

RAPIER WIT'S

BEST PRACTICES – FIREARMS AND PROHIBITED DEVICES

PLEASE NOTE

As Canadian Firearms Laws have potential for significant change, it is up to the individual, company, and organization to make sure their policies and procedures are up to date with Municipal, Provincial, and Federal law. In preparing for each project, the best policy is to check that firearms and prohibited devices are being handled in the best possible way and within our present legal framework. (2023)

BEST PRACTICES – FIREARMS AND PROHIBITED DEVICES

Table of Contents

Section 1: TERMS AND GENERAL INFORMATION

- **Why Use Firearms at All?**
- **Weapons – Firearms**
- **Storage and Preparation of Firearms**
- **Firearm Use**
- **Maintenance of Firearms**
- **Hearing Protection for Firearm Use**

Section 2: UNDERSTANDING CANADA'S FIREARMS LAW

- **DEFINITIONS OF RESTRICTED, NON-RESTRICTED, PROHIBITED, AND ANTIQUE**
- **STORING FIREARMS**
- **TRANSPORTING FIREARMS**
- **BUYING AMMUNITION**
- **REPLICAS**
 - **Temporary Transfers ("Loaning")**
 - **Special Bulletin for Businesses**
 - **What is a replica firearm?**
 - **Air Guns and Air Soft Guns**
 - **Blank-firing devices**
- **CONCEALMENT OF A WEAPON**
- **PROHIBITED DEVICES**
- **USE OFFENCES**

Section 3: TRANSFER OF FIREARMS TO THEATRES

Why use firearms at all?

The question of why use a firearm in a production can be answered by a second question. Does the use of a firearm (often a particular firearm) enhance the story, character, or look of the production? Often the right prop in a minimalist production can make or break the look of a show. In the case of a firearm being fired on stage the effect on the audience can be powerful. Unlike a sound effect an actual gunshot can be experienced viscerally both from the sound reverberating in the spectator's chest, through the visibility of the flame and smoke, to the smell of the spent powder. On the opposite side of the equation productions have been diminished or even ruined by a poorly chosen prop firearm. A sound effect that is not connected to the action or is anemic can confuse rather than enlighten an audience. Just as a prop firearm that the audience perceives as incorrect often pulls them out of the scene just as a firearm that the audience sees as a toy or "fake" ceases to hold menace or danger for the characters in the production. Therefore the choice of using a firearm must be followed by what is the correct firearm to use to achieve the three rules of stage combat- safety, story, style.

Firearms

- The term firearm here will also include blank firing devices and props that look like firearms
- Firearms should be treated as loaded at all times.
- Live ammunition must NEVER be used or even be in the location where the Firearm or Prohibited Device is stored or used.
- Smoking should not be permitted in any area where ammunition or powder is stored, and appropriate signs should be posted.
- All pertinent federal, provincial and municipal laws and regulations shall be applied.
- The weapons handler should:
 - have the appropriate licenses for the weapons in use;
 - be familiar with the inspection and loading/unloading procedures for such weapons;
 - be familiar with the applicable laws and regulations concerning the handling, transportation and storing of any blank ammunition, powder, etc. that may be required.
- The Fight Director and/or weapons handler should be responsible for test firing all weapons to determine the minimum safe working distance.
- Only load a firearm prior to immediate use. Firearms should be loaded as close to their "entrance" time as practicable.
- Firearms must be unloaded when stored.
- Only the weapons handler, performer or a designated assistant should load or unload a weapon.
- In the event of a misfire or jam, only the weapons handler or the performer, who has been properly trained, should attempt to fix it. If the handler is not sure what is causing the problem, the weapon shall be taken out of use until the cause can be determined.
- Under no circumstances should the venting of a firearm be pointed at another person.

RAPIER WIT'S BEST PRACTICES – FIREARMS AND PROHIBITED DEVICES 2011

- Never fire a gun with dirt, sand or any foreign blockage in the barrel. Never put a weapon down in such a way that dirt or sand might cause a blockage.
- All personnel with the production and surrounding environment should be notified that weapons will be fired.

Storage and Preparation of Firearms

Storage of firearms is very important. This is where the theatre or production company can do the most to prevent theft and improper use. The company is responsible for all weapons, and must lock them up when they are not in use. The firearm or prohibited device must be stored according to firearms regulations: unloaded with a secure locking device and in a locked container built for the storage of firearms such as a safe, a firearm cabinet, or vault. Every effort must be made to keep this room secure and off limits to others not involved directly with the firearm or prohibited device. Never, under any circumstances, have live ammunition on site. When blank ammunition is not in use, it should be locked up in its own container. It may be kept in the same location as the prop gun, provided they are not kept together loose in the same container.

No firearms or prohibited devices should leave the space under any circumstances unless previous arrangements have been made for storage or rehearsal purposes and the proper license/transfer/documents have been acquired. If the firearms or prohibited devices must leave the space, they must be locked in an opaque box that is not easily broken into. If ongoing, long term or permanent storage of firearms or bladed weapons in a theatre is necessary, an alarm system or twenty four hour security must be in place.

