

Prohibited Weapons Control Regulations

SOR/91-572

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CRIMINAL CODE

Prohibited Weapons Control Regulations

P.C. 1991-1925 3 October, 1991

His Excellency the Governor General in Council, on the recommendation of the Minister of Justice, pursuant to section 116* of the Criminal Code, is pleased hereby to make the annexed Regulations prescribing industrial purposes in respect of certain prohibited weapons, components or parts and respecting the control of certain prohibited weapons, components and parts and the control of firearms by persons carrying on ammunition businesses.

* S.C. 1991, c. 28, s. 11

REGULATIONS PRESCRIBING INDUSTRIAL PURPOSES IN RESPECT OF CERTAIN PROHIBITED WEAPONS, COMPONENTS OR PARTS AND RESPECTING THE CONTROL OF CERTAIN PROHIBITED WEAPONS, COMPONENTS AND PARTS AND THE CONTROL OF FIREARMS BY PERSONS CARRYING ON AMMUNITION BUSINESSES

SHORT TITLE

1. These Regulations may be cited as the *Prohibited Weapons Control Regulations*.

INTERPRETATION

2. In these Regulations,

"Act" means the *Criminal Code*; (*Loi*)

"component" means a component of a prohibited weapon; (*élément*)

"export permit" means a permit issued under the *Export and Import Permits Act* to export a prohibited weapon, component or part; (*licence d'exportation*)

"import permit" means a permit issued under the *Export and Import Permits Act* to import a prohibited weapon, component or part; (*licence d'importation*)

"part" means a part of a prohibited weapon; (*pièce*)

"prohibited weapon" means a prohibited weapon described in paragraph (c), (e) or (f) of the definition "prohibited weapon" in subsection 84(1) of the Act. (*arme prohibée*) SOR/92-436, s. 1.

APPLICATION

3. These Regulations apply in respect of a component or a part only where

(a) in the case of a component, the component is an assembly or subassembly that contains one or more parts described in paragraph (b); and

(b) in the case of a part, the part is a piece of the action of a prohibited weapon, including the bolt or bolt-carrier, that is designed to enable the prohibited weapon to fire cartridges in rapid succession during one pressure of the trigger, whether or not the part has been altered to fire only one cartridge during one such pressure. SOR/92-436, s. 2.

INDUSTRIAL PURPOSES

Possession of Prohibited Weapons

4. The following purposes are industrial purposes for the purposes of subsection 90(3.1) of the Act:

(a) the manufacture, maintenance, repair or modification of a prohibited weapon, component or part in respect of which an export permit has been issued;

(b) the installation of a prohibited weapon, component or part into a weapons system in respect of which an export permit has been issued;

(c) the inspection, development or testing of a prohibited weapon, component or part for or on behalf of the Government of Canada or by, for or on behalf of the holder of an export permit;

(d) the development or testing of ammunition for the Government of Canada or of a province or for export to a country included on the *Automatic Firearms Country Control List* established pursuant to section 4.1 of the *Export and Import Permits Act*;

(e) the supplying of a prohibited weapon for use in motion picture, television or theatrical productions; and

(f) the transportation of a prohibited weapon, component or part

(i) for or on behalf of a person who is designated for the purposes of subsection 90(3.1) of the Act and requires the prohibited weapon, component or part for a purpose set out in any of paragraphs (a) to (e) or who, under section 92 or 98 of the Act, is not guilty of an offence for the possession of the prohibited weapon, component or part, to another such person, or

(ii) for or on behalf of a person referred to in subparagraph (i) who is the holder of an export permit or import permit, to or from a person outside Canada. SOR/92-436, s. 3.

Importing of Prohibited Weapons

5. The purposes set out in paragraphs 4(a) to (e) are industrial purposes, in respect of importing, for the purposes of subsection 95(2) of the Act. SOR/92-436, s. 4.

Exporting of Prohibited Weapons

6. The sending of a prohibited weapon, component or part that is in a person's possession for a purpose set out in any of paragraphs 4(a) to (e) to the government, or a consignee authorized by the government, of a country included in an *Automatic Firearms Country Control List* established pursuant to section 4.1 of the *Export and Import Permits Act* is an industrial purpose, in respect of exporting, for the purposes of subsection 95(2) of the Act. SOR/92-436, s. 5.

