm usage vary from jurisdiction to jurisdiction. Vancouver and Toronto, for example, are able to provide comprehensive data on guns employed in all offence categories; while Quebec City is not able to provide summary information in this regard. Third, only Vancouver, Toronto and Calgary have recorded incidents involving knives. Accordingly, we are not able to use data from all five jurisdictions in our treatment of the various research questions posed in this and the following sub-section.

In spite of these limitations, we have sufficient information to demonstrate some clear trends in the criminal use of guns in the 1970's. These are described below. We relate the use of weapons to

overall crime rates in each jurisdiction. This is the most accurate measure of whether or not guns and knives have become a more common element in criminal activities in recent years. We discuss firearms in this sub-section. Knives are dealt with in the following sub-section.

(b) Has There Been Any Change in the Use of Firearms in Homicides?

In our analyses of homicides, we have used published data from Statistics Canada, in addition to the summary information provided by police departments in our case jurisdictions. The Justice Statistics Division produces annual Homicide Statistics that record the total number of homicide victims as well as the instrument of violence used in the commission of each offence. We have compiled these data for the period 1961 to 1978. Our tabulations provide a national perspective on the use of firearms in homicides.

The data show a number of clear trends:

- the number of homicide victims steadily increased between 1961 and 1977. However, in 1978, there was a seven percent decrease relative to the previous year;
- on a per 100,000 population (per capita) basis, total homicides decreased by a larger factor, eight percent, between 1977 and 1978;
- homicides committed by all types of firearms also steadily increased. But in this category, the increase generally persisted until 1975. At this point, the numbers began to decrease. These trends also hold up on a per capita basis;
- the handgun homicide statistics are the most stable in their increase over the period 1961 to 1975. They also decrease beyond 1975. This decrease is quite pronounced when rendered into per capita terms;
- finally, the proportion of all firearm homicides committed by handguns is relatively stable. There is no perceptible change between 1961 and 1978.

We can develop a better picture of the homicide

situation by graphing some of the data just discussed. Figure III.1 shows all homicides, homicides by other than firearms, all firearm homicides and handgun homicides per 100,000 population, during the period 1961 to 1978. (The actual number of incidents can be found in Table A1.10)

As shown, there were three stages of growth in firearm homicides:

- 1961 to 1966, a no growth period when the per capita firearm homicide rate did not increase;
- 1966 to 1975, when firearm homicides grew rapidly; and
- 1975 to 1978, when firearm homicides decreased.

The same trends are evident to lesser degrees in the other categories of homicides shown in Figure III.1.

This graphic representation suggests that changes in the rate of firearm usage in homicides, when measured on a per capita basis, roughly parallel changes in the overall homicide rate. However, when we express the data on firearm and handgun usage as a percentage of total homicides in each year, we observe that since 1974, in a proportional sense, gun use has sharply declined. (See Figure III.2).

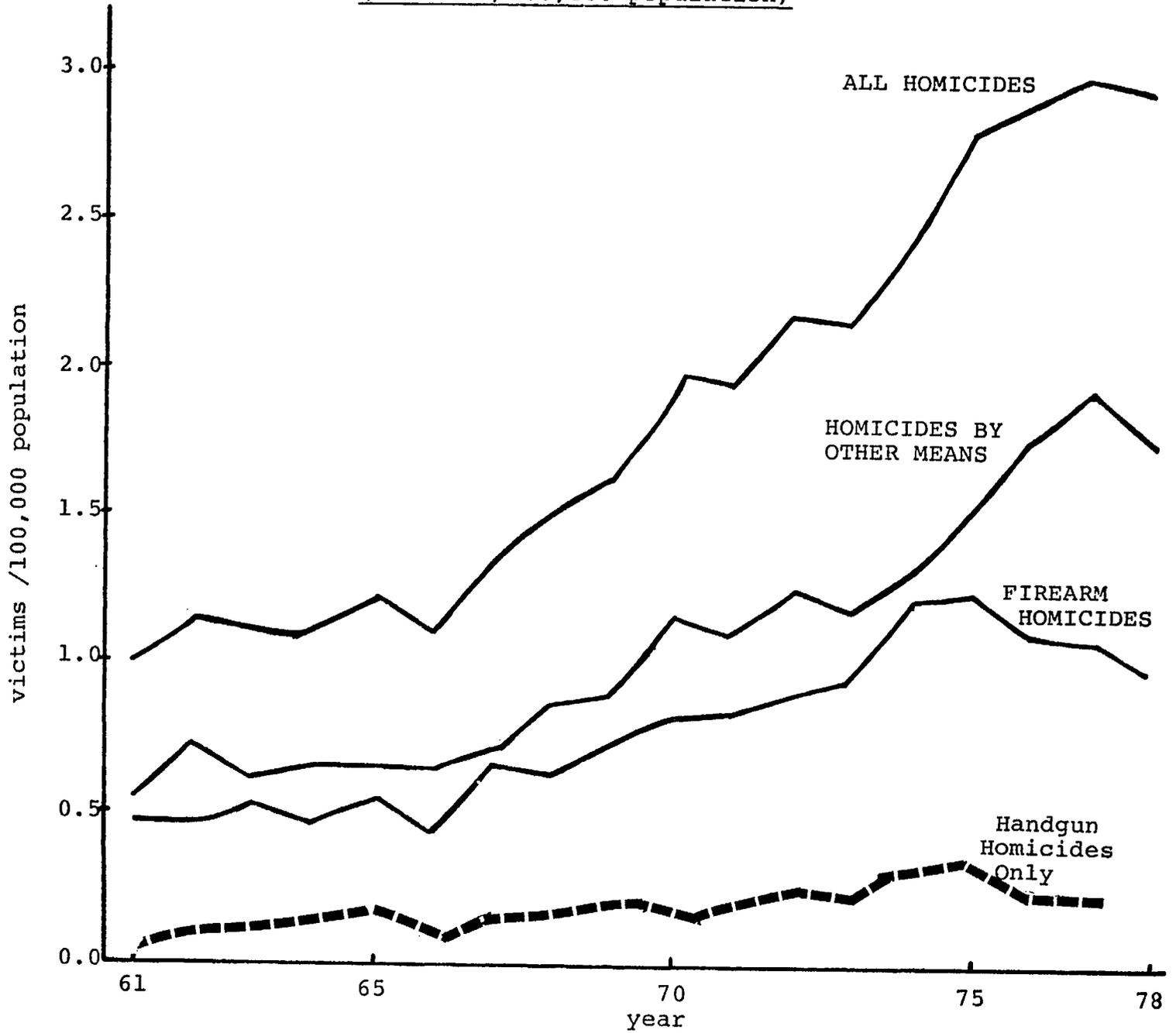
A similar picture emerges when we examine homicide statistics from our case jurisdictions. Figures III.3 and III.4 show the proportion of total homicides involving all firearms and handguns in Vancouver and Toronto respectively. We have not graphed data from Ottawa, as there were only six firearm homicides from 1976 to 1979; while in Calgary, there was no apparent trend during the three years for which we have statistics. As noted previously, we have no comparable information from Quebec City.

During the period 1975 to 1979, the total number of homicides gradually increased in Vancouver. Incidents increased from 16 in 1975 to 26 in both 1978 and 1979.

Over the same period, however, there was an

Figure III.1

NATIONAL HOMICIDES, FIREARM AND HANDGUN DATA
(victims /100,000 population)



Source: Homicide Reports, Statistics Canada

Figure III.2
 ALL FIREARM AND HANDGUN HOMICIDES
 AS A PERCENTAGE OF TOTAL HOMICIDES
 CANADA 1961 - 1972

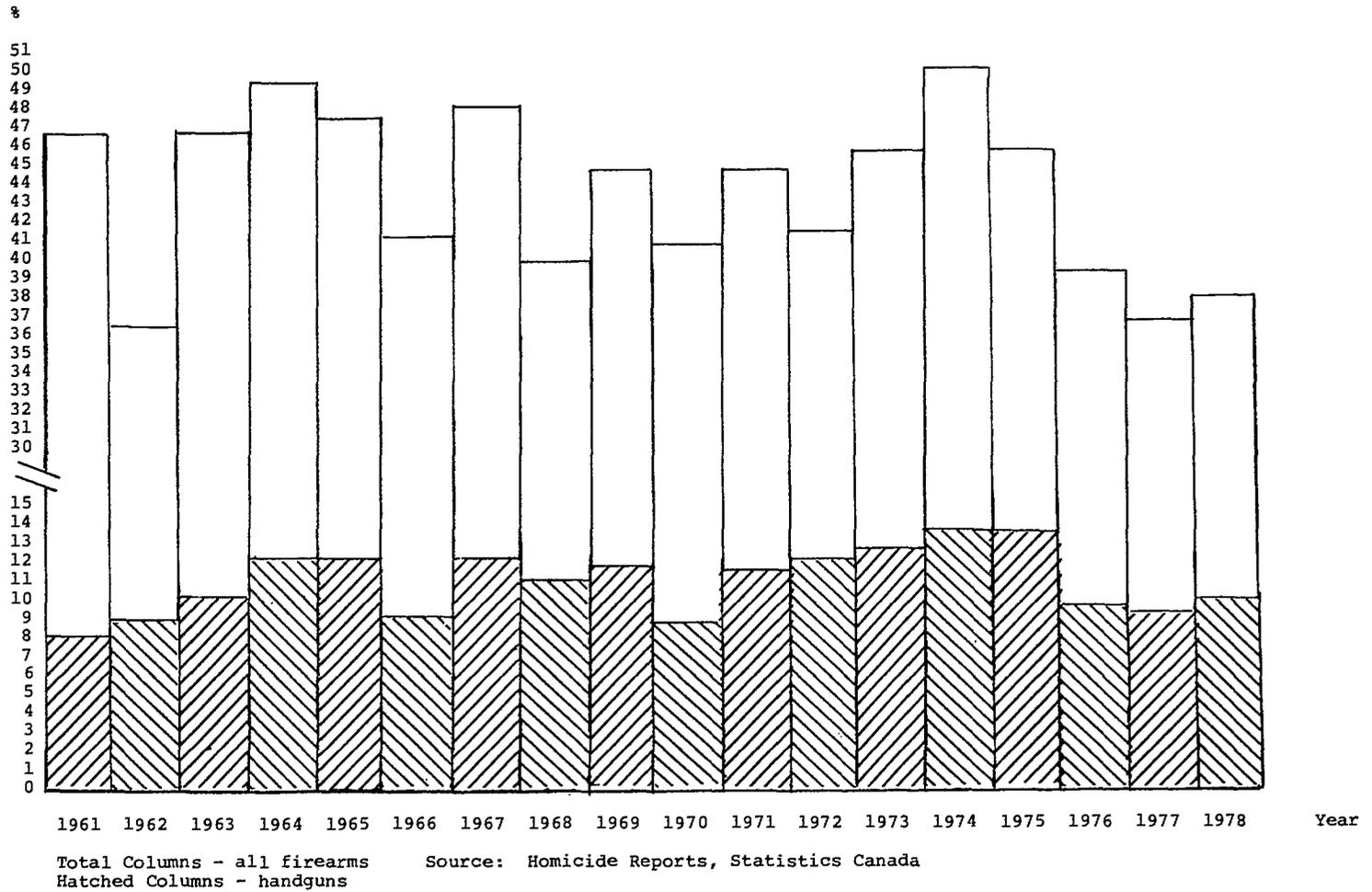
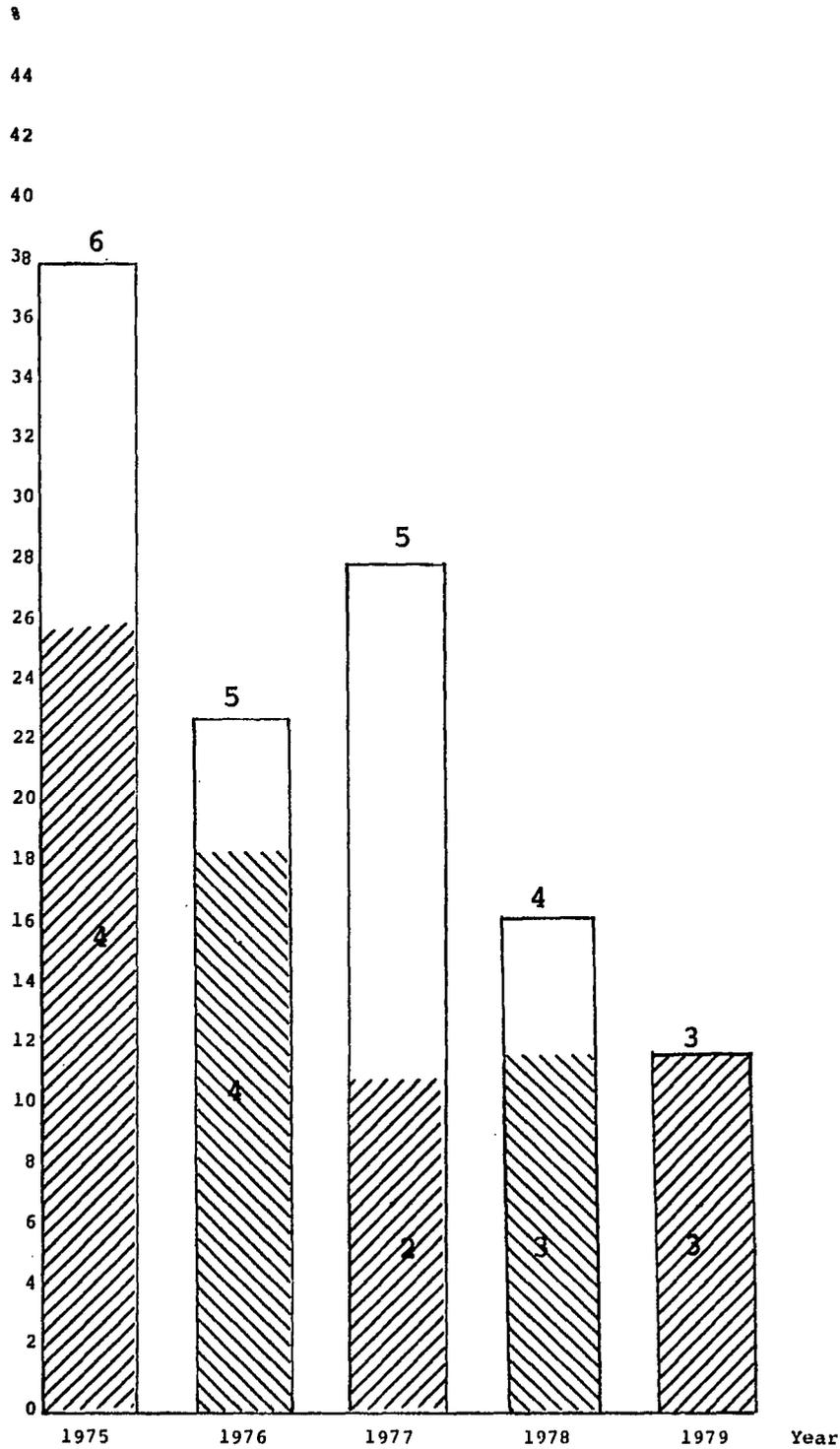


Figure III.3

ALL FIREARM AND HANDGUN HOMICIDES
AS A PERCENTAGE OF TOTAL HOMICIDES
VANCOUVER 1975-1979



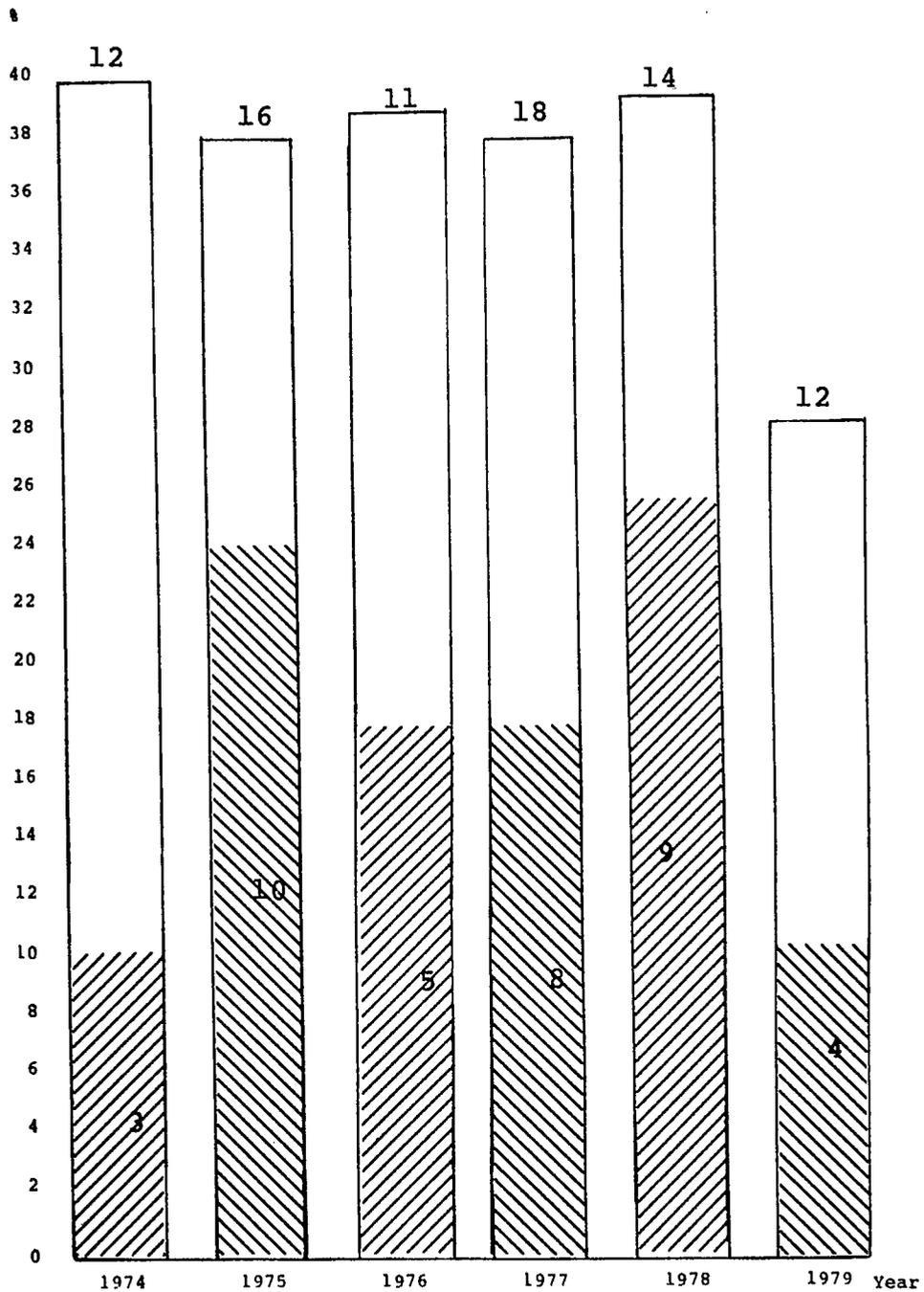
Total columns - all firearms
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Vancouver Police Department
Summary Statistics

Figure III.4

ALL FIREARMS AND HANDGUN HOMICIDES
AS A PERCENTAGE OF TOTAL HOMICIDES
TORONTO 1974-1979



Total columns - all firearms
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Toronto Police Department
Summary Statistics

absolute decrease in the use of "all firearms" and handguns in this crime category. And, there was a steady decline in the proportion of homicides involving any type of firearm. In 1975, 37.5 percent of all homicides were committed with a gun. In 1979, this figure had fallen to 11.5 percent. The corresponding percentages for handguns were 25 percent and 11.5 percent.

Accordingly, we observe that although homicides have been on the increase in Vancouver over the past five years, the use of guns in this type of incident has been declining. And, it has been declining since 1975.

In Toronto, from 1974 to 1979, the total number of homicides fluctuated, with no apparent trend. During this period, however, the use of all firearms, when measured as a proportion of total incidents, reached 40 percent in 1974, levelled off from 1975 to 1978, and dropped to 27.9 percent in 1979. The pattern with respect to handguns is not as consistent. Usage was high in 1975 and 1978; but fell off dramatically in the last year to a point almost equivalent to its 1974 level.

Our 1980 and 1981 data will confirm whether or not the 1979 figures are part of a long-term trend. For now, we observe that in spite of rising homicide rates in Toronto, the use of firearms in homicides was relatively stable over the period under review; and, that it declined noticeably in 1979.

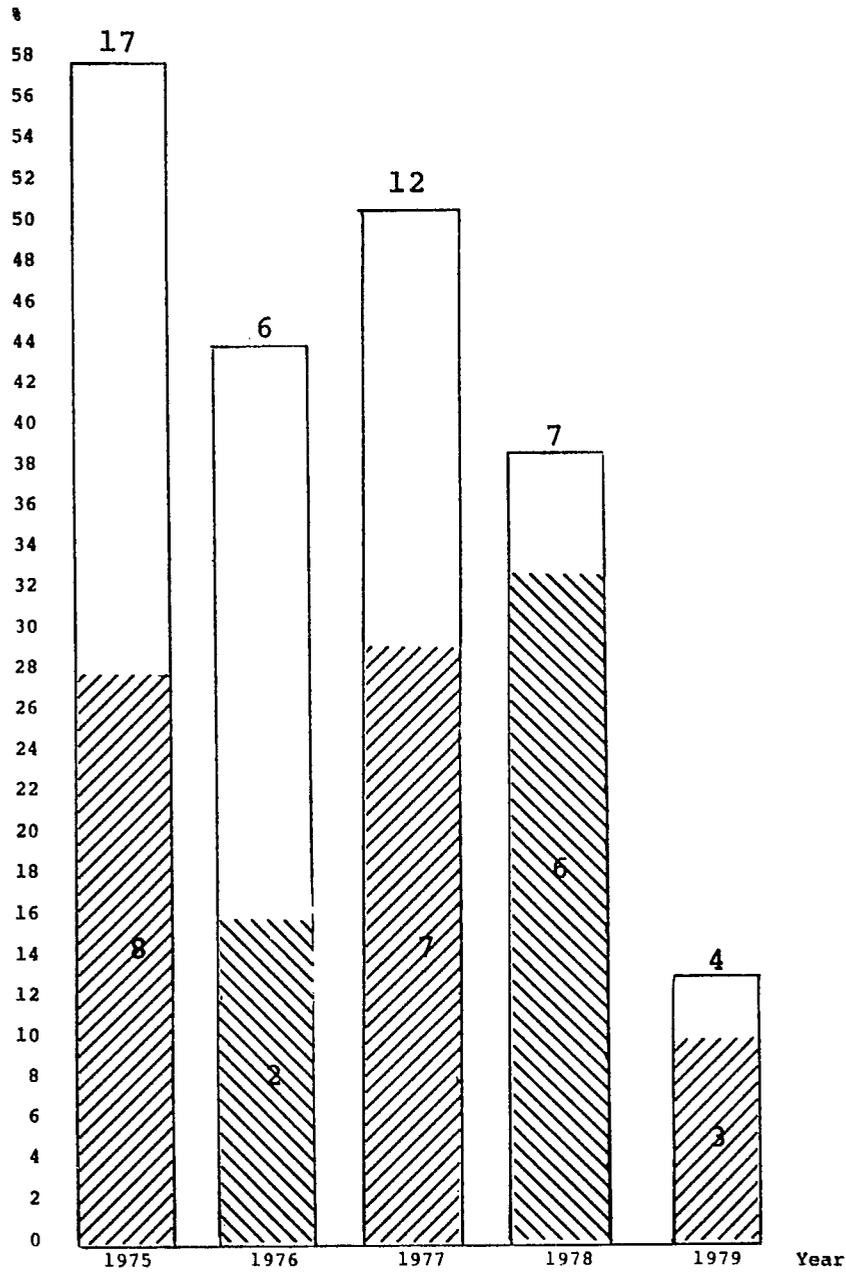
(c) Has There Been Any Change in the Use of Firearms in Attempted Murders?

Our jurisdictional data on attempted murders are more complete than those on homicides. Generally, with the exception of Calgary, they show a similar pattern. Our statistics are presented graphically in Figures III.5 to III.8.

In Vancouver, there was no apparent trend in the number of attempted murders from 1975 to 1979. There was however, an overall decrease in the use of all firearms and handguns throughout this five year period. This applies to both the absolute number of incidents and the proportion of total incidents involving both categories of guns. The use of both handguns and firearms in general was far less prevalent in 1979 than in 1975.

Figure III.5

ATTEMPTED MURDERS WITH ALL FIREARMS AND
HANDGUNS AS A PERCENTAGE OF TOTAL
ATTEMPTED MURDERS
VANCOUVER 1975-1979



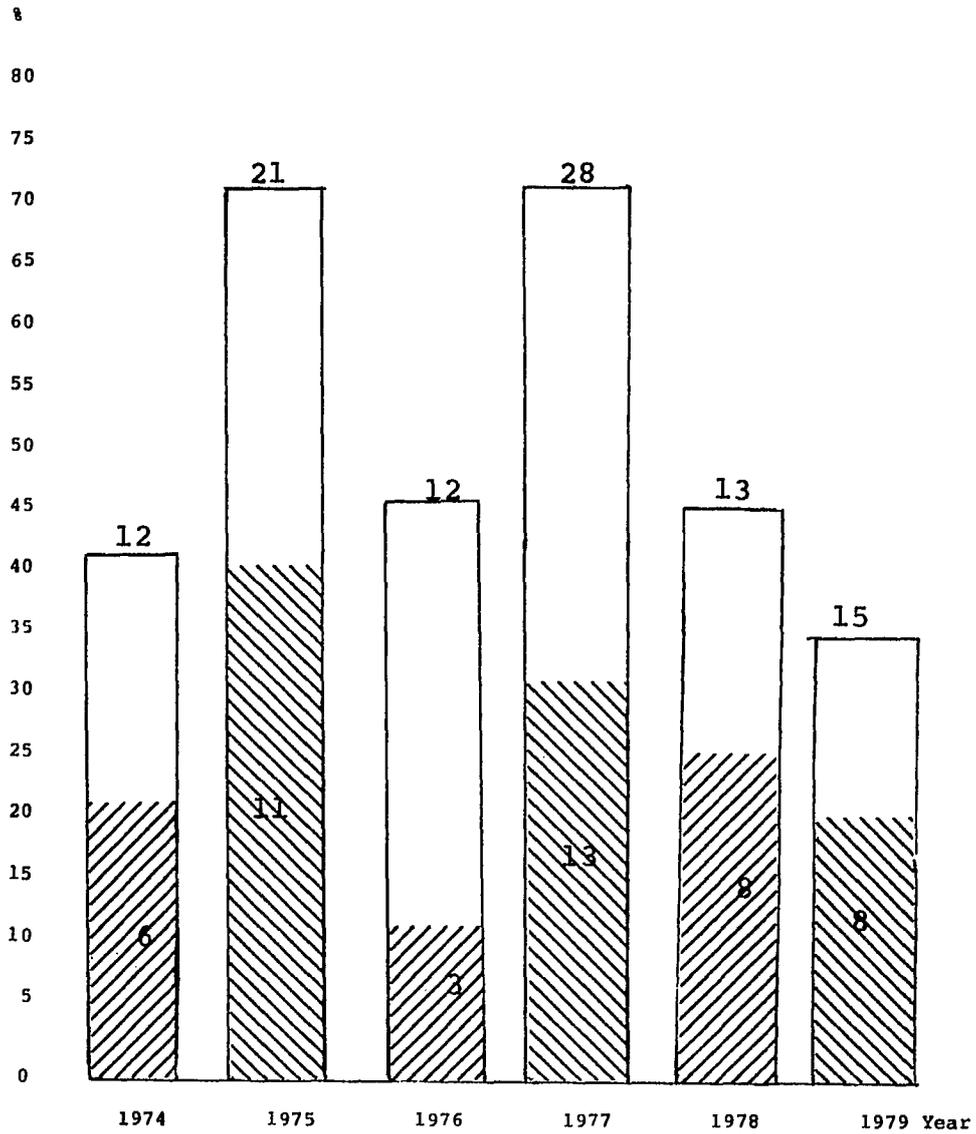
Total columns - all firearms
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Vancouver Police Department
Summary Statistics

Figure III.6

ATTEMPTED MURDERS WITH ALL FIREARMS AND
HANDGUNS AS A PERCENTAGE OF TOTAL
ATTEMPTED MURDERS
TORONTO 1974-1979



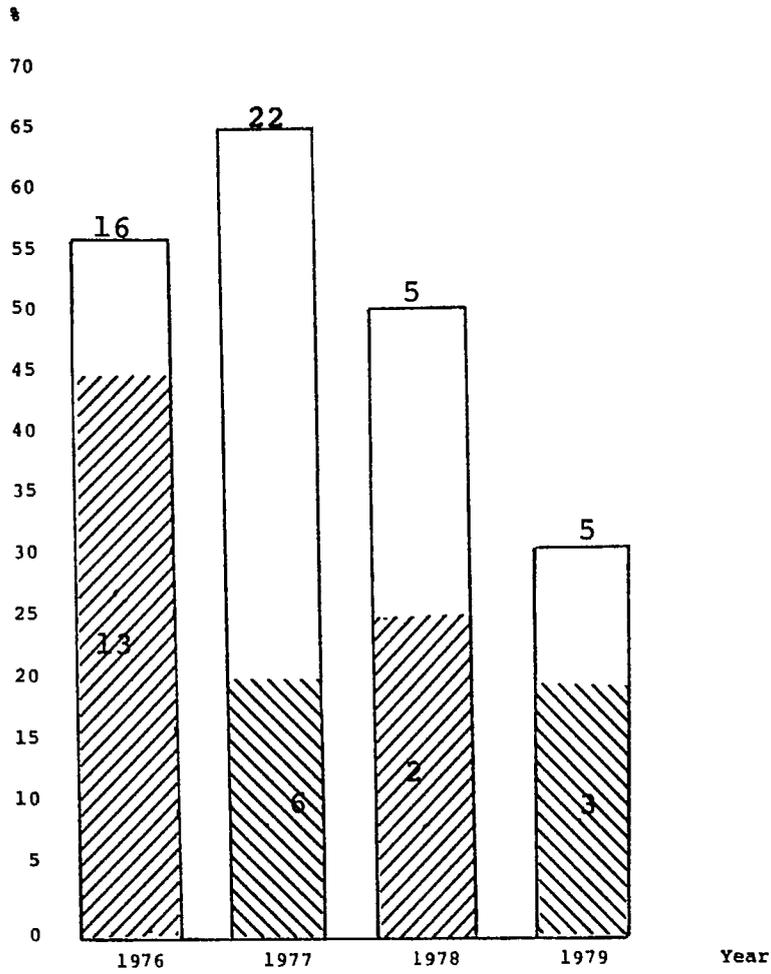
Total columns - all firearms
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Toronto Police Department
Summary Statistics

Figure III.7

ATTEMPTED MURDERS WITH ALL FIREARMS AND
HANDGUNS AS A PERCENTAGE OF TOTAL
ATTEMPTED MURDERS
OTTAWA 1976-1979

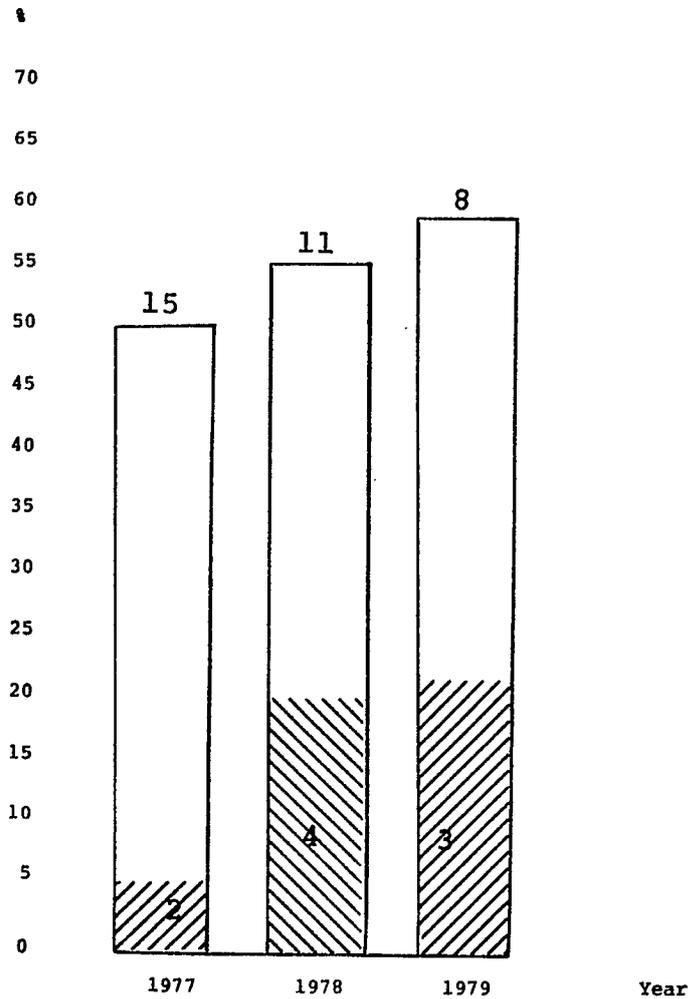


Total columns - all firearms
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Ottawa Police Department
Summary Statistics

Figure III.8
 ATTEMPTED MURDERS WITH ALL FIREARMS AND
 HANDGUNS AS A PERCENTAGE OF TOTAL
 ATTEMPTED MURDERS
 CALGARY 1977-1979



Total columns - all firearms
 Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Calgary Police Department
 Summary Statistics

As with homicides, the number of attempted murders in Toronto has fluctuated over the past six years. The incidents in this crime category increased between 1974 and 1979, reaching a peak of 43 in the latest year for which we have statistics.

Data on the use of firearms as a percentage of total incidents are once again similar to those on homicides. "All firearms" were used most frequently in 1975, and, with the exception of 1977, have been used less frequently ever since. Handgun usage peaked in 1975 and declined through to the end of 1979. For both weapon categories, there is a pronounced drop in the final two years of our survey.

We conclude, therefore, that although attempted murders are increasing in Toronto, "all firearms" and handguns are being used in a declining proportion of incidents in this crime category.

In Ottawa, firearms were used more frequently in attempted murders than in homicides. In 1977, they were used in 64.7 percent of all incidents in this offence category. However, this proportion fell in 1978; and declined further, to 31.3 percent in 1979. Handgun usage was relatively constant over the final three years of our review. (See Figure III.7).

Following a high of 22 firearm occurrences in 1977, the number of gun incidents declined to five in both 1978 and 1979. As with our data on homicides, therefore, the numbers are too small to constitute a significant trend. Nevertheless, we observe that the use of firearms in attempted murders in Ottawa has been an infrequent and proportionally declining phenomenon.

As Figure III.8 illustrates, Calgary is the only jurisdiction with a proportional increase in attempted murders involving firearms. However, as proportions have increased, absolute numbers have consistently decreased over the past three years, with a total of only eight incidents in 1979. Therefore, the Calgary data does not contradict the fundamental observation from our other jurisdictions; that the relative use of firearms in attempted murders has declined in recent years, particularly since 1977.

(d) Has There Been Any Change in the Use of Firearms in Rape and Indecent Assault?

Vancouver and Toronto are the only jurisdictions that reported more than an occasional rape and indecent assault involving a firearm. Even in these two cities, however, gun occurrences were extremely infrequent. The highest number recorded in a single year, since 1977, was six; while in both jurisdictions (in the period under review), guns were used most often in 1976.

Given the relative infrequency of incidents in these crime categories, it is impossible to define a meaningful trend. We can only observe that in violent sex-related offences, guns are not a common instrument of violence and coercion in any of our case jurisdictions.

(e) Has There Been Any Change in the Use of Firearms in Assaults?

Vancouver, Toronto and Calgary were able to provide us with data on firearm usage in assaults. In all three jurisdictions, guns were involved in a relatively insignificant proportion of incidents in this offence category.

In Vancouver, from 1976 to 1979, there was a 45.8 percent increase in the total number of reported assaults. There was also an overall increase in the number of incidents involving all firearms and handguns, most noticeably in 1979. As a percentage of total incidents however, there was no discernible trend in either of these two weapon categories. In addition, we would note that with assaults, for each of the five years under review, the proportion of total incidents involving guns is the lowest of all of our crime categories. It never exceeds 1.0 percent; while the largest number of incidents in any one year is 19.

Data from Toronto tells a similar story. From 1975 to 1979, total assaults increased by slightly over 40 percent. During this same period however, the number of incidents involving all firearms remained virtually constant; while those involving handguns fell. In both cases, occurrences were extremely rare, never exceeding 0.3 percent of all incidents. The largest number of incidents was 22 in 1976.

In Calgary, firearm related assaults have become extremely rare. There were 12 reported incidents

in 1977. There were only three in 1978 and two in 1979. This represents an insignificant proportion of total incidents in this crime category (0.1 percent in the last year for which we have data).

Because the proportion of total incidents is so small, we have not illustrated our data with bar graphs. Generally, however, we observe that the use of guns in assaults is not a common phenomenon in our case jurisdictions. In addition, in a proportional sense, their use has been either relatively constant or declining over the periods for which we have statistics.

(f) Has There Been Any Change in the Use of Firearms in Woundings?

Firearms were involved in a much higher percentage of woundings than assaults. There are, however, no predominant trends in gun usage in this offence category.

In Ottawa, for example, the proportion of woundings involving firearms declined from over 29 percent, to 14.8 percent, to 3.4 percent, during the period 1977 to 1979. However, as the greatest number of incidents was six, in 1977, this drop in proportional usage is not as noteworthy as it first appears.

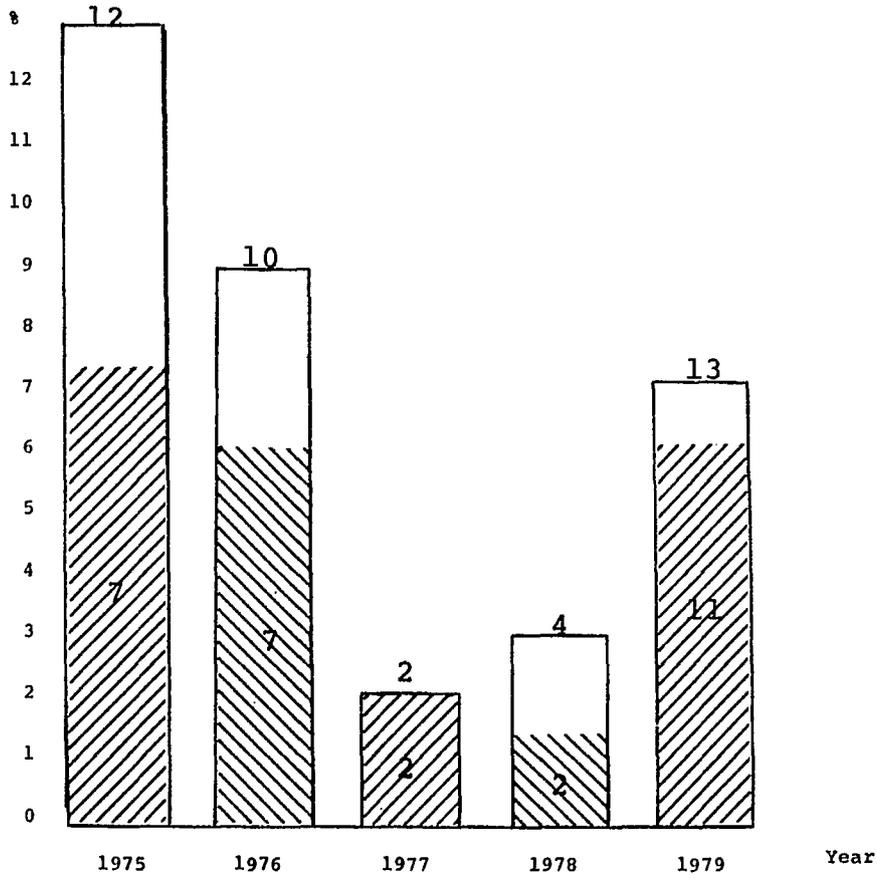
In Calgary, both the number of firearm woundings, and their proportion in relation to total woundings, declined from 1977 to 1978, and then increased in 1979. There is, therefore, no clear trend in this jurisdiction. The 1980 and 1981 data will, hopefully, display a more consistent pattern.

Vancouver data is displayed in Figure III.9. From 1975 to 1979, total woundings more than doubled. During this same period, there was also an increase in the number of woundings involving all firearms and handguns. In a proportional sense, their usage declined over the five years; however, we observe an increase in both 1978 and 1979. There is, therefore, no conclusive evidence to suggest a well defined trend in any direction.

In Toronto, the number of woundings was relatively constant from 1974 to 1979, with marginal yearly fluctuations. Incidents involving all firearms and handguns followed this general pattern. However, in a proportional sense, even though there was no

Figure III.9

WOUNDINGS WITH ALL FIREARMS AND
HANDGUNS AS A PERCENTAGE OF TOTAL WOUNDINGS
VANCOUVER 1975-1979

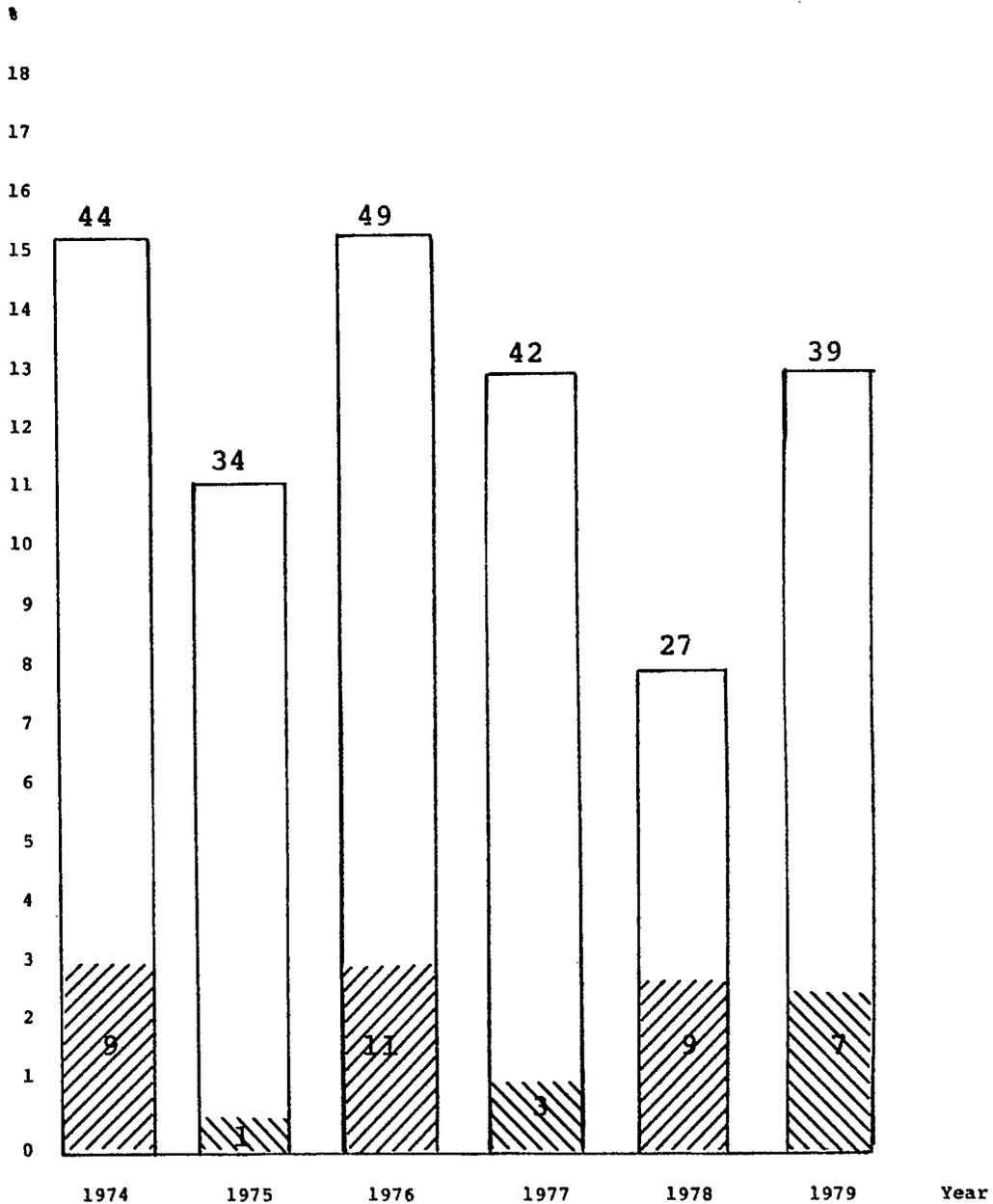


Total columns - all firearms
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Vancouver Police Department
Summary Statistics

Figure III.10
 WOUNDINGS WITH ALL FIREARMS AND
 HANDGUNS AS A PERCENTAGE OF TOTAL WOUNDINGS
 TORONTO 1974-1979



Total columns - all firearms
 Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Toronto Police Department
 Summary Statistics

consistent pattern from year to year, instruments from both weapon categories were less likely to be involved in woundings in the period 1977 to 1979, than in the preceding three years. Our statistics are illustrated in Figure III.10.

Generally, therefore, there are no decisive trends with respect to the use of firearms in woundings. It is worth noting however, that relative to knives, guns are an infrequently used instrument of violence in this crime category. In addition, their usage does appear to have declined marginally over the periods reviewed in this study. We require more observation points to substantiate firmer conclusions.

(g) Has There Been Any Change in the Use of Firearms in Robberies?

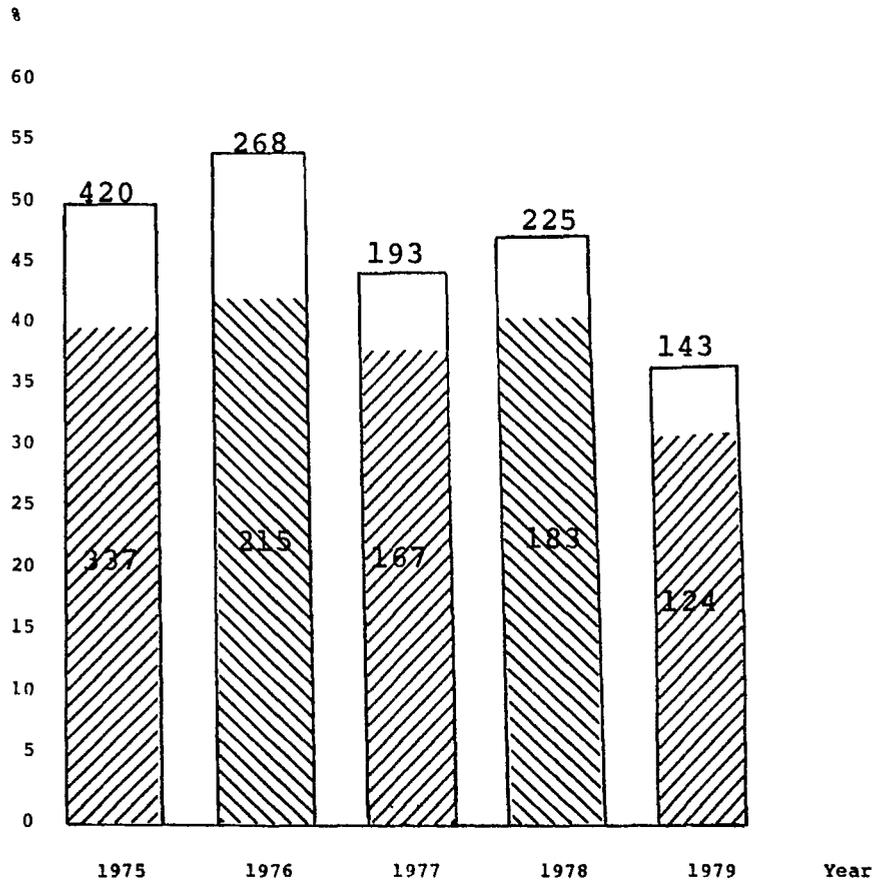
Of all of our crime categories, guns were used most often in robberies. We have comprehensive data on gun usage from Vancouver, Toronto, Ottawa and Calgary. These are displayed in Figures III.11 to III.14. Trends vary from jurisdiction to jurisdiction. However, both Toronto and Vancouver have experienced a decline in firearms usage in robberies, over the periods covered by our statistics.

In Vancouver, from 1975 to 1979, there was an overall decline in robberies. The number of incidents involving all firearms and handguns followed this general trend. In 1975, in both of our weapon categories, there were almost three times as many gun related robberies as there were in 1979.

In a proportional sense, we observe that in 1976, there was a firearm involved in over half the City's 530 robberies. This proportion declined somewhat over the next two years. But, in 1979, we see a substantial drop in the use of "all firearms" and handguns. This is more pronounced than in any other crime category.

In Toronto between 1974 and 1979, the total number of robberies reached a high in 1975, declined substantially in 1976, then fluctuated over the next three years. There was no discernible trend in this crime category. There is however, a clearer trend during this period, with respect to the use of "all firearms" and handguns in robberies. The use of both types of weapons peaked

Figure III.11
 ROBBERIES WITH ALL FIREARMS AND
 HANDGUNS AS A PERCENTAGE OF TOTAL
 ROBBERIES
 VANCOUVER 1975-1979



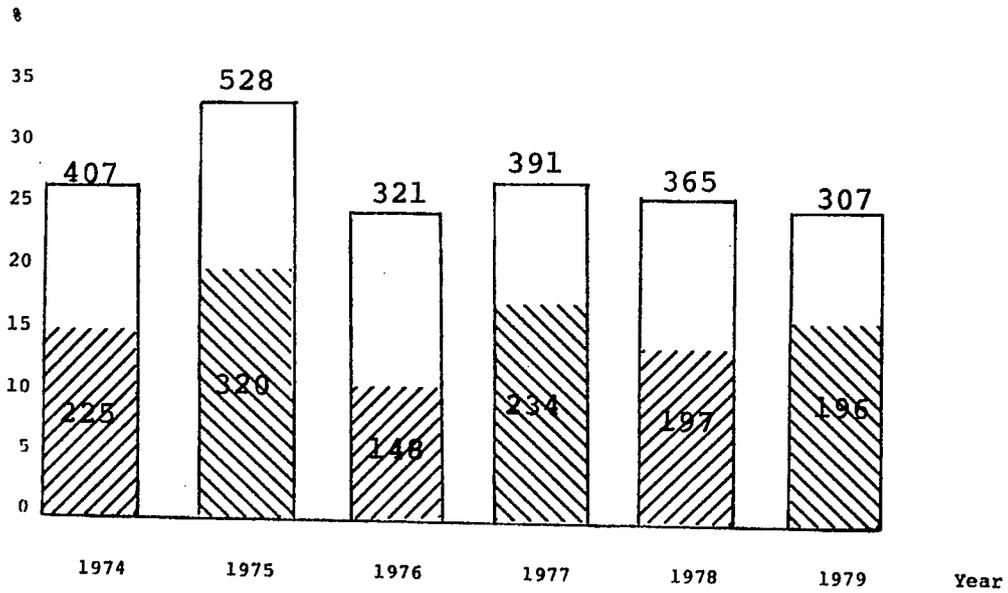
Total columns - all firearms
 Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Vancouver Police Department
 Summary Statistics

Figure III.12

ROBBERIES WITH ALL FIREARMS AND
HANDGUNS AS A PERCENTAGE OF TOTAL
ROBBERIES
TORONTO 1974-1979



Total columns - all firearms

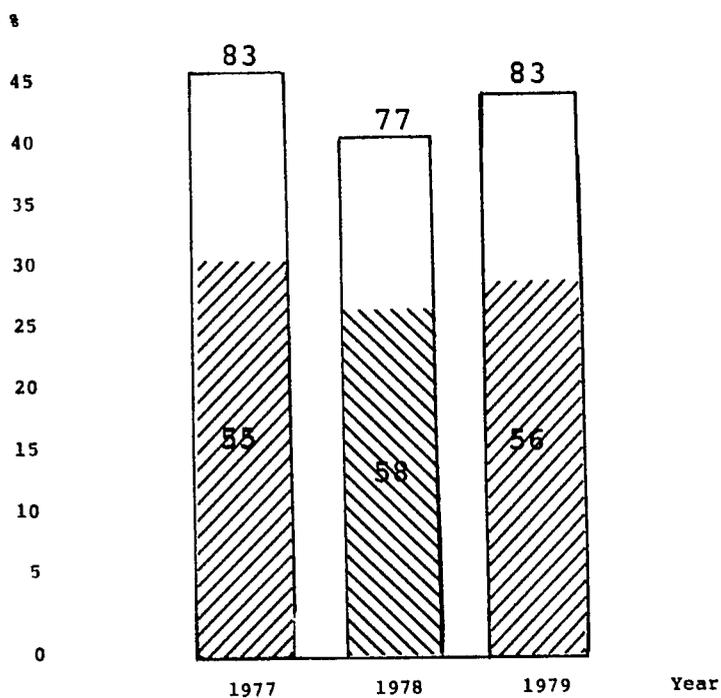
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Toronto Police Department
Summary Statistics

Figure III.13

ROBBERIES WITH ALL FIREARMS AND
HANDGUNS AS A PERCENTAGE OF TOTAL
ROBBERIES
CALGARY 1977-1979

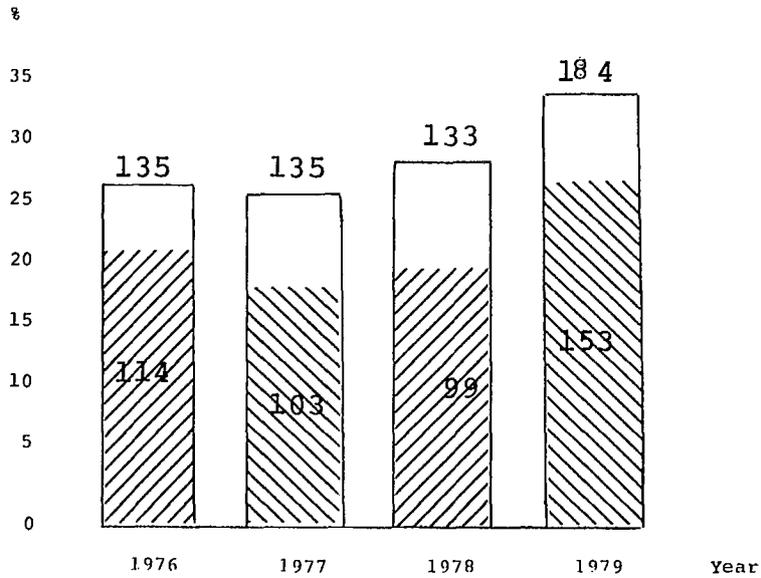


Total columns - all firearms
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Calgary Police Department
Summary Statistics

Figure III.14
 ROBBERIES WITH ALL FIREARMS AND
 HANDGUNS AS A PERCENTAGE OF TOTAL
 ROBBERIES
 OTTAWA 1976-1979



Total columns - all firearms
 Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Ottawa Police Department
 Summary Statistics

in 1975 and remained below 1975 levels through to the end of 1979.

In Calgary, the number of robberies involving all firearms and handguns remained virtually constant between 1977 and 1979. The marginal decline in the proportion of occurrences involving guns can be attributed to marginal increases in the total number of robberies in the city. The data reveal no clear trends in gun usage.

In Ottawa, on the other hand, we observe a relatively flat trend line on firearm incidents from 1976 to 1978; and then, a considerable increase in the number and proportion of gun related robberies in 1979. This police department expressed a growing concern over armed robberies in the city and our data confirm their fears. We will closely monitor the 1980 and 1981 figures to see whether the 1979 statistics signal the beginning of a new and disturbing trend in this jurisdiction.