- First conduct a complete inventory of your production's firearms. Determine if the firearm is real, a blank firing device, or a non-firing replica. It should be stored with like props for safety.
- It is an excellent idea to keep a trigger lock on all fire-capable guns when not in use -both real and blank-firing devices.
- Never under any circumstances put a loaded gun away in the lockup. At the end of each show, even when doing multiple performances in a day, clear and proof (make sure the firearm is empty and free of obstructions) between each performance.
- It is a good idea to make loading the last job for pre-show or just before filming commences.
- When loading, unloading, or proofing a firearm, pay total attention to the task at hand.
- People not involved in the loading process should be kept away from the loading space.
- The best film practice is to hand the loaded gun to the person using it. In theatre it is sometime necessary to leave a loaded blank gun backstage on a prop table. Once the firearm is loaded it should be tagged in some way to warn users that it is live. A bright slip of paper running through the trigger guard is a simple but effective way to illustrate that the firearm is loaded.
- A firearm must not be accessible by non-company members or the public. In the case where it is possible that non-company members or the public may be near a firearm or prohibited device than the firearm must be supervised by a designated crew member at all times.

Firearm Use

- When a blank gun is to be fired during a rehearsal, it is important to warn the participants that this is a live blank run. Any other occupants of the building should also be made aware that they may hear gunshots.
- During a performance, the theatre should post warning signs and print a notice in the program.
- The direction of the shot should be clear of all crew, actors, and audience. The shooting of an actor is only an illusion and the actual target should be a minimum of a foot to the outside of the actor. No actor or crew member should be in the line of the venting gas.

Maintenance of Firearms

- For blank firing guns, proper care, cleaning, and proofing are essential. Never “dry fire” a blank gun or a percussion black powder firearm (pulling the trigger when the gun is unloaded). If you “dry fire” a blank gun, this may destroy the chamber or firing pin and will ruin the gun. Most black powder firearms that use nipple percussion will be damaged by dry firing.
- Due to the nature of the prop, a blank firing gun must be cleaned in order to work properly. It is best to get the advice of the person from whom the prop is being rented for the proper cleaning of the blank gun. If the theatre owns the prop, seek the advice of a qualified gun handler. An improperly cleaned gun will work inefficiently or stop functioning completely. Rounds may not fit properly due to dirt and debris. Material may be thrown back towards the shooter or others.
- The mechanism needs to be oiled, but should not be gummed up with old grease deposits.
- When the gun is being proofed, the person responsible for it should see that there is no obstruction in the barrel or chambers that could become a projectile. An obstruction could cause a firearm or blank gun to burst, so a careful inspection is necessary.

Hearing Protection for Firearm Use

Whenever possible, actors and crew should make use of hearing protection when firing blanks. The choices are either earphones or small earplugs. Earphones are suitable for offstage or rehearsal, but obviously are too visible for performances. Earplugs can be worn inconspicuously and may mean the difference between the safe use of a prop and permanent hearing loss. The actor may put in an earplug just before it is needed while offstage, in a blackout, or during an action that will allow it to be hidden from the audience. In some cases one ear plug in the ear closest to the gunshot may be enough to protect the shooter or the victim. Theatre and or stage management should insist the wearing of ear protection for cast and crew when using firearms.

Section 2: UNDERSTANDING CANADA'S FIREARMS LAW

This document highlights the regulations in Canada for storing firearms (non-restricted firearms, restricted and prohibited firearms), transporting firearms (non-restricted firearms, restricted and prohibited firearms), and buying ammunition; information concerning the possession, storage and loaning of replica firearms; and an inventory of weapons that the government defines as “prohibited weapons”.

For more information:

This document is intended to provide general information only. For legal references, please refer to the Firearms Act and its Regulations. Provincial, territorial and municipal laws, regulations and policies may also apply.

- call 1 800 731-4000
- e-mail the Canadian Firearms Centre at: cfc-cafc@cfc-cafc.gc.ca
- contact the Chief Firearms Officer of your province or territory

There are three classes of firearms: non-restricted, restricted and prohibited. For the list of make and model of restricted and prohibited firearms please go to the Firearm Centre Page <http://www.rcmp-grc.gc.ca/cfp-pcaf/fs-fd/rp-eng.htm>

Non-restricted firearms are ordinary rifles and shotguns, other than those referred to below.

Restricted firearms include:

- handguns that are not prohibited;
- semi-automatic, centre-fire rifles and shotguns with a barrel shorter than 470 mm (about 18.5 inches);
- rifles and shotguns that can be fired when their overall length has been reduced by folding, telescoping or other means to less than 660 mm (about 26 inches); and
- firearms restricted by Criminal Code Regulations.

Prohibited firearms include:

- handguns with a barrel length of 105 mm (about 4.14 inches) or less and handguns that discharge .25 or .32 calibre ammunition, except for a few specific ones used in International Shooting Union competitions;
- rifles and shotguns that have been **altered** by sawing or other means so that their barrel length is less than 457 mm (about 18 inches) or their overall length is less than 660 mm (about 26 inches);
- full automatics;
- converted automatics, namely full automatics that have been altered so that they fire only one projectile when the trigger is squeezed; and
- firearms prohibited by Criminal Code Regulations.

