

Bill C-42: Frequently Asked Questions

Background

On June 18, 2015, Canada's Minister of Public Safety and Emergency Preparedness, the Honourable Steven Blaney, highlighted the Royal Assent of the *Common Sense Firearms Licensing Act*. This legislation amends the *Firearms Act* and the *Criminal Code*.

The news release published by Public Safety Canada provided the following information:

Effective immediately, these changes to the *Firearms Act* and the *Criminal Code* do the following:

- Make classroom participation in firearms safety courses mandatory for first-time licence applicants;
- Provide for the discretionary authority of Chief Firearms Officers (CFOs) to be subject to the regulations;
- Strengthen the *Criminal Code* provisions relating to orders prohibiting the possession of firearms where a person is convicted of an offence involving domestic violence; and
- Provide the Governor in Council with the authority to prescribe firearms to be non-restricted or restricted (such prescribing would be informed by independent expert advice).

Within the next several months, upon a date fixed by an order in council, the following changes will come into effect:

- Creation of a six-month grace period at the end of the five-year licence period to stop people from immediately becoming criminalized for paperwork delays around license renewals;
- Elimination of the Possession Only Licence (POL) and conversion of all existing POLs to Possession and Acquisition Licences (PALs);
- Authorizations to Transport become a condition of a licence for certain routine and lawful activities such as target shooting; taking a firearm home after a transfer; going to a gunsmith, gun show, a Canadian port of exit; or a peace officer or a Chief Firearms Officer (CFO) for verification, registration or disposal; and
- Sharing of firearms import information when restricted and prohibited firearms are imported into Canada by businesses.

Q1: Why are some elements of C-42 delayed?

A1: Some elements will require changes to systems and business processes so government is permitting time for these changes to occur.

Q2: What impact will the POL to PAL conversion have?

A2: Once this element comes into force upon a date fixed by an order in council, the individuals who have a POL will be allowed to acquire firearms for the classes of firearms they had on their POL. Clients will receive their new PAL at the time their POL is renewed or if the client requests a replacement licence during the valid period of their licence.

Q3: Is there a safety training requirement for transitioning from POL to PAL?

A3: No. POL holders with valid licences at the time this element becomes law will be grandfathered; therefore, the safety training requirement for individuals transitioning from POL to PAL will be waived.

Q4: If an individual's POL expired will they automatically receive a PAL?

A4: An individual's POL must be valid at the time this element comes into force (becomes law) to qualify for the POL to PAL conversion. If the POL expires, an individual must take mandatory safety training and apply for a PAL.

Q5: If an individual submitted a POL application before POL to PAL conversion comes into force, will their application be processed?

Q5: Yes. Applications for a new POL or a POL renewal that were submitted before POL to PAL conversion came into force will be processed. After this element comes into force upon a date fixed by an order in council, all valid POLs will be converted to PALs.

Q6: If an individual has a PAL and wants to upgrade to a Restricted Possession and Acquisition Licence (RPAL), can they challenge the Canadian Restricted Firearms Safety Course (CRFSC) since they are not first-time licence applicants?

A6: No. Challenges are no longer accepted. Individuals who wish to add restricted privileges to their PAL must take the CRFSC in a classroom and pass the tests. This is required as it is the individual's first application for a restricted licence and therefore they are a 'first-time applicant' for that class of licence.

Q7: Prior to this legislation, individuals paid for the Canadian Firearms Safety Course (CFSC) in order to upgrade their POL to a PAL. Since all existing POLs will be converted to PALs, will any of those individuals receive a refund for the course they took?

A7: No. The legislative changes did not include compensation for those clients who previously upgraded from a POL to a PAL and paid for the CFSC.

Q8: When will existing POLs expire?

A8: Existing POLs are still valid and when this element comes into force they will be treated as PALs for the classes of firearms an individual is licensed to possess. Existing licence expiration dates will not be affected and individuals will receive a new PAL card upon the renewal of their licence. Individuals may, however, request to be issued a new PAL card prior to their licence renewal.

Existing POLs will not be treated as PALs until the date set by order in council.

