
February 23, 2021

BULLETIN

BILL C-21: MUNICIPAL BYLAWS AND REGULATION OF FIREARMS

Gun violence is a significant issue. Currently, pursuant to section 8(5) of the *Community Charter*, a municipal council may, by bylaw, regulate and prohibit in respect to the discharge of firearms within municipal boundaries, and such bylaws are common throughout BC.

On February 16, 2021, [Bill C-21](#) received first reading in the House of Commons. Bill C-21 is an Act to amend certain Acts and to make certain consequential amendments in respect to firearms. Bill C-21 will amend the *Criminal Code*, *Firearms Act*, *Nuclear Safety and Control Act*, and *Immigration and Refugee Protection Act*. Bill C-21 proposes to add section 58.01 to the *Firearms Act*, which will be of particular interest to local governments.

Section 58.01(1) of the *Firearms Act* will attach several conditions to a licence authorizing an individual to possess a handgun. It will be a condition of the licence that the licensee comply with any applicable municipal bylaw restrictions or prohibitions on the storage or transport of the handgun within municipal boundaries. Pursuant to section 58.01(8) of the amended *Firearms Act*, the Commissioner of Firearms will be required to maintain and make publicly available a list of the municipalities in which bylaws are in force.

A local government will be required to notify and provide the prescribed information to the federal Minister of such a bylaw. Upon a local government satisfying the federal Minister of the necessary criteria, the Registrar will be required to give notice to the holders of a registration certificate who store a handgun in the municipality of the date on which the conditions of the bylaw apply and the obligations that the holder must comply with.

Bill C-21 also proposes to include exceptions to the conditions that may be imposed by the amended *Firearms Act*. For example, the conditions imposed by bylaw would not apply to a handgun that has been declared by the individual who holds the licence authorizing possession of the handgun to be necessary for their training for a prescribed sporting competition. Additionally, the conditions would not apply to a handgun for which an individual holds an authorization to carry or in the prescribed circumstances or for a prescribed purpose. It is unclear from the draft legislation what the prescribed circumstances or purposes are but we would expect a regulation will set those out.

A number of local governments have already indicated interest in passing a bylaw to prohibit handgun storage and transportation if Bill C-21 is passed. Bill C-21 does not add to the regulatory powers of local governments; it merely attaches federal handgun licensing consequences to a municipal bylaw dealing with handgun storage and transportation within municipal boundaries.

The federal legislation seems to presuppose that local governments have authority to enact such a bylaw, presumably pursuant to provincial jurisdiction over property and civil rights that has been delegated to them by a provincial legislature. We note that the existing authority under section 8(5) of the *Community Charter* is to regulate and prohibit the discharge of firearms, whereas the federal legislation contemplates the regulation of storage and transportation of firearm. As such, it would be prudent for local governments considering the enactment of such a bylaw to seek legal advice on whether the BC Legislature has conferred appropriate authority for such a bylaw.

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