The Definition of an Antique

The *Criminal Code* defines antique firearms as:

- firearms manufactured before 1898 that were not designed or re-designed to discharge rim-fire or centre-fire ammunition, or
- firearms prescribed as antique firearms in the *Criminal Code* regulations. These are:

Black Powder Reproductions:

of flintlock, wheel-lock or matchlock firearms, other than handguns, manufactured after 1897; (All other reproductions must be registered and owners must have a firearm licence to possess them. For example, reproductions of percussion cap muzzle-loading firearms like American Civil War Enfield and Springfield rifles will be considered firearms and not antiques.)

Rifles:

- manufactured before 1898 that can discharge only rim-fire cartridges, other than 22 Calibre Short, 22 Calibre Long or 22 Calibre Long Rifle cartridges;
- manufactured before 1898 that can discharge centre-fire cartridges (whether with a smooth or rifled bore), have a bore diameter of 8.3 mm or greater, measured from land to land in the case of a rifled bore, with the exception of a repeating firearm fed by any type of cartridge magazine

Shotguns:

- manufactured before 1898 that can discharge only rim-fire cartridges, other than 22 Calibre Short, 22 Calibre Long or 22 Calibre Long Rifle cartridges;
- manufactured before 1898 that can discharge centre-fire cartridges, other than 10, 12, 16, 20, 28, or 410 gauge cartridges

Handguns:

- manufactured before 1898 that can discharge only rim-fire cartridges, other than 22 Calibre Short, 22 Calibre Long or 22 Calibre Long Rifle cartridges;
- manufactured before 1898 that can discharge centre-fire cartridges, other than a handgun designed or adapted to discharge 32 Short Colt, 32 Long Colt, 32 Smith and Wesson, 32 Smith and Wesson Long, 32-20 Winchester, 38 Smith and Wesson; 38 Short Colt, 38 Long Colt, 38-40 Winchester, 44-40 Winchester, or 45 Colt cartridges

Licensing and Registration Requirements

If you own **only** antique firearms you do not need to:

- get a firearms licence; or
- register any of your antique firearms.

Selling Antique Firearms

There are no restrictions on selling, buying, bartering or giving away your antique firearms.

Safety Regulations

Under the *Firearms Act*, antique firearms must be stored, displayed and transported unloaded.

If you are transporting your antique firearms and need to leave them unattended*, leave them in your vehicle's locked trunk or similar compartment. If your vehicle does not have a trunk or compartment, lock the vehicle and leave the antique firearms inside and out of sight.

Antique handguns must be locked in a heavy-duty, non-see-through container that cannot be easily broken open during transportation.

*** Unattended means a vehicle that is not under the direct and immediate supervision of an adult (18 years of age or older) or a minor (with a minor's licence).**

Replicas of Antique Firearms

Although replica firearms are made to look like the original, they are distinct from reproductions or antiques. Replicas look the same, but are different because they cannot discharge projectiles at all, or can discharge only harmless projectiles. (Devices that discharge projectiles that can cause serious bodily injury are not replicas).

Replicas of antiques are not considered firearms. Under the law they will be treated the same as antiques.

STORING FIREARMS

Storing Non-Restricted Firearms

Non-restricted firearms must be stored:

1. unloaded; **AND**
2. unable to be fired (by using a secure locking device or by removing the bolt or bolt carrier); **OR** locked in a sturdy, secure, container or room that cannot be easily broken open or into; **AND**
3. in a place where ammunition for the firearms is not easy to obtain. Ammunition can be stored with the firearm, if the ammunition is stored in a securely locked container that cannot be easily broken open or into.

Number 2 (above) does not apply if the firearms are being stored **TEMPORARILY** for predator control, in an area where it is lawful to discharge firearms.

Number 2 and 3 (above) do not apply if the firearms are being stored **IN REMOTE WILDERNESS AREAS. Firearms must still be stored unloaded (number 1).**

Storing Restricted and Prohibited Firearms

Restricted and prohibited firearms must be stored:

1. unloaded; **AND**
2. unable to be fired by using a secure locking device and stored in a sturdy, securely locked, container or room that cannot be easily broken open or into; **OR** locked in a safe, vault or a securely-locked room built or adapted for the safe storage of restricted or prohibited firearms; **AND**
3. in a place where ammunition for the firearms is not easy to obtain. Ammunition can be stored with the firearm, if the ammunition is stored: in a securely locked container that cannot be easily broken open or into; **OR** locked in a vault, safe or room specifically designed for the secure storage of restricted and prohibited firearms.

If they can be removed, **the bolts or bolt carriers must be removed from fully automatic firearms.** The bolts or bolt carriers must be kept securely locked in a separate room that cannot easily be broken into.

If fully automatic firearms are stored in locked vaults, safes or rooms, built or adapted for the secure storage of prohibited firearms, they do not need to have their bolts or bolt carriers removed.

TRANSPORTING FIREARMS

Transporting Non-Restricted Firearms

All firearms, except muzzle-loading firearms, must be transported **unloaded**. Muzzle-loading firearms can be transported loaded between hunting sites, if the firing cap or flint is removed.

