

INDEX

NOTE: All references are to sections of the *Criminal Code* unless preceded by the following abbreviations:

BR = Canadian Bill of Rights
CD = Controlled Drugs and Substances Act
CE = Canada Evidence Act
CH = Canadian Charter of Rights and Freedoms
FIR = Firearms Act
IDENT = Identification of Criminals Act
INT = Interpretation Act
WC = Crimes Against Humanity and War Crimes Act
YC = Youth Criminal Justice Act

NOTE: *Italicized* section numbers in bold face type refer to section numbers that were not yet or no longer in effect when this index was published.

ABANDONMENT
Abandon, definition, 214
Animal in captivity, 446(1)(c)
Child under ten, 218

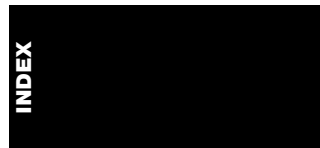
ABDUCTION. *See also* HOSTAGE
TAKING; KIDNAPPING;
TRAFFICKING IN PERSONS
Attorney General's consent to
prosecute, 283(2)
Custody orders —
abduction in contravention of,
282(1), 283(1)
consent of child no defence, 286
defence to protect from imminent
harm, 285
no belief in validity of, 282(2)
whether custody order or not,
283(1)
Defences —
consent, of person abducted, no
defence, 286
consent, of person having lawful
possession, 284

ABDUCTION — *Continued*
Defences — *Continued*
protection of young person or
person charged, 285
Forcible, compulsion by threats no
defence, 17
Guardian, definition, 280(2)
Internationally protected person,
7(3)
No belief in validity of custody
order. *See* Custody orders, *supra*
Person under 14, 281-286
Person under 16, 280(1)

ABETTING. *See* PARTIES TO
OFFENCES — Aiding or
abetting

ABORIGINAL RIGHTS
Rights and freedoms not affected by
Charter, CH 25

ABORTION. *See* PROCURING
MISCARRIAGE



<p>ABSCONDING Accused — deemed present at previous trial, 715(3) jury election deemed to be waived, 598 preliminary inquiry, 544 trial, 475, 598 Witness — arrest, 704 maximum period of detention of witness, 707 order where witness arrested under warrant, 706 warrant when witness does not attend, 705</p> <p>ABSOLUTE DISCHARGE. <i>See</i> SENTENCE — Discharges</p> <p>ABSOLUTE JURISDICTION Provincial court judge, 553 Superior court of criminal jurisdiction, 468, 469, 471, 473</p> <p>ABUSE OF PROCESS. <i>See also</i> CHARTER OF RIGHTS — Fundamental justice Burden and onus of proof. <i>See</i> BURDEN AND ONUS OF PROOF Common law defences preserved, 8(3) Contempt of court. <i>See</i> CONTEMPT OF COURT Crown withholding evidence. <i>See</i> DISCLOSURE AND DISCOVERY Elections and re-elections. <i>See</i> ELECTIONS AND RE- ELECTIONS Equal application of law. <i>See</i> CHARTER OF RIGHTS — Equality rights Full answer and defence. <i>See</i> FULL ANSWER AND DEFENCE</p>	<p>ABUSE OF PROCESS — <i>Continued</i> Joinder and severance. <i>See</i> INDICTMENTS AND INFORMATIONS Laying of charges. <i>See</i> INDICTMENTS AND INFORMATIONS Preferring indictments. <i>See</i> INDICTMENTS AND INFORMATIONS — Preferring indictment Private prosecutions. <i>See</i> PRIVATE PROSECUTIONS Self-incrimination. <i>See</i> SELF- INCRIMINATION Stay of proceedings. <i>See</i> ATTORNEY GENERAL/ SOLICITOR GENERAL; CHARTER OF RIGHTS — Remedies</p> <p>ACCESSORY AFTER THE FACT Aircraft, airports, 7(2)(e) Definition, 23(1) Delivery of trial documents re treason, 604 Evidence of conviction of principal, 657.2(2) Fixed platforms, 7(2.1), (2.2) Indictment of, 592 Married person assisting spouse to escape, not accessory, 23(2) Murder, 240 Principal — cannot be convicted, 23.1 evidence of conviction, 657.2(2) not indicted or convicted, not precluding indictment, 592 Punishment, 240, 463 Torture outside Canada, 7(3.7)</p> <p>ACCIDENT Causing death to another by accident, 229(b) Failure to stop at scene of accident, 252</p>
---	--

- ACCOMMODATION
Fraudulently obtaining, 364
- ACCOUNT
Entry negating theft, 330(2)
Theft by failure to account, 330(1)
- ACCUSED
Absconding accused. *See* Presence in court, *infra*; ABSCONDING
Admissions by. *See* ADMISSIONS
Alibi. *See* DEFENCES
Allocutus, speaking to sentence, 668, 723, 726, 726.1
Appearance. *See* APPEARANCE
Assessment order. *See* MENTAL DISORDER
Compellability, CE 4, CH 11(c)
Criminal responsibility, mental disorder. *See* MENTAL DISORDER
Cross-examination. *See* CROSS-EXAMINATION
Defined to include, 493
Delivery of documents to, re treason, 604
Duty to ascertain date of judge alone trial, 560(4)
Fitness to stand trial. *See* MENTAL DISORDER
Full answer and defence by, 276(3)(a), 650(3), 802(1)
Identification. *See* FINGERPRINTS; HANDWRITING; WITNESSES
Indictments —
consent to adding other charges, 574(2)
consent to adding other counts to murder indictment, 589(b)
Insanity of. *See* MENTAL DISORDER — Criminal responsibility
Language of. *See* LANGUAGE OF ACCUSED
Mental disorder. *See* MENTAL DISORDER
- ACCUSED — *Continued*
Not criminally responsible on account of mental disorder. *See* MENTAL DISORDER—Criminal responsibility
Party re mental disorder proceedings, 672.1
Preliminary inquiry. *See* PRELIMINARY INQUIRY
Presence in court, 537(1)(j), 650
application for finding of dangerous offender, 758
fair and public hearing. *See* CHARTER OF RIGHTS — Fair and public hearing
fitness to stand trial, accused can be removed from court, 650(2)(c)
full answer and defence. *See* FULL ANSWER AND DEFENCE
mental disposition hearing, 672.5(9), (10)
removing accused from court, 650(2)
right to present, 650(1)
Publication of name. *See* PUBLICATION BAN
Removal of accused during trial, 650
Right to counsel. *See* RIGHT TO COUNSEL
Self-incrimination. *See* SELF-INCRIMINATION
Speaking to sentence, 668, 723, 726, 726.1
Statements. *See* ADMISSIONS; STATEMENTS OF THE ACCUSED; VOLUNTARINESS
Testimony at bail hearing, not to be questioned re offence, 518(1)(b)
Trial. *See* TRIAL
- ACKNOWLEDGING
JUDGMENT, INSTRUMENT, RECOGNIZANCE, ETC., IN FALSE NAME, 405

- ACQUITTAL. *See also* RES JUDICATA — Autrefois acquit/convict
 Insufficient evidence to put unfit accused on trial, 672.33(6)
- ACT. *See also* STATUTES
 Definition of, 2
 Duty of persons undertaking acts, 217
- ACTUS REUS
 Homicide. *See* HOMICIDE — Death caused by
 Overt acts, evidence of, 55, 581(4)
 Statement as offence. *See* STATEMENTS OF THE ACCUSED; VOLUNTARINESS
- ADDRESS TO JURY, 651
- ADJOURNMENTS AND REMANDS
 Accused misled, effect, 485(4), 601(5)
 Adjournment —
 clerk on instructions of judge, by, 474(2)
 judge, by, 645(2)
 Appeals, summary conviction, 824
 Appearance by television or other means, 537(1)(j), 650(1.1)
 Assessment. *See* MENTAL DISORDER
 Bail hearing. *See* Show cause hearing, *infra*
 Breach of provisions no loss of jurisdiction, 485(1)
 Clerk adjourning court, 474
 Decision may be reserved, trial by judge without jury, 645(4)
 Duty to obtain alternate counsel. *See* RIGHT TO COUNSEL
 Fitness to stand trial. *See* MENTAL DISORDER
 Judge alone trials, 571
 Jurisdiction before or after plea, 669.1
- ADJOURNMENTS AND REMANDS — *Continued*
 Justice remanding to provincial court judge, 536(1)
 Mental examination. *See* MENTAL DISORDER
 Powers of a justice, 537
 Powers of judge, 645(2)
 Preliminary inquiry, 536(1), 537(1)(a), (c), 547
 Psychiatric assessment. *See* MENTAL DISORDER
 Recognizance continues, 763
 Remand for observation. *See* MENTAL DISORDER
 Right to counsel. *See* RIGHT TO COUNSEL
 Sentence. *See* SENTENCE
 Show cause hearing, 516
 Summary conviction —
 appeals, 601(5), 645(2), (3), 795, 824
 trials, 601(5), 645(2), (3), 795, 803
 Trial by indictment —
 accused misled or prejudiced, 601(5)
 accused not entitled to postponement, 606(3)
 further time to plead, etc., 606(3)
 jury unable to agree, 653
 no jury panel summoned, 474(1)
 securing copies, 603
 trial continuous, 645
 trial without jury, 571
 Trial by provincial court judge, 669.1(2)
 Trial continuous, 551.5
- ADJUDICATION. *See* JUDGES; JUSTICES; TRIAL; YOUTH CRIMINAL JUSTICE ACT
- ADMINISTERING DESTRUCTIVE THING, 245
- ADMINISTERING NOXIOUS THING
 Domestic animal, to, 446(1)(e)

- ADMINISTERING NOXIOUS THING — *Continued*
 Person, to, 245
- ADMINISTRATION OF JUSTICE, 118-149. *See also* ABUSE OF PROCESS; ATTORNEY GENERAL/SOLICITOR GENERAL; OBSTRUCT JUSTICE; PERJURY
 Frauds upon government, 121
- ADMINISTRATIVE LAW
 Duty to act fairly. *See* CHARTER OF RIGHTS — Fair and public hearing; Fundamental justice
 Mental Review Board. *See* MENTAL DISORDER — Review boards
 Prisons. *See* CHARTER OF RIGHTS — Cruel and unusual treatment or punishment
- ADMISSIONS. *See also* STATEMENTS OF THE ACCUSED; VOLUNTARINESS
 Cross-examination on previous statements —
 adverse witness, re, CE 9(2)
 opposing witness, re, CE 10, 11
 Dangerous offenders, 754(3)
 Preliminary inquiry. *See also* PRELIMINARY INQUIRY
 accused's evidence at, used at trial, 657
 admission at, 541(1), (2)
 offence re publication, 542(2)
 statement by unrepresented accused, 541(3), 657
 statements of the accused, 542
 Publishing or broadcasting
 admission or confession, 542(2)
 Reading in evidence previously taken, 715
 Trial, 655
- ADMISSIONS — *Continued*
 Young persons —
 extrajudicial measures, YC 9, 10(4)
 requirements for admissibility, YC 149
 statements of, YC 149
 admissibility of, to person in authority, YC 146
 made in pre-sentence report
 inadmissible, YC 40(10)
 made on assessment
 inadmissible, YC 147
 voluntariness, YC 149
- ADULT. *See also* COMPETENCE AND COMPELLABILITY; YOUTH CRIMINAL JUSTICE ACT
 Definition of, YC 2(1)
- ADULTERY
 Corrupting children, 172
- ADVERSE WITNESSES
 Cross-examination without declaration of adversity, CE 9(2)
 Cross-examining adverse witness on prior statements, CE 9(1), 10, 11
 Procedure, CE 9(1)
- ADVERTISING
 Counterfeit money or tokens, 460(1)(a)
 Cure for venereal disease, 163
 False prospectus, 400
 Invitation to bet on contest, 202
 Lottery scheme, 206(1)(a), (7)
 Method for causing abortion or miscarriage, 163
 Using likeness of bank note, 457
- AFFIDAVITS. *See also* CERTIFICATES; SOLEMN DECLARATIONS
 Administered abroad, CE 52-54
 Affirmation in lieu of oath, CE 15

