

OIC FIREARM PROHIBITIONS



On May 1, 2020, the Governor in Council (GIC), through Order in Council (OIC), enacted the *Regulations Amending the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted or Non-Restricted (SOR/2020-96)* to prohibit more than 1,500 models of firearms.

- **USING AN ORDER IN COUNCIL:** Section 117.15 of the Criminal Code allows for the GIC to make regulations prescribing firearms as prohibited using an OIC; however, the magnitude of changes deserved more robust dialogue and consultation, if not full parliamentary review. In addition, the use of 117.15 (2) requires that the firearms being prohibited are not used for hunting or sporting purposes. The government stated that “the Governor in Council is not of the opinion that any thing prescribed to be a prohibited device, in the Annexed Regulations, is reasonable for use in Canada for hunting or sporting purposes.”
- **OIC-PROHIBITED FIREARMS USED FOR HUNTING:** Through a survey of firearms owners, the OFAH determined that at least 64 OIC-prohibited firearms listed in the RCMP’s Firearms Reference Table were previously non-restricted and used for hunting and sporting purposes by Canadians. More than 85% of these firearms were identified as being used for hunting prior to prohibition. Additionally, the government acknowledged that some of the firearms are used for hunting through the Indigenous two-year amnesty that was included in the regulations.
- **MODEL-BASED APPROACH:** The approach reclassified firearms using models (principal models and variants), which fundamentally overrides the long-standing firearms classification system. The firearms captured under the OIC were based on an arbitrary and inappropriate grouping of firearms labeled ‘military-style firearms’ that garnered public support solely on perception. This is not an appropriate way to classify firearms. Classification must be evidence-based, using actual form and function of the firearm.
- **‘MILITARY-STYLE FIREARMS’ ALREADY ILLEGAL IN CANADA:** The OIC-prohibited firearms deemed to be military-style had three criteria: 1) semi-automatic action with sustained rapid-fire capability (military design with ability to receive a quickly reloadable large capacity magazine), 2) modern design, and 3) present in large volumes in Canadian market. Sustained rapid-fire capability (e.g., automatic firearms) has been illegal since 1977, so there is no such thing as a legal semi-automatic firearm with ‘sustained rapid-fire capability’ either by design or adaptation. Large capacity magazines are also already prohibited. It is not clear how the final two criteria contribute to the need for prohibition.
- **BUYBACK VALUATION:** The specifics of the buyback have not been released. For individual owners, there are concerns that it will not adequately compensate the full value of the firearms and accessories. A uniform pricing structure is inappropriate, and a valuation system must include both replacement and the true market value (i.e., pre-May 1, 2020), and the compensation must be the higher of the two prices.
- **BUYBACK FUNDING:** The hundreds of millions of dollars that will be set aside to buy legally-purchased firearms from law-abiding firearms owners would be better spent on targeting illegal firearms, gangs, and the social determinants of gun violence.
- **MORE INFORMATION ON OIC PROHIBITIONS:** Please see the [OFAH’s Firearms Ban FAQ – May 2020](#), and the comprehensive analysis in the [OFAH’s letter to Minister Blair](#).

THE TAKE-HOME

The May 1, 2020 OIC prohibitions were politically-driven instead of policy-driven. These flawed policies were based on public perception and resulted from a clear lack of consultation and preparedness. The amended regulations work to undermine an evidence-based classification system, are causing hardship for law-abiding Canadians and businesses, and will cost taxpayers significantly without the promised public safety benefits.