

**SUPREME COURT OF NOVA SCOTIA**

Citation: Nova Scotia (Attorney General) v. Russell, 2012 NSSC 251

**Date:** 20120725

**Docket:** BWT.370844

**Registry:** Bridgewater

**Between:**

The Attorney General of Nova Scotia,  
representing her Majesty the Queen in the  
Right of the Province of Nova Scotia

Appellant

v.

Cameron Wayne Russell

Respondent

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**Judge:** The Honourable Justice C. Richard Coughlan

**Subject:** Civil Law - Offences against public order - Weapons -  
cancellation of revocation of Firearms License

**Summary:** The Chief Firearms Officer for Nova Scotia revoked the applicant's Firearms Registration Certificate. The applicant applied to the Provincial Court for an order cancelling the revocation. The Provincial Court Judge cancelled the revocation. The judge in interpreting s. 5(2) of the *Firearms Act* considered he was only permitted to look at the applicant's behaviour in the five years prior to the decision to revoke. The Crown appealed the cancellation of the revocation.

**Issue:** Does Section 5(2) of the *Firearms Act* limited the scope of inquiry to the factors set out in the section?

**Result:** Section 5(2) of the *Act* requires a firearms officer, or a judge on a reference, to consider the enumerated factors which occurred in the previous five year period. The firearms officer or judge is free to consider, in addition to the enumerated factors, other events or circumstances whether within or outside the five year period. As the judge did not consider evidence which he ought to have considered, a rehearing of the reference is required. The appeal is allowed and remitted to the Provincial Court for rehearing.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***