<p>AFFIDAVITS — <i>Continued</i> Appearance notice, proof of issue, 501(5) Banking records, proof of entry, CE 29(4) Business records — proof of copy, CE 30(3) proof of explanation of records, CE 30(4), (8) Canadian officials outside Canada, CE 52-54 Copy of telecommunication writing, affidavit or warrant, 528(1.1) Cross-examination on, 4(7) Declarations. <i>See</i> SOLEMN DECLARATIONS Deprivation of property, proof of, 657.1 False, 131, 134 Foreign affidavit, CE 52-54 Government of Canada record, proof of entry, CE 26 Insurance, proof of loss, CE 42 Offences — administering oath without authority, 138(a) false sworn statement, 134 International Criminal Court, WC 22 perjury, 131 pretended affidavit, 138 Ownership and value of property, proof of, 657.1 Photographic document, CE 31 Photographic evidence of property, 491.2(4) Proof of ownership and value of property, 657.1 Service of — any document, proof of, 4(6), (7) subpoena, proof of, 701 summons, proof of, 509(3) Value of property, proof of, 657.1</p>	<p>AFFIRMATION. <i>See also</i> AFFIDAVITS; COMPETENCE AND COMPELLABILITY — Oath; SOLEMN DECLARATIONS Administered abroad, CE 52-54 In lieu of oath, CE 14, 15, 16 Perjury, liability for, CE 15(2)</p> <p>AFFIRMATIVE ACTION, CH 15(2)</p> <p>AGE Adult, definition of, YC 2(1) Child, definition of, YC 2(1) Criminal responsibility, 13 Date of birth, 658 Mistake re age — child pornography 163.1(5) sexual offences, 150.1(4), (5) Proof of, 658, YC 148 Young persons. <i>See also</i> YOUTH CRIMINAL JUSTICE ACT definition, YC 2(1) jurisdiction re age, YC 14 proof of age, 658, YC 148</p> <p>AGENT Appearance by, 800(2), (3) Meaning of, 426(4) Pledging goods, when not theft, 325 Secret commissions, 426</p> <p>AGGRAVATED ASSAULT, 268 Intoxication, when no defence, 33.1 Trafficking in humans, committed while, 279.01</p> <p>AGGRAVATED SEXUAL ASSAULT. <i>See also</i> SEXUAL ASSAULT Intoxication, when no defence, 33.1 Offence, 273 Trafficking in humans, committed while, 279.01</p>
--	---

- AGRICULTURAL FAIR
Games permitted at, 206(3)
Licensed lotteries at, 207(1)(d)
- AIDING AND ABETTING. *See*
PARTIES TO OFFENCES —
Aiding or abetting
- AIR GUN. *See also* WEAPONS
Discharging with intent, 244.1
- AIR NAVIGATION FACILITIES
Conspiracies, attempts, etc., outside
Canada, 7(2)(c)
Damage to airport, interference with
facility, 77(e)
- AIRCRAFT. *See also* MOTOR
VEHICLES
Airports. *See* AIRPORT
Arson. *See* ARSON
Assault on board, 77(a)
Breaking and entering, 348
Damage to aircraft in service, 77(c)
Dangerous operation, 320.13(1)
causing bodily harm, 320.13(2)
causing death, 320.13(3)
Deemed in service, 7(9)
Demand for breath or blood sample,
320.27
Endangering safety of aircraft, 77
in flight, 77(g)
Explosive on board, 78
Failure to stop after accident, 320.16
Flight, 7(8), 77(g)
Fraud in obtaining transportation,
393(3)
Hijacking, 76
causing death, 230
consent to prosecution of non-
citizen, 7(7)
first degree murder, 231(5)
outside Canada, 7
Hostage taking, 7(3.1)
Impaired or over 80 mg. alcohol. *See*
Operating, *infra*
Jurisdiction —
over accused, 7(5), (5.1)
over offence, 7(1), (2), 476
- AIRCRAFT — *Continued*
Offence against internationally
protected person, 7(3)
Offences outside Canada —
consent to prosecute non-citizen,
7(7)
deemed in Canada, 7(1), (2)
inchoate offences, 7(2)(e)
prosecution outside Canada, 7(6)
Operating —
dangerous manner, 320.13
definition, 320.11
demand for breath or blood
sample, 320.27-320.3
impaired or over 80 mg. alcohol,
320.14
prohibition from, 320.24
Pilot as peace officer, 2
Placing endangering thing on board,
77(d)
Rendering incapable of flight, 77
Sabotage, 52
evidence of overt acts, 55
statement in indictment, 581(4)
Transportation fraud, 7(3)
Use of force to prevent offence, 27.1
Weapon on board, 78
- AIRPORT. *See also* AIR
NAVIGATION FACILITIES;
AIRCRAFT
Conspiracies, attempts, etc., outside
Canada, 7(2)(d)
Damage to airport, interference with
facility, 77(f)
Damage to facilities, 77(f)
Disruption of service, 77(f)
Endangering safety, 77
International civil aviation, 7(2)(d),
77(b)
Violence using weapon, 77(b)
- ALBERTA
Appeal court defined for —
court of appeal, 2
place of hearing, 814(1)
proceedings re firearms
prohibition orders, 111

<p>ALBERTA — <i>Continued</i></p> <p>Appeal court defined for — <i>Continued</i></p> <p>summary conviction appeals, 812</p> <p>Attorney General, defined, 2</p> <p>Chief justice defined for —</p> <p>emergency authorizations for interception of private communications, 188(4)</p> <p>judicial review of ineligibility for parole, 745.6(1)</p> <p>Court defined for —</p> <p>appeals, 2</p> <p>criminal jurisdiction, 2</p> <p>seizure warrants for hate propaganda publications, 320(8)</p> <p>seizure warrants for obscene publications and child pornography, 164(8)(b)</p> <p>superior court of criminal jurisdiction, 2</p> <p>Court of appeal defined, 2</p> <p>Court of criminal jurisdiction defined, 2</p> <p>Judge defined for —</p> <p>emergency authorizations for interception of private communications, 188(1), 552</p> <p>Part XVI, Compelling Appearance of Accused Before a Justice and Interim Release, 493</p> <p>Part XIX, Indictable Offences—Trial Without Jury, 552</p> <p>Language of accused, regulations for Part XVII, 533</p> <p>Minister of Health for procuring miscarriage, 287(6)</p> <p>Parole, application to reduce ineligibility period, 745.6</p> <p>Summary conviction appeals —</p> <p>appeal court defined, 812(1)(d)</p> <p>place of hearing, 814(1)</p> <p>Superior court of criminal jurisdiction defined, 2</p>	<p>ALCOHOL. <i>See also</i> BLOOD SAMPLES; BREATHALYZER; MOTOR VEHICLES; OVER 80</p> <p>Abstention during conditional sentence, 742.3(2)(a)</p> <p>Intoxication, when no defence, 33.1</p> <p>ALIBI DEFENCE</p> <p>Common law defences preserved, 8(3)</p> <p>ALIEN</p> <p>Assisting enemy alien, 50(1)</p> <p>Consent to prosecution —</p> <p>non-citizen, of, 7(7)</p> <p>off-shore offences, re, 477.2, 477.3(2)</p> <p>Evidence of overt acts, 55</p> <p>Juror, challenge for cause, 638(1)(d)</p> <p>ALTERNATIVE MEASURES</p> <p>Admission of responsibility not admissible, 717(3)</p> <p>Definitions, 716</p> <p>Not bar to subsequent proceedings, 717(4)</p> <p>Prerequisites to use, 717</p> <p>Records of involvement in alternative measures —</p> <p>application, 717.1</p> <p>disclosure, 717.4</p> <p>government records, 717.3(1)</p> <p>police records, 717.2</p> <p>private records, 717.3(2)</p> <p>When not available, 717(2)</p> <p>Young persons, YC 8-12</p> <p>AMENDMENTS. <i>See</i> INDICTMENTS AND INFORMATIONS — Amendments</p> <p>AMMUNITION. <i>See</i> WEAPONS</p> <p>ANAL INTERCOURSE. <i>See also</i> SEXUAL OFFENCES</p> <p>Evidence —</p> <p>corroboration not required, 274</p> <p>recent complaint rules, 275</p>
--	--

- ANAL INTERCOURSE —
Continued
 Evidence — *Continued*
 sexual activity of complainant,
 276
 Mistake of age no defence, 150.1(5)
 Offence, 159(1)
 exceptions, 159(2), (3)
 Protecting identity, 486.4, 486.5
- ANIMALS
 Abandonment, 446(1)(c)
 Bestiality, 160
 Cattle —
 defacing brand, 338(1)(b)
 definition, 2
 fraudulent taking, 338
 theft, 338(2)
 Causing unnecessary suffering to,
 446
 Cockpit, keeping, 447
 Cruelty to, 446, 447
 Injuring or endangering, 445, 445.01
 Justification or excuse and colour of
 right, 429(2)
 Law enforcement and service
 animals —
 killing or injuring, 445.01, 718.03
 Neglect while conveying, 446
 Ownership or custody while
 prohibited, 446(6)
 Restitution for reasonable costs of
 care, 447.1(1)(b)
 Wild animal, special property in,
 when in captivity, 322(5)
- ANTIQUÉ FIREARM
 Definition, 84(1), (3), (3.1)
- APPEAL COURT. *See* APPEALS
- APPEALS. *See also* SUMMARY
 CONVICTION APPEALS
 Abuse of process. *See* ABUSE OF
 PROCESS
 Accused may appeal against —
 conviction, 675(1)(a)(i)
 period of ineligibility for parole,
 675(2)
- APPEALS — *Continued*
 Accused may appeal against —
 Continued
 verdict of not criminally
 responsible on account of
 mental disorder or unfitness to
 stand trial, 675(3)
 Amendments. *See* Powers of
 appellate court, *infra*
 Appeal court —
 defined, 2, 673, 812
 firearms appeals, 111(8)
 Appellant's rights. *See also* Right of
 appeal against, *infra*
 attend hearing, 688(1), (2)
 present written argument, 688(3)
 Application for leave to appeal. *See*
 Leave to appeal, *infra*
 Attorney General —
 right of, to appeal, 676, 693
 rights on appeal, 696
 Bail pending appeal, 679
 Bail review. *See* JUDICIAL
 INTERIM RELEASE
 Certiorari, mandamus and
 prohibition, appeal from grant or
 refusal, 784(1), (2)
 Contempt of court, 10
 Costs, order re, 676.1, 813(a)(i),
 830(1)
 Counsel, appointment of —
 court of appeal, by, 684
 Supreme Court of Canada, by,
 694.1
 Court of appeal —
 defined, 673
 dissenting judgment, 677
 review of decision of single judge,
 680
 Crown appeals against. *See also*
 QUESTION OF FACT/LAW
 acquittal, without leave, 676(1)(a),
 (2)
 order quashing indictment,
 676(1)(b), (c)
 period of ineligibility for parole,
 676(4)
 sentence, with leave, 676(1)(d)

APPEALS — *Continued*

Crown appeals against — *Continued*
 verdict of unfitness to stand trial,
 676(3)
 Dangerous offender appeals, 759
 Detention of things seized, order for,
 490(7)
 Discharge, appeal from, 730(3)
 Dismissal, specifying grounds of
 dissent, 677
 Dismissal of appeal from
 conviction —
 conviction proper on another
 count, 686(1)(b)(i)
 no substantial wrong or
 miscarriage of justice,
 686(1)(b)(iii)
 no unreasonable verdict or wrong
 decision in law, 686(1)(a), (b)(ii)
 Dissent in court of appeal —
 basis for appeal to Supreme Court
 of Canada, 691(1)(a), 693(1)(a)
 grounds of, to be specified, 677
 Election re new trial, 686(5), (5.01)
 Error of law. *See* Questions of law,
infra; QUESTION OF FACT/
 LAW
 Evidence, 683(1)(d)
 Extension of time to appeal, 678(2)
 Extraordinary remedies. *See*
 CERTIORARI; HABEAS
 CORPUS; MANDAMUS;
 PROHIBITION
 Firearms Act. *See* FIREARMS
 ACT
 Fitness to stand trial. *See* MENTAL
 DISORDER — Appeals; Fitness
 to stand trial
 Fresh evidence on appeal, 683(1)(d)
 Frivolous appeal, summary
 determination by registrar, 685
 Grounds of appeal. *See also*
 Questions of law, *infra*
 miscarriage of justice,
 686(1)(a)(iii), (2)
 no substantial wrong or
 miscarriage of justice,
 686(1)(b)(iii)

