

Rural Protection Act

House of Commons Canada

Bill C-

An Act to Amend the Firearms Act:

First Reading: When PPC Candidates Paul Mitchell (Red Deer - Mountain View) and/or Laura-Lynn Thompson (Red Deer - Lacombe) and/or Mark Friesen (Saskatoon - Grasswood) and/or Joseph Zelezny (Yukon) are Elected to the House of Commons

Mr. Mitchell, Mrs. Thompson, Mr. Friesen and Mr. Zelezny

Summary

This enactment amends the storage, display, transportation and handling of firearms by individuals regulations. It also amends the definitions. Since most rural Canadians have limited access to timely police protection, the purpose of this Act is to enable effective self-defence and protection for these Canadians (on their property). The Act accomplishes this by removing the current barriers in the Firearms Act which hinder self-defence and protection in rural areas.

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An Act to Amend the Firearms Act

Preamble

Whereas Canadians have the right to defend themselves and their families as indicated in the Criminal Code of Canada;

Whereas enhancing the security and protection of Canadians on their properties in rural communities is a priority of Parliament;

Whereas Canadians not living in larger urban centres frequently have little to no access to timely police protection;

Whereas the Firearms Act currently removes access to the most effective tool for self-defence, namely firearms, which are carried by all Canadian police for this very reason;

Whereas over 2 million Canadians already own legal firearms which could be available for self-defence and protection if the Firearms Act were amended;

Whereas rural crime is a significant problem that threatens the security and peaceful lives of many Canadians;

And, Whereas Parliament wishes to specifically enable the right of self-defence for Canadians, to enhance rural protection and to reduce rural crime;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows;

Short Title

This Act may be cited as the **Rural Protection Act**.

Firearms Act

The **Firearms Act** is amended by repealing and replacing the **Storage, Display, Transportation and Handling of Firearms by Individuals Regulations** with the following

Storage, Display, Transportation and Handling of Firearms by Individuals Regulations

Interpretation

1 The definitions in this section apply in these Regulations.

Act means the Firearms Act.

muzzle-loading firearm does not include a handgun.

non-restricted firearm means a firearm that is neither a prohibited firearm nor a restricted firearm.

post has the same meaning as in subsection 2(1) of the Canada Post Corporation Act.

prohibited handgun means a handgun under paragraph (a) of the definition prohibited firearm in subsection 84(1) of the Criminal Code.

Rural and Rural Small Town (RST) means all areas which are outside of larger urban centres with core populations of 10,000 or more inhabitants.

secure locking device means a device

- (a) that can only be opened or released by the use of an electronic, magnetic or mechanical key or by setting the device in accordance with an alphabetical or numerical combination; and
- (b) that, when applied to a firearm, prevents the firearm from being discharged.

transmit by post has the same meaning as in subsection 2(1) of the Canada Post Corporation Act.

unattended, in respect of a vehicle, means that the vehicle is not under the direct and immediate supervision of a person who is 18 years of age or older or to whom a licence has been issued under the Act.

unloaded, in respect of a firearm, means that any propellant, projectile or cartridge that can be discharged from the firearm is not contained in the breech or firing chamber of the firearm nor in the cartridge magazine attached to or inserted into the firearm.

vehicle means any conveyance that is used for transportation by water, land or air.

- (a) that can only be opened or released by the use of an electronic, magnetic or mechanical key or by setting the device in accordance with an alphabetical or numerical combination; and
- (b) that, when applied to a firearm, prevents the firearm from being discharged.