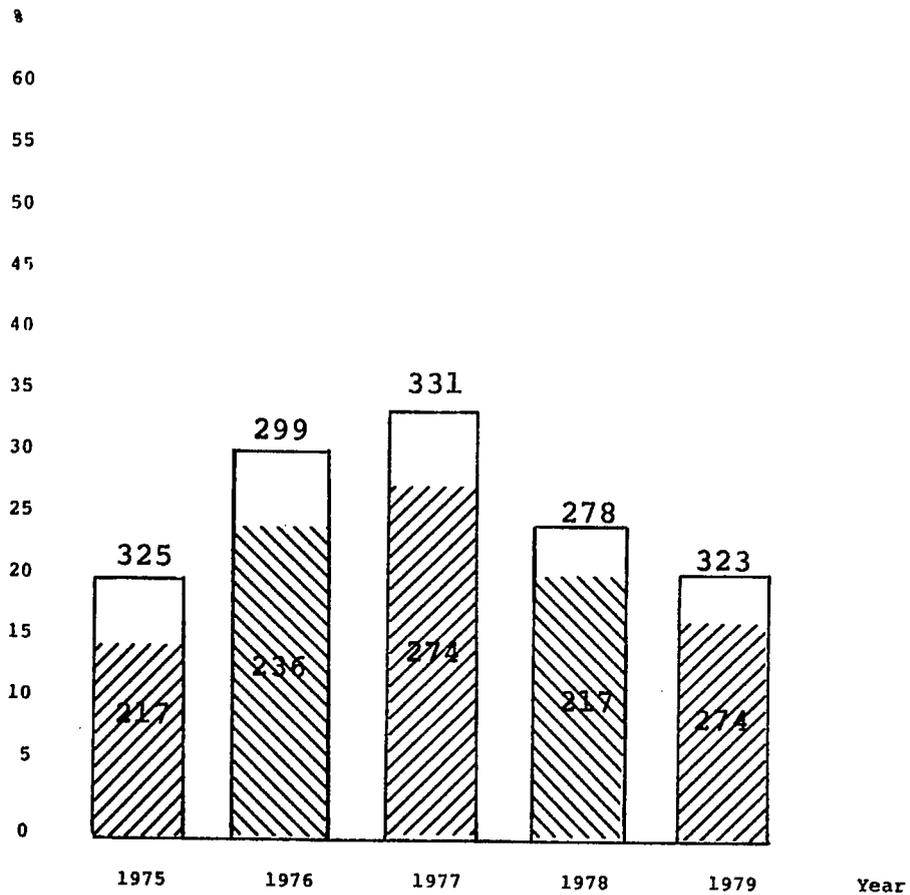
The situation in Ottawa is clearly an anomaly when contrasted with the data from our other case jurisdictions. Overall, although the number of robberies with firearms is still considerable, gun use in this type of criminal activity is not as prevalent today as it was three or four years ago. This is generally consistent with our observations in other crime categories.

(h) Has There Been a Change in the Number of Weapons Charges Involving Firearms?

Our most complete data bases, with respect to weapons charges are Vancouver and Toronto. The statistics from these jurisdictions are displayed in Figures III.15 and III.16. In Toronto and Vancouver, "weapons charges" include ss.77-80, 83-89, 91-94, 98, 102-103 and 106 of the Criminal Code. In Vancouver, this offence category also includes a variety of other offences where a firearm was involved (e.g. mischief), but no specific firearms charge was recorded.

In Vancouver, from 1975 to 1979, there were large fluctuations in the total number of weapons charges. Highs were recorded in 1975 and 1979; while occurrences levelled off during the three intervening years. The number of incidents involving all firearms and handguns also fluctuated throughout this period; however, these fluctuations do not correspond to changes in the overall levels

Figure III.15
WEAPON CHARGES INVOLVING ALL FIREARMS AND
HANDGUNS AS A PERCENTAGE OF TOTAL WEAPON
CHARGES
VANCOUVER 1975-1979

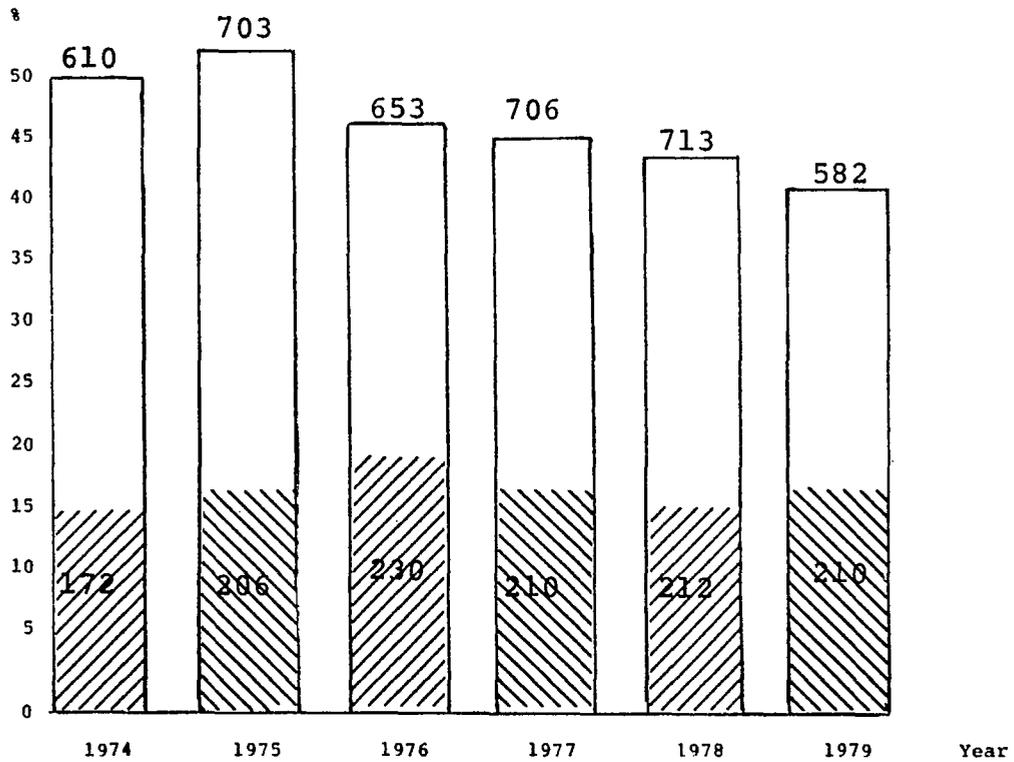


Total columns - all firearms
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Vancouver Police Department
Summary Statistics

Figure III.16
WEAPON CHARGES INVOLVING ALL FIREARMS AND
HANDGUNS AS A PERCENTAGE OF TOTAL WEAPON
CHARGES
TORONTO 1974-1979



Total columns - all firearms
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Toronto Police Department
Summary Statistics

of weapon incidents. For example, in 1977 we observe the highest number of firearm occurrences and the lowest number of weapon charges.

In a proportional sense, firearm incidents increased from 1975 to 1977, and fell during each of the last two years of our review. There is therefore, no clear trend in our data. It is of interest however, that handguns are involved in a large percentage of all firearm incidents in this offence category.

In Toronto, we observe a much more consistent trend in the data. There was an increase in total weapon charges from 1974 to 1978 followed by a decline in 1979. But, since 1975, we see that firearms have been involved in a decreasing proportion of weapon incidents.

A somewhat different pattern applies to handguns. Here both the number and percentage of occurrences remained relatively constant from 1974 to 1979.

The data from Toronto and Vancouver suggest two conclusions. First, over the last several years, there has been a proportional decline in the number of weapons charges involving firearms. Second, the police have not initiated a major "crackdown" on guns after the implementation of Bill C-51, i.e., in 1978.

(i) Is The Criminal Use of Firearms
Increasing or Decreasing in Canada?

Our analysis in this sub-section indicates quite clearly that the use of firearms in violent criminal activities was decreasing in Canada in the late 1970's. (For our purposes we define "violent criminal activities" as including homicides, attempted murders, rapes, attempted rapes, indecent assaults, assaults, woundings and robberies. The statistics presented and discussed here are an aggregate of those reported in the preceding sections). This decrease applies to the national data on gun homicides, as well as to most of the individual offence categories in our case jurisdictions. With many different types of crimes, we observed either very few gun incidents or a decline in their absolute number. When these figures were translated into percentages of total occurrences in various offences, decreases in firearm usage were even more noticeable.

We did, however, note a few exceptions to the above conclusion. We will carefully assess 1980 and 1981 data to determine whether or not these exceptions become persistent trends.

In Figures III.17 to III.20, we display our proportional data on firearm usage in all violent crimes in Vancouver, Toronto, Calgary and Ottawa. These graphs vividly illustrate the overall reduction in gun related incidents that we have identified. In three of our four case jurisdictions, both the number and proportion of firearm occurrences were lower in the last year, than in the first year, of the various periods under review.

The reduction in gun related incidents was most dramatic in Vancouver. Looking at both firearms in general, and handguns, we observe that in a proportional sense, their use declined in each time period. There are no exceptions. Furthermore, with the exception of 1978, the absolute number of all firearm incidents also declined every year. The same holds true for handguns.

We conclude that in Vancouver, during the period under review, the "gun problem" was most serious in 1975, and became less severe in each subsequent year. We also note that this trend persisted through to the end of the first full year of gun control in Canada. This, in large measure, explains why there have been fewer firearms involved in weapons charges in that city, since 1977.

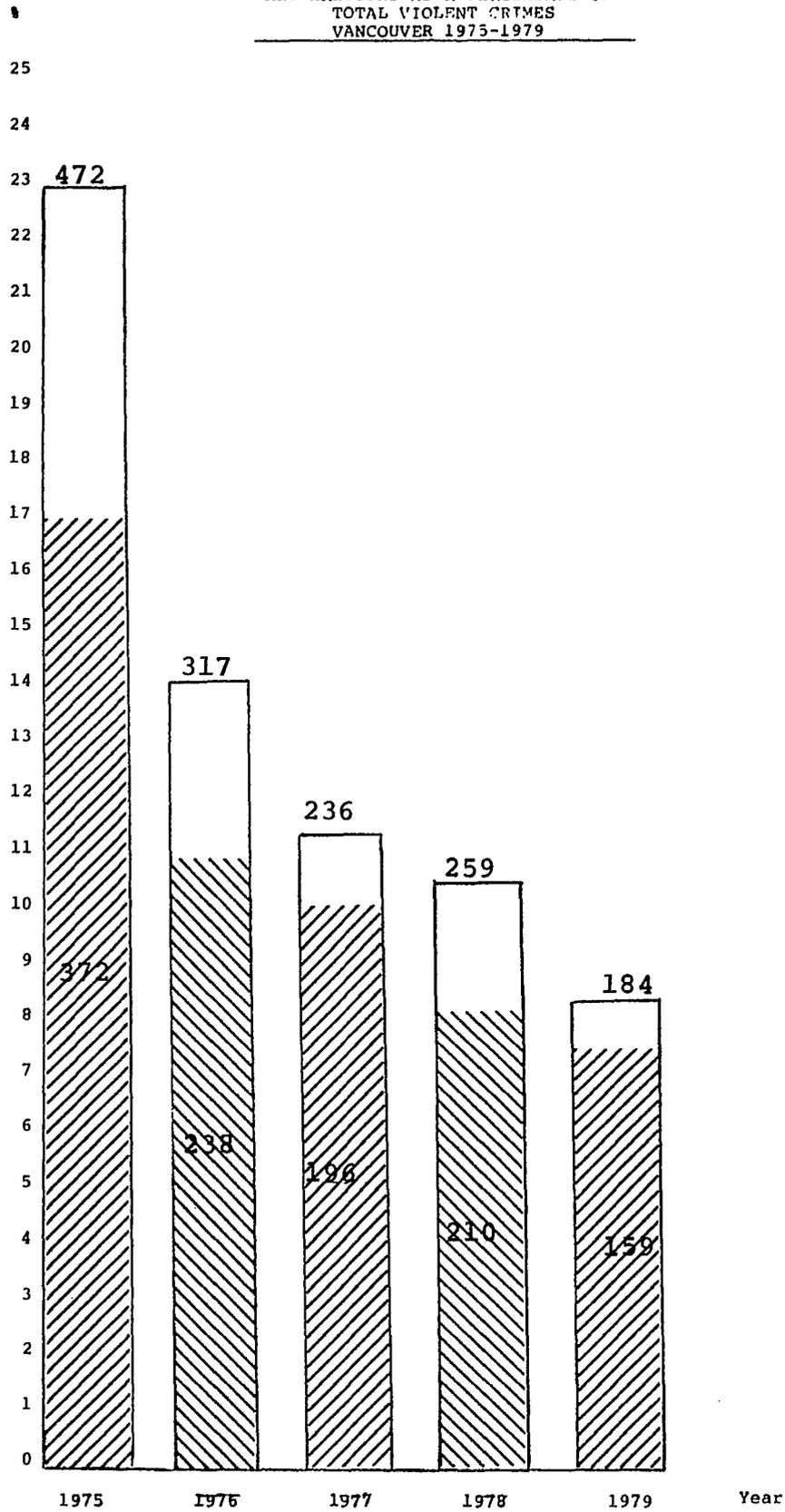
In Toronto, the decline in gun usage has not been as dramatic as in Vancouver; but it has been considerable. Between 1974 and 1979, the use of all firearms and handguns peaked in 1975, and was lower in each subsequent year. We also observe a steady proportional and absolute decline in gun usage from 1977 to 1979.

Thus, in the face of rising violent crime rates, we conclude that guns are becoming less of a problem in Toronto. This is confirmed by our data on weapon charges involving firearms. As we noted previously, in a proportional sense, gun related incidents in this offence category have been declining since 1975. In an absolute sense, they fell off most noticeably in 1979.

Our Calgary statistics extend over only three years

Figure III.17

TOTAL VIOLENT CRIMES WITH FIREARMS
AND HANDGUNS AS A PERCENTAGE OF
TOTAL VIOLENT CRIMES
VANCOUVER 1975-1979

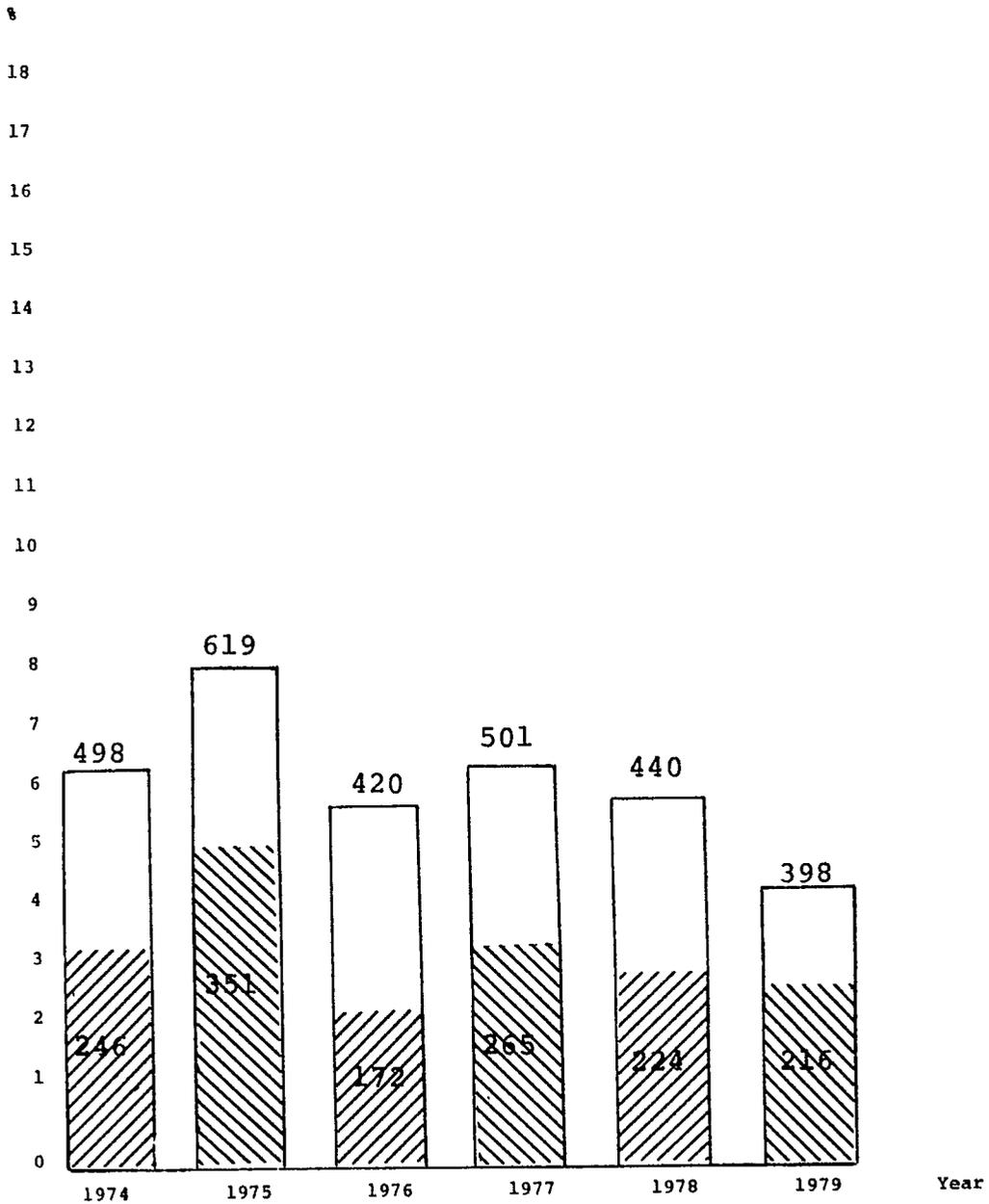


Total columns - all firearms
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Vancouver Police Department
Summary Statistics

Figure III.18
 TOTAL VIOLENT CRIMES WITH FIREARMS
 AND HANDGUNS AS A PERCENTAGE OF
 TOTAL VIOLENT CRIMES
 TORONTO 1974-1979



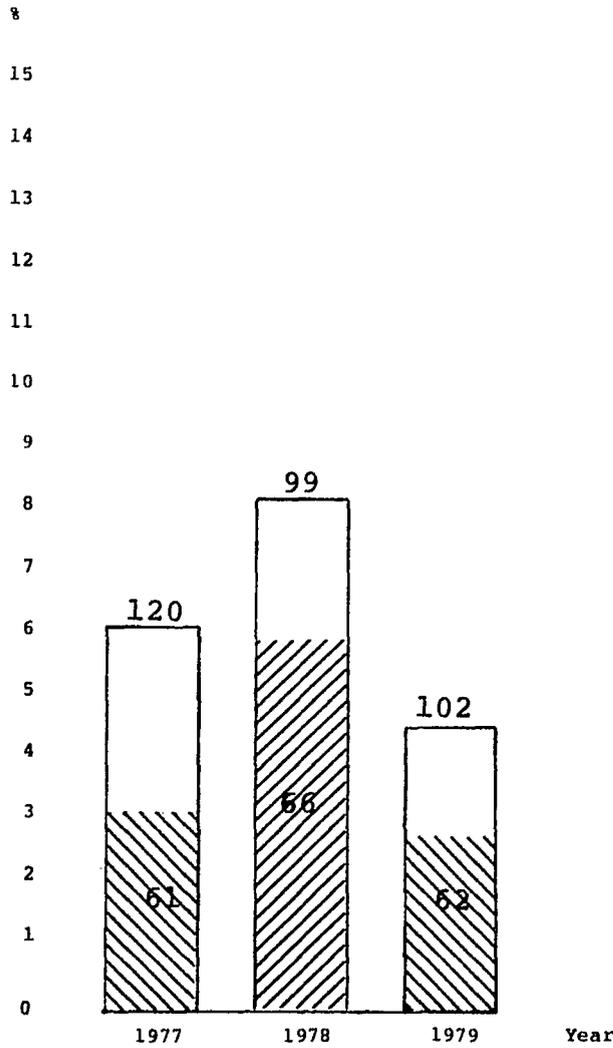
Total columns - all firearms
 Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Toronto Police Department
 Summary Statistics

Figure III.19

TOTAL VIOLENT CRIMES WITH FIREARMS
AND HANDGUNS AS A PERCENTAGE OF
TOTAL VIOLENT CRIMES
CALGARY 1977-1979



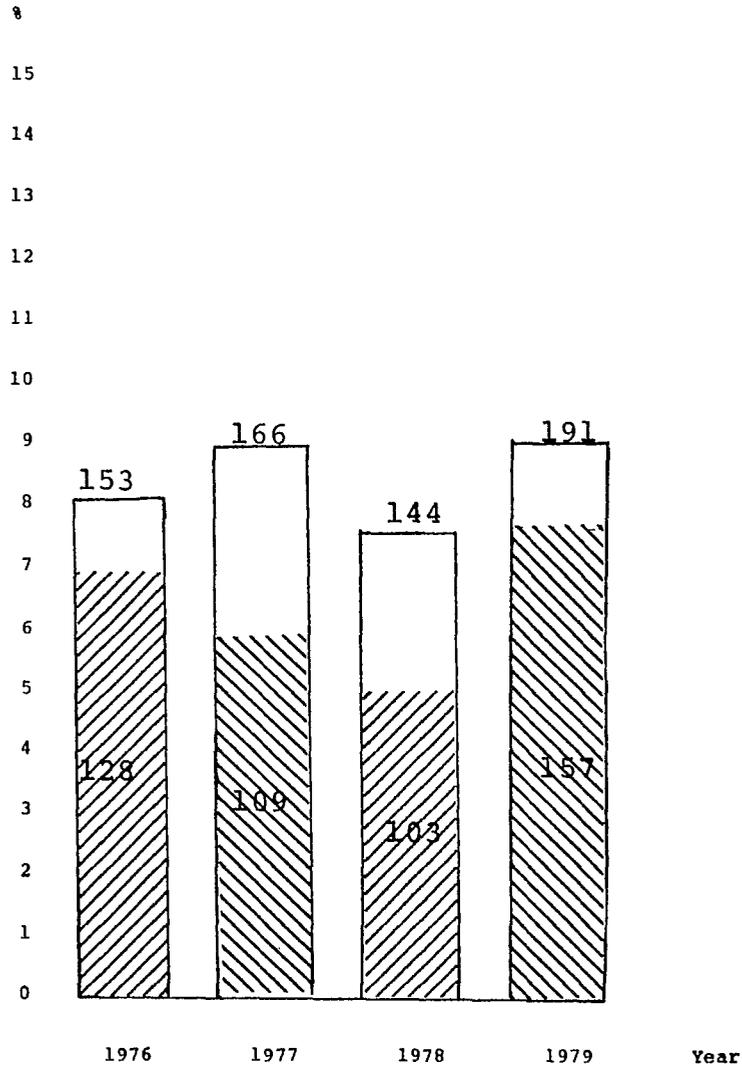
Total columns - all firearms
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Calgary Police Department
Summary Statistics

Figure III.20

TOTAL VIOLENT CRIMES WITH FIREARMS
AND HANDGUNS AS A PERCENTAGE OF
TOTAL VIOLENT CRIMES
OTTAWA 1976-1979



Total columns - all firearms
Hatched columns - handguns

Numbers in columns are the absolute number of incidents

Source: Ottawa Police Department
Summary Statistics

and display wide fluctuations during this period. Therefore, it is impossible to gauge accurately, long-term trends. We observe, however, that in a proportional sense, the "gun problem" was considerably less severe in 1979 than in 1978, and that gun usage was marginally below 1977 levels. Two more years of data will enable us to identify relevant trends with much greater precision.

To a lesser degree, the Ottawa data base suffers from the same limitations as the Calgary data base. Our statistics do, however, extend back as far as 1976, and show no clear trend with respect to gun usage. There is a major problem with this observation. The large number of robberies involving firearms in 1979 obscures an underlying trend that was emerging during the four years under review. To illustrate, let us exclude the data for robberies in each time period. We now observe that in the other offence categories for which we have figures, overall gun usage has been declining since 1977. If, on the other hand, we include robberies, in a proportional sense, the use of all firearms was only marginally lower in 1979 than in 1977; and, it was higher than in either 1976 or 1978. Handgun usage was highest in the last year of our review.

The Ottawa data are therefore, inconclusive. They neither confirm nor deny the conclusions that we reached in our assessments of more comprehensive data bases; i.e., that gun related criminal activity is declining in Canada, and that it has been declining since the mid-1970's. Our 1980/1981 data will be most revealing when placed against this background.

2. The Use of Knives in Violent Criminal Incidents in Vancouver and Toronto

In the previous sub-section, we observed a general decline in the use of firearms in criminal incidents, through the latter half of the 1970's. The new gun control initiative must, therefore, be viewed as an attempt to promote and, ideally, to accelerate this trend.

Policy makers however, have been concerned over the possibility that greater controls over firearms would encourage the use of other weapons in the commission of offences. This is a "displacement effect".

Only Vancouver, Calgary and Toronto provide data on

the number of incidents in selected crime categories where the instrument of violence was a knife. However, the Calgary data commences in 1977 and will not be analysed in this Report. Therefore we will only analyse the Vancouver and Toronto data to determine whether or not knives are displacing guns as a common instrument in violent criminal activity. We assess:

- the historic relationship between the use of these two types of weapons; and,
- whether or not the introduction of Bill C-51 has had an impact on this relationship. In other words, was there a noticeable shift in trends, in 1979.

We compare knife and gun usage in all violent crimes. All "violent crimes" include homicides, attempted murders, rapes, indecent assaults, assaults, woundings and robberies. (The absolute numbers of knife incidents and the proportion of total incidents involving knives can be found in Tables A1.1 to A1.2 and A1.6 to A1.7).

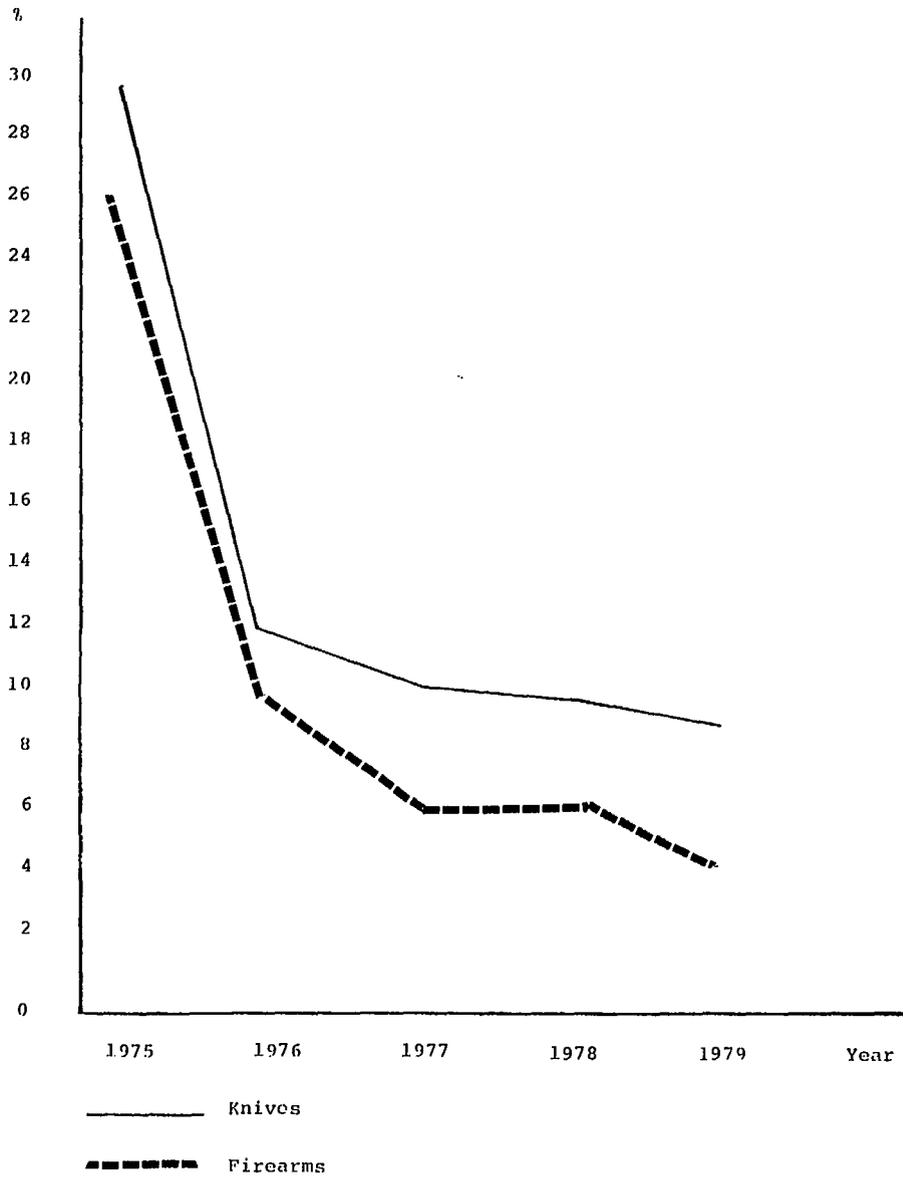
In Figure III.21 we chart the proportion of violent crimes involving knives and guns in Vancouver from 1975 to 1979. If a displacement effect is viewed as a "trade-off" between the use of alternative instruments of violence, then there should be a negative relationship between gun and knife usage, over time. In this context, the graph reveals a positive relationship between trends in the use of these types of weapons over the period under review. In addition, these trends are generally downward.

In Figure III.22 we plot the proportion of violent crimes involving guns and knives in Toronto, from 1974 to 1979. Both gun and knife usage declined during the period 1974 to 1979, with the former falling at a marginally more rapid rate. In two time periods, there was a negative relationship between gun and knife usage; but generally the relationship was positive.

Our observations with respect to the statistical relationship between gun and knife usage suggest two conclusions. First, there is no evidence to support the proposition that, historically, there has been a displacement effect between firearms and knives. Second, through to the end of 1979, Bill C-51 has not promoted one.

Figure III.21

KNIFE AND GUN INCIDENTS AS A
PERCENT OF ALL VIOLENT CRIMES
VANCOUVER 1975 - 1979



Source: Vancouver Police Department
Summary Statistics

Figure III.22

KNIFE AND GUN INCIDENTS AS A
PERCENT OF ALL VIOLENT CRIMES
TORONTO 1974 - 1979



Source: Toronto Police Department, Summary Statistics

The use of knives is not directly related to patterns of firearm usage or vice versa. We have observed a decline in the use of both types of weapons, when their use in violent criminal activities is measured as a percentage of total incidents in this crime category.

Accordingly, we conclude that knives are replacing, not displacing, guns as the most common instruments of violence in criminal activities. The proportional usage of both firearms and knives has fallen since the mid-1970's; but, the use of firearms has fallen at a faster rate than the use of knives. This is consistent with the fact that the "gun problem" was receiving more public attention than the "knife problem" in the mid-1970's. We see no indication that it has anything to do with a displacement effect.

3. The Characteristics of Firearm Crimes in Canada

As mentioned in the introduction to this sub-section, we are collecting data on the specific characteristics of firearm incidents in five urban and two rural jurisdictions. These seven data bases will describe the circumstances of crimes involving guns, and will provide the basis for analysing whether these circumstances are changing over time. They will also provide details on offences, charges and dispositions of charges, in specific incidents. This information will also be used to supplement our analysis of the impact of various processes associated with the implementation of Bill C-51.

Our data was collected in the following manner. We asked police officials in our seven case jurisdictions to "flag" all occurrences where a firearm was involved. We then invoked three different sets of procedures. In Vancouver, Calgary, Ottawa and Quebec City, we coded information directly from relevant Occurrence Reports and entered the data on our computer for subsequent analyses. In Toronto, the Metropolitan Police Department performed a variety of statistical tasks for us on their own computer. In two rural areas in Saskatchewan and Nova Scotia, the R.C.M. Police recorded details on gun incidents on forms designed by Decision Dynamics Corporation, and then forwarded them to us for analysis. In the urban jurisdictions data collection commenced January 1, 1979. The rural data collection commenced a year later.

Unfortunately, when we were preparing this Report, our

1979 data bases were incomplete. In addition, because each of our urban case jurisdictions uses different recording protocols, there have been problems establishing procedures to collect comparable data elements. These problems have now been identified and largely reconciled, and should pose no further difficulties. Finally, we have noted significant discrepancies between the numbers of incidents recorded in occurrence reports and the numbers reported in annual police summaries of criminal occurrences in various offence categories. Until we clearly establish the reasons for these discrepancies, we are obliged to treat our occurrence report data with a great deal of caution.

As a result, we have chosen not to undertake any analyses of the data at this time. Rather, we describe the data elements that will be available to us, and outline how they will be used in subsequent reports. (Preliminary tabulations of occurrence report data can be found in Tables A1.12 to A1.31).

The first type of analysis that we will be able to undertake relates to the provisions associated with the gun control legislation. For various types of offences, where a suspect was apprehended, we will be able to identify charges laid in connection with the incident. This will enable us to assess, for example, how often a s.83 charge is laid in conjunction with an armed robbery charge. We will also be able to track subsequent dispositions of various charges, and, more importantly, to see whether or not these change over the period 1979 to 1981. This particular analysis is relevant only to Vancouver, Ottawa and Quebec City.

On the outcomes side, we will be able to identify changes in the circumstances of various types of incidents in all seven jurisdictions. Our data included information on:

- the location of the incident;
- suspect/victim relationship; and
- type of firearm used.

In addition, we will be able to comment on whether or not the firearm was:

- stolen;
- registered; or

- seized by the police.

We will also be able to identify changes in the characteristics of suspects involved in various firearm crimes. Our data include the following suspect information:

- age;
- sex;
- occupation;
- domicile; and
- previous criminal history, i.e. types of previous convictions, previous jail terms, previous sentences over two years, and previous firearm convictions. (This information cannot be collected in Calgary or Toronto.)

The detailed data from our jurisdictions will become an important part of our final report. It will provide a microscopic perspective on gun crimes that is not available elsewhere; and will allow us to develop typical profiles of firearm incidents and of suspects involved in those incidents. We will also be able to monitor any changes in these profiles during the period 1979 to 1981. We turn now to a discussion of non-criminal firearm related incidents.

B. NON-CRIMINAL FIREARM INCIDENTS

In this Section, we examine five data bases to determine whether or not there have been any increases or decreases in different types of non-criminal firearm incidents. These incidents include:

- firearm accidents (fatal and non-fatal);
- hunting accidents with firearms;
- accidental firearm deaths; and
- firearm suicides.

Our analyses focus on statistics derived from the following data sources:

- The Hospital Morbidity Statistics Section of Statistics Canada, which provides data on firearm

- accidents resulting in either injury or death;
- The Hospital Medical Records Institute of Ontario, (H.M.R.I.) which provides provincial firearm accident data;
 - Statistics Canada's Vital Statistics Section which compiles data on accidental firearm deaths; and, all suicide deaths caused by either a firearm or explosive;
 - The Metropolitan Toronto Police Department's suicide statistics from 1974 to 1979; and
 - Hunting accident statistics, compiled from hunter/firearm safety program statistics as supplied by five provinces.

Although these data bases are the best representation of non-criminal firearm incidents, they are neither pure and distinct, nor easily verified. For example:

- The Hospital Morbidity Statistics are not uniformly reported or recorded throughout Canada. They contain data from only six provinces (Nova Scotia, Quebec, Manitoba, Saskatchewan, Alberta and British Columbia) extending over different time periods. Except for 1978 H.M.R.I. statistics from Ontario, we have no other provincial data on firearm accidents.
- Hospital Morbidity Statistics include both deaths and injuries, but we are unable to distinguish between the two.
- The Vital Statistics suicide data include suicides by both firearm and explosive. It was impossible to differentiate between these two methods.
- The definition of a hunting accident varied among provinces. In some jurisdictions it involved only accidents incurred in the pursuit of game. In others, the data included any accident occurring outside the home after the intent to go hunting was formed.
- In some jurisdictions, a hunting accident may or may not have involved a firearm. There was no uniform distinction made between different means of injury or death.

We encountered an additional fundamental problem. With the exceptions of Toronto suicide statistics and Saskatchewan hunter safety statistics, our data go up to only 1978.

Therefore, our current review can only discuss some important trends in this area and provide a useful background for post-legislative data that we will collect over the next two years.

In this regard, it takes a full year for most of the data described above to be compiled and forwarded to us. Consequently, in our final report, we will be able to go up to only 1980 statistics in our analyses. This should still provide us with a firm basis for assessing the impacts of C-51 on the various types of non-criminal incidents under review.

The following discussion is organized in five parts. We describe the available data in the following incident categories:

- firearm accidents;
- hunting accidents;
- accidental firearm deaths; and
- firearm suicides.

We realize that some of our incident categories are sub-sets of others, and therefore, appear to be redundant. However, because of a basic incompatibility among our data sources, we have been obliged to discuss the four types of incidents as though they are, in fact, distinct. In our conclusions, we draw the various trends together in a more tightly integrated manner.

1. Firearm Accidents

The following discussion focuses on data extracted from the Hospital Morbidity Statistics Section of Statistics Canada. (We also present H.M.R.I. figures for Ontario from 1978, but, as we only have data for one year, these will not be assessed until our final report). As mentioned above, only seven provinces consistently report data on injuries or deaths due to firearm accidents. The following review is specific to the reporting provinces and should not be interpreted as representative of the entire country.

Table III.1, presents data on fatal and non-fatal firearm accidents for the seven reporting provinces.

On a per capita basis, we observe a relatively constant firearm accident rate in each province over the period under review. Although minor fluctuations are evident, there were no positive or negative trends

Table III.1

TOTAL FATAL AND NON FATAL FIREARM
ACCIDENTS AND ACCIDENTS PER 100,000
POPULATION BY PROVINCE

	1971	1972	1973	1974	1975	1976	1977	1978
Nova Scotia Number Number Per 100,000	-	50 6	43 5	73 9	62 8	60 7	74 9	50 6
Quebec Number Number Per 100,000	-	-	-	127 2	113 2	151 2	122 2	-
Manitoba Number Number Per 100,000	-	-	-	115 11	122 12	117 11	117 11	155 15
Saskatchewan Number Number Per 100,000	124 13	108 12	100 11	103 11	102 11	113 12	115 12	91 10
Alberta Number Number Per 100,000	-	-	-	235 13	252 14	238 13	267 14	216 11
British Columbia Number Number Per 100,000	-	-	-	138 6	130 5	101 4	107 4	138 5
Ontario Number Number Per 100,000	-	-	-	-	-	-	-	338 4

Source: Hospital Morbidity (Stats Canada) and H.M.R.I.

developing prior to 1979. The same holds true when we examine absolute number of accidents in each province. The slight decline in the number and per capita rate of firearm accidents, in 1978, does not appear to be significant at this time.

2. Hunting Accidents

The data examined in this sub-section were extracted from a data base that we developed from statistics provided by a number of provinces. The statistics include all fatal and non-fatal hunting accidents as defined, reported and recorded in Nova Scotia, New Brunswick, Ontario, Saskatchewan and British Columbia. (See Table III.2) Except for Nova Scotia and New Brunswick, all hunting accidents involved a firearm. In these two provinces, it was not possible to determine how many incidents actually involved a gun. However, we use the figures provided as the best representation of firearm hunting accidents in these jurisdictions.

Hunting accidents are a function of the number of hunters. The number of licences issued in a province is a reasonably good indicator of the number of active hunters. Therefore, in order to normalize our accident information, we required consistent hunting licence data. Thus far, we have only been able to obtain this from the five jurisdictions listed above. If similar information becomes available from other provinces, they will be included in subsequent analyses.

A cursory review of the data in Table III.2 indicates that each province has experienced a reduction in hunting accidents (on a per licence issued basis) over the period for which information is available. The highest accident rates occurred in the 1960's, the lowest in the mid to late 1970's.

Each province has some form of hunter/firearm safety program. In New Brunswick, Ontario and British Columbia we have data on hunting accidents prior to, and after, the inception of such programs. Did they contribute to provincial declines in hunting accidents?

Ontario's hunter/firearm safety program was initiated in 1957 and became mandatory in 1967. Prior to the program becoming mandatory (1961 to 1967) the average number of accidents per year was 2.1 per 10,000 licences. After 1967, the average fell to 1.5 per 10,000 licences.

Table III.2

HUNTING ACCIDENTS - TOTAL AND ACCIDENTS
PER 10,000 HUNTING LICENCES SOLD BY PROVINCE

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Nova Scotia Accidents Licences Accidents/10,000 Licences	20 64,521 3.1	28 50,864 5.5	12 43,605 2.5	27 47,932 5.6	8 52,990 1.5	20 77,112 2.6	24 75,891 3.7	14 82,285 1.7	25 80,225 3.1	16 88,268 1.8	18 85,516 2.1	18 88,812 2.0	13 92,507 1.4	12 110,856 1.1	12 124,954 1.0	4 112,008 0.4	26 106,714 2.4	20 130,503 1.5	22 126,968 1.7	- - -
New Brunswick Accidents Licences Accidents/10,000 Licences	- - -	- - -	- - -	- - -	- - -	- - -	16 77,940 2.1	9 78,198 1.2	24 76,860 3.1	10 79,551 1.3	11 83,108 1.3	11 86,073 1.3	7 87,242 0.8	11 102,472 1.1	3 105,572 0.3	7 104,860 0.7	14 120,927 1.2	13 125,000 1.0	17 129,620 1.3	- - -
Ontario Accidents Licences Accidents/10,000 Licences	- - -	154 544,457 2.8	126 568,574 2.2	126 597,362 2.1	118 588,712 2.0	111 645,853 1.7	130 659,706 2.0	112 671,484 1.7	196 584,653 1.6	129 553,100 2.3	78 545,354 1.4	82 551,861 1.5	75 552,897 1.4	94 586,924 1.6	113 581,081 1.9	92 594,308 1.6	56 587,434 1.0	71 589,929 1.2	68 619,410 1.1	- - -
Saskatchewan Accidents Licences Accidents/10,000 Licences	71 131,157 5.4	46 117,921 3.9	32 117,972 2.7	30 121,594 2.5	37 131,408 2.8	38 123,921 3.1	52 137,868 3.8	48 148,660 3.2	49 166,201 2.9	50 153,543 3.3	58 163,869 3.5	44 169,227 2.6	27 154,656 1.7	43 148,443 2.9	37 132,289 2.8	37 145,246 2.5	33 157,570 2.1	30 157,968 1.9	21 166,019 1.3	28 180,972 1.5
British Columbia Accidents Licences Accidents/10,000 Licences	- - -	- - -	- - -	- - -	32 138,740 2.3	32 138,484 2.3	29 140,986 2.1	30 145,009 2.1	23 151,941 1.5	31 154,682 2.0	17 163,308 1.0	18 160,609 1.1	20 162,278 1.2	16 176,591 0.9	11 151,280 0.7	15 140,939 1.1	15 136,121 1.1	15 140,815 1.1	16 151,172 1.1	- - -

Source: Hunter/Firearm Safety Departments

New Brunswick's hunter/firearm safety program was initiated in 1969. Prior to that time (1966 to 1968) the average number of accidents per year was 2.1 per 10,000 licences. Subsequent to 1968, the average dropped to 1.0 per 10,000 licences.

British Columbia started its hunter/firearm safety program in 1969. It became mandatory in 1973. Prior to the program starting (1964 to 1968) the average number of yearly accidents was 2.0 per 10,000 licences. Since the program has been operating (1969 to 1978), the average has fallen to 1.1 per 10,000 licences. An even lower average figure has occurred during the post-mandatory years. From 1973 to 1978, the average declined to 0.9 accidents per 10,000 licences.

It is difficult to draw general conclusions about the impact of hunter safety programs. However, it is obvious that for the three provinces examined, hunting accidents declined after their introduction. Hunting has become a considerably safer pastime in Canada over the past twenty years. The adequate preparation of hunters has, no doubt, contributed to this improved record.

3. Accidental Firearm Deaths

The discussion in this sub-section focuses on information extracted from our Vital Statistics data base. The data include all firearm related deaths which resulted from firearm accidents. These are really a sub-set of the firearm accident figures discussed above. They do not include intentional deaths, i.e., homicides and suicides.

Table III.3 presents the number of accidental firearm deaths in absolute terms, and on a per capita basis (deaths per 100,000 population), for each province and nationally, from 1971 to 1978.

From a national perspective, accidental firearm deaths, relative to population, decreased between 1971 and 1976. During this period, there was a 43 percent drop from 0.7 deaths per 100,000 population to 0.4 per 100,000. Since 1976, the number of accidental deaths per 100,000 has remained constant at 0.4.

On a provincial basis, there has been a gradual decline in the rate of firearm deaths throughout our reporting period. Minor fluctuations were evident on a year to year basis; however, when we examine

Table III.3

TOTAL ACCIDENTAL FIREARM DEATHS
AND DEATHS PER 100,000 POPULATION BY PROVINCE
1971 - 1978

	1971	1972	1973	1974	1975	1976	1977	1978
Newfoundland Number Number Per 100,000	3 0.6	5 0.9	4 0.7	3 0.6	2 0.4	4 0.5	4 0.7	3 0.5
Nova Scotia Number Number Per 100,000	12 1.5	6 0.8	10 1.2	7 0.9	5 0.6	10 1.2	6 0.7	5 0.6
New Brunswick Number Number Per 100,000	3 0.5	8 1.2	9 1.4	3 0.5	5 0.7	1 0.1	10 1.5	5 0.7
Prince Edward Island Number Number Per 100,000	0 0	0 0	0 0	0 0	1 0.9	0 0	1 0.8	0 0
Quebec Number Number Per 100,000	34 0.6	15 0.2	22 0.4	23 0.4	36 0.6	19 0.3	16 0.3	20 0.3
Ontario Number Number Per 100,000	34 0.4	21 0.3	43 0.5	30 0.4	30 0.2	17 0.2	21 0.3	25 0.3
Manitoba Number Number Per 100,000	7 0.7	6 0.6	7 0.7	11 1.1	6 0.6	9 0.8	10 1.0	8 0.7
Saskatchewan Number Number Per 100,000	9 1.0	10 1.1	7 0.7	11 1.2	10 1.1	5 0.5	9 1.0	3 0.3
Alberta Number Number Per 100,000	22 1.4	12 0.7	20 1.2	23 1.3	12 0.6	18 1.0	11 0.6	14 0.7
British Columbia Number Number Per 100,000	17 0.7	17 0.8	6 0.3	8 0.3	4 0.2	5 0.2	11 0.4	5 0.2
TOTAL Number Number Per 100,000	141 0.7	100 0.5	128 0.6	119 0.5	111 0.5	88 0.4	99 0.4	88 0.4

Source: Vital Statistics

statistics from 1971 to 1978, the trend lines, for each province, generally slope downward. New Brunswick is the only jurisdiction with a higher per capita accidental firearm death rate in the latter year (1978). This represented a slight increase in incidents from three to five.

One of the most noticeable features of the data on accidental firearm deaths is that they highlight the relative infrequency of this type of incident. By way of comparison, nationally there were less than 100 such occurrences in each of 1976, 1977 and 1978; while there were over 1,000 annual gun suicides during this same period. We now turn to an assessment of this more common non-criminal incident category.

4. Firearm Suicides

Firearm suicides are the most common cause of gun deaths. Historically, approximately 7 out of every 10 firearm deaths in Canada are self-inflicted. In this sub-section, we analyse this incident category from both a national and local perspective.

Our national data are taken from our Vital Statistics data base. They include all suicide deaths caused by either a firearm or explosive. Unfortunately, we are unable to differentiate between firearms and explosives as a means of suicide. We believe, however, that the use of explosives is a rare occurrence. Consequently, we examine the total figures supplied by Statistics Canada and assume they are representative of the use of firearms in suicides.

Table III.4 presents the number of firearm suicides in absolute terms and on a per capita basis (suicides per 100,000 population) for each province and nationally, from 1971 to 1978.

Since 1971, nationally, suicides by firearms, in absolute terms and relative to population, have been slowly increasing. There was an overall increase of approximately 26 percent during this period. Provincial rates, by and large, display a similar pattern.

In a proportional sense, however, the use of firearms as an instrument of suicide increased only slightly during the period under review. Table III.5 displays the relationship between total suicides (by any means) and the use of firearms in suicides. Note that, on the average, firearms accounted for approximately 36 percent of all suicides. (Firearms were the most

Table III.4
 TOTAL SUICIDES BY FIREARMS AND SUICIDES
 PER 100,000 POPULATION, BY PROVINCE

	1971	1972	1973	1974	1975	1976	1977	1978
Newfoundland Number Number Per 100,000	9 2	3 1	10 2	4 1	7 1	10 2	11 2	10 2
Nova Scotia Number Number Per 100,000	39 5	48 6	42 5	36 4	50 6	42 5	47 6	55 7
New Brunswick Number Number Per 100,000	25 4	23 4	34 5	37 6	31 5	42 6	50 7	58 8
Prince Edward Island Number Number Per 100,000	4 4	2 2	4 4	4 4	7 6	12 10	9 7	6 5
Quebec Number Number Per 100,000	180 3	206 3	221 4	224 4	187 3	248 4	262 4	303 5
Ontario Number Number Per 100,000	322 4	291 4	273 3	311 4	361 4	332 4	416 5	362 4
Manitoba Number Number Per 100,000	55 6	49 5	51 5	52 5	45 4	58 6	68 7	55 5
Saskatchewan Number Number Per 100,000	43 5	82 9	51 6	49 5	67 7	52 6	73 8	88 9
Alberta Number Number Per 100,000	93 6	103 6	104 6	132 8	126 7	121 7	154 8	158 8
British Columbia Number Number Per 100,000	150 7	122 5	152 7	166 7	171 7	169 7	175 7	174 7
TOTAL Number Number Per 100,000	920 4.3	929 4.3	942 4.3	1015 4.5	1052 4.6	1086 4.7	1265 5.4	1269 5.4

Source: Vital Statistics

Table III.5
SUICIDES BY FIREARMS IN RELATION TO
TOTAL NUMBER OF SUICIDES - NATIONAL

	1971	1972	1973	1974	1975	1976	1977	1978
Total Suicides	2,602	2,703	2,814	2,900	2,810	2,928	3,309	3,449
Total Suicides Per 100,000 Population	12.1	12.4	12.7	12.9	12.4	12.7	14.2	14.7
Firearm Suicides As A Percent of Total Suicides	36	35	34	35	37	37	38	37

Source: Vital Statistics

popular means of suicide. Drugs and hanging ranked second and third, claiming 21.8 percent and 19 percent, respectively, of all suicide victims over the eight year period.) This suggests that the firearm suicide rate has simply kept pace with increases in overall levels of suicide during the 1970's.

Data provided by the Metropolitan Toronto Police Department tell a somewhat different story. Table III.6 displays total number of suicides and firearm suicides on a per capita basis. Between 1974 and 1978, total suicide rates remained relatively constant, fluctuating from a low of 11 per 100,000 (1976) to a high of 14 per 100,000 (1977/1978). Firearm suicides climbed slightly from 1974 to 1978; but again, on the whole, the rate remained relatively constant.

The figures for 1979, however, were dramatically lower than in previous years. Between 1978 and 1979, total suicides (per 100,000 population) decreased by 29 percent, while the number of firearm related suicides dropped by some 36 percent. The decrease in firearm suicides is considerably greater than that for overall suicides.

Table III.7 presents the percentage of firearm involvement in suicide, as compared to two other popular methods - drugs and hanging (1974 - 1979). Together these three are the most common means of self-inflicted death. On the average, firearms were the least common suicide method. They accounted for 18 percent of all suicides, compared to 20 percent for hanging and 25 percent for drugs.

The proportional use of firearms in suicides decreased between 1978 and 1979. In 1978, firearms accounted for 19 percent of all suicides. In 1979, the rate was only 15 percent, a decrease of some 21 percent. Decreases in the proportional use of hanging and drugs in suicides were also noted. These were 5 percent and 2 percent, respectively.

Clearly, therefore, in Toronto there was a marked decrease in the use of firearms in suicides in 1979. As our Vital Statistics data at present, only extend up to 1978, we cannot tell yet whether there was also a decline provincially and nationally. We will however, be able to examine this question in our final report. We observe, at this time, that gun suicides were increasing in Canada up to the end of 1978. This increase was also evident in Metropolitan Toronto.

Table III.6
TOTAL SUICIDES AND SUICIDES BY FIREARM,
 PER 100,000 POPULATION - TORONTO

	1974	1975	1976	1977	1978	1979
Total Suicides	276	258	238	305	289	223
Number Per 100,000	13	12	11	14	14	10
Firearm Suicides	46	53	51	52	54	34
Number Per 100,000	2.2	2.5	2.4	2.5	2.5	1.6

Source: Toronto Police Department
 Summary Statistics

Table III.7
TOTAL SUICIDES AND SUICIDES BY VARIOUS MEANS
 IN TORONTO, 1974 - 1979

	1974	1975	1976	1977	1978	1979	Average Percentage
Total Suicides	276	258	238	305	289	223	
Suicides By:							
Firearm Percent of Total	46 17	53 21	51 21	52 17	54 19	34 15	18
Hanging Percent of Total	56 20	58 22	45 19	61 20	58 20	42 19	20
Drugs Percent of Total	69 25	58 22	63 26	95 31	62 21	47 21	25

Source: Toronto Police Department
 Summary Statistics

5. Is The Non-Criminal Misuse of Firearms
Increasing or Decreasing in Canada?

In this Section, we have assessed several data bases to determine whether or not there have been any changes in the number and rate of non-criminal firearm incidents in recent years. We summarize our findings in the following discussion.

- Fatal and non-fatal firearm accidents were relatively constant in Canada over the period 1974 to 1978. There was a slight reduction in the number and per capita rate of incidents in 1978; however, overall there was no clear trend in this incident category. We have no post-legislation data to assess the possible impacts of Bill C-51.
- We observed a decline in hunting accidents, provincially and nationally, over the period 1966 to 1978. However, these indices have been relatively stable since 1972. Hunter safety programs appear to have contributed to declines in provincial rates in Ontario, New Brunswick and British Columbia.
- On both a national and provincial basis, there was a decline in both the number and per capita rate of accidental firearm deaths from 1971 to 1978. However, these indices were relatively stable over the last three years of our review. In our final report, we will have data from 1979 and 1980 that will enable us to measure post-legislation trends.
- The number and per capita rate of firearm suicides increased over the period 1971 to 1978 both nationally and provincially. However, there was only a minimal increase in the proportion of all suicides involving guns. Therefore, the increase in firearm rates generally followed increases in overall suicide rates. In Toronto, we observed a considerable drop in gun suicides in 1979. We do not yet know if a similar decline occurred at the national and provincial levels.

In three of our non-criminal incident categories, trends related to firearms incidents have been relatively stable since the mid 1970's. Only gun suicides have increased. However, taking a longer-term perspective, we see that both hunting accidents and accidental firearm deaths have declined

since the late 1960's and early 1970's.

In general, we conclude that the situation with respect to non-criminal firearm incidents has not improved since the mid-1970's; and, looking at gun suicides, it has worsened. This contrasts sharply with our findings in the previous section, where we observed considerable declines in firearm crimes over this period.

Unfortunately, we have not been able to assess post-legislative trends in non-criminal incidents. We will be able to do so, however, in our final report, using 1979 - 1980 data.

CHAPTER IV

IMPACT OF LEGISLATIVE PROVISIONS

In this Chapter, we describe the various legislative provisions contained in Bill C-51, discuss the manner in which they have been implemented, and, where possible, comment upon their effects. In our analyses of effects, we relate each provision to a legislative objective and attempt to examine actual outcomes associated with it. At this point, we do not have sufficient post-legislative data to make more than superficial observations. We will be able to develop more substantive conclusions in our final report.

A. ADMINISTRATION

The changes introduced by Bill C-51 have had the net result of substantially increasing the administrative steps required to conduct applicant screening and central record keeping. In addition, the fee structure, which accompanies FAC's and business permits, has made financial management an important part of administration. Such factors mean that efficient and consistent administration is an integral part of firearm control in Canada.

This Section will describe the basic administrative positions provided by the legislation; examine the implementation of these positions; and summarize the degree of co-operation and interaction among the administrative jurisdictions.

The information and conclusions found in this section are based, in large part, on interviews with the 10 Chief Provincial Firearm Officers, or members of their staff, and with firearm officers and registrars from Toronto, Ottawa, Calgary and Vancouver. Personal interviews were not conducted with the Chief Territorial Firearms Officers due to cost constraints. The firearms officer responsible for Quebec City was not interviewed because his Firearms Unit administers a geographic area much larger than the city (though interviews were held with staff at the central Service des Permis of the Surete du Quebec in Montreal). The rural R.C.M. Police Divisions in Saskatchewan and Nova Scotia were not utilized, because responsibility for certificate/permit administration was not part of their functions.

