

**RCMP HAVE CLASSIFIED 4,030 FIREARMS AS “VARIANTS”
SO WHY IS THERE NO DEFINITION OF ‘VARIANT’ IN FIREARMS LAW?**

By Dennis R. Young, CSSA Guest Columnist - January 14, 2016

Why is the term ‘variant’ used 99 times in the Firearms Regulations but never defined in law? I’ve filed a number of *Access to Information Act* requests with the RCMP and the Department of Justice trying to find out. No one will tell me the reasons why. The term ‘variant’ is used extensively (4,030 times) by the RCMP to classify and reclassify firearms as restricted or prohibited forcing gun owners of previously non-restricted firearms to jump through hoops just to retain possession of their firearms. Court cases are being fought because on the ‘vagueness of the law’. At the stroke of an RCMP pen, ‘variants’ reclassified as prohibited often have to be turned in because licences to own prohibited firearms are so difficult and sometimes impossible to obtain, resulting in a complete or significant loss in value and also because prohibited firearms are forbidden from being used for recreational purposes.

Below are a five news stories arising from the confusion caused by the lack of a definition for the term ‘variant’ in our Canadian law books:

1. CANADA’S GUN-CLASSIFICATION SYSTEM CALLED ‘DEEPLY FLAWED’

“There’s no consistency in the determination whatsoever. Nobody’s held them accountable.”

BY DOUGLAS QUAN, POSTMEDIA NEWS JANUARY 31, 2014

<http://o.canada.com/news/national/canadas-gun-classification-system-called-deeply-flawed>

2. PUBLIC SAFETY MINISTER HAS TO RE-EARN PUBLIC TRUST AFTER GUN BAN FIASCO

Thousands of law-abiding gun owners bought them, for thousands of dollars, in good faith, and were now being told to surrender their lawfully obtained property lest they suddenly become criminals

By Matt Gurney | May 15, 2014

<http://news.nationalpost.com/full-comment/matt-gurney-public-safety-minister-has-to-re-earn-public-trust-after-gun-ban-fiasco>

3. CONSERVATIVES RESTRICT RCMP’S ABILITY TO RECLASSIFY FIREARMS

“Those who are in lawful possession of firearms no longer need to worry that they will become criminals overnight by the stroke of a pen,” Minister Blaney said

By Douglas Quan Published: August 29, 2014

<http://o.canada.com/news/national/conservatives-restrict-rcmps-ability-to-reclassify-firearms>

4. FEDERAL PUBLIC SAFETY MINISTER, RCMP CLASH OVER BANNED RIFLE

Gun enthusiasts were perplexed. They say both .22-calibre rifles are virtually identical, except the Blaze is fitted with a black-plastic stock, whereas the Blaze-47 has a wood-coloured stock.

Douglas Quan | June 30, 2015

<http://news.nationalpost.com/news/canada/canadian-politics/federal-public-safety-minister-rcmp-clash-over-banned-rifle>

5. HARPER GOVERNMENT REVERSED RCMP'S BAN ON TWO RIFLE BRANDS

The controversy started in February 2014 after the RCMP changed the status of Swiss Arms rifles and CZ-858 rifles from restricted or non-restricted status to prohibited. The guns had been legal in Canada for years. By Douglas Quan | August 6, 2015

<http://news.nationalpost.com/news/canada/government-reversed-rcmps-ban-on-two-rifle-brands-on-eve-of-election>

THE TERM "VARIANT" IS USED NINETY-NINE TIMES IN FIREARMS REGULATIONS.

And yet, the term 'variant' isn't defined in the Part III of Criminal Code, it isn't defined in the Firearms Act nor is it defined in the Firearms Regulations.