Individuals may leave **non-restricted firearms unattended** in their vehicles if the firearms are **unloaded and safely locked in the trunk** or a similar compartment of the vehicle. If the vehicle does not have a trunk or compartment, the vehicle must be locked and the firearms left inside, unloaded and out of sight.

In **remote wilderness areas where it is legal to discharge a firearm**, non-restricted firearms can be left in unattended vehicles that do not have a trunk or similar compartment, if the firearms are: unloaded; and out of sight.

If your vehicle does not have a trunk or similar compartment, and your firearms cannot be locked inside, the firearms must also be unable to be fired by using a secure locking device, **unless they are required for predator control**.

Transporting Restricted and Prohibited Firearms

Restricted and Prohibited firearms and devices may only be transported by the individual with the license to transport. Never transport restricted and prohibited firearms and devices unless you have the legal right to do so.

Restricted and prohibited firearms must be transported:

1. with a valid Authorization to Transport; **AND**
2. unloaded; **AND**
3. unable to be fired by using a secure locking device; **AND**
4. locked in a heavy-duty, non-see-through container that cannot be easily broken open or into during transport.

Fully automatic firearms must be transported with the bolts or bolt carriers removed (if the bolts or bolt carriers can be removed with reasonable facility).

The container (carrying the restricted and prohibited firearms) can be left **unattended** in a vehicle's locked trunk or similarly locked compartment. If the vehicle does not have a trunk or compartment, lock the vehicle and leave the container inside and out of sight.

Transporting Replica Firearms

Replica firearms must be transported in a vehicle's locked trunk or similar compartment. If the vehicle does not have a trunk or compartment, lock the vehicle and leave the firearms inside and out of sight.

BUYING AMMUNITION

Since January 1, 2001, individuals who want to buy or receive ammunition must have a firearms licence. This includes:

- a possession-only licence
- a possession and acquisition licence
- a minor's licence
- a non-resident's temporary borrowing licence
- a non-resident's confirmed declaration

REPLICAS

Since December 1, 1998, replica firearms are considered prohibited devices. Individuals can keep replica firearms they already own. But, only businesses with a purpose set out in the *Firearms Licences Regulations* (such as movie and theatre supply businesses) can obtain more replicas.

The *Special Authority to Possess Regulations* to allow individuals or businesses (other than those specially licensed to do so) to make replicas and transfer them to businesses (such as movie and theatre supply businesses), whose licence allows the possession of prohibited devices.

Individuals or businesses that make replica firearms must:

- keep a record of the replicas they make or transfer; and
- make sure that one of their workers is in charge of the replicas' use, storage and handling.

Replica firearms must be stored in containers, vaults, safes or rooms that:

- are secure;
- are locked; and
- cannot be easily broken into.

Temporary Transfers ("Loaning") of Replica Firearms

A transferor may transfer a replica firearm to a transferee, whether or not the transferee holds a licence to acquire replica firearms, who is

- (a) acting in the course of his or her duties or employment in motion pictures, television, video or theatrical production or in publishing activities; or
- (b) (b) an instructor who is designated by the chief firearms Officer in accordance with section 7 of the act and who is acting in his or her capacity as an instructor under that section

Obligation of Transferor

9. A Transferor shall

- (a) if the transferee is a business, ensure that the transferee designates at least one individual at the work place who is responsible for the use, storage and handling of the replica firearms;
- b) ensure that the transferee is informed of
 - (i) the provision o f these regulations, and
 - (ii) the offence provisions of the act and the criminal code relating to replica firearms and imitation firearms;

RAPIER WIT'S BEST PRACTICES – FIREARMS AND PROHIBITED DEVICES 2011

- © keep a record with respect to replica firearms transferred that includes
- (i) A description of each replica firearms,
 - (ii) (ii) the date of the transfer,
 - (iii) (iii) the quantity transferred, and
 - (iv) (iv) the name, address and telephone number of the transferee; and
 - (v) (d) make the records available to a chief firearms officer on request.

Obligations of transferee or designated person,

- 10 The transferee or, if a person is designated under paragraph 9(a), that person shall
- (a) Provide a signed statement to the transferor indicating that the requirements of Paragraph 9(b) have been met; and
 - (b) Keep a record of
 - (c) (i) the quantity and the description of replica firearms at the work place, and
- (ii) the date on which each replica firearms was received.

Period of Transfer

11. The period of transfer shall not exceed one year. But a transfer may be extended for a further period of up to one year if the transferor updates the information

Storage

- 12 The transferee shall ensure that the replica firearms are stored in the manner set out in Section 5 (Replica firearms shall be stored in a container, receptacle, vault, safe or room that is kept securely locked and that is constructed so that it cannot readily be broken open or into.

Records must be available, on demand, to the Chief Firearms Officer.

REPRINT of Canadian Firearm Centre Special Bulletin for Businesses - No. 19

Replica Firearms

Replica firearms (except for replicas of antique firearms) have become prohibited devices under the *Firearms Act*. Businesses and individuals can keep any replicas that they owned prior to December 1, 1998, and they do not need a license to possess them. However, there are now restrictions on buying, selling, manufacturing, importing and exporting replica firearms.

What is a replica firearm?