APPEALS — *Continued*

Grounds of appeal — *Continued*
 unreasonable verdict, 686(1)(a)(i),
 (2)
 wrong decision on question of
 law, 686(1)(a)(ii), (2)
Habeas corpus —
 granting of writ, no appeal, 784(4)
 hearing of appeal, 784(6)
 judgment issued on return of writ,
 784(5)
 refusal of application, 784(3)
 Indictment defined, 673
 Ineligibility for parole. *See*
 PAROLE
 Insanity. *See* MENTAL
 DISORDER — Appeals
 Issues not raised at trial. *See*
 Grounds of appeal, *supra*
 Judicial interim release. *See*
 JUDICIAL INTERIM
 RELEASE; RELEASE FROM
 CUSTODY
 Judicial notice. *See* JUDICIAL
 NOTICE
 Jurisdiction. *See* Grounds of appeal,
supra; Questions of law, *infra*;
 JURISDICTION; QUESTION
 OF FACT/LAW
 Jury trial, where requested by
 successful appellant, 686(5)(a)
 Leave to appeal —
 on any ground that appears to be
 sufficient to court, 675(1)
 refusal of, by single judge and
 appeal to court, 675(4)
 sentence appeals, 675(1)(b)
 Supreme Court of Canada. *See*
 Supreme Court of Canada,
 appeals to, *infra*
 Mental disorder. *See* MENTAL
 DISORDER
 Miscarriage of justice. *See* Grounds
 of appeal, *supra*
 New trial. *See* Powers of appellate
 court, *infra*
 No substantial wrong or miscarriage
 of justice, 686(1)(b)(iii)

APPEALS — *Continued*
 Non-publication ban. *See*
 PUBLICATION BAN
 Notice of appeal. *See also*
 Procedure, *infra*; DOCUMENTS;
 FORMS AND SCHEDULES
 extension of time for, 678(2)
 jury trial may be requested in,
 686(5)(a)
 substitutional service, 678.1
 Supreme Court of Canada, 694
 time for, 678(1)
 Old appeal procedure abolished, 674
 Order for compensation or
 restitution. *See also* SENTENCE
 — Compensation and restitution,
 Restitution orders
 annulment or variation by court
 of appeal, 689(2)
 suspension pending appeal,
 683(5), 689(1)
 Orders and obligations to register
 under Sex Offender Information
 Registration Act, 490.014,
 490.017, 490.024, 490.029,
 490.02906, 490.0291, 490.02914
 Parole ineligibility. *See* PAROLE —
 Ineligibility for parole
 Powers of appellate court —
 affirm sentence of trial court,
 686(3)(a)
 allowing appeal, 686(1)(a), (2),
 (4)(b), (6)
 amend indictment, 683(1)(g)
 annul or vary order or restitution,
 689(2). *See also* SENTENCE —
 Compensation and restitution,
 Restitution orders
 assignment of counsel to
 appellant, 684
 civil matters, powers in civil
 appeals, 683(3)
 commissioner's report 683(1)(f)
 direction re court to hold new
 trial, 686(5)
 dismiss appeal, 686(1)(b), (c), (3),
 (4)
 election re new trial, 686(5)

APPEALS — *Continued*
 Powers of appellate court —
Continued
 evidence and witnesses, 683(1), (2)
 inquiries and reports references,
 683(1)(e)
 insanity. *See* MENTAL
 DISORDER
 judgment or verdict or acquittal,
 686(2)(a)
 new trial, 686(2)(b), (5), (6). *See*
also INDICTMENTS AND
 INFORMATIONS; TRIAL
 order suspending fine, 683(5), (6)
 order that justice requires, 686(8)
 order the conclusion required by
 verdict and pass sentence,
 686(1)(c)
 procedure and process, 683(3), (4)
 process of, exercised anywhere in
 Canada, 683(4)
 production, 683(1)(a). *See also*
 DISCLOSURE AND
 DISCOVERY
 psychiatric assessment. *See*
 MENTAL DISORDER;
 YOUTH CRIMINAL
 JUSTICE ACT
 sentence appeal, 687
 set aside conviction and find
 appellant unfit to stand trial or
 not criminally responsible on
 account of insanity, 686(1)(d)
 substitute verdict and impose
 sentence, 686(1)(c), 688(3)
 summary determination of
 frivolous appeals, 685
 Supreme Court of Canada. *See*
 Supreme Court of Canada,
infra
 suspending fines, forfeitures,
 restitutions and surcharges,
 pending appeal, 683(5), 689
 unfitness. *See* MENTAL
 DISORDER
 witnesses, 683(1)(b)
 Powers of federal minister of justice,
 690

APPEALS — *Continued*

Presence of appellant/respondent, 683(2.1), (2.2), 688
 Procedure, 678-687. *See also* Powers of appellate court, *supra*
 Proceeds of crime, forfeiture order, 462.44
 Proviso, 686(1)(b)(iii). *See also* Grounds of appeal, *supra*
 Publication ban. *See* PUBLICATION BAN
 Questions of law. *See also* QUESTION OF FACT/LAW
 Crown appeals, 676(1)(a)
 determination re complainant's sexual activity, 278.97
 determination re record of personal informations, 278.91
 mental disorder disposition or placement decision, 672.72(1)
 right of appeal of person convicted, 675(1)(a)(i)
 sexual activity, admissibility re sexual offences, 278.97
 Supreme Court of Canada, 691(1)
 Re-election re new trial, 686(5)
 References by Minister of Justice, 690
 Release pending appeal. *See also* JUDICIAL INTERIM
 RELEASE
 application of s. 525, 679(6)
 conviction, from, 679(1)(a), (3)
 orders that may be made, 679(5)
 review, 680
 sentence, from, 679(1)(a), (4)
 Supreme Court of Canada, to, 679(1)(c), (3)
 undertaking, Form 12
 written notice of application required, 679(2)
 Release pending new trial, 679(7)
 Remand for assessment. *See* MENTAL DISORDER
 Report by trial judge, 682
 Right of appeal against —
 acquittal, 676(1)(a), (2)

APPEALS — *Continued*

Right of appeal against — *Continued*
 conviction —
 with leave, 675(1)(a)(ii), 675(1)(a)(iii)
 without leave, 675(1)(a)(i)
 order —
 quashing indictment, 676(1)(b), (c)
 respecting offence-related property, 490.1(3), 490.6
 respecting proceeds of crime, 462.44
 respecting property obtained by crime, 491.1, 673
 period of ineligibility for parole, 675(2), (4)
 refusal of leave by single judge, 675(4)
 sentence, with leave, 675(1)(b), (2), (2.1), 676(1)(d), (4), (5)
 verdict of not criminally responsible on account of mental disorder, 675(3). *See also* MENTAL DISORDER
 verdict of unfitness to stand trial, 675(3), 676(3). *See also* MENTAL DISORDER
 Right to attend, 688(1), (2)
 Right to present written argument, 688(3)
 Rules of court re, 482
 Sentence —
 appeal from, 675(1)(b), (2), (2.1), 676(1)(d), (4), (5)
 definition, 673, 785
 impose, in absence of appellant, 688(4)
 powers of court on appeal against sentence, 687
 substitute verdict and impose sentence, 686(1)(c), 688(3)
 Service of notice of appeal —
 extension of time for, 678(2)
 substitutional service, 678.1
 to be given as directed by rules, 678(1)

- APPEALS — *Continued*
 Service of notice of appeal —
Continued
 where respondent cannot be
 found, 678.1
 Sex offender information —
 exemption order, 490.024,
 490.025, 490.02906
 obligation to comply with Sex
 Offender Information
 Registration Act, 490.019
 order to comply with Sex
 Offender Information
 Registration Act, 490.014
 termination order —
 obligation to comply with Sex
 Offender Information
 Registration Act, 490.029,
 490.0291, 490.02914
 order to comply with Sex
 Offender Information
 Registration Act, 490.017
 Stated case. *See* SUMMARY
 CONVICTION APPEALS —
 Summary appeal on transcript or
 agreed statement of fact
 Stay pending appeal —
 driving prohibition, 680
 fine, 683(5)(a)
 forfeiture, 683(5)(b)
 proceeds of crime forfeiture order,
 462.45
 restitution, 683(5)(c)
 victim fine surcharge, 683(5)(d)
 Substituted verdict. *See* Powers of
 appellate court, *supra*
 Substitutional service of notice of
 appeal, 678.1
 Summary conviction appeals. *See*
 SUMMARY CONVICTION
 APPEALS
 Summary determination of frivolous
 appeals, 685
 Supreme Court of Canada, appeals
 to —
 accused, by —
 acquittal set aside and judge
 dissents, 691(2)
- APPEALS — *Continued*
 Supreme Court of Canada —
Continued
 accused — *Continued*
 conviction sustained, with
 leave, 691(1)(b)
 dissent in law in court of
 appeal, 691(1)(a)
 verdict of not criminally
 responsible on account of
 mental disorder affirmed,
 692(1). *See also* MENTAL
 DISORDER
 appeal by Crown, 693, 696
 appellant's right to attend, 694.2
 assignment of counsel, 694.1
 dissent in court of appeal, grounds
 of to be specified, 677
habeas corpus proceedings, in, 784
 notice of appeal, 694
 powers of court of appeal, 695(1)
 question of law, 691
 Time to appeal, 678
 Transcripts, 682(2)-(5)
 Trial court defined, 673
 Trial *de novo*. *See* SUMMARY
 CONVICTION APPEALS
 Trial judge's report, 682(1)
 Trial without jury, new trial ordered,
 686(5)
 Youth Criminal Justice Act, YC 37
- APPEARANCE. *See also*
 APPEARANCE NOTICE;
 JUDICIAL INTERIM
 RELEASE; RELEASE FROM
 CUSTODY
 Accused required to appear —
 offences not in a province,
 477.4(2), 481
 Act committed outside Canada,
 appearance at trial, 7(5.1)
 Agents —
 corporations, 800(3)
 summary conviction proceedings,
 800(2), (3)
 Compelling appearance of accused,
 572

APPEARANCE — *Continued*
 Default of appearance, procedure, 622
 First appearance, preliminary inquiry commences. *See* PRELIMINARY INQUIRY — Jurisdiction
 Judge defined for Part XVI, 493
 Notice. *See* APPEARANCE NOTICE
 Organizations —
 agent, by, 800(3)
 appearance and plea by counsel, 620
 preliminary inquiry, at, 538
 trial by provincial court judge, at, 556
 Probation order, modification of, compelling appearance of accused for, 732.2(6)
 Summary conviction proceedings — appearance by —
 both parties, trial to proceed, 800(1)
 corporate defendant, 800(3)
 counsel or agent, 800(1)
 compelling personal appearance, 800(2)
 ex parte procedure, 803(2), (3)
 failure to appear, 803(2)-(4)
 non-appearance of —
 defendant, 803(2), (3)
 prosecutor, 799, 803(4)
 prosecutor, failure to appear, 799, 803(4)
 Television or other means, 537(1)(j), 650(1.1), (1.2)
 Young persons, statement of right to counsel to be included in process compelling appearance, YC 25(9)

APPEARANCE NOTICE
 Cancellation of by justice, 508(1)(b), (c)
 Confirmation of by justice, 508(1)(b)
 Contents, 501(1)-(3)
 Continuation of, pending granting of discharge, 730(2)

APPEARANCE NOTICE —
Continued
 Definition, 493
 Failure to appear on —
 offence, and proof by certificate, 145(5), (8)-(11)
 summary conviction proceedings, 803(2), (3)
 warrant re fingerprinting, 502
 Issued by peace officer —
 after arrest without warrant, 497(1)(b), (2)
 person not yet charged with an offence, Form 9
 where not arrested, 496
 Issued on holiday, valid, 20
 Period in force, 523(1), (1.1)
 Proof by oral evidence of issuing officer, 501(5)
 Right to counsel statement to be included re young persons, YC 25(9)
 Signing by accused, 501(4)
 Vacating previous order, 523(2)

APPEARANCE OF JUSTICE. *See* CHARTER OF RIGHTS — Fair and public hearing, Fundamental justice; JUDGES — Adjudication

APPROVED SCREENING DEVICE. *See* BREATHALYZER

ARBITRARY DETENTION OR IMPRISONMENT, CH 9. *See also* CHARTER OF RIGHTS

ARMED FORCES. *See* CANADIAN FORCES

ARRAIGNMENT. *See* PLEAS; TRIAL — Arraignment and plea

ARREST. *See also* CHARTER OF RIGHTS — Arbitrary detention or imprisonment, Arrest or detention; RESISTING ARREST

