

FIREARMS AND AMMUNITION CLASSIFICATION

INTRODUCTION

The definition of a “Firearm” is defined under Section 2 of The *Criminal Code of Canada*. Section 84(1) of The *Criminal Code* subdivides firearms into specific classes and defines the factors required for an item to be included in a specific class. The classes include non-restricted firearms, restricted firearms, prohibited firearms, replica firearms, and antique firearms. Submitted items are examined in order to determine which class they belong to.

According to the Criminal Code of Canada, those items that meet the following criteria would be considered a “Firearm”:

- A barrelled weapon;
- It is capable of discharging any shot, bullet or other projectile;
- The projectiles are capable of causing serious bodily injury or death to a person.

In addition, the frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm, would also be considered as meeting the definition of a “Firearm”.

Non-conventional firearms, such as air guns, paintball guns and homemade firearms, can also be examined to determine whether they meet the definition of a “Firearm” as defined under S2 of the Criminal Code of Canada.

There are certain weapons deemed not to be firearms for the purposes of sections 91 to 95, 99 to 101, 103 to 107 and 117.03 of the Criminal Code and Firearms Act. Examples include antique firearms, blank firing guns and tranquillizing devices. An exception is also listed for barrelled weapons that are not designed or adapted to discharge projectiles that exceed 152.4 metres per second and a muzzle energy exceeding 5.7 Joules. This last criterion may include air guns and paintball guns. As such, the examination of air guns and paintball guns may include velocity testing and muzzle energy calculations. These values are then compared to the prescribed thresholds listed under Section 84(3)(d)(i).

For commercial and homemade firearms that are designed or capable of discharging commercial ammunition, velocity testing is not conducted. Commercial ammunition is typically designed to discharge a projectile at a velocity that exceeds 152.4 metres per second and a muzzle energy that exceeds 5.7 Joules, as indicated on manufacturer websites and other literature sources. Therefore, commercial and homemade firearms generally do not meet the exemption as per Section 84(3)(d)(ii).

Detachable cartridge magazines and ammunition can be examined to determine whether they meet the definition of a “Prohibited Device”, “Ammunition” and “Prohibited Ammunition” as defined under Section 84 of the *Criminal Code of Canada*.

EXAMINATION

Firearm & Detachable Cartridge Magazine Examination:

The examination may include the following steps:

- Measuring the barrel and overall length of the item

- Examining to determine if the item is mechanically able and safe to fire
- Test firing the item
- Measuring the velocity of the test fired projectile(s)
- Comparing the item to firearms held in the CFS Firearms Reference Collection
- Determining the magazine capacity
- Researching the repairs required and/or availability of replacement parts for non-functioning firearms
- Restoring a non-functioning firearm into firing condition

Ammunition Components Examination:

The examination may include the following steps:

- Macroscopic and microscopic examinations
- Determining calibre from the head stamp of the cartridge case, or by the size and shape of the cartridge case, or by the weight and diameter of the projectile
- Unfired cartridges may be examined macroscopically and microscopically to determine if they are factory loaded or re-loaded, have been chambered in and extracted from a firearm, or struck by a firing pin, striker or hammer
- Unfired cartridges can be test fired in an appropriate firearm or examined to determine if they meet The *Criminal Code of Canada* definition of ammunition

INTERPRETATION

For classification of suspected firearms, detachable cartridge magazines and ammunition, possible conclusions are:

- The Item X is a “Firearm” as defined in Section 2 of the Criminal Code of Canada.
- The Item X is a “Non-Restricted Firearm” as defined in Section 84 of the Criminal Code of Canada.
- The Item X is a “Restricted Firearm” as defined in Section 84 of the Criminal Code of Canada.
- The Item X is a “Prohibited Firearm” as defined in Section 84 of the Criminal Code of Canada.
- Under section 84 (3) (d) of the Criminal Code of Canada Item X is deemed not to be a firearm for the purposes of sections 91 to 95, 99 to 101, 103 to 107 and 117.03 of the Criminal Code and the provisions of the *Firearms Act*.
- The Item X detachable cartridge magazine is a “Prohibited Device” as defined in Section 84 of The Criminal Code of Canada.
- Assuming the semi-automatic handgun is commonly available in Canada, then the Item X magazine is not a “Prohibited Device” as defined in Section 84 of the Criminal Code of Canada.
Note: Classification of cartridge magazines designed or manufactured for use in semi-automatic handguns is dependent on capacity **and** whether or not the handgun is commonly available in Canada (SOR/98-462 Part 4). The CFS is unable to determine whether or not a handgun is commonly available in Canada. As such, the classification of the cartridge magazine is based on its capacity and on the assumption that the semi-automatic handgun (that it is designed or manufactured for use in) is commonly available in Canada.
- The Item X cartridges are/were “Ammunition” as defined in Section 84 of the Criminal Code of Canada.
- The Item X cartridges are/were “Prohibited Ammunition” as defined in Section 84 of the Criminal Code of Canada.