PROHIBITED WEAPONS BUSINESSES

Industrial Security Standards

7. (1) Every person who carries on a business described in paragraph 105 (1)(b) of the Act and is designated for the purposes of subsection 90(3.1) of the Act shall ensure that all prohibited weapons, components and parts are handled and stored in an industrial security system that

(a) consists of

(i) personnel, devices or a combination thereof that ensures at all times the security of the prohibited weapons, components and parts against loss or theft or handling other than in accordance with subsection (2), and

(ii) accurate records or inventories that indicate the location of the prohibited weapons, components and parts at all times;

(b) is adequate to ensure at all times that only persons who are required to handle prohibited weapons, components or parts for the purposes of their duties or employment have access to any place in which the business is carried on and in which prohibited weapons, components or parts are handled or stored; and

(c) is approved in writing by the chief provincial firearms officer of the province in which the system is situated.

(2) [Revoked, SOR/92-436, s. 6]

(3) A chief provincial firearms officer referred to in paragraph (1)(c) shall approve an industrial security system where the system meets the requirements set out in paragraphs (1)(a) and (b). SOR/92-436, s. 6.

Inspection of Places of Business

8. Police officers, police constables and firearms officers designated for a province by the Attorney General of that province may enter any place in that province where a business described in paragraph 105(1)(b) of the Act is carried on, at any time during ordinary business hours, for the purpose of inspecting

(a) the secure storage facilities therein, including elements of the industrial security system described in subsection 7(1); and

(b) the manner in which prohibited weapons, components or parts are handled in the course of the business.

Records and Inventories

9. (1) A person who carries on a business described in paragraph 105(1)(b) of the Act and is designated for the purposes of subsection 90(3.1) of the Act may, after the person has obtained express written authorization to do so from the Commissioner, destroy records and inventories that the person is required to keep under subsection 105(1.1) of the Act and that are in the person's possession.

(2) The Commissioner shall give an authorization referred to in subsection (1) where the Commissioner or the Attorney General of the province in which the business is carried on is in possession of accurate copies of the records and inventories or the original records and inventories.

(3) Copies of records and inventories referred to in subsection (2) may be sent to the Commissioner

(a) in the form in which they were originally kept; or

(b) in retrievable magnetic, electronic or optical form.

Permit Fees

10. (1) The annual fee to be paid to Her Majesty in right of Canada on filing an application for a permit mentioned in subsection 110(5) of the Act to carry on a business described in paragraph 105(1)(b) of the Act is \$1,000.

(2) Where a permit has been issued to a person for a period of less than twelve months, the fee payable for that permit is that proportion of the amount set out in subsection (1) that the number of months for which the permit is issued is of twelve months.

Transportation of Prohibited Weapons

11. (1) Any person who is engaged in a business that includes the transportation of goods and who transports a prohibited weapon, component or part shall ensure that

(a) subject to subsections (2) and (4), the prohibited weapon, component or part is in a container made of cardboard, wood or other opaque solid material of such strength, construction and nature that it cannot readily be broken or accidentally opened while being conveyed;

(b) subject to subsections (2) and (4), the container referred to in paragraph (a) is so constructed and sealed so as to prevent it from being opened without breaking the seal or otherwise clearly indicating that it has been opened;

(c) subject to subsections (2), (3) and (4), the markings, if any, on the exterior of the container referred to in paragraph (a) do not indicate that a firearm, prohibited weapon, component or part is contained therein;

(d) in the case of the transportation of a prohibited weapon that is a firearm,

(i) the prohibited weapon is made inoperable by the removal of the bolt or

bolt-carrier,

(ii) subject to subsection (4), the prohibited weapon and the bolt or bolt-carrier removed under subparagraph (i) are transported in separate containers and separate conveyances,

(iii) subject to subsection (4), the conveyance in which the prohibited weapon is transported does not contain any bolt or bolt-carrier that can be assembled into the prohibited weapon, and

(iv) subject to subsection (4), the conveyance in which the bolt or bolt-carrier is transported does not contain any firearm into which the bolt or bolt-carrier can be assembled;

(e) the conveyance or part thereof that contains the prohibited weapon, component or part is securely locked or sealed when left unattended;