- ARREST — *Continued*
 Arbitrary detention or imprisonment, CH 9
 Arrest of accused on release. *See* JUDICIAL INTERIM RELEASE
 Arrest without warrant re out-of-province offence, 503(3)
 Assault with intent to resist arrest, 270
 Bench warrant, 597
 Breach of peace, 31(1)
 Charter of Rights, CH 10
 Citizen's arrest, 494
 Common gaming house, keeper or person in, 199(2)
 Conditional release of accused, 503
 Consent of Attorney General re offences on ship registered outside Canada, 477.3(3)
 Criminal offence, arrest for, 495(1)(b)
 Delivery to peace officer by citizen, 30, 31(2), 494(3)
 Discharging air gun with intent to prevent, 244.1
 Discharging firearm with intent to prevent, 244
 Duty not to arrest, 495(2), (3)
 Duty to inform person arrested, 29(2), (3), CH 10(a), (b)
 Entry of dwelling-house to effect arrest —
 authorization, 529
 conditions in warrant, 529.2
 telewarrant, 529.5
 warrant, 529, 529.1
 without announcement, 529.4
 without warrant in exigent circumstances, 529.3
 Excessive force, 26
 Execution of duty, failure to assist officer, 129(b)
 Failure to assist public or peace officer, 129(b)
 Finds committing —
 citizen's arrest, 494(1)(a), (2)
- ARREST — *Continued*
 Finds committing — *Continued*
 police powers, 495(1)(b)
 Force, use of, 25(4), 26, 27, 32
 Found. *See* Territorial jurisdiction, *infra*
 Fresh pursuit, 494(1)(b)(ii).
 Hot pursuit, 477.3, 494(1)(b)(ii).
 Identification, arrest for, 495(2), (3)
 Informing of reasons for, 29(2), CH 10(a)
 Jurisdiction. *See* Hot pursuit, *supra*;
 Territorial jurisdiction, *infra*;
 JURISDICTION — Territorial
 Material witnesses, 698, 704-706
 Mental disorder. *See* MENTAL DISORDER
 Mistake, 28
 Outside Canada, 477.3
 Police officer, 495
 Private person, 494
 Protection of persons acting under authority, 25(3), (4), 28, 32(3)
 Reasonable and probable grounds —
 about to commit, 495(1)(a)
 arbitrary detention or imprisonment, CH 9,
 citizen in hot pursuit, 494(1)(b)
 police powers, 495
 Reasons for arrest, 29(2), CH 10(a)
 Release from custody, 497(1), 503
 Resisting —
 assault with intent, 270(2)
 causing death while, 230
 Right to counsel —
 informing of right on arrest or detention, CH 10(b)
 statement of right in warrant for young person, YC 25(9)
 Search and seizure, CH 8
 Security guard, 494
 Surrender to peace officer, 30, 31, 494(3)
 Taking arrested person before justice, 503(1), (3), 515, 706
 Territorial jurisdiction, 477.3, 495(1)(c), 503(3), 504(a), 514, 703

ARREST — *Continued*

Warrant, Form 7
 after indictment —
 filed, 578(1)(b)
 preferred, 597
 arrest of accused on release. *See*
 JUDICIAL INTERIM
 RELEASE
 committal warrant, execution, 744
 contents, 511(1), 513
 copy of telecommunication
 writing, affidavit or warrant,
 528(1.1)
 defaulting witness, 704-706
 definition, 493
 directed to whom, 513
 duty to have and produce
 warrant, 29(1), (3)
 duty to relate particulars, 29(2)
 endorsement of warrant, 528
 backing of warrant, 528
 other provinces, in, 528(1)
 execution, 514
 another jurisdiction after
 endorsement, in, 528
 anywhere in Canada/province,
 514(1)(b), 703
 issuing, 507(1), 508(1)(b)(ii), 512,
 513
 material witness, 698, 704-706
 production, 29
 protection —
 arresting wrong person, re,
 28(1)
 persons assisting, of, 25(2),
 28(2)(a), 31, 32(3)
 prison keeper, of, 28(2)(b)
 right to counsel, statement of right
 in warrant for young persons,
 YC 25(9)
 summary conviction proceedings,
 788(2)
 territorial jurisdiction —
 anywhere in Canada, 703(1)
 throughout the province, 703(2)
 valid until executed, 511(2)

ARREST — *Continued*

Warrant — *Continued*
 young persons, suspension of
 conditional supervision, YC
 107
 Warrantless —
 about to commit, 495(1)(a)
 arrest by —
 anyone, 494(1)
 owner, 494(2)
 breach of the peace, 30, 31
 citizen's arrest, 30, 31, 494
 common gaming house, 199(2)
 contravention of assessment order
 or disposition, 672.91
 criminal offence, 494(1)(b), (2),
 495(1)(b)
 duty not to arrest, 495(2), (3)
 duty to deliver arrested person to
 peace officer, 494(3)
 impractical to inform of reason
 for arrest, 29(2)
 indictable offence, 494(1)(a),
 495(1)(a)
 out-of-province offence, 503(3),
 (3.1)
 peace officer, arrest by, 31, 495
 prevent commission of offence, 27
 property, arrest, 494(2)
 release of accused, 497, 503
 riots, suppression of, 32
 young persons, suspension of
 conditional supervision, YC
 107(3)
 Without warrant. *See* Warrantless,
supra
 Witnesses, 704-706
 Wrong person, 28

ARSON
 Causing death while committing,
 230
 Colour of right or lawful excuse,
 429(2)
 Compulsion, duress, no defence, 17
 Defence of colour of right or lawful
 excuse, 429(2)

ARSON — *Continued*

Definition —
 arson, 433-436
 property, 428, 433-436
 Fraudulent purpose, arson for, 435
 Mens rea, 433
 presumption against holder or beneficiary of insurance, 435(2)
 property —
 accused owns, 434.1
 fraudulent purpose, for, 435
 not wholly owned by accused, 434
 violation of fire prevention law, 436
 Negligence, arson by, 436
 Ownership, 433-436
 Possession of incendiary material, 436.1
 Presumption —
 against holder or beneficiary of insurance, 435(2)
 deemed wilfully to cause event to occur, 429(1)
 Property —
 definition of, 428, 433-436
 ownership of 433-436
 Sentence, 433-436
 Threat of, against internationally protected person, 424
 Wilfully causing event to occur, 429(1)

ASSAULT. *See also* SEXUAL ASSAULT
 Aggravated, 268
 Assault with intent to resist arrest, 129, 270(1)(b)
 Bodily harm, defined, 2
 Causing bodily harm, 267(b)
 Compulsion no defence, 17
 Consent, 265(3), (4)
 Definition, 265
 Drunkenness, when no defence, 33.1
 Honest belief, defence of, 265(4)
 Impeding legal process, 270(1)(c)
 Included offences. *See* INCLUDED OFFENCES

ASSAULT — *Continued*

Internationally protected person —
 outside Canada, 7(3)
 threat of assault, 424
 Intoxication, when no defence, 33.1
 Offence, 266
 Police or peace officer, 129,
 270(1)(b)
 assault with intent to resist arrest,
 270(1)(b)
 execution of duty, 270(1)(a)
 Preventing, 37
 prize fight, 83
 Self-defence, 34-37
 Self-induced intoxication, when no defence, 33.1
 Sexual assault. *See* SEXUAL ASSAULT
 Weapon, with, 267(a)

ASSESSMENT. *See* MENTAL DISORDER

ASSISTANCE ORDER
 In aid of execution of authorization or warrant, 487.02

ASSISTING. *See* PARTIES TO OFFENCES

ATTEMPTS. *See also* INCLUDED OFFENCES
 Actus reus, 24(2)
 Attempt charged, full offence proved, 661
 Attorney General of Canada, attempts other than under Criminal Code, 2
 Autrefois convict, 661(2)
 Corruption by —
 judicial officer, 119(1)
 municipal official, 123(2)
 Counselling. *See* PARTIES TO OFFENCES
 Definition, 24(1), 24(2)
 Fixed platforms, 7(2.1)
 Full offence charged, attempt proved, 660

<p>ATTEMPTS — <i>Continued</i> Manslaughter. <i>See</i> MANSLAUGHTER Mere preparation, question of law, 24(2) Murder, 239 Obstruct justice, 139 Offences other than under Criminal Code, Attorney General of Canada, 2 Outside Canada re aircraft, airports, 7(2)(e) Overt act, 24(2) Sentence — indictable offence where punishment not provided, 463(a), (b), (d) summary conviction offence, 463(c), (d) Utter forged document, 368(1)(b) Verdicts — attempt charged, full offence proved, 661 full offence charged, attempt proved, 660</p> <p>ATTORNEY GENERAL/ SOLICITOR GENERAL. <i>See</i> also PROSECUTOR Abuse of process. <i>See</i> Stay of proceedings, <i>infra</i> Acting Attorney General, 2 Appeals. <i>See also</i> APPEALS; SUMMARY CONVICTION APPEALS indictable offences, 696 summary conviction offences, 813, 839(5) Attorney General of Canada — attempts, conspiracy, counselling, offences other than under Criminal Code, 2 criminal organization offences, 467.2 intervention by, 579.1 territories, with respect to, 2</p>	<p>ATTORNEY GENERAL/ SOLICITOR GENERAL — <i>Continued</i> Consent to — institute proceedings. <i>See</i> prosecute, <i>infra</i> prefer direct indictment, 577 prosecute. <i>See also</i> INDICTMENTS AND INFORMATIONS abduction, where no custody order, 283(2) advocating genocide, 318(3) fraudulent concealment of title documents, 385 hate propaganda, 319(6) non-citizen for offence on territorial sea, 477.2(2) nudity, 174(3) obscenity, if forfeiture ordered, 164(7) offences in or on territorial seas, 477.2 preferring indictment, 574(3), 577 recognizance, where fear of criminal organization offence, 810.01(1) terrorism investigative hearing, 83.28(3) terrorism offences, 83.24 terrorism recognizance, 83.3(1), 810.011(1) war crimes, WC 9(3) recommence proceedings dismissed for want of prosecution, 485.1 trial without jury, superior court, 473 Counsel instructed by him for the purpose, 579(1) Definition, 2 Intervention by Attorney General of Canada, 579.1, 795 Preferring indictment, 574, 577</p>
--	---

- ATTORNEY GENERAL/
SOLICITOR GENERAL —
Continued
- Proceeds of crime —
application for —
disclosure of income tax
information, 462.48
in rem forfeiture hearing,
462.38
restraint order, 462.33
copies may be made by Attorney
General before return, 462.46
forfeiture of property on
conviction, 462.37
regulations may be made by
Attorney General for forfeited
property, 462.5
residual disposal of property
seized or dealt with pursuant to
special warrants or restraint
orders, 462.43
search warrant application, 462.32
undertakings by Attorney
General, 462.33(6)
- Requirement of jury trial, 568, 569
Solicitor General, 2
- Stay of proceedings, 579, 579.1(2),
795
counsel instructed for the purpose,
579(1)
recommencement of proceedings,
579(2)
- Summary conviction appeals,
839(5). *See also* SUMMARY
CONVICTION APPEALS
- Weapons, exporting and importing
offences, Government of Canada
instituting proceedings, 103(3),
104(3)
- AUDIO LINKS. *See also* VIDEO
LINKS
- Evidence deemed to be given in
judicial proceedings, 136(1.1)
- Evidence may be received on
consent, 714.8
- Party calling witness to pay costs
associated with technology, 714.7
- AUDIO LINKS — *Continued*
- Witness inside Canada —
judge may make order, 714.3
subpoena may issue, 700.1
- Witness outside Canada —
evidence deemed to be given in
Canada, 714.6
evidence may be received, 714.4
evidence to be given under oath,
etc., 714.5
- AUTOMOBILE. *See also*
AUTOMOBILE MASTER KEY;
MOTOR VEHICLES
- Theft of, 333.1
- Vehicle identification number,
tampering with, 353.1
- AUTOMOBILE MASTER KEY
- Definition, 353(5)
- Licence to sell, purchase, have in
possession, 353(2)
- Offence, failure to comply, 353(4)
- Purchase, have in possession without
licence, 353(1)
- Records, keeping and producing,
353(3)
- Selling, offering, advertising without
licence, 353(1)
- AUTREFOIS ACQUIT, 607-610.
See also RES JUDICATA
- AUTREFOIS CONVICT, 607-610.
See also RES JUDICATA
- BAIL. *See* JUDICIAL INTERIM
RELEASE
- BAILEE, THEFT OF THINGS
UNDER SEIZURE, 324
- BANK ACT, FRAUDULENT
RECEIPTS UNDER, 390
- BANK NOTE, 2. *See also*
CURRENCY OFFENCES
- BAWDY HOUSE. *See* COMMON
BAWDY HOUSE