DEFINITIONS

Please refer to the Criminal Code of Canada for additional information and related definitions:

A “Restricted Firearm” includes:

- A handgun that is not a prohibited firearm, or
- Any firearm that is not a prohibited firearm that has a barrel less than 470 mm in length and is capable of discharging centre-fire ammunition in a semi-automatic manner, or
- A firearm that is designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping or otherwise, or
- A firearm of any other kind that is prescribed to be a restricted firearm

A “Non-restricted Firearm” includes:

- A firearm that is neither a prohibited firearm nor a restricted firearm, or
- A firearm that is prescribed to be a non-restricted firearm

A “Prohibited Firearm” includes:

- A handgun that has a barrel equal to or less than 105 mm in length, or
- Is designed or adapted to discharge a 25 or 32 calibre cartridge, or
- A firearm that is adapted from a rifle or a shotgun, whether by sawing, cutting or any other alteration and that, as so adapted, is less than 660 mm in length, or is 660 mm or greater in length and has a barrel less than 457 mm in length, or
- An automatic firearm, whether or not it has been adapted to discharge only one projectile with one pressure of the trigger, or
- Any firearm that is prescribed to be a prohibited firearm

An “Antique Firearm” includes:

- Any firearm that was manufactured before 1898 that was not designed to discharge rim-fire or centre-fire ammunition, and
- That has not been redesigned to discharge such ammunition, or
- Any firearm that is prescribed to be an antique firearm

This category includes wheel-lock, matchlock, flintlock and muzzle loader firearms that were manufactured before 1898.

A “Replica Firearm” includes:

- Any device that is designed or intended to exactly resemble, or to resemble with near precision, a firearm, and
- That itself is not a firearm.

This does not include any such device that is designed or intended to exactly resemble, or to resemble with near precision, an antique firearm.

“Ammunition” is a cartridge containing a projectile(s) designed to be discharged from a firearm. This definition includes caseless cartridges and shot shells.

“Prohibited Ammunition” includes:

- Handgun calibre cartridges with projectiles that are designed or capable of penetrating body armour, or
- Any projectile, that does not exceed 15 mm in diameter, that ignites on impact or explodes on impact, or

- Any shotgun cartridges that contain “flechettes” or similar projectiles

GLOSSARY

Air gun A gun that uses compressed air or gas (usually CO₂) to propel a projectile. Also called air rifle, air pistol, pellet rifle, pellet gun and BB gun.

Ammunition A cartridge that contains a projectile that is designed to be fired in a firearm. It is usually comprised of the cartridge case, propellant, primer and projectile. This also includes a caseless cartridge and a shot shell.

Armour piercing bullet A bullet consisting of a hardened core or wholly composed of a substance other than lead or lead alloy. Or any bullet manufactured, represented or designed to be metal or armour piercing.

Bullet A component of an ammunition cartridge. Typically a non-spherical projectile for use in a rifled barrel.

Bullet core The inner portion of a jacketed bullet, usually lead.

Calibre of

Firearms The approximate diameter of the circle formed by the tops of the lands of a rifled barrel.

Ammunition A numerical term, included in a cartridge name to indicate the nominal bullet diameter.

Cartridge A single unit of ammunition.

Cartridge case The container for all the other components that comprise a cartridge.

Centre fire cartridge Any cartridge that has its primer central to the axis in the head of the case.

Full metal jacketed bullet A projectile in which the bullet jacket encloses the entire bullet, with the usual exception of the base.

Flechette A small dart loaded in some shot shells and rifle cartridges used by the military.

Hollow point bullet A bullet with a cavity in the nose to facilitate expansion.

Jacket The envelope enclosing the lead core of a projectile.

Lead-free ammunition A cartridge designed to have no lead in the priming mixture and a bullet with an enclosed base which prevents the vaporization of the lead core, or that may be loaded with a projectile constructed of materials other than lead.

Pellet A common name for the small spherical projectiles loaded in shot shells. Also known as shot. Or a non-spherical projectile used in some air rifles and air pistols.

Primer The ignition component of a cartridge.

Projectile An object propelled by the force of rapidly burning gases or other means.

Rifling Helical grooves in the bore of a firearm barrel to impart rotary motion to a projectile.

Rimfire cartridge A rimmed cartridge containing the priming mixture inside the rim cavity.

Semi-wadcutter A projectile with a distinct, short truncated cone at the forward end.

Shot Spherical pellets used in loading shot shells or cartridges.

Shot shell A cartridge containing projectiles designed to be fired in a shotgun. The cartridge body may be metal, plastic or paper.

Wadcutter A cylindrical bullet design having a sharp shouldered nose intended to cut target paper cleanly to facilitate easy and accurate scoring.