(f) the driver or operator of the conveyance in which the prohibited weapon, component or part is being transported is in possession of a written designation made for the purposes of subsection 90(3.1) of the Act, or a copy thereof, that is valid in respect of that weapon, component or part and, if the driver or operator is an employee, a written declaration from the employer that identifies the driver or operator as an employee and states that the prohibited weapon, component or part is being transported in the course of that employer's business; and

(g) the person having control of any place in which the prohibited weapon, component or part is being stored in the course of transportation is in possession of a written designation made for the purposes of subsection 90(3.1) of the Act, or a copy thereof, that is valid in respect of that weapon, component or part and, if the person is an employee, a written declaration from the employer that identifies the person as an employee and states that the prohibited weapon, component or part is being transported in the course of that employer's business.

(2) Paragraphs (1)(a) to (c) do not apply in respect of a prohibited weapon where

(a) the prohibited weapon is attached to a vehicle, vessel or aircraft by a locking device or mounting or fastening system that cannot readily be disassembled or removed without gaining access to the vehicle, vessel or aircraft; and

(b) the vehicle, vessel or aircraft to which the weapon is attached is larger than the weapon and is securely locked.

(3) Paragraph (1)(c) does not apply where

(a) the only marking on the exterior of the container that indicates that a firearm, prohibited weapon, component or part is contained therein is an address; or

(b) the container and its contents are being imported into Canada and transported directly to a person who is designated for the purposes of subsection 90(3.1) of the Act and who requires the prohibited weapon, component or part contained in the container for a purpose set out in any of paragraphs 4(a) to (d).

(4) Paragraphs (1)(a) to (c) and subparagraphs (1)(d)(ii) to (iv) do not apply in respect of a prohibited weapon where

(a) the person engaged in a business that includes the transportation of the prohibited weapon is the person designated for the purposes of subsection

90(3.1) of the Act who requires the prohibited weapon for the purpose set out in paragraph 4(e);

(b) the prohibited weapon is being transported from the person's place of business in a province to a place within the province where it is required for use in motion picture, television or theatrical productions in a secure and locked gun safe of a type that is approved for the purposes of such transportation by the Chief Provincial Firearms Officer;

(c) the prohibited weapon has been converted to fire only blank cartridges; and

(d) the prohibited weapon, while at a place where it is required for use in motion picture, television or theatrical productions, is stored in a secure and locked gun safe of a type that is approved for that purpose by the Chief Provincial Firearms Officer. SOR/92-436, s. 7.

AMMUNITION BUSINESSES

Industrial Security Standards

12. (1) Every person who carries on a business described in subparagraph 105(2)(b)(i) of the Act and is designated for the purposes of subsection 90(3.1) of the Act shall ensure that all firearms are handled and stored in an industrial security system that

(a) consists of

(i) personnel, devices or a combination thereof that ensures at all times the security of the firearms against loss or theft or handling other than in accordance with subsection (2), and

(ii) accurate records or inventories that indicate the location of the firearms at all times;

(b) is adequate to ensure at all times that only persons who are required to handle firearms for the purposes of their duties or employment have access to any place in which the business is carried on and in which firearms are handled or stored; and

(c) is approved in writing by the chief provincial firearms officer of the province in which the system is situated.

(2) Every person who carries on a business described in subparagraph 105(2)(b)(i) of the Act and is designated for the purposes of subsection 90(3.1) of the Act shall ensure that all firearms are handled in any place in which the business is carried on only by persons designated for the purposes of that subsection by the Attorney General of the province in which the business is carried on.

(3) A chief provincial firearms officer referred to in paragraph (1)(c) shall approve an industrial security system where the system meets the requirements set out in paragraphs (1)(a) and (b).

Inspection of Places of Business

13. Police officers, police constables and firearms officers designated for a province by the Attorney General of that province may enter any place in that province where a business described in subparagraph 105(2)(b)(i) of the Act is carried on by a person designated for the purposes of subsection 90(3.1), at any time during ordinary business hours, for the purpose of inspecting

(a) the secure storage facilities therein, including elements of the industrial security system described in subsection 12(1); and

(b) the manner in which firearms are handled in the course of the business.