Application

- **2** (1) These Regulations do not apply to members of any of the following classes of persons who are acting in the course of their duties or for the purposes of their employment:
 - (a) peace officers;
 - (b) members of the Canadian Forces or of the armed forces of a state other than Canada who are attached or seconded to any of the Canadian Forces;
 - (c) persons training to become police officers or peace officers under the control and supervision of
 - (i) a police force, or
 - (ii) a police academy or similar institution designated by the Attorney General of Canada or the lieutenant governor in council of a province;

- (d) members of a visiting force, within the meaning of section 2 of the Visiting Forces Act, who are authorized under paragraph 14(a) of that Act to possess and carry explosives, ammunition and firearms;
- (e) persons or members of a class of persons employed in the public service of Canada or by the government of a province or municipality who are prescribed by the regulations made by the Governor in Council under Part III of the Criminal Code to be public officers; and
- (f) chief firearms officers or firearms officers.
- (2) These Regulations do not apply to the transportation or handling of a restricted firearm or a prohibited handgun by an individual in accordance with an authorization issued under section 20 of the Act, including any conditions attached to the authorization, who is carrying it
 - (a) to protect the life of that individual or of other individuals; or
 - (b) for use in connection with his or her lawful profession or occupation.
- **(3) Only sections 10, 11, 12, 13, 15 (b), 16 and 17 of these Regulations apply to firearms license holders in rural and rural small town (RST) areas.**
- (4) [Repealed, SOR/2004-277, s. 2]
- (5) Sections 10 and 14 do not apply to firearms that are used or handled by an individual in the course of hunting from a vehicle in a location in circumstances in which it is lawful for that individual to hunt from that vehicle in that location.
- (6) Sections 5 to 13 do not apply to antique firearms.

3 These Regulations do not apply to the storage and transportation of a non-restricted firearm, restricted firearm or prohibited handgun in the course of transmission by post within Canada from the time the firearm or handgun is posted to the time it is delivered to the addressee, within the meaning of subsection 2(2) of the Canada Post Corporation Act, or returned to the sender.

- SOR/2004-277, s. 3

4 [Repealed, SOR/2012-262, s. 1]

Storage of Non-Restricted Firearms

- **5** (1) An individual may store a non-restricted firearm only if
 - (a) it is unloaded;
 - (b) it is
 - (i) rendered inoperable by means of a secure locking device,
 - (ii) rendered inoperable by the removal of the bolt or bolt-carrier, or
 - (iii) stored in a container, receptacle or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into; and
 - (c) it is not readily accessible to ammunition, unless the ammunition is stored, together with or separately from the firearm, in a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into.

- (2) Paragraph (1)(b) does not apply to any individual who stores a non-restricted firearm temporarily if the individual reasonably requires it for the control of predators or other animals in a place where it may be discharged in accordance with all applicable Acts of Parliament and of the legislature of a province, regulations made under such Acts, and municipal by-laws.
- (3) Paragraphs (1)(b) and (c) do not apply to an individual who stores a non-restricted firearm in a location that is in a remote wilderness area that is not subject to any visible or otherwise reasonably ascertainable use incompatible with hunting.

Storage of Restricted Firearms

6 An individual may store a restricted firearm only if

- (a) it is unloaded;
- (b) it is
 - (i) rendered inoperable by means of a secure locking device and stored in a container, receptacle or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into, or
 - (ii) stored in a vault, safe or room that has been specifically constructed or modified for the secure storage of restricted firearms and that is kept securely locked; and
- (c) it is not readily accessible to ammunition, unless the ammunition is stored, together with or separately from the firearm, in
 - (i) a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into, or
 - (ii) a vault, safe or room that has been specifically constructed or modified for the secure storage of restricted firearms and that is kept securely locked.

Storage of Prohibited Firearms

7 An individual may store a prohibited firearm only if

- (a) it is unloaded;
- (b) it is
 - (i) rendered inoperable by means of a secure locking device and stored in a container, receptacle or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into, and, if the prohibited firearm is an automatic firearm that has a removable bolt or bolt-carrier, the bolt or bolt-carrier is removed and stored in a room that is different from the room in which the automatic firearm is stored, that is kept securely locked and that is constructed so that it cannot readily be broken open or into, or
 - (ii) stored in a vault, safe or room that has been specifically constructed or modified for the secure storage of prohibited firearms and that is kept securely locked; and
- (c) it is not readily accessible to ammunition, unless the ammunition is stored, together with or separately from the firearm, in
 - (i) a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into, or

- (ii) a vault, safe or room that has been specifically constructed or modified for the secure storage of prohibited firearms and that is kept securely locked.

