

# PolySeSouvient responds to strong court ruling on legal challenges to 2020 Orders in Council banning assault weapons

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**MONTREAL, October 30, 2023** – PolySeSouvient, a group representing survivors and families of victims of the École Polytechnique massacre, applauded [today’s court ruling](#) which confirmed the federal government’s authority to prohibit certain weapons that it considers a risk to public safety.

*“This ruling should propel the Trudeau government to rapidly implement its repeated campaign commitments to ban all military-style assault weapons not reasonably used for hunting,”* said Nathalie Provost, a survivor of the femicide at the École Polytechnique and spokesperson of PolySeSouvient. *“The authority of the government to limit what type of guns can legally be owned by Canadians is explicit and unequivocal,”* added Provost.

The [ruling concludes](#):

***“The Order in Council and Regulations are not ultra vires. The Governor in Council did not exceed the statutory grant of authority delegated to it by Parliament pursuant to subsection 117.15(2) of the Criminal Code. ... The Governor in Council did not sub-delegate its statutory grant of authority to prescribe firearms as prohibited. ... The Governor in Council does not owe a duty of procedural fairness to firearm owners affected by the Regulations. ... The Regulations do not infringe section 7 of the Charter; the Regulations are not vague, overbroad or arbitrary. Alternatively, if the Court had found that the Regulations infringed section 7 in a manner not in accordance with the principles of fundamental justice, the Court would find that any infringement is justified pursuant to section 1 of the Charter as a reasonable limit. The Regulations have a pressing and substantial objective and are a proportional response to that objective. The Regulations’ restriction on the now prohibited firearms—that are inherently dangerous and have the capacity to inflict severe harm and, as a result, are not reasonable for use in hunting and sport—is rationally connected to the objective and minimally impairs the section 7 rights of firearm owners. The minimal infringement on firearm owners, who now have less choice in the firearms that they can possess and use and who could face criminal charges if they continue to use the now prohibited firearms, is outweighed by the beneficial impact of the Regulations in terms of reducing the harm from mass shootings and the inherent danger posed by the now prohibited firearms, and achieving the broader objective of enhancing public safety. “The Regulations do not infringe sections 8, 11, 15 or 26 of the Charter. The Regulations do not infringe the Canadian Bill of Rights.”***

Proceeding to ban all assault weapons in Canada will require a new Order in Council to complete the 2020 prohibitions that are at the core of the legal challenge, which Public Safety Minister Dominic Leblanc [committed to doing](#) when he testified before the Senate on Bill C-21, last week

Indeed, the court ruling comes at a time when hundreds of models of assault weapons that the government had attempted but failed to prohibit through Bill C-21 (now before the Senate) [remain on the Canadian market](#) and in communities all across Canada. Indeed, these models would have been covered by amendments [G-4](#) and [G-46](#) tabled last November which were subsequently withdrawn following a [successful disinformation campaign](#) by opponents. Many of these are arbitrarily exempted under the [2020 Order in Council](#) which is at the core of the legal challenge (ex: not of “modern design” or not “in large volumes on the Canadian market”).

*“We hope the unambiguous language and solid reasoning of the ruling strengthens the resolve of this government to finally and once and for all ban all assault weapons in Canada, something [that is supported by 80% of Canadians, including the majority of gun owners,](#)”* concluded Nathalie Provost.



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