1. Description

Administration involves a system which allocates responsibility for implementing the legislation between the federal, provincial and local authorities. The relationship between them is illustrated in Figure IV.1.

Federally, political responsibility lies with the Solicitor General of Canada, with delegated administrative responsibility given to the Commissioner of the R.C.M. Police. Day to day activities are carried out by the Firearms Registration and Administration Section of the R.C.M. Police. These activities include financial management, overseeing policies and procedures related to certificates/permits, the final processing of registration certificates and the maintenance of a central registry on registration certificates.

The most important change in administration introduced by Bill C-51, has been the creation of provincial co-ordinators, C.P.F.O.'s, (reference to C.P.F.O.'s include C.T.F.O.'s unless otherwise noted). C.P.F.O.'s are appointed by the provincial Attorney General or Solicitor General who approves the specific allocation of responsibilities. These duties include collecting provincial certificate/permit data, financial management, publicity and facilitating a consistent interpretation of the legislation.

The local jurisdiction is administered by firearms officers and registrars. The position of firearms officer was created as an adjunct to the Firearms Acquisition Certificate system. Their main responsibility is to process and issue FAC's, and to handle the initial financial administration. In addition, responsibility for issuing minors' permits has been transferred from the firearms registrar to the firearms officer. The registrar is responsible for permits to transport and convey, and for the initial processing (and in some cases recommending or issuing) of registration certificates and carrying permits.

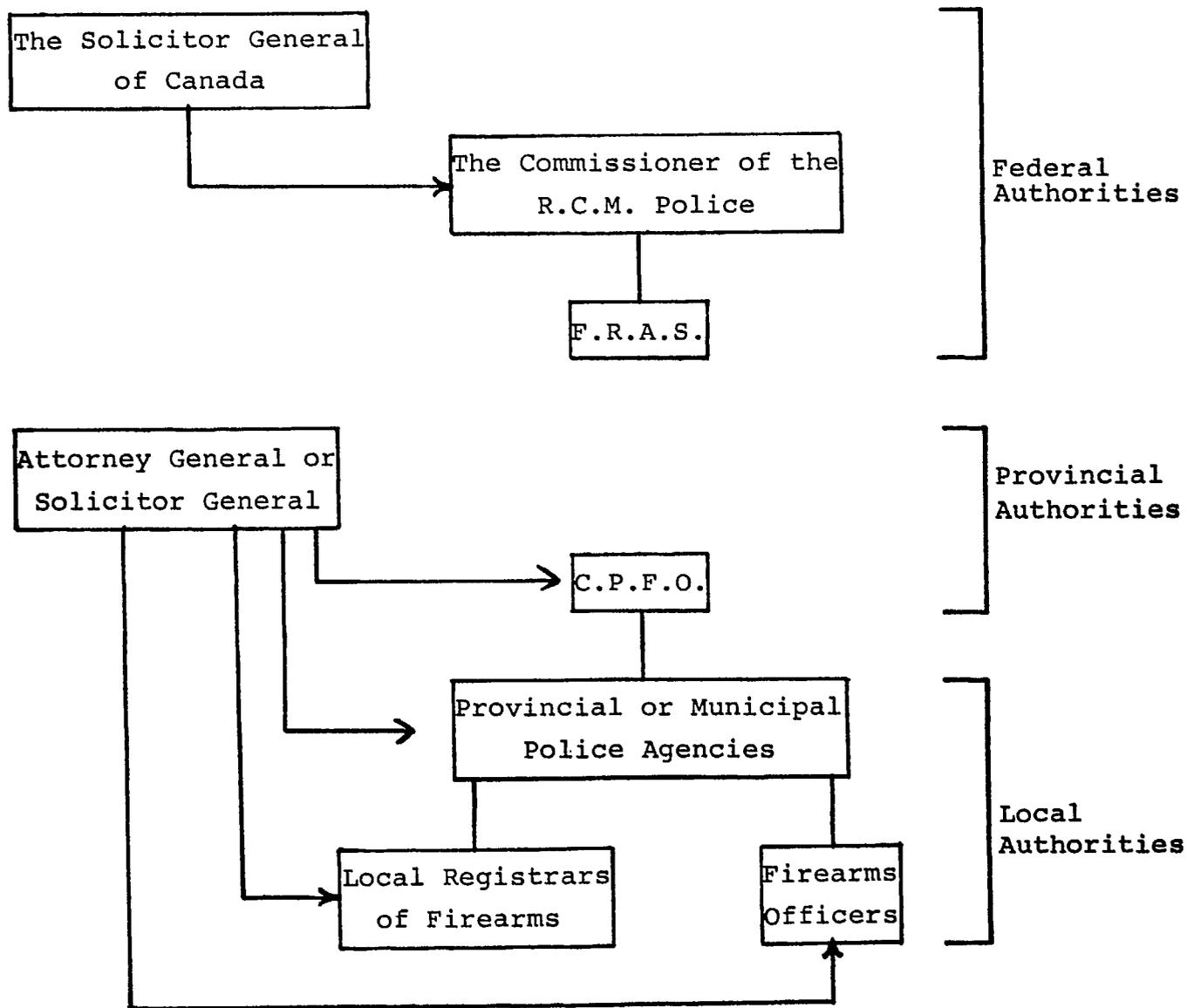
2. Implementation

(a) Firearms Registration and Administration Section (F.R.A.S.)

Aside from the duties imposed by the requirement for financial management, Bill C-51 has not, over the long run, drastically altered the functioning

Figure IV.I

ADMINISTRATION OF THE FIREARMS CONTROL SYSTEM



or organization of F.R.A.S. There has been a significant increase in workload, particularly in 1979, when F.R.A.S. was involved in the initial implementation of the program, as well as in the processing of registration certificate applications from the amnesty and recall period. Even with staff increases, it took approximately one year for the amnesty and recall applications to be completed. By the end of 1979, most of the backlog was cleared up.

(b) Chief Provincial/Territorial
Firearms Officers (C.P.F.O.'s)

Most C.P.F.O.'s function out of the provincial Attorney General or Solicitor General's office. An exception is Ontario where the C.P.F.O. is an active member of the Ontario Provincial Police (O.P.P.), and his office functions as a unit of the O.P.P. Although many C.P.F.O.'s come from police backgrounds, none, except in Ontario, continue to be active police force members. (It should be noted that recently Quebec has been without a C.P.F.O. The Service des Permis in the Surete du Quebec has assumed responsibility for the overall policies and procedures related to the administration of the legislation. These responsibilities will revert back to the C.P.F.O. office once a new incumbent has been appointed.)

Over the first year and a half of the program, P.E.I. has had three C.P.F.O.'s. However, the size of the province has meant that personnel changes have had only minimal impact upon implementation.

(c) Firearms Officers and Registrars

Essentially, the organization of these officers is a function of policing structures, population dispersal and the amount of centralization desired. Generally municipal police forces (in large urban centres) have their own firearms section, which handles all certificate/permit applications for the city. In rural areas, either the provincial police (in Ontario and Quebec), or the local R.C.M. Police, process applications for the local surrounding area. In some provinces, these local detachments merely initiate the screening process. It is finalized at a central detachment.

Most city firearms units have appointed permanent firearms officers and registrars. Both positions are usually filled by the same person, often

civilian employees. Whether civilian or not, they function under the direct authority of the Chief of Police.

In rural detachments, the usual practice is for the Attorney General to designate all detachment officers as both firearms officers and registrars. However, a common complaint of C.P.F.O.'s has been that, particularly in rural detachments, there is frequent turn-over in personnel. These firearms officers and registrars are often unfamiliar with the certificate/permit requirements.

3. Interaction Among and Between Authorities

The way in which legislative strategies are enforced and implemented can have a significant impact on the effect of the legislation. For that reason, the interaction among and between the administrative jurisdictions and authorities is important.

C.P.F.O.'s, have made a significant attempt to maintain consistency in policies, while taking into account special requirements in individual provinces. To this end, there is considerable formal and informal communication between C.P.F.O.'s. As a result, there is a large degree of uniformity in policies and procedures.

The division of responsibilities between the federal, provincial and local jurisdictions is not distinct. There is both independence and interdependence among authorities.

For example, although local police agencies look to the C.P.F.O. for guidance on general policies and procedures, they are not responsible to him. In part, this is why Ontario's system is unique. Except for the six city firearms sections, the C.P.F.O. has direct authority over screening conduct. On the other hand, in those provinces which utilize R.C.M. Police, there is a direct line of communication from F.R.A.S. to the detachment. The resultant overlap and interdependence has, on occasion, caused some friction. A common complaint by C.P.F.O.'s is that reporting by some police detachments has been tardy, erroneous or generally poor. Yet, the C.P.F.O. has no authority to enforce his requests (e.g. a request to improve reporting techniques). It is an indication of the cooperative nature of the administrative structures that by the end of the 1979, there was a marked improvement in these sorts of problems.

B. SCREENING

One of the most important facets of the legislation is screening. Rather than focusing on the need to remove firearms from an individual's possession or punishing him for misuse, screening attempts to prevent firearms from getting into the hands of incompetent or dangerous persons in the first place. Further, it aims at preventing "spur of the moment" buying by persons in an emotional state (e.g. anger or depression), by allowing for a "cooling-off" period.

This Section describes the screening system as a whole, discusses screening provisions and procedures for each certificate/permit and comments upon the effect of these provisions vis-a-vis the objectives. Screening for business permits will be discussed in a later section.

The statistical data presented was obtained from the Commissioner's Annual Report to the Solicitor General for 1978 and 1979, the C.P.F.O. monthly certificate/permit report and the Firearm Units in Vancouver, Calgary, Toronto and Ottawa. Quebec City and the R.C.M. Police Divisions were not used for the reasons noted in the previous section.

In addition, many of our conclusions are based on qualitative data drawn from our personal interviews with C.P.F.O.'s, and firearms officers and registrars in the four cities.

1. Description

Each of the certificates/permits has a set of prerequisites attached to it by the legislation. A summary of these is found in Figure IV.2.

The conditions vary in stringency, depending on the nature of the weapons involved. Thus, unrestricted firearms are the most widely utilized and easily accessible and applicants for a FAC are subject to the least onerous prerequisites. Once the applicant has been approved, the individual can purchase or possess any number of unrestricted firearms while the permit is in effect. Registration certificates and carrying permits, on the other hand, relate to restricted weapons. Screening is more rigorous and must be repeated each time another restricted weapon is acquired.

Figure IV.2

FIREARM CERTIFICATES AND PERMITS

	FAC's	Minors' Permits	Registration Certificates	Permits to Convey	Permits to Carry	Permits to Transport
Type of Weapon	unrestricted firearm	unrestricted firearm	restricted weapon	restricted weapon	restricted weapon	restricted weapon
When Permit Required	to acquire an unrestricted firearm	for person under 16 to possess an unrestricted firearm	to acquire a restricted weapon	to convey restricted weapon to local registrar	to possess a restricted weapon elsewhere than indicated on registration certificate	to transport a restricted weapon from one place to another
Requisites for Issuing	-16 or older -no prohibition -not convicted last 5 yrs of indictable violent offence -not treated last 5 yrs for mental disorder involving violence -no history last 5 yrs of violent behaviour -not undesirable in interests of safety	<u>sustenance permit</u> -under 16 -hunts/traps as way of life to sustain self or family -consent in writing of parent <u>recreational permit</u> -12-16 -need for target practice, game hunting or instruction -consent in writing of parent	-18 or older -has FAC -weapon has distinguishing serial number -weapon required -protect life, or for profession -for target practice at approved club, or -for target practice generally or -weapon -part of collection of bona fide collector, or -deemed a relic	local registrar of firearms wishes to examine weapon	-protect life, or -for profession, or -for target practice at approved club, or -for target practice generally	bona fide need to transport weapon from one place to another
Compulsory Conditions	none	conditions of supervision attached to recreational permit	weapon can only be kept at usual dwelling or place of business	none	none	none
Fee	\$10 (unless required for sustenance purposes)	none	none	none	none	none

Figure IV.2 cont.

FIREARM CERTIFICATES AND PERMITS

	FAC's	Minors! Permits	Registration Certificates	Permits to Convey	Permits to Carry	Permits to Transport
Duration of Permit	5 years	valid until time expressed or minor turns 16, whichever occurs first	no limit	no express limit	no express limit	no express limit
Issuer	Firearms Officer	Firearms Officer	Commissioner of R.C.M. Police	Local Registrar of Firearms	one of Commissioner, A.G., C.P.F.O., or designated person	Local Registrar of Firearms
Discretion to Refuse	no discretion to refuse if conditions met	discretion to refuse (not to be exercised arbitrarily)	no discretion to refuse if conditions met	discretion to determine not necessary	discretion to refuse (not to be exercised arbitrarily)	discretion to refuse (not to be exercised arbitrarily)
Jurisdictional Validity	throughout Canada	province in which issued	province in which issued unless specifically endorsed otherwise	province in which issued unless specifically endorsed otherwise	province in which issued	province in which issued unless specifically endorsed otherwise
Routes of Appeal from Refusal	-reference to Magistrate -appeal from Magistrate to higher court	-appeal to Magistrate -appeal from Magistrate to higher court	-appeal to Magistrate -appeal from Magistrate to higher court	-appeal to Magistrate -appeal from Magistrate to higher court	no right of appeal	-appeal to Magistrate -appeal from Magistrate to higher court

(a) Changes to Certificate/Permit Prerequisites

Of all of the changes made to the screening provisions by Bill C-51, the implementation of the FAC system constitutes the most profound change. Two features of the system extend firearm control over persons and situations which have hitherto been unaffected. First, since January 1, 1979, the certificate is necessary to newly acquire any kind of firearm (not just restricted weapons), including shotguns and rifles. Second, the provision applies not only to the purchase of a firearm, but to most situations where de facto possession changes from one person to another.

The changes to registration certificates are also significant. Before the implementation of the Bill, the only requirement for a certificate was that the weapon in question either have a distinguishing serial number, or if it was useful or valuable primarily as an antique, have an accurate description. Now a precise set of conditions must be met before the certificate will be issued. Screening for registration certificates is no longer a pro forma exercise.

Other, less profound changes have been made to the remaining permit sections. Thus, the sections relating to minors' permits have clarified and clearly distinguished two types of permits - a permit for the purpose of recreation, and a permit for the purpose of sustenance. Carrying permits can no longer be obtained for the purpose of protection of property.

In addition to determining whether the express prerequisites attached to each certificate/permit have been met, the screening authority has discretion to make other inquiries or attach further conditions. When considering FAC applications, firearms officers can inquire into any matter which may reasonably be regarded as relevant. Reasonable conditions can be attached to any of the permits. Previously, such conditions could only be attached if they were in the interests of "other" persons. Now they may also be in the interests of only the applicant.

(b) Appeals

The legislation gives unsatisfied applicants specific appeal routes from refusals or revocations.

There are two types of appeals - those from a FAC

refusal (a reference) and those from a refusal or revocation of other certificates/permits (excluding carrying permits). Although similar, there are significant differences, including:

- the request for a FAC reference is made to the firearms officer who is responsible for bringing the reference to the magistrate; on an appeal, the filing of the required documentation is the responsibility of the applicant;
- on a reference, the onus is on the firearms officer to show that the FAC should not be issued; on an appeal, the onus is on the applicant to show that the certificate/permit should be issued (or should not be revoked);
- an order confirming a FAC refusal shall include a prohibition; there is no such requirement for orders confirming other certificate/permit refusals or revocations.

These differences appear to stem from the distinction between unrestricted firearms and restricted weapons, as well as from an attempt to make the new FAC provisions as unonerous as possible. Yet, since the reference procedure is weighted in favour of the applicant, if he still cannot justify having a FAC, then, presumably he should not have any firearms; hence, a mandatory prohibition is invoked. This procedure stresses the preventative objective of the legislation.

2. The Firearms Acquisition Certificate System

(a) Implementation

The responsibility and discretion for FAC screening rests with the local firearms officers. However, there are three provinces where FAC's are issued by the C.P.F.O. - Saskatchewan, Manitoba and New Brunswick. Of these, only New Brunswick issues for the entire province. In all three, the actual screening and recommendation is done by the local firearms officer. The rationale for having the C.P.F.O. issue FAC's is to simplify the financial aspects of the system, and avoid burdening small rural police detachments with the necessity of maintaining cumbersome financial records. Prince Edward Island has dealt with these same problems by having the firearms officer issue the FAC and collect the fee, but forward the fee directly to

the C.P.F.O.

Insofar as actual screening is concerned, the basic procedure common to almost all jurisdictions is to check the applicant's name through the Canadian Police Information Centre (CPIC) and local police records. Local records generally consist of occurrence reports, arrests and criminal intelligence records. If the applicant has resided elsewhere over the past five years, that jurisdiction's records are also checked. The scope and thoroughness of such checks depends upon the nature of the local force's information system.

Screening for mental disorders can be difficult, since medical records are confidential. Screening of this type is based on what the applicant himself voluntarily reveals; the accessibility of judicial records in connection with the mental disorder; or, whether the applicant's history is familiar to screening authorities (more likely in smaller centres).

Some jurisdictions have developed additional procedures. In Vancouver and Calgary (and in fact throughout Alberta), screening goes back ten years, well beyond the five years set out in the legislation. In Toronto, a list of previously unknown FAC applicants is sent to the police Division in which the applicant resides. Here local officers check for known persons. This procedure reveals individuals who may not have a criminal record, but are known to have behavioural or mental disorders. This system attempts to duplicate the personal knowledge advantage of rural areas.

Quebec has developed a highly efficient system, made possible by the Quebec Police Force (Q.P.F.) central computer in Montreal. Applications are forwarded to one of 20 detachments equipped with terminals linked to the central computer. The applicant's name is then checked against the Q.P.F.'s own information records.

FAC's Issued: Since 1979 was the first year of the FAC system, our data only serves to give a base for comparing the number of applications in subsequent years.

Table IV.1 displays the number of FAC's issued by province. In absolute terms, Ontario was the most active, issuing some 65,572 during 1979. On a per

Table IV.1

NUMBER OF FAC'S ISSUED
BY PROVINCE/TERRITORY - 1979

Province/ Territory	REVENUE FAC		FREE FAC	
	Total	/10,000	Total	/10,000
Nfld.	6,521	114	288	5.0
N.S.	10,970	130	6	0.1
N.B.	9,240	132	12	0.2
P.E.I.	919	75	1	0.1
Que.	50,435	80	2,010	3.2
Ont.	65,572	77	300	0.4
Man.	12,099	118	257	2.5
Sask.	17,345	181	375	3.9
Alta.	38,680	193	274	1.4
B.C.	30,631	119	77	0.3
Yukon	1,439	666	58	26.9
N.W.T.	1,480	344	2,291	530.3
National	245,331	103	5,949	2.5

These figures exclude replacement FAC's

Source: C.P.F.O. monthly reports

Table IV.2

NUMBER OF FAC'S REFUSED
BY PROVINCE/TERRITORY - 1979

Province/ Territory	Total Applied For	Refused No Reference	Issued After Reference	Refusal Confirmed	Total Refused	Percentage Refusal
Nfld.	6,818	9	0	0	9	0.13
N.S.	11,005	27	3	2	32	0.29
N.B.	9,266	12	7	2	21	0.23
P.E.I.	922	2	0	0	2	0.20
Que.	52,583	136	1	2	139	0.26
Ont.	66,258	369	15	17	401	0.61
Man.	12,400	41	2	3	46	0.37
Sask.	17,763	40	1	3	44	0.25
Alta.	39,129	173	6	2	181	0.46
B.C.	30,830	102	0	0	122*	0.40
Yukon	1,500	3	0	0	3	0.20
N.W.T.	3,775	4	0	0	4	0.11
National	252,249	918	35	31	1004	0.40

These figures exclude replacement FAC's

*British Columbia's "total refused" figure was taken from annual report which does not correspond to monthly figures as submitted previously

Source: C.P.F.O. Monthly Reports

capita basis (number of FAC's per 10,000 population) the Yukon (666/10,000) and the Northwest Territories (344/10,000) issued more than any other jurisdiction. This is not surprising, given the social and geographical nature of these areas, and the propensity toward firearm use and hunting. In support of this, we note that Prince Edward Island, which has very few hunting areas, issued the least (75/10,000). The Yukon and the Northwest Territories are also quite active in issuing sustenance FAC's - 26.9 and 530.3 per 10,000 population, respectively.

Relative to population, both Ontario and Quebec issue very few FAC's (77 and 80 per 10,000 population, respectively). This may be a function of the high urban/industrial nature of these provinces. However, both have large hunting areas and substantial hunting populat use and hunting. In support of this, we note that Prince Edward Island, which has very few hunting areas, issued the least (75/10,000). The Yukon and the Northwest Territories are also quite active in issuing sustenance FAC's - 26.9 and 530.3 per 10,000 population, respectively.

FAC Refusals: Both the national and local quantitative data reveal a low FAC refusal rate. Table IV.2 indicates that the national rate of refusal is only 0.40 percent. Two provinces have a higher rate - Ontario and Alberta, and even there the refusal rates are extremely low.

We can find no correlation between the number of FAC's issued and the stringency of screening practices. Ontario and Quebec issued the highest number of FAC's in 1979. Yet, while Ontario had the highest rate of FAC refusals (0.61 percent), Quebec shows a relatively low rate of refusal (0.26 percent).

These low rates could be a function of the type of factors which result in a formal refusal. For instance, a criminal record does not automatically preclude the issuance of a FAC. Minor non-violent offences rarely cause a refusal, although a large number of such offences may be viewed as an indication of an unstable history. Records are checked for other contra-indications, such as previous firearm offences or habitual problem drinking, before a decision to refuse is made.

Our interviews also revealed that minor assaults and/or drunk charges are not as likely to cause a refusal in northern rural areas as they are in large urban centres. This may stem from differences in life style and standards of acceptable behaviour; the important role of firearms in northern areas; and the potentially greater impact of refusal upon reputation and normal activities, i.e., hunting. Unfortunately, our local jurisdiction data are limited to urban centres. Therefore, we cannot provide data to substantiate these possible causes.

Perhaps the most critical reason for the low refusal rates is that FAC applicants consist of those individuals most likely to meet the screening criteria. The "criminal element" is not applying. Potentially unsatisfactory applicants are discouraged from formally applying through a system of informal "pre-screening".

From our interviews, it was apparent that subtle pressures are used to eliminate potentially unsuccessful candidates. Firearms officers frequently claimed they could "sense" poor candidates. They will usually attempt to dissuade them from making formal application. One jurisdiction estimated that informal refusals were approximately 150 times greater than formal ones. Whether this estimate is similar in all jurisdictions is unknown. We are of the opinion however, that the "pre-screening" procedure itself is fairly standard.

FAC References: Of the formal refusals which do occur, few result in a reference. In total, there were 66 references across Canada in 1979 (see Table IV.2). Stated differently, only 6.6 percent of all refusals resulted in a reference.

Again this low reference rate seems to be caused by the informal pressures which are brought to bear when refusals occur. The applicant is informed of the refusal and of his right to a reference. He is also informed of the consequence of an unsuccessful reference, i.e., a five year mandatory prohibition order. Waiver of the request for a reference may be accompanied by an agreement to review the case in a few years.

No references at all were recorded in Newfoundland, British Columbia, the Yukon or the Northwest Territories. It has been difficult to ascertain

any precise reason for this, although two possible interpretations exist. Firstly, it may be these provinces are using the screening procedures so well that there is no need for references. Secondly, they may refuse only in the most obvious cases and are not risking refusals in borderline situations.

We had hoped to examine how firearms officers are utilizing the screening procedures, through an examination of the relationship of FAC's "issued after reference" to "refusal confirmed" (see Table VI.2). We have noted that of the 66 references across Canada in 1979, 53.5 percent resulted in the subsequent issuance of a FAC. Of the seven provinces where references did occur, four show a higher rate of subsequent issuance than refusal confirmation. In Ontario, the rates are fairly even.

It is premature to draw any inferences from these figures. For one thing, the base numbers are very low. In addition, there is no way of determining whether the lower "refusal confirmed" rate is a result of indiscriminate screening or alternatively, very strict magistrates, (requiring substantial evidence to support refusal). Furthermore, given that the entire process was new, some provinces appeared more willing to test the system's judicial limits, by refusing in cases even though they may not have been in possession of substantial evidence. Indeed, given that FAC screening often reveals contra-indications based mainly on hearsay and that, on a reference, the onus is on the firearms officer to show that the FAC should not be issued, we found that officers were sometimes uncertain whether a refusal would be confirmed.

Since the legislation contains very little guidance on the conduct of references, the cases which have arisen are of substantial interest.

Some basic rules were laid down in the case of Unterreiner v. The Queen (1979-80), 4 W.C.B. 216 (Ont.Co.Ct.). The firearms officer had refused to issue a FAC to the appellant on the grounds that the appellant had a history of violence against other persons. At the reference, the Provincial Court Judge also refused to issue the FAC, though he appeared to base his decision on the appellant's alleged criminal record, not on his violent behaviour. One of the grounds of appeal was that

the magistrate failed to follow the rules of evidence applicable to ordinary criminal trials.

A second ground was that the magistrate misdirected himself in purporting to confirm the firearms officer's opinion on the basis of grounds not contained in the opinion.

In the final result, the errors in the proceedings were held to be tantamount to a denial of natural justice and a new reference was ordered. During the course of the judgment, the following principles were enunciated:

- a reference is not a trial and the ordinary evidentiary rules in a criminal case do not apply;
- the level of proof is not beyond a reasonable doubt (although the actual degree of proof required was not explicitly stated);
- hearsay evidence is admissible as long as the magistrate satisfies himself that it is credible and trustworthy;
- the ultimate jurisdiction of the magistrate is to confirm or vary the opinion of the firearms officer; and
- grounds for refusal, other than those set out in the firearms officer's opinion, should not be the basis of the magistrate's decision (although the judgment leaves open the question of whether other grounds can be introduced if notice is given to the appellant).

As the rules set down by this case are confirmed and/or modified and expanded by other cases, and the effect of the uncertainty created by a new system is lessened, we expect to be able to use reference data to draw clearer conclusions about the way screening is used.

An Interesting Observation: Data from our four local jurisdictions indicate that not all approved (granted) FAC's are picked up by the applicant. The absolute number of FAC's not picked up are quite small. Yet, when compared to the number of FAC's granted, an interesting picture is revealed. The following figures indicate the percentage of FAC's granted which were not picked up:

- Toronto 17.75 percent
- Ottawa 6.93 percent
- Calgary 3.73 percent
- Vancouver 0.06 percent

On average, 7.12 percent of the approved FAC's were not picked up. Toronto exceeded this figure with 17.75 percent. Vancouver was extremely low with 0.06 percent. Interestingly, in British Columbia the payment of the \$10 fee is required before the application will be accepted for processing. The fee is returned if the application is refused. This is not the case in Alberta or Ontario.

Pursuant to the cost-sharing arrangements the local Firearms Units (or more accurately, the municipal police force) are reimbursed for all FAC's processed, even if they are not paid for and retrieved. Consequently, FAC's not picked up are still a charge to the system. In addition, the storage and security of the actual FAC forms is of concern to some Sections.

(b) Effect

Due to a general lack of data, it is difficult to assess the effectiveness of the FAC system in reducing firearm incidents.

An analysis of the number of firearm incidents involving individuals with FAC's would probably provide an indication of the influence of the system. However, none of our data sources, including police occurrence reports from the local jurisdictions, record whether involved individuals have a FAC.

An alternative means of assessing the FAC system is to examine whether the number of previously known criminals involved in firearm related criminal incidents declines after the implementation of the system. Unfortunately, data available to us for such analysis is limited.

We have six data sources which provide information on the previous records of persons involved in a current firearm offence. These are the R.C.M.P. Criminal History Records and occurrence reports from Ottawa, Vancouver, Quebec City and the two

rural R.C.M. Police Divisions. The R.C.M.P. Criminal History Records contain the records of individuals who have been convicted of an indictable offence. From these records, we have been provided with selected data on those persons receiving a conviction arising out of an incident involving a firearm since June 1, 1978. Included is information as to whether the individual had a previous criminal charge (not necessarily a conviction). However, it is important to note that these only contain the records of individuals convicted of an indictable offence.

Conviction of an indictable offence occurs only on the more serious offences or incidents (most criminal convictions are of summary offences). As a result, the records of most individuals in this data base, show a previous charge. For example, in the period November, 1979 to March, 1980, 98.9 percent of these offenders involved in a firearm related incident had a previous charge(s) of some sort. Given the high proportion of R.C.M.P. Criminal History Records indicating individuals with previous charges, no useful purpose would be served in using them as a source for analysing whether screening is reducing the number of previously known criminals involved in firearm-related criminal incidents.

Pre-implementation data on previously known criminals involved in firearm incidents is not available from the local police jurisdiction records. However, in the final report, we will be able to monitor trends from 1979 to 1981 to see whether or not there are any changes in the first three years of the post-implementation period.

A further means of inferring the success of the FAC system is through an analysis of the pre and post-1979 criminal usage of firearms. A detailed examination of such usage is found in Chapter III. As noted, through the late 1970's there was a general reduction in the use of guns in criminal incidents. Generally, this decline continued through to the end of 1979. Although it is impossible to determine to what extent the FAC program contributed to this result, the downward trend in firearm incidents is certainly consistent with the primary goal of this aspect of the new gun control provisions.

3. Minor's Permits

(a) Implementation

Screening for these permits is quite straightforward, though Quebec appeared to be the only province which also checked the records of the parents or guardians. We also found that Ontario requires the applicant to have passed a hunter/safety course.

By the end of 1979, British Columbia, Manitoba and Newfoundland were no longer issuing these permits. They relied instead on either provincial legislation or those sections of the legislation which allow for the temporary transfer of an unrestricted firearm, provided the user is under the immediate supervision of the owner.

Data on the number of minors' permits issued, refused and revoked, by province (1979) can be found in Table A2.5. Generally, minors' permits are rarely issued, the highest use being in the Yukon. Refusals are almost non-existent.

(b) Effect

We were unable to obtain any data which would enable us to determine whether minors charged with a firearm offence had a minor's permit. Accordingly, we cannot study whether screening has had an influence on the number of firearm-related incidents involving minors in possession of a permit.

4. Registration Certificates

(a) Implementation

Restricted weapons are less accessible than unrestricted firearms and screening procedures are accordingly more stringent. Screening, in fact, has two steps:

- a general background check, involving CPIC, local police records, and personal interviews; and
- an evaluation and verification of the need for a restricted weapon.

The general background check involves an updating of the CPIC and local police searches conducted when the applicant was issued a FAC. Records which

may not have prevented the issuing of the FAC are far more likely to prevent the issuing of a registration certificate. In Quebec, if a prior record appears, the applicant's fingerprints are taken and sent to Ottawa to confirm whether or not the applicant is the same person.

Personal interviews in the applicant's home and with neighbours, employers and spouses are not uncommon. For example, in Toronto, all applicants are interviewed in their homes by investigators from the local police division. This is done to confirm the applicant's background, to ensure that the applicant is aware of the responsibilities which accompany the acquisition of a restricted weapon, and to observe the intended storage and safekeeping facilities.

The second aspect of the screening relates to verification of the basis of need for the weapon. Requests based on "protection of life" are discouraged to varying degrees, by all provinces. In some, this justification is rarely recognized, and then only in extreme circumstances, (e.g., when judges have received threats). Other provinces recognize "protection of life" for some individuals, such as prospectors, working in wilderness areas. Permits issued for this reason are usually for limited periods, (e.g. three months).

Requests based on "lawful profession or occupation" are normally recognized only for security guards. It is rare for an individual guard to be issued the certificate. Instead, it is usually issued to the manager or owner of the business.

Issuance of a registration certificate for target practice often requires formal documentation verifying the purpose. For example, Ontario, Manitoba and Prince Edward Island require a letter from a club confirming membership. Ontario's guidelines also indicate that the letter should state whether the applicant has had handgun training, and is proficient in the use of such a weapon. If the certificate is required for non-club related target practice, confirmation that the range is safe and that target shooting is not in violation of any by-law is often required.

It was apparent to us that, on occasion, registrars had doubts whether applications made on the basis of a bona fide collector were indeed bona fide.

However, if the applicant stated that he required a restricted weapon to start a collection, and there was no concrete grounds to prove otherwise, the certificate was generally issued.

The differing provincial screening policies described above relate only to the recommending of certificates. Actual issuance is the responsibility of the Commissioner, (who shall issue unless he has notice that issuance is not desirable in the interests of safety). Accordingly, there is a time delay between recommendation, transmittal to Ottawa, issuance and return. Due to the increased workload from amnesty applications, the delay in 1979 was, in some cases, considerable.

As a result, most provinces allowed a certificate applicant to possess the weapon once the application was approved and issuance recommended, even though the actual certificate may not yet have been issued by the R.C.M.P. Quebec did not follow this procedure, and possession was not permitted until the certificate had actually been issued.

Certificates Issued: Table IV.3 sets out the number of registration certificates issued nationally in 1978 and 1979. An increase of 38,717 certificates is noted in 1979. However, this increase may be a result of the amnesty program, since 40,035 applications for registration were received during that program. Accordingly, we will have to wait for the data in order to assess whether the number of certificates issued has changed since the implementation of stricter controls.

The national totals noted above were taken from the Commissioner's annual reports to the Solicitor General. These data do not differentiate the number of certificates issued by province or criteria. Nor was a breakdown of the certificates applied for, by type, available from the local jurisdictions. (The number of certificates applied for and recommended by the local jurisdictions can be found in Tables A2.1 to A2.4).

In order to comment on certificates issued by type, we must look to the figures provided by the Chief Provincial Firearms Officers. Table IV.4 displays data on the number of registration certificates recommended in 1979, by reasons and province.

Table IV.3

FIREARM REGISTRATION CERTIFICATES
ISSUED NATIONALLY
1978 - 1979

	1978	1979
Restricted weapons registered for first time	18,974	30,422
Transfers of previously registered restricted weapons	53,515	80,784
TOTAL ISSUED	72,489	111,206

Source: Annual Firearms Report to the Solicitor General of Canada by the Commissioner of the R.C.M. Police 1978, 1979

Table IV.4
 FIREARM REGISTRATION CERTIFICATES
 RECOMMENDED BY PROVINCE/TERRITORY - 1979

Province/ Territory	Total Recommended		Protect Life		Occupation		Club Target Prac.		Target Prac.		Collector		Relic	
	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000
Nfld.	140	2.4	1	0.0	1	0.0	31	0.5	6	0.1	45	0.8	56	1.0
N.S.	656	7.7	62	0.7	169	2.0	263	3.1	158	1.9	3	0.0	1	0.0
N.B.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
P.E.I.	17	1.4	1	0.1	2	0.2	11	0.9	3	0.2	-	-	-	-
Quebec	4,852	7.7	2,263	3.6	1,061	1.7	968	1.5	0	0.0	140	0.2	420	0.7
Ont.	7,314*	8.6	853	1.0	131	0.2	1,133	1.3	440	0.5	1,081	1.3	34	
Manitoba	868	8.4	206	2.0	20	0.2	560	5.4	79	0.8	3	0.0	0	0
Sask.	1,149	12.0	23	0.2	38	0.4	893	9.3	195	2.0	-	-	-	-
Alta.	2,856	14.2	27	0.1	16	0.1	2,602	13.0	211	1.1	-	-	-	-
B.C.	4,087	15.9	262	1.0	99	0.4	2,701	10.5	426	1.7	595	2.3	4	0.0
Yukon	131	60.6	12	5.6	14	6.5	102	47.2	3	1.4	-	-	-	-
N.W.T.	15	3.4	1	0.2	1	0.2	8	1.9	2	0.5	2	0.5	1	0.2
National	22,085	9.3	3,711	1.6	1,552	0.7	9,272	3.9	1,523	0.7	1,869	0.8	516	0.2

Source: C.P.F.O. monthly reports and Toronto Firearms Section

Dashes indicate data was not available

*This total excludes Hamilton, Ontario. Further, Toronto's total could not be broken down by category. Consequently this figure is considerably higher than the sum of the parts.

A serious caveat must be imposed on the use of the data found in Table IV.4. The gross number of recommendations in 1979, reported by the C.P.F.O.'s is 22,000. This is considerably less than the 111,206 recorded by the R.C.M.P. We have not determined the actual cause of the discrepancy. It may be that some local police forces do not forward certificate figures to the C.P.F.P.'s. Another possibility is that the R.C.M. Police count certificates upon issuance, while the C.P.F.O.'s figures include only submitted/approved applications. Consequently, applications made during amnesty and recall, in 1978, may be included in the 1979 R.C.M.P. figures, but excluded from the provincial figures.

Despite the doubts cast on the C.P.F.O. numbers, we believe the proportions of certificates issued, by criteria, are relatively accurate and worth examining.

The data reveal that target practice, either at a club or elsewhere, accounts for the recommendation of more certificates (on a per capita basis) than all other reasons combined. This holds true for every province. Protection of life and occupation are not particularly popular reasons, although the former is more likely to result in approval than the latter. Table IV.4 also indicates that few individuals require certificates for collection purposes.

For the next interim report, we are hopeful that we can obtain verified figures on certificates issued, by criteria, in order to conduct a more extensive analysis.

Certificates Refused and Revoked: Revocations and refusals of certificates are the responsibility of the R.C.M.P. Commissioner. Such action is usually the result of recommendations from the local Firearms Section. We were advised frequently, by registrars and C.P.F.O.'s, that the Commissioner does not always confirm recommendations for refusals, and that there is a reluctance to revoke certificates. These comments were subjective. We do not have figures on recommendations for refusal or revocation not acted upon by the Commissioner.

However, the fact that we received such comments illustrates the split in the administration of registration certificate screening. Two completely divergent levels of authority, local and national,

are responsible for processing a single certificate. The only rationale we could find, for the Commissioner having the final authority for issuing appears to stem partly from the tradition of the Commissioner having issuing authority, and partly to ensure the integrity of the certificate central record system.

In any event, a recent case in Ontario has raised an issue on the basis of an appeal from the Commissioner's decision to refuse or revoke a certificate. In 1976, in an appeal from the revocation of a certificate, the case of Re Udow and Commissioner of Royal Canadian Mounted Police (1976), 24 C.C.C. (2d) 315 (B.C.Prov.Ct.), held that the appeal was, in fact, a hearing de novo (a new hearing on the facts rather than a review of the Commissioner's decision). This view was expressly rejected in Re Corbiere (1979-80), 4 W.C.B. 15 (Ont.Prov.Ct.), which held that the Court does not substitute its own opinion for the Commissioner's discretion. Since both the Udow and Corbiere cases are decisions of the Provincial Court, it will remain for a higher court to make a final decision on the nature of these appeals.

The data on refusals and revocations, which are available from the Commissioner's Annual Report, indicate that in 1978, 0.23 percent (168) of all registration certificates applied for were refused by the R.C.M.P. A considerable drop to 0.06 percent (66) was recorded in 1979. Revocations showed a similar decrease. In 1978, 0.01 percent of all registration certificates were revoked (93 revocations) In 1979, 0.004 percent (32 revocations) was recorded. However, because of the impact of applications resulting from the amnesty program, it is difficult to assess whether these decreases are significant in terms of more rigorous screening.

At the local level, neither Ottawa nor Calgary have reported refusals or recommendations. As a result of recommendations from the Vancouver Section, seven certificates were revoked and one refused. Toronto advises applicants that the Unit will recommend a refusal. Unless the applicant insists on the application being forwarded to the R.C.M. Police, the refusal is not recorded. Thus, although there have been no refusals recommended by Toronto, there were approximately 29 "intermediate" refusals. As with FAC's, all Units informally dissuade persons from initially applying.

(b) Effect

As noted above, due to the impact of the amnesty program, we cannot, at this time, draw any conclusions as to whether stricter controls are reducing the number of certificates issued.

However, an examination of the use of restricted weapons (or at least handguns) in firearm incidents, over time, will show whether there have been any changes coincident with changes in the certificate system.

Chapter III discusses the use of firearms in homicides. Figures III.1 and III.2 show the number and percent of total firearm incidents committed nationally, with a handgun, from 1961 to 1978. As indicated, the rate of homicides with handguns as measured by both indices has been relatively stable throughout this period, with no significant changes through to the end of 1978. In our final report, we will be able to examine 1979/80 data to determine whether or not there have been any changes in the post-legislation period. We will also be able to conduct a similar analysis on the use of handguns in other crimes, using summary police statistics from Toronto, Vancouver, Ottawa and Calgary.

5. Carrying Permits

(a) Implementation

Screening for carrying permits is similar to that for registration certificates and follows the two step procedure of checking the background and verifying the need. Personal interviews in the applicant's home are often conducted. Indeed, in Quebec, although such interviews are not conducted for all registration certificate applicants, they are for all carrying permit applicants.

It is common practice to place a relatively short limitation period on a permit, i.e., a year. For instance, in Ontario, if a carrying permit has been issued for target practice, the renewal is sent directly to the shooting club. This ensures that the applicant is still an active member.

As a result of the 1977 amendments to the carrying permit provisions, it now appears that an individual cannot obtain a carrying permit unless

he or she already has a registration certificate. This interpretation has an impact on two classes of individuals; security guards and spouses.

Prior to Bill C-51, the practice of security guard businesses (e.g., Brinks), was to have the business itself (or the local manager) apply for the registration certificates and purchase the required restricted weapons. A guard would be issued a carrying permit only for his shift period. This system evolved because such weapons were relatively expensive and most guards could not afford to purchase them directly. Further, guards tend to be transitory, and frequently, would not qualify for a registration certificate themselves. If a carrying permit cannot be issued without a registration certificate, many security guards would not be able to be armed with handguns. Since most provincial legislation governing security guards requires them to carry holstered weapons only, the use of rifles or shotguns was impractical.

The problem is also of relevance to spouses, where one spouse has acquired the registration certificate, but both spouses wish to use the weapon (e.g., target practice). Since only one registration certificate will be issued per weapon, the rule preventing the issuing of a carrying permit without a certificate, will prevent both spouses using the same weapon.

There has been much consultation between the Chief Provincial Firearms Officers, other provincial authorities, federal authorities and security guard businesses regarding this problem. As a result, a legislative amendment which will eliminate the problem has been proposed.

Permits Issued: Table IV.5 presents provincial data on carrying permits, in absolute terms and on a per capita basis (number per 10,000 population). These data indicate that on a per capita basis carrying permits are most often issued for target practice. Very few are issued for protection of life. While in Quebec, 3.6 registration certificates were issued per 10,000 population for protection reasons, only 0.3 carrying permits per 10,000 were issued for the same reason.

The second most popular basis is occupation. Note that Quebec, Ontario and the Yukon show a high rate, probably due to high numbers of security personnel, prospectors and geologists.

Table IV.5

CARRYING PERMITS ISSUED
BY PROVINCE/TERRITORY - 1979

Province/ Territory	TOTAL ISSUED		PROTECT LIFE		OCCUPATION		CLUB TARGET PRACTICE		TARGET PRACTICE	
	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000	Total	/10,000
Nfld.	100	1.7	3	0.0	14	0.2	75	1.3	8	0.1
N.S.	391	4.6	4	0.0	50	0.6	332	3.9	5	0.1
N.B.	157	2.2	14	0.2	11	0.2	132	1.9	0	0
P.E.I.	11	0.9	0	0	0	0	11	0.8	0	0
Que.	4,557	7.2	208	0.3	2,739	4.3	1,461	2.3	149	0.2
Ont.	9,733	11.5	18	0.0	2,073	2.4	7,423	8.7	219	0.3
Man.	916	8.9	176	1.7	72	0.7	561	5.4	107	1.0
Sask.	1,484	15.5	58	0.6	45	0.5	1,321	13.8	60	0.6
Alta.	3,099	15.4	164	0.8	135	0.7	2,716	13.5	84	0.4
B.C.	275	1.1	49	0.2	44	0.2	161	0.6	21	0.1
Yukon	178	82.4	3	1.4	124	57.4	51	23.6	0	0
N.W.T.	11	2.5	4	0.9	0	0	7	1.6	0	0
National	20,912	8.8	701	0.3	5,307	2.2	14,251	6.0	653	0.3

Source: C.P.F.O. monthly reports

Table IV.6

CARRYING PERMITS REFUSED AND
REVOKED BY PROVINCE/TERRITORY - 1979

Province/ Territory	Total Applied For	Total Revoked	Total Refused	Percentage Refused
Nfld.	100	0	0	0
N.S.	392	0	1	0.3
N.B.	158	0	1	0.6
P.E.I.	11	0	0	0
Que.	4,984	0	427	8.6
Ont.	9,761	5	28	0.3
Man.	919	0	3	0.3
Sask.	1,486	1	2	0.1
Alta.	3,102	1	3	0.1
B.C.	275	0	1	0.4
Yukon	187	0	9	4.8
N.W.T.	11	0	0	0
National	21,386	7	475	2.2

Source: C.P.F.O. monthly reports

In the local jurisdictions, whereas data on FAC's and registration certificates show Calgary issuing the highest number (per capita), the data on carrying permits tells a different story. Rather than Calgary, Ottawa shows the highest per capita number of applications:

- Ottawa 17.5 per 10,000 population
- Calgary 13.3 per 10,000 population
- Toronto 5.6 per 10,000 population
- Vancouver 3.4 per 10,000 population

Part of the explanation may be the large diplomatic population in Ottawa. We do not have data on the proportion of permits issued by Ottawa to diplomats. But, we were made aware of the fact that issuing authorities must tread lightly when processing applications by diplomats. (Absolute data on permits issued in our local jurisdictions can be found in Tables A2.1 to A2.4).

Permits Refused and Revoked: Table IV.6 sets out the number of carrying permit refusals and revocations, by province, in 1979. Quebec and the Yukon each show a significantly higher ratio of refusals (8.6 and 4.8 percent respectively) than all the other provinces combined. Part of the reason for Quebec's higher rate is because it records almost all applications which may be refused at preliminary stages. Other provinces generally record only fully processed and formally refused applications.

At the local level, on a per capita basis, Ottawa (as with permits issued) shows the lowest refusal rate, a rate significantly under the average of 1.0 percent:

- Toronto 2.3 percent
- Vancouver 0.7 percent
- Calgary 0.7 percent
- Ottawa 0.1 percent

The only explanation we can offer is, again, that refusing permits to diplomats appears to be a touchy matter. The high refusal rate in Toronto

might be a function of the strict screening procedure, i.e., at-home interviews, although this is not reflected in the registration certificate recommendations.

(b) Effect

The criteria attached to carrying permits are not new, except that protection of property is no longer a valid cause for issuance. However, given the new conditions attached to registration certificates and the emphasis placed on screening as a result of Bill C-51, it is our opinion that there has been an improvement in the thoroughness and efficiency of carrying permit screening.

Whether or not such screening is effective in reducing firearms incidents with restricted weapons can only be inferred through an analysis of the same factors which were used to assess the effectiveness of screening for registration certificates. Accordingly, reference should be made to the previous sub-section, since the discussion there also applies to carrying permit effectiveness.

6. Permits to Transport

Despite the straightforward criteria for issuing permits to transport, the 1979 provincial data revealed a huge differential in the numbers issued - from a low of 4 per 10,000 in Ontario to a high of 129 in the Yukon. This appears to stem from a confusion between permits to transport and permits to convey, with the result that some provinces are issuing the latter for the purpose of the former. Accordingly, the data reveal nothing of significance and are not presented.

It is worth noting however, that a case has arisen, interpreting the application of permits to transport.

R. v. Lawrence (1978), unreported (Ont.Prov.Ct.), was an appeal from a refusal to issue a permit to transport. The application related to a centre fire semi-automatic weapon that became restricted as of January 1, 1978. The appellant stated that he intended to use the rifle to hunt ground hogs. It was contended that the relevant section provided for issuance of the permit for a bona fide reason and that hunting was a bona fide reason.

The court found that such an argument was contrary to

the plain meaning and scheme of the legislation, and that permits to transport are limited to purposes of the same general character as a change in residence. This case also held that on such an appeal, the burden on the appellant is to prove that the permit should be issued on a preponderance of evidence. This differs from the trend in the cases dealing with references and other certificate/permit appeals. These cases have held that the burden of proof is that of a balance of probabilities.

C. PROHIBITION

In the context of firearm legislation, prohibitions are orders of the Court preventing an individual from owning, possessing or having control of a firearm, ammunition or explosive substance for a specified number of years.

There are six categories; five in the firearms sections of the Criminal Code, and the sixth in a general sentencing section. Three occur in actual sentencing situations. That is, they are part of the sentencing choices available to a Court once an offender has been convicted. The remaining three can be ordered without a criminal offence per se, having been committed.

Of the six categories, three are entirely new. They reflect an attempt to reduce firearm incidents by preventing access to persons who have already demonstrated a propensity for misuse. Despite this emphasis on prohibitions as evidenced by the three new categories, there have been repeated complaints by most of our police sources, that prohibitions are not being used by the courts, even in supposedly mandatory situations.

This Section will give a short description of each prohibition category. It will then look at some difficulties concerning the recording of prohibition data; and will discuss the validity, if any, of the police complaints by examining the implementation of the conviction and non-conviction prohibitions. Finally, we will look at the effects, if any, of the prohibition orders.

Our conclusions and comments are drawn mainly from qualitative data acquired through interviews with firearms officers and registrars in Vancouver, Calgary, Toronto and Ottawa; Chief Provincial Firearms Officers; a random sample of police officers, Crown prosecutors, defence lawyers and judges in Vancouver, Calgary, Toronto, Ottawa and Quebec City; and members of the R.C.M.P.'s Firearms Registration and Administration Section. Interviews were not conducted

with officers from the R.C.M. Police Divisions in Saskatchewan and Nova Scotia, partly because these jurisdictions are not able to provide us with appropriate data and partly because of cost constraints. Cost constraints also prevented interviews with the Chief Territorial Firearms Officers.

Quantitative data has been obtained from the 1979 Chief Provincial Firearms Officers' monthly reports; the Firearms Sections in Toronto, Ottawa and Calgary; elements of the R.C.M.P. Criminal History records of individuals convicted of an indictable offence arising out of an incident involving a firearm, for the period November, 1979 to March, 1980; and the Commissioner's 1979 Annual Report to the Solicitor General. Court data on prohibitions (and appeals) were not available, with the exception of Court data from Vancouver which should be available for the next report.

1. Description

(a) Conviction Prohibitions

Mandatory Prohibition [s.98(1)]: This is a new category which shall be ordered when:

- the defendent has been convicted of an indictable offence (not necessarily a firearm offence) against a person, which has a maximum sentence of ten years; or
- the defendent has been convicted pursuant to s.83 (using a firearm while committing an indictable offence, etc.)

Not only is the order itself mandatory, but minimum terms are also imposed. If the conviction is a first one for such an offence, the prohibition is for a term of at least five years. Anything other than a first offence is subject to a term of at least ten years.

Discretionary Prohibition [s.98(2)]: This order may be included in a sentence at the discretion of the judge when an individual has been convicted of either, an offence involving the use, carriage, possession, handling, shipping or storage of any firearm or ammunition, or, any offence (other than one incurring mandatory prohibition) in which violence against a person was used, threatened or attempted. The term can be any period up to five years.

The category has been expanded to apply, not only to offences involving firearms or ammunition, but also to any offence involving violence.

Prohibition Contained in Probation Order [s.663(2)(d)]: An order to "...abstain from owning, possessing or carrying a weapon" can be included as a term of a probation order.

(b) Non-Conviction Prohibitions

Pre-emptive Prohibition [s.98(6)]: This order may be made by a magistrate on the application of a peace officer. It does not require that a criminal offence has been committed, only that the magistrate be satisfied "...there are reasonable grounds to believe that it is not desirable in the interests of the safety of the person against whom the order of prohibition is sought or of any other person...". The order is for a period not exceeding five years. This category is a new concept to firearm control legislation.

Prohibition Pursuant to a FAC Reference [s.98(7)]: If, on a FAC reference, the magistrate confirms the firearms officer's opinion, then he shall also prohibit the applicant from possessing any firearm, ammunition or explosive substance for a period up to five years. This prohibition is also new.

Prohibition Pursuant to Search and Seizure Hearing [s.101(6)]: This is a discretionary order which may be made by the magistrate at the conclusion of a s.101 search and seizure hearing.

2. The Recording of Prohibition Orders

Before examining data relevant to the implementation of the prohibition provisions, we must comment upon current data recording practices.

To be effective, prohibitions must be recorded in the Canadian Police Information Centre, where they will be easily accessible to firearms officers and registrars, as well as any police agency checking a suspect's record. Nevertheless, we have found general acknowledgement by local firearms units, Chief Provincial Firearms Officers and the R.C.M.P., that the recorded data on prohibitions is incomplete. To a large extent, the fault appears to be with the inability or unwillingness of the courts to cooperate with such recording requirements.

The Court Records Departments are simply not notifying the Commissioner on a uniform basis of ss.98, 101(6) and 663(2)(d) prohibitions, even though they are required to do so by the Criminal Code. As a result, a hodge-podge of recording methods have evolved.

For example, in some jurisdictions the Court will advise the Commissioner of some orders, if they come to the attention of the appropriate clerk. The R.C.M.P. will then enter the order on CPIC. In other jurisdictions, the information will not be relayed by the Courts at all. It may be caught by the local police Records Department, who may enter it on CPIC. Alternatively, it may be passed to the Firearms Unit. The Unit then takes responsibility for recording the data on CPIC. With no consistency in reporting responsibility or methods, it is felt that a substantial number of orders are not entered on CPIC.

The data on non-conviction prohibitions is probably more complete than that on conviction prohibitions. This is because most non-conviction prohibitions arise in situations which are directly monitored by the local firearms officer, or by a liaising police officer. Of the conviction prohibitions, s.663(2)(d) prohibitions are the most poorly recorded, since the terms of the orders are often not included in the record reaching the police Records Department or the Firearms Unit.

The Chief Provincial Firearms Officers attempt to collect prohibition data on a provincial basis, through the local firearms sections' monthly information reports. Table VI.7 sets out the number of prohibitions recorded by the C.P.F.O.'s in 1979. Unfortunately, the completeness of the C.P.F.O. data is suspect. Even if the local firearms sections had complete data for their own jurisdiction (which was unlikely in the first place), not all of them included it in their reports to the C.P.F.O. Instead, some sent the prohibition data directly to the R.C.M.P.

In illustration, CPIC recorded an increase of 1,881 prohibition orders from December 24, 1978 to December 31, 1979. This figure does not include prohibitions issued during 1979 for terms less than one year, i.e., expired before December 31st. Therefore, the total recorded prohibitions issued in 1979 was probably somewhat higher. Even so, the total recorded by C.P.F.O.'s in 1979, was only 1,113. Forty percent of all prohibitions recorded by CPIC were not brought to the attention of C.P.F.O.'s. Unfortunately, we have no means of statistically assessing the completeness

Table IV.7

NUMBER OF PROHIBITION ORDERS ISSUED
BY CRIMINAL CODE SECTION AND BY PROVINCE - 1979

Province/ Territory	s.98(1)	s.98(2)	s.663(2) (d)	Total Conv.	s.98(6)	s.98(7)	s.101(6)	Total Non-Conv.	Total Issued
Nfld.	1	4	3	8	4	0	1	5	13
N.S.	3	7	-	10	9	2	3	14	24
N.B.	8	13	0	21	15	2	5	22	43
P.E.I.	0	3	-	3	0	0	1	1	4
Que.	54	29	33	116	4	0	9	13	129
Ont.	116	95	25	236	44	17	76	137	373
Man.	19	19	0	38	19	3	3	25	63
Sask.	20	47	-	67	23	3	40	66	133
Alta.	24	60	-	84	33	2	68	103	187
B.C.	20	76	-	96	17	0	18	35	131
Yukon	2	1	0	3	0	0	0	0	3
N.W.T.	3	4	2	9	2	0	1	3	12
National	270	358	63	691	170	29	225	424	1,115

Blanks indicate data not available

Source: C.P.F.O. Monthly Reports

Table IV.8

NUMBER OF PROHIBITION ORDERS ISSUED
BY CRIMINAL CODE SECTIONS AND BY CITY - 1979

	s.98(1)	s.98(2)	s.663(2) (d)	Total Conv.	s.98(6)	s.98(7)	s.101(6)	Total Non-Conv.	Total Issued	
					With Warrant	Without Warrant				
Toronto	2*	0*	0*	2*	2*	1	3	28	34	36
Ottawa	15	12	5	32	1	0	2	4	7	39
Calgary	6	3	1	10	4	1	0	4	9	19

*These figures for six month period - January to June, 1979

Source: Firearms Sections

of the CPIC numbers. There is, however, a general awareness that a number of prohibitions are also not making their way into CPIC.