Display of Non-Restricted Firearms

8 An individual may display a non-restricted firearm only if it

- (a) is unloaded;
- (b) is rendered inoperable by means of a secure locking device or is in a container, receptacle or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into; and
- (c) is not displayed with and is not readily accessible to ammunition that can be discharged from it.

Display of Restricted Firearms and Prohibited Firearms

- **9** (1) An individual may display a restricted firearm or a prohibited firearm in a dwelling-house only if
 - (a) the restricted firearm or prohibited firearm is unloaded;
 - (b) the restricted firearm or prohibited firearm is rendered inoperable by means of a secure locking device;
 - (c) the restricted firearm or prohibited firearm is securely attached to a non-portable structure in such a manner that it cannot readily be removed;
 - (d) the restricted firearm or prohibited firearm is not displayed with and is not readily accessible to ammunition that can be discharged from it; and
 - (e) in the case of an automatic firearm that has a removable bolt or bolt-carrier, the bolt or bolt-carrier is removed and stored in a room that is different from the room in which the automatic firearm is displayed, that is kept securely locked and that is constructed so that it cannot readily be broken open or into.
- (2) An individual may display a restricted firearm in a place other than a dwelling-house only if it
 - (a) is unloaded;
 - (b) is rendered inoperable by means of a secure locking device;
 - (c) is, subject to subsection (4), securely attached to a structure on which it is displayed by a chain, metal cable or similar device in such a manner that the restricted firearm cannot readily be removed; and
 - (d) is not displayed with and is not readily accessible to ammunition that can be discharged from it, unless the ammunition is displayed in a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into.
- (3) An individual may display a prohibited firearm in a place other than a dwelling-house only if
 - (a) the prohibited firearm is unloaded;
 - (b) the prohibited firearm is rendered inoperable by means of a secure locking device;

- (c) the prohibited firearm is, subject to subsection (4), securely attached to a structure on which it is displayed by a chain, metal cable or similar device in such a manner that the prohibited firearm cannot readily be removed;
- (d) the prohibited firearm is not displayed with and is not readily accessible to ammunition that can be discharged from it, unless the ammunition is displayed in a container or receptacle that is kept securely locked and that is constructed so that it cannot readily be broken open or into; and
- (e) in the case of an automatic firearm that has a removable bolt or bolt-carrier, the bolt or bolt-carrier is removed and stored in a room that is different from the room in which the automatic firearm is displayed, that is kept securely locked and that is constructed so that it cannot readily be broken open or into.
- (4) Paragraphs (2)(c) and (3)(c) do not apply if the firearm is detached from the structure so that the firearm may be handled by a person under the direct and immediate supervision of the individual displaying it.

Transportation of Non-Restricted Firearms

- **10** (1) An individual may transport a non-restricted firearm only if
 - (a) except in the case of a muzzle-loading firearm that is being transported between hunting sites, it is unloaded; and
 - (b) in the case of a muzzle-loading firearm that is being transported between hunting sites, its firing cap or flint is removed.
- (2) Subject to subsection (3), an individual may transport a non-restricted firearm in an unattended vehicle only if
 - (a) when the vehicle is equipped with a trunk or similar compartment that can be securely locked, the non-restricted firearm is in that trunk or compartment and the trunk or compartment is securely locked; and
 - (b) when the vehicle is not equipped with a trunk or similar compartment that can be securely locked, the non-restricted firearm is not visible from outside the vehicle and the vehicle, or the part that contains the non-restricted firearm, is securely locked.
- (3) If, in a remote wilderness area that is not subject to any visible or otherwise reasonably ascertainable use incompatible with hunting, an individual is transporting a non-restricted firearm in an unattended vehicle that is not equipped with a trunk or similar compartment that can be securely locked, and the vehicle or the part of it that contains the non-restricted firearm cannot be securely locked, the individual shall ensure that the non-restricted firearm
 - (a) is not visible; and
 - (b) is rendered inoperable by a secure locking device, unless the individual reasonably requires the non-restricted firearm for the control of predators.