BEING AT LARGE

Failure to —
 attend court, 145(2), (8)-(11)
 comply, 145(3), (8), (10), (11)
 Lawful excuse, without, 145(1)(b)

**BENCH WARRANT, 597. See also
 ARREST**

BENEFIT. See also

CORRUPTION
 Conferring on official, 121
 Influencing appointment of office to
 obtain, 125
 Municipal corruption, 123
 Secret commission, 426

**BENEFIT OF LESSER
 PUNISHMENT, CH 11(i).**

BESETTING, 423(1)(f), (2)

**BESTIALITY, 160. See also
 SEXUAL OFFENCES**

**BETTING. See BETTING AND
 GAMING OFFENCES;
 DISORDERLY HOUSE;
 KEEPER; LOTTERIES**

**BETTING AND GAMING
 OFFENCES. See also
 DISORDERLY HOUSE;
 KEEPER; LOTTERIES**

Bet, defined, 197(1)
 Betting, pool-selling, book-making,
 etc., 202
 Book-making —
 exemptions to offences, 204(1)
 offences, 199
 punishment, 202(2)
 Cheating at play, 209
 Common betting house —
 definition, 197(1)
 exemptions, 204(1)
 found in, 201(2)(a), 204(1)
 keeper, 197(1), 201(1), 204(1)
 keeping, 201(1), 204(1)
 permitting use, 201(2)(b), 204(1)

**BETTING AND GAMING
 OFFENCES — Continued**

Common betting house —
Continued
 search warrant re suspected
 offence, 199(1)
 Common gaming house —
 definition, 197(1), (2)
 exception re social club, 197(2),
 (3)
 exemptions, 204(1)
 keeper, 197(1), 201(1), 204(1)
 keeping, 201(1), 204(1)
 owner permitting use, 201(2)(b)
 part of game played elsewhere,
 effect, 197(4)
 person found in, 201(2)(a)
 search warrant re suspected
 offence, 199(1)
 stake held elsewhere, effect, 197(4)
 used on one occasion only, 197(4)
 Equipment. *See* Gaming equipment,
infra
 Exception re agricultural fair, 206(3)
 Exemptions re —
 international cruise ship, 207.1
 pari-mutual system, 204
 Game defined, 197(1)
 Gaming equipment, defined, 197(1)
 Keeper, 197(1), 201(1)
 Keeping, 201(1), 204(1)
 Lotteries and games of chance, 206
 Off-track betting, 203
 Permitted lotteries, 207
 Placing bets on behalf of others, 203
 Pool-selling —
 exemptions, 204(1)
 offences re, 202(1)
 punishment, 202(2)
 search warrant re, 199(1)
 Race meetings, 204

**BETTING HOUSE. See BETTING
 AND GAMING OFFENCES;
 DISORDERLY HOUSE;
 LOTTERIES**

- BIGAMY**
 Defences, 290(2)
 Definition, 290(1)
 Form of marriage defined, 214
 Former marriage —
 acts of accused not to invalidate,
 290(5)
 deemed valid until proved invalid,
 290(4)
 Incompetence to marry, no defence,
 290(3)
 Marriage certificate as evidence,
 291(2)
 Punishment, 291(1)
- BILL OF INDICTMENT. See**
INDICTMENTS AND
INFORMATIONS
- BILL OF RIGHTS. See**
CANADIAN BILL OF RIGHTS
- BINDING OVER TO KEEP THE**
PEACE, 810(3), 810.1. See also
PEACE BOND
- BLACKMAIL. See EXTORTION**
 Indictment wording, 584
- BLOOD SAMPLES. See also**
BREATHALYZER; OVER 80
 Admissibility of test results, 320.31
 Approved container defined, 320.11
 Certificate of analysis, 320.32
 Demand for, 320.28(1)(a)(ii), (1)(b),
 (2)(b)
 Presumption, blood alcohol
 concentration, 320.31(4)
 Procedure for taking, 320.28(6), (7)
 Qualified medical practitioner —
 certificate of re blood sample,
 320.32
 defined, 320.11
 no criminal or civil liability,
 320.37
 taking samples, 320.28(1)(a)(ii),
 (2)(b), (4)(b)
 Qualified technician, 320.29
- BLOOD SAMPLES — Continued**
 Refusal to provide sample, offence,
 320.15
 Release of specimen for testing,
 320.28(10)
 Testing for drugs, 320.3
 Warrant to obtain, 320.29
- BOAT. See SHIPS**
- BODILY HARM. See also**
ASSAULT
 Acceleration of death by bodily
 injury, 226
 Assault causing bodily harm, 267(b),
 272(1)(c)
 Causing bodily harm —
 intent, with, 244, 244.1
 unlawfully, 269
 Compulsion by threats no defence,
 17
 Criminal negligence causing, 221
 Death. *See also* **DEATH**
 treatment of injury, from, 225
 Definition of bodily harm, 2
 Included offences, 662(5)
 Setting trap to cause, 247
 Sexual assault causing bodily harm,
 272(1)(c)
 Sovereign, bodily harm —
 evidence of overt acts, 55
 indictment, overt acts to be stated,
 581(4)
 Unlawfully causing bodily harm. *See*
 Causing bodily harm, *supra*
- BOOK-MAKING. See BETTING**
AND GAMING OFFENCES
- BOUNDARIES. See also**
JURISDICTION
 Defence of colour of right or lawful
 excuse, 429(2)
 Interference with —
 boundary lines, 442
 exception re surveyors, 443(2)
 international marks, 443(1)

BOXING

Prize fights prohibited, 83(1)
 Defence for certain boxing contests, 83(2)

BREACH OF CONTRACT. *See* CRIMINAL BREACH OF CONTRACT

BREACH OF PEACE

Arrest for, 31(1)
 Peace officer receiving person arrested for, 31(2)
 Prevention by person witnessing, 30

BREACH OF PROBATION. *See also* SENTENCE—Probation
 Certificate of analyst re drugs, 729
 Compliance with, 732.1(5)
 Jurisdiction, 733.1(2)
 Offence, 733.1(1)

BREACH OF RECOGNIZANCE,
 811

BREACH OF TRUST

Aggravating factor in sentencing, 718.2(a)(iii)
 Criminal breach of trust, 336
 Public officer, by, 122

BREAK-IN INSTRUMENTS. *See* BREAKING AND ENTERING

BREAKING AND ENTERING

Break defined, 321
 Break-in instruments, possession of, 351(1)
 Breaking out, 348(1)(c)
 Causing death while committing, 230
 Committing offence, and, 348(1)(b)
 Entering —
 defined, 350(a)
 dwelling house, 349
 Forcible entry, 72, 73
 Home invasion, 348.1
 Place defined, 348(3)

BREAKING AND ENTERING — *Continued*

Possession of instruments, for —
 breaking into coin-operated or currency exchange device, 352
 house-breaking, 351(1)
 Presumptions —
 breaking in/out, 348(2)
 deemed to have broken and entered, 350(b)
 entering or being in dwelling house, 349(2)

BREATHALYZER. *See also* BLOOD SAMPLES; MOTOR VEHICLES; OVER 80

Analysis of sample —
 admissibility in evidence, 320.31
 certificate of analysis, 320.32
 Certificate of analysis, 320.32
 Definitions —
 analyst, 320.11
 approved container, 320.11
 approved instrument, 320.11
 approved screening device, 320.11
 qualified medical practitioner, 320.11
 qualified technician, 320.11
 Demand for breath sample —
 breathalyzer demand, 320.28
 evidence of failure to comply, admissible, 320.31(10)
 failure to comply, 320.15
 roadside screening demand, 320.27
 Evidence of refusal to provide sample, 320.31(10)
 Failure to provide breath sample, 320.15
 Over 80, 320.14(1)(b)
 Printout from approved instrument, 320.33
 Refusal to provide sample, 320.15
 Right to counsel. *See* RIGHT TO COUNSEL
 Warning re evidence not required, 320.31(7)

- BRIBERY. *See* CORRUPTION
- BRITISH COLUMBIA
- Appeal court defined for —
 court of appeal, 2
 place of hearing, 814(3)
 proceedings re firearms
 prohibition orders, 111. *See also* WEAPONS — Firearms
 summary conviction appeals, 812
- Attorney General, 2
- Chief justice defined for —
- emergency authorizations for
 interception of private
 communications, 188(4). *See also*
 INTERCEPTION OF PRIVATE
 COMMUNICATIONS —
 Emergency authorizations
 judicial review of ineligibility for
 parole, 745.6(3)(e). *See also*
 PAROLE — Ineligibility for
 parole
- Court defined for —
 appeals, 2
 criminal jurisdiction, 2
 seizure warrants for hate
 propaganda publications,
 320(8)(d). *See also* HATE
 PROPAGANDA; SEARCH
 AND SEIZURE
 seizure warrants for obscene
 publications and child
 pornography, 164(8)(d). *See
 also* OBSCENITY; SEARCH
 AND SEIZURE
 superior court of criminal
 jurisdiction, 2
- Judge defined for —
 emergency authorizations for
 interception of private
 communications, 188(1), 552(e).
See also INTERCEPTION OF
 PRIVATE
 COMMUNICATIONS
 judicial interim release, 493(d)
- BRITISH COLUMBIA —
Continued
 Judge defined for — *Continued*
 Part XVI of Criminal Code,
 493(d). *See also* JUDICIAL
 INTERIM RELEASE;
 RELEASE FROM CUSTODY
 Part XIX of Criminal Code,
 552(e). *See also* INDICTABLE
 OFFENCES — Trial by judge
 alone; TRIAL — Judge alone
 trial
- Language of accused, regulations for
 Part XVII, 533. *See also*
 LANGUAGE OF ACCUSED
 Minister of Health for procuring
 miscarriage, 287(6)
- Parole, application to reduce
 ineligibility period, 745.6. *See also*
 PAROLE
- Summary conviction appeals —
 appeal court defined, 812(1)(c)
 place of hearing, 814(3)
- BROADCASTING. *See*
 PUBLICATION BAN
- BROTHER
 Defined re incest, 155(4)
- BUGGERY, 159. *See also* ANAL
 INTERCOURSE; SEXUAL
 OFFENCES
- BUILDING
 Arson, 433-436
 Breaking and entering. *See*
 BREAKING AND ENTERING
 Mischief, to property, 430
 Occupant injuring building, 441
- BULLION
 Conveying out of mint, 459(c)

- BURDEN AND ONUS OF PROOF.** *See also* PRESUMPTIONS AND INFERENCES
- Balance of probabilities — mental disorder, 16(2), 672.32(2).
See also MENTAL DISORDER
- presumption of fitness to stand trial, 672.22
- Cattle, theft or fraudulent taking, 338(4). *See also* ANIMALS
- Exceptions, proof of, 794, CD 48
- Fitness to stand trial. *See* Balance of probabilities — mental disorder, *supra*
- Lumber, lawful possession, 339(5)
- Mental disorder. *See* MENTAL DISORDER
- Negating exceptions, 794
- Proof on a balance of probabilities.
See Balance of probabilities, *supra*
- Reverse onus, CH 11(d)
- judicial interim release, 515(6), 522(2), 679
- Sanity, 16(2), (3). *See also* MENTAL DISORDER
- Sentencing hearing, disputed facts, 724(3)(d), (e)
- Sufficiency of evidence to put accused on trial, fitness, 672.33(3).
See also PRELIMINARY INQUIRY
- Weapons, authorization, licence, registration certificate, 117.11
- BURGLAR'S TOOLS.** *See* BREAKING AND ENTERING
- BURGLARY.** *See* BREAKING AND ENTERING
- BURIAL**
- Neglect re, 182(a)
- Registration of burial, defacing or falsifying, 377(1)(a), (b)
- BUSINESS RECORDS,** CE 30. *See also* DOCUMENTS
- BYLAWS.** *See* STATUTES
- CANADA EVIDENCE ACT**
- Adverse witnesses, CE 9. *See also* Prior inconsistent statements
- Application of Act, CE 2
- Attesting witness, CE 34
- Books and documents. *See* Documentary evidence, *infra*
- Business records. *See* Documentary evidence, *infra*
- Canada Gazette, CE 21, 32(2)
- Capacity to testify, CE 16, 16.1
- Child witness, CE 16.1
- Commission evidence, CE 43-51. *See also* COMMISSION EVIDENCE
- Competence and compellability. *See also* Witnesses, *infra*;
- COMPETENCE AND COMPELLABILITY**
- comment on failure to testify prohibited, CE 4(6). *See also* Self-incrimination, *infra*
- interest or crime, CE 3
- marital communications privilege, CE 4(3)
- oaths, CE 13-16, 53. *See also* COMPETENCE AND COMPELLABILITY — Oath solemn affirmation instead of oath, CE 14, 15, 53. *See also* COMPETENCE AND COMPELLABILITY — Oath
- Convictions, cross-examination upon, CE 12. *See also* CONVICTIONS; CROSS-EXAMINATION
- Copies —
- Acts of Parliament, CE 19
- banking records, CE 29(1)
- business records, CE 30(3), (12)
- by-laws, CE 24
- copies printed in Canada Gazette, CE 32(2)
- corporation records, CE 24(b)
- government and public documents, CE 19-28, 31(2)