Table IV.8 presents the number of prohibitions recorded by the Firearms Sections in Toronto, Ottawa and Calgary. The Toronto numbers on conviction prohibition orders are for a six month period only. The full years' data will be available for the next Report. Data on Vancouver prohibitions, although not available from the Vancouver Firearms Section, will be obtained from the Department of the Attorney General, and will be available for the next Report. The three Firearms Sections were of the opinion that the non-conviction prohibition data is more complete than conviction data.

All these factors mean that caveats must be placed on the use of Tables VI.7 and VI.8. Despite this, the proportion of orders from province to province and category to category is probably fairly accurate and worth noting.

3. Implementation of Conviction Prohibitions

We have found a uniform opinion amongst police agencies and Chief Provincial Firearms Officers that s.98(1) prohibitions are not being ordered in all appropriate situations, and that the use of s.98(2) and s.663(2)(d) prohibitions was relatively infrequent. It was the opinion of the police that the cause lay with Crown prosecutors who were not asking for the orders, and/or judges who were not issuing them.

Most prosecutors interviewed felt that the lack of Crown requests for prohibitions was purely a function of familiarity with the legislation, and that by the end of 1979, such requests would be routine. However, our interviews took place in 1979 and early 1980, and we still found many prosecutors who were unfamiliar with s.98(1) and (2) prohibitions.

In any event, a request was no guarantee that the prohibition (particularly a s.98(2) order) would, in fact, be ordered. In part this is because each sentence is decided on its own merits and Crown sentence requests are in no way binding on judges. But, from our interviews with both prosecutors and judges, we did discern an attitude that conviction prohibitions are more a punitive, than a preventative measure.

The preliminary data indicate that these prohibitions are not being used to a great extent. From our Criminal History Records data, we are able to ascertain the number of persons convicted of an offence arising out of a firearm incident, who receive a prohibition. The data ready for analysis for this Report are from a very limited time period. The absolute numbers are small. Therefore, they should be used with caution. But, the proportion appear indicative of general trends.

Table IV.9 shows a low percentage of s.83 convictions receiving a prohibition in Quebec and Ontario - less than 15 percent. This is an inordinately low rate since s.98(1) provides that the prohibition be mandatory on conviction of a s.83 offence. The time frame of the data is two years after the implementation of the provisions.

Data obtained from the Commissioner's 1979 Report to the Solicitor General indicate that, on a national basis, 12.2 percent of s.83 convictions (1979) resulted in a s.98(2) prohibition. We are unable to comment on whether this is due to an error in the original order or a reporting mistake. If it is the former, then it is another indication that courts are misunderstanding the provisions of s.98(1) and (2). That is, a s.98(1) mandatory prohibition should be ordered on all s.83 convictions, not a s.98(2) order.

Table IV.10 indicates that a previous criminal record does not increase the likelihood of receiving a prohibition order in any significant manner. In the country as a whole, a criminal record appears to incur a prohibition in less than 14 percent of firearm cases. In Ontario and Alberta these figures are even lower - 9.5 percent and 9.1 percent respectively.

The statistics in Table IV.10 are taken from our Criminal History Records data. From this we are only able to ascertain whether the individual has incurred previous criminal charges, not necessarily convictions. However, this data bank only includes records on individuals receiving a conviction on an indictable offence. Given this we feel that a large number of the persons showing a "previous charge" would have at least one previous conviction. Accordingly, the low rate of these persons receiving a prohibition is still noteworthy.

The Commissioner's 1979 Annual Report provides a national picture. In total, 4,767 convictions were recorded for offences (other than s.83) which involved

Table IV.9
SECTION 83 CONVICTIONS RESULTING IN PROHIBITION ORDERS
BY SELECTED PROVINCES - NOVEMBER, 1979 - MARCH, 1980

Province	Section 83 Convictions	% Receiving Prohibition
Quebec	18	11
Ontario	14	14
Saskatchewan	1	100
British Columbia	4	75

Source: F.P.S.

Table IV.10
PERSONS WITH PREVIOUS RECORD
AND PERCENT WHO RECEIVED A PROHIBITION ORDER ON CURRENT CONVICTION
BY PROVINCE - NOVEMBER, 1979 TO MARCH, 1980

Province/ Territory	Persons With Previous Record	% Receiving Prohibition Order
Newfoundland	6	16.7
Nova Scotia	7	14.3
New Brunswick	7	42.9
Prince Edward Island	0	0
Quebec	72	18.1
Ontario	317	9.5
Manitoba	32	15.6
Saskatchewan	20	30.0
Alberta	66	9.1
British Columbia	64	21.9
Northwest Territories	2	0.0
Yukon	1	0.0
National	594	13.3

A "previous record" indicates a previous criminal charge, not necessarily a conviction

The current conviction is of an offence arising out of a firearm incident

Source: F.P.S.

a firearm and could result in a prohibition. On average, a prohibition was issued in only 15.3 percent of these cases.

The above lends credence to the allegation that the justice system is not routinely utilizing criminal conviction prohibitions, even in supposedly mandatory circumstances. However, firm conclusions must await the next report when, using the Criminal History Records data from mid-1978 to 1980, a more meaningful analysis can be conducted on convictions by type of offence and rates of prohibition orders.

4. Implementation of Non-Conviction Prohibitions

An interesting category of prohibition orders is s.98(6) - pre-emptive prohibition. As an attempt to prevent firearm misuse before the fact, the extent and circumstances of its use indicates the level of acceptance of prohibitions as a preventative, rather than a punitive measure.

It is noteworthy that based on the data found in Table IV.7, s.98(6) prohibitions constituted a relatively high proportion of prohibitions issued. Excluding P.E.I. and the Yukon (who issued none at all), s.98(6) orders made up over 30 percent of all non-conviction prohibitions issued and in five provinces, constituted over 64 percent. Further (again excluding P.E.I. and the Yukon), s.98(6) orders made up over 12 percent of total conviction and non-conviction prohibition orders issued in every province and Territory, except Ontario and Quebec (11.8 and 3.1 percent respectively).

This section is used most often in situations involving recurring domestic confrontations or unsafe storage habits. It is also used in connection with certificate/permit applications. For example, no reference may be requested on a FAC refusal, but the firearms officer may be of the opinion that the applicant is incompetent to retain previously acquired firearms; hence, a pre-emptive application is made. Other applications have arisen when Crown prosecutors have withdrawn active criminal charges in return for a non-contested prohibition order.

The courts are wary of attempts to abuse the section. In R. v. Banfield (1979-80), 4 W.C.B. 14, the respondent was found guilty of pointing a firearm, but the trial judge refused to order a s.98(2) prohibition. An application was subsequently made for a s.98(6) prohibition on the same facts. It was held that the issue of the prohibition had already been

considered by the trial judge and the imposition of a s.98(6) order would be an abuse of process.

Despite the relatively high rates noted above, we observed that on the whole, applications for s.98(6) prohibitions were most frequently made by firearms officers and registrars. We found no consistency in stressing and directing the use of s.98(6) throughout police Departments. Patrol constables and/or sergeants are often not fully aware of the potential use of this provision.

Section 98(7) prohibitions are probably considered in most cases involving a FAC refusal confirmation. This is primarily because firearms officers are involved in the FAC references, and are able to advise the magistrate of the mandatory provision.

However, we are not able to present confirming data. Our provincial data on the number of s.98(7) orders issued (as shown in Table IV.7) comes from Chief Provincial Firearms Officers' monthly reports which only record the data as "FAC applications resulting in prohibitions". As a result, the numbers are only recorded if, in fact, the FAC refusal confirmation does result in a prohibition. (It is also possible for the figure to include pre-emptive applications if no request for a reference was made). A comparison with Table IV.2 shows that, in all provinces except one, the number of refusals confirmed is identical to the number of s.98(7) prohibitions. The exception is Quebec, which is the only province to record the "refusals confirmed" and the s.98(7) orders separately. It is interesting to note that although Quebec recorded two confirmations in 1979, no s.98(7) orders were issued.

A more accurate picture will be seen in the data from the four local firearms sections. However, in 1979, only Calgary and Toronto recorded any references. There were four confirmed refusals in Calgary and one s.98(7) order. In Toronto there was one confirmed refusal, and one s.98(7) prohibition. We understand that all units had references in 1980. Accordingly we will be able to obtain a better picture of the frequency of use of s.98(7) in the next report.

In any event, in one jurisdiction, even though a refusal was confirmed and a s.98(7) prohibition ordered, judicial disapproval of its mandatory nature was made evident. The term of the prohibition was one day.

We found that the use of s.101(6) prohibitions (following search and seizure hearing) depends initially on the Crown case distribution system in each local jurisdiction. In jurisdictions where cases are allotted to the duty Crown, it is probable that the Crown is unfamiliar with the intricacies of the legislation and a request for a prohibition will not be made. While firearms officers and registrars provide a great deal of guidance with respect to certificate/permit hearings, they are rarely involved with search and seizure hearings.

Some jurisdictions, (e.g. Toronto and Ottawa) have appointed liaising police officers to arrange search and seizure hearings. Here, the officers are able to assist the Crown prosecutor, the hearings tend to be conducted with some consistency, and a prohibition order is almost always requested in the appropriate cases.

Whether the Court orders a s.101(6) prohibition also depends on whether the respondent was notified of the prosecutor's intention to apply for a prohibition. The Courts have held that the respondent must receive notice with the original application for the search and seizure hearing. Otherwise, he is prejudiced, since he may not bother to defend what he thinks is only an application for confiscation, or, he may appear but be unprepared to defend a prohibition application.

Even when an order is made, the terms are sometimes inconsistent with the concept behind prohibition. For example, one individual with a history of problem drinking was prohibited from possessing a handgun, but not prohibited from possessing a shotgun or rifle. Other orders have prohibited possession in the home, but allowed possession outside the home.

Sometimes, the terms of the prohibition order are not signs of judicial disapproval but rather an attempt to adjust the system to the practicalities of life. An example is the case of an individual who required a firearm for sustenance purposes but when drinking had a propensity to become violent. In a creative compromise, the magistrate ordered that the respondent be prohibited from keeping a firearm at home and instead his shotgun was kept at the local police detachment. When going hunting, he could pick up the gun and return it at the end of the day.

Because our quantitative data on search and seizures are very limited, it is difficult to determine the

actual proportion of confirmed seizures which result in a prohibition. However, what little data we do have indicate that the proportion is high. In Toronto, in the first six months of 1979, there were 18 confirmed firearm seizures and 20, s.101(6) prohibitions. In Calgary, there were six confirmed seizures and four s.101(6) prohibitions.

In summary, courts appear to be more amenable to viewing non-conviction prohibitions as a preventative measure (as compared to conviction prohibitions) and their use is proportionately, more prevalent.

5. Effect

Having looked at the frequency of prohibition use, the question of whether the order has any effect is more difficult. Such assessment can only be done indirectly through an examination of the extent to which individuals under prohibition orders are involved in subsequent firearm incidents.

Data available for such analysis are limited. Unless the individual is charged with the specific offence of possessing a firearm while prohibited, our current data do not reveal whether an accused is subject to an outstanding prohibition order. Neither Chief Provincial Firearms Officers nor firearms sections have formal records of prohibited individuals who are subsequently involved in a firearm incident. If they do have such information, it is acquired on an ad hoc basis, through the "grapevine". (Though information from the two rural jurisdictions will include this data and will be presented in the next report.)

The only potential sources of data on persons charged with breach of prohibition are the R.C.M.P. Criminal History Records and/or the local police occurrence reports. Even these are of limited value. If the accused is involved in a serious incident, the chances are that he will be charged with the main offence (e.g. robbery) and a breach of prohibition charge will not be laid. This is especially relevant to the Criminal History Records data. This source only indicates a record if, among the charges laid, there is an indictable offence. Our small data base from Criminal History Records reveals nothing of significance. We shall have two and a half years of data analysed for the next report, but we do not expect it to be of substantial relevance to this issue.

Our occurrence report data (excluding Toronto and

Quebec City) does have the potential to provide some useful statistics for analysis. These will be limited to the number of incidents (not charges) of possession while prohibited. The 1979 data show nothing of significance. Only Vancouver recorded any such charges.

Finally, subsequent incidents involving prohibited persons may not necessarily involve criminal charges (e.g. suicide). Unfortunately, we have no data that will allow us to analyze the number of persons involved in non-criminal firearm incidents, who were subject to a prohibition order.

D. THE REGULATION OF BUSINESSES

Like screening and prohibition, the regulation of businesses relates to reducing access to firearms by dangerous and irresponsible users. It does this by screening businesses which can handle firearms and by imposing record keeping requirements to prevent unauthorized transfers of firearms. Safe storage and handling requirements are also imposed, but these will be discussed in a later section of this Chapter.

In this Section, we briefly describe the scheme of business controls introduced by Bill C-51. We examine the implementation of screening for business permits by looking at screening procedures across the country, commenting upon implementation in Calgary and Toronto, and examining the number of permits issued and refused. Finally, we discuss the effect of the new business practices on firearm enterprises.

We do not have any outcome measures available which may be associated with the success of the regulations themselves. The rate of theft of firearms from businesses relates to safe storage and will be discussed under that section. However, in their totality, the new strategies of gun control introduced by Bill C-51, may have had an impact on the sales and marketing of firearm related businesses. In our final sub-section, we will look at some indices of firearm sales before and after the implementation of the Bill.

Our sources of information include interviews with the Chief Provincial Firearms Officers and business inspectors from Ontario, Quebec, (where inspectors operate provincially), Vancouver, and Calgary. Officers from the R.C.M. Police Divisions and the Chief Territorial Firearms Officers were not interviewed because of cost constraints. Other sources included: the results of a survey of firearm retailers, distributors and wholesalers in Toronto

and Calgary; the C.P.F.O. monthly reports; the Commissioner's 1979 Annual Report to the Solicitor General; and historic data on dollar and volume sales of firearms from members of the Canadian Sporting Arms and Ammunition Association.

1. Description

Most of the sections relating to businesses came into force on January 1, 1978. However, the substance of the new business regulations is the requirement that all businesses dealing in firearms must now have a permit. This requirement was not in effect until January 1, 1979.

The major conceptual and strategic changes which have been imposed on businesses by Bill C-51 include:

- requiring almost every business involving firearms or restricted weapons (except the transportation or shipping of such weapons) to obtain a permit. Previously, permits had only been required by retail, repair or pawn businesses dealing in restricted weapons;
- requiring each outlet of a business to obtain a separate permit;
- requiring record keeping of all firearm related transactions and inventory. Only records of transactions involving restricted weapons had been previously necessary;
- regulating advertising of restricted weapons and mail order sales; and
- imposing controls on businesses transporting or shipping firearms.

A national central registry of revoked business permits is also maintained. And, in addition to the specific sections now in the Code, the Governor in Council is authorized to impose further controls by making regulations that govern the handling, secure storage, display and advertising of restricted weapons, firearms and ammunitions; regulate the mail order sale of restricted weapons, firearms and ammunitions; and provide for the secure handling, shipping, storage and transportation of firearms and ammunition.

While the previous legislation provided minimal control of businesses, the provisions were rather

vague and, as a result, uncertain. Bill C-51 has resolved this by expanding the type of controls and by clarifying existing provisions.

2. Implementation

(a) Screening Procedures

Both Bill C-51 and its accompanying Regulations set out stringent standards for record keeping and storage procedures, once firearm businesses have received permits. However, no specific list of prerequisites has been legislated for the initial issuance of permits. Consequently, the guidelines are a matter of provincial policy.

For example, British Columbia takes the position that a business permit authorizes the carrying of a restricted weapon within a 20 mile radius of the business. The remaining provinces take the view that the business permit does not authorize removal of the weapon from the premises, without a further permit to transport or a carrying permit.

Nevertheless, as with other certificates/permits, there is substantial uniformity in screening, from province to province. All provinces check the criminal record of the owner or owners through CPIC, as well as local police records. Inspections of the business premises are conducted to ascertain the adequacy of existing security measures, to recommend changes and subsequently to review required changes. Typically, the inspections focus on three aspects:

- the premise itself: windows and doors are checked to see if they lock securely. The sale of restricted weapons usually requires an alarm system;
- gun displays: the methods of securing guns are checked. Varying methods include locks, cabinets, cables through the trigger, guns attached to the wall or a front counter encircling the display; and
- storage: provisions are checked to ensure that firearms are kept in an inaccessible place and off-limits to the public.

Individual provinces have also developed other, more specific requirements, such as proof of business or trade licence; business tax number;

proof of regular business hours; proof of financial security; and letters from the local municipality confirming compliance with local zoning by-laws.

The stringency of inspections focused more on improving the calibre of record keeping and security than on finding causes to refuse to issue. The general attitude was to be as accomodating as possible. This was reflected in the leniency shown small businesses when determining the previous year's sales. These figures were required to set permit categories and fees. Smaller businesses had not kept accurate records, so it was difficult to determine what type of permit they should be issued.

In all provinces except Quebec, business permits are issued by the Chief Provincial Firearms Officer. In most cases, this means that actual inspections and recommendations to issue are made by the local police force. The issuing of the permit is merely a formality which ensures that the collection of fees and record keeping is centralized. However, in three provinces, namely British Columbia, Ontario and Prince Edward Island, the management of the entire screening and issuing process is controlled directly by the C.P.F.O.'s. In New Brunswick, the C.P.F.O. has indirect control through the training of Department of Justice Inspectors. Central control of the business permit process also exists in Quebec. However, this is done through the Service des Permis of the Quebec Police Force, not the C.P.F.O.

The centralization of the inspection system appears to have a considerable impact on the consistency and depth of inspections. Each of the five provinces noted above has a permanent team of inspectors who conduct all inspections in their respective provinces. Because the inspection teams are small, there is a substantial amount of consultation between them and their respective C.P.F.O.'s. This results in a high degree of consistency and common standards; Prince Edward Island probably has the greatest consistency since all inspections are done by the C.P.F.O.

On the other hand, in those jurisdictions where inspections are conducted by local police, the standards vary from onerous to superficial. Some C.P.F.O.'s have attempted to provide a certain amount of policy and guidelines to the police, but are unable to enforce them. Inconsistencies are

most pronounced if the local police force does not assign the same officer(s) to conduct inspections.

The advantages of a centralized inspection system became apparent when the permit renewal process commenced. Centralized provinces had spent a substantial amount of time with businesses, explaining new procedures and monitoring them over the course of the year. As a result, record keeping requirements were well understood and compliance with the regulations was readily achieved.

On the other hand, detailed initial explanations and monitoring of books and records appeared less prevalent in jurisdictions where inspections were conducted by local police. Records of 1979 sales transactions were sometimes inaccurate; and, in some instances, for the second year, estimates of sales had to be made in order to determine the annual permit fee. Differences between centralized and decentralized jurisdictions were apparent in our survey of business establishments in Toronto and Calgary.

(b) A Survey of Firearm Businesses
in Calgary and Toronto

In June and July of 1979, we conducted a survey of sixty business establishments involved in the retail, wholesale and distribution of firearms and ammunition in Calgary and Toronto. Of 50 retail outlets contacted, 43 responded to our questionnaire. Nine out of ten wholesalers and distributors contacted provided responses. (The distribution of respondents by type of enterprise can be found in Table A2.6).

Our survey was designed without reference to rigid statistical techniques. Therefore, our results are highly impressionistic. Nevertheless, the survey revealed some significant differences in the way in which the business provisions were implemented in Calgary (located in a province without a centralized inspection system) and Toronto, (located in a province with a centralized inspection system).

The first major difference noted was the timing of the issuance of business permits. As of August 16, 1979, six of our sample of fourteen retailers in Calgary had not yet received their permits. In Toronto, only one of the 19 retail firms we

contacted had an outstanding application. A similar pattern was evident for wholesalers and distributors. Forty percent of our Calgary sample were waiting for permits to be issued; while all of the Toronto based wholesalers and distributors had had their applications finalized. The centralized administration had allowed for the initial processing of applications to be completed more quickly in Toronto than in Calgary.

A second important difference, and one that is a corollary to the first, is that there has been a greater frequency of follow-up inspections in Toronto than in Calgary. This is true for retailers, wholesalers and distributors.

In Toronto, 90 percent of our retail sample had received follow-up inspections subsequent to their receiving business permits. The corresponding figure for Calgary was 36 percent. Furthermore, in Toronto, only one of our wholesalers and manufacturers had not received a follow-up visit; while in Calgary, only two out of five firms had been subject to follow-up inspections. This again indicates a difference between the centralized and non-centralized systems.

However, it should be noted that businessmen in Toronto were somewhat confused as to which police agency was responsible for the business permit system. Our sample of retailers indicated that they had been inspected by a number of different agencies, including the city police, doing spot checks; the pawn squad; the Ontario Provincial Police; and the R.C.M. Police conducting inspections under the Explosives Act. In Calgary, on the other hand, the only contact had been with city police.

One comment on the manner in which the gun control program was implemented was shared equally by businessmen in both cities. All of our sample complained that the publicity surrounding the changes in the gun control legislation, and the promotion of new procedures with respect to FAC's and business permits, was poor. Less than half of our sample became aware of the changes in the legislation through the media advertising campaign. Slightly over 30 percent were advised of new procedures and protocols by various police agencies. Others became informed through contacts with gun clubs and the Government. Retailers were most often informed of changes by the manufacturers

and distributors with whom they were doing business.

From the businessman's point of view, the promotional campaign initiated by the government was not effective. This has had two results. First, many of our sample firms were still confused about the specific requirements that they were obliged to meet. Second, retailers, wholesalers and distributors were forced to initiate extensive publicity campaigns on their own, in order to educate consumers about new procedures and protocols. These situations should be resolved as the gun control program becomes more familiar to the public. However, a certain amount of resentment has resulted.

(c) Permits Issued and Refused

Retail business permits are issued in categories based on the number of firearms sold annually. The percent of the retail business permits issued in each category, in 1979, is shown in Table IV.11 (the absolute number of retail and other business permits issued in 1979 can be found in Tables A2.7 and A2.8).

The total number of permits issued in 1979 does not represent the number of firearm businesses in each province. Many jurisdictions staggered permit issuance, i.e., three months, six months, nine months and 12 months. Consequently, there was no universal renewal date and we do not have a benchmark to measure numbers of business establishments. However, the 1980 and 1981 data should provide an accurate representation of firearm businesses in each province, and in the final report we will be able to look at any increases or decreases in retail outlets across Canada.

The 1979 data indicate the predominance of smaller outlets selling firearms as a sideline. This is reflected in Table VI.11 which shows that 88.7 percent of all firearm businesses are selling only unrestricted firearms. Of these, 61.1 percent only sold up to 15 per year. Even though these figures are based on sales estimates, it can be concluded that firearms are a minor product line for many outlets. It also suggests that, despite the opinion that many of these smaller outlets would be discouraged from complying with the new requirements, quite a few have gone to the trouble

Table IV.11

PERCENT OF RETAIL BUSINESS PERMITS
ISSUED IN EACH CATEGORY
BY PROVINCE - 1979

	Unrestricted Firearms Business Permits					Restricted Weapons Business Permits					% Unrestricted Permits	% Restricted Permits
	0 - 15 (No. of Firearms Sold Annually)	16 - 50	51 - 100	100+	Total (Permit Type)	0 - 15 (No. of Firearms Sold Annually)	16 - 50	51 - 100	100+	Total (Permit Type)		
Nfld.	77.0	16.5	3.8	2.7	100	66.7	0	33.3	0	100	99.1	0.9
N.S.	61.2	19.4	9.7	9.7	100	50.6	31.5	10.1	7.9	100	80.2	19.8
N.B.	81.5	12.5	3.5	2.5	100	73.3	20.0	4.4	2.2	100	81.6	18.4
P.E.I.	40.0	60.0	0	0	100	50.0	25.0	0	25.0	100	71.4	28.6
Que.	63.7	22.1	8.2	6.0	100	27.8	21.1	15.6	35.6	100	96.2	3.8
Ont.	58.0	23.4	7.3	11.3	100	39.7	24.5	10.6	25.3	100	86.8	13.2
Man.	58.3	28.3	6.8	6.6	100	42.6	24.1	16.7	16.7	100	88.0	12.0
Sask.	78.6	16.4	2.7	2.3	100	48.9	18.9	18.9	13.3	100	85.2	14.8
Alta.	45.9	28.8	13.0	12.3	100	14.6	17.1	15.9	52.4	100	88.6	11.4
B.C.	53.7	30.0	11.3	5.0	100	34.6	27.6	16.4	21.5	100	73.2	26.8
Yukon	-	-	-	-	-	-	-	-	-	-	-	-
N.W.T.	31.4	50.0	13.7	4.9	100	0	0	0	0	0	100.0	0
Total	61.1	23.2	7.9	7.8	100	39.1	24.1	13.4	23.5	100	88.7	11.3

Dashes indicate data was not available

Source: C.P.F.O. Monthly and Annual Reports

of obtaining permits. Data over the next two years will tell us how many decide to renew them.

In all jurisdictions, the number of actual refusals was low (11 refusals nationally). Most were based on persistent lax security, poor record keeping, or a previous criminal history involving violence or firearm offences. Preference was given to discouraging borderline applicants, rather than actually refusing them.

(d) Direct Impact of Business Controls

In the opinion of the Chief Provincial Firearms Officers and inspectors interviewed, the larger firearm businesses were generally unaffected by the new permit provisions. These establishments had always maintained good security and accurate records. Those businesses most affected by the legislation were outlets which sold a few firearms as a sideline (e.g. hardware stores).

Here they indicated the new provisions may have caused some marginal retailers to discontinue their firearm lines. However, most of our sources felt that the publicity regarding the closing of establishments, because of the legislation, was exaggerated. We do not have any data on the actual number of businesses which closed as a result of Bill C-51.

Our sample of firearm businesses in the Calgary/Toronto survey registered relatively few complaints about those aspects of the business regulations that affected them directly. For example, 70 percent of the retailers that we interviewed had to make some changes in their security procedures. Yet, the only complaint about the new provisions was that further clarification was required.

Retailers were generally satisfied with the new inventory recording procedures. Distributors and manufacturers, on the other hand, expressed some concern. Due to the volume and rapidity of stock turnover, it was felt that recording the serial number of every gun passing through their hands, was time-consuming and costly. One major manufacturer claimed that a \$150,000 investment was required to computerize its record management system.

3. Indirect Impact of Gun Control

The direct impact, if any, of the new business regulations on firearm businesses in Canada has been discussed above. The overall gun control measures introduced by Bill C-51 (e.g. FAC's) may also have had an indirect impact on sales, inventory and marketing policies.

Strong sentiments were voiced by our Calgary/Toronto survey sample over this issue. In addition, seven of twelve members of the Canadian Sporting Arms and Ammunition Association have provided us with some data on sales of their products for the period 1976 to 1979 (though not all provided the same subject matter).

On the retail side, all of our respondents alleged a dramatic decrease in gun sales during the first quarter of 1979, as compared with first quarter performances in previous years. At the time of our interviews in July, the picture had improved somewhat. But we were advised that year-to-date sales remained significantly below 1978 levels.

We would submit several cautions:

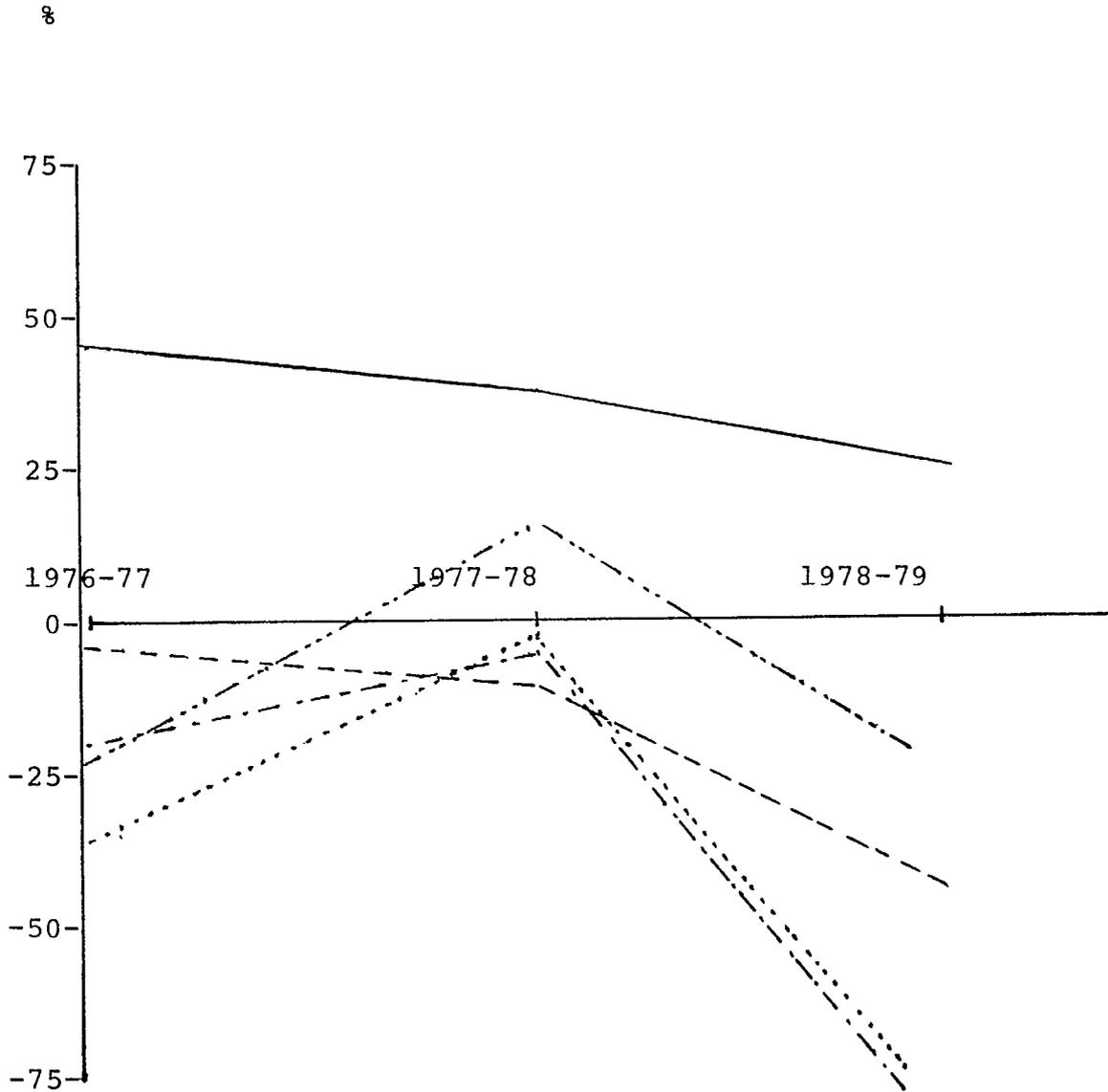
- we did not have access to actual sales figures from the Calgary/Toronto samples;
- there was an initial period of confusion about FAC requirements on the part of consumers. This may have delayed decisions to purchase;
- 1978, particularly the final quarter, was an abnormally high volume sales year. Many consumers "beat" the FAC system by buying before January 1, 1979;
- our interviews were conducted in what is traditionally the industry's off-season.

A rise and fall of gun sales from 1977 to 1979 was seen in the data supplied by the Sporting Arms and Ammunition Association. Figures IV.3 and IV.4 indicate that in 1978, three of the five manufacturers who reported sales of long guns (shotguns and rifles), had increases in unit sales, and all recorded gains in dollar sales. These increases, however, were not maintained in 1979.

Of the Calgary/Toronto sample, two-thirds of our sample of distributors and wholesalers reported decreased sales of guns. Fifty-five percent indicated that there had been a decrease in the number of retail customers.

Figure IV.3

PERCENTAGE CHANGE IN UNIT SALES
OF LONG GUNS (Shotguns, Rifles) BY FIVE CANADIAN
FIREARM MANUFACTURERS 1976 - 1979



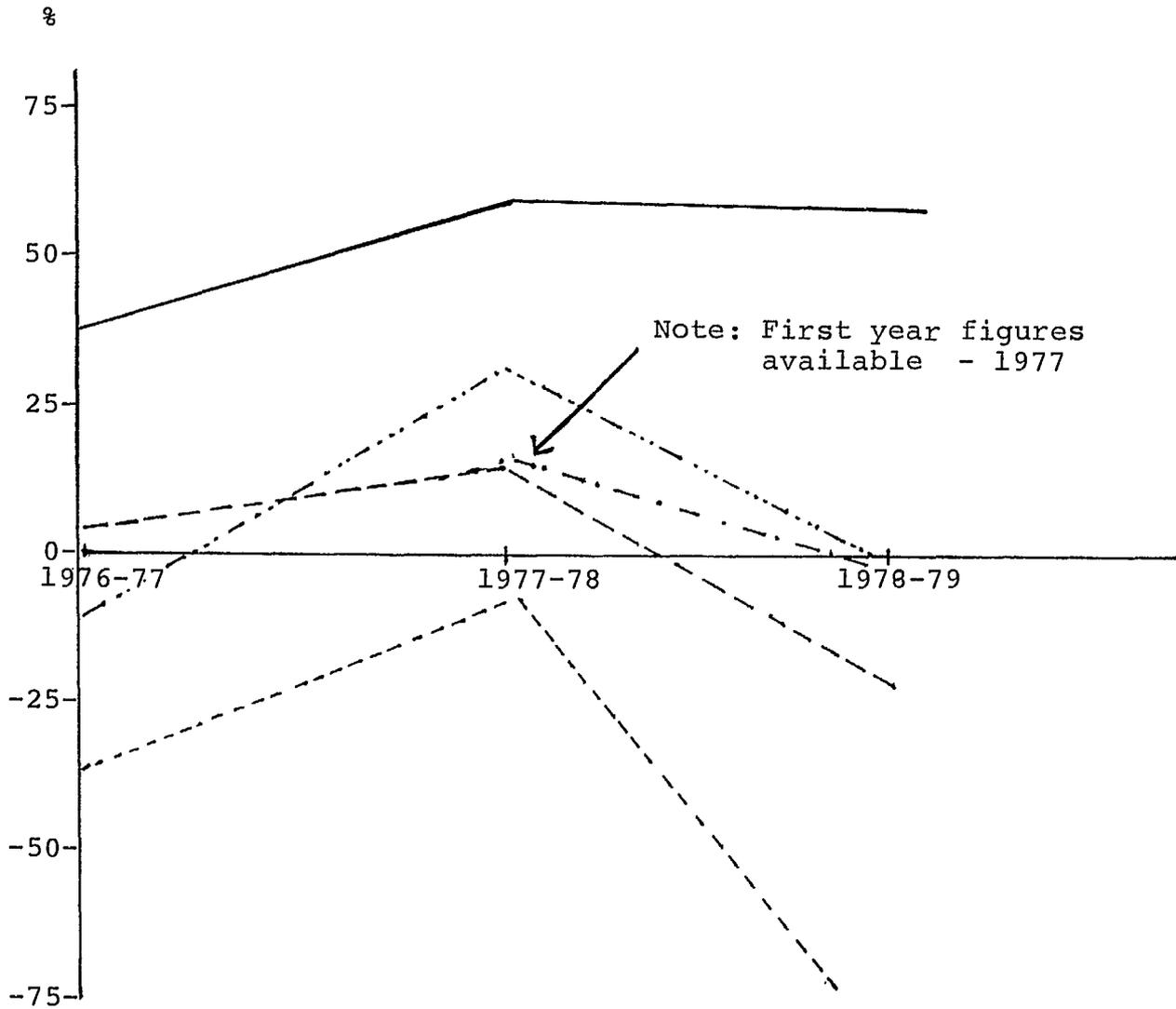
Each line indicates the reported sales performance of an individual firm. To ensure confidentiality, company names are not shown.

Percentage figures are calculated on a year-to-year basis. No base line years are used.

Source: Five members of the Canadian Sporting Arms and Ammunition Association

Figure IV.4

PERCENTAGE CHANGE IN DOLLAR SALES
OF LONG GUNS (Shotguns, Rifles) BY FIVE CANADIAN
FIREARM MANUFACTURERS 1976 - 1979



Each line indicates the reported sales performance of an individual firm. To ensure confidentiality, company names are not shown.

Percentage figures are calculated on a year-to-year basis. No base line years are used.

Source: Five members of the Canadian Sporting Arms and Ammunition Association

This, in turn, seems to have had an impact on manufacturing in Canada (and presumably on imports as well). Almost 25 percent of the retail sample indicated that they had had unusual difficulties in obtaining required inventories. This suggests that the industry was going through a period of readjustment to anticipated changes in buyer behaviour and that one of the first points of adjustments was in the volume of output.

However, these changes seem to have been tentative in nature. Only a handful of the retailers had amended their marketing strategies. Those that had, basically focused on promoting an understanding of the FAC process. Two thirds of our retailers did not anticipate any changes in products sold. Only 12 percent had decided to decrease firearms lines.

Only two of our distributors and wholesalers had amended their marketing policies. In both cases, they increased advertising budgets to promote the FAC system. Two firms had modified product lines by weleting some firearms; while two others were considering some future diversification. Two thirds of the sample were not anticipating changes in distribution methods, but three Toronto based distributors were looking at some modifications in this regard.

It would appear that the new gun control measures and the FAC system in particular may have had some impact on firearm sales in 1979. We expect to obtain further data from the Canadian Sporting Arms and Ammunition Association for 1980 and 1981. This will enable us to assess, in subsequent reports, whether the decrease in gun control sales has continued over the long term.

E. SEARCH AND SEIZURE

Search and seizure is the right of a police officer to search a person, vehicle and/or premise and seize any article relating to a criminal offence.

The Criminal Code provides for four circumstances when search and seizure, relating exclusively to firearms and other offensive weapons, is authorized. Three of these have been amended by Bill C-51.

Of the four provisions, two (ss.99 and 100) deal with actual breaches of the Code, and accordingly relate predominately to the reduction and discouragement of

criminal usage. The remaining two [ss.101(1) and 101(2)], apply to situations of apprehended danger rather than criminal activities per se. Accordingly, they relate more to the objective of reducing access to irresponsible users, i.e., prevention.

This Section will describe the application of the four provisions. It will then proceed to examine the implementation of searches and seizure by looking at the circumstances of their use; the use of returns, i.e., reports, following searches; and the conduct of search and seizure hearings.

Unfortunately, the accessible data are very sparse. The only relatively reliable data we have been able to obtain are from the Firearms Sections in Toronto and Calgary (though we do anticipate obtaining some data from the Ottawa Police Force for the next report).

Given the minimal amount of quantitative data available, the content of this section is based predominately on interviews with police, Crown prosecutors, judges and lawyers. A random sample of each of these professions from Vancouver, Calgary, Toronto, Ottawa and Quebec City were interviewed. Again, interviews were not conducted in the two rural jurisdictions because of cost constraints. It should be noted that these interviews were not statistically controlled. However, the conclusions which we make are based on frequently observed responses and procedures.

1. Description

Section 99: authorizes search and seizure without a warrant, when a police officer believes on reasonable grounds that an offence in relation to prohibited or restricted weapons or firearms or ammunition is or has been committed. This section has been amended to allow searches for all firearms, not just prohibited or restricted weapons.

Section 100: authorizes a seizure without a warrant of:

- a restricted weapon, if the possessor fails to produce immediately a registration certificate or permit;
- a firearm, if the possessor is under 16 and fails to produce immediately a permit; and
- any prohibited weapon.

The provision for seizure of restricted weapons from persons without a registration certificate is new. Further, all certificates and permits must now be produced immediately.

Section 101(1): authorizes search and seizure with a warrant, when there are reasonable grounds to believe "...that it is not desirable in the interests of the safety of that person, or any other person..." that the individual should have possession of any firearm, offensive weapon, ammunition or explosive substance. This is, in fact, the only section which requires a warrant. The section now provides for search and seizure not just seizure alone.

Section 101(2): authorizes search and seizure without a warrant, on the same grounds as s.101(1), when there are also reasonable grounds for believing "...that the danger to the safety of that person or other persons is such that to proceed by way of an application under ss.(1) would be impracticable...".

This section is novel to Canadian firearms legislation. Peace officers have often conducted search and seizure without a warrant in situations of perceived danger. But, reliance had to be placed on the common law which was, at times, somewhat unclear as to the authority of such acts. The section removes any ambiguity about the legality of such acts. The safeguard against its abuse is the requirement that following any s.101 search and seizure, a report or return must be given to a magistrate.

2. Implementation

(a) Circumstances of Use

Despite the amendments to ss.99, 100 and 101(1), we concluded from our interviews that there has not been any significant change in the use of these sections. We do not have any pre-1978 statistical data on usage and the post-1978 data are incomplete, so this conclusion cannot be tested.

We are able, however, to make some observations regarding the implementation of s.101(2) searches and seizures.

Section 101(2) authorizes searches of private homes, without a warrant, even though no offence may have been committed. Accordingly, it was initially subject to criticism from anti-firearm legislation lobby groups. These groups saw the

section as open to abuse, and constituting a threat to civil liberties.

However, based on our interviews, general exposure to the agencies involved in implementing the legislation, and the little data which we have, we are of the opinion that generally the section is not abused (an opinion subject to a caveat to be discussed below). For example, during the first six months of 1979, 21 s.101(2) searches were conducted in Toronto. Of these, 20 resulted in a hearing and 18 were confirmed. Similarly, in Calgary, of the six recorded s.101(2) hearings in 1979, all were confirmed.

The predominant characteristics of the situations which have given rise to both s.101(1) and s.101(2) searches has been that the individuals involved, although not "criminals" per se, are exhibiting emotional instability or violence in circumstances or surroundings where firearms are easily accessible. So, search and seizure in the interests of safety most often arises in domestic or neighbourhood disputes. Given that these usually involve "emergency" situations, which, by their nature, rarely allow an opportunity for a warrant application, s.101(2) has been of inestimable use.

We have found one or two jurisdictions where s.101(2) has been employed to facilitate searches of known or suspected "criminals". These searches may not be in technical contravention of the section. But, if the proposition that both ss.101(1) and (2) were intended for use in "behavioural" rather than "criminal" situations is correct, then such searches can be viewed as an abuse of the intent of the section.

On the other hand, some police officers interviewed, indicated a reluctance to use s.101(2). Uncertainty was voiced concerning the interpretation and significance of "not desirable in the interests of safety", and when it is "impracticable" to apply for a warrant.

An indication of the scope of "interests of safety" can be found in a recently reported British Columbia Court of Appeal decision, R. v. Colet (1979), 46 C.C.C. (2d) 243. The case, in fact, turned on the old s.105(1), the predecessor of s.101(1), and whether the section permitted search as well as seizure. This has now been allowed for

in the new s.101(1) which expressly allows both search and seizure. But in the course of the judgment, Craig, J.A. said at p.346:

The purpose of s.105(1) is to promote the safety of the individual, or, to put it another way, to prevent possible harm or injury from improper, or negligent, use of any of the items which are mentioned. It is legislation in the public interest. This interest is paramount; the rights of the individual are secondary.

(b) The Use of "Returns"

A caveat must be placed on our conclusion that s.101(2) is not abused by the police. This caveat relates to the use of returns.

Section 101(3) provides that following any s.101 search, with or without a warrant, "...the Attorney General shall forthwith make a return to the magistrate...". If the search was conducted without a warrant, then the return shall show the grounds on which the search was conducted. The requirement for a return following a search "in the interests of safety" is not new. But given the new provision for such a search without a warrant, its importance in monitoring the use of such searches is magnified.

From our interviews, we found that returns usually are made only if a seizure has occurred and a request for forfeiture is intended. Since returns are made only in those instances where the evidence is strong enough to support a forfeiture application, any protection afforded by having a magistrate review all s.101 searches is non-existent.

This lack of returns on all searches means that we cannot completely endorse the opinion that s.101(2) is not abused. It also restricts our ability to comment on whether in fact, magistrates utilize the return process to ensure that police abuse is not occurring. Based on the perceptions we received from magistrates, it appears that they tend to focus primarily on whether a forfeiture is warranted. Unless the situation involves obvious and gross abuse, reprimands of police action would be unlikely.

(c) Search and Seizure Hearings

If weapons have been seized and forfeiture is desired, an application for disposition must be made within 30 days of the seizure and a hearing before a magistrate will be held. Several of the police officers interviewed advised us that forfeiture is not automatically requested following seizures.

Even if firearms are found in potentially volatile situations and are seized and confiscated, they are often returned within a short time. In one jurisdiction, applications for forfeiture were rarely, if ever, made on domestic seizures. This was due to a misunderstanding that the forfeiture provisions were for "criminal" situations, not domestic or neighbourhood incidents.

The hearings themselves are most often conducted in a manner analagous to bail "show-cause" hearings. That is, the burden of proving that forfeiture should occur, is not "beyond a reasonable doubt", but rather is based on a "balance of probabilities". We were advised of some instances where the magistrate required the criminal burden of "beyond a reasonable doubt". However, the case law is developing away from this attitude.

The Criminal Code sets out very sketchy procedural rules of conduct for search and seizure hearings. So, the case law in this area is valuable, not only for clarifying the applicable rules of evidence, but also for setting down general procedures.

Re Attorney-General for Ontario and Audrey Leona Thomson (1979-80), 3 W.C.B. 441 is an interesting case which sets out some detailed procedures and rules for such hearings. The case involved the disposition of a large and valuable cache of various weapons forming part of an estate, which had been seized from a private underground "arsenal". Although the hearing followed searches with a warrant, the rules are applicable to hearings following both s.101(1) and (2) searches. Principles set down by the case include:

- the return should set forth a detailed description of each article seized; if a list or inventory is attached, it must be referred to in the return;
- returns after search without a warrant, also require an ex parte hearing before the magistrate;

- when valuable articles are involved, it is necessary and prudent for the magistrate to insist that evidence be adduced in order to show all persons who may have an interest in the article, so that the magistrate can ensure all interested parties receive notice of the hearing;
- the notice of hearing must specify the type of order being sought, i.e., a prohibition order;
- the actual search and seizure hearing must be held in open Court;
- the degree of proof to be met by the applicant is that on a balance of probabilities, a disposition order should be made; and
- the finding of the court must be supported by reasons.

The case also indicated that the right of appeal from a decision following a search and seizure hearing, appears to be limited to the person from whom the articles are seized (and of course the Attorney General). This is of concern since the individual may not necessarily be the owner of the weapon.

Hearsay evidence was held to be properly admissible in such hearings by the case of Re Beaulieu (1979-70), 4 W.C.B. 349 (Sask.Q.B.).

Search and seizure hearings are one of the most commonly used of the firearm provisions. The concept of prevention is very clear. We have found that the reaction of the judicial process in these circumstances has been good. And, as noted in the section on prohibition, if the forfeiture of the seized weapons is confirmed, there is a significant likelihood that a prohibition order will be issued.

3. Effect

We are not able in this Report to assess the effectiveness of searches and seizures in relation to their objectives. Probably the only practical measure available relates to assessing s.101 seizures by observing whether there is any decline in domestic or

neighbourhood incidents with a firearm.

We are collecting data on the suspect/victim relationship in firearm incidents, by type of incident, from the five urban police departments. However, we do not have any pre-legislation data, so commentary will not be made until the next report, when we will be able to compare the 1979/1980 figures. Suspect/victim information is also collected in the two R.C.M. Police Divisions, but it does not include 1979 data, and comparison of data will not be possible until the final report.

F. SENTENCING

The traditional means of controlling firearms misuse have been through the prosecution and sentencing of offenders in the criminal courts. Bill C-51 has used two methods to enhance the effectiveness of these means: it has created new criminal firearm offences and widened the definition of existing offences; and it has provided for increased severity in sentences.

In this Section, we describe the new offences created by Bill C-51, and the means used to impose more severe sanctions. We then discuss the implementation of the sentencing provisions by examining the frequency and circumstances in which firearm charges are laid and prosecuted, and the resulting dispositions.

Unfortunately, we do not have any data on dispositions of pre-1978 firearm convictions. However, in our final report we will look at the severity of sentences over the three year period of the study to determine whether there are any changes in sentencing patterns as the judicial system becomes more aware of the new sentencing provisions. In this Report, we examine some of the case law which has already arisen that define the scope and application of the new sections. Finally, we examine the effect of the legislation by determining whether the recidivism rate of offences involving a firearm has been declining since 1978.

Quantitative data used for these analyses, have been obtained from four types of sources: Adult Court Statistics from the Justice Statistics Section of Statistics Canada; selected elements from the R.C.M.P. Criminal History Records of persons convicted of an indictable offence arising out of an incident involving a firearm; police occurrence report data from Vancouver, Calgary, Toronto, Ottawa and Quebec City; and the Calgary Firearms Section.

The Adult Court Statistics contain data on 1978 court dispositions. Unfortunately, the geographic scope of the data is limited. Because of budget constraints at both the federal and provincial level, data was collected only for Quebec (excluding Montreal and St. Jerome data) and British Columbia (excluding Vancouver Provincial Court data). Despite the severe limitations of this data, they are the only 1978 data we have on both summary and indictable firearm charges and dispositions.

The Criminal History Records data will provide us with a powerful commentary on sentencing patterns for firearm offences. Ultimately it will contain records of persons convicted of an offence, arising out of an incident involving a firearm, from June, 1978 to December 31, 1982.

However, at the present time, we are only able to report on records collected between November, 1979 and March, 1980. Since the size of this data base does not provide a "significant" scientific dimension, we describe, for illustrative purposes, only a few items of interest in this Report.

Firearm charge and disposition information is obtained from our local police jurisdiction Occurrence Reports (excluding Calgary and Toronto). However, as noted in Chapter III, because of discrepancies in these data, we have not presented them in this Report. The occurrence report data will be analysed and presented in the next report. In the interim, the Calgary Firearms Section has conducted a special monitoring of dispositions in firearm cases in 1979 and these data will be discussed in this Section.

Qualitative data have been obtained from interviews conducted with a selective sample of police officers, Crowns, defence lawyers and judges in Vancouver, Calgary, Toronto, Ottawa and Quebec City.

1. Description

(a) New Offences

Twelve new offences have been created. They are:

- Using a firearm while committing or attempting to commit an indictable offence (s.83) - Of all the new offences, this is probably the most important. First, it had an appearance of excluding the rule that there should not be multiple convictions for the same delict, i.e. offence, creating the need for interpretation by the courts. Second, it is subject to a minimum sentence, and, pursuant to s.98(1), a mandatory prohibition order;

- Importing prohibited weapons (s.93) - This section makes it an offence for anyone to import, buy, sell, barter, give, lend, transport or deliver a prohibited weapon or component;
- Importing restricted weapons [s.94(3)] - Provides that importing a restricted weapon without a registration certificate is an offence. Both this section and s.93, increase the impact of the legislation on firearm related business activities and plug holes which were found in the previous legislation;
- Delivery of a firearm to a person without a FAC [s.95(1)] and Importing a firearm without a FAC [s.95(3)] - Both were a result of the implementation of the new FAC system and deter individuals from circumventing the FAC requirements;
- Possession of firearm while subject to a search and seizure prohibition [s.101(10)] - This is the means of enforcing prohibitions issued after search and seizure hearings. Although such prohibitions existed under the previous legislation, there had been no express sanction for non-compliance.
- Failing to report the loss or theft of restricted weapons or firearms from a business [s.103(2),(3) & (8)] - Provides further controls of firearm businesses and manufacturers;
- Firearm businesses advertising or selling by mail orders, restricted weapons or firearms in contravention of regulations [s.103(6)&(8)] and Firearms businesses transporting firearms in contravention of regulations [s.103(7)&(8)] - These impose more stringent restrictions on firearm businesses;
- Making false statements on applications for certificates or permits [s.106.5(6)], Non compliance with any term of a permit or certificate [s.106.5(3)] and Failing to deliver up a permit or certificate when subject to revocation or prohibition

[s.106.5(4)] - The means of enforcing compliance with the permit and certificate provisions.

In addition to formulating entirely new offences, Bill C-51 has re-drafted many of the existing offences, either to plug loopholes, or to broaden the application of the section. For example, "dangerous" use of firearms has been changed to "careless or unreasonable" use, such terminology having much broader application. The extent of such redrafting is widespread and reference should be made to Appendix C for an examination of the specific sections.

(b) Sentences

Sentences are directly affected by three factors; the categorization of the offence, the maximum sentence provided and the minimum sentence, if any.

Categorizing Offences: Offences are categorized as summary conviction, indictable or hybrid. Hybrid offences may be prosecuted as either summary conviction or indictable, the choice being at the discretion of the Crown.

Most offences in the Code are hybrid. Firearm offences generally follow this pattern. All gun offences are hybrid except for two pure summary [ss. 86 and 106.5(4)] and two pure indictable (ss.83 and 85).

Maximum Sentences: Offences prosecuted as summary are subject to a maximum of two years. The average indictable firearms offence is subject to up to five years imprisonment. Exceptions are those offences dealing with certificate/permit infringements which are generally subject to up to two years. Possession of a firearm for a purpose dangerous to the public peace is subject to up to ten years imprisonment. The average maximum sentence for indictable offences had previously been two years and the most severe had been five years.

Minimum Sentences: As noted above, the new S.83 offence is the most noteworthy of the firearm offences partly because it appears to exclude the rule against multiple convictions. Further, in addition to a mandatory prohibition, the offence carries a minimum sentence, i.e., a mandatory prison term.

An accused, convicted of a s.83 offence is subject to:

- on a first s.83 offence, imprisonment for a minimum of one year and a maximum of 14 years (providing the accused has no previous conviction for an indictable offence using a firearm); or
- on a second or subsequent s.83 offence, (or a first offence if the accused has a previous conviction for an indictable offence using a firearm), imprisonment for a minimum of three years and a maximum of 14 years.

This is the only minimum sentence found in the Bill. Its importance is further emphasized by the general rarity of minimum sentences in the Code.

2. Implementation

Implementation of the sentencing provisions falls into two stages: the actual laying and prosecuting of firearm charges; and the sentences which are ordered once a conviction has been obtained.

(a) Prosecution

The initial decision as to the laying of a firearm charge is made by the police. The best means of analysing the frequency, type and circumstances in which police are laying these charges, is to examine the firearm charges (if any) laid in incidents involving a firearm. Our only source of this data is the police occurrence report information. As noted above, we will not be presenting these data until the next interim report.

Our Adult Court Statistics and data from the Calgary Firearms Section however, allow us to make some observations regarding the prosecution process.

In Table IV.12, we assess selected crimes in our 1978 Adult Court data base and compare the proportion which had an associated firearm charge with the proportion which did not. Our data show that only 6.5 percent of all robbery charges had an associated firearm charge. On their own, these data have no relevance to the evaluation, because

Table IV.12
SELECTED CHARGES ASSOCIATED
 WITH FIREARM CHARGE - 1978

Charge	Number of Charges With Associated Firearm Charge	Number of Single Charges on File	Proportion With Associated Firearm Charge
Robbery	109	1,677	6.5
Rape, Attempted Rape, Indecent Assault	9	820	1.1
Wounding Assault Intent to Harm	37	3,389	1.1
Extortion	7	93	7.5
Total	162	5,979	2.6

Source: Adult Court Statistics, 1978
 (parts of British Columbia and Quebec only)

Table IV.13
DISPOSITION OF FIREARM COURT
 CASES IN CALGARY - 1979

Charges	Dispositions								
	Prohibi- tion	Discharge	Fine	Suspended Sentence	Jail	Jail/ Fine	Dismissed/ Withdrawn	Not Guilty	Total
s.83	0	0	0	0	0	0	16	0	16
s.84	0	1	1	5	1	5	20	0	33
s.85	4	1	2	13	15	12	65	1	113
s.87	0	0	3	0	8	6	15	0	32
s.88	1	1	6	1	3	15	10	0	37
s.89	2	1	2	1	2	6	5	0	19
s.95	0	0	0	0	2	1	1	0	4
Total	7	4	14	20	31	45	132	1	254

Source: Calgary Firearms Section

we do not know what proportion of robberies charged, were, in fact, committed with a firearm. However, in Chapter III, we showed that in 1978, between 25 and 45 percent of all robberies in Vancouver, Toronto, Ottawa and Calgary, involved a firearm (see Figures III.11 to III.14). If this proportion of firearm use in robberies held true in our Adult Court jurisdictions, it would appear that a substantial number of robbery charges arising out of incidents involving a firearm, failed to record an accompanying firearm charge.