A "replica firearm" is a device that was designed and intended to look exactly or almost exactly like a real firearm (except for an antique firearm) but that is not a real firearm. Most replicas cannot discharge projectiles at all, or only discharge projectiles that cannot cause serious harm. Devices that discharge projectiles that can cause serious bodily injury are not replicas.

Replica firearms do not include plastic toys and other things that imitate firearms but that are not likely to be mistaken for a real firearm by someone with a reasonable knowledge of firearms.

Other devices, including some air guns, starter pistols and model guns, are much harder to classify. Although they may not be firearms for purposes of licensing and registration, they are not necessarily replicas either. It depends mainly on:

- Whether it was designed or intended to look like a real firearm; and
- Whether it can fire a projectile that could cause serious injury.

Many of these items have to be judged on a case-by-case basis rather than by category because similar products may have different characteristics. However, here are some guidelines as well as some findings on assessments done to date.

Air Guns and Air Soft Guns

Air guns with a velocity of less than 500 feet per second are not considered firearms for licensing and registration purposes. For most other purposes, however, these air guns are considered to be firearms rather than replicas if their projectiles can cause serious injuries. Air guns that look like real firearms but that cannot cause serious injury fit the definition of a replica. In some cases, ballistic studies may be necessary to determine if a particular air gun can cause serious injury.

Some devices commonly known as "air soft" guns may qualify as replica firearms. For example, following a thorough assessment and a review of ballistic studies, the Chief Scientist for Firearms at the RCMP's Central Forensic Laboratory has determined that a line of electric guns, spring guns and gas-powered guns produced by the Tokyo Marui Company are replica firearms because:

- They closely resemble real firearms in size, color, appearance and configuration, and
- The projectiles that they fire are not likely to cause serious bodily injury.

Again, various makes and models may have to be assessed on a case-by-case basis.

Comment: The choice of velocity was determined to be the energy needed to enter the unprotected human eye.

Blank-firing devices

A **starter pistol** is a blank-firing device that is designed and used only for starting races and for other signalling purposes. Some starter pistols, which resemble with near precision real firearms, and even particular models of firearms, may be replica firearms. If it does not closely resemble a real firearm, it is not a replica.

Blank-firing devices commonly known as **model guns are considered to be replicas**. They are designed to look like a real firearm and to imitate a real firearm's actions. The only difference is that they fire blank cartridges rather than bullets or other projectiles.

CONCEALMENT OF A WEAPON

Canada's Criminal Code, Part III - Firearms and Other Weapons, outlines the following statutes and regulations:

90. (1) Every person commits an offence who carries a weapon, a prohibited device or any prohibited ammunition concealed, unless the person is authorized under the Firearms Act to carry it concealed.

117.15 (1) Subject to subsection (2), the Governor in Council may make regulations prescribing anything that by this Part is to be or may be prescribed.

(2) In making regulations, the Governor in Council may not prescribe any thing to be a prohibited firearm, a restricted firearm, a prohibited weapon, a restricted weapon, a prohibited device or prohibited ammunition if, in the opinion of the Governor in Council, the thing to be prescribed is reasonable for use in Canada for hunting or sporting purposes.

Comment - What this means really is never throw a real or replica firearm into a pocket or lose in a bag to transport it as this will be considered concealment of a weapon.

PROHIBITED DEVICES AND WEAPONS

"prohibited device" means:

- (a) any component or part of a weapon, or any accessory for use with a weapon, that is prescribed to be a prohibited device,
- (b) a handgun barrel that is equal to or less than 105 mm in length, but does not include any such handgun barrel that is prescribed, where the handgun barrel is for use in international sporting competitions governed by the rules of the International Shooting Union,
- (c) a device or contrivance designed or intended to muffle or stop the sound or report of a firearm,
- (d) a cartridge magazine that is prescribed to be a prohibited device, or
- (e) a replica firearm;

"Prohibited weapon" means:

- (a) a knife that has a blade that opens automatically by gravity or centrifugal force or by hand pressure applied to a button, spring or other device in or attached to the handle of the knife
- (b) any weapon, other than a firearm, that is prescribed to be a prohibited weapon;

Comment-This regulation bans switchblades and knives that you can flip open, i.e. by swinging/snapping the knife in a circular motion. One-handed opening knives via holes in the blade, disks, studs etc., are not illegal.

RAPIER WIT'S BEST PRACTICES – FIREARMS AND PROHIBITED DEVICES 2011

All of the following are prohibited devices in Canada:

- "nunchaku" and any similar instrument or device, being hard non-flexible sticks, clubs, pipes or rods linked by a length or lengths of rope, cord, wire or chain.
- "manrikigusari" or "kusari", and any similar instrument or device, being hexagonal or other geometrically shaped hard weights or hand grips linked by a length or lengths of rope, cord, wire or chain.
- "crossbow", with a stock of 400 mm or less.
- Any knife commonly known as a "push-dagger" that is designed in such a fashion that the handle is placed perpendicular to the main cutting edge of the blade; and any other similar device but not including the aboriginal "ulu" knife.
- "Kiyoga Baton" or "Steel Cobra" and any similar device consisting of a manually-triggered telescoping spring-loaded steel whip terminated in a heavy calibre striking tip.
- "Morning Star" and any similar device consisting of a ball of metal or other heavy material studded with spikes and connected to a handle by a length of chain, rope or other flexible material.
- "Brass Knuckles" and any similar device consisting of a band of metal with finger holes designed to fit over the root knuckles of the hand

Use Offences

This is not an exhaustive list but rather highlighted items from the criminal code that would affect use in theatre and film. For a complete list please read the complete Canadian criminal code.