- CANADA EVIDENCE ACT —
Continued
- Copies — *Continued*
microfilm and photographic documents, CE 31
notice of, CE 28
proof of handwriting, CE 33
public documents, CE 24, 25, 26, 28
- Cross-examination. *See also*
CROSS-EXAMINATION
convictions, CE 12
prior inconsistent statements, CE 10, 11
- Crown privilege, CE 37-39. *See also*
Privilege, *infra*
- Declarations. *See* Solemn declarations, *infra*
- Disabled witness, CE 6, 6.1
- Disclosure of government information, CE 37-39. *See also*
Privilege, *infra*
- Documentary evidence —
attesting witness, CE 34
books and documents —
admissibility, CE 25
bank records, CE 29
computer print-outs, CE 29(1)
copies of entries, CE 28
kept in office of Government of Canada, CE 26
notice of production of, CE 28
business records, CE 30
admissibility rules, CE 30(11)
affidavit evidence, CE 30(6)
copies, CE 30(3)
defined terms, CE 30(12)
inadmissible records, CE 30(10)
inference of non-occurrence, CE 30(2)
notice of production, CE 30(7)
ordinary course of business, made in, CE 30(1)
Canada Gazette, copies of, CE 32(2)
certified copies, CE 24
electronic documents. *See*
Electronic documents, *infra*
- CANADA EVIDENCE ACT —
Continued
- Documentary evidence — *Continued*
forged instrument, impounding of, CE 35
Governor General's proclamations, etc., CE 21
Imperial proclamations, etc., CE 20
judicial proceedings, evidence of, CE 23
lieutenant governor's proclamations, etc., CE 22
order signed by Secretary of State, CE 32(1)
photographic prints, CE 31
proof of handwriting of certifying person, CE 33
Queen's Printer, copies by, CE 19
Documents, not in derogation of proof of, CE 36
Documents sworn outside Canada, CE 54
Electronic documents —
best evidence rule satisfied, CE 31.2
burden of proof of authenticity, CE 31.1
definitions, CE 31.8
electronic signature regulations, CE 31.4
other rules not affected, CE 31.7
presumption of integrity of system, CE 31.3
proof by affidavit, CE 31.6
standards admissible, CE 31.5
Examination of witnesses in Canada, order for, CE 46-51
Expert witnesses, number of, CE 7.
See also EXPERT EVIDENCE
Foreign country, evidence received in —
classes of persons receiving, CE 52
documents, CE 54
oaths, CE 53
Foreign courts. *See* Proceedings in foreign courts, *infra*

CANADA EVIDENCE ACT —
Continued
 Government information, disclosure
 of —
 national security/international
 relations objection, CE 38,
 38.16, Schedule
 objection to, CE 37
 Queen's Privy Council confidence
 objection, CE 39
 Government records, CE 24, 26, 28
 Handwriting —
 certification, CE 33
 comparison by witnesses, CE 8
 Imperial proclamations, orders,
 treaties, proving, CE 20
 Impounding of forged instrument,
 CE 35
 Insurance proofs, CE 42
 Journalistic sources, CE 39.1
 Judicial notice. *See* JUDICIAL
 NOTICE
 Judicial proceedings, evidence of
 proceedings, CE 23, 28. *See also*
 JUDICIAL PROCEEDINGS
 Microfilmed records, CE 31. *See*
also Copies, *supra*
 Notarial acts in Quebec, CE 27
 Notice of copies, CE 28
 Oaths. *See also* Competence and
 compellability, *supra*
 evidence of children, CE 16.1
 received in foreign country, CE 53
 solemn affirmation —
 deponent, by, CE 15
 instead of, CE 14
 taken abroad, CE 53
 witness of questionable capacity,
 CE 16, 16.1
 inquiry required, CE 16(1), 16.1
 promise to tell truth, CE 16(3),
 16.1(6)
 Officials outside Canada, CE 52-54
 Photocopies. *See* Copies, *supra*;
 Documentary evidence, *supra*
 Prior inconsistent statements. *See*
also PRIOR INCONSISTENT
 STATEMENTS

CANADA EVIDENCE ACT —
Continued
 Prior inconsistent statements —
Continued
 oral, CE 11
 written, CE 10
 Privilege —
 Cabinet, CE 39
 international relations. *See*
 national security, *infra*
 national defence. *See* national
 security, *infra*
 national security, CE 38-38.16,
 Schedule
 annual report to Parliament,
 CE 38.17
 appeal to —
 Federal Court of Appeal, CE
 38.09
 Supreme Court of Canada, CE
 38.1
 application to Federal Court,
 CE 38.04
 Attorney General may —
 apply to Federal Court
 respecting disclosure, CE
 38.04
 authorize disclosure, CE 38.03
 be required to give notice, CE
 38.07
 enter into disclosure
 agreement, CE 38.031
 issue fiat to assume
 prosecution, CE 38.15
 issue prohibition certificate,
 CE 38.13
 definitions, CE 38
 designated entities, CE
 Schedule
 disclosure prohibited, CE 38.02
 ex parte representations —
 public hearing, CE 38.11(3)
 hearing in National Capital
 Region, CE 38.11(1.1)
 hearing to be in private, CE
 38.11(1)
 judge may order disclosure, CE
 38.06

- CANADA EVIDENCE ACT —
Continued
- Privilege — *Continued*
- national security — *Continued*
- notice to Attorney General of Canada, CE 38.01
- notice to Minister of National Defence, CE 38.01(5), (6)
- opportunity to make submissions, CE 38.11(2)
- prohibition certificate, CE 38.13
- protection of right to fair trial, CE 38.14
- protective order, CE 38.12
- reference to Federal Court of Appeal, CE 38.08
- regulations, CE 38.16
- report to presiding officer, CE 38.05
- review of prohibition certificate, CE 38.131
- Privy Council, CE 39
- specified public interest, CE 37
- appeal to —
- court of appeal, CE 37.1
- Supreme Court of Canada, CE 37.2
- protection of right to fair trial, CE 37.3
- Proceedings in foreign courts —
- application of Act, CE 43
- construction of Act, CE 45
- defined terms, CE 44
- order for examination of witness in Canada —
- administering oath, CE 49
- enforcement of order, CE 47
- expenses and conduct money, CE 48
- letters rogatory, enforcement of, CE 46, 51(2)
- procedure, CE 46
- refusal to answer/produce document, CE 50
- rules of court, CE 51(1)
- video links, CE 46
- CANADA EVIDENCE ACT —
Continued
- Proclamations, orders, regulations, CE 21, 22
- Provincial laws of evidence, CE 40
- Public documents, CE 24, 25, 26, 28
- Regulations, CE 21, 22
- Secretary of State of Canada, orders of, CE 32(1)
- Self-incrimination, CE 5
- comment on failure to testify prohibited, CE 4(6)
- convictions, cross-examination upon, CE 12
- Short title, CE 1
- Solemn affirmation. *See* Oaths, *supra*
- Solemn declarations, CE 41, 42, 53, 54. *See also* SOLEMN DECLARATIONS
- Statutory declaration, form of, CE 41
- Witnesses —
- adverse witnesses —
- cross-examination without proof of adversity, CE 9(2)
- proof of statement of, CE 9(1)
- competence of —
- accomplice, of, CE 3
- interest/crime, by reason of, CE 3
- spouse —
- accused, of, CE 4
- comment by trial judge/prosecutor, CE 4(6)
- communications during marriage, CE 4(3)
- failure to testify, CE 4(6)
- deposition of, CE 10(2)
- disabled person, CE 6
- expert witnesses, calling of, CE 7
- handwriting comparison, re, CE 8
- incriminating questions —
- admissibility of answer, CE 5(2)
- obligation to answer, CE 5(1)
- mental capacity challenged, CE 16
- mute, evidence of, CE 6
- oaths of. *See* Oaths, *supra*

CANADA EVIDENCE ACT —
Continued

Witnesses — *Continued*
 previous convictions, examination
 re, CE 12
 previous statements of —
 cross-examination re, CE 10
 oral statements, CE 11

CANADIAN BILL OF RIGHTS

Affect on existing rights and
 freedoms, BR 5(1)
 Application, BR 5(3)
 Construction of law, BR 2
 arbitrary detention, BR 2(a)
 criminatory evidence before
 tribunal, BR 2(d)
 cruel and unusual punishment,
 BR 2(b)
 guarantee to reasonable bail, BR
 2(f)
 right to counsel, BR 2(c)
 right to fair hearing, BR 2(e)
 Cruel and unusual punishment, BR
 2(b)
 Duties of Minister of Justice, BR 3
 “Law of Canada” defined, BR 5(2)
 Rights and freedoms, BR 1
 counsel, right to, BR 2(c)
 equality before the law, BR 1(b)
 fair hearing, right to, BR 2(e)
 freedom of —
 assembly/association, BR 1(e)
 press, BR 1(f)
 religion, BR 1(c)
 speech, BR 1(d)
 interpreter, assistance of, BR 2(g)
 life, liberty and security, BR 1(a)
 Short title, BR 4

CANADIAN CHARTER OF
RIGHTS AND FREEDOMS.
See CHARTER OF RIGHTSCANADIAN FORCES. *See also*
MILITARY

Assisting deserter, 54
 Counselling disloyalty, 62

CANADIAN FORCES —
Continued

Definition, 2
 Exempted re weapons offences,
 117.08, 117.1. *See also*
 WEAPONS
 Governing law not affected, 5
 Inciting to mutiny, 53
 Officers and non-commissioned
 members as peace officers, 2
 Suppression of riot, 32(2)
 Weapons offences, exceptions for, 92

CARELESS HANDLING OF
FIREARM, 86, 87CARRIAGE OF PROHIBITED
GOODS

Forfeiture order, 401(2)
 Obtaining by false representation,
 401(1)

CASE MANAGEMENT

Adjudication of issues, 551.3
 admissibility of evidence,
 551.3(1)(g)(ii)
 Charter issues, 551.3(1)(g)(iii)
 disclosure of evidence,
 551.3(1)(g)(i)
 expert evidence, 551.3(1)(g)(iv)
 severance, 551.3(1)(g)(vi)
 Appointment of case management
 judge, 551.1
 Case management judge —
 adjudication of issues, 551.3
 appointment of, 551.1
 joint hearing by, 551.7
 powers of before trial on merits,
 551.3
 referral of issues to during trial on
 merits, 551.6
 role of, 551.2
 Court record, information to be
 included in, 551.4
 Decisions bind parties, after —
 mistrial, 653.1
 severance, 591(4.1), (4.2)
 Joint hearing, 551.7