Further evidence of a failure to prosecute fully firearm charges was found in data developed by the Calgary Firearms Section. Table IV.13 describes the disposition of all firearm court cases in Calgary during 1979. Two factors stand out. First, all 16 of the s.83 charges laid, were either dismissed or withdrawn. Second, of the 254 firearm charges laid, 132, (or 52 percent), were either dismissed or withdrawn.

We cannot, in this Report, statistically determine whether this pattern of dismissals and withdrawals is widespread. Nor, at this time, can we determine whether the apparent failure to proceed with the firearm(s) charges was due to the police not laying them (or alternatively, laying them erroneously), to Crown prosecutors withdrawing them before trial, or to judges dismissing them at trial. However, based on our interviews with prosecutors, police, defence lawyers and judges, we feel that the withdrawal of firearm charges by prosecutors is a frequent occurrence.

Crown prosecutors exercise considerable discretion in the prosecution process, including making decisions on:

- whether to proceed with the charges;
- whether to lay further charges;
- if the charge is hybrid, whether to elect to treat it as summary conviction or indictable; and
- what sentencing requests to make.

These decisions are usually part of plea bargaining, i.e., the negotiations between defence counsel and Crown which lead to an agreement by the accused to plead guilty in return for a benefit

(e.g. reducing a charge). But they can also be prompted by other causes such as backlogs in higher courts resulting in indirect pressure to keep indictable charges to a minimum. Or substantial evidence on the main charge can make the lesser charge redundant.

Of course, some of the dismissals probably were simply caused by the Crown prosecutor failing to prove that all required elements of an offence were present. The interpretation of the required elements arose in several cases turning on some of the new sections, particularly s.83. An early case turned on whether s.83 required specific or general intent (a technical legal distinction). In R. v. Greenacre (1978-79), 3 W.C.B. 153 (Ont.Prov.Ct.), an accused drove the getaway car for two others who committed a robbery in which one of them used a firearm. The accused was acquitted of a s.83 charge because the Court held that the prosecutor must prove he had the specific intent to use a firearm in the robbery, which the prosecutor had failed to do.

However, later cases resulted in stricter interpretations. In R. v. McGuigan (1980), 50 C.C.C. (2d) 306, the Ontario Court of Appeal held that the accused can be convicted pursuant to s.83, if he was a party to the offence, even if he did not use the firearm himself. This view was supported by the Manitoba Court of Appeal in even more stringent circumstances. The question arose whether the accused was liable to the three year, rather than one year, s.83 mandatory sentence, because he had committed a prior indictable offence, using a firearm. In the prior offence he had not actually used the firearm himself, but had been a party to its use. Notwithstanding this, the Court held that the three year minimum applied; R. v. Nicholson (1978-79), 3 W.C.B. 385.

And, the Ontario Court of Appeal held that even if a rifle was not loaded, it was still a firearm within the meaning of s.83, and that it was "used" even if not actually pointed at a victim at the time of the robbery; R. v. Cheetham (1978-79), 4 W.C.B. 326.

An interesting case also arose on s.93 (importing or delivering prohibited weapons). The case related to the shipping of fully automatic submachine guns from Nova Scotia to Ontario, contrary to s.93. The guns were shipped in parts,

with no one package containing a complete set of parts for a fully operational gun. Although s.93 also provides that it is an offence to deliver etc. the components of a prohibited weapon, the wording is modified by the phrase "...designed exclusively for..." a prohibited weapon. The question arose whether the parts were exclusively for a prohibited weapon if they could also be components of restricted weapons. The Court held that the accused were dealing with fully operative prohibited weapons, not just parts. The section could not be avoided just by shipping, all the parts necessary to assemble a prohibited weapon in separate packages; R. v. Wilke et al (No. 3) (1979-80), 4 W.C.B. 53 (Ont. Dist. Ct.).

(b) Sentences

In the next report, using the 1979 and 1980 police occurrence report data and our Criminal History Records data from June, 1978 to the end of 1980, we will be able to conduct a substantial analysis of the relationship between the number of incidents involving a firearm and the number of firearm charges; and, between the number of firearm charges and the number of firearm convictions. In this Report, we are only able to make some observations related to actual sentencing patterns once a firearm conviction has been obtained.

In Table IV.14, using our Criminal History Records data from November, 1979 to March, 1980, we show court dispositions for certain firearm charges. The known conviction rate of the s.83 charges was 53.8 percent, (32.8 percent were not convicted and 13.4 percent showed a disposition of "other"). Of the persons known to be convicted of a s.83 charge, 94.4 percent received a jail sentence. This appears to be consistent with the minimum jail sentence imposed by s.83.

We noted above that Table IV.12 indicates that out of our 1978 Adult Court statistics, only 6.5 percent of the robbery charges had an accompanying firearm charge. Table IV.15 describes the sentences for the Adult Court robbery charges. We note that the conviction rate per se is much higher on robbery sentences when there is an associated firearm charge. Conversely, there is a significant "no conviction" rate on the firearm charge. We also note that the proportion of jail sentences of more than two years, was higher when there was an associated firearm charge than when there was a

Table IV.14

COURT DISPOSITION OF FIREARMS CHARGES
 F.P.S. DATA BASE - NATIONAL
 NOVEMBER, 1979 - MARCH, 1980
 (> 5 Dispositions in Each Category)

	Disposition						
	Number	Discharge %	Fine %	Suspended Sentence	Jail %	Not Convicted	Other %
s.83	67	1.5	0	1.5	50.8	32.8	13.4
s.84(1)	57	7.0	17.5	10.5	5.3	31.6	28.1
s.84(2)	102	3.9	26.5	9.8	7.8	39.2	12.8
s.85	462	3.7	10.6	10.6	12.8	39.0	22.5
s.87	79	2.8	19.0	12.7	20.3	39.2	7.6
s.88(1)	92	3.3	33.7	7.6	13.1	34.8	7.6
s.88(2)	9	11.1	33.3	0	0	55.6	0
s.89(1)	70	2.9	24.3	7.1	24.3	25.7	15.7

It is unknown whether "Other" indicates convicted or not convicted

Table IV.15

COMPARISON OF SENTENCES FOR ROBBERY CHARGES,
 WITH AND WITHOUT ASSOCIATED FIREARM CHARGE
 1978

	Robbery Charge Only		Sentence on Robbery Charge When Associated With Firearm Charge		Sentence on Firearm Charge When Associated With Robbery Charge	
	Number	Proportion(%)	Number	Proportion(%)	Number	Proportion(%)
Probation or Fine	133	8.1	9	8.3	9	8.3
Jail Less Than Two Years	532	32.5	49	45.0	52	47.7
Jail More Than Two Years	422	25.8	33	30.2	8	7.4
No Conviction	548	33.5	18	16.5	40	36.6
TOTAL	1,635	100	109	100	109	100

Source: Adult Court Statistics, 1978
 (parts of British Columbia and Quebec only)

sole robbery charge. Though, perhaps, more significantly, there was a higher proportion of jail sentences under two years on the robbery charges, when they were associated with a firearm charge than when they were not. It appears that while the chances of conviction on a robbery charge was greater if it was accompanied by a firearm charge, in most of these cases, sentences were under two years.

An examination of sentences received by individuals charged with an offence involving a firearm, who have a previous criminal record is also noteworthy. Table IV.16 shows the proportion of offenders in our Criminal History Records data base, who had a previous criminal record. We note that most of these offenders have had extensive involvement with the law. For example, 62.3 percent of the total offender sample had some previous jail sentence. Sixty percent of them had been charged with some "violent" offence such as assault, wounding, etc. Finally, 98.9 percent had a previous criminal charge of some sort. Yet, as shown in Table IV.17, the weighted national average jail sentence for offenders who receive a jail sentence on a current conviction, is 3.5 years. It should be noted once more, that these records only include individuals receiving a current conviction on an indictable offence.

During our interviews, we came across comments by most of our police sources that the Courts were not utilizing the new increased maximum sentences and the s.83 minimum sentence. With respect to the latter, the Criminal History Records data presented in this Report, indicate that a jail sentence is ordered in most s.83 convictions. With respect to the former, we do not have sufficient data to draw any meaningful conclusions. In the next report, a much more comprehensive analysis of sentencing patterns will be possible using the 1979 and 1980 police occurrence reports statistics and two and a half years of our Criminal History Records data (mid 1978 to 1980).

Despite this, our interviews did reveal a general unfamiliarity with the legislation among Crown prosecutors and judges. Both of these groups were aware of the actual passage of Bill C-51 in 1978. But there was a general unfamiliarity with the intricacies of the legislation. So, in 1978, there

Table IV.16

PROPORTION OF F.P.S. OFFENDERS
WITH CRIMINAL RECORD BY TYPE OF RECORD
NOVEMBER, 1979 - MARCH, 1980

	Previous Jail Sentence (%)	Previous Sentence >Two Years (%)	Previous Firearms Charge (%)	Previous Violent Offence Charge (%)	Previous Charges (%)
Atlantic Provinces	80.0	40.0	30.0	90.0	95.0
Que.	50.7	26.0	41.1	41.1	100.0
Ont.	62.7	13.0	37.0	67.1	99.0
Man.	77.1	17.1	37.1	77.1	97.1
Sask.	71.4	9.5	42.9	66.7	100.0
Alta.	56.1	18.2	36.4	57.6	98.5
B.C.	62.7	22.4	35.8	26.9	98.5
Total	62.3	17.3	37.4	60.0	98.9

Table IV.17

AVERAGE TOTAL JAIL SENTENCE FOR F.P.S. OFFENDERS
WITH PREVIOUS JAIL SENTENCES, BY PROVINCE
NOVEMBER, 1979 - MARCH, 1980

	Average Jail Sentence - Years
Atlantic Provinces	3.9
Quebec	5.8
Ontario	3.0
Manitoba	2.0
Saskatchewan	2.9
Alberta	2.8
British Columbia	4.8
Weighted Average	3.5

were both prosecutors and judges who were unaware of the mandatory provisions of s.83 and s.98(1). Certainly a greater number were unaware of the provisions surrounding the certificate/permit processes. By the second year of the legislation, the unfamiliarity, at least with the prohibitions and s.83 was much less pronounced.

It would seem that the time lag for a piece of legislation such as Bill C-51, to become part of the normal tools of prosecution, is something over two years. Again, in the next report we will see whether there is an increased use of the provisions to substantiate this view.

In any event, some indication of the attitude of the courts to the new sentencing provisions can be found in cases which have arisen on the new sentencing directives found in Bill C-51. Most of these turn on whether s.83 contravenes the established principle of law that multiple convictions on offences having identical essential elements, (which offences arise out of the same occurrence), are an abuse of process (sometimes referred to as the Kienapple principle).

Section 83 and Another Indictable Offence: The greatest number of appeals were from convictions of both armed robbery and s.83 (or Crown appeals from trial judge refusals to give the double conviction).

These appeals have consistently held that a s.83 conviction can stand with a robbery conviction. This was concurred in by the Ontario Court of Appeal in R. v. Langevin (No. 1) (1979), 10 C.R. (3d) 193; 47 C.C.C. (2d) 138; by the Quebec Sessions of Peace in R.v. Desrosiers (1979), 47 C.C.C. (2d) 253; by the Nova Scotia Court of Appeal which upheld convictions on both attempted armed robbery and s.83 in R.v. Eby (1978-79), 3 W.C.B. 409 and armed robbery and s.83 in R. v. MacLean (1979), 12 C.R. (3d) 1;49 C.C.C. (2d) 552; and by the Manitoba Court of Appeal in R.v. Matheson (1980), 13 C.R. (3d) 62;50 C.C.C. (2d) 93.

However, the cases are not consistent in their reasoning. Some seem to have accepted that s.83 does indeed contravene the rule against multiple convictions but is valid because it is a clear manifestation of Parliament's intention to exclude the application of the rule. Thus the Quebec Court of Appeal upheld convictions on both s.83 and

discharging a firearm with intent to cause bodily harm in R. v. Pineault; R. v. Berube (1980), 12 C.R. (3d) 129.

But such a double conviction was rejected by the Ontario Court of Appeal in the Langevin case, supra. The Court stated that it would not be reasonable to interpret s.83 as applying to offences which by definition require the use of a firearm i.e. pointing a firearm or discharging a firearm with intent to wound. This seems to be confirming that the rule against multiple convictions still applies. The Court had upheld the s.83 and robbery convictions, not because the rule against multiple convictions had been excluded, but because, by requiring the "use" of a firearm, not just the being "armed" with one, s.83 had imported a further element to the offence, over and above those required to prove robbery.

The Langevin reasoning was followed in R. v. Lavoie (1979-80), 4 W.C.B. 248 (N.B.C.A.). In this case, the accused had broken into a store, stolen a shotgun and shot at the police. He was convicted of break and enter and s.83. However, the Court refused to convict him of a charge of discharging a firearm with intent to endanger life, because the use of a firearm is a constituent element of this offence, and accordingly, a conviction would offend the Kienapple principle against multiple convictions.

In any event, it appears that a s.83 conviction cannot stand unless there is a co-existing conviction on an indictable offence. Thus, when the accused was acquitted of unlawful confinement, the s.83 conviction was also set aside on the grounds that the unlawful confinement charge had been an integral part of the s.83 charge; R. v. Missel (1979-80), 4 W.C.B. 276 (Alta.C.A.).

Double Firearm Offences: Whatever the attitude of the courts on whether to allow a s.83 conviction with another firearm offence, there is certainly a reluctance to allow two non s.83 firearm convictions on the same occurrence. So, in a case where the accused was convicted both of being an occupant of a motor vehicle in which there was a prohibited weapon [s.88(2)] and of mischief to private property, the Court refused to also convict on a charge of possession of a weapon for a dangerous purpose (s.85). The basis of the refusal was that it would offend the Kienapple principle;

R. v. Riberdy et al (1978-79), 3 W.C.B. 281
(Ont.Co.Ct.).

Similarly, the principle was applied to bar convictions for both possession of a prohibited weapon [s.88(1)] and being an occupant of a motor vehicle where the accused knows there is a prohibited weapon [s.88(2)], when both charges arose out of the same set of circumstances. The Court held that s.88 did not show any clear intention by Parliament to abrogate the Kienapple principle, as had s.83, and therefore, only a conviction for s.88(1) was allowed to stand; R. v. Riggs et al (1979-80), 4 W.B.C. 119 (Ont.Prov.Ct.).

Mandatory Minimum Sentence for Subsequent Convictions: Section 83 provides a one year minimum for a first offence and a three year minimum for a "second or subsequent offence". In R. v. Cheetham, supra, the accused was convicted of three s.83 charges and was sentenced to six months for three armed robberies, one year for the first s.83 offence and three years each for the other two s.83 offences, for a total sentence of seven and one-half years. On appeal, it was held that in order to constitute a second or subsequent offence, the offence must have been committed after a conviction of a first or earlier offence. In this case, all three s.83 offences were committed before the accused's arrest on any of them. Accordingly, the sentence was varied and the s.83 offences received one year each and the three armed robberies received one year for a total sentence of four years.

3. Effect

The effect of the sentencing provisions (presuming they are used) can be tested by measuring whether or not previous offenders are deterred from committing further crimes with a firearm; and, by assessing whether or not there is a reduction in new firearm offenders. It is almost impossible to analyse this latter issue. Our only means of analysis involves an examination of the criminal history of current offenders in our O.R. data bases (which will not be done until the next report). We are also able to obtain some additional inferential evidence by observing changes in gun crime rates since 1978. Our data on overall gun crime rates are presented in Chapter III.

An analysis of the deterrent impact of sentencing on known firearm offenders can be undertaken by observing whether individuals convicted under the new provisions, commit further offences. Although we have data on previous records from R.C.M.P. Criminal History Records and from police occurrence reports in Vancouver, Ottawa and Quebec City, these data do not reveal when the previous firearm offence was committed. Therefore, we cannot make a direct causal connection between stiffer sentencing provisions and changes in previous firearm offence rates during the post Bill C-51 period. Accordingly, the most we can do is examine the number of offenders with a previous firearm charge (from any time period) and observe whether this number decreases over the three years of the study.

As noted, we are not able to present the 1979 police occurrence report data in this Report. However, our five months of Criminal History Records data indicate that, on a national basis, 37.4 percent of recorded offenders, convicted of an indictable offence arising out of a firearm incident, had a previous firearm charge in their record (Table IV.16). While this seems a relatively high proportion, these records only include persons convicted of an indictable offence. Such persons would be more likely to have a prior record.

In the next report, we will be able to observe whether there is any decrease in the number of offenders with a previous firearm charge in our Criminal History Records data base. In addition, using the police occurrence report statistics, we will be able to assess any changes in the number of persons charged with both summary and indictable offences, having a previous firearm record.

G. SAFE HANDLING AND STORAGE

Thus far, this Chapter has examined provisions which have related to the first two of our stated objectives of Bill C-51: to reduce access to dangerous or irresponsible users; and to discourage criminal usage. The third objective was the encouragement of responsible ownership.

Bill C-51 has attempted to meet this third objective by imposing standards on firearm handling and storage. However, safe handling of firearms is an objective shared by the provinces, who have been actively participating in the promotion of this aim, through their hunter/safety programs. Bill C-51 has recognized this shared

participation by providing for two potential areas of interaction.

This Section will outline the safe handling and storage provisions imposed directly by the Bill and will examine the sections recognizing the provincial role in this area. We will then discuss the implementation and effects of the safe handling provisions found in the Code. The provincial hunter/firearm safety programs are an important part of firearm control generally and because of Bill C-51, may be an integral part of the federal scheme of firearm control in the future. Accordingly, we will also examine the implementation and effects of these provincial programs.

Quantitative data on stolen firearms has been obtained from the Commissioner's 1978 and 1979 Annual Report to the Solicitor General and from the Vancouver Firearms Section. Statistics on hunter/firearm safety course graduates were obtained from the ten provincial hunter/firearm safety departments. The criminal offence data was obtained from our Criminal History Records data base of indictable offences arising out of firearm incidents and the police occurrence reports from Vancouver, Calgary, Toronto, Ottawa and Quebec City. Qualitative data on the operation of the provincial programs was obtained through interviews with the ten provincial hunter/firearm safety co-ordinators.

1. Description

(a) Criminal Code Controls

Safe handling and storage provisions impose controls on persons once they have acquired their weapon or business. In addition, they regulate persons who have not yet or perhaps never will, come into contact with the screening procedures. This includes individuals who possessed an unrestricted firearm(s) as of January 1, 1979, but who do not intend to acquire any further firearms (therefore, never needing a FAC). Persons who do not possess any firearms, but find mislaid or lost firearms, are also affected.

Firearms Businesses: The imposition of safe handling and storage standards on businesses is achieved partly through permit screening inspections and partly through regulations.

Extensive powers are given to the Governor in Council to make regulations concerning almost all conceivable business activities, including:

- the handling, securing, storage, display and

advertising of restricted weapons, firearms and ammunition;

- allowing police officers and other authorized persons to enter into any business premise, during business hours, for the purpose of inspecting storage facilities and display methods;
- the handling, securing and display of weapons by operators and persons employed by approved museums;
- the mail order sale of restricted weapons, firearms and ammunition; and
- the handling, shipping, etc. of firearms and ammunition by persons in businesses that include transportation of goods.

In addition, both permit businesses and businesses that include the transportation or shipping of restricted weapons, firearms or ammunition, must report any loss or destruction of any restricted weapon or firearm, or any theft of such weapon, firearm or ammunition that occurs in the course of business.

Firearm Owners: A variety of means are used to impose controls on firearm owners:

- reasonable conditions relating "...to the use, carriage, possession, handling or storage of weapons or ammunition..." can be attached to any permit. (It is probable that conditions were attached anyway, but by the express provision, Bill C-51 has made it clear that the attachment of specific conditions be considered);
- without a carrying permit, restricted weapons can only be kept at the holder's usual dwelling home or place of business. (This is also not new but has received new emphasis);
- the Governor in Council is authorized to make regulations prescribing conditions relating to the storage, display, handling and transportation of restricted weapons forming part of the collection of bona fide gun collectors;
- anyone who mislays, loses or has a restricted

weapon stolen, must report it to an authorized person with reasonable dispatch;

- non-compliance with a permit condition not only involves the risk of having the permit revoked, but it is a criminal offence;
- careless use of a firearm is a criminal offence; and
- anyone who finds a prohibited or restricted weapon is under an obligation to deliver or report it to an authorized person with reasonable dispatch.

All of these provisions are strong indications of the new stress on the prevention of firearms incidents, not merely their retribution.

(b) Controls Through Provincial Interaction

The first area of provincial interaction is s. 105 which postulates an alternative to the FAC system. The section was proclaimed on January 1, 1979, but has not been implemented by any province. It requires that the Attorney General of a province apply to have the Governor in Council declare that any hunting licence, certificate, permit, etc., issued by the province be deemed to constitute a valid FAC. This is subject to the Governor in Council's being of the opinion that the provincial hunting licence is issued only in circumstances where a FAC could validly be issued. This would alleviate the present duplication of permits for hunters.

At the present time, no province has made an active application. Applicants for a FAC are screened through police agencies which have access to police records. Until there is access to these records by the Wildlife sections responsible for issuing hunting permits, the screening for the hunting permit cannot be equivalent to the screening for a FAC.

The second area of interaction is s. 104(2)(c) which provides that a further requisite to acquiring a FAC be production of evidence of completion of a firearms safety course or test approved for those purposes by the Attorney General. The intent is to utilize the existing hunter safety programs. Unfortunately, a literal reading of the section would require re-enrolment

in safety courses taken before proclamation. However, an amendment to clarify this problem has been proposed. In addition, some provinces may have to expand their present programs to cope with the increased number of students. This may raise problems related to funding, for example, cost sharing agreements or allocations from FAC proceeds.

For the moment, the section is unproclaimed and inoperative.

2. Implementation of Code Provisions

Monitoring of the storage and security procedures of firearm businesses has been well implemented through the legislation. Businesses are inspected at least once a year when their permits come up for renewal. Spot checks are conducted in varying degrees by the local police.

It is difficult to assess the implementation of safe handling and storage provisions by individual firearm owners. However, some indications of the standards which they are expected to meet are found in the cases which have defined the type of behaviour which constitutes careless use.

In one case, an accused left his unlocked truck on the street in early afternoon, unattended for about five minutes. Three unloaded firearms were visible on the rack in the back window, and ammunition and a high-powered rifle were on the dash. The street was residential and there were three children playing nearby. The accused was found guilty of careless use. The Court held the behaviour was not that which the "ordinary prudent" person would exercise in the circumstances; R. v. Grimard (1978), unreported (B.C.Prov.Ct.).

In an Alberta case, a soldier was examining a rifle with friends. He had not checked whether the rifle was loaded and it accidentally discharged, killing one person. The accused was convicted of careless use. The court stated that reasonable precautions for the safety of others, included positive inspection of a weapon to see whether it was loaded and a conscious effort not to point it at anyone; R. v. Shukster (1979-80), 4 W.C.B. 73 (Alta.Q.B.).

On the other hand, in R. v. Ross (1978-79), 3 W.C.B. 420 (Sask.Prov.Ct.), the accused fired a rifle in the air while people were in the area. He was acquitted

of careless use because the Crown failed to prove beyond a reasonable doubt, that the manner of use enhanced the inherently dangerous characteristics of the firearm.

3. Effect of Code Provisions

One means of assessing the effect of the safe storage provisions is by determining whether the rate of firearm thefts or losses is declining since the implementation of the provisions. In 1978, the R.C.M.P. recorded a total of 28,990 lost, stolen or missing firearms. In 1979, a total of 30,054 was recorded. However, it may be that this increase is a result of greater accuracy in reporting rather than increases in losses or thefts. A further assessment of whether the 1980 and 1981 data reveals any decline, will be done in the final report.

Our police occurrence report data may allow us to examine the extent to which stolen firearms are involved in subsequent offences. However, the 1979 data revealed an insignificant number of responses to the query of whether the firearm used in the offence was stolen, and therefore have not been presented in this Report.

Another index of the effect of the provisions is to examine the degree to which charges are laid under the offence sections, and the type of dispositions which they incur. Our Criminal History Records and police occurrence report data indicate a negligible number of charges laid under the safe handling and storage sections.

The exception is the charge of careless use [S.84(2)]. Table IV.14 indicates that out of our Criminal History Records data base, in the period November, 1979 to March, 1980, 102 charges of careless use were laid. These charges may not necessarily have been prosecuted as indictable offences, since they would appear in this data source if they were laid jointly with an indictable offence.

Of the firearm charges recorded by Criminal History Records during this period, 10.9 percent were charges of careless use. This is the second highest proportion of the charges laid. However, it is interesting to note that out of the 60.8 percent of the charges which were confirmed by a conviction, 26.5 percent incurred a fine only. This would appear to indicate that in many cases, courts are taking the view that the laying of a charge and a conviction are

sufficient to encourage safe handling practices

An examination of some of the reasons for sentence in careless use cases gives some indication of this type of rationale. In R. v. Vandecasteyen (1979-80), 4 W.C.B. 412 (Alta. Q.B.), a 35 year old automobile mechanic with no prior record pleaded guilty to careless use of a firearm. He had been drinking and showing the firearm to a friend. It discharged killing his fiancée. The accused had not checked if the gun was loaded. The court held that in the circumstances the most important consideration was rehabilitation, not general deterrence. The accused had already suffered a great deal and the court held that a period of incarceration was not required. A sentence of a \$1,000 fine and a three year prohibition order was imposed. Similar reasoning was used in the R. v. Shukster case, supra, when the accused was given an absolute discharge.

In R. v. Derkosh (1979-80), 4 W.C.B. 168 (Alta. C.A.), two of the accused's sons had been injured while trying to ignite a model rocket. The children had taken the gunpowder from shotgun shells. The accused was acquitted on a charge of careless storage and given a conditional discharge on a charge of possessing restricted weapons without certificates. A Crown appeal was dismissed, the Court of Appeal holding that the accused had instructed the children on the safe use of the weapons. In R. v. West (1979), unreported (B.C. Prov. Ct.), a 39 year old man was shooting at bears and stray dogs from his porch. He hit a young woman walking by in the leg, causing an amputation below the knee. On conviction, he was sentenced to 30 days to be served on consecutive weekends. The court refused to issue a prohibition order because it felt the accused had learned his lesson.

A further indication of the effect of the safe handling provisions is the rate of firearm accidents. This has been analysed in Chapter III. As noted, firearm accidents have been declining since the early 1970's; before the implementation of the new sections. However, we will continue to monitor the accident rates to determine whether a further reduction is coincident with Bill C-51.

4. Implementation and Effect of
Hunter Safety Programs

(a) The Extent of Course Development

Hunter safety courses have been in operation as early as 1957 (Ontario). Most provinces had instituted some form of training by the early 1970's. Courses are controlled and operated by provincial government departments, usually Natural Resources, Fish and Wildlife or Environment.

Course content ranges from a bare minimum of firearm and hunter/firearm safety lectures, to an exhaustive study of wildlife management, game identification, survival techniques, archery, first aid, hunter ethics, clothing, field techniques, legal responsibilities, firearm use and safety and marksmanship. Courses range from 6 to 40 hours. In most provinces, the safe handling and use of firearms constitutes at least 50 percent of the curriculum.

Most of the courses are taught by volunteer instructors. The cost to the students ranges from nothing to \$30. Five provinces (British Columbia, Manitoba, Ontario, Quebec, Nova Scotia) have made an examination, or course and examination, a compulsory prerequisite to obtaining a hunting licence.

(b) The Relationship Between the
Provincial Programs and Bill C-51

There are three areas where it might be expected that Bill C-51 would impact the provincial programs. However, we have found that in fact, Bill C-51 has had only a minimal effect.

The first area relates to the course curricula. Most provinces have made minor changes to include a lecture on the more important provisions of the legislation. None of the provinces have noted any significant increase or decrease in course enrolment.

The second area concerns the effect of criminal firearm convictions and/or prohibitions. Only Nova Scotia indicated that a prohibition order would result in the refusal or revocation of a hunting licence. There is very little interaction between police agencies and hunter/firearm safety departments. Unless the incident also constitutes a major hunting offence under the provincial legislation, certificates and licences are unaffected.

The final area of interaction turns on whether the

current course structure can accommodate the proclamation of the provision that a FAC applicant be required to produce evidence of completion of a firearm safety course approved by the Attorney General.

Most provinces would be hard pressed to meet the increases in the number of voluntary instructors, the locations at which the courses are offered and administrative staff, which implementation of the section would require. Table IV.18 indicates the average number of yearly graduates in relation to the number of FAC's issued in those provinces for which we have graduate data. Only Quebec is currently handling more course graduates than FAC applicants.

When the section is amended so that re-enrolment in courses taken before proclamation is not necessary, Quebec has indicated it will immediately utilize the section. Ontario, Newfoundland and New Brunswick have expressed some interest in using the section in the future.

(c) Effect

The real indication of the effect of the hunter/safety programs is the rate of firearm accidents, particularly hunting accidents. This has been discussed and analysed in Chapter III. As noted, there has been a significant decline in hunting accidents since 1966. In Ontario, New Brunswick and British Columbia, the mandatory hunter safety programs appear to have contributed to the declines.

H. AMNESTY AND RECALL PROGRAM

The final provision that we examine is the amnesty and recall program. As a once-only event, the program is not one of the on-going methods of gun control found in the Criminal Code. However, as the first formal firearm amnesty and recall in Canada, the program represented a significant attempt to encourage responsible gun use and ownership. It was aimed at making many individuals cognizant of unneeded firearms in their possession; it gave them an opportunity to turn-in illegally held prohibited weapons; and it encouraged them to register unregistered restricted weapons.

This Section will briefly describe the implementation and outcomes of the program. We will not discuss the effect of

Table IV.18
 RELATIONSHIP BETWEEN HUNTER/SAFETY COURSE
 GRADUATES AND FAC'S ISSUED
 1979

	N.S.	P.E.I.	Que.	Ont.	Man.	B.C.
Average Course Graduates/Year	2,409	202	67,221	29,268	4,599	4,716
FAC's Issued in 1979	10,970	919	50,435	65,572	12,099	30,631

Source: Provincial Hunter/Firearm Safety Coordinators
 C.P.F.O. Monthly Reports

the program on gun control per se, (e.g. reducing firearm incidents), because we have no indices to analyse such an effect. However, we do examine the relationship between the number of firearms submitted and the estimated number of firearms in Canada.

Our data sources are various news releases by the federal Solicitor General at the time of the program, and data collected during a Gun Ownership and Use Survey conducted by Statistics Canada in August, 1976.

In addition to encouraging responsible ownership, the program served other purposes. These included increasing public awareness of the new gun laws and hopefully increasing public support of gun control. Further, as a result of the changes to the weapon categories, on January 1, 1978, many gun owners found that their weapons had changed from restricted to prohibited or uncontrolled to restricted. As a result, a transitional phase was needed.

The period commencing November 1, 1978 and ending November 30, 1978, was declared a firearms amnesty period. During this month, immunity was granted to persons delivering up their weapons for disposal or registration.

Over 40,000 of the delivered firearms were submitted purely for the purpose of establishing or updating registration. This is important with respect to the public perception or misconception of the amnesty. Under the terms of the amnesty, no person was liable to criminal prosecution if submitting the firearm to the proper authority. However, if the submission was made for the purposes of registration, the applicant was brought within the terms of the legislation and consequently within the full screening process applicable to registration certificates. Comments by the public regarding police abuse of the amnesty by conducting investigations of individuals, must be seen in the perspective of the overwhelming number of applications for registration.

The rate of surrendered firearms was fairly low during the first week of the amnesty. However, as publicity increased, the rate of surrenders also increased. At the end of the amnesty period, 47,330 firearms had been presented to the appropriate authorities; 7,295 for surrender and 40,035 for registration or update.

Table IV.19 indicates the number of firearms presented to the authorities as a function of the estimated number of firearms in each region. (These estimates are based on the 1976 Firearm Ownership Survey). Handguns formed a central focus of the amnesty program. Table IV.20 reveals the number of handguns presented to the authorities as a

Table IV.19

NUMBER OF AMNESTY FIREARMS AS A PERCENT OF THE
ESTIMATED NUMBER OF FIREARMS BY REGION

Regions	Estimated Number of Firearms	Number of Amnesty Firearms	Amnesty Percent
B.C.	692,000	7,487	1.081
Prairies	1,327,000	8,449	0.636
Ontario	1,602,000	20,824	1.299
Quebec	913,000	4,598	0.503
Maritimes	634,000	5,785	0.912
Total	5,168,000	47,143	0.912

Source: Solicitor General of Canada News Release, PR-31, December 6, 1978 and Statistics of Estimated Gun Ownership and Use - Statistics Canada Service Bulletin, Law Enforcement, Judicial and Correctional Statistics, Vol. 5, No. 5, November, 1977 (Catalogue 85-001)

Table IV.20

NUMBER OF AMNESTY HANDGUNS AS A PERCENT OF THE
ESTIMATED NUMBER OF HANDGUNS BY REGIONS

Regions	Estimated Number of Handguns	Number of Amnesty Handguns	Amnesty Percent
B.C.	78,000	6,508	8.344
Prairies	55,000	7,597	13.813
Ontario	103,000	18,775	18.228
Quebec	23,000	4,047	17.596
Maritimes	26,000	5,211	20.042
Total	285,000	42,138	14.785

Source: Solicitor General of Canada News Release, PR-31, December 6, 1978 and Statistics of Estimated Gun Ownership and Use - Statistics Canada Service Bulletin, Law Enforcement, Judicial and Correctional Statistics, Vol. 5, No. 5, November, 1977 (Catalogue 85-001)

function of the estimated number of handguns in each region. In total, 14.8 percent of all handguns were presented. Note, however, that this may not necessarily bear any relationship to the proportion of illegally held handguns submitted, since the gun ownership survey was unable to distinguish between legally and illegally owned handguns.

In total, 15.4 percent of those firearms presented in the amnesty were actually removed from circulation. The remainder (84.6 percent) were returned to private owners after appropriate registration, 37,586 of these were handguns.

CHAPTER V

CONCLUSIONS

Throughout this Report we have stressed that insufficient data makes it impossible to come to any firm conclusions about the success or failure of the legislation. However, we can offer some preliminary opinions on the operation of the legislation, based on both the more pronounced trends evident in the preliminary data, and our insights gained from a year and a half of interviews.

In this Chapter, we discuss our preliminary observations on the outcomes and provisions of the legislation.

A. THE OUTCOMES

Given the incomplete nature of the data available at this time, we simply cannot tell yet whether Bill C-51 is working, i.e. reducing firearm incidents. However, the statistics that we have collected do paint a picture of recent patterns of gun usage in Canada. Our most interesting observations include:

- the use of firearms in violent crimes reached a peak in the mid-1970's;
- while crime rates in Canada have been increasing since 1975, the use of firearms in violent crimes has been decreasing during this same period;
- more specifically, since 1975 there has been a relative decrease in the use of firearms in both homicides and robberies;
- the decline in the criminal use of firearms commenced prior to the proclamation of C-51. This may have been due to a combination of publicity about the impending legislation and increased police enforcement;
- these decreasing trends have continued since the proclamation of C-51;
- historically, there has not been a displacement effect from guns to knives; C-51 has not yet promoted one;
- fatal and non-fatal firearm accidents were relatively constant in Canada over the period 1974 to 1978;
- there was a decline in hunting accidents,

provincially and nationally, over the period 1966 to 1978. The introduction of mandatory hunter safety programs appears to have contributed to declines in provincial rates in Ontario, New Brunswick and British Columbia;

- on both a national and provincial basis, there was a decline in both the number and per capita rate of accidental firearm deaths from 1971 to 1978. However, these indices were relatively stable over the last three years of our review; and
- the number and per capita rate of firearm suicides increased over the period 1971 to 1978, both nationally and provincially.

Our analysis of more complete data bases in subsequent reports will enable us to make more substantive conclusions about the impact of C-51 on our various outcome evaluation measures.

B. THE PROVISIONS

While we cannot say at this time, with any degree of certainty, whether the outcomes indicate that the legislation is working, we can say that by the end of 1979, the administration and implementation of the screening procedures were working smoothly.

The creation of the new position of C.P.F.O. has been particularly successful. It is responsible to a large extent for the good lines of communication between the local, provincial and federal authorities. However, on occasion we have found that the combination of independence and interdependence between the three levels can cause confusion and/or friction.

Confusion is also caused by differing perceptions of the role of the R.C.M.P.'s Firearms Registration and Administration Section. It is unclear whether it is an active participant in setting policies with respect to screening procedures for all certificates/permits (not just registration certificates), or merely a record keeping and financial management institution.

In the actual screening for the various certificates/permits, we have found a high degree of consistency throughout the country. There are relatively few formal refusals of all certificates/permits (particularly FAC's), although there is a widespread system of subtle discouragement which makes formal refusals unnecessary.

It is unlikely that we will ever be able to test a direct statistical correlation between prohibitions and firearm incidents. However, we are able to draw some conclusions regarding the use of prohibitions. First, the recording of prohibitions in the R.C.M.P.'s central registry, is incomplete. This is largely due to the inability of the criminal justice information system to cope with such recording. Furthermore, the justice system has not been using the criminal conviction prohibitions to their full extent, despite the mandatory provisions of s.98(1). And, neither the police nor other justice agents are taking full advantage of s.98(6) - pre-emptive prohibitions.

Section 101(6) prohibitions are used more frequently than other types. Generally the justice system is still unfamiliar with the search and seizure provisions (and the certificate/permit reference and appeal provisions). However, when cases have arisen, it has been receptive to s.101(6) applications.

In spite of the fears of some groups, we found no evidence of overt police abuse of the new s.101(2) power - search and seizure without a warrant. However, on occasion this section has been used to search the premises of known criminals. More importantly, we have found that the return procedure is not followed, except in cases of forfeiture applications. This defeats the purpose of having a judicial review of the circumstances of all searches and seizures and leaves this section open to possible abuse in the future.

We found little consistency in Crown practices in the prosecution of firearm offences; or, in the judicial practices in sentencing. The lack of Crown consistency was reflected in the use of s.83 prosecutions. Our statistical data are unclear with respect to the actual use of s.83 in appropriate situations. Therefore we cannot make firm statements regarding the prosecution or non-prosecution of s.83 charges. However, there are strong indications that in some jurisdictions, s.83 was often used in plea bargaining negotiations and was frequently withdrawn in return for a guilty plea on an accompanying charge.

However, it is our opinion that there is a breaking-in period before the criminal justice system becomes fully familiar with legislation of this nature. Accordingly, we expect to see some significant variations in prosecution and sentencing practices over the next two years.

Firearm businesses have been affected by C-51. But, care should be taken in accepting exaggerated stories in the media of bankruptcies, etc. There is no doubt that the FAC system affected firearm businesses, especially since 88.7

percent of all retail firearm businesses deal in unrestricted firearms only. But, of this group, approximately 61 percent sell under 15 firearms a year. Despite the small number of sales, these businesses still went to the trouble of obtaining a business permit.

Although firearm sales for some businesses, did decrease in 1979, this decrease must be seen in the light of the record sales which took place in late 1978, when there was an apparent rush to buy in order to avoid the incoming FAC requirement. Accordingly, it will take another year or so before the impact of C-51 on sales can be properly assessed.

Interaction between the administrative agencies involved in the implementation of C-51 and provincial hunter/firearm safety programs is generally poor. This was particularly evident in the lack of communication regarding prohibition orders. Prohibitions do not necessarily cause a revocation of a hunting licence (mostly because the hunting licence also permits use of a bow and arrow). However, it is our opinion that hunter safety personnel should be aware of hunters subject to firearm prohibitions.

C. SOME OBSERVATIONS

Although this is only our first substantive report, we are prepared to make the following observations:

- the \$10 FAC fee should be collected with the preliminary FAC application in an effort to reduce the number of applications which are processed but never picked up;
- the purpose of having the Commissioner of the R.C.M. Police issue registration certificates appears to be partly a leftover from the old system and partly a means of ensuring that the restricted weapon registry is as accurate as possible. However, it is our opinion, that the role of the Commissioner as a decision making authority in issuing registration certificates is redundant. Screening and recommendations are, de facto, the responsibility of the local registrar or other designated person. Any argument that there should be national consistency is belied by the fact that the issuance of carrying permits is already delegated to the registrar or other designated person. In most cases, these permits must accompany the registration certificate for the certificate to be of any use. Accordingly, very specific regulations should be enacted to ensure accurate reporting to the R.C.M.P. of certificates

issued, but issuing authority should be given to the local registrar or other designated person, rather than the Commissioner. Alternatively, if accurate reporting cannot be otherwise guaranteed, issuance by the Commissioner should be a pro forma exercise for record keeping purposes only;

- a standard national method of reporting and recording prohibitions should be implemented;
- notices listing all persons under firearm prohibition orders should be sent routinely to provincial hunter and/or firearm safety certificate issuing offices.
- returns on all s.101 searches and/or seizures should be made to the court, regardless of whether any seizure is made or any application for forfeiture intended; and
- centralized business inspection systems should be implemented in all provinces;

There are a significant number of other aspects of the legislation which could be improved, e.g. police awareness and use of pre-emptive prohibitions. However, because many of these may merely be a question of familiarity and exposure, we will re-assess them in our next report and determine whether further specific recommendations are appropriate.

APPENDIX I

OUTCOMES EVALUATION STATISTICS

APPENDIX I

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Table A1.1
 USE OF WEAPONS IN SELECTED CRIMES
 VANCOUVER 1975 - 1979

	1975				1976				1977				1978				1979			
	Total	All Fire-arms	Hand-Guns	Knives	Total	All Fire-arms	Hand-Guns	Knives	Total	All Fire-arms	Hand-Guns	Knives	Total	All Fire-arms	Hand-Guns	Knives	Total	All Fire-arms	Hand-Guns	Knives
Homicides	16	6	4	2	22	5	4	9	18	5	2	5	26	4	3	8	26	3	3	13
Attempted Murder	30	17	8	6	14	6	2	5	24	12	7	11	18	7	6	8	32	4	3	15
Rape	42	7	7	19	57	17	1	16	81	5	5	8	135	5	4	19	137	0	0	20
Indecent Assault (M. & F.)	35	3	3	8	114	2	2	9	175	1	1	6	229	1	1	6	237	2	2	7
Assaults	697	7	6	71	2668	9	7	84	3283	18	12	85	3444	13	11	81	3890	19	16	78
Wounding	94	12	7	63	114	10	7	82	122	2	2	99	174	4	2	126	191	13	11	133
Robbery	876	420	337	348	530	268	215	207	456	193	167	203	484	225	183	200	417	143	124	186
Total Violent Crimes	1790	472	372	517	3519	317	238	412	4159	236	196	417	4510	259	210	448	4930	184	159	452
Other Weapons Charges (restricted, prohibited, dangerous)	1699	325	217	336	1058	299	236	385	1034	331	274	314	1242	278	217	348	1823	323	274	423
TOTAL	3489	797	589	853	4577	616	474	797	5193	567	470	731	5752	537	427	796	6753	1507	433	875

Source: Vancouver Police Department
 Summary Statistics

Table A1.2

USE OF WEAPONS IN SELECTED CRIMES
TORONTO 1974 - 1979

	1974				1975				1976				1977				1978				1979			
	All Total	Fire- Arms	Hand Guns	Knives																				
Homicides	30	12	3	11	43	16	10	14	29	11	5	11	48	18	8	14	36	14	9	11	43	12	4	22
Attempted Murder	29	12	6	16	29	21	11	7	26	12	3	14	40	28	13	11	30	13	8	16	43	15	8	26
Rape & Attempts	24	1	0	19	17	2	0	9	16	4	2	6	40	0	0	23	24	0	0	17	29	2	1	24
Indecent Assault	34	2	2	14	41	2	1	12	61	1	1	4	44	5	3	11	30	0	0	5	28	3	0	5
Assaults	6248	20	1	115	6143	16	8	127	7226	22	2	135	7767	17	4	133	8158	21	1	203	8651	18	0	125
Wounding	286	44	9	241	307	34	1	260	318	49	11	263	316	42	3	266	321	27	9	287	297	39	7	250
Robbery	1532	407	225	199	1704	528	320	235	1491	321	148	225	1471	391	234	219	1631	365	197	213	1482	309	196	186
Total Violent Crimes	8183	498	246	615	8284	619	351	664	9167	420	172	658	9726	501	265	677	10230	440	224	752	10573	398	216	638
Weapons	1188	610	172	578	1347	703	206	642	1316	653	230	662	1444	706	210	735	1536	713	212	823	1476	582	210	894
TOTAL	9371	1108	418	1193	9631	1322	557	1306	10483	1073	402	1320	11170	1207	475	1412	11766	1153	436	1575	12049	980	426	1532

Source: Toronto Police Department

Table A1.3

USE OF FIREARMS IN SELECTED CRIMES
OTTAWA 1976 - 1979

	1976			1977			1978			1979		
	Total	All Fire-Arms	Hand Guns									
Homicides	10	1	0	15	3	0	11	2	0	3	0	0
Attempted Murder	29	16	13	34	22	6	10	5	2	16	5	3
Rape	19	0	0	24	0	0	39	0	0	43	1	1
Indecent Assault	116	1	1	148	0	0	174	0	0	178	0	0
Assaults	934	-	-	926	-	-	1114	-	-	1091	-	-
Wounding	22	0	0	22	6	0	27	4	2	26	1	0
Robbery	544	135	114	558	135	103	527	133	99	589	184	153
Total Violent Crimes	1674	153	128	1727	166	109	1902	144	103	1946	191	157
Weapons	171	-	-	159	-	-	206	-	-	268	-	-
TOTAL	1845	153	128	1886	166	109	2108	144	103	2214	191	157

Dashes indicate data not available

Source: Ottawa Police Department
Summary Statistics

Table A1.4

USE OF WEAPONS IN SELECTED CRIMES
CALGARY 1977 - 1979

	1977				1978				1979			
	Total	All Fire- Arms	Hand- Guns	Knives	Total	All Fire- Arms	Hand- Guns	Knives	Total	All Fire- Arms	Hand- Guns	Knives
Homicide	14	3	1	6	18	5	2	3	19	3	2	3
Attempted Murder	31	15	2	13	20	11	4	6	14	8	3	3
Indecent Assault	194	0	0	2	192	0	0	1	191	0	0	4
Assault	1528	12	2	18	800	3	2	12	1951	2	0	8
Wounding	72	7	1	57	71	3	0	44	93	6	1	56
Robbery	185	83	55	0	201	77	58	3	212	83	56	0
TOTAL	2024	120	61	96	1302	99	66	69	2480	102	62	74

Source: Calgary Police Department
Summary Statistics

Table A1.5

INCIDENTS IN SELECTED CRIMES
QUEBEC CITY 1971 - 1979

	1971	1972	1973	1974	1975	1976	1977	1978	1979
	†	†	†	†	†	†	†	†	†
Homicides	5	5	8	8	9	7	3	4	5
Attempted Murders	7	4	4	20	11	24	8	11	9
Rapes	6	18	9	20	29	16	19	14	21
Indecent Assaults	55	50	55	50	117	94	96	61	80
Woundings	5	9	23	24	10	3	16	11	9
Assaults	355	352	386	433	533	503	507	545	693
Robbery	102	102	148	162	190	224	241	238	260
"Other" Offensive Weapons	39	32	43	73	65	48	44	71	104
Prohibited Weapons	-	-	-	3	17	15	9	4	5
Restricted weapons	-	-	-	27	33	124	65	22	33
TOTAL	574	572	676	820	1014	1058	1008	981	1219

Dashes indicate data not available

Source: Quebec City Police Department
 Summary Statistics

Table A1.6

WEAPONS EMPLOYED IN VARIOUS CRIMES AS A PERCENTAGE OF TOTAL INCIDENTS
VANCOUVER 1975 - 1979

	1975			1976			1977			1978			1979		
	All Fire- arms	Hand Guns	Knives												
Homicides	37.5	25.0	12.5	22.7	18.2	40.9	27.8	11.1	27.8	15.4	11.5	30.8	11.5	11.5	50.0
Attempted Murder	56.7	26.7	20.0	42.9	14.3	35.7	50.0	29.2	45.8	38.9	33.3	44.4	12.5	9.4	46.9
Rape	16.7	16.7	45.2	29.8	1.8	28.1	6.2	6.2	9.9	3.7	3.0	14.1	0	0	14.6
Indecent Assault	8.6	8.6	22.9	1.8	1.8	7.9	0.6	0.6	3.4	0.4	0.4	2.6	0.8	0.8	3.0
Assaults	1.0	0.9	10.2	0.3	0.3	3.1	0.5	0.4	2.6	0.4	0.3	2.4	0.5	0.4	2.0
Wounding	12.8	7.4	67.0	8.8	6.1	71.9	1.6	1.6	81.1	2.3	1.1	72.4	6.8	5.8	69.6
Robbery	47.9	38.5	39.7	50.6	40.6	39.1	42.3	36.6	44.5	46.5	37.8	41.3	34.3	29.7	44.6
Total Violent Crimes	26.4	20.8	28.9	9.0	6.8	11.7	5.7	4.7	10.0	5.7	4.7	9.9	3.7	3.2	9.2
Weapons	19.1	12.8	19.8	28.3	22.3	36.4	32.0	26.5	30.4	22.4	17.5	28.0	17.7	15.0	23.2
TOTAL	22.8	16.9	24.4	13.5	10.4	17.4	10.9	9.1	14.1	9.3	7.4	13.8	7.5	6.4	13.0

Source: Vancouver Police Department
Summary Statistics

Table A1.7

WEAPONS EMPLOYED IN VARIOUS CRIMES AS A PERCENTAGE OF TOTAL INCIDENTS
TORONTO 1974 - 1979

	1974			1975			1976			1977			1978			1979		
	All Fire- arms	Hand Guns	Knives															
Homicides	40.0	10.0	36.7	37.2	23.3	32.6	37.9	17.2	37.9	37.5	16.7	29.2	38.9	25.0	30.6	27.9	9.3	51.2
Attempted Murder	41.4	20.7	55.2	72.4	37.9	24.1	46.2	11.5	53.8	70.0	32.5	27.5	43.3	26.7	53.3	34.9	18.6	60.5
Rape	4.2	0	79.2	11.8	0	52.9	25.0	12.5	37.5	0	0	57.5	0	0	70.8	6.9	3.4	82.8
Indecent Assault	5.9	5.9	41.2	4.9	2.4	29.3	1.6	1.6	6.6	11.4	6.8	25.0	0	0	16.7	10.7	0	17.9
Assault	0.3	0	1.8	0.3	0.1	2.1	0.3	0	1.9	0.2	1.0	1.7	0.3	0	2.5	0.2	0	1.4
Wounding	15.4	3.1	84.3	11.1	0.3	84.7	15.4	3.5	82.7	13.3	0.9	84.2	8.4	2.8	89.4	13.1	2.4	84.2
Total Violent Crimes	6.1	3.0	7.5	7.5	4.2	8.0	4.6	1.9	7.2	5.2	2.7	7.0	4.3	2.2	7.4	3.8	2.0	6.0
Weapons	51.3	14.5	48.7	52.2	15.3	47.7	49.6	17.5	50.3	48.9	14.5	50.9	46.4	13.8	53.6	39.4	14.2	60.6
TOTAL	11.8	4.5	12.7	13.7	5.8	13.6	10.2	3.8	12.6	10.8	4.3	12.6	9.8	3.7	13.4	8.1	3.5	12.7

Source: Toronto Police Department

Table A1.8

WEAPONS EMPLOYED IN VARIOUS CRIMES AS A PERCENTAGE
OF TOTAL INCIDENTS OTTAWA 1976 - 1979

	1976		1977		1978		1979	
	All Fire-Arms	Hand-Guns						
Homicide	10.0	0	20.0	0	18.2	0	0	0
Attempted Murder	55.2	44.8	64.7	17.6	50.0	20.0	31.3	18.8
Rape	0	0	0	0	0	0	2.3	2.3
Indecent Assault	0.9	0.9	0	0	0	0	0	0
Assault	-	-	-	-	-	-	-	-
Wounding	0	0	27.3	0	14.8	7.4	3.9	0
Robbery	24.8	20.9	24.2	18.5	25.2	18.8	31.2	26.0
TOTAL	8.3	6.9	8.8	5.8	6.8	4.8	8.6	7.1

Dashes indicate data not available

Source: Ottawa Police Department
Summary Statistics

Table A1.9

WEAPONS EMPLOYED IN VARIOUS CRIMES AS A PERCENTAGE
OF TOTAL INCIDENTS CALGARY 1977 - 1979

	1977			1978			1979		
	All Fire-Arms	Hand-Guns	Knives	All Fire-Arms	Hand-Guns	Knives	All Fire-Arms	Hand-Guns	Knives
Homicides	21.4	7.1	42.9	27.8	11.1	16.7	15.8	10.5	15.8
Attempted Murder	48.4	6.5	41.9	55.0	20.0	30.0	57.1	21.4	21.4
Indecent Assault	0	0	1.0	0	0	0.5	0	0	2.1
Assault	0.8	0.1	1.2	0.4	0.3	1.5	0.1	0	0.4
Wounding	9.7	1.4	79.2	4.2	0	62.0	6.5	1.1	60.2
Robbery	44.9	29.7	0	38.3	28.9	1.5	39.2	26.4	0
TOTAL	5.9	3.0	4.7	7.6	5.1	5.3	4.1	2.5	3.0

Source: Calgary Police Department,
Summary Statistics

Table A1.10

NATIONAL HOMICIDE DATA

Year	Population (,000)	All Homicide Victims	Firearm Homicide Victims	Handgun Homicide Victims	All Homicide Victims /100,000	Firearm Homicide Victims /100,000	Handgun Homicide Victims /100,000	Homicides by Other Means /100,000	Proportion of All Homicides By Firearms /100,000	Proportion of All Firearm Homicides By Handguns /100,000
1961	18,238	185	85	14	1.014	0.466	0.077	0.548	0.460	0.165
1962	18,583	217	80	18	1.168	0.431	0.097	0.737	0.369	0.225
1963	18,931	215	99	22	1.136	0.523	0.116	0.613	0.460	0.222
1964	19,291	218	105	28	1.130	0.482	0.145	0.648	0.427	0.301
1965	19,644	243	113	33	1.237	0.575	0.168	0.662	0.465	0.292
1966	20,015	222	92	19	1.109	0.460	0.095	0.649	0.415	0.207
1967	20,378	282	137	35	1.384	0.672	0.172	0.712	0.486	0.256
1968	20,701	315	135	37	1.522	0.652	0.179	0.870	0.428	0.275
1969	21,001	347	154	42	1.652	0.733	0.200	0.919	0.444	0.273
1970	21,297	433	178	38	2.033	0.836	0.178	1.197	0.411	0.213
1971	21,568	426	191	48	1.975	0.866	0.223	1.109	0.449	0.258
1972	21,802	479	200	56	2.197	0.917	0.257	1.280	0.417	0.280
1973	22,043	479	216	57	2.173	0.980	0.259	1.193	0.451	0.264
1974	22,364	545	273	75	2.437	1.221	0.335	1.216	0.501	0.274
1975	22,697	637	290	88	2.807	1.278	0.388	1.529	0.455	0.264
1976	22,993	668	258	66	2.905	1.122	0.287	1.783	0.386	0.256
1977	23,258	707	258	60	3.040	1.109	0.258	1.931	0.365	0.233
1978	23,482	658	249	60	2.802	1.060	0.256	1.742	0.378	0.242

- Source: 1. Homicide Statistics, 1976, Justice Statistics Division, Statistics Canada
2. Homicide in Canada: A Statistical Synopsis, 1976,
Justice Statistics Division, Statistics Canada
3. Verbal Reports From Personnel In The Justice Statistics Division of
Statistics Canada.