Q9: If an individual does not want to acquire firearms, can they still obtain a POL?

A9: No. POLs will no longer be available; however they will still be renewed as POLs until the date set by order in council.

Q10: What is the six-month extension (grace period)?

A10: The licence for individuals will still be valid for five years. Once this element is brought into force, individuals will have a six-month “grace period” in which to submit a licence renewal application. All registered firearms will remain registered; however, any Authorizations (to Carry or Transport) will be suspended. Additionally, these individuals will not be authorized to acquire additional firearms.

Q11: When will firearms licence renewals be sent?

A11: Individuals will continue to receive a renewal notice 90 days prior to the expiry of their licence. A reminder notice will be sent to individuals who have not submitted a licence renewal application two months prior to the end of the grace period.

Q12: What do the changes to Authorizations to Transport (ATT) mean?

A12: When this element comes into force, ATTs will be a condition attached to a firearms licence for certain routine and lawful transportation purposes. These conditions include transportation:

- to and from all approved shooting clubs and shooting ranges within the province of residence (if purpose is target practice);

- to and from any place peace officers, firearms officers or chief firearms officers are located for verification, registration or disposal;
- to and from businesses that hold a licence authorizing repair/appraisal;
- to and from a gun show;
- to purchase a firearm; and,
- to and from a Canadian port of exit/entry.

All other transportation purposes will require an application and issuance of a paper ATT as per the current practice. For example, safety course instructors will still require an Authorization to Transport for their disabled restricted firearms for the purpose of delivering the course.

Q13: Are existing paper ATTs still valid?

A13: Existing paper ATTs are still valid and must be carried when transporting registered firearms.

Q14: Since ATTs will be a condition of a licence, will individuals receive a new licence card to reflect these changes?

A14: Existing paper ATTs will remain valid until their expiry dates. After this element has been brought into force by order in council, individuals may request to be issued a new licence card with the ATT conditions attached.

Q15: What is mandatory safety training?

A15: Amendments to the *Firearms Act* and *Criminal Code* will make classroom participation in the full CFSC and, if required, CRFSC mandatory for first-time firearms licence applicants. Once the full classroom course delivered by a designated instructor is completed, individuals will then have to pass the examinations.

Q16: Would doing an online version of the CFSC or CRFSC and taking the exams afterwards with an instructor in-person meet the mandatory safety training requirement?

A16: No. The *Firearms Act* lays out that an individual is eligible to hold a licence only if the individual successfully completes the CFSC or CRFSC as given by an instructor who is designated by a CFO. The Canadian Firearms Program does not currently accept any online replacement for in-person classroom delivery of the CFSC and/or CRFSC.

Q17: What is a first-time licence applicant?

A17: A first-time licence applicant means any individual who is applying for a firearms licence and has never taken the CFSC course and passed the tests or challenged and passed the CFSC tests. It also includes an individual who wishes to add restricted firearm acquisition privileges to an existing PAL.

Q18: If an individual has an expired POL, will they qualify for a PAL without taking the mandatory safety training?

A18: No. Safety training requirements are only waived for individuals with a valid POL.

Q19: Can an individual challenge and pass the CFSC tests without taking the course?

A19: Firearms licence applicants can no longer only challenge and pass the CFSC and CRFSC tests without taking the full classroom courses.

Q20: Will safety course results expire?

A20: No. The CFSC and CRFSC results never expire, but anyone prohibited by a court from possessing firearms must re-take the full classroom course(s) and pass the tests after the expiry of the prohibition order.

Q21: If an individual's PAL expires, will they qualify for a PAL without having to take the mandatory safety training?

A21: Yes, so long as that person has not been prohibited by a court of law from possessing firearms.

Q22: Do Aboriginal persons have to take the mandatory safety training?

A22: This legislation has not changed the Aboriginal-specific regulations with respect to firearms safety. For more information, please contact the Chief Firearms Officer of your jurisdiction.

Q23: Will clients be notified directly about these legislative changes?

A23: The CFP will be informing clients and partners of the legislative changes through various channels, primarily the RCMP Canadian Firearms Program website.