Prohibited and restricted firearms are defined under Part III of the Criminal Code, while specific models and **variants** are classified (but NOT defined) under the Regulations Prescribing Certain Firearms and other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted. <http://laws-lois.justice.gc.ca/PDF/SOR-98-462.pdf>

JUSTICE DEPT ATIP RESPONSE: NO DEFINITION OF 'VARIANT' AND HIDING IMPORTANT DOCUMENTS FROM PUBLIC VIEW

The lack of a definition for the term 'variant' has wide reaching implications with respect to the classification of and reclassification of firearms. This 190-page response from the Justice Department has most of the pages blanked out citing the excuses of Solicitor-Client privilege and Advice to the Minister.

<http://dennisryoung.ca/2015/10/07/justice-dept-atip-response-no-definition-of-variant/>

RCMP ATIP RESPONSE: TOTAL FIREARMS IN FRT LISTED AS 'VARIANTS' = 4,030

As of October 16, 2015, the total number of firearms listed in the Firearms Reference Table is 162,972.

As of October 16, 2015, the total number of firearms identified as variants based on the legal authority being linked to Part 1 and Part 2 of the Regulations Prescribing Certain Firearms and Other Weapons, Components and parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited, Restricted or Non-Restricted is 4,030.

<http://dennisryoung.ca/2016/01/03/total-number-of-firearms-in-frt-listed-as-variants-4030/>

RCMP CRITERIA FOR CLASSIFYING FIREARM VARIANTS

EXCERPT TAKEN FROM THE AFFIDAVIT OF MURRAY SMITH, SPECIALIZED FIREARMS SUPPORT SERVICES SECTION, CANADIAN FIREARMS PROGRAM, ROYAL CANADIAN MOUNTED POLICE

Signed: October 17, 2011 - Court File No. 31992-1 - Prince George Registry

PROVINCIAL COURT OF BRITISH COLUMBIA

IN THE MATTER OF A REFERENCE HEARING UNDER S. 74 OF THE FIREARMS ACT

BETWEEN: GEOFFERY MCDONALD, APPLICANT

AND: ATTORNEY GENERAL OF CANADA, RESPONDENT

EXCERPT FROM PDF PAGES 835-836 & ATIP PAGES 2079-2090:

The term "variant" is used in the Regulations Prescribing Certain Firearms and Other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted but is not defined in the Regulations. For the purposes of the FRT, the ordinary meaning of the word "variant" is employed, which is taken to mean "a version derived from the original but not identical to the original", based on a survey of various dictionary definitions.

For the purposes of the FRT, the "variant or modified version" clause was understood to be forward looking and include new variations of firearms entering the marketplace that did not exist at the time the

prohibited and restricted parts of the Regulations were last extensively overhauled in 1995. The Regulations largely focus on semiautomatic copies of military and paramilitary firearms. The following criteria are used for FRT decisions:

- a) is the design of the proposed variant derived from the original firearm, in this case, an AK-47 rifle?*
- b) would the proposed variant ever have existed were it not for the prior invention of the original?*
- c) is there any commonality in the handling, firing and other operating characteristics with the original?*
- d) does the firearm resemble with some precision the original? Would it be mistaken for the original at a modest distance?*
- e) is there any commonality of parts or accessories?*
- f) is the proposed variant marketed or otherwise represented by the manufacturer, importer or firearms dealer as being their copy of the original?*
- g) does the trade literature describe the proposed variant as being a copy of the original?*

None of the factors listed above are individually conclusive by their presence or absence. It is the combination of features that leads a conclusion one way or the other, for the purposes of the FRT database.

ABOVE EXCERPT TAKEN FROM RCMP ATIP 1,443 PAGES OF RECLASSIFICATION DOCUMENTS – NOV 28, 2013

<http://dennisryoung.ca/wp-content/uploads/2016/01/Acrobat-modified-RCMP-ATI-Reclassification-documents-Nov-28-2013.pdf>

ONE FINAL QUESTION: If the RCMP have to resort to using definitions from the dictionary and have such a detailed ‘criteria’ for classifying firearm ‘variants’, what do the RCMP have to gain and why is the Justice Department so afraid of eliminating all the confusion by having a legal definition in the books for the benefit of the public, police, politicians, judges, lawyers, media and law-abiding gun owners?

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