Table A1.11
PERCENTAGE OF TOTAL HOMICIDES INVOLVING ALL
 FIREARMS AND HANDGUNS, IN CANADA 1961 - 1978

	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978
All Firearms	45.9	36.9	46.0	48.2	46.5	41.4	48.6	39.7	44.4	41.1	44.8	41.8	45.1	50.1	45.5	38.6	36.5	37.8
Handguns	7.6	8.3	10.2	12.8	12.8	8.6	12.4	11.7	12.1	8.8	11.3	11.7	11.9	13.8	13.8	9.9	8.5	9.1

Source: Various Reports From The Justice
 Statistics Division of Statistics
 Canada,

Table A1.12

PERCENTAGE DISTRIBUTION OF "FLAGGED" INCIDENTS
INVOLVING FIREARMS IN FOUR CASE JURISDICTIONS
1979

Description	C.C. Section	Van.	Calg.	Ottawa	Que. City
Use of Firearm During Commission of Offence	s.83	0.5	1.4	0	0
Pointing Firearm	s.84(1)	2.9	1.8	6.4	0
Careless Handling	s.84(2)	2.7	22.3	3.1	0
Possession Dangerous	s.85	8.6	6.8	10.5	0
Carrying Concealed	s.87	1.3	2.2	0.7	0
Possession, Prohibited	s.88(1)	2.2	1.8	2.7	0
Prohibited Weapon in Vehicle	s.88(2)	0	0.4	0	0
Possession, Restricted	s.89(1)	5.4	2.9	3.1	0
Restricted Weapon Elsewhere Than Home or Business	s.89(2)	0.3	0	0	0
Restricted Weapon in Vehicle	s.89(3)	0.3	0	0	0
Selling to Person Without FAC	s.95(1)	0.3	0	0	0
Acquiring Firearm Without FAC	s.95(3)	0.3	0	0	0
Possession While Prohibited	s.98(12)	1.8	0	0	0
Altering Serial Number	s.102(3)	0	0	0.3	0
Seizure of Weapon	s.101	0	0	0.3	0
Discharging Firearm	s.171(1)(d)	0	0	3.7	0
Homicide	ss.205 - 222	1.5	3.6	1.7	0
Robbery	s.303	26.0	31.3	59.3	93.6
Assaults	ss.228,244 - 250	4.2	2.9	0.6	0
Sexual Offences	ss.143 - 157	0.5	0	0.3	2.9
Hijacking	ss.76.1 - 76.3	0	0.7	0	0
Extortion, Threats, and Intimidation	ss.305,331,381	1.3	7.2	0	0
Theft	ss.283 - 294, 312 - 313	0	1.1	0.3	0
Mischief	ss.128,387 - 388	39.6	12.2	0	0
Domestic Disputes	n/a	0	0	4.4	0
Suicide	n/a	0	0	1.6	3.5
Possession, Drugs	N.C.A.	0.2	0	0.3	0
Offences Against Administration of Justice	ss.133,118 - 119	0	0.8	0	0
Total Number		596	278	295	171

All Charges Include Attempts
Source: Police Occurrence Reports

Table A1.13

PERCENTAGE DISTRIBUTION OF CHARGES LAID
IN "FLAGGED" INCIDENTS IN THREE CASE
JURISDICTIONS
1979

Description	C.C. Section	Van.	Ottawa	Que. City
Use of Firearm During Commission of Offence	s.83	1.8	7.1	13.4
Pointing Firearm	s.84(1)	6.1	5.6	0
Careless Handling	s.84(2)	8.0	6.6	0
Possession Dangerous	s.85	25.8	8.6	1.5
Possession in Public Place	s.86	0	0.5	0
Carrying Concealed	s.87	3.1	1.5	0
Possession, Prohibited Weapon	s.88(1)	8.6	13.2	0
Prohibited Weapon in Vehicle	s.88(2)	0.6	0	0
Possession, Restricted Weapon	s.89(1)	16.6	11.2	0
Restricted Weapon in Vehicle	s.89(3)	0.6	1.0	0
Selling to Person Without FAC	s.95(1)	0	0.5	0
Acquiring Firearm Without FAC	s.95(3)	0	1.0	0
Not Reporting Found Firearm	s.102(1)	0	0.5	0
Altering Serial Number	s.102(3)	0	0.5	0
Discharging Firearm	s.171(1)(d)	0	0.5	0
Homicide	ss.205 - 222	3.7	4.1	9.0
Robbery	s.303	16.6	34.0	61.2
Assaults	ss.228,244 - 250	4.3	2.5	6.0
Causing Bodily Harm by Negligence	s.204	0.6	0	0
Extortion	s.305	1.2	0	0
Theft	ss.294,306 - 307	0	0.5	6.0
Mischief	ss.128,387 - 388	2.5	0.5	0
Indecent Assault - Female	s.149	0	0	3.0
Total Number		163	197	67

All Charges Include Attempts

Source: Police Occurrence Reports

Table A1.14
 PERCENTAGE DISTRIBUTION OF DISPOSITIONS OF
 CHARGES - QUEBEC CITY 1979
 (More Than Five Occurrences)

Disposition	Charges		
	s. 83	ss. 205-219, 222	ss. 302-303
Suspended	0	0	2.4
Suspended and Prohibition	11.1	16.7	2.4
Discharge (Absolute or Conditional)	0	0	9.8
Fine Only	0	0	7.3
Fine and Prohibition	11.1	0	4.9
Greater Than Six Months	11.1	0	7.3
Greater Than Six Months and Prohibition	0	0	2.4
Six Months - One Year Less a Day	22.2	0	2.4
Six Months - One Year Less a Day And Prohibition	0	0	2.4
One Year - Two Years Less a Day	0	0	4.9
Two Years - Five Years Less a Day	0	16.7	9.8
Two Years - Five Years Less a Day and Prohibition	0	0	4.9
Pending or Unknown	44.4	66.7	39.0
Total Number	9	6	41

Source: Quebec City Occurrence Reports

Table A1.15

PERCENTAGE DISTRIBUTION OF DISPOSITIONS
OF CHARGES - VANCOUVER 1979
(More Than Five Occurrences)

Disposition	Charges							
	s.84(1)	s.84(2)	s.85	s.87	s.88(1)	s.89(1)	ss.205 -219, 222	ss.302 -303
Suspended	0	0	2.4	0	0	0	0	3.7
Suspended and Prohibition	10.0	7.7	2.4	0	0	0	0	0
Discharge(Absolute or Conditional)	30.0	30.8	42.9	40.0	14.3	37.0	83.3	25.9
Conditional Discharge and Prohibition	20.0	7.7	4.8	0	0	0	0	0
Fine Only	0	0	0	0	0	3.7	0	0
Fine and Prohibition	10.0	0	2.4	0	0	0	0	0
Greater Than Six Months	0	0	0	20.0	14.3	7.4	0	7.4
Greater Than Six Months and Prohibition	0	7.7	2.4	0	14.3	3.7	0	0
Six Months - One Year Less a Day	0	7.7	0	0	0	0	0	3.7
Six Months - One Year Less a Day and Prohibition	0	0	4.8	0	0	0	0	0
One Year - Two Years Less a Day	0	0	0	0	0	0	0	3.7
One Year - Two Years Less a Day and Prohibition	0	0	0	20.0	0	0	0	7.4
Two Years - Five Years Less a Day	10.0	0	0	0	0	0	0	0
Two Years - Five Years Less a Day and Prohibition	0	0	0	0	0	0	0	3.7
Five Years - Ten Years Less a Day	0	0	0	0	0	0	0	7.4
Greater Than Fifteen Years and Prohibition	0	0	0	0	0	0	0	3.7
Pending or Unknown	20.0	38.5	33.3	20.0	57.1	44.4	16.7	33.3
Withdrawn	0	0	4.8	0	0	3.7	0	0
Total Number	10	13	42	5	14	27	6	27

Source: Vancouver Occurrence Reports

Table A1.16

PERCENTAGE DISTRIBUTION OF DISPOSITIONS OF
CHARGES - OTTAWA 1979
(More Than Five Occurrences)

Disposition	Charges							
	s.83	s.84(1)	s.84(2)	s.85	s.88(1)	s.89(1)	ss.205 -219, 222	ss.302 -303
Suspended	0	0	15.4	5.9	0	0	0	0
Suspended and Prohibition	0	0	15.4	0	0	0	0	0
Discharge (Absolute or Conditional)	0	0	0	0	0	0	0	0
Conditional Discharge and Prohibition	0	0	0	0	0	9.1	0	0
Greater Than Six Months	7.1	18.2	7.7	5.9	7.7	4.5	0	0
Greater Than Six Months and Prohibition	0	0	0	5.9	0	0	0	0
Six Months - One Year Less a Day	0	0	0	5.9	0	4.5	0	0
Six Months - One Year Less a Day and Prohibition	7.1	0	0	0	0	0	0	0
One Year - Two Years Less a Day	7.1	0	0	0	3.8	0	0	7.5
One Year - Two Years Less a Day and Prohibition	0	9.1	0	0	0	0	0	0
Two Years - Five Years Less a Day	0	0	0	0	0	0	0	6.0
Two Years - Five Years Less a Day and Prohibition	0	0	0	0	0	0	0	3.0
Five Years - Ten Years Less a Day	0	0	0	0	0	0	0	3.0
Pending or Unknown	35.7	45.5	46.2	35.3	73.1	54.5	87.5	61.2
Withdrawn	42.9	27.3	15.4	41.2	11.5	27.3	12.5	19.4
Concurrent With Other Conviction	0	0	0	0	3.8	0	0	0
Total Number	14	11	13	17	26	22	8	67

Source: Ottawa Occurrence Reports

Table A1.17

LOCATION OF INCIDENTS AS A PERCENT OF TOTAL "FLAGGED" INCIDENTS
IN FOUR CASE JURISDICTIONS-1979

	VANCOUVER	CALGARY	OTTAWA	QUEBEC CITY
Domicile	32.8	33.8	24.3	15.8
Business	38.5	36.5	49.7	64.9
Street	17.2	11.7	17.1	16.4
Vehicle	9.2	12.2	2.3	2.3
Field or Forest	0.4	2.3	1.3	0
Other	0.4	1.8	4.0	0.6
Unknown	1.2	1.8	1.3	0
TOTAL	494	222	300	171

Source: Police Occurrence Reports

Table A1.18

TYPE OF FIREARM USED IN INCIDENTS AS A PERCENT OF TOTAL "FLAGGED" INCIDENTS
IN FOUR CASE JURISDICTIONS-1979

	VANCOUVER	CALGARY	OTTAWA	QUEBEC CITY
Handguns	24.3	32.0	41.0	71.3
Rifle	13.4	5.9	16.0	18.1
Shotgun	5.3	26.6	18.3	5.8
Machine-Gun	0.6	0	0.3	0
Sub-Machine Gun	0.4	8.6	0.3	0
Air Pistol	43.7	15.8	1.3	1.2
Other	11.5	9.0	14.0	2.9
Unknown	0.8	2.3	8.7	0.6
TOTAL	494	222	300	171

Source: Police Occurrence Reports

Table A1.19

SUSPECT-VICTIM RELATIONSHIP IN INCIDENTS AS A PERCENT OF TOTAL "FLAGGED" INCIDENTS
IN FOUR CASE JURISDICTIONS.-1979

	VANCOUVER	CALGARY	OTTAWA	QUEBEC CITY
Family	3.2	6.3	6.3	0
Victim Known To Suspect	8.9	16.2	12.3	3.5
Victim Not Known To Suspect	87.7	77.5	73.1	93.6
No Victim	0.2	0	8.3	2.9
TOTAL	494	222	300	171

Source: Police Occurrence Reports

Table A1.20

NUMBER OF STOLEN FIREARMS USED IN "FLAGGED" INCIDENTS*
IN FOUR CASE JURISDICTIONS -1979

	VANCOUVER	CALGARY	OTTAWA	QUEBEC CITY
Stolen Firearms	10	6	6	2

*There were a large number of unknowns in our data bases. Therefore our figures could be significantly understated

Source: Police Occurrence Reports

Table A1.21

PERCENTAGE DISTRIBUTION OF FIREARMS SEIZED IN "FLAGGED" INCIDENTS*
IN FOUR CASE JURISDICTIONS -1979

	VANCOUVER	CALGARY	OTTAWA	QUEBEC CITY
Yes	22.9	46.4	42.7	10.5
No	3.4	53.2	53.0	77.2
Unknown	73.6	0.4	4.3	12.3
TOTAL	494	222	300	171

*There were a large number of unknowns in our data bases. Therefore our figures could be significantly understated

Source: Police Occurrence Reports

Table A1.22

NUMBER OF REGISTERED FIREARMS USED IN "FLAGGED" INCIDENTS*
IN FOUR CASE JURISDICTIONS-1979

	VANCOUVER	CALGARY	OTTAWA	QUEBEC CITY
Registered Firearms	11	5	1	3

*There were a large number of unknowns in our data bases. Therefore our figures could be significantly understated

Source: Police Occurrence Reports

Table A1.23

PERCENTAGE DISTRIBUTION OF AGES OF SUSPECTS IN
FOUR CASE JURISDICTIONS - 1979

	TOTAL	< 20	20-24	30-39	40-49	> 50
VANCOUVER	211	28.4	39.3	16.1	8.5	7.6
CALGARY	317	33.6	45.7	16.6	2.6	1.5
OTTAWA	137	36.5	41.6	11.7	8.0	2.2
QUEBEC CITY	37	29.7	59.5	10.8	0	0

Source: Police Occurrence Reports

Table A1.24

PERCENTAGE DISTRIBUTION OF SEX OF SUSPECTS IN
FOUR CASE JURISDICTIONS - 1979

	VANCOUVER	CALGARY	OTTAWA	QUEBEC CITY
MALE	92.9	96.8	87.6	100
FEMALE	7.1	3.3	12.4	0
TOTAL	211	317	137	37

Source: Police Occurrence Reports

Table A1.25

PERCENTAGE DISTRIBUTION OF OCCUPATION OF SUSPECTS
IN FOUR CASE JURISDICTIONS - 1979

	VANCOUVER	CALGARY	OTTAWA	QUEBEC CITY
WHITE COLLAR	6.2	2.8	2.9	5.4
BLUE COLLAR	17.1	17.0	8.8	8.1
UNEMPLOYED	47.9	17.0	19.7	78.4
UNKNOWN	28.9	63.1	68.6	8.1
TOTAL	211	317	137	37

Source: Police Occurrence Reports

Table A1.26

PERCENTAGE DISTRIBUTION OF ADDRESS OF SUSPECTS
IN FOUR CASE JURISDICTIONS - 1979

	VANCOUVER	CALGARY	OTTAWA	QUEBEC CITY
FIXED	76.8	49.5	77.4	70.3
NOT FIXED	15.6	12.0	13.9	13.5
UNKNOWN	7.6	38.5	8.8	16.2
TOTAL	211	317	137	37

Source: Police Occurrence Reports

Table A1.27

PERCENTAGE DISTRIBUTION OF SUSPECTS WITH A PREVIOUS CONVICTION
IN THREE CASE JURISDICTIONS - 1979

	VANCOUVER	OTTAWA	QUEBEC CITY
YES	35.5	64.2	51.4
NO	19.9	33.6	40.5
UNKNOWN	44.5 *	2.2	8.1
TOTAL	211	137	37

* Unknowns so large because we were unable to obtain information on prior record without being able to locate current charge.

Source: Police Occurrence Reports

Table A1.28

PERCENTAGE DISTRIBUTION OF TYPE OF CONVICTION OF SUSPECTS WITH PREVIOUS
CONVICTIONS IN THREE CASE JURISDICTIONS - 1979

	VANCOUVER	OTTAWA	QUEBEC CITY
Firearms Offence Only	2.7	6.8	0
Robbery	25.3	38.6	26.3
Rape, Indecent Assault, Wounding	8.0	6.8	15.8
Assault	21.3	11.4	0
Other Violent Crimes Against Persons	1.3	2.3	0
Property Offences and Mischief	18.7	27.3	0
Liquor	17.3	2.3	15.8
Drugs	1.3	4.5	5.3
Prostitution	2.7	0	0
Other	1.3	0	36.8
TOTAL	75	88	19

Source: Police Occurrence Reports

Table A1.29

PERCENTAGE DISTRIBUTION OF JAIL TERMS RECEIVED BY SUSPECTS HAVING PREVIOUS JAIL SENTENCES
IN THREE CASE JURISDICTIONS - 1979

	TOTAL	<12 Months	12-23 Months	24-59 Months	>60 Months	% of Total Suspects
VANCOUVER	20	5.0	0	70.0	25.0	9.5
OTTAWA	53	47.2	9.4	35.8	7.5	38.7
QUEBEC CITY	7	28.6	14.3	14.3	42.9	18.9

Source: Police Occurrence Reports

Table A1.30

PERCENT OF TOTAL SUSPECTS HAVING A PREVIOUS SENTENCE
> 2 YEARS IN THREE CASE JURISDICTIONS - 1979

	VANCOUVER	OTTAWA	QUEBEC CITY
Previous Sentence > 2 Years	9.5	13.1	8.1
TOTAL	20	18	3

Source: Police Occurrence Reports

Table A1.31

PERCENT OF TOTAL SUSPECTS HAVING A PREVIOUS FIREARM
CONVICTION IN THREE CASE JURISDICTIONS - 1979

	VANCOUVER	OTTAWA	QUEBEC CITY
Previous Firearm Conviction	9.5	38.7	8.1
TOTAL	20	53	3

Source: Police Occurrence Reports

APPENDIX II

STATISTICS ON LEGISLATIVE PROVISIONS

APPENDIX II

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Table A2.1

CERTIFICATE/PERMIT ISSUANCE PROCESS
VANCOUVER, 1979

FIREARM ACQUISITION CERTIFICATES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	201	110	126	121	144	125	111	189	230	222	149	98	1,826
Granted	201	106	122	120	141	120	110	188	229	221	146	96	1,800
Not Picked Up	0	0	0	0	0	0	0	0	0	0	1	0	1
Refused	0	4	4	1	3	5	1	1	1	1	3	2	26

OTHER CERTIFICATES/PERMITS

	Applied For	Granted Or Recommended	Refused
Registration Certificates	632	631	1
Carrying Permits	138	137	1
Permits to Transport and Convey	1,056	1,056	0

Monthly breakdowns provided only for FAC's
 Minors' Permits not issued in British Columbia
 Permits to Transport and Convey not differentiated
 Source: Vancouver Firearms Section

Table A2.2

CERTIFICATE/PERMIT ISSUANCE PROCESS
CALGARY, 1979

FIREARM ACQUISITION CERTIFICATES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	701	490	614	579	469	377	407	801	1,260	1,015	604	459	7,776
Granted	562	385	427	458	392	477	315	558	932	870	467	368	6,311
Not Picked Up	33	23	0	30	30	39	81	0	0	0	0	0	236
Refused	2	12	1	2	2	2	1	0	11	15	13	8	69

REGISTRATION CERTIFICATES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	76	67	69	115	94	82	98	70	94	86	134	86	1,071
Recommended	76	67	69	115	94	82	98	70	94	86	134	86	1,071

CARRYING PERMITS

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	118	91	88	52	52	27	25	24	33	33	30	118	691
Granted	118	91	83	52	52	27	25	24	33	33	30	118	686
Refused	0	0	5	0	0	0	0	0	0	0	0	0	5

PERMITS TO TRANSPORT AND CONVEY

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	97	70	114	77	94	114	98	103	89	81	232	66	1,235
Granted	97	70	114	77	94	114	98	103	89	81	232	66	1,235

Permits to Transport and Convey not differentiated

MINORS' PERMITS

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	1	0	1	0	0	0	1	0	0	0	1	0	4
Granted	1	0	1	0	0	0	1	0	0	0	1	0	4

Source: Calgary Firearms Section

Table A2.3

CERTIFICATE/PERMIT ISSUANCE PROCESS
TORONTO, 1979

FIREARM ACQUISITION CERTIFICATES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	1,203	534	811	649	512	519	781	932	1,901	1,087	458	381	9,768
Granted	893	759	568	729	635	490	549	607	1,402	1,302	852	540	9,326
Not Picked Up	473	482	507	645	745	762	835	931	1,470	1,624	1,713	1,656	1,656
Refused	0	0	0	0	0	0	0	0	0	0	1	0	1

163 FAC's were applied for prior to January, 1979 and are included in the 1979 figures
FAC's not picked up are cumulative

REGISTRATION CERTIFICATES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	259	409	658	309	403	332	222	184	236	279	170	181	3,642
Recommended	259	409	658	309	403	332	222	184	236	279	170	181	3,642

CARRYING PERMITS

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	91	95	145	103	80	62	51	52	80	59	34	345	1,197
Granted	245	59	341	346	214	34	51	52	80	59	34	345	1,860
Refused	0	6	0	4	3	2	2	1	4	2	4	0	28

Carrying Permits Granted Includes Renewals

PERMITS TO TRANSPORT

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	563	114	62	68	59	28	97	184	236	279	270	181	2,141
Granted	563	114	62	68	59	28	97	184	236	279	270	181	2,141

MINORS' PERMITS

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	0	9	4	2	0	0	3	0	3	12	10	1	44
Granted	0	9	4	2	0	0	3	0	3	12	10	1	44

Number of Permits to Convey issued corresponds to number of applications
for registration certificates

Source: Toronto Firearms Section

Table A2.4
 CERTIFICATE/PERMIT ISSUANCE PROCESS
 OTTAWA, 1979

FIREARM ACQUISITION CERTIFICATES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	205	147	126	134	109	99	89	207	283	283	148	79	1,909
Granted	104	102	109	107	103	108	77	125	220	255	155	77	1,542
Not Picked Up	11	22	16	6	18	14	5	15	0	0	0	0	107
Refused	0	0	1	1	2	2	0	0	0	2	3	1	12

REGISTRATION CERTIFICATES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	20	18	24	25	27	18	25	23	24	18	43	21	286
Recommended	0	0	24	25	27	18	25	23	24	18	43	21	248

CARRYING PERMITS

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	23	21	66	43	103	43	44	22	28	26	45	72	536
Granted	22	21	66	43	103	43	44	22	28	26	45	72	535
Refused	1	0	0	0	0	0	0	0	0	0	0	0	1

PERMITS TO TRANSPORT

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	26	23	31	26	25	39	32	38	26	33	38	20	357
Granted	26	23	31	26	25	39	32	38	26	33	38	20	357

PERMITS TO CONVEY

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	0	0	19	20	21	17	20	17	22	14	17	19	186
Granted	0	0	19	20	21	17	20	17	22	14	17	19	186

MINORS' PERMITS

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Applied For	1	0	0	0	0	3	0	0	3	3	0	0	10
Granted	1	0	0	0	0	3	0	0	3	3	0	0	10

Source: Ottawa Firearms Section

Table A2.5

MINORS' PERMITS ISSUED
BY PROVINCE/TERRITORY - 1979

Province/ Territory	MINORS' PERMITS	
	Total	/10,000
Nfld.	3	0.0
N.S.	700	8.3
N.B.	3	0.0
P.E.I.	145	11.8
Que.	203	0.3
Ont.	953	1.1
Man.	697	6.8
Sask.	1,317	13.8
Alta.	157	0.8
B.C.	12	0.0
Yukon	68	31.5
N.W.T.	18	4.2
National	4,276	1.8

Source: C.P.F.O. Monthly Reports

Table A2.6

FIREARMS BUSINESSES RESPONDING TO SURVEY
BY TYPE OF ESTABLISHMENT
CALGARY AND TORONTO - 1979

	Calgary		Toronto		Total	
	Number	Percent	Number	Percent	Number	Percent
Wholesalers and Distributors	5	26.3	4	16.7	9	20.9
Retailers:						
Outdoor Stores	6	31.6	8	33.3	14	32.6
Firearms Specialty	2	10.5	5	20.8	7	16.3
General Sports	2	10.5	3	12.5	5	11.6
Hardware	2	10.5	2	8.3	4	9.3
Department	2	10.5	2	8.3	4	9.3
Total	19	100	24	100	43	100

Table A2.7

RETAIL BUSINESS PERMITS BY CATEGORY ISSUED
BY PROVINCE - 1979

	Unrestricted Firearms Business Permits					Restricted Weapons Business Permits					Total
	0 - 15 (No. of Firearms Sold Annually - Permit Type)	16 - 50	51 - 100	100+	Total	0 - 15 (No. of Firearms Sold Annually - Permit Type)	16 - 50	51 - 100	100+	Total	
Nfld.	261	56	13	9	339	2	0	1	0	3	342
N.S.	221	70	35	35	361	45	28	9	7	89	450
N.B.	163	25	7	5	200	33	9	2	1	45	245
P.E.I.	4	6	0	0	10	2	1	0	1	4	14
Que.	1,446	502	187	134	2,269	25	19	14	32	90	2,359
Ont.	1,405	566	176	275	2,422	146	90	39	93	368	2,790
Man.	231	112	27	26	396	23	13	9	9	54	450
Sask.	408	85	14	12	519	44	17	17	12	90	609
Alta.	293	183	83	79	638	12	14	13	43	82	720
B.C.	219	122	46	21	408	54	41	25	29	149	557
Yukon	-	-	-	-	-	-	-	-	-	-	-
N.W.T.	32	51	14	5	102	0	0	0	0	0	102
Total	4,683	1,778	602	601	7,664	386	232	129	227	974	8,638

British Columbia's figures were taken from Annual Report which does not correspond to monthly figures as previously submitted

Dashes indicate data was not available

Source: C.P.F.O. monthly and Annual reports

Table A2.8

NON-RETAIL BUSINESS PERMITS BY CATEGORY ISSUED
BY PROVINCE - 1979

	Wholesaler	Manufacturer	Gunsmith	Pawnbroker
Nfld.	18	0	16	0
N.S.	9	0	12	0
N.B.	5	1	9	0
P.E.I.	2	0	6	0
Que.	105	6	49	1
Ont.	119	15	35	16
Man.	7	0	5	1
Sask.	13	2	7	12
Alta.	36	6	8	3
B.C.	22	2	18	12
Yukon	-	-	-	-
N.W.T.	1	0	0	1
	337	32	165	46

British Columbia's figures were taken from Annual Report which do not correspond to monthly figures as previously submitted

Dashes indicate data not available

Data does not include permits for ammunition only

Source: C.P.F.O. Monthly and Annual Reports

Table A2.9

HUNTER SAFETY COURSE GRADUATES BY PROVINCE

Year	N.S.	P.E.I.	Que.	Ont.	Man.	B.C.
1969	0	0	24,650	0	0	319
1970	509	0	70,049	21,923	0	1,245
1971	289	0	107,068	22,682	0	1,553
1972	207	0	173,281	23,235	5,551	3,887
1973	589	0	57,814	26,998	5,058	2,966
1974	211	0	44,765	28,900	3,298	4,852
1975	458	118	50,441	31,450	3,838	7,586
1976	586	103	55,653	31,785	4,793	7,470
1977	239	267	50,960	32,126	5,229	9,485
1978	11,826	207	51,900	38,500	5,180	7,802
1979	9,180	314	52,851	35,090	3,846	-
Total	24,094	1,009	739,432	292,689	36,793	47,165
Average/ Year	2,409	202	67,221	29,269	4,599	4,716

Source: Hunter/Firearm Safety Departments

Table A2.10

FIREARM AMNESTY AND RECALL STATISTICS
NOVEMBER 1, 1978 - NOVEMBER 30, 1978

	Nfld.	N.S.	N.B.	P.E.I.	Que.	Ont.	Man.	Sask.	Alta.	B.C.	Yukon	N.W.T.	Total
Registered Handguns Surrendered	7	89	50	2	161	578	76	52	134	299	2	0	1,450
Unregistered Handguns Surrendered	42	128	134	9	426	1,519	145	92	248	463	0	5	3,211
Unregistered Handguns Submitted for registration (or update)	462	2,232	1,868	188	3,460	16,678	1,279	1,948	3,623	5,746	61	41	37,586
Registered Semi-automatic restricted rifles surrendered	0	0	30	0	11	18	1	1	1	27	0	0	89
Unregistered Semi-automatic restricted rifles surrendered	4	9	4	0	27	55	8	3	11	30	1	13	165
Unregistered semi-automatic restricted rifles submitted for registration (or update)	53	144	88	4	222	1,040	98	78	190	490	15	27	2,449
Registered Fully automatics surrendered	0	9	0	0	2	6	3	2	2	2	0	0	26
Prohibited Firearms Surrendered (including those submitted for deactivation)	20	76	38	7	142	341	79	56	116	148	6	8	1,037
Other Firearms (long guns, etc.) surrendered	21	36	26	5	147	589	56	41	106	282	0	8	1,317
Total Firearms	609	2,723	2,238	215	4,598	20,824	1,745	2,273	4,431	7,487	85	102	47,330

Source: Solicitor General of Canada News Release, PR-31, December 6, 1978

APPENDIX III

BILL C-51

C-51

**Second Session, Thirtieth Parliament,
25-26 Elizabeth II, 1976-77**

THE HOUSE OF COMMONS OF CANADA

BILL C-51

**An Act to amend the Criminal Code, the Customs
Tariff, the Parole Act, the Penitentiary Act and the
Prisons and Reformatories Act**

**AS PASSED BY THE HOUSE OF COMMONS
JULY 18, 1977**

C-51

**Deuxième Session, Trentième Législature,
25-26 Elizabeth II, 1976-77**

CHAMBRE DES COMMUNES DU CANADA

BILL C-51

**Loi modifiant le Code criminel, le Tarif des douanes, la
Loi sur la libération conditionnelle de détenus, la
Loi sur les pénitenciers et la Loi sur les prisons et
les maisons de correction**

**ADOPTÉ PAR LA CHAMBRE DES COMMUNES
LE 18 JUILLET 1977**

THE HOUSE OF COMMONS OF CANADA

CHAMBRE DES COMMUNES DU CANADA

BILL C-51

BILL C-51

An Act to amend the Criminal Code, the
Customs Tariff, the Parole Act, the
Penitentiary Act and the Prisons and
Reformatories Act

Loi modifiant le Code criminel, le Tarif des
douanes, la Loi sur la libération condi-
tionnelle de détenus, la Loi sur les péni-
tenciers et la Loi sur les prisons et les
maisons de correction

Her Majesty, by and with the advice and
consent of the Senate and House of Com-
mons of Canada, enacts as follows:

Sa Majesté, sur l'avis et du consentement
du Sénat et de la Chambre des communes du
Canada, décrète:

Short Title

Titre abrégé

Short title

1. This Act may be cited as the *Criminal
Law Amendment Act, 1977*.

1. La présente loi peut être citée sous le
5 titre *Loi de 1977 modifiant le droit pénal*.

Titre abrégé
5

R.S., cc. C-34,
C-35

**PART I
CRIMINAL CODE**

**PARTIE I
CODE CRIMINEL**

S.R., cc. C-34,
C-35

2. The *Criminal Code* is amended by
adding thereto, immediately after section 2
thereof, the following section:

2. Le *Code criminel* est modifié par l'in-
sertion, immédiatement après l'article 2, de
l'article suivant:

Descriptive
cross references

"2.1 Where, in any provision of this
Act, a reference to another provision of 10
this Act or a provision of any other Act is
followed by words in parenthesis that are
or purport to be descriptive of the subject-
matter of the provision referred to, the
words in parenthesis form no part of the 15
provision in which they occur but shall be
deemed to have been inserted for conveni-
ence of reference only."

"2.1 Dans la présente loi, les mots entre
parenthèses qui, dans un but purement 10
descriptif d'une matière donnée, suivent un
renvoi à une autre disposition de la pré-
sente loi ou de toute autre loi, ne font pas
partie de la disposition où ils apparaissent
et sont réputés y avoir été insérés pour la 15
seule commodité de la consultation."

Renvois
descriptifs

1972, c. 17;
1974-75-76,
cc. 19, 48

3. The heading preceding section 82 and
sections 82 to 106 of the said Act are 20
repealed and the following substituted
therefor:

3. Les articles 82 à 106 de ladite loi et la
rubrique qui les précède sont abrogés et rem-
placés par ce qui suit:

1972, c. 17;
1974-75-76,
cc. 19, 48

"PART II.1

FIREARMS AND OTHER OFFENSIVE WEAPONS

Interpretation

«PARTIE II.1

ARMES À FEU ET AUTRES ARMES OFFENSIVES

Interprétation

Definitions	82. (1) For the purposes of this Part,	82. (1) Dans la présente Partie,	Définitions
"antique firearm" «armes à feu historiques»	"antique firearm" means any firearm manufactured before 1898 that was not designed to use rimfire or centre-fire ammunition and that has not been redesigned to use such ammunition or, if so designed or redesigned, is capable only of using rimfire or centre-fire ammunition that is no longer commercially manufactured;	«arme à autorisation restreinte» désigne a) toute arme à feu qui n'est pas une arme prohibée, destinée, de par sa construction ou ses modifications, à permettre de viser et de tirer à l'aide d'une seule main, b) toute arme à feu qui (i) n'est pas une arme prohibée, est munie d'un canon de moins de dix-huit pouces et demi de longueur et peut tirer des munitions à percussion centrale d'une manière semi-automatique, ou (ii) est conçue ou adaptée pour tirer lorsqu'elle est réduite à une longueur de moins de vingt-six pouces par repliement, emboîtement ou autrement, ou c) toute arme à feu destinée, de par sa construction ou ses modifications, à permettre de tirer rapidement plusieurs balles pendant la durée d'une pression sur la détente et qui, lors de l'entrée en vigueur du présent alinéa, était enregistrée comme arme à autorisation restreinte et faisait partie de la collection, au Canada, d'un véritable collectionneur d'armes à feu, ou d) n'importe quelle arme qui n'est ni une arme prohibée, ni un fusil ni une carabine d'un genre qui, de l'avis du gouverneur en conseil, peut raisonnablement être utilisé au Canada pour la chasse ou le sport et qui est, par décret du gouverneur en conseil, déclarée arme à autorisation restreinte;	«arme à autorisation restreinte» "restricted..."
"chief provincial firearms officer" «chef...»	"chief provincial firearms officer" means a person who has been designated in writing by the Attorney General of a province as the chief provincial firearms officer for that province;		
"Commissioner" «commissaire»	"Commissioner" means the Commissioner of the Royal Canadian Mounted Police;		
"firearm" «arme à feu»	"firearm" means any barrelled weapon from which any shot, bullet or other missile 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;		
"firearms acquisition certificate" «autorisation...»	"firearms acquisition certificate" means a firearms acquisition certificate issued by a firearms officer under section 104 or a hunting licence, certificate, permit or other document issued under the authority of a law of a province that, by virtue of an order issued under section 105, is deemed to be a firearms acquisition certificate;		
"firearms officer" «représenté...»	"firearms officer" means any person who has been designated in writing as a firearms officer by the Commissioner or the Attorney General of a province or who is a member of a class of persons that has been so designated;		
"local registrar of firearms" «registraire...»	"local registrar of firearms" means any person who has been designated in writing as a local registrar of firearms by	«arme à feu» désigne toute arme, y compris une carcasse ou chambre d'une telle arme ainsi que toute chose pouvant être adapté pour être utilisé comme tel, susceptible, grâce à un canon qui permet de tirer du plomb, des balles ou tout autre	«arme à feu» "firearm"

the Commissioner or the Attorney General of a province or who is a member of a class of police officers or police constables that has been so designated;

"permit"
«permis»

"permit" means a permit issued under section 106.2; 5

"prohibited
weapon"
«arme prohibée»

"prohibited weapon" means

(a) any device or contrivance designed or intended to muffle or stop the sound or report of a firearm, 10

(b) any 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, 15

(c) any firearm, not being a restricted weapon described in paragraph (c) of the definition of that expression in this section, that is capable of firing bullets in rapid succession during one pressure of the trigger, 20

(d) any firearm adapted from a rifle or shotgun, whether by sawing, cutting or other alteration or modification, that, as so adapted, has a barrel that is less than eighteen inches in length or that is less than twenty-six inches in overall length, or 25

(e) a weapon of any kind, not being an antique firearm or a firearm of a kind commonly used in Canada for hunting or sporting purposes, that is declared by order of the Governor in Council to be a prohibited weapon; 30 35

"registration
certificate"
«certificat...»

"registration certificate" means a restricted weapon registration certificate issued under section 106.1;

"regulations"
«règlements»

"regulations" means regulations made by the Governor in Council pursuant to section 106.8;

"restricted
weapon" «arme
à autorisation
restreinte»

"restricted weapon" means

(a) any firearm, not being a prohibited weapon, designed, altered or intended to be aimed and fired by the action of one hand, 45

(b) any firearm that

(i) is not a prohibited weapon, has a barrel that is less than eighteen

projectile, d'infliger des lésions corporelles graves ou la mort à une personne;

«arme prohibée» désigne

«arme prohibée»
"prohibited..."

a) tout appareil ou dispositif propre ou destiné à amortir ou à étouffer le son ou la détonation d'une arme à feu, 5

b) tout couteau dont la lame s'ouvre automatiquement par gravité ou force centrifuge ou par pression manuelle sur un bouton, un ressort ou autre dispositif incorporé ou attaché au manche, 10

c) toute arme à feu, autre qu'une arme à autorisation restreinte décrite à l'alinéa c) de la définition de cette expression au présent article, pouvant tirer rapidement plusieurs balles pendant la durée d'une pression sur la détente, 15

d) toute arme à feu sciée, coupée ou modifiée de façon à ce que la longueur du canon soit inférieure à dix-huit pouces ou de façon à ce que la longueur totale de l'arme soit inférieure à vingt-six pouces, ou 25

e) n'importe quelle arme qui n'est ni une arme à feu historique, ni une arme à feu d'un genre utilisé habituellement au Canada pour la chasse ou le sport et qui est, par décret du gouverneur en conseil, déclarée arme prohibée; 30

«armes à feu historiques» s'entend des armes à feu fabriquées avant 1898 et qui n'ont pas été conçues ni modifiées pour employer des munitions à percussion annulaire ou centrale ou si elles ont été ainsi conçues ou modifiées, qui ne peuvent utiliser que des munitions à percussion annulaire ou centrale qui ne sont plus fabriquées d'une façon commerciale; 40

«armes à feu
historiques»
"antique..."

«autorisation d'acquisition d'armes à feu» désigne l'autorisation que délivrent les préposés aux armes à feu en vertu de l'article 104 de même que les permis de chasse, certificats, licences et autres formes d'autorisation écrites dont la délivrance est régie par le droit provincial et qui, en vertu d'un décret pris en 50

«autorisation
d'acquisition
d'armes à feu»
"firearms
acquisition
certificate"

and one-half inches in length and is capable of discharging centre-fire ammunition in a semi-automatic manner, or

(ii) is designed or adapted to be fired when reduced to a length of less than twenty-six inches by folding, telescoping or otherwise, or

(c) any firearm that is designed, altered or intended to fire bullets in rapid succession during one pressure of the trigger and that, on the day on which this paragraph comes into force, was registered as a restricted weapon and formed part of a gun collection in Canada of a bona fide gun collector, or

(d) a weapon of any kind, not being a prohibited weapon or a shotgun or rifle of a kind that, in the opinion of the Governor in Council, is reasonable for use in Canada for hunting or sporting purposes, that is declared by order of the Governor in Council to be a restricted weapon.

application de l'article 105, sont réputées être des autorisations d'acquisition d'armes à feu;

«certificat d'enregistrement» désigne le certificat d'enregistrement d'arme à autorisation restreinte délivré en vertu de l'article 106.1;

«chef provincial des préposés aux armes à feu» s'entend d'une personne que le procureur général d'une province nomme par écrit, en cette qualité pour la province;

«commissaire» désigne le commissaire de la Gendarmerie royale du Canada;

«permis» désigne le permis délivré en vertu de l'article 106.2;

«préposé aux armes à feu» désigne toute personne qui a été nommée par écrit en cette qualité par le commissaire ou le procureur général d'une province ou qui fait partie d'une catégorie de personnes ainsi désignée;

«registraire local d'armes à feu» désigne toute personne qui a été nommée par écrit en cette qualité par le commissaire ou le procureur général d'une province ou qui fait partie d'une catégorie d'officiers ou d'agents de police ainsi désignée;

«règlements» désigne les règlements que le gouverneur en conseil établit en vertu de l'article 106.8.

«certificat d'enregistrement»
"registration..."

«chef provincial des préposés aux armes à feu»
"chief..."

«commissaire»
"Commissioner"

«permis»
"permit"

«préposé aux armes à feu»
"firearms officer"

«registraire local d'armes à feu»
"local..."

«règlements»
"regulations"

Armes réputées ne pas être des armes à feu

(2) Notwithstanding the definition "firearm" in subsection (1), for the purposes of the definitions "prohibited weapon" and "restricted weapon" in that subsection and for the purpose of section 91, subsections 95(1) and (3) and sections 100, 102, 103 and 106.8, the following weapons shall be deemed not to be firearms, namely,

- (a) an antique firearm unless,
 - (i) but for this subsection, it would be a restricted weapon, and
 - (ii) the person in possession thereof intends to discharge it;

(2) Nonobstant la définition d'arme à feu» au paragraphe (1), aux fins des définitions d'arme prohibée» et d'arme à autorisation restreinte» dudit paragraphe et aux fins de l'article 91, des paragraphes 95(1) et (3) et des articles 100, 102, 103 et 106.8, sont réputées ne pas être des armes à feu, les armes suivantes:

- a) les armes à feu historiques sauf les suivantes:
 - (i) celles qui, n'était le présent paragraphe, seraient des armes à autorisation restreinte,
 - (ii) celles que leur possesseur a l'intention de décharger;

Certain weapons deemed not to be firearms

40

45

(b) any device designed, and intended by the person in possession thereof, for use exclusively for

- (i) signalling, notifying of distress or firing stud cartridges, explosive-driven rivets or similar industrial ammunition, or

- (ii) firing blank cartridges; and

(c) any shooting device designed, and intended by the person in possession thereof, for use exclusively for

- (i) slaughtering of domestic animals,
- (ii) tranquilizing animals, or
- (iii) discharging projectiles with lines attached thereto; and

(d) any other barrelled weapon where it is proved that such weapon is not designed or adapted to discharge a shot, bullet or other missile at a muzzle velocity exceeding five hundred feet per second or to discharge a shot, bullet or other missile that is designed or adapted to attain a velocity exceeding five hundred feet per second.

b) tout instrument conçu et dont l'utilisateur entend se servir uniquement comme suit

- (i) pour signaler que l'on est en détresse ou pour appeler au secours, pour tirer des cartouches d'ancrage, des rivets explosifs ou d'autres munitions industrielles semblables,

- (ii) pour tirer des cartouches à blanc;

c) tout instrument de tir conçu et dont l'utilisateur entend se servir uniquement comme suit:

- (i) pour abattre des animaux domestiques,

- (ii) pour inoculer des tranquillisants à des animaux,

- (iii) pour tirer des projectiles auxquels des fils sont attachés; et

d) toute autre arme pourvue d'un canon dont il est démontré qu'elle n'est ni conçue ni adaptée pour tirer du plomb, des balles ou quelque autre projectile à une vitesse initiale de plus de cinq cents pieds à la seconde ni pour tirer du plomb, des balles ou quelque autre projectile conçus ou adaptés pour atteindre une telle vitesse.

Designated officer or constable

(3) A police officer or police constable designated in writing by the Commissioner or the Attorney General of a province for the purposes of this subsection or who is a member of a class of police officers or police constables that has been so designated may perform such functions and duties of a local registrar of firearms under subsections 106.1(1) to (6) and subsections 106.2(3) and (4) as are specified in the designation.

(3) L'officier ou agent de police nommé par écrit par le commissaire ou le procureur général d'une province aux fins du présent paragraphe, ou l'officier ou agent de police d'une catégorie désignée ainsi, peut exercer les fonctions d'un registraire local d'armes à feu, prévues aux paragraphes 106.1(1) à (6) et 106.2(3) et (4), qu'indique la nomination ou la désignation.

Officier ou agent de police désigné

Offences Related to the Use of Firearms and other Offensive Weapons

Infractions relatives à l'emploi des armes à feu et autres armes offensives

Use of firearm during commission of offence, etc.

83. (1) Every one who uses a firearm (a) while committing or attempting to commit an indictable offence, or (b) during his flight after committing or attempting to commit an indictable offence, whether or not he causes or means to cause bodily harm to any person as a

83. (1) Quiconque utilise une arme à feu (a) lors de la perpétration ou de la tentative de perpétration d'un acte criminel, ou (b) lors de sa fuite après avoir commis ou tenté de commettre un acte criminel,

Usage d'une arme à feu lors de la perpétration d'une infraction, etc.

result thereof, is guilty of an indictable offence and is liable to imprisonment

(c) in the case of a first offence under this subsection, except as provided in paragraph (d), for not more than fourteen years and not less than one year; and

(d) in the case of a second or subsequent offence under this subsection, or in the case of a first such offence committed by a person who, prior to the coming into force of this subsection, was convicted of an indictable offence or an attempt to commit an indictable offence, in the course of which or during his flight after the commission or attempted commission of which he used a firearm, for not more than fourteen years and not less than three years.

Sentences to be served consecutively

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

Pointing a firearm

84. (1) Every one who, without lawful excuse, points a firearm at another person, whether the firearm is loaded or unloaded,

(a) is guilty of an indictable offence and is liable to imprisonment for five years; or

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

Careless use, etc., of firearm

(2) Every one who, without lawful excuse, uses, carries, handles, ships or stores any firearm or ammunition in a careless manner or without reasonable precautions for the safety of other persons

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

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

qu'il cause ou non des lésions corporelles en conséquence ou qu'il ait ou non l'intention d'en causer, est coupable d'un acte criminel et passible d'un emprisonnement

c) d'au plus quatorze ans et d'au moins un an, dans le cas d'une première infraction au présent paragraphe, sauf dans les cas où l'alinéa d) s'applique; et

d) d'au plus quatorze ans et d'au moins trois ans, dans le cas d'une infraction au présent paragraphe subséquente à une première infraction ou dans le cas d'une première infraction au présent paragraphe commise par une personne qui, avant l'entrée en vigueur du présent paragraphe, avait déjà été trouvée coupable d'avoir commis un acte criminel, ou d'avoir tenté de le commettre, en employant une arme à feu lors de cette perpétration ou tentative de perpétration ou lors de sa fuite après la perpétration ou tentative de perpétration.

Peines consécutives

(2) La sentence imposée à une personne pour une infraction prévue au paragraphe (1) doit être purgée consécutivement à toute autre peine imposée pour une autre infraction basée sur les mêmes faits et à toute autre sentence qu'elle purge à ce moment-là.

84. (1) Est coupable

30 Braquer une arme à feu

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque braque, sans excuse légitime, une arme à feu, chargée ou non, sur une autre personne.

(2) Est coupable

40 Usage négligent, etc., d'une arme à feu

a) d'un acte criminel et passible d'un emprisonnement

(i) de deux ans, dans le cas d'une première infraction, et

(ii) de cinq ans, dans le cas d'une infraction subséquente, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

(ii) in the case of a second or subsequent offence, for five years; or
 (b) is guilty of an offence punishable on summary conviction.

quiconque, sans excuse légitime, utilise, porte, manipule, expédie ou entrepose une arme à feu ou des munitions d'une manière négligente ou sans prendre suffisamment de précautions à l'égard de la sécurité d'autrui. 5

Offences Related to Possession of Firearms and other Offensive Weapons

Infractions relatives à la possession d'armes à feu et autres armes offensives

Possession of weapon or imitation

85. Every one who carries or has in his possession a weapon or imitation thereof, for a purpose dangerous to the public peace or for the purpose of committing an offence, is guilty of an indictable offence and is liable to imprisonment for ten years. 10

85. Est coupable d'un acte criminel et passible d'un emprisonnement de dix ans, quiconque porte ou a en sa possession une arme ou une imitation d'arme, dans un dessein dangereux pour la paix publique ou en vue de commettre une infraction. 10

Port d'arme ou d'imitation d'arme

While attending public meeting

86. Every one who, without lawful excuse, has a weapon in his possession while he is attending or is on his way to attend a public meeting is guilty of an offence punishable on summary conviction. 15

86. Est coupable d'une infraction punissable sur déclaration sommaire de culpabilité, quiconque, sans excuse légitime a en sa possession une arme alors qu'il assiste ou se rend à une assemblée publique. 15

Port d'arme à une assemblée publique

Carrying concealed weapon

87. Every one who carries a weapon concealed, unless he is the holder of a permit under which he may lawfully so carry it, 20
 (a) is guilty of an indictable offence and is liable to imprisonment for five years; or
 (b) is guilty of an offence punishable on summary conviction. 25

87. Est coupable
 a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou 20
 b) d'une infraction punissable sur déclaration sommaire de culpabilité, quiconque porte une arme dissimulée, à moins qu'il ne soit titulaire d'un permis en vertu duquel il peut légalement la porter. 25

Port d'une arme dissimulée

Possession of prohibited weapon

88. (1) Every one who has in his possession a prohibited weapon 30
 (a) is guilty of an indictable offence and is liable to imprisonment for five years; or
 (b) is guilty of an offence punishable on summary conviction. 25

88. (1) Est coupable
 a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou
 b) d'une infraction punissable sur déclaration sommaire de culpabilité, 30
 quiconque a en sa possession une arme prohibée.

Possession d'une arme prohibée

Prohibited weapon in motor vehicle

(2) Every one who is an occupant of a motor vehicle in which he knows there is a prohibited weapon 35
 (a) is guilty of an indictable offence and is liable to imprisonment for five years; or
 (b) is guilty of an offence punishable on summary conviction. 40

(2) Est coupable
 a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou 35
 b) d'une infraction punissable sur déclaration sommaire de culpabilité, quiconque occupe un véhicule automobile qu'il sait renfermer une arme prohibée.

Arme prohibée dans un véhicule

Saving provision

(3) Subsection (1) does not apply to a person who comes into possession of a

(3) Le paragraphe (1) ne s'applique pas 40 Réserve à une personne qui vient à posséder de par

prohibited weapon by operation of law and thereafter, with reasonable despatch, lawfully disposes thereof.

la loi une arme prohibée et qui s'en défait légalement avec diligence raisonnable.

Idem	(4) Subsection (2) does not apply to an occupant of a motor vehicle in which there is a prohibited weapon where, by virtue of subsection (3) or section 90, subsection (1) does not apply to the person who is in possession of that weapon. 5	(4) Le paragraphe (2) ne s'applique pas à l'occupant d'un véhicule automobile où se trouve une arme prohibée, lorsque, en vertu du paragraphe (3) ou de l'article 90, le paragraphe (1) ne s'applique pas au possesseur de l'arme. 5	Idem
Possession of unregistered restricted weapon	89. (1) Every one who has in his possession a restricted weapon for which he does not have a registration certificate 10 (a) is guilty of an indictable offence and is liable to imprisonment for five years; or 15 (b) is guilty of an offence punishable on summary conviction.	89. (1) Est coupable 10 a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou 10 b) d'une infraction punissable sur déclaration sommaire de culpabilité, 15 quiconque a en sa possession une arme à autorisation restreinte pour laquelle il ne détient par de certificat d'enregistrement. 15	Possession d'une arme à autorisation restreinte non enregistrée
Possession elsewhere than at place authorized	(2) Every one who has in his possession a restricted weapon elsewhere than at the place at which he is entitled to possess it, as indicated on the registration certificate issued therefor, is, unless he is the holder of a permit under which he may lawfully so possess it, 20 (a) guilty of an indictable offence and is liable to imprisonment for five years; or 25 (b) guilty of an offence punishable on summary conviction.	(2) Est coupable 20 a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou 20 b) d'une infraction punissable sur déclaration sommaire de culpabilité, 20 quiconque a en sa possession une arme à autorisation restreinte ailleurs qu'à l'endroit où il est autorisé à la posséder, tel qu'indiqué au certificat d'enregistrement délivré pour celle-ci, à moins qu'il ne soit titulaire d'un permis en vertu duquel il peut ainsi légalement l'avoir en sa possession. 25	Possession ailleurs qu'à l'endroit autorisé
Restricted weapon in motor vehicle	(3) Every one who is an occupant of a motor vehicle in which he knows there is a restricted weapon is, unless some occupant of the motor vehicle is the holder of a permit under which he may lawfully have that weapon in his possession in such vehicle, or he establishes that he had reason to believe that some occupant of the motor vehicle was the holder of such permit, 30 (a) guilty of an indictable offence and is liable to imprisonment for five years; or 40 (b) guilty of an offence punishable on summary conviction.	(3) Est coupable 30 a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou 30 b) d'une infraction punissable sur déclaration sommaire de culpabilité, 35 quiconque occupe un véhicule automobile qu'il sait renfermer une arme à autorisation restreinte, à moins qu'un occupant du véhicule automobile ne soit titulaire d'un permis en vertu duquel il peut légalement avoir cette arme en sa possession dans ce véhicule ou qu'il n'établisse qu'il avait de bonnes raisons de croire qu'un occupant du véhicule était titulaire d'un tel permis. 35	30 Arme à autorisation restreinte dans un véhicule automobile
Saving provision	(4) Subsection (1) does not apply to a person 45	(4) Le paragraphe (1) ne s'applique pas aux personnes suivantes: 45	Réserve 45

(a) to whom a permit relating to a restricted weapon has been issued under subsection 106.2(3) or (4) and who has such weapon in his possession for the purpose for which that permit was issued; 5

(b) who has a restricted weapon in his possession while he is under the immediate supervision of a person who may lawfully possess the weapon for the purpose of using the weapon in a manner in which the supervising person may lawfully use it; or 10

(c) who comes into possession of a restricted weapon by operation of law and thereafter, with reasonable despatch, lawfully disposes thereof or obtains a registration certificate or permit under which he may lawfully possess it. 15 20

Idem

(5) Subsection (3) does not apply to an occupant of a motor vehicle in which there is a restricted weapon where, by virtue of subsection (4) or section 90, subsections (1) and (2) do not apply to the person who is in possession of that weapon. 25

Idem

(6) Subject to sections 98 and 101, subsection 103(4) and to a condition of a probation order referred to in paragraph 663(2)(d), nothing in this Act makes it unlawful for a person to be in possession of a restricted weapon in the ordinary course of a business described in subsection 103(1) or subparagraph 103(2)(b)(ii). 30

Members of forces, peace officers, etc.

90. (1) Notwithstanding anything in this Act, 35

(a) a member of the Canadian Forces or of the armed forces of a state other than Canada that are lawfully present in Canada, 40

(b) a peace officer or public officer of a class from time to time prescribed by the regulations for the purposes of this Part,

(c) an officer under the *Immigration Act*, the *Customs Act* or the *Excise Act*; or 45

a) le titulaire d'un permis d'arme à autorisation restreinte délivré en vertu des paragraphes 106.2(3) ou (4) qui a cette arme en sa possession aux fins pour lesquelles le permis a été délivré; 5

b) le possesseur d'une arme à autorisation restreinte assujetti à la surveillance immédiate d'une personne pouvant légalement avoir l'arme en sa possession, qui se sert de l'arme de la manière dont le surveillant peut lui-même légalement s'en servir; ou 10

c) celui qui vient à posséder une arme à autorisation restreinte de par la loi et qui s'en défait légalement avec diligence raisonnable ou obtient un certificat d'enregistrement ou un permis en vertu duquel il peut légalement l'avoir en sa possession. 15

(5) Le paragraphe (3) ne s'applique pas à l'occupant d'un véhicule automobile à l'intérieur duquel il y a une arme à autorisation restreinte si, en vertu du paragraphe (4) ou de l'article 90, les paragraphes (1) et (2) ne s'appliquent pas au possesseur de l'arme. 20 Idem 25

(6) Sous réserve des articles 98 et 101, du paragraphe 103(4) et d'une condition d'une ordonnance de probation mentionnée à l'alinéa 663(2)d), aucune disposition de la présente loi ne rend illicite la possession d'une arme à autorisation restreinte dans le cours ordinaire d'une entreprise décrite au paragraphe 103(1) ou au sous-alinéa 103(2)b)(ii). 30 35

Membres des forces armées, agents de la paix, etc.

90. (1) Par dérogation à la présente loi, 35

a) les membres des Forces canadiennes ou des forces armées d'un État étranger stationnées légalement au Canada,

b) les agents de la paix ou les fonctionnaires publics d'une catégorie prévue par les règlements d'application de la présente Partie, 40

c) les fonctionnaires relevant de la *Loi sur l'immigration*, de la *Loi sur les douanes* ou de la *Loi sur l'accise*; ou 45

d) les personnes qui, sous les ordres des Forces armées canadiennes ou d'une 45

(d) a person who, under the authority of the Canadian Armed Forces or a police force that includes peace officers or public officers of a class referred to in paragraph (b), imports, manufactures, repairs, alters, modifies or sells weapons for or on behalf of the Canadian Armed Forces or such a police force,

is not guilty of an offence under this Act by reason only that, in the case of a person described in any of paragraphs (a) to (c), he has in his possession a restricted or prohibited weapon for the purpose of his duties or employment and, in the case of a person described in paragraph (d), he has in his possession a restricted or prohibited weapon in the course of his business on behalf of the Canadian Armed Forces or a police force referred to in that paragraph.