Transportation of Restricted Firearms

11 An individual may transport a restricted firearm only if

- (a) it is unloaded;

- (b) it is rendered inoperable by means of a secure locking device;
- (c) it is in a locked container that is made of an opaque material and is of such strength, construction and nature that it cannot readily be broken open or into or accidentally opened during transportation; and
- (d) if it is in a container described in paragraph (c) that is in an unattended vehicle,
 - (i) when the vehicle is equipped with a trunk or similar compartment that can be securely locked, the container is in that trunk or compartment and the trunk or compartment is securely locked, and
 - (ii) when the vehicle is not equipped with a trunk or similar compartment that can be securely locked, the vehicle, or the part of the vehicle that contains the container, is securely locked and the container is not visible from outside the vehicle.

Transportation of Prohibited Firearms

12 An individual may transport a prohibited firearm only if

- (a) it is unloaded;
- (b) it is rendered inoperable by means of a secure locking device;
- (c) if it is an automatic firearm that has a bolt or bolt-carrier that is removable with reasonable facility, the bolt or bolt-carrier is removed;
- (d) it is in a locked container that is made of an opaque material and is of such strength, construction and nature that it cannot readily be broken open or into or accidentally opened during transportation; and
- (e) when it is in a container described in paragraph (d) that is in an unattended vehicle,
 - (i) if the vehicle is equipped with a trunk or similar compartment that can be securely locked, the container is in that trunk or compartment and the trunk or compartment is securely locked, and
 - (ii) if the vehicle is not equipped with a trunk or similar compartment that can be securely locked, the vehicle, or the part of the vehicle that contains the container, is securely locked and the container is not visible from outside the vehicle.

Transportation of Replica Firearms

13 An individual may transport a replica firearm only if

- (a) when the vehicle in which it is being transported is equipped with a trunk or similar compartment that can be securely locked, the replica firearm is in that trunk or compartment and the trunk or compartment is securely locked; and
- (b) when the vehicle in which it is being transported is not equipped with a trunk or similar compartment that can be securely locked, the replica firearm is not visible from outside the vehicle and the vehicle, or the part of the vehicle that contains the replica firearm, is securely locked.

Antique Firearms

- **14** (1) An individual may store, display or transport an antique firearm only if it is unloaded.
- (2) An individual may transport an antique firearm in an unattended vehicle only if
 - (a) when the vehicle is equipped with a trunk or similar compartment that can be securely locked, the antique firearm is in that trunk or compartment and the trunk or compartment is securely locked; and
 - (b) when the vehicle is not equipped with a trunk or similar compartment that can be securely locked, the antique firearm is not visible from outside the vehicle and the vehicle, or the part that contains the antique firearm, is securely locked.
- (3) An individual may transport an antique firearm that is a handgun only if it is in a locked container that is made of an opaque material and is of such strength, construction and nature that it cannot readily be broken open or into or accidentally opened during transportation.

Handling of Firearms

15 (a) All firearms license holders in an urban centre with a core population in excess of 10,000 people (either temporarily or living there) may load a firearm or handle a loaded firearm only in a place where the firearm may be discharged in accordance with all applicable Acts of Parliament and of the legislature of a province, regulations made under such Acts, and municipal by-laws.

(b) **All firearms license holders in a rural or a rural small town (RST) area (either temporarily or living there) may load a firearm or handle a loaded firearm on their property or in their dwelling home -- for self-defence purposes only;** or in a place where the firearm may be discharged in accordance with all applicable Acts of Parliament and of the legislature of a province, regulations made under such Acts, and municipal by-laws.

Shipping by Post

16 An individual may ship a firearm by posting it only if

- (a) the firearm is a non-restricted firearm, restricted firearm or prohibited handgun;
- (b) the destination is within Canada; and
- (c) the firearm is posted using the most secure means of transmission by post that is offered by the Canada Post Corporation that includes the requirement to obtain a signature on delivery.
- SOR/2004-277, s. 4

Offence

17 For the purpose of paragraph 117(o) of the Act, it is an offence to contravene section 13.