- CASE MANAGEMENT —
Continued
 Referral of issues during trial on merits, 551.6
 Rules for, 482.1
 Rulings binding, following —
 mistrial, 653.1
 severance, 591(4.1), (4.2)
 Severance, 551.3(1)(g)(vi)
 Trial to be continuous, 551.5
- CATTLE. *See* ANIMALS
- CAUSE DISTURBANCE
 Discharging firearms, 175(1)(d)
 Inference of disturbance, 175(2)
 Public place, in, 175(1)(a)
- CAUSING BODILY HARM. *See* BODILY HARM
- CERTIFICATES. *See also* DOCUMENTS
 Analyst, of, CD 51
 Citizenship certificate, fraudulent use, 58
 Clerk of court, by, 145
 Controlled substances certificate of analyst, CD 51
 Conviction for keeping common bawdy house, 210(3), (4)
 Convictions, 667(4). *See also* CONVICTIONS
 Counterfeit, examiner of, 461(2), (3)
 Declarations, CE 41, 42, 53, 54
 Dismissal, summary conviction proceedings, 808(2)
 Drugs, certificate of analyst, CD 51
 Fail to appear, proof of facts, 145(9), (10), (11)
 Fail to comply, proof of facts, 145(9), (10), (11)
 Fail to comply with Sex Offender Information Registration Act, 490.031(3), (4), (5)
 Fingerprints, 667, Forms 44, 45. *See also* FINGERPRINTS;
 IDENTIFICATION OF CRIMINALS ACT
- CERTIFICATES — *Continued*
 Firearms. *See* WEAPONS —
 Firearms, firearms acquisition certificate
 Forms. *See* FORMS AND SCHEDULES
 Marriage certificate as evidence, 291(2)
 Notice of intention re. *See also* NOTICE
 government and public documents, CE 28
 photographic evidence of property, 491.2(5)
 Photographic evidence of property, 491.2(2), (3)
 Schedules. *See* FORMS AND SCHEDULES
 Service of certificates, 4(6), (6.1), (7), 145(11)
 Solemn declarations, CE 41, 42, 53, 54. *See also* SOLEMN DECLARATIONS
 Summary conviction proceedings, certificate of dismissal, 808(2)
 Territorial jurisdiction of states, 477.4(3), (4). *See also* JURISDICTION — Territorial
- CERTIORARI. *See also* EXTRAORDINARY REMEDIES
 Appeal from grant or refusal, 784(1), (2)
 Not required to review summary conviction, 833
 Quash warrant of committal, 782. *See also* WARRANTS
 Removal of conviction or order, when remedy not available, 776
 Review of conviction order —
 correction of sentence, 777(2)(a), (3)
 dismissal of motion to quash, effect, 780
 invalid, when not to be held, 777(1)
 irregularities, for, 777(1), 778

CERTIORARI — *Continued*
 Review of conviction order —
Continued
 powers of judge, 777(1)
 quashing conviction, order for
 protection of magistrate, 783
 recognizance, order for, 779
 remission of sentence, 777(2)(b),
 (3)
 want of proof of order in council
 not ground for quashing, 781
 Rules of court re, 482(3)(c)

CHALLENGE. *See* JURIES

CHANGE OF VENUE. *See also*
 TRIAL

Authority to remove prisoner, 600
 Defamatory libel, 478(2)
 Grounds for, 599(1)
 Language of accused, 530.2
 Order for, 599

CHARACTER AND
 CREDIBILITY

Bad character evidence, 666
 Complainant —
 character re sexual offences, 276,
 278.93-278.97
 sexual activity —
 application for hearing re
 admissibility on sexual
 offences, 278.93
 charge to jury, 278.96
 complainant not a compellable
 witness at hearing, 278.94(2)
 factors to be considered re
 admissibility, 276(3)
 form and content of
 application, 278.93(2)
 hearing to be granted if
 application and evidence
 satisfactory, 278.93(4)
 inadmissible on sexual offences,
 276(1)
 jury and public to be excluded
 —
 application, during, 278.93(3)

CHARACTER AND

CREDIBILITY — *Continued*

Complainant — *Continued*

sexual activity — *Continued*

jury and public to be excluded

— *Continued*

hearing, from, 278.94(1)

offence to violate publication
 ban, 278.95(2)

publication ban re application
 and hearing, 278.95(1)

reasons for judgment at

hearing, content of, 278.94(4)

recording of reasons for

judgment at hearing,

278.94(5)

when admissible on sexual
 offences, 276(2)

Credibility, protected statements,
 672.21(3)(f). *See also*

PRIVILEGE

Dangerous offenders, character
 evidence, 757

Defamatory libel, 311

Good character evidence, 666

Impeaching credibility, CE 12

Modes of proof, specific instances of
 sexual activity, 276(2)

Previous convictions, 666, CE 12

Previous statements, cross-

examination upon, CE 9(2), 10, 11

Reputation evidence, re sexual
 offences, 277

Statement during youth justice court
 assessment as prior inconsistent
 statement, YC 147(2)(f). *See also*

PRIOR INCONSISTENT
 STATEMENTS; YOUTH
 CRIMINAL JUSTICE ACT

CHARGED WITH AN

OFFENCE. *See* CHARTER OF
 RIGHTS

CHARTER OF RIGHTS

Aboriginal rights and freedoms, CH
 25

CHARTER OF RIGHTS —
Continued

Abuse of process, CH 7. *See also*
Fundamental justice, *infra*

Accused is not a compellable
witness, CH 11(c). *See also* SELF-
INCRIMINATION

Amendments, constitutional, CH 52

Annual sitting of legislative bodies,
CH 5

Application, CH 30-33
equality rights, delay of
application, CH 32(2)
evidence. *See* Evidence, *infra*
full answer and defence. *See*
Fundamental justice, *infra*;
TRIAL

government of Canada, CH
32(1)(a)

legislative powers not extended,
CH 31

override provision, CH 33

provinces, CH 32(1)(b)

reading down. *See* Supremacy
clause, *infra*

reasonable limits. *See* Reasonable
limits, *infra*

territories, CH 30, 32(1)(a)

Arbitrary detention or
imprisonment, CH 9. *See also*
Arrest or detention, *infra*
dangerous offenders. *See*
DANGEROUS OFFENDERS

reverse onus, CH 11(d). *See also*
JUDICIAL INTERIM
RELEASE; RELEASE FROM
CUSTODY

Arrest or detention, CH 10. *See also*
Arbitrary detention or
imprisonment, *supra*

Benefit of lesser punishment, CH
11(i)

Charged with an offence, CH 11
accused is not a compellable
witness, CH 11(c). *See also*
SELF-INCRIMINATION

benefit of lesser punishment, CH
11(i)

CHARTER OF RIGHTS —
Continued

Charged with an offence —
Continued

compelled to be a witness, CH
11(c). *See also* SELF-
INCRIMINATION

double jeopardy, CH 11(h). *See
also* DOUBLE JEOPARDY;
PLEAS; RES JUDICATA

fair and public hearing, CH 11(d).
See also Fundamental justice,
infra; TRIAL — Fair trial

independent and impartial
tribunal, CH 11(d)

informed of the offence, CH 11(a)

jury trial, right to, CH 11(f). *See
also* TRIAL — Jury trial

presumption of innocence, CH
11(d)

reasonable bail, CH 11(e)

retrospectivity, CH 11(g)

reverse onus, CH 11(d)

right to confrontation, CH 11(d)

right to counsel, CH 10(b), YC 11,
25, 107, 146. *See also* RIGHT
TO COUNSEL

trial within a reasonable time, CH
11(b)

Citation of Charter by name, CH 34

Compelled to be a witness, CH
11(c). *See* SELF-
INCRIMINATION

Confrontation, CH 11(d)

Constitutional amendments, CH 52

Court of competent jurisdiction, CH
24(1). *See also* COURTS;
JURISDICTION — Courts

inherent jurisdiction. *See*
JURISDICTION

Nunavut Court of Justice, 573

search and seizure. *See* SEARCH
AND SEIZURE

standing, CH 240

Cruel and unusual treatment or
punishment, BR 2(b), CH 12

constitutional right, CH 12

CHARTER OF RIGHTS —

Continued

Cruel and unusual treatment or punishment — *Continued*
 psychiatric or other treatment not to be directed, 672.55(1). *See also* MENTAL DISORDER

Cultural heritage, CH 27

Democratic rights, CH 3

Demonstrably justified, CH 1

Derivative evidence, CH 24(2)

Detention, CH 9, 10

Disability, CH 15

Disclosure and discovery. *See* Fair and public hearing, *infra*; Fundamental justice, *infra*;
 DISCLOSURE AND DISCOVERY

Discrimination, CH 15

Double jeopardy, CH 11(h). *See also* DOUBLE JEOPARDY; PLEAS; RES JUDICATA

Economic rights, CH 7

Enforcement, CH 24. *See also* Exclusion of evidence, *infra*; Remedies, *infra*

Equality rights, BR 1(b), CH 15
 counsel of one's choice. *See* RIGHT TO COUNSEL
 court costs. *See* Remedies, *infra*
 non-publication order. *See* PUBLICATION BAN
 sexual activity of complainant, admissibility re sexual offences, 276(3)(f)

Evidence —
 exclusion of evidence, CH 24(2)
 fair and public hearing, CH 11(d)
 presumption of innocence, CH 11(d)
 reasonable limits, CH 1

Exclusion of evidence, CH 24(2)
 bring the administration of justice into disrepute, CH 24(2)
 causation, causal link necessary, CH 24(2). *See also* Remedies, *infra*
 derivative evidence, CH 24(2)

CHARTER OF RIGHTS —

Continued

Exclusion of evidence — *Continued*
 right to silence. *See* SELF-INCRIMINATION
 self-incrimination. *See* SELF-INCRIMINATION

Fair and public hearing, BR 2(e), CH 11(d). *See also* FULL ANSWER AND DEFENCE
 confrontation, CH 11(d)
 publication ban. *See* Freedom of — press and other media, *infra*
 right to —
 call witnesses, CH 11(d)
 confrontation, CH 11(d)
 counsel. *See* RIGHT TO COUNSEL

Fair trial. *See* Fair and public hearing, *supra*; Fundamental justice, *infra*; FULL ANSWER AND DEFENCE

Free and democratic society, CH 1

Freedom of —
 assembly, BR 1(e), CH 2(c)
 association, BR 1(e), (f), CH 2(d). *See also* press and other media, *infra*
 conscience and religion, CH 2(a)
 expression, BR 1(d), CH 2(b)
 press and other media, BR 1(f), CH 2(b)

Fundamental freedoms, CH 2

Fundamental justice, CH 7
 reading down, CH 52
 reverse onus, CH 11(d)
 right to counsel. *See* RIGHT TO COUNSEL
 sections 8 to 13 do not exhaust s. 7 rights, CH 7
 self-incrimination. *See* SELF-INCRIMINATION

Habeas corpus, CH 10(c). *See also* HABEAS CORPUS

Independent and impartial tribunal, CH 11(d)

Informed of —
 offence, CH 11(a)

CHARTER OF RIGHTS —
Continued
 Informed of — *Continued*
 reason for arrest or detention, CH 10
 Interpretation —
 amendments, constitutional, CH 52
 declaration of invalidity, CH 52
 proportionality, CH 1
 rational relationship, CH 1
 reading down, CH 52
 severance of invalid part, CH 52
 valid governmental objective, CH 1
 Interpreter, right to, CH 14
 Jury trial, right to, CH 11(f)
 Language rights, CH 23
 Legislative —
 bodies, CH 4, 5
 override, CH 23
 powers not extended by Charter, CH 31
 Lesser punishment, CH 11(i)
 Life, liberty and security, BR 1(a), CH 7. *See also* Fundamental justice, *supra*
 right to —
 silence. *See* SELF-INCRIMINATION
 work, CH 6
 self-incrimination. *See* SELF-INCRIMINATION
 sexual activity of complainant, admissibility re sexual offences, 276(3)(f)
 Maximum sitting of legislative bodies, CH 4
 Minority language educational rights, CH 23
 Mobility rights, CH 6
 Multicultural heritage, CH 27. *See also* Freedom of expression, *infra*
 Natural justice. *See* Fair and public hearing, *infra*; Fundamental justice, *infra*
 Notwithstanding clause, CH 33

CHARTER OF RIGHTS —
Continued
 Official languages of Canada, CH 16-22
 Other rights and freedoms not affected by Charter, CH 26
 Override provision, CH 33
 Presumption of innocence, CH 11(d). *See also* PRESUMPTION OF INNOCENCE; REVERSE ONUS
 Protection of privacy. *See* Remedies, *infra*; INTERCEPTION OF PRIVATE COMMUNICATIONS; SEARCH AND SEIZURE
 Reading down, CH 52
 Reasonable bail, CH 11(e)
 Reasonable limits, CH 1
 Remedies, CH 24
 bring the administration of justice into disrepute, CH 24(2)
 causation, CH 24(2)
 reading down, CH 52
 reasonable limits, CH 1
 severance of invalid part, CH 52
 striking down, CH 52
 Res judicata, CH 11(h). *See also* DOUBLE JEOPARDY; RES JUDICATA
 Retrospectivity, CH 11(g)
 Reverse onus, CH 11(d). *See also* MENTAL DISORDER — Criminal responsibility
 Right to —
 confrontation, CH 11(d). *See also* Fair and public hearing, *supra*
 counsel. *See* RIGHT TO COUNSEL
 interpreter, CH 14
 silence. *See* SELF-INCRIMINATION
 vote, CH 3
 work, CH 6, 7
 Rights guaranteed equally to both sexes, CH 28
 Rights respecting certain schools preserved, CH 29