Museums

(2) Notwithstanding anything in this Act, no operator of or person employed in a museum approved for the purposes of this Part by the Commissioner or the Attorney General of the province in which it is situated is guilty of an offence under this Act by reason only that he has in his possession a restricted or prohibited weapon for the purpose of exhibiting that weapon or of storing, repairing, restoring, maintaining or transporting that weapon for the purpose of exhibiting it.

Offences Related to Sale, Delivery or Acquisition of Firearms and other Offensive Weapons

Transfer of firearm to person under 16

91. (1) Every one who gives, lends, transfers or delivers any firearm to a person under the age of sixteen years who is not the holder of a permit under which he may lawfully possess the firearm

(a) is guilty of an indictable offence and is liable to imprisonment for two years; or

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

Saving provision

(2) Subsection (1) does not apply to a person lawfully in possession of a firearm who permits a person under the age of sixteen years to use the firearm under his

force policière incluant des agents de la paix ou des fonctionnaires publics d'une catégorie visée à l'alinéa b), importent, fabriquent, réparent, modifient ou vendent des armes pour le compte de ces forces armées ou policières,

ne sont pas coupables d'une infraction à la présente loi du seul fait qu'ils ont en leur possession une arme prohibée ou une arme à autorisation restreinte, pour les fins de leurs fonctions ou emploi, dans le cas des personnes visées aux alinéas a) à c), ou, dans le cas de celles visées à l'alinéa d), dans le cours ordinaire de leur entreprise exercée pour le compte des forces armées ou policières visées à cet alinéa.

Musées

(2) Par dérogation à la présente loi, ni le conservateur, ni aucun employé d'un musée approuvé aux fins de la présente Partie par le commissaire ou le procureur général de la province où le musée est situé n'est coupable d'une infraction à la présente loi du seul fait qu'il a en sa possession une arme à autorisation restreinte ou une arme prohibée pour fins d'exposition ou pour entreposage, réparation, restauration, conservation ou transport à des fins d'exposition.

Infractions relatives à la vente, à la livraison ou à l'acquisition d'armes à feu ou d'autres armes offensives

91. (1) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de deux ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque donne, prête, cède ou livre une arme à feu à une personne âgée de moins de seize ans qui n'est pas titulaire d'un permis en autorisant la possession légale.

Cession d'armes à feu à des personnes âgées de moins de seize ans

(2) Le paragraphe (1) ne s'applique pas à une personne en possession légale d'une arme à feu qui permet à une autre personne âgée de moins de seize ans de s'en

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immediate supervision in the same manner in which he may lawfully use it.

servir sous sa surveillance immédiate de la manière dont elle peut elle-même légalement s'en servir.

Wrongful delivery of firearms, etc.

92. Every one who sells, barter, gives, lends, transfers or delivers any firearm or other offensive weapon or any ammunition or explosive substance to a person who he knows or has good reason to believe is of unsound mind, is impaired by alcohol or drugs, or is a person who is prohibited by an order made pursuant to section 98 or 101 or by a condition of a probation order referred to in paragraph 663(2)(d) from possessing the firearm or other offensive weapon, ammunition or explosive substance so sold, bartered, given, loaned, transferred or delivered,

(a) is guilty of an indictable offence and is liable to imprisonment for five years; or

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

92. Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque vend, échange, donne, prête, cède ou livre une arme à feu, ou quelque autre arme offensive, des munitions ou une substance explosive alors qu'il sait ou a de bonnes raisons de croire que celui qui les reçoit n'est pas sain d'esprit, que les facultés de ce dernier sont affaiblies par l'alcool ou la drogue ou encore, qu'il est présentement sous le coup d'une ordonnance rendue conformément aux articles 98 ou 101, ou d'une ordonnance de probation visée à l'alinéa 663(2)d), qui lui interdit dans le premier cas, ou dont les modalités lui interdisent dans le second, de les avoir en sa possession.

Livraison illégale d'arme à feu, etc.

Importing or delivering prohibited weapon

93. Every one who imports, buys, sells, barter, gives, lends, transfers or delivers a prohibited weapon or any component or part designed exclusively for use in the manufacture or assembly of a prohibited weapon

(a) is guilty of an indictable offence and is liable to imprisonment for five years; or

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

93. Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque importe, achète, vend, échange, donne, prête, cède ou livre une arme prohibée ou tout élément ou pièce conçu exclusivement pour être utilisé dans la fabrication ou l'assemblage d'une telle arme.

Importation ou livraison d'armes prohibées

Delivery of restricted weapon to person without permit

94. (1) Every one who sells, barter, gives, lends, transfers or delivers any restricted weapon to a person who is not the holder of a permit authorizing him to possess that weapon,

(a) is guilty of an indictable offence and is liable to imprisonment for five years; or

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

94. (1) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque vend, échange, donne, prête, cède ou livre une arme à autorisation restreinte à une personne qui n'est pas titulaire d'un permis l'autorisant à avoir cette arme en sa possession.

Livraison d'une arme à autorisation restreinte à une personne qui n'a pas de permis

Saving provision

(2) Subsection (1) does not apply to a person lawfully in possession of a restricted weapon who permits a person who is not the holder of a permit authorizing him

(2) Le paragraphe (1) ne s'applique pas à une personne en possession légale d'une arme à autorisation restreinte qui permet à une personne qui n'est pas titulaire d'un

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to possess that weapon to use the weapon under his immediate supervision in the same manner in which he may lawfully use it.

permis l'autorisant à avoir l'arme en sa possession, de s'en servir sous sa surveillance immédiate de la façon dont elle peut elle-même légalement s'en servir.

Importation

(3) Every one who imports any restricted weapon when he is not the holder of a permit authorizing him to possess that weapon

(a) is guilty of an indictable offence and is liable to imprisonment for five 10 years; or

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

(3) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque importe une arme à autorisation 10 restreinte sans être titulaire d'un permis l'autorisant à la posséder.

5 Importation

Delivery of firearm to person without firearms acquisition certificate

95. (1) Every one who sells, barter, gives, lends, transfers or delivers any firearm to a person who does not, at the time of such sale, barter, giving, lending, transfer or delivery or, in the case of a mail-order sale, within a reasonable time prior thereto, produce a firearms acquisition 20 certificate for inspection by the person selling, bartering, giving, lending, transferring or delivering the firearm, that that person has no reason to believe is invalid or was issued to a person other than the 25 person so producing it,

(a) is guilty of an indictable offence and is liable to imprisonment for two years; or

(b) is guilty of an offence punishable on 30 summary conviction.

95. (1) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de deux ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque vend, échange, donne, prête, cède ou livre une arme à feu sans que celui qui la reçoit ne lui présente, pour examen 20 au moment de la transaction ou, au préalable, dans un délai raisonnable, dans le cas d'une vente postale, une autorisation d'acquisition d'armes à feu qu'il n'a aucune raison de croire invalide ni délivrée à une 25 autre personne que celle qui la lui présente.

Livraison d'armes à feu à une personne qui n'a pas d'autorisation d'acquisition d'armes à feu 15

Saving provision

(2) Subsection (1) does not apply to a person

(a) lawfully in possession of a firearm who lends the firearm 35

(i) to a person for use by that person in his company and under his guidance or supervision in the same manner in which he may lawfully use it, or 40

(ii) to a person who requires the firearm to hunt or trap in order to sustain himself or his family,

(iii) to a person who is the holder of a permit under which he may lawfully 45 possess the firearm; or

(2) Le paragraphe (1) ne s'applique pas aux personnes suivantes:

a) à celui qui, en possession légale d'une 30 arme à feu, la prête

(i) pour que l'emprunteur s'en serve en sa compagnie et sous sa surveillance de la manière dont il peut lui-même s'en servir légalement, ou 35

(ii) parce que l'emprunteur a besoin de l'arme pour chasser ou trapper afin de subvenir à ses besoins ou à ceux de sa famille, ou

(iii) à une personne titulaire d'un 40 permis en autorisant la possession légale; ou

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(b) who returns a firearm to a person who lent it to him in circumstances described in paragraph (a).

Acquisition of firearm without firearms acquisition certificate

(3) Every one who imports or otherwise acquires possession in any manner whatever of a firearm while he is not the holder of a firearms acquisition certificate

(a) is guilty of an indictable offence and is liable to imprisonment for two years, or

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

Saving provision

(4) Subsection (3) does not apply to a person who

(a) acquires a firearm in circumstances such that, by virtue of subsection (2), subsection (1) does not apply to the person from whom he acquires the firearm;

(b) reacquires a firearm from a person to whom he lent the firearm;

(c) imports a firearm at a time when he is not a resident of Canada;

(d) comes into possession of a firearm by operation of law and thereafter, with reasonable despatch, lawfully disposes thereof or obtains a firearms acquisition certificate under which he could have lawfully acquired the firearm; or

(e) comes into possession of a firearm in the ordinary course of a business described in subsection 103(1) or (2).

Members of forces, peace officers, etc.

96. (1) Notwithstanding sections 93 to 95,

(a) a member of the Canadian Forces or of the armed forces of a state other than Canada that are lawfully present in Canada,

(b) a peace officer or public officer of a class from time to time prescribed by the regulations for the purposes of this Part, or

(c) an operator of or a person employed in a museum approved for the purposes of this Part by the Commissioner or the Attorney General of the province in which it is situated,

b) à l'emprunteur qui rend l'arme prêtée dans les circonstances décrites à l'alinéa a).

(3) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de deux ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque importe ou obtient de quelque autre façon la possession d'une arme à feu sans être titulaire d'une autorisation d'acquisition d'armes à feu.

(4) Le paragraphe (3) ne s'applique pas aux personnes suivantes:

a) à l'emprunteur d'une arme à feu dans les cas où, vu le paragraphe (2), le paragraphe (1) n'est pas applicable au prêteur;

b) au prêteur auquel l'emprunteur remet l'arme à feu prêtée;

c) à celui qui importe une arme à feu alors qu'il n'est pas résident du Canada;

d) à celui qui de par la loi vient à posséder une arme à feu et qui s'en départit légalement ou obtient, avec diligence raisonnable, une autorisation d'acquisition d'armes à feu qui aurait permis de l'acquérir; ou

e) à celui qui vient à posséder une arme à feu dans le cours ordinaire des affaires d'une entreprise décrite aux paragraphes 103(1) ou (2).

Acquisition d'armes à feu sans autorisation

Réserve

Membres des forces armées, agents de la paix, etc.

is not guilty of an offence under this Act by reason only that he imports or otherwise acquires possession in any manner whatever of any weapon or component or part of a weapon in the course of his duties or employment. 5

ne sont pas coupables d'une infraction à la présente loi du seul fait qu'ils importent ou obtiennent de quelque autre manière, possession d'une arme, d'un de ses éléments ou d'une de ses pièces en raison de leurs fonctions ou emploi. 5

Importation, etc., on behalf of armed forces and police forces

(2) Notwithstanding sections 93 to 95, a person who, under the authority of the Canadian Armed Forces or a police force that includes peace officers or public officers of a class referred to in paragraph (1)(b), imports, manufactures, repairs, alters, modifies or sells weapons for or on behalf of the Canadian Armed Forces or such a police force, is not guilty of an offence under this Act by reason only that he so imports or manufactures weapons or that he sells, barter, gives, lends, transfers or delivers weapons to the Canadian Armed Forces or such a police force. 20

(2) Par dérogation aux articles 93 à 95, les personnes qui, sous les ordres des Forces armées canadiennes ou d'une force policière composée d'agents de la paix ou de fonctionnaires publics de l'une des catégories visées à l'alinéa (1)b), importent, fabriquent, réparent, modifient ou vendent des armes au profit de ces forces armées ou policières, ne sont pas coupables d'une infraction à la présente loi du seul fait qu'elles importent ou fabriquent ces armes ni du fait qu'elles les vendent, les échan- gent, les donnent, les prêtent, les cèdent ou les livrent auxdites forces armées ou policières. 20

Importations d'armes au profit des forces armées ou policières, etc.

Importation etc., on behalf of museums

(3) Notwithstanding sections 93 to 95, a person who, under the supervision of an operator of or a person employed in a museum approved for the purposes of this Part by the Commissioner or the Attorney General of the province in which it is situated, imports, buys, repairs, restores or maintains weapons for or on behalf of the museum is not guilty of an offence under this Act by reason only that he so imports, repairs, restores or maintains weapons or that he sells, barter, gives, lends, transfers or delivers weapons to the museum. 30

(3) Par dérogation aux articles 93 à 95, ceux qui, sous la surveillance du conservateur ou des employés d'un musée approuvé aux fins de la présente Partie par le commissaire ou le gouverneur général de la province où le musée est situé, importent, achètent, réparent, restaurent ou conservent des armes pour le compte du musée ne sont pas coupables d'une infraction à la présente loi de ce seul fait ni du fait qu'ils les vendent, les échan- gent, les donnent, les prêtent, les cèdent ou les livrent au musée. 30

Importation, etc., pour le compte des musées

Exception

97. Notwithstanding sections 94 and 95, a person is not guilty of an offence under this Act by reason only that he transfers or delivers 35

(a) any restricted weapon to a person who carries on a business described in subparagraph 103(2)(b)(ii), or 40

(b) any firearm, other than a restricted weapon, to a person who carries on a business described in subsection 103(1) or subparagraph 103(2)(b)(ii)

for use in the course of such a business. 45

97. Par dérogation aux articles 94 et 95, une personne n'est pas coupable d'une infraction à la présente loi du seul fait qu'elle cède ou livre 35

a) une arme à autorisation restreinte à l'exploitant d'une entreprise visée au sous-alinéa 103(2)b)(ii) ou 40

b) une arme à feu, autre qu'une arme à autorisation restreinte, à l'exploitant d'une entreprise visée au paragraphe 103(1) ou au sous-alinéa 103(2)b)(ii)

aux fins d'une telle entreprise. 45

Exception

Prohibition Orders, Seizure and Forfeiture

Ordonnances d'interdiction, saisie et confiscation

Mandatory order prohibiting possession

98. (1) Where a person is convicted of an indictable offence in the commission of which violence against a person is used, threatened or attempted and for which the offender may be sentenced to imprisonment for ten years or more or of an offence under section 83, the court shall, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from having in his possession any firearm or any ammunition or explosive substance for any period of time specified in the order that commences on the day the order is made and expires not earlier than

(a) in the case of a first conviction for such an offence, five years, and

(b) in any other case, ten years, after the time of his release from imprisonment after conviction for the offence.

Order of prohibition after conviction

(2) Where a person is convicted of an offence involving the use, carriage, possession, handling, shipping or storage of any firearm or ammunition or an offence, other than an offence referred to in subsection (1), in the commission of which violence against a person was used, threatened or attempted, the court, judge, justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from having in his possession any firearm or any ammunition or explosive substance for any period of time specified in the order that commences on the day the order is made and expires not later than five years after the time of his release from imprisonment after conviction for the offence or, if he is not then imprisoned or subject to imprisonment, after the time of his conviction for that offence.

Definition of "release from imprisonment"

(3) For the purposes of subsections (1) and (2), "release from imprisonment" means release from confinement by reason

Possession interdite par ordonnance

98. (1) Le tribunal qui déclare coupable l'auteur d'un acte criminel commis avec emploi, tentative ou menace d'emploi de violences contre la personne et punissable d'une peine d'emprisonnement d'au moins dix ans, de même que celui qui déclare coupable l'auteur d'une infraction à l'article 83, doit, en sus de toute autre peine pouvant être imposée pour l'infraction, rendre une ordonnance interdisant à son auteur d'avoir en sa possession une arme à feu, des munitions ou une substance explosive pour une période, devant être indiquée dans l'ordonnance, courant à compter de l'époque où elle est rendue et expirant au plus tôt

a) dans le cas d'une première infraction, cinq ans, et

b) dans tous les autres cas, dix ans, après sa libération de l'emprisonnement consécutif à cette déclaration de culpabilité.

Ordonnance d'interdiction après déclaration de culpabilité

(2) Le tribunal ou, selon le cas, le juge, le juge de paix ou le magistrat, qui déclare coupable l'auteur d'une infraction impliquant usage, port, possession, manèment, expédition ou entreposage d'une arme à feu ou de munitions ou l'auteur d'une infraction autre que celles visées au paragraphe (1), commise avec emploi, tentative ou menace d'emploi de violences contre la personne, peuvent, en sus de toute autre peine pouvant être imposée pour cette infraction, rendre une ordonnance lui interdisant d'avoir en sa possession une arme à feu, des munitions ou des substances explosives pour une période devant être indiquée dans l'ordonnance, courant à compter de l'époque où elle est rendue et expirant au plus tard cinq ans après sa libération de l'emprisonnement consécutif à cette déclaration de culpabilité ou, s'il n'est pas emprisonné ou s'il n'est pas passible d'emprisonnement, après la déclaration de culpabilité.

Définition de «libération de l'emprisonnement»

(3) Aux fins des paragraphes (1) et (2), «libération de l'emprisonnement» signifie un élargissement accordé parce que la

of expiration of sentence, commencement of mandatory supervision or grant of parole other than day parole.

peine a été purgée, parce qu'entre en vigueur la surveillance obligatoire ou parce qu'est accordée une libération conditionnelle autre qu'une libération conditionnelle de jour.

Application for order of prohibition

(4) Where a peace officer has reasonable grounds to believe that it is not desirable in the interests of the safety of any person that a particular person should possess any firearm or any ammunition or explosive substance, he may apply to a magistrate for an order prohibiting that particular person from having in his possession any firearm or any ammunition or explosive substance.

(4) L'agent de la paix qui croit pour des motifs raisonnables qu'il ne serait pas souhaitable pour la sécurité de qui que ce soit qu'un individu soit autorisé à avoir en sa possession des armes à feu, des munitions ou des substances explosives, peut demander à un magistrat de rendre une ordonnance le lui interdisant.

5

Demande d'ordonnance d'interdiction

Fixing date for hearing and notice

(5) On receipt of an application made pursuant to subsection (4) or on a reference by a firearms officer, pursuant to subsection 104(6), of his opinion that it is not desirable in the interests of the safety of an applicant for a firearms acquisition certificate or of any other person that the applicant for a firearms acquisition certificate acquire a firearm, the magistrate to whom the application or reference is made shall fix a date for the hearing of the application or reference and direct that notice of the hearing be given to the person against whom the order of prohibition is sought or the applicant for the firearms acquisition certificate and the firearms officer, as the case may be, in such manner as the magistrate may specify.

(5) Sur réception d'une demande présentée en vertu du paragraphe (4) ou lors d'un renvoi fait, en vertu du paragraphe 104(6), par un préposé aux armes à feu qui estime qu'il n'est pas souhaitable pour la sécurité du requérant d'une autorisation d'acquisition d'armes à feu, ni pour celle d'autrui, que celui-ci soit autorisé à avoir une telle arme en sa possession, le magistrat à qui il est fait fixe la date à laquelle il entendra la demande ou le renvoi et ordonne que la personne visée par l'interdiction demandée ou, selon le cas, le requérant de l'autorisation d'acquisition d'armes à feu et le préposé aux armes à feu, en soient notifiés de la manière qu'il indique.

Date d'audition et avis

Hearing of application and disposition

(6) At the hearing of an application made pursuant to subsection (4) the magistrate shall hear all relevant evidence presented by or on behalf of the applicant and the person against whom the order of prohibition is sought and where, at the conclusion of the hearing, the magistrate is satisfied that there are reasonable grounds to believe that it is not desirable in the interests of the safety of the person against whom the order of prohibition is sought or of any other person that the person against whom the order is sought should possess any firearm or any ammunition or explosive substance, the magistrate shall make an order prohibiting him from having in his possession any firearm or any ammunition or explosive substance for any period

(6) Lors de l'audition de la demande présentée en vertu du paragraphe (4), le magistrat prend connaissance de tout élément de preuve pertinent que présentent le requérant et la personne visée par l'interdiction demandée, ou leurs procureurs, et s'il est convaincu à la fin de l'audition qu'il existe des motifs raisonnables de croire qu'il ne serait pas souhaitable pour la sécurité de la personne ainsi visée, ni pour celle d'autrui, qu'elle soit autorisée à avoir en sa possession des armes à feu, des munitions ou des substances explosives, il doit rendre une ordonnance lui interdisant d'en avoir en sa possession pour une période qu'il indique dans l'ordonnance, d'au plus cinq ans, courant à compter de la date où l'ordonnance est rendue.

Audition et rejet ou non de la demande

of time, not exceeding five years, specified in the order and computed from the day the order is made.

Hearing of
reference and
disposition

(7) At the hearing of a reference referred to in subsection (5), the magistrate shall hear all relevant evidence presented by or on behalf of the firearms officer and the applicant for a firearms acquisition certificate and where, at the conclusion of the hearing, the firearms officer has satisfied the magistrate that his opinion that it is not desirable in the interests of the safety of the applicant for a firearms acquisition certificate or of any other person that the applicant for a firearms acquisition certificate acquire a firearm is justified, the magistrate shall, by order, confirm that opinion and prohibit the applicant for a firearms acquisition certificate from having in his possession any firearm, ammunition or explosive substance for any period of time, not exceeding five years, specified in the order and computed from the day the order is made.

Idem

(8) Where, at the conclusion of a hearing referred to in subsection (7), the firearms officer has not satisfied the magistrate that his opinion that it is not desirable in the interests of the safety of the applicant for a firearms acquisition certificate or of any other person that the applicant for a firearms acquisition certificate acquire a firearm is justified, the magistrate shall, by order, direct the firearms officer to issue to that person a firearms acquisition certificate and, on payment of the fee, if any, fixed for such a certificate, the firearms officer shall forthwith comply with the direction.

Where hearing
may proceed *ex*
parte

(9) A magistrate may proceed *ex parte* to hear and determine an application made pursuant to subsection (4) or a reference referred to in subsection (5) in the absence of the person against whom the order of prohibition is sought or the applicant for a firearms acquisition certificate, as the case may be, in circumstances in which a summary conviction court may, pursuant to Part XXIV, proceed with a trial in the absence of the defendant as fully and

(7) Lors de l'audition du renvoi visé au paragraphe (5), le magistrat prend connaissance de tout élément de preuve pertinent que présentent le préposé aux armes à feu et le requérant de l'autorisation d'acquisition d'armes à feu, ou leurs procureurs, et s'il est convaincu à la fin de l'audition de la justesse de l'opinion du préposé aux armes à feu, à savoir qu'il ne serait pas souhaitable pour la sécurité du requérant, ni pour celle d'autrui, que celui-ci soit autorisé à acquérir une arme à feu, il doit rendre une ordonnance confirmant cette opinion et interdisant au requérant d'avoir en sa possession des armes à feu, des munitions ou des substances explosives pour une période, qu'il indique dans l'ordonnance, d'au plus cinq ans, courant à compter de la date où l'ordonnance est rendue.

Audition et
rejet ou non de
la demande

Idem

(8) A la fin de l'audition visée au paragraphe (7), le magistrat qui n'est pas convaincu de la justesse de l'opinion du préposé aux armes à feu, à savoir qu'il soit souhaitable pour la sécurité du requérant de l'autorisation d'acquisition d'armes à feu, ou pour celle d'autrui, qu'il ne soit pas autorisé à acquérir des armes à feu, doit rendre une ordonnance enjoignant au préposé aux armes à feu de délivrer au requérant une autorisation d'acquisition d'armes à feu; le préposé doit aussitôt se conformer à cette directive sur paiement des frais prévus, le cas échéant, pour semblable autorisation.

Audition *ex*
parte

(9) Le magistrat peut entendre *ex parte* la demande présentée en vertu du paragraphe (4) ou le renvoi visé au paragraphe (5), et en disposer, en l'absence de celui que viserait l'interdiction demandée ou en l'absence du requérant d'une autorisation d'acquisition d'armes à feu, dans les cas où les cours de poursuites sommaires peuvent, en vertu de la Partie XXIV, commencer le procès en l'absence du défendeur, tout comme s'il y était.

effectually as if the defendant had appeared.

Appeal to appeal court in certain cases

(10) Where a magistrate
 (a) makes an order pursuant to subsection (6) or (7), the prohibited person, 5
 (b) refuses to make an order pursuant to subsection (6), the person who made the application pursuant to subsection (4), or
 (c) makes an order pursuant to subsection (8), the firearms officer by whom the application for a firearms acquisition certificate that is the subject of the order was referred to the magistrate, 10
 may appeal to the appeal court against the order or refusal to make an order, as the case may be, and the provisions of Part XXIV except sections 752 to 752.3 and sections 761 to 770 apply, *mutatis mutandis*, in respect of such an appeal. 20

Definitions
 "appeal court"

(11) In this section,
 "appeal court" means
 (a) in the Province of Prince Edward Island, the Supreme Court,
 (b) in the Provinces of Nova Scotia, 25 Ontario, Manitoba, British Columbia and Newfoundland, the district or county court of the district or county where the adjudication was made,
 (c) in the Province of Quebec, the 30 Superior Court,
 (d) in the Province of New Brunswick, the County Court,
 (e) in the Provinces of Saskatchewan and Alberta, the District Court, and 35
 (f) in the Yukon Territory and Northwest Territories, the Supreme Court;

"magistrate"

"magistrate" means a magistrate having jurisdiction in the territorial division 40 where the person against whom the relevant application for an order of prohibition was brought or in respect of whom the reference was made, as the case may be, resides. 45

Possession of firearm, ammunition, etc., while prohibited by order

(12) Every one who has in his possession any firearm or any ammunition or explo-

(10) Peuvent, devant la cour d'appel, les dispositions de la Partie XXIV s'appliquant *mutatis mutandis*, sauf les articles 752 à 752.3 et 761 à 770, interjeter appel de l'ordonnance rendue ou du refus de la rendre, selon le cas, les personnes suivantes: 5

Appels à la cour d'appel en certains cas

a) celui que vise l'ordonnance d'interdiction rendue par le magistrat en vertu des paragraphes (6) ou (7); 10
 b) le requérant, auteur de la demande pertinente présentée en vertu du paragraphe (4), en cas du refus du magistrat de rendre une ordonnance en vertu du paragraphe (6); ou 15
 c) le préposé aux armes à feu auteur du renvoi qui fait l'objet d'une ordonnance rendue par le magistrat en vertu du paragraphe (8).

(11) Au présent article,
 «cour d'appel» désigne

20 Définitions
 «cour d'appel»

a) dans la province de l'Île-du-Prince-Édouard, la Cour suprême,
 b) dans les provinces de la Nouvelle-Écosse, d'Ontario, du Manitoba, de la 25 Colombie-Britannique et de Terre-Neuve, la cour de comté ou de district du comté ou du district où le jugement a été prononcé,
 c) dans la province de Québec, la 30 Cour supérieure,
 d) dans la province du Nouveau-Brunswick, la cour de comté,
 e) dans les provinces de la Saskatchewan et d'Alberta, la cour de district, 35
 et
 f) dans le territoire du Yukon et les territoires du Nord-Ouest, la Cour suprême;

«magistrat» désigne un magistrat compétent dans la circonscription territoriale où réside la personne visée par la demande d'ordonnance d'interdiction ou le renvoi. 40 «magistrat»

(12) Est coupable

45 Contravention d'une ordonnance d'interdiction

sive substance while he is prohibited from doing so by any order made pursuant to this section

(a) is guilty of an indictable offence and is liable to imprisonment for five years; or

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

Defence

(13) An order made pursuant to subsection (1), (2), (6) or (7) shall specify therein a reasonable period of time within which the person against whom the order is made may surrender to a police officer or firearms officer or otherwise lawfully dispose of any firearm or any ammunition or explosive substance lawfully possessed by him prior to the making of the order, and subsection (12) does not apply to him during such period of time.

Search and seizure

99. (1) Whenever a peace officer believes on reasonable grounds that an offence is being committed or has been committed against any of the provisions of this Act relating to prohibited weapons, restricted weapons, firearms or ammunition, he may search, without warrant, a person or vehicle, or place or premises other than a dwelling-house, and may seize anything by means of or in relation to which he reasonably believes the offence is being committed or has been committed.

Disposition

(2) Anything seized pursuant to subsection (1) shall be dealt with in accordance with sections 446 and 446.1.

"Dwelling-house" defined

(3) For the purposes of this section, "dwelling-house" does not include a unit that is designed to be mobile other than such a unit that is being used as a permanent residence.

Seizure

100. (1) Notwithstanding section 99, a peace officer who finds

(a) a person in possession of any restricted weapon who fails then and there to produce, for inspection by the peace officer, a registration certificate or permit under which he may lawfully possess the weapon,

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque a en sa possession une arme à feu, des munitions ou une substance explosive pendant que cela lui est interdit par une ordonnance rendue en conformité du présent article.

(13) Les ordonnances rendues en vertu des paragraphes (1), (2), (6) ou (7) doivent indiquer qu'un délai raisonnable, lequel doit être spécifié, est accordé à la personne visée par l'ordonnance pour disposer légalement, en les remettant à un officier de police ou à un préposé aux armes à feu ou autrement, des armes à feu, munitions ou substances explosives qu'elle possédait jusqu'alors légitimement; pendant ce délai, le paragraphe (12) ne lui est pas applicable.

99. (1) L'agent de la paix qui croit, pour des motifs raisonnables, que se commet ou a été commise une infraction aux dispositions de la présente loi ayant trait aux armes prohibées, armes à autorisation restreinte, armes à feu ou munitions, peut, sans mandat, fouiller toute personne ou véhicule, perquisitionner en tout lieu ou local autre qu'une maison d'habitation et saisir toute chose au moyen ou au sujet de laquelle il croit raisonnablement que l'infraction est ou a été commise.

(2) Il doit être disposé conformément aux articles 446 et 446.1 des choses saisies en vertu du paragraphe (1).

(3) Pour l'application du présent article, sont exclues de l'expression «maisons d'habitation» les maisons mobiles qui ne sont pas utilisées comme résidence permanente.

100. (1) Par dérogation à l'article 99, l'agent de la paix qui trouve

a) une personne en possession d'une arme à autorisation restreinte qui est incapable de lui présenter sur-le-champ pour examen le certificat d'enregistrement ou le permis en vertu duquel elle peut légalement l'avoir en sa possession,

10 Défense

Perquisition et saisie

Dispositions des objets saisis

Définition de «maisons d'habitation»

Saisie

(b) a person under the age of sixteen years in possession of any firearm who fails then and there to produce, for inspection by the peace officer, a permit under which he may lawfully possess the firearm, or

(c) any person in possession of a prohibited weapon,

may, unless in a case described in paragraph (a) or (b) possession of the restricted weapon or firearm by the person in the circumstances in which it is so found is authorized by any provision of this Part, seize such restricted weapon or firearm or such prohibited weapon.

Return

(2) Where a person from whom any restricted weapon or firearm was seized pursuant to subsection (1), within fourteen days thereafter, claims the weapon or firearm and produces to the peace officer by whom the weapon or firearm was seized, or any other peace officer having custody thereof, for inspection by him, a registration certificate or permit under which the person from whom the seizure was made is lawfully entitled to possess the weapon or firearm, the weapon or firearm shall forthwith be returned to him.

Forfeiture

(3) Where any restricted weapon, firearm or prohibited weapon that was seized pursuant to subsection (1) is not returned as and when provided by subsection (2), a peace officer shall forthwith take it before a magistrate who may, after affording the person from whom it was seized or the owner thereof, if known, an opportunity to establish that he is lawfully entitled to the possession thereof, declare it to be forfeited to Her Majesty, whereupon it shall be disposed of as the Attorney General directs.

Application for warrant to seize

101. (1) Where, on application to a magistrate made by or on behalf of the Attorney General with respect to any person, the magistrate is satisfied that there are reasonable grounds for believing that it is not desirable in the interests of the safety of that person, or of any other person, that that person should have in his possession, custody or control any firearm

b) une personne âgée de moins de seize ans en possession d'une arme à feu qui est incapable de lui présenter sur-le-champ pour examen le permis en vertu duquel elle peut légalement l'avoir en sa possession, ou

c) une personne en possession d'une arme prohibée,

peut saisir ces armes, à moins, dans les cas prévus aux alinéas a) ou b), que les dispositions de la présente Partie autorisent en l'espèce cette personne à avoir en sa possession lesdites armes à autorisation restreinte ou armes à feu.

(2) La personne à qui, en vertu du paragraphe (1), on a saisi une arme à autorisation restreinte ou une arme à feu, peut, dans les quatorze jours, la réclamer en présentant pour fins d'examen à l'agent de la paix qui l'a saisie ou à tout autre agent de la paix qui en a la garde, le certificat d'enregistrement ou le permis l'autorisant à l'avoir légalement en sa possession; celle-ci doit alors lui être remise immédiatement.

15 Remise

(3) L'agent doit immédiatement apporter les armes à autorisation restreinte, armes à feu ou armes prohibées, saisies conformément au paragraphe (1) mais non remises conformément au paragraphe (2), à un magistrat qui peut, après avoir donné à la personne qui les détenait lorsqu'elles ont été saisies, ou à leur propriétaire, s'il est connu, l'occasion d'établir qu'ils ont le droit de les posséder, les déclarer confisquées au profit de Sa Majesté et, sur ce, il doit en être disposé ainsi que l'ordonne le procureur général.

Confiscation

101. (1) Un magistrat, sur demande du procureur général ou de son représentant, peut délivrer un mandat de perquisition autorisant la saisie des armes à feu ou autres armes offensives, munitions ou substances explosives dont une personne a la possession, la garde ou le contrôle lorsqu'il est convaincu qu'il existe des motifs raisonnables de croire qu'il n'est pas souhai-

Demande d'un mandat de saisie

or other offensive weapon or any ammunition or explosive substance, the magistrate may issue a warrant authorizing the search for and seizure of any firearm or other offensive weapon or any ammunition or explosive substance in the possession, custody or control of that person. 5

Seizure without
warrant

(2) Where, with respect to any person, a peace officer is satisfied that there are reasonable grounds for believing that it is not desirable in the interests of the safety of that person, or of any other person, that that person should have in his possession, custody or control any firearm or other offensive weapon or any ammunition or explosive substance and that the danger to the safety of that person or other persons is such that to proceed by way of an application under subsection (1) would be impracticable, the peace officer may without warrant search for and seize any firearm or other offensive weapon or any ammunition or explosive substance in the possession, custody or control of that person. 10 15 20 25

Return to
magistrate

(3) On execution of a warrant referred to in subsection (1) or following a search without warrant under subsection (2), the Attorney General shall forthwith make a return to the magistrate by whom the warrant was issued or, if no warrant was issued, to a magistrate by whom a warrant might have issued showing, 30

(a) in the case of an execution of a warrant referred to in subsection (1), the articles, if any, seized and the date of execution of the warrant; and 35

(b) in the case of a search without warrant under subsection (2), the grounds on which it was concluded that the peace officer who conducted the search without warrant was entitled to do so and the articles, if any, seized. 40

Application for
disposition

(4) Where any articles have been seized pursuant to subsection (1) or (2), the magistrate by whom a warrant was issued or, if no warrant was issued, a magistrate by whom a warrant might have issued shall, on application to him for an order for the disposition of the articles so seized 45 50

table pour la sécurité de cette personne ou pour celle d'autrui, de les lui laisser.

Saisie sans
mandat

(2) Un agent de la paix peut, sans mandat, perquisitionner et saisir les armes à feu ou autres armes offensives, munitions ou substances explosives dont une personne a la possession ou la garde lorsqu'il est convaincu qu'il existe des motifs raisonnables de croire qu'il n'est pas souhaitable pour la sécurité de cette personne, ni pour celle d'autrui, de les lui laisser et que le danger pour la sécurité de cette personne ou d'autrui est tel qu'il serait impraticable de procéder par voie de demande en vertu du paragraphe (1). 5 10 15

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Rapport du
mandat au
magistrat

(3) Le procureur général doit, immédiatement après l'exécution du mandat mentionné au paragraphe (1), ou après une saisie sans mandat effectuée conformément au paragraphe (2), présenter au magistrat qui a délivré le mandat ou, dans le cas d'une saisie sans mandat, qui aurait eu compétence pour ce faire faire, un rapport indiquant, outre les objets saisis, 20

a) la date d'exécution du mandat dans le cas d'un mandat exécuté en vertu du paragraphe (1); et 25

b) dans le cas d'une saisie sans mandat en vertu du paragraphe (2), les motifs au soutien de la décision de l'agent de la paix de faire la saisie. 30

Demande d'une
ordonnance
pour disposer
des objets saisis

(4) Lorsque des objets ont été saisis en vertu des paragraphes (1) ou (2), le magistrat qui a délivré le mandat, ou, dans le cas d'une saisie sans mandat, qui aurait eu compétence pour ce faire faire, doit, sur demande d'une ordonnance, aux fins de disposer de ces objets, faite par le 35

made by or on behalf of the Attorney General within thirty days from the date of execution of the warrant or of the seizure without 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 magistrate may specify.

Hearing of application

(5) At the hearing of an application described in subsection (4), the magistrate shall hear any relevant evidence, including evidence as to the value of the articles in respect of which the application was made.

Finding and order of court

(6) If, following the hearing of an application described in subsection (4) made with respect to any person, the magistrate finds that it is not desirable, in the interests of the safety of that person or of any other person, that that person should have in his possession, custody or control any firearm or other offensive weapon or any ammunition or explosive substance, the magistrate may

(a) order that any or all of the articles seized be disposed of on such terms as the magistrate deems fair and reasonable, and give such directions concerning the payment or application of the proceeds, if any, of the disposition as the magistrate sees fit; and

(b) where the magistrate is satisfied that the circumstances warrant such action, order that the possession by that person of any firearm or other offensive weapon or any ammunition or explosive substance specified in the order, or of all such articles be prohibited during any period of time, not exceeding five years, specified in the order and computed from the day the order is made.

Where no finding or application

(7) Any articles seized under subsection (1) or (2) in respect of which,

(a) no application under subsection (4) is made within thirty days from the date of execution of the warrant or of the seizure without warrant, as the case may be, or

(b) where an application under subsection (4) is made within the period

procureur général ou en son nom, dans les trente jours de la date de l'exécution du mandat ou de la saisie sans mandat, selon le cas, fixer la date d'audition de la demande et ordonner qu'un avis de l'audition soit donné aux personnes et de la manière qu'il peut spécifier.

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(5) Lors de l'audition de la demande mentionnée au paragraphe (4), le magistrat doit entendre toute preuve pertinente, y compris toute preuve de la valeur des objets visés par la demande.

Audition de la demande

(6) Le magistrat qui, suite à l'audition d'une demande mentionnée au paragraphe (4), conclut qu'il n'est pas souhaitable pour la sécurité de la personne visée par cette demande, ni pour celle d'autrui, qu'elle ait la possession, la garde ou le contrôle d'armes à feu, d'autres armes offensives, de munitions ou de substances explosives, peut

Conclusion et ordonnance de la cour

a) ordonner de disposer des objets saisis aux conditions qu'il estime justes et raisonnables et donner les directives qu'il juge appropriées relativement au paiement ou à l'affectation du produit, s'il en est, de cette disposition; et

b) lorsqu'il est convaincu que les circonstances justifient une telle mesure, ordonner que la possession par cette personne des armes à feu, autres armes offensives, munitions ou substances explosives mentionnées dans l'ordonnance soit interdite durant la période, d'au plus cinq ans, qu'elle spécifie, courant à compter du jour où elle est rendue.

(7) Les objets saisis en vertu des paragraphes (1) ou (2) doivent être remis au saisi dans les cas suivants:

Absence de demande ou de conclusion

a) aucune demande n'est présentée en vertu du paragraphe (4) dans les trente jours de la date d'exécution du mandat ou de la saisie sans mandat, selon le cas; ou

referred to in paragraph (a), the magistrate does not make a finding as described in subsection (6),

shall be returned to the person from whom they were seized.

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b) une demande prévue au paragraphe (4) étant présentée dans le délai prévu à l'alinéa a), le magistrat ne conclut pas dans le sens indiqué au paragraphe (6).

Appeal

(8) Where a magistrate

(a) makes an order under subsection (6) with respect to any person, that person, or

(b) does not make a finding as described in subsection (6) following the hearing of an application under subsection (4), or makes such a finding but does not make an order to the effect described in paragraph (6)(a) and to the effect described in paragraph (6)(b), the Attorney General or counsel instructed by him for that purpose

may appeal to the appeal court against the making of the order, or against the failure to make such a finding or to make an order to the effects so described, as the case may be, and the provisions of Part XXIV except sections 752 to 752.3 and sections 761 to 770 apply, *mutatis mutandis*, in respect of such an appeal.

(8) Peuvent, devant la cour d'appel, les dispositions de la Partie XXIV s'appliquant *mutatis mutandis*, sauf les articles 752 à 752.3 et 761 à 770, interjeter appel d'une ordonnance du magistrat rendue en vertu du paragraphe (6) ou, selon le cas, du défaut de conclure dans le sens visé par ce paragraphe ou du défaut de rendre l'ordonnance qui y est prévue, les personnes suivantes:

5 Appel

a) celle contre qui l'ordonnance prévue au paragraphe (6) est rendue;

b) le procureur général ou un procureur constitué par lui dans les cas où le magistrat, après avoir entendu la demande visée au paragraphe (4), ne conclut pas dans le sens indiqué au paragraphe (6) ou, s'il le fait, lorsqu'il ne rend pas l'ordonnance prévue aux alinéas (6)a) ou b).

Definitions

(9) In this section,

"magistrate"

"magistrate" means a magistrate having jurisdiction in the territorial division where the person with respect to whom an application is made under subsection (1) or the person with respect to whom a search without warrant is made under subsection (2) resides;

"appeal court"

"appeal court" has the meaning given that expression in subsection 98(11).

(9) Au présent article,

25 Définitions

«cour d'appel» a le sens que lui donne le paragraphe 98(11);

«cour d'appel»

«magistrat» désigne un magistrat compétent dans la circonscription territoriale où réside la personne visée par une demande faite en vertu du paragraphe (1) ou par une saisie sans mandat en vertu du paragraphe (2).

«magistrat»

Possession of firearm or ammunition while prohibited by order

(10) Every one who has in his possession any firearm or other offensive weapon or any ammunition or explosive substance while he is prohibited from doing so by any order made pursuant to paragraph (6)(b)

(a) is guilty of an indictable offence and is liable to imprisonment for five years; or

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

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(10) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque a en sa possession une arme à feu, une autre arme offensive, des munitions ou des substances explosives pendant que cela lui est interdit par une ordonnance rendue en vertu de l'alinéa (6)b).

Possession d'armes à feu ou de munitions interdite par ordonnance

*Found, Lost, Mislaid, Stolen and Defaced
Firearms and other Weapons*

*Armes à feu et autres armes trouvées,
perdues, égarées, volées ou maquillées*

Finding weapon

102. (1) Every one commits an offence who, on finding a prohibited weapon or restricted weapon or firearm that he has reasonable grounds to believe has been lost or abandoned, does not with reasonable despatch

(a) deliver it to a peace officer, a local registrar of firearms or a firearms officer; or

(b) report to a peace officer, a local registrar of firearms or a firearms officer that he has found it.

102. (1) Commet une infraction quiconque, après avoir trouvé une arme prohibée, une arme à autorisation restreinte ou une arme à feu, qu'il croit pour des motifs raisonnables avoir été perdues ou abandonnées,

a) ne les remet pas, avec diligence raisonnable, à un agent de la paix, à un registraire local d'armes à feu ou à un préposé aux armes à feu; ou

b) ne fait pas connaître, avec diligence raisonnable, à un agent de la paix, à un registraire local d'armes à feu ou à un préposé aux armes à feu qu'il les a trouvées.

Arme trouvée

Lost weapon, etc.

(2) Every one commits an offence who, having lost or mislaid a restricted weapon for which he has a registration certificate or permit or having had such a restricted weapon stolen from his possession, does not with reasonable despatch report to a peace officer, or a local registrar of firearms that he has lost or mislaid such weapon or that such weapon has been stolen from him.

(2) Commet une infraction, quiconque, ayant perdu, égaré ou s'étant fait voler une arme à autorisation restreinte pour laquelle il détient un certificat d'enregistrement ou un permis, ne fait pas connaître, avec diligence raisonnable, à un agent de la paix ou à un registraire local d'armes à feu qu'il a perdu ou égaré cette arme ou qu'on la lui a volée.

Arme perdue, etc.

Tampering with serial number

(3) Every one commits an offence who, without lawful excuse, the proof of which lies on him

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

(b) has in his possession a firearm knowing that the serial number thereon has been altered, defaced or removed.

(3) Commet une infraction, quiconque, sans excuse légitime, dont la preuve lui incombe

a) modifie, maquille ou efface un numéro de série sur une arme à feu; ou

b) a en sa possession une arme à feu en sachant que son numéro de série a été modifié, maquillé ou effacé.

Modification du numéro de série

Evidence

(4) In proceedings under subsection (3), evidence that a person has in his possession a firearm the serial number of which has been wholly or partially obliterated is, in the absence of any evidence to the contrary, proof that such person has the firearm in his possession knowing that the serial number thereon has been altered, defaced or removed.

(4) Dans toute procédure engagée en vertu du paragraphe (3), la preuve qu'une personne a en sa possession une arme à feu dont le numéro de série a été totalement ou partiellement effacé fait preuve, en l'absence de preuve contraire, que cette personne est en possession de l'arme en sachant que son numéro de série a été modifié, maquillé ou effacé.

Preuve

Punishment

(5) Every one who contravenes this section

(5) Quiconque commet une infraction visée au présent article est coupable

a) d'un acte criminel et passible d'un emprisonnement de cinq ans; ou

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- (a) is guilty of an indictable offence and is liable to imprisonment for five years; or
 (b) is guilty of an offence punishable on summary conviction.

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Firearms and other Businesses

Record of transaction in firearms, etc.

103. (1) Every person who carries on a business that includes the manufacturing, buying or selling at wholesale or retail, importing, repairing, altering or modifying or taking in pawn of restricted weapons or 10 firearms shall

- (a) keep records of transactions entered into by him with respect to such weapons or firearms in a form prescribed by the Commissioner and containing such 15 information as is prescribed by the Commissioner;
 (b) keep an inventory of all such weapons and firearms from time to time on hand at his place of business; 20
 (c) produce the record and inventory for inspection at the request of any police officer or police constable or any other person authorized by regulations made pursuant to paragraph 106.8(a) to 25 enter any place where a business referred to in that paragraph is carried on; and
 (d) mail a copy of the record and inventory relating to restricted weapons to the 30 Commissioner or to any person authorized by subsection 106.2(5) to issue a permit to carry on the business in accordance with any request in writing made by the Commissioner or any such 35 person.

Report of loss, destruction or theft

- (2) A person who carries on
 (a) a business described in subsection (1), or
 (b) a business that includes 40
 (i) the manufacturing, buying or selling at wholesale or retail or importing of ammunition, or

- b) d'une infraction punissable sur déclaration sommaire de culpabilité.

Fabriques d'armes à feu et autres entreprises

Registre des opérations relatives aux armes, etc.

103. (1) Quiconque exploite une entreprise qui comporte la fabrication, l'achat ou la vente, en gros ou au détail, l'importation, la réparation, la modification ou la prise en gage d'armes à autorisation restreinte ou d'armes à feu doit

- a) tenir des registres de ses opérations, en la forme prescrite par le commissaire 10 en ce qui concerne les armes, notamment les armes à feu que ce dernier désigne, et contenant les renseignements qu'il exige;
 b) tenir un inventaire de ces armes et 15 armes à feu en stock à sa place d'affaires;
 c) présenter ce registre et cet inventaire pour examen à la demande d'un officier ou agent de police ou des personnes 20 autorisées par les règlements d'application de l'alinéa 106.8a) à pénétrer en tout lieu où s'exploite une entreprise visée à cet alinéa; et
 d) poster une copie du registre et de 25 l'inventaire relatifs aux armes à autorisation restreinte au commissaire ou à toute personne que le paragraphe 106.2(5) autorise à délivrer un permis d'exploitation de l'entreprise sur 30 demande écrite du commissaire ou de cette personne.

Pertes, destructions et vols signalés

- (2) L'exploitant
 a) d'une entreprise visée au paragraphe (1), ou 35
 b) d'une entreprise comportant
 (i) la fabrication, l'achat, la vente, en gros ou au détail, ou l'importation de munitions, ou

(ii) the transportation or shipping of restricted weapons, firearms or ammunition shall report to a local registrar of firearms or a peace officer any loss or destruction of any restricted weapon or firearm or any theft of any such weapon, firearm or ammunition that occurs in the course of the business.

(ii) le transport ou l'expédition d'armes à autorisation restreinte, d'armes à feu ou de munitions, doit signaler au registraire local d'armes à feu ou à un agent de la paix les pertes ou destructions d'armes à autorisation restreinte ou d'armes à feu et les vols de telles armes, armes à feu ou de munitions survenus dans le cours de son exploitation.

Form of report

(3) A report made pursuant to subsection (2) shall be in a form prescribed by the Commissioner and shall be made forthwith after the loss, destruction or theft occurs or is discovered.

(3) Le rapport visé au paragraphe (2) doit être fait, en la forme prescrite par le commissaire, immédiatement après la perte, la destruction ou le vol ou dès leur découverte.

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Permit to carry on business

(4) No person shall carry on a business described in subsection (1) or subparagraph (2)(b)(i) unless he is the holder of a permit to carry on such business.

(4) Il est interdit d'exploiter une entreprise visée au paragraphe (1) ou au sous-alinéa (2)(b)(i) à moins d'être titulaire d'un permis à cette fin.

15 Permis d'exploiter une entreprise

Each location a separate business

(5) Where a person carries on a business described in subsection (1) or subparagraph (2)(b)(i) at more than one location, each such location shall be deemed for the purposes of this section and regulations made pursuant to paragraphs 106.8(a) to (c) to be a separate business.

(5) Lorsqu'une personne exploite une entreprise visée au paragraphe (1) ou au sous-alinéa (2)(b)(i) à plusieurs endroits, chaque endroit est présumé, aux fins du présent article et des règlements établis en vertu des alinéas 106.8(a) à c), constituer une entreprise distincte.

20 Lieux distincts, entreprises distinctes

Handling, secure storage, etc.

(6) No person shall, in the course of a business described in subsection (1) or subparagraph (2)(b)(i),

(6) Il est interdit, dans le cours ordinaire des affaires d'une entreprise visée au paragraphe (1) ou au sous-alinéa (2)(b)(i),

25 Manipulation, entreposage, etc.

(a) handle, store, display or advertise any restricted weapon, firearm or ammunition in a manner that contravenes any regulation made by the Governor in Council pursuant to paragraph 106.8(a); or

a) de manipuler, entreposer, mettre en montre ou annoncer des armes à autorisation restreinte, des armes à feu ou des munitions en contravention des règlements établis par le gouverneur en conseil en application de l'alinéa 106.8(a); ou

(b) sell by mail-order any restricted weapon, firearm or ammunition in a manner that contravenes any regulation made by the Governor in Council pursuant to paragraph 106.8(c).

b) d'effectuer la vente postale d'armes à autorisation restreinte, d'armes à feu ou de munitions en contravention des règlements établis par le gouverneur en conseil en application de l'alinéa 106.8(c).

Handling and transportation

(7) No person shall, in the course of a business described in subsection (1) or (2), knowingly handle, ship, store or transport any firearm or ammunition in a manner that contravenes any regulation relating to the secure handling, shipping, storage and transportation of firearms and ammunition made pursuant to paragraph 106.8(d).

(7) Il est interdit de manipuler, d'expédier, d'entreposer ou de transporter sciemment dans la cours des affaires d'une entreprise décrite aux paragraphes (1) ou (2), des armes à feu ou des munitions en contravention des règlements sur la sécurité de la manipulation, de l'expédition, de l'entreposage et du transport des armes à

40 Manipulation et transport

Punishment

(8) Every one who contravenes subsection (1), (2), (4), (6) or (7)

(a) is guilty of an indictable offence and is liable to imprisonment for five years; or

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

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Firearms Acquisition Certificates

Consideration of application and issuance of firearms acquisition certificate

104. (1) Where a firearms officer to whom an application for a firearms acquisition certificate is made, after considering the information contained in the application, any further information that is submitted to him pursuant to a requirement made under subsection (8) and such other information as may reasonably be regarded as relevant to the application, does not have notice of any matter that may render it desirable in the interests of the safety of the applicant or any other person that the applicant should not acquire a firearm, he shall, subject to subsection (2) and on receipt by him of the appropriate fee, if any, issue a firearms acquisition certificate to the applicant.

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Where no certificate may be issued

(2) No firearms acquisition certificate may be issued to a person who

(a) is under the age of sixteen years;

(b) is prohibited by an order made pursuant to section 98 or 101 or by a condition of a probation order referred to in paragraph 663(2)(d) from having a firearm in his possession; or

(c) fails to produce evidence in conjunction with his application for a firearms acquisition certificate that he has

(i) completed a course in the safe handling and use of firearms, or

(ii) successfully completed a test relating to the safe handling and use of firearms

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that, at the time he completed the course or test, was approved for the purposes of this section by the Attorney

feu ou des munitions établis en application de l'alinéa 106.8d).

(8) Quiconque commet une infraction visée aux paragraphes (1), (2), (4), (6) ou (7) est coupable

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a) d'un acte criminel et passible d'un emprisonnement de cinq ans; ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité.

Autorisation d'acquisition d'armes à feu

104. (1) Le préposé aux armes à feu qui reçoit une demande d'autorisation d'acquisition d'armes à feu s'assure de l'exactitude des renseignements qui y apparaissent ainsi que de ceux qui lui sont fournis sur demande faite en vertu du paragraphe (8) et de ceux que l'on peut raisonnablement considérer comme pertinents à la demande; sous réserve du paragraphe (2), s'il n'a connaissance d'aucun fait susceptible de rendre souhaitable pour la sécurité du requérant, ou pour celle d'autrui, que celui-ci ne soit pas autorisé à acquérir des armes à feu, il lui délivre l'autorisation demandée sur réception du paiement des frais prévus le cas échéant.

Examen de la demande et délivrance de l'autorisation d'acquisition d'armes à feu

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(2) Il est interdit de délivrer une autorisation d'acquisition d'armes à feu aux personnes suivantes:

Pouvoir de refuser de délivrer l'autorisation

a) celles qui ont moins de seize ans;

b) celles à qui une ordonnance rendue en vertu des articles 98 ou 101, ou une des modalités d'une ordonnance de probation visée à l'alinéa 663(2)d), interdit d'avoir des armes à feu en leur possession; ou

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c) celles incapables d'établir, corrélativement à leur demande d'autorisation d'acquisition d'armes à feu

(i) qu'elles ont terminé un cours d'apprentissage du maniement et de l'usage sécuritaire des armes à feu, ou

(ii) qu'elles ont réussi avec succès un examen sur le maniement et l'usage sécuritaire des armes à feu

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General of the province in which he took the course or test.

Deemed notice

(3) A firearms officer shall be deemed to have notice of a matter that may render it desirable in the interests of the safety of an applicant for a firearms acquisition certificate or of any other person that the applicant should not acquire a firearm and a magistrate, on a reference pursuant to subsection (6), is entitled to confirm the opinion of a firearms officer that it is not desirable in the interests of the safety of such applicant or of any other person that such applicant should acquire a firearm, where it is made to appear to him that the applicant

(a) has been convicted within five years immediately preceding the date of his application, in proceedings on indictment, of

(i) an offence in the commission of which violence against another person was used, threatened or attempted, or

(ii) an offence under this Part;

(b) within five years immediately preceding the date of his application, has been treated for a mental disorder, whether in a hospital, mental institute or psychiatric clinic or otherwise and whether or not he was, during that period, confined to such a hospital, institute or clinic, where the disorder for which he was so treated was associated with violence or threatened or attempted violence on the part of the applicant against himself or any other person; or

(c) has a history of behaviour occurring within five years immediately preceding the date of his application, that included violence or threatened or attempted violence on the part of the applicant against himself or any other person.