86. (1) Every person commits an offence who, without lawful excuse, uses, carries, handles, ships, transports or stores a firearm, a prohibited weapon, a restricted weapon, a prohibited device or any ammunition or prohibited ammunition in a careless manner or without reasonable precautions for the safety of other persons.

Contravention of storage regulations, etc.

(2) Every person commits an offence who contravenes a regulation made under paragraph 117(h) of the Firearms Act respecting the storage, handling, transportation, shipping, display, advertising and mail-order sales of firearms and restricted weapons.

Punishment

(3) Every person who commits an offence under subsection (1) or (2)

(a) is guilty of an indictable offence and liable to imprisonment

(i) in the case of a first offence, for a term not exceeding two years, and

(ii) in the case of a second or subsequent offence, for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

Pointing a firearm

87. (1) Every person commits an offence who, without lawful excuse, points a firearm at another person, whether the firearm is loaded or unloaded.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

Possession Offences

Carrying concealed weapon

90. (1) Every person commits an offence who carries a weapon, a prohibited device or any prohibited ammunition concealed, unless the person is authorized under the Firearms Act to carry it concealed.

Punishment

(2) Every person who commits an offence under subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

RAPIER WIT'S BEST PRACTICES – FIREARMS AND PROHIBITED DEVICES 2011

Unauthorized possession of firearm

91. (1) Subject to subsections (4) and (5) and section 98, every person commits an offence who possesses a firearm, unless the person is the holder of
- (a) a licence under which the person may possess it; and
 - (b) a registration certificate for the firearm.

Unauthorized possession of prohibited weapon or restricted weapon

- (2) Subject to subsection (4) and section 98, every person commits an offence who possesses a prohibited weapon, a restricted weapon, a prohibited device, other than a replica firearm, or any prohibited ammunition, unless the person is the holder of a licence under which the person may possess it.

Punishment

- (3) Every person who commits an offence under subsection (1) or (2)
- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
 - (b) is guilty of an offence punishable on summary conviction.

Exceptions

- (4) Subsections (1) and (2) do not apply to
- (a) a person who possesses a firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition while the person is under the direct and immediate supervision of a person who may lawfully possess it, for the purpose of using it in a manner in which the supervising person may lawfully use it; or
 - (ii) obtains a licence under which the person may possess it and, in the case of a firearm, a registration certificate for the firearm.

Delivery of firearm to person without firearms acquisition certificate

97. (1) Every one who sells, barter, gives, lends, transfers or delivers any firearm to a person who does not, at the time of the sale, barter, giving, lending, transfer or delivery or, in the case of a mail-order sale, within a reasonable time prior thereto, produce a firearms acquisition certificate for inspection by the person selling, bartering, giving, lending, transferring or delivering the firearm, that that person has no reason to believe is invalid or was issued to a person other than the person so producing it,
- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
 - (b) is guilty of an offence punishable on summary conviction.

Saving provision

- (2) Subsection (1) does not apply to a person
- (a) lawfully in possession of a firearm who lends the firearm
 - (i) to a person for use by that person in his company and under his guidance or supervision in the same manner in which he may lawfully use it,
 - (iii) to a person who is the holder of a permit issued under subsection 110(1), (6) or (7) permitting the lawful possession of the firearm;
 - (b) who returns a firearm to a person who lent it to him in circumstances described in paragraph (a);
 - (c) who comes into possession of a firearm in the ordinary course of a business described in paragraph 105(1)(a) and who returns the firearm to the person from whom it is received; or

RAPIER WIT'S BEST PRACTICES – FIREARMS AND PROHIBITED DEVICES 2011

Acquisition of firearm without firearms acquisition certificate

(3) Every one who imports or otherwise acquires possession in any manner whatever of a firearm while he is not the holder of a firearms acquisition certificate

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
- (b) is guilty of an offence punishable on summary conviction.

Saving provision

(4) Subsection (3) does not apply to a person who

- (a) acquires a firearm in circumstances such that, by virtue of subsection (2), subsection (1) does not apply to the person from whom he acquires the firearm;
- (b) reacquires a firearm from a person to whom he lent the firearm;
- (c) imports a firearm at a time when he is not a resident of Canada;
- (d) comes into possession of a firearm by operation of law and thereafter, with reasonable despatch, lawfully disposes of it or obtains a firearms acquisition certificate under which he could have lawfully acquired the firearm;
- (e) comes into possession of a firearm in the ordinary course of a business described in paragraph 105(1)(a) or (b) or 105(2)(a) or (b); or

Trafficking Offences

Weapons trafficking

99. (1) Every person commits an offence who

- (a) manufactures or transfers, whether or not for consideration, or
- (b) offers to do anything referred to in paragraph (a) in respect of a firearm, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition or any prohibited ammunition knowing that the person is not authorized to do so under the Firearms Act or any other Act of Parliament or any regulations made under any Act of Parliament.

