

SI/2017-70 November 15, 2017

## COMMON SENSE FIREARMS LICENSING ACT

# Order Fixing November 30, 2017 as the Day on which Section 14 of the Act Comes into Force

P.C. 2017-1335 November 2, 2017

Her Excellency the Governor General in Council, on the recommendation of the Minister of Public Safety and Emergency Preparedness, pursuant to subsection 38(4) of the *Common Sense Firearms Licensing Act*, chapter 27 of the Statutes of Canada, 2015, fixes November 30, 2017 as the day on which section 14 of that Act comes into force.

## EXPLANATORY NOTE

(This note is not part of the Order.)

### Proposal

Pursuant to subsection 38(4) of the *Common Sense Firearms Licensing Act* (CSFLA), chapter 27 of the Statutes of Canada, 2015, this Order in Council (Order) fixes November 30, 2017, as the day on which section 14 of the CSFLA comes into force.

### Objective

The purpose of this Order is to bring into force a provision which provides firearms owners with an automatic six-month period (commonly known as the grace period) extending the validity of a firearms licence that has not been renewed before the expiry date shown on the face of their licence.

### Background

Under the *Firearms Act*, a person must hold a valid firearms licence in order to lawfully possess or acquire firearms and to acquire ammunition. The licence also sets out the class of firearm that the holder may possess or acquire (e.g. prohibited, restricted, non-restricted firearms). A firearms licence that is issued to an individual who is 18 years or older, expires on the individual's birthday, 5 years after issuance (unless a shorter expiry period is provided). According to the 2016 Commissioner of Firearms Report, approximately 2 076 840 individual firearms licences are held in Canada.

On June 18, 2015, the CSFLA received royal assent and amended certain provisions of the *Criminal Code* and the *Firearms Act*. One of the provisions, when brought into force, would modify subsection 64(1.1) of the *Firearms Act* to provide, in law, that a firearms licence that is not renewed before the five-year expiry period is automatically extended for an additional six months. This amendment could not be brought into force upon royal assent, as the Royal Canadian Mounted Police (RCMP) required additional time to make changes to the Canadian Firearms Information System (CFIS), which contains all information related to firearms licence holders, to prepare for the implementation of the grace period. These changes have now been made.

Subject to limited exceptions, ([see footnote 1](#)) the possession of firearms without a licence constitutes an offence under paragraph 91(1)(a) of the *Criminal Code*, which is punishable by a maximum of five years in prison. The purpose of the grace period is to extend the validity of the firearms licence for six months, to permit licence holders who do not renew their licence before the expiry date listed on the front of the licence (for example due to an extended holiday, military service or hospitalization) with additional time to come into compliance with the licensing requirements of the *Firearms Act*, without the risk of criminal prosecution.

### Implications

During the grace period, a firearm owner will not be allowed to use his or her firearm or acquire firearms or ammunition until the licence is renewed. RCMP Canadian Firearms Program (CFP) system changes to CFIS will not allow individuals to transfer or register restricted or prohibited firearms if their licence validity is in the extension period. Businesses may verify the status of a licence with the RCMP CFP (including online) when transferring non-restricted firearms or ammunition; if a licence is in the grace period, it will return a message to indicate the licence is not valid for purchase of ammunition or firearms. If an individual contacts the RCMP CFP to check the status of a licence, the system will likewise inform the client it is not valid for purchase of firearms or ammunition. Additionally, in the case of restricted or prohibited firearms, the grace period will not result in the extension of any authorizations

to carry or transport and new authorizations can only be issued for limited purposes (e.g. change of residence, transport to a peace officer, firearms officer or chief firearms officer for registration or disposal in accordance with the *Firearms Act*, or the transport of a firearm for disposal through sale or exportation). These limitations on the use and transportation support public safety and encourage licence holders to renew their licences in a timely manner.

The RCMP CFP has signalled that they will be ready to implement the grace period as of November 30, 2017. The cost of renewing a firearms licence remains the same under this provision (i.e. \$60 for non-restricted firearms, \$80 for any combination of non-restricted, restricted and prohibited firearms). The process for renewal does not change regardless of whether a licence is renewed prior to the date indicated on the front of the licence or during the six-month grace period following that date.

The expiry of the renewed licence remains the individual's birthday. Accordingly, there is no advantage to individuals in terms of timing, in waiting to renew within the grace period. The renewed licence will simply be valid for less than a full five years (i.e. four years and six months, if the licence holder renews at the last possible point in the grace period). Following the expiry of the six-month grace period, those still in possession of firearms without having renewed their licence will be liable to criminal prosecution under the *Criminal Code*.

The grace period will only apply to firearms licences that expire on or after the coming into force of the amendments to subsection 64(1.1) of the *Firearms Act*, on November 30, 2017. Therefore, firearms owners with licences that expire prior to this date will not benefit from this amendment. Firearms owners who are in possession of an expired licence are highly encouraged to come into compliance by renewing their licence promptly.

### ***Consultation***

The former membership of the Canadian Firearms Advisory Committee was consulted in 2014 and 2015 on the development of the CSFLA, and there was strong support for the grace period. The Committee consisted of law enforcement officials, civilian firearms users, hunters, and representatives from conservation organizations. Additionally, at that time, support for the grace period was expressed at meetings of the House of Commons Standing Committee on Public Safety and National Security and the Senate Committee on Legal and Constitutional Affairs.

Public Safety Canada officials will work with the RCMP CFP to raise awareness and inform the public of the coming into force of the grace period and the obligations of firearms owners.

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### ***Footnote 1***

See subsection 91(4) of the *Criminal Code*. An example of these exceptions is that an unlicensed person may possess and use a firearm if they are under the direct supervision of a person who is licenced to do so.

Date modified:

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