Notice to be given

(4) Where a firearms officer to whom an application for a firearms acquisition certificate is made has notice of any matter that may render it desirable in the interests of the safety of the applicant or of any other person that the applicant should

approuvés pour l'application du présent article par le procureur général de la province où ils eurent lieu, à l'époque où ils eurent lieu.

(3) Le préposé aux armes à feu est présumé avoir connaissance d'un fait susceptible de rendre souhaitable pour la sécurité du requérant d'une demande d'autorisation d'acquisition d'armes à feu, ou pour celle d'autrui, qu'il ne soit pas autorisé à acquérir de telles armes et le magistrat, en cas de renvoi en application du paragraphe (6), est en droit de confirmer l'opinion en ce sens que s'est faite le préposé lorsqu'il appert que

a) dans les cinq ans précédant la date de la demande, le requérant a été déclaré coupable, sur mise en accusation, de l'une ou l'autre des infractions suivantes:

(i) une infraction commise avec emploi, menace ou tentative d'emploi de violences contre autrui,

(ii) une infraction à la présente Partie;

b) dans les cinq ans précédant la date de la demande, le requérant a été traité pour déséquilibre mental dans un hôpital, un institut pour malades mentaux, une clinique psychiatrique ou ailleurs, qu'il ait ou non été interné, lorsque étaient associés au déséquilibre pour lequel il fut traité, des emplois, menaces ou tentatives d'emploi de sa part de violence contre lui-même ou contre autrui; ou

c) dans les cinq ans précédant la date de la demande, le requérant a eu un comportement associé à des emplois, menaces ou tentatives d'emploi de sa part de violence contre lui-même ou contre autrui.

(4) Le préposé aux armes à feu auquel est présenté une demande d'autorisation d'acquisition d'armes à feu, qui a connaissance de quelque cause susceptible de rendre souhaitable pour la sécurité du requérant, ou pour celle d'autrui, que

5 Présomption de notification

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Notification

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not acquire a firearm, he shall notify the applicant in writing that in his opinion it is not desirable in the interests of the safety of the applicant or of any other person or description of persons specified in the notice that the applicant acquire a firearm, and of his reasons therefor, and that, unless within thirty days from the day on which the notice is received by the applicant or within such further time as is, before or after the expiration of that period, allowed by a magistrate, the applicant, in writing, requests the firearms officer to refer his opinion to a magistrate for confirmation or variation thereof, the application for the firearms acquisition certificate will be refused by him.

(5) A notice given by a firearms officer under this section shall be accompanied by a copy or an extract of the provisions of this section and of subsections 98(5) to (13).

(6) On receipt by a firearms officer within the time provided in subsection (4) of a request in writing to refer his opinion referred to in that subsection to a magistrate for confirmation or variation thereof, the firearms officer shall forthwith comply with that request.

(7) An application for a firearms acquisition certificate shall be in a form prescribed by the Commissioner and shall be made to a firearms officer.

(8) A firearms officer to whom an application for a firearms acquisition certificate is made may require the applicant to submit such further information in addition to that included in the application as may reasonably be regarded as relevant for the purpose of determining whether there is any matter that might render it dangerous for the safety of the applicant or of any other person if the applicant acquired a firearm.

(9) No local registrar of firearms, firearms officer or other person shall require as information, to be submitted by an applicant for a firearms acquisition certificate or permit, details concerning the

celui-ci ne soit pas autorisé à acquérir de telles armes, l'en notifie par écrit, en indiquant les motifs de son opinion et en spécifiant qu'à son avis il n'est pas souhaitable pour sa sécurité, pour celle des personnes expressément nommées dans la notification ni pour celle d'autrui en général, qu'il soit autorisé à acquérir des armes à feu; il indique aussi qu'à moins que, dans les trente jours de la réception de la notification, sous réserve de prorogation accordée par un magistrat, le requérant ne lui demande par écrit de soumettre son opinion à un magistrat pour confirmation ou modification, il refusera la demande d'autorisation d'acquisition d'armes à feu.

(5) Copie des dispositions du présent article et des paragraphes 98(5) à (13) doit être annexée aux notifications qu'effectuent les préposés aux armes à feu en vertu du présent article.

(6) Le préposé aux armes à feu qui, dans les délais prévus au paragraphe (4), reçoit une demande écrite exigeant qu'il soumette son opinion à un magistrat pour confirmation ou modification, doit aussitôt lui donner suite.

(7) Les demandes d'autorisation d'acquisition d'armes à feu sont présentées aux préposés aux armes à feu; elles doivent être rédigées en la forme prescrite par le commissaire.

(8) Le préposé aux armes à feu à qui est présentée une demande d'autorisation d'acquisition d'armes à feu peut exiger du requérant tout renseignement supplémentaire, raisonnablement pertinent, aux fins de déterminer s'il serait dangereux pour la sécurité de ce dernier, ou pour celle d'autrui, de l'autoriser à acquérir des armes à feu.

(9) Nul registraire local d'armes à feu ou préposé aux armes à feu ni aucune autre personne ne doit exiger, à titre de renseignements à fournir par le requérant d'un permis ou d'une autorisation d'acqui-

Material to accompany notice under ss. (4)

Reference to magistrate

Application for firearms acquisition certificate

Further information

Limitation

Copie du présent article annexée à la notification

Renvoi à un magistrat

Demande d'autorisation d'acquisition d'armes à feu

Renseignements supplémentaires

Réserve

makes or serial numbers of shotguns or rifles of a type, kind or design commonly used in Canada for hunting or sporting purposes.

sition d'armes à feu, des détails sur la marque ou le numéro de série des fusils de chasse ou des carabines de type, genre ou conception utilisé habituellement au Canada pour la chasse ou pour le sport.

Term for which certificate valid and fee

(10) A firearms acquisition certificate is valid for five years from the day on which it is issued, and the fee payable for the issue thereof is ten dollars.

(10) L'autorisation d'acquisition d'armes à feu est valide pour cinq ans à compter de la date de délivrance et les frais payables pour sa délivrance sont de dix dollars.

5
Période de validité et frais à payer

Exception

(11) Notwithstanding subsection (10), no fee is payable in respect of a firearms acquisition certificate that is issued to a person who requires a firearm to hunt or trap in order to sustain himself or his family.

(11) Par dérogation au paragraphe (10), il n'y a pas de frais à payer dans le cas d'une autorisation d'acquisition d'armes à feu délivrée à une personne qui a besoin de l'arme pour chasser ou trapper afin de subvenir à ses besoins ou à ceux de sa famille.

10
Exception
15

Validity of certificate

(12) A firearms acquisition certificate is valid throughout Canada.

(12) Les autorisations d'acquisition d'armes à feu sont valides partout au Canada.

15
Valide partout au Canada

Alternative firearms acquisition certificate

105. The Governor in Council may, on application by the Attorney General of a province, by order, declare any hunting licence, certificate, permit, or other document described in the order that is issued under the authority of a law of a province to be a valid firearms acquisition certificate where, in the opinion of the Governor in Council, such a licence, certificate, permit or other document may only be issued to persons to whom and in circumstances in which a firearms acquisition certificate could validly be issued if an application were made for such a certificate; and where an order is made under this section, a licence, certificate, permit or other document to which the order relates shall, on and after a day specified in the order, be deemed for all purposes of this Part to be a firearms acquisition certificate, whether or not the licence, certificate, permit or other document was issued before, on or after the day specified in the order.

105. Le gouverneur en conseil qui estime qu'un permis de chasse, un certificat, une licence ou une autre forme écrite d'autorisation, délivrée conformément aux lois d'une province, ne peut l'être qu'à des personnes ayant qualité pour obtenir, si elles en faisaient la demande, une autorisation d'acquisition d'armes à feu, peut, sur demande du procureur général d'une province, déclarer que ces différentes formes d'autorisations, lesquelles doivent être décrites dans le décret, constituent des autorisations d'acquisition d'armes à feu valides; celles-ci sont, à compter de la date prévue dans le décret, réputées, aux fins de la présente Partie, être des autorisations d'acquisition d'armes à feu, qu'elles aient été délivrées avant ou après cette date.

20
Autorisation équivalente

Agreements with provinces

106. The Solicitor General, with the approval of the Governor in Council, may enter into agreements with the governments of the provinces for the coordination, to the maximum extent possible, of the administration of sections 104, 106.1 and 106.2 with the administration by provinces of provincial laws and programs

106. Le solliciteur général peut, avec l'approbation du gouverneur en conseil, conclure des accords avec les gouvernements des provinces pour coordonner, en autant que faire se peut, l'administration des articles 104, 106.1 et 106.2 avec celle des lois et programmes provinciaux sur la chasse, le contrôle de l'aptitude au maniement des armes à feu et l'entraînement à leur maniement.

35
Accords avec les provinces

relating to game hunting, firearms competency testing and firearms safety training.

Restricted Weapon Registration Certificates

Application for registration certificate

106.1 (1) An application for a registration certificate in respect of a restricted weapon shall be in a form prescribed by the Commissioner and shall be made to a local registrar of firearms. 5

Permit to convey

(2) On receiving an application for a registration certificate, a local registrar of firearms may issue a permit under subsection 106.2(4) authorizing the applicant to convey the weapon to him for examination. 10

Limitation

(3) A registration certificate may be issued only where a local registrar of firearms indicates on the copy of the application for the certificate that is sent to the Commissioner pursuant to subsection (5) that

(a) the applicant for the certificate is the holder of a firearms acquisition certificate and is eighteen or more years of age, and

(b) the restricted weapon to which the application relates bears a serial number sufficient to distinguish it from other restricted weapons or, in the case of an antique firearm that does not bear such a serial number, it is accurately described in the application,

and further that the restricted weapon to which the application relates

(c) is required by the applicant

(i) to protect life,

(ii) for use in connection with his lawful profession or occupation, 35

(iii) for use in target practice under the auspices of a shooting club approved for the purposes of this section by the Attorney General of the province in which the premises of the shooting club are located, or

(iv) for use in target practice in accordance with conditions proposed to be attached to the permit to be

Certificats d'enregistrement pour armes à autorisation restreinte

106.1 (1) Les demandes de certificat d'enregistrement pour une arme à autorisation restreinte doivent être faites au registraire local d'armes à feu en la forme prescrite par le commissaire. 5

(2) Sur réception d'une demande de certificat d'enregistrement, le registraire local d'armes à feu peut délivrer le permis, prévu au paragraphe 106.2(4), autorisant le requérant à lui apporter l'arme pour lui permettre de l'examiner. 10

(3) Les certificats d'enregistrement ne peuvent être délivrés que si un registraire local d'armes à feu inscrit, sur la copie de la demande envoyée au commissaire conformément au paragraphe (5), ce qui suit: 15

a) le requérant est titulaire d'une autorisation d'acquisition d'armes à feu et est âgé d'au moins dix-huit ans;

b) l'arme à autorisation restreinte visée 20 par la demande porte un numéro de série permettant de la différencier ou, dans le cas d'une arme à feu historique qui n'a pas de numéro, la description qui en est faite dans la demande est exacte; 25

c) le requérant requiert l'arme à autorisation restreinte visée par la demande

(i) pour protéger des vies,

(ii) pour son travail ou occupation légitime, 30

(iii) pour le tir à la cible, sous les auspices d'un club de tir approuvé aux fins du présent article par le procureur général de la province où les locaux du club sont situés, ou 35

(iv) pour le tir à la cible conformément aux conditions qu'il est proposé d'annexer au permis qui sera délivré pour cette arme en vertu du paragraphe 106.2(1); 40

d) le requérant est en toute bonne foi collectionneur d'armes à feu et il destine l'arme à autorisation restreinte visée par la demande à sa collection; ou

Demande de certificat d'enregistrement

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Permis de transport pour examen

Réserve

issued in respect of the restricted weapon under subsection 106.2(1),

(d) will form part of a gun collection of the applicant who is a *bona fide* gun collector, or

(e) is or is deemed pursuant to paragraph 106.8(f) to be a relic for the purposes of this Part.

Idem

(4) A registration certificate may only be issued in respect of a restricted weapon described in paragraph (c) of the definition "restricted weapon" in subsection 82(1) where a local registrar of firearms, in addition to the matters referred to in subsection (3), indicates on the copy of the application that is sent to the Commissioner pursuant to subsection (5) that the restricted weapon will form part of a gun collection of the applicant who is a *bona fide* gun collector whose collection includes one or more restricted weapons described in that paragraph.

Distribution of copies of application

(5) The local registrar of firearms by whom an application for a registration certificate is received shall

(a) send one copy thereof to the Commissioner;

(b) deliver one copy thereof to the applicant; and

(c) retain one copy thereof.

Matters to be reported to Commissioner

(6) Where a local registrar of firearms to whom an application for a registration certificate is made has notice of any matter that may render it desirable in the interests of the safety of the applicant or any other person that the applicant should not possess a restricted weapon, he shall report that matter to the Commissioner and he may, if the restricted weapon is conveyed to him for examination, hold the weapon pending the final disposition of the application for a registration certificate in respect thereof.

Registration certificate

(7) On receiving an endorsed copy of an application for a registration certificate, the Commissioner shall, subject to subsections (3) and (4) and section 106.4, register the restricted weapon described in the

e) l'arme visée par la demande est ou est présumée, en vertu de l'alinéa 106.8f), constituer une antiquité ou un souvenir pour les fins de la présente Partie.

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(4) Le certificat d'enregistrement d'une arme à autorisation restreinte visée à l'alinéa c) de la définition de cette expression au paragraphe 82(1) ne peut être délivré que si le registraire local d'armes à feu inscrit sur la copie de la demande de certificat envoyée au commissaire conformément au paragraphe (5), outre ce que prévoit le paragraphe (3), que l'arme est destinée à la collection d'armes à feu du requérant, laquelle compte une ou plusieurs armes à autorisation restreinte définies à cet alinéa, le requérant étant, en toute bonne foi, collectionneur d'armes à feu.

Idem

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(5) Le registraire local d'armes à feu qui reçoit une demande de certificat d'enregistrement doit

Copies

a) en envoyer une copie au commissaire;

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b) en remettre une copie au requérant; et

c) en conserver une copie.

(6) Le registraire local d'armes à feu à qui une demande de certificat d'enregistrement est faite qui a connaissance de quelque cause susceptible de rendre souhaitable, pour la sécurité du requérant ou pour celle d'autrui, de ne pas l'autoriser à posséder une arme à autorisation restreinte, doit en faire rapport au commissaire et il peut, si l'arme à autorisation restreinte lui est apportée pour examen, retenir l'arme jusqu'à décision finale sur la demande.

Rapport des faits au commissaire

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(7) Sur réception d'une copie visée d'une demande de certificat d'enregistrement le commissaire doit, sous réserve des paragraphes (3) et (4) et de l'article 106.4, enregistrer l'arme à autorisation restreinte

Certificat d'enregistrement

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application and issue a restricted weapon registration certificate therefor to the applicant, in such form as the Commissioner may prescribe, indicating thereon the place at which the holder of the certificate is thereby entitled to possess the restricted weapon. 5

décrite dans la demande et délivrer au requérant un certificat d'enregistrement d'arme à autorisation restreinte pour cette arme, en la forme qu'il peut prescrire, en y indiquant l'endroit où le titulaire du certificat est autorisé à posséder l'arme à autorisation restreinte. 5

Limitation

(8) No place other than the usual dwelling house of the applicant for a registration certificate or his ordinary place of business may be indicated on the registration certificate as the place at which the holder of the certificate is thereby entitled to possess the restricted weapon to which the certificate relates. 15

(8) Ne peuvent apparaître sur le certificat d'enregistrement d'une arme à autorisation restreinte comme lieu où le titulaire du certificat est autorisé à avoir l'arme que vise le certificat en sa possession, que le lieu habituel d'habitation ou place d'affaires du requérant. 10

Réserve

Carriage Permits, Business Permits and Minors Permits

Permis de port d'armes, permis d'exploitation de fabrique d'armes et permis délivrés à des mineurs

Permit to carry restricted weapon

106.2 (1) A permit authorizing a person to have in his possession a restricted weapon elsewhere than at the place at which he is otherwise entitled to possess it, as indicated on the registration certificate issued in respect thereof, may be issued by the Commissioner, the Attorney General of a province, a chief provincial firearms officer or a member of a class of persons that has been designated in writing for that purpose by the Commissioner or the Attorney General of a province and shall remain in force until the expiration of the period for which it is expressed to be issued, unless it is sooner revoked. 30

106.2 (1) Le commissaire, le procureur général d'une province, le chef provincial des préposés aux armes à feu ou les personnes d'une catégorie désignée par écrit à cette fin par le commissaire ou le procureur général d'une province peuvent délivrer un permis autorisant une personne à avoir en sa possession une arme à autorisation restreinte en un lieu autre que celui où, en vertu du certificat délivré pour cette arme, elle est en droit de la posséder; il demeure valide, sauf révocation, jusqu'au terme de la période pour laquelle il est déclaré avoir été délivré. 20

Permis de port d'armes à autorisation restreinte

Limitation

(2) A permit described in subsection (1) may be issued only where the person authorized to issue it is satisfied that the applicant therefor requires the restricted weapon to which the application relates 35

(2) Le permis visé au paragraphe (1) ne peut être délivré que lorsque la personne autorisée à le faire est convaincue que celui qui le sollicite requiert l'arme à autorisation restreinte visée par la demande 30

Réserve

(a) to protect life;

a) pour protéger des vies;

(b) for use in connection with his lawful profession or occupation;

b) pour son travail ou occupation 35 légitime;

(c) for use in target practice under the auspices of a shooting club approved for the purposes of this section by the Attorney General of the province in which the premises of the shooting club are located; or 40

c) pour le tir à la cible sous les auspices d'un club de tir approuvé aux fins du présent article par le procureur général de la province où les locaux du club sont situés; ou 40

(d) for use in target practice in accordance with the conditions attached to the permit.

d) pour s'en servir dans le tir à la cible conformément aux conditions annexées au permis.

Permit to transport restricted weapon

(3) A permit to transport a restricted weapon from one place to another place specified therein may be issued by a local registrar of firearms to any person who is required to transport that weapon by reason of a change of residence or for any other *bona fide* reason, and shall remain in force until the expiration of the period for which it is expressed to be issued, unless it is sooner revoked.

(3) Le registraire local d'armes à feu peut délivrer un permis autorisant le transport d'une arme à autorisation restreinte d'un endroit à un autre, spécifiés dans le permis, aux personnes obligées de la transporter en raison d'un changement de résidence ou de toute autre raison valable; le permis demeure valide, sauf révocation, jusqu'au terme de la période pour laquelle il est déclaré avoir été délivré.

Permis de transport d'arme à autorisation restreinte

Permit to convey restricted weapon

(4) A permit authorizing an applicant for a registration certificate to convey the weapon to which the application relates to a local registrar of firearms may be issued by a local registrar of firearms and shall remain in force until the expiration of the period for which it is expressed to be issued, unless it is sooner revoked.

(4) Le registraire local d'armes à feu peut délivrer un permis autorisant le requérant d'un certificat d'enregistrement à lui apporter l'arme pour laquelle il demande le certificat; il demeure valide, sauf révocation, jusqu'au terme de la période pour laquelle il est déclaré avoir été délivré.

Permis de transport pour fins d'examen

Permit to carry on business

(5) A permit to carry on a business described in subsection 103(1) or subparagraph 103(2)(b)(i) may be issued by the Commissioner, the Attorney General or chief provincial firearms officer of the province where the business is or is to be carried on or by any person whom the Attorney General or the Commissioner designates in writing for that purpose and shall remain in force until the expiration of the period, not exceeding one year, for which it is expressed to be issued, unless it is sooner revoked.

(5) Le commissaire, le procureur général de la province où est située ou prévue l'entreprise, le chef provincial des préposés aux armes à feu de cette province ou toute personne que le procureur général de la province ou le chef provincial des préposés aux armes à feu nomment par écrit à cette fin peuvent délivrer des permis pour l'exploitation des entreprises visées au paragraphe 103(1) ou au sous-alinéa 103(2)(b)(i); ces permis demeurent valides, sauf révocation, jusqu'au terme de la période, d'un an au maximum, pour laquelle ils sont déclarés avoir été délivrés.

Permis d'exploiter une entreprise

Permits for persons hunting as a way of life

(6) A permit to possess a firearm, other than a restricted weapon, may be issued by a firearms officer to a person under the age of sixteen years who hunts or traps as a way of life if the firearms officer is satisfied that the person needs to hunt or trap in order to sustain himself or his family and the application for the permit includes a consent to the issuance of the permit signed by a parent of the applicant or, if a consent by a parent cannot be obtained because of the death of both parents or for any other reason it is not practicable or desirable in the opinion of the firearms officer to whom the applica-

(6) Les préposés aux armes à feu peuvent délivrer un permis de possession d'armes à feu, à l'exclusion d'une arme à autorisation restreinte, aux personnes de moins de seize ans pour qui la chasse ou le trappage constituent un mode de vie pourvu qu'ils soient convaincus qu'elles ont besoin de chasser ou de trapper pour subvenir à leurs besoins ou à ceux de leur famille et que la demande de permis comporte une déclaration d'assentiment à sa délivrance signée par les père ou mère du requérant ou, si elle ne peut être obtenue à cause de leur décès ou encore, si, de l'avis du préposé auquel la demande est présen-

Permis en cas de chasse de subsistance

tion is made to obtain a parent's consent, a person having custody or control of the applicant.

Permit to person between 12 and 16 years of age

(7) A permit authorizing a person who is twelve or more years of age but under the age of sixteen years to possess a firearm, other than a restricted weapon, may be issued by a firearms officer if he is satisfied that the applicant therefor requires such a permit in order to enable him to possess a firearm for the purpose of target practice, game hunting or instruction in the use of firearms in accordance with conditions for supervision attached to the permit and the application for the permit includes a consent to the issuance of the permit signed by a parent of the applicant or, if a consent by a parent cannot be obtained because of the death of both parents or for any other reason it is not practicable or desirable in the opinion of the firearms officer to whom the application is made to obtain a parent's consent, a person having custody or control of the applicant.

tée, il est inopportun de chercher à l'obtenir, par la personne qui a la garde du requérant.

(7) Les préposés aux armes à feu peuvent délivrer un permis autorisant la possession d'une arme à feu, à l'exclusion d'une arme à autorisation restreinte, par une personne âgée d'au moins douze ans mais de moins de seize ans s'ils sont convaincus que le requérant requiert cette arme à feu pour s'adonner au tir à la cible ou à la chasse ou pour s'entraîner au maniement des armes à feu conformément aux conditions de surveillance jointes au permis, pourvu que la demande de permis comporte une déclaration d'assentiment à sa délivrance signée par les père ou mère du requérant ou, si elle ne peut être obtenue à cause de leurs décès, ou encore, si, de l'avis du préposé auquel la demande est présentée, il est inopportun de chercher à l'obtenir, par la personne qui a la garde du requérant.

Permis pour une personne de moins de 16 ans mais de plus de 12 ans

Idem

(8) A permit mentioned in subsection (6) or (7) shall remain in force until
 (a) the expiration of the period for which it is expressed to be issued, or
 (b) the person to whom it is issued attains the age of sixteen years, whichever first occurs, unless it is sooner revoked.

(8) Sauf révocation, le permis, visé aux paragraphes (6) ou (7), demeure valide jusqu'à l'expiration de la période pour laquelle il est déclaré avoir été délivré, ou jusqu'à ce que la personne à laquelle il a été délivré atteigne l'âge de seize ans, selon la première éventualité qui se réalise.

Where no fee payable and fee for business permits

(9) Permits mentioned in subsections (1), (3), (4), (6) and (7) shall be issued without payment of a fee but no permit mentioned in subsection (5) may be issued unless the application therefor is accompanied by the prescribed fee.

(9) La délivrance des permis visés aux paragraphes (1), (3), (4), (6) et (7) n'est assortie d'aucuns frais mais les permis visés au paragraphe (5) ne sont délivrés que lorsque les frais prévus pour leur délivrance accompagnent la demande.

Permis assortis ou non de frais de délivrance

Validity of permit

(10) No permit, other than
 (a) a permit for the possession of a restricted weapon for use as described in paragraph (2)(c),
 (b) a permit to transport a restricted weapon from one place to another place specified therein as mentioned in subsection (3), or

(10) Aucun permis n'est valide hors de la province dans laquelle il est délivré à moins, d'une part, qu'il ne le soit par le commissaire ou par la personne qu'il a nommée et autorisée par écrit à cet effet et, d'autre part, que la personne qui le délivre appose, aux fins du présent paragraphe, un visa indiquant les provinces où

Validité d'un permis

(c) a permit authorizing an applicant for a registration certificate to convey the weapon to which the application relates to a local registrar of firearms as mentioned in subsection (4),

is valid outside the province in which it is issued unless it is issued by the Commissioner or a person designated in writing by him and authorized in writing by him to issue permits valid outside the province and is endorsed for the purposes of this subsection by the person who issued it as being valid within the provinces indicated therein.

il est valide ou à moins enfin, qu'il ne s'agisse des permis suivants:

a) le permis de possession d'une arme à autorisation restreinte, devant être utilisées comme l'indique l'alinéa (2)c);

b) le permis, mentionné au paragraphe (3), de transport d'une arme à autorisation restreinte d'un endroit à un autre endroit indiqués dans le permis; ou

c) le permis visé au paragraphe (4) autorisant la personne qui demande un certificat d'enregistrement à apporter pour fins d'examen l'arme visée par la demande à un registraire local d'armes à feu.

(11) Every permit shall be in a form prescribed by the Commissioner, but any person who is authorized to issue a permit relating to any restricted weapon, firearm or ammunition may attach to the permit any reasonable condition relating to the use, carriage, possession, handling or storage of weapons or ammunition that he deems desirable in the particular circumstances and in the interests of the safety of the applicant or any other person.

(11) Chaque permis doit être en la forme prescrite par le commissaire, mais toute personne qui est autorisée à délivrer un permis relatif à une arme à autorisation restreinte, à une arme à feu ou à des munitions peut, quant à l'utilisation, au port, à la manipulation, à l'entreposage ou à la possession des armes ou des munitions assortir le permis des conditions raisonnables qu'il estime souhaitables eu égard aux circonstances particulières du cas et à la sécurité de son titulaire et d'autrui.

Form and conditions of permit

Forme et conditions d'un permis

Agreements with provinces

106.3 The Solicitor General, with the approval of the Governor in Council, may enter into agreements with the governments of the provinces providing for payments by Canada to the provinces in respect of costs actually incurred by the provinces in the administration of sections 103, 104 and subsection 106.2(5).

106.3 Le solliciteur général peut, avec l'approbation du gouverneur en conseil, conclure des accords avec les gouvernements des provinces prévoyant le paiement par le Canada des dépenses effectivement engagées par les provinces dans l'administration des articles 103, 104 et du paragraphe 106.2(5).

Accords avec les provinces

Refusal to Issue and Revocation of Registration Certificates and Permits and Appeals

Certificats d'enregistrement et permis refusés ou révoqués et appels consécutifs

Revocation of certificate

106.4 (1) A Registration certificate may be revoked by the Commissioner.

106.4 (1) Le commissaire peut révoquer les certificats d'enregistrement.

Révocation d'un certificat

Revocation of permit

(2) A permit may be revoked by any person who is authorized to issue such a permit.

(2) Toute personne autorisée à délivrer un permis peut le révoquer.

Révocation d'un permis

Refusal to issue a certificate

(3) The Commissioner may refuse to issue a registration certificate where he has notice of any matter that may render it desirable in the interests of the safety of the applicant or any other person that the

(3) Le commissaire peut refuser de délivrer un certificat d'enregistrement lorsque sont portés à sa connaissance des causes susceptibles de rendre souhaitable pour la sécurité du requérant, ou pour celle d'au-

Refus de délivrer un certificat

applicant should not possess a restricted weapon.

trui, que celui-ci ne soit pas autorisé à avoir des armes à autorisation restreinte en sa possession.

Refusal to issue a permit

(4) Any person who is authorized to issue a permit under any of subsections 106.2(3) to (7) may refuse to issue such a permit where he has notice of any matter that may render it desirable in the interests of the safety of the applicant or any other person that such a permit should not be issued to the applicant. 5 10

(4) Les personnes autorisées à délivrer un permis en vertu des paragraphes 106.2(3) à (7), selon le cas, peuvent refuser de le faire lorsqu'elles ont connaissance de quelque cause susceptible de rendre souhaitable pour la sécurité du requérant ou pour celle d'autrui que le permis ne lui soit pas délivré. 5 10

Refus de délivrer un permis

Notice to be given

(5) Where a registration certificate or permit is revoked or the issue of any registration certificate or permit is refused under this section, the person by whom it is revoked or by whom its issue is refused shall notify the holder of the registration certificate or permit or the applicant, as the case may be, in writing of such revocation or refusal and of his reasons therefor and shall include in such notification a copy or an extract of the provisions of this section. 15 20

(5) La personne qui révoque ou refuse de délivrer, en vertu du présent article, un permis ou un certificat d'enregistrement doit donner au titulaire ou au requérant qui les sollicite, selon le cas, un avis écrit de cette révocation ou de ce refus en y indiquant les motifs; elle doit y joindre une copie ou un extrait des dispositions du présent article. 15 20

Notification

Disposal of restricted weapons, etc.

(6) A notice under subsection (5) shall specify therein a reasonable period of time within which the person affected by the revocation or refusal may surrender to a police officer or otherwise lawfully dispose of any restricted weapon, firearm or ammunition lawfully possessed by him prior to the revocation or refusal the possession of which by him has thereby become unlawful, and such person is not liable to prosecution by reason only of his having any such restricted weapon, firearm or ammunition in his possession during such period of time. 25 30 35

(6) L'avis prévu au paragraphe (5) doit indiquer qu'un délai raisonnable, lequel doit être spécifié, est accordé à la personne visée par la révocation ou le refus pour disposer légalement, en les remettant à un officier de police ou autrement, des armes à autorisation restreinte, autres armes à feu ou munitions qu'elle possédait jusqu'alors légitimement mais qu'elle ne peut plus légalement avoir en sa possession. Pendant ce délai, aucune poursuite ne peut être intentée contre elle pour possession de ces armes ou munitions. 25 30 35

Disposition des armes, etc.

Idem

(7) Where an appeal is taken under subsection (8), the period of time referred to in subsection (6) does not commence until that appeal is finally disposed of. 40

(7) Lorsque appel est interjeté en vertu du paragraphe (8), le délai mentionné au paragraphe (6) ne commence à courir qu'après la décision finale sur l'appel. 35 40

Idem

Appeal

(8) A person who feels himself aggrieved by
(a) any action or decision taken under this section, or
(b) the failure of a local registrar of firearms to indicate on the copy of an application for a registration certificate that is sent by him to the Commissioner 45

(8) Les personnes qui s'estiment lésées
a) par une mesure ou décision prise en vertu du présent article; ou
b) par l'omission du registraire local d'armes à feu de faire, sur la copie de la demande de certificat d'enregistrement qu'il envoie au commissaire en application du paragraphe 106.1(5), une ins- 40 45

Appel

pursuant to subsection 106.1(5), any of the matters referred to in subsections 106.1(3) and (4) that is applicable in respect of the application,

may, within thirty days from the day on which he was notified of the action or decision or became aware of the failure, unless before or after the expiration of that period further time is allowed by a magistrate, appeal to a magistrate from the action, decision or failure by filing with the magistrate a notice of appeal, setting out with reasonable certainty the action, decision or failure complained of and the grounds of appeal, together with such further material as the magistrate may require.

Service of
notice of appeal

(9) A copy of any notice of appeal filed with a magistrate under subsection (8) and of any further material required to be filed therewith shall be served within fourteen days of the filing of the notice, unless before or after the expiration of that period further time is allowed by a magistrate, on the person who took the action or decision or who was responsible for the failure being appealed from or on such other person as the magistrate may direct.

Appellant as
witness

(10) For the purposes of an appeal under subsection (8), the appellant is a competent and compellable witness.

Disposition of
appeal

(11) On the hearing of an appeal under subsection (8), the magistrate may

(a) dismiss the appeal; or

(b) allow the appeal and

(i) cancel the revocation of the registration certificate or permit or direct that a registration certificate or permit be issued to the applicant, as the case may be, or

(ii) direct that a registration certificate be issued notwithstanding the failure referred to in paragraph (8)(b).

Burden on
applicant

(12) A magistrate shall dispose of an appeal under subsection (8) heard by him by dismissing it unless the applicant estab-

scription visée aux paragraphes 106.1(3) et (4) ayant trait à la demande,

peuvent, dans les trente jours de la notification de la mesure ou décision, ou de la découverte de l'omission, sous réserve de prorogation accordée par un magistrat avant ou après expiration de ce délai, interjeter appel de la mesure, de la décision, ou du fait d'avoir omis de faire l'inscription en cause, devant un magistrat produisant devant lui un avis d'appel indiquant avec une précision raisonnable la mesure, la décision ou l'omission dont elles se plaignent, les motifs de l'appel ainsi que tout autre élément qu'il pourrait exiger.

(9) Une copie de tout avis d'appel produit devant un magistrat en vertu du paragraphe (8), et de tout autre élément dont la production est requise avec cet avis d'appel, doit être signifiée dans les quatorze jours de la production de l'avis, sauf prorogation accordée par un magistrat avant ou après l'expiration de ce délai, à la personne qui a pris la mesure ou la décision, ou qui est responsable de l'omission dont il est fait appel, ou à telle autre personne qu'indique le magistrat.

(10) Aux fins d'un appel en vertu du paragraphe (8), l'appelant est un témoin compétent et contraignable.

(11) Sur audition d'un appel en vertu du paragraphe (8), le magistrat peut

a) rejeter l'appel, ou

b) admettre l'appel et

(i) annuler la révocation du certificat d'enregistrement ou du permis ou ordonner qu'un certificat d'enregistrement ou un permis, selon le cas, soit délivré au requérant, ou

(ii) ordonner la délivrance du certificat d'enregistrement nonobstant l'omission visée à l'alinéa (8)b).

(12) Le magistrat doit rejeter l'appel entendu en vertu du paragraphe (8) à moins que l'appelant ne prouve, à la satis-

Signification de
l'avis d'appel

Témoignage de
l'appelant

Suite donnée à
l'appel

Fardeau de la
preuve

lishes to the satisfaction of the magistrate that a disposition referred to in paragraph (11)(b) is warranted.

Appeal to appeal court

(13) Where the magistrate
 (a) dismisses an appeal under subsection (11), the appellant, or
 (b) allows an appeal under subsection (11),

(i) the Attorney General of Canada or counsel instructed by him for the purpose, if the person who took the action or decision or who was responsible for the failure referred to in paragraph (8)(b) that was appealed from to the magistrate was the Commissioner or a local registrar of firearms appointed by him, or
 (ii) the Attorney General or counsel instructed by him for the purpose, in any other case,
 may appeal to the appeal court against the dismissal or against the allowing of the appeal, as the case may be, and the provisions of Part XXIV except sections 752 to 752.3 and sections 761 to 770 apply, *mutatis mutandis*, in respect of such an appeal.

Definitions

"magistrate"

(14) In this section,
 "magistrate" means a magistrate having jurisdiction in the territorial division where the person who feels himself aggrieved as described in subsection (8) resides;

"appeal court"

"appeal court" has the meaning given that expression in subsection 98(11).

Offences Relating to Certificate and Permits

False statements to procure firearms acquisition certificate, etc.

106.5 (1) Every one who, for the purpose of procuring a firearms acquisition certificate, registration certificate or permit for himself or any other person, knowingly makes a statement orally or in writing that is false or misleading or knowingly fails to disclose any information that is relevant to the application for the firearms acquisition certificate, registration certificate or permit

faction du magistrat, que l'une des dispositions de l'alinéa (11)b) est justifiée.

Appel porté devant la cour d'appel

(13) Peuvent, devant la cour d'appel, les dispositions de la Partie XXIV s'appliquant *mutatis mutandis*, sauf les articles 752 à 752.3 et 761 à 770, interjeter l'appel de la décision d'un magistrat, les personnes suivantes:

a) l'appelant dont, en vertu du paragraphe (11) le magistrat rejette l'appel; ou
 b) lorsque le magistrat accueille l'appel en vertu du paragraphe (11),

(i) le procureur général du Canada ou un procureur constitué par lui à cette fin, si la personne qui a pris la mesure ou la décision, ou qui est responsable de l'omission visée à l'alinéa (8)b), dont il a été fait appel devant le magistrat est le commissaire ou un registraire local d'armes à feu qu'il a nommé, ou
 (ii) le procureur général ou un procureur constitué par lui à cette fin dans tout autre cas.

(14) Au présent article,
 «cour d'appel» a le sens que lui donne le paragraphe 98(11);
 «magistrat» désigne un magistrat compétent dans la circonscription territoriale où réside la personne qui s'estime lésée, 30 telle que décrite au paragraphe (8).

Définitions

«cour d'appel»

«magistrat»

Infractions relatives aux autorisations, aux certificats et aux permis

106.5 (1) Est coupable
 a) d'un acte criminel et passible d'un emprisonnement de deux ans, ou
 b) d'une infraction punissable sur déclaration sommaire de culpabilité, quiconque, afin d'obtenir, ou de faire obtenir à quelque autre personne, une autorisation d'acquisition d'armes à feu, un certificat d'enregistrement ou un permis, fait sciemment, oralement ou par écrit, une

Fausse déclaration afin d'obtenir une autorisation d'acquisition d'armes à feu



(a) is guilty of an indictable offence and is liable to imprisonment for two years; or

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

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déclaration fautive ou trompeuse ou, en toute connaissance de cause, s'abstient de divulguer un renseignement pertinent pouvant s'y rapporter.

Tampering with firearms acquisition certificate, registration certificate or permit

(2) Every one who, without lawful excuse the proof of which lies on him, alters, defaces or falsifies a firearms acquisition certificate, registration certificate or permit

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(a) is guilty of an indictable offence and is liable to imprisonment for two years; or

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

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(2) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de deux ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque, sans excuse légitime, dont la preuve lui incombe, modifie, maquille ou falsifie une autorisation d'acquisition d'armes à feu, un certificat d'enregistrement ou un permis.

5 Falsification d'autorisation d'acquisition d'armes à feu, de certificat ou de permis d'enregistrement

Failure to comply with conditions of permit

(3) Every one who, without lawful excuse, fails to comply with any condition of a permit held by him

(a) is guilty of an indictable offence and is liable to imprisonment for two years; or

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

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(3) Est coupable

a) d'un acte criminel et passible d'un emprisonnement de deux ans, ou

b) d'une infraction punissable sur déclaration sommaire de culpabilité,

quiconque, sans excuse légitime, ne respecte pas les conditions du permis dont il est titulaire.

15 Inobservation des modalités d'un permis

Failure to deliver up firearms acquisition certificate, etc.

(4) Every one who, (a) being a holder of a registration certificate or permit that is revoked in accordance with this Part, or

(b) being a person against whom an order prohibiting possession of any firearm or ammunition is made under section 98 or paragraph 101(6)(b), or being prohibited by a condition of a probation order referred to in paragraph 663(2)(d) from having a firearm in his possession,

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fails to deliver up the registration certificate or permit or, in a case described in paragraph (b), any firearms acquisition certificate, registration certificate or permit held by him, to a peace officer, to a local registrar of firearms or to a firearms officer forthwith after such suspension or revocation or the making of such order or probation order, is guilty of an offence punishable on summary conviction.

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(4) Sont coupables d'une infraction punissable sur déclaration sommaire de culpabilité

a) le titulaire d'une autorisation d'acquisition d'armes à feu, d'un certificat d'enregistrement ou d'un permis révoqués conformément à la présente Partie, ou

b) la personne que vise une ordonnance rendue en vertu de l'article 98 ou de l'alinéa 101(6)b), lui interdisant de posséder des armes à feu ou des munitions, ou celle que vise une ordonnance de probation, rendue en vertu de l'alinéa 663(2)d), lui interdisant de posséder des armes à feu,

qui ne remettent pas ces certificats d'enregistrement ou permis ou qui, immédiatement après cette suspension, révocation ou ordonnances rendues, ne remettent pas, dans le cas prévu à l'alinéa b), tous les permis, autorisations d'acquisition d'armes à feu ou certificats d'enregistrement dont ils sont titulaires, à un agent de la paix, à

Défaut de remettre une autorisation d'acquisition d'armes à feu, etc.

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un registraire local d'armes à feu ou à un préposé aux armes à feu.

Registry

Registre des armes à feu

Registry to be maintained

106.6 (1) The Commissioner shall cause a registry to be maintained in which shall be kept a record of

- (a) every registration certificate that is issued under section 106.1; 5
- (b) every registration certificate that is revoked under subsection 106.4(1);
- (c) every application for a registration certificate that is refused under subsection 106.4(3); 10
- (d) every permit issued under subsection 106.2(5) that is revoked under subsection 106.4(2);
- (e) every application for a permit under subsection 106.2(5) that is refused 15 under subsection 106.4(4);
- (f) every application for a firearms acquisition certificate that is refused;
- (g) every prohibition order made under section 98 or paragraph 101(6)(b); and 20
- (h) every probation order to which a condition referred to in paragraph 663(2)(d) is attached.

Information to be submitted to Commissioner

- (2) Each person by whom
 - (a) a firearms acquisition certificate or 25 permit is issued,
 - (b) a permit is revoked, or
 - (c) an application for a permit is refused,
 shall submit such information in relation 30 thereto at such time and in such form as is prescribed by the regulations for the purpose of enabling the Commissioner to compile the reports referred to in section 106.9. 35

Idem

- (3) Every firearms officer by whom an application for a firearms acquisition certificate is refused, every person by whom an application for a permit under subsection 106.2(5) is refused or by whom a 40 permit issued under that subsection is

Registre à tenir

106.6 (1) Le commissaire fait tenir un registre où doivent être notés

- a) chaque certificat d'enregistrement 5 délivré en vertu de l'article 106.1;
- b) chaque certificat d'enregistrement révoqué en vertu du paragraphe 106.4(1);
- c) chaque demande de certificat d'enre- 10 gistrement qui est refusée en vertu du paragraphe 106.4(3);
- d) chaque permis délivré en vertu du paragraphe 106.2(5) qui est révoqué en vertu du paragraphe 106.4(2); 15
- e) chaque demande d'un permis en vertu du paragraphe 106.2(5) qui est refusée en vertu du paragraphe 106.4(4);
- f) chaque demande d'autorisation d'ac- 20 quisition d'armes à feu refusée;
- g) chaque ordonnance d'interdiction rendue en vertu de l'article 98 ou de l'alinéa 101(6)b); et
- h) chaque ordonnance de probation 25 comportant une modalité visée à l'alinéa 663(2)d).

Renseignements à fournir au commissaire

- (2) Afin de permettre au commissaire de rédiger les rapports visés à l'article 106.9, les personnes suivantes doivent 30 remettre tous les renseignements que les règlements demandent, de la façon et aux moments qu'ils indiquent:
 - a) celui qui délivre une autorisation d'acquisition d'armes à feu ou un 35 permis;
 - b) celui qui révoque un permis;
 - c) celui qui refuse une demande de permis.

- (3) Tout préposé aux armes à feu qui 40 Idem refuse une demande d'autorisation d'acquisition d'armes à feu, toute personne qui refuse une demande de permis en vertu du paragraphe 106.2(5) ou qui révoque un permis en vertu de ce même paragraphe, 45

revoked, every court, judge, justice or magistrate that makes a prohibition order under section 98 or paragraph 101(6)(b) and every court that prescribes as a condition of a probation order a condition referred to in paragraph 663(2)(d) shall forthwith cause the Commissioner to be notified thereof.

General

Onus on the accused

106.7 (1) Where, in any proceedings under any of sections 83 to 106.5, any question arises as to whether a person is or was the holder of a firearms acquisition certificate, registration certificate or permit, the onus is on the accused to prove that that person is or was the holder of 15 such firearms acquisition certificate, registration certificate or permit.

Firearms acquisition certificate, etc., as evidence

(2) In any proceedings under any of sections 83 to 106.5, a document purporting to be a firearms acquisition certificate, 20 registration certificate or permit is evidence of the statements contained therein.

Regulations

106.8 The Governor in Council may make regulations

(a) regulating the handling, secure storage, display and advertising of restricted weapons, firearms and ammunition by persons carrying on businesses described in subsection 103(1) or subparagraph 103(2)(b)(i) and providing authority for 30 police officers and police constables and members of any other class of persons designated for the purposes of a province by the Attorney General of that province to enter any place where any 35 such business is carried on, at any time during ordinary business hours, for the purpose of inspecting the secure storage facilities therein and the manner in which restricted weapons, firearms and 40 ammunition are handled and displayed in the course of the business;

(b) regulating the handling, secure storage and display of weapons by operators of and persons employed in museums 45 approved for the purposes of this Part by the Commissioner or the Attorney

tout tribunal, juge, juge de paix ou magistrat qui rend une ordonnance d'interdiction en vertu de l'article 98 ou de l'alinéa 101(6)b), de même que tout tribunal qui insère dans une ordonnance de probation 5 une modalité visée à l'alinéa 663(2)d), doit voir à ce que le commissaire en soit aussitôt averti.

Dispositions générales

106.7 (1) Dans toute procédure engagée en vertu des articles 83 à 106.5, c'est à 10 l'inculpé qu'il incombe de prouver que telle ou telle personne est ou était titulaire d'une autorisation d'acquisition d'armes à feu, d'un certificat d'enregistrement ou d'un permis lorsque cette question se pose. 15

Preuve incombant à l'inculpé

(2) Dans toute procédure engagée en vertu des articles 83 à 106.5, un document donné comme étant une autorisation d'acquisition d'armes à feu, un certificat d'enregistrement ou un permis fait preuve des 20 déclarations qui y sont contenues.

Authenticité des autorisations d'acquisition d'armes à feu, etc.

106.8 Le gouverneur en conseil peut, par règlement

Règlements

a) régir la manipulation, la sûreté de l'entreposage, la mise en montre et la 25 publicité faite par les exploitants d'une entreprise visée au paragraphe, 103(1) ou au sous-alinéa 103(2)b)(i), des armes à autorisation restreinte, armes à feu et munitions dont ils disposent; accorder 30 aux officiers, aux agents de police et aux personnes de toute autre catégorie désignée pour les fins d'une province par le procureur général de celle-ci, l'autorisation de pénétrer, en tout temps au cours 35 des heures d'ouverture normale, en tout lieu où s'exploite semblable entreprise afin d'y inspecter les installations d'entreposage et de vérifier la façon dont sont manipulés et mises en montre les 40 armes à autorisation restreinte, les armes à feu et les munitions dans le cours ordinaire des affaires de l'entreprise;

b) régir la manipulation, l'entreposage 45 et la mise en montre des armes par les

General of the province in which they are situated;

(c) regulating the mail-order sale of restricted weapons, firearms and ammunition by persons carrying on businesses described in subsection 103(1) or subparagraph 103(2)(b)(i); 5

(d) providing for the secure handling, shipping, storing and transportation of firearms and ammunition by persons engaged in businesses that include the transportation of goods; 10

(e) prescribing the fees to be paid to Her Majesty in right of Canada on filing applications for permits mentioned in subsection 106.2(5); 15

(f) prescribing classes of firearms that shall be deemed to be relics for the purposes of this Part;

(g) prescribing conditions relating to the storage, display, handling and transportation of restricted weapons that form part of gun collections of *bona fide* gun collectors; 20

(h) authorizing the destruction, at such times as are specified in the regulations, of such records and inventories that are required by the provisions of this Part to be maintained as are designated in the regulations; and 30

(i) prescribing anything that is, by any provision of this Part, required to be prescribed by the regulations.

conservateurs et employés des musées approuvés aux fins de la présente Partie par le commissaire ou le procureur général de la province où ils sont situés;

c) régir la vente postale, par les exploitants d'entreprises visées au paragraphe 103(1) ou au sous-alinéa 103(2)(b)(i), des armes à autorisation restreinte, des armes à feu et des munitions; 5

d) assurer la sécurité de la manipulation, de l'expédition, de l'entreposage et du transport des armes à feu et des munitions effectués par les exploitants des entreprises s'adonnant au transport des marchandises; 15

e) établir les frais payables à Sa Majesté du chef du Canada pour les demandes de permis visés au paragraphe 106.2(5);

f) établir en application de la présente Partie, des catégories d'armes à feu réputées constituer des antiquités ou des souvenirs;

g) prescrire les conditions relatives à l'entreposage, à la mise en montre, à la manipulation et au transport des armes à autorisation restreinte qui font partie des collections d'armes à feu des véritables collectionneurs d'armes à feu;

h) autoriser la destruction, aux moments prévus par règlement, de certains registres et inventaires désignés par ces règlements et dont la tenue est exigée par la présente Partie; et 30

i) prescrire tout ce qui, en vertu de la présente Partie, doit l'être par règlement.

106.9 The Commissioner shall, within three months after the end of each year and at such other times as the Solicitor General of Canada may, in writing, request, submit to the Solicitor General a report, in such form and setting forth such information as the Solicitor General may direct, with regard to the administration of the provisions of this Part respecting firearms acquisition certificates, registration certificates and permits and the information contained in the registry maintained pursuant to section 106.6, and the Solicitor

106.9 Le commissaire doit, dans les trois premiers mois de chaque année et, en sus, à chaque fois que le solliciteur général du Canada en fait la demande par écrit, lui remettre un rapport rédigé en la forme et contenant les renseignements qu'il exige en matière d'application des dispositions de la présente Partie relatives aux autorisations d'acquisition d'armes à feu, aux certificats d'enregistrement et aux permis ainsi qu'au sujet des renseignements contenus dans le registre des armes à feu tenu conformément à l'article 106.6; le sollicite-

General shall cause each such report to be laid before Parliament within fifteen days after the receipt thereof by him, or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting." 5

Consequential amendment

4. (1) The definition "sentence" in section 601 and subsection 720(1) of the said Act is amended by striking out the reference to "section 95" therein and substituting there- 10 for a reference to "subsection 98(1) or (2)".

Firearms amnesty periods

(2) Where the Governor in Council, either before or after the coming into force of this section, by proclamation has declared or declares a period of time specified in the 15 proclamation to be a firearms amnesty period, no person who, during such period, delivers a firearm or other offensive weapon to a peace officer, local registrar of firearms or firearms officer for registration or 20 destruction or other disposition as provided in the proclamation is, by reason only of the fact that he was in possession of such firearm or weapon prior to such delivery or by reason 25 only of the fact that he transported such firearm or other offensive weapon for purposes of such delivery, guilty of an offence under any of sections 83 to 106 of the *Criminal Code* as they read before the coming into 30 force of section 3 of this Act or of an offence under Part II.1 of the *Criminal Code* as enacted by section 3 of this Act.

Idem

(3) Any proceedings taken under any of sections 83 to 106 of the *Criminal Code* before the coming into force of this section 35 against any person for any action taken by him in reliance on subsection (2) following any proclamation referred to therein are null and void.

teur général du Canada voit à ce que chacun de ces rapports soit déposé devant le Parlement dans les quinze jours de leur réception ou, le cas échéant, dans les 5 quinze premiers jours de la séance 5 suivante.»

Modification corrélatrice

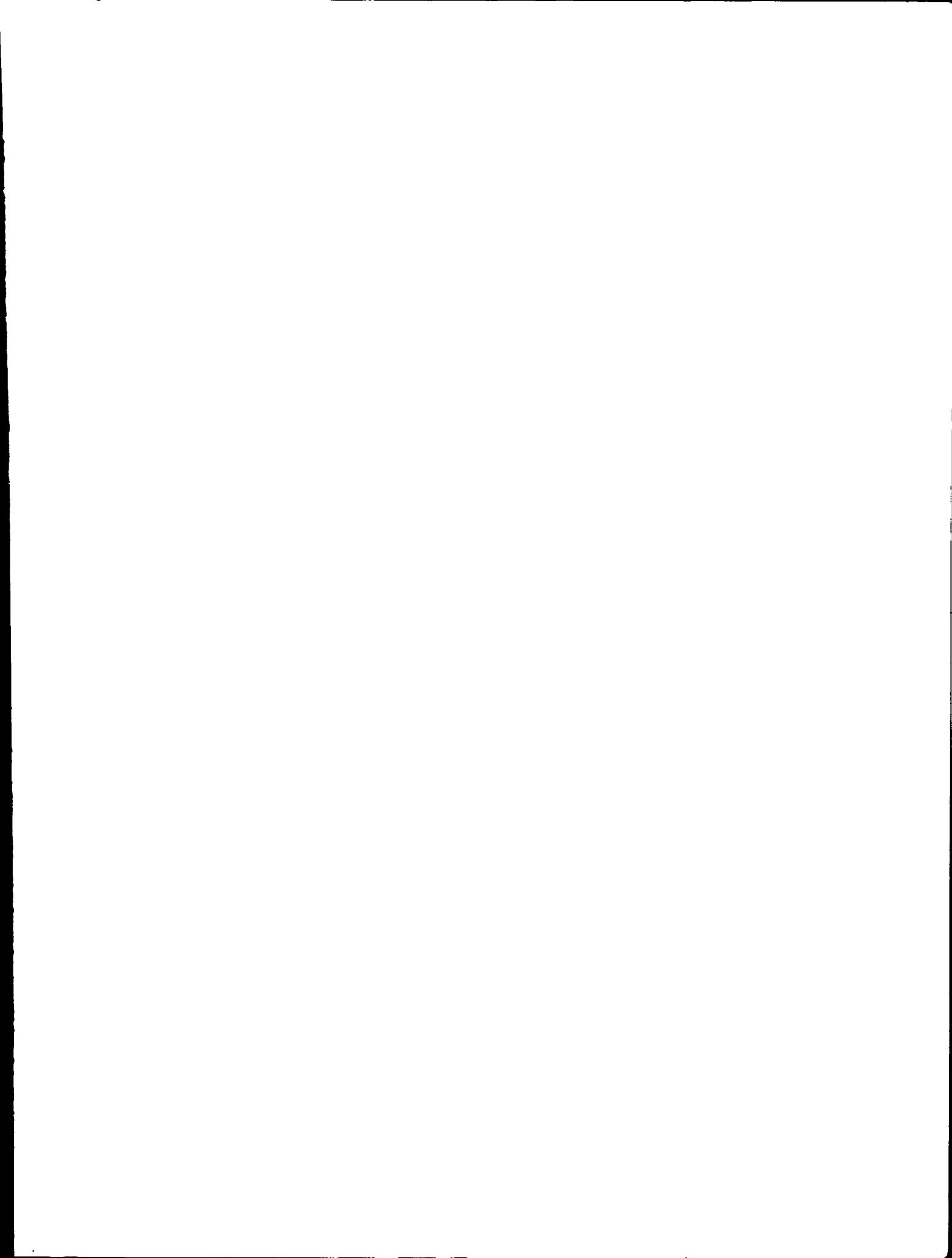
4. (1) Le renvoi à l'article 95 de la définition de «sentence» à l'article 601 et au para- 10 graphe 720(1) de ladite loi, est remplacé par un renvoi aux paragraphes 98(1) ou (2). 10

Délai d'amnistie

(2) Au cours d'un délai fixé par proclamation du gouverneur en conseil, antérieurement ou postérieurement à l'entrée en 15 vigueur du présent article, délai proclamé délai d'amnistie à l'égard des armes à feu, 15 quiconque remet une arme à feu ou quelque autre arme offensive à un agent de la paix, à un registraire local d'armes à feu ou à un 20 préposé aux armes à feu, pour qu'il l'enregistre, la détruisse ou en dispose autrement, tel 20 que prévu dans la proclamation, n'est pas, du seul fait qu'il était en possession de l'arme avant de la remettre, ni du fait qu'il l'a 25 transportée afin de la remettre, coupable d'une infraction prévue aux anciens articles 25 83 à 106 du *Code criminel*, tels qu'ils se lisaient avant l'entrée en vigueur de l'article 3 de la présente loi, ni d'une infraction 30 prévue par la nouvelle Partie II.1 du *Code criminel* édicté par l'article 3 de la présente 30 loi.

Idem

(3) Il ne peut, à peine de nullité, être 35 intenté, avant l'entrée en vigueur du présent article, aucune procédure en vertu des articles 83 à 106 du *Code criminel* contre toute 35 personne ayant agi en s'appuyant sur le paragraphe (2) postérieurement à la proclamation qui y est mentionnée.



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