Punishment

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year.

Possession for purpose of weapons trafficking

100. (1) Every person commits an offence who possesses a firearm, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition or any prohibited ammunition for the purpose of

- (a) transferring it, whether or not for consideration, or
- (b) offering to transfer it,

knowing that the person is not authorized to transfer it under the Firearms Act or any other Act of Parliament or any regulations made under any Act of Parliament.

Punishment

(2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year.

Transfer without authority

101. (1) Every person commits an offence who transfers a firearm, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition or any prohibited ammunition to any person otherwise than under the authority of the Firearms Act or any other Act of Parliament or any regulations made under an Act of Parliament.

Punishment

(2) Every person who commits an offence under subsection (1)

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction.

Assembling Offence

Making automatic firearm

102. (1) Every person commits an offence who, without lawful excuse, alters a firearm so that it is capable of, or manufactures or assembles any firearm that is capable of, discharging projectiles in rapid succession during one pressure of the trigger.

Punishment

- (2) Every person who commits an offence under subsection (1)
- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year; or
 - (b) is guilty of an offence punishable on summary conviction and liable to imprisonment for a term not exceeding one year.

Export and Import Offences

Importing or exporting knowing it is unauthorized

103. (1) Every person commits an offence who imports or exports

- (a) a firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition, or
- (b) any component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm,

knowing that the person is not authorized to do so under the Firearms Act or any other Act of Parliament or any regulations made under an Act of Parliament.

Punishment

- (2) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years and to a minimum punishment of imprisonment for a term of one year.

Unauthorized importing or exporting

104. (1) Every person commits an offence who imports or exports

- (a) a firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition, or
- (b) any component or part designed exclusively for use in the manufacture of or assembly into an automatic firearm,

otherwise than under the authority of the Firearms Act or any other Act of Parliament or any regulations made under an Act of Parliament.

Punishment

- (2) Every person who commits an offence under subsection (1)
- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
 - (b) is guilty of an offence punishable on summary conviction.

Offences relating to Lost, Destroyed or Defaced Weapons, etc.

Losing or finding

105. (1) Every person commits an offence who

- (a) having lost a firearm, a prohibited weapon, a restricted weapon, a prohibited device, any prohibited ammunition, an authorization, a licence or a registration certificate, or having had it stolen from the person's possession, does not with reasonable despatch report the loss to a peace officer, to a firearms officer or a chief firearms officer; or
- (b) on finding a firearm, a prohibited weapon, a restricted weapon, a prohibited device or any prohibited ammunition that the person has reasonable grounds to believe has been lost or abandoned, does not with reasonable despatch deliver it to a peace officer, a firearms officer or a chief firearms officer or report the finding to a peace officer, a firearms officer or a chief firearms officer.

Punishment

(2) Every person who commits an offence under subsection (1)

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction.

Destroying

106. (1) Every person commits an offence who

- (a) after destroying any firearm, prohibited weapon, restricted weapon, prohibited device or prohibited ammunition, or
- (b) on becoming aware of the destruction of any firearm, prohibited weapon, restricted weapon, prohibited device or prohibited ammunition that was in the person's possession before its destruction, does not with reasonable despatch report the destruction to a peace officer, firearms officer or chief firearms officer.

Punishment

(2) Every person who commits an offence under subsection (1)

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction.

Tampering with serial number

108. (1) Every person commits an offence who, without lawful excuse, the proof of which lies on the person,

- (a) alters, defaces or removes a serial number on a firearm; or
- (b) possesses a firearm knowing that the serial number on it has been altered, defaced or removed.

Punishment

(2) Every person who commits an offence under subsection (1)

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction.

Exception

(3) No person is guilty of an offence under paragraph (1)(b) by reason only of possessing a firearm the serial number on which has been altered, defaced or removed, where that serial number has been replaced and a registration certificate in respect of the firearm has been issued setting out a new serial number for the firearm.

Evidence

(4) In proceedings for an offence under subsection (1), evidence that a person possesses a firearm the serial number on which has been wholly or partially obliterated otherwise than through normal use over time is, in the absence of evidence to the contrary, proof that the person possesses the firearm knowing that the serial number on it has been altered, defaced or removed.

Prohibition Orders

Mandatory prohibition order

109. (1) Where a person is convicted, or discharged under section 730, of

(a) an indictable offence in the commission of which violence against a person was used, threatened or attempted and for which the person may be sentenced to imprisonment for ten years or more,

(b) an offence under subsection 85(1) (using firearm in commission of offence), subsection 85(2) (using imitation firearm in commission of offence), 95(1) (possession of prohibited or restricted firearm with ammunition), 99(1) (weapons trafficking), 100(1) (possession for purpose of weapons trafficking), 102(1) (making automatic firearm), 103(1) (importing or exporting knowing it is unauthorized) or section 264 (criminal harassment),

(c) an offence relating to the contravention of subsection 5(3) or (4), 6(3) or 7(2) of the Controlled Drugs and Substances Act, or

(d) an offence that involves, or the subject-matter of which is, a firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition, any prohibited ammunition or an explosive substance and, at the time of the offence, the person was prohibited by any order made under this Act or any other Act of Parliament from possessing any such thing, the court that sentences the person or directs that the person be discharged, as the case may be, shall, in addition to any other punishment that may be imposed for that offence or any other condition prescribed in the order of discharge, make an order prohibiting the person from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition and explosive substance during the period specified in the order as determined in accordance with subsection (2) or (3), as the case may be.

Duration of prohibition order -- first offence

(2) An order made under subsection (1) shall, in the case of a first conviction for or discharge from the offence to which the order relates, prohibit the person from possessing

(a) any firearm, other than a prohibited firearm or restricted firearm, and any crossbow, restricted weapon, ammunition and explosive substance during the period that

(i) begins on the day on which the order is made, and

(ii) ends not earlier than ten years after the person's release from imprisonment after conviction for the offence or, if the person is not then imprisoned or subject to imprisonment, after the person's conviction for or discharge from the offence; and

(b) any prohibited firearm, restricted firearm, prohibited weapon, prohibited device and prohibited ammunition for life. Duration of prohibition order -- subsequent offences

RAPIER WIT'S BEST PRACTICES – FIREARMS AND PROHIBITED DEVICES 2011

(3) An order made under subsection (1) shall, in any case other than a case described in subsection (2), prohibit the person from possessing any firearm, cross-bow, restricted weapon, ammunition and explosive substance for life.

Section 3: Transfer of firearms to theatre companies

Something that is difficult to explain not to mention understand is that there are no proper laws concerning film or theatre use of firearms. Having a Possession and Acquisition License is the best practice for the person responsible for any firearms used in a production. But a PAL **does not** give them the user the right to possess restricted or prohibited firearms, weapons, or devices. Companies like Rapier Wit that have a Firearms Business License are allowed to possess and use the above items in theatre and film but even then they have a very serious number of hoops that need to be jumped through to allow us other companies to make use of these items. In the case of film all firearms must be accompanied by an employee of Firearm Business Company.

Transfers of firearms:

We may only transfer restricted, non restricted or prohibited firearms, handguns, weapons, or devices to companies with a same firearm business license. The only exceptions are replica firearms. We have made a special arrangement with the Ontario Chief Firearms Officer to allow Rapier Wit to transfer replica firearms with the permission that must be received for each specific production. To do this Rapier Wit, the theatre company, and in the case of a theatre space that is being rented have fill out the following document. This is a unique document that we created ourselves. There is no proper paper work with the CFO that allows the transfer of replica firearms. Only after getting permission may we make the transfer. It can take only a day or two but often it takes a minimum of a week. We always suggest having the documents finished two weeks before the transfer day just in case of any issues or backlogs at the CFO.

Rapier Wit's Transfer Agreement for Prohibited Devices page 1 of 4

Please Print:

Company _____

Address _____

Phone Number(s) _____

E-Mail _____

Firearm Business License (if applicable) _____

Production _____

Location _____

Dates _____

Person Responsible for Prop(s) _____

PAL Number _____

Signature _____

Signature _____

Daniel Levinson – Rapier Wit

Rapier Wit's Transfer Agreement for Prohibited Devices page 2 of 4

Please read and sign each individual statement. Props will not be delivered without this completed document signed beforehand. Thank you for your understanding.

1. I am aware that only the holder of the Business License, Daniel Levinson, is allowed to transport any Prohibited Devices.
2. _____
I am aware that removal of any Prohibited Devices from the set or theatre is a criminal act.
3. _____
I am aware that all Prohibited Devices when not in use, must be stored according to firearms regulations: Unloaded with a secure locking device and in a locked container built for the storage of firearms such as a safe, a firearm cabinet, or vault.
4. _____
I am aware that under no circumstances is any live ammunition be allowed on set, stage, or in the rehearsal hall.
5. _____
I am aware that Prohibited Devices may only be handled by the performer(s) who use the above prop(s) in performance and the person(s) responsible for the loading, unloading, and locking up the above prop(s) and holder or is under the supervision someone who holds a PAL (Possession and Acquisition License.)
6. _____
I have read, understand, and agree to follow the rules and regulations set out in the attached sheet of Rapier Wit's Firearm use in live performance for War Horse.
7. _____
I am aware that by signing this document I am legally responsible for following all the above rules and will ensure that all company members are informed of them and follow them.

Rapier Wit's Transfer Agreement for Prohibited Devices page 3 of 4

8. I have read the following websites which hold the information concerning the use, storage, and legal responsibilities of the firearm user.

<http://www.rcmp-grc.gc.ca/cfp-pcaf/fs-fd/replica-replique-eng.htm>

<http://www.canlii.org/en/ca/laws/regu/sor-98-208/latest/sor-98-208.html>

<http://everything2.com/title/Criminal%2520Code%2520of%2520Canada%2520-%2520Part%2520III%2520Firearms%2520and%2520Other%2520Weapons>

This document must have attached - a photocopy of both sides of the PAL of the person listed above.

Rapier Wit's Transfer Agreement for Prohibited Devices page 4 of 4

List of Rapier Wit Props

Number of Props	Type	Class	Caliber	Serial Number