<p>CHARTER OF RIGHTS — <i>Continued</i></p> <p>Rulings by case management judge, 551.3</p> <p>Schools, CH 29</p> <p>Self-incrimination. <i>See</i> SELF-INCRIMINATION</p> <p>Silence. <i>See</i> SELF-INCRIMINATION — Right to silence</p> <p>Speedy trial, CH 11(b)</p> <p>Striking down, CH 52</p> <p>Supremacy clause, CH 52 (Constitution Act, 1982)</p> <p>constitutional exemption, CH 52</p> <p>declaration of invalidity, CH 52</p> <p>reading down legislation, CH 52</p> <p>severance of invalid part, CH 52</p> <p>Territories, CH 30, 32(1)(a)</p> <p>Trial within a reasonable time, CH 11(b)</p> <p>Voting rights, CH 3</p> <p>CHEATING AT PLAY, 209. <i>See also</i> BETTING AND GAMING OFFENCES</p> <p>CHEQUE. <i>See also</i> FALSE PRETENCES; FRAUD</p> <p>Definition, 362(5), 364(3)</p> <p>Presumption of false pretence, 362(4)</p> <p>CHILD. <i>See also</i> CHILD ABUSE; SEXUAL OFFENCES; YOUTH CRIMINAL JUSTICE ACT</p> <p>Abandoning, 218</p> <p>Abduction, under fourteen, 281-286</p> <p>Abuse of offender's, constituting aggravating factor on sentencing, 718.2(a)(ii.1)</p> <p>Age, proving, 658, YC 148</p> <p>Arranging to commit offence by telecommunication, 172.2</p> <p>Ban on publication of identity, 486.4. <i>See also</i> PUBLICATION BAN — Young person</p> <p>Child pornography, 163.1</p>	<p>CHILD — <i>Continued</i></p> <p>Concealing body, 243</p> <p>Consent of child — defence, 150.1(2) no defence, 150.1(1), 286</p> <p>Correction using reasonable force, 43</p> <p>Corroboration. <i>See</i> Evidence, <i>infra</i></p> <p>Corrupting children, 172</p> <p>Definition, re offences against the person, 214</p> <p>Evidence. <i>See also</i> EVIDENCE</p> <p>competence and compellability, CE 16, 16.1</p> <p>corroboration warning abrogated, 659</p> <p>counsel to be appointed to cross-examine, 486.3</p> <p>oaths, CE 16, 16.1</p> <p>proof of age, 658</p> <p>screen may be used, 486.2</p> <p>support person may be present, 486.1</p> <p>testifying outside courtroom, 486.2</p> <p>videotaped, 715.1</p> <p>young person's statements, YC 146, 147</p> <p>Exposure of genitals to person under 14, 173(2)</p> <p>Fear of sexual offence against child, 810.1, 811</p> <p>Human being, when becoming, 223(1)</p> <p>Injury before or during birth causing death, 223(2)</p> <p>Killing of, 223(2), 233, 237, 238</p> <p>Luring by telecommunication, 172.1</p> <p>Making arrangement with person to commit offence, 172.2</p> <p>Making sexually explicit material available to child, 171.1</p> <p>Necessaries for, duty to provide, 215. <i>See also</i> PARENT</p> <p>Pornography, 163.1. <i>See also</i> CHILD PORNOGRAPHY</p> <p>Removal of child from Canada for a sexual purpose, 273.3</p>
---	---

CHILD — *Continued*

Sexual activity —
 child pornography, 163.1. *See also*
 CHILD PORNOGRAPHY
 corrupting children, 172
 exposure of genitals to person
 under 14, 173(2)
 fear of sexual offence against
 child, 810.1, 811
 householder or occupier
 permitting sexual activity, 171
 incest, 155
 parent or guardian procuring
 sexual activity, 170
 removal of child from Canada for
 a sexual purpose, 273.3
 sexual exploitation, 153
 sexual interference, 151
 sexual touching, 152
 Under twelve, no conviction, 13
 Videotaped evidence, 715.1
 Witness, 486, CE 16.1
 Young person defined, 153(2)

CHILD ABUSE. *See also* CHILD;
SEXUAL OFFENCES

Abandoning child, 218
 Arranging to commit offence by
 telecommunication, 172.2
 Bestiality in presence of child, 160(3)
 Child luring, 172.1
 arranging to commit child sexual
 offence by telecommunication,
 172.2
 making sexually explicit material
 available to child, 171.1
 Child pornography. *See* CHILD
 PORNOGRAPHY
 Consent no defence, 150.1(1)
 Defences, 150.1
 Failing to provide necessities, 215
 Guardian procuring sexual activity,
 170
 Householder permitting sexual
 activity, 171
 Incest, 155
 Invitation to sexual touching, 152
 Luring by telecommunication, 172.1

CHILD ABUSE. *See also* CHILD;
SEXUAL OFFENCES —

Continued
 Making arrangement with person to
 commit offence, 172.2
 Making sexually explicit material
 available to child, 171.1
 Parent procuring sexual activity, 170
 Prohibition order, 161
 Protection while testifying —
 accused not to cross-examine,
 486.3
 ban on publication of identity,
 486.4
 capacity to testify, 16.1
 exclusion of public, 486
 failing to comply with non-
 publication order, 486.6
 support person, 486.1
 testimony outside court, 486.2
 Sentencing —
 aggravating factor, 718.2(a)(ii.1)
 objectives of sentencing, 718.01
 profiting from child pornography
 aggravating factor, 163.1(4.3)
 Sexual exploitation, 153
 judge may infer exploitative
 relationship, 153(1.2)
 Sexual interference, 151
 CHILD PORNOGRAPHY, 163.1
 Ban on publication of identity of
 complainant or witness, 486.4
 Charges barred if forfeiture or
 restoration order made, 164(7)
 Closing Internet site, 164.1
 Defence —
 artistic merit, 163.1(6)
 educational, scientific or medical
 purpose, 163(6)
 mistake as to age no defence,
 163.1(5)
 serving the public good, 163(3)-
 (5), 163.1(7)
 Definition, 163.1
 Distribution or sale of, 163.1(3)
 Enterprise crime offence proceeds of
 crime, 462.3

CHILD PORNOGRAPHY —
Continued

Forfeiture of materials, 164.2
relief from forfeiture, 164.3
Intent to profit aggravating factor,
163.1(4.3)
Making child pornography, offence,
163.1(2)
Mistake as to age no defence,
163.1(5)
Offence for interception of private
communications, 183
Possession of, 163.1(4)
for purpose of sale, 163.1(3)
Prohibition on publication of
identity —
court proceedings, in, 486.3(4))
Review Board proceedings, in,
672.501(2)
Question of law whether advocating
sexual activity, 163.1(7)
Warrant of seizure, 164

CHILDBIRTH

Concealing body of child, 243
Infanticide —
definition, 233
punishment, 237
verdict of jury —
concealing body proved, 662(4)
killing proved, no acquittal
unless not wilful, 663
Killing unborn child in act of birth,
238
Neglect to obtain assistance during,
242

CHILDREN'S EVIDENCE. *See*
CHILD — Evidence;
EVIDENCE

CHOKING

Attempt, to aid commission of
offence, 246(a)
Murder, choking as, 230(c)

CINEMATOGRAPHIC WORK

Unauthorized recording, 432
commercial purposes, for, 432(2)

CINEMATOGRAPHIC WORK —
Continued

Unauthorized recording —
Continued
forfeiture of equipment, 432(3),
(4)

CITIZEN

Arrest without warrant by any
person, 494
Offence committed by non-citizen
on territorial sea, 477.2(2)

CITIZENSHIP CERTIFICATE,
58(2)

Certificate of naturalization, 58(2)
Fraudulent use, 58(1)

CIVIL PROCEEDINGS

Arrest, peace officer deemed to be
acting lawfully, 495(3)
Commission evidence, 714
Disclosure of information re private
communication, 193(2)(a)
Fines, civil enforcement, 734.6,
735(2)
Forfeiture, civil enforcement, 734.6
Protection of persons acting under
authority, 25
Protection order, 783
Remedies —
preservation of civil remedies, 11
Restitution. *See also* SENTENCE
civil remedy not affected by
restitution order, 741.2
enforcing restitution order, 741(1)
Sentence. *See* Fines, *supra*;
Restitution, *supra*
Threat to institute not basis of
extortion, 346(2)

CIVIL REMEDIES. *See* CIVIL
PROCEEDINGS — Remedies

CIVIL RIGHTS. *See also*
CANADIAN BILL OF
RIGHTS; CHARTER OF
RIGHTS; CIVIL
PROCEEDINGS

- CIVIL RIGHTS** — *Continued*
 Civil remedies preserved, 11
 Loss of, for certain convictions, 750
- CLERGY**
 Obstructing from performing service, 176(1)
- CLERK OF THE COURT**
 Appeal court, clerk of —
 definition re summary conviction proceedings, 785
 Certificate of, re failure to appear or comply, 145(9)-(11)
 Definition, 2
 Entering stay directed by Attorney General, 579
- COASTAL WATERS OF CANADA**
 Definition, 339(6)
 Offences in, above or beyond continental shelf, 477.1
- COCKPIT**
 Building or keeping, 447(1)
 Confiscation of cocks, 447(3)
 Offence, 447(2)
- COIN.** *See* COIN-OPERATED DEVICE; CURRENCY OFFENCES
- COIN-OPERATED DEVICE**
 Possession of instruments for breaking into, 352
- COLLATERAL FACTS RULE**
 Cross-examination upon previous convictions, CE 12
 Exceptions —
 convictions, CE 12
 prior inconsistent statements, CE 9, 10, 11
 Rebuttal evidence, 666
- COLOUR OF RIGHT.** *See* DEFENCES
- COMMISSION**
 Evidence on commission, 709-713.1
 Secret commissions, 426
- COMMISSION EVIDENCE,** 709-713.1
 Application, 710(1), 712(1)
 Evidence of medical practitioner, 710(2)
 Oath, affirmation, CE 53
 Order appointing commissioner, 709, 710, 712
 Presence of accused when taken, 713(1)
 Procedure as in civil cases, 714
 Reading in commission evidence at proceedings —
 witness ill, conditions, 711
 witness out of Canada, 712(2)
 Return of evidence, provision in order, 713(2)
 Witness unable to attend, 709, 710
- COMMITTAL.** *See* PRELIMINARY INQUIRY; WARRANTS
- COMMON BAWDY HOUSE.** *See also* DISORDERLY HOUSE; KEEPER; PROCURING
 Definition, 197(1)
 Found-in, 210(2)(b)
 Inmate, 210(2)(a)
 Keeper, 210
 Keeping, etc., 210(1), (2)
 Notice of conviction, 210(3), (4)
 Permitting use, 210(2)(c)
 Search warrant, 199(1)
 Transporting person to, 211
- COMMON BETTING HOUSE.** *See* BETTING AND GAMING OFFENCES; DISORDERLY HOUSE; KEEPER
- COMMON GAMING HOUSE.** *See* BETTING AND GAMING OFFENCES; DISORDERLY HOUSE; KEEPER

COMMON INTENTION. *See*
PARTIES TO OFFENCES

COMMON LAW

Defences preserved, 8(3)
No conviction for offences at
common law, 9
Partner, defined, 2

COMMON NUISANCE, 180

COMMUNICATIONS. *See*
INTERCEPTION OF PRIVATE
COMMUNICATIONS

COMPANY. *See*
ORGANIZATIONS

COMPELLING APPEARANCE
AND INTERIM RELEASE. *See*
APPEARANCE; JUDICIAL
INTERIM RELEASE

COMPENSATION. *See*
SENTENCE — Restitution
orders

COMPETENCE AND
COMPELLABILITY

Accomplice, CE 3
Accused, CE 4
Affirmation, CE 14, 15
Child, CE 16.1
Complainant not a compellable
witness re admissibility of sexual
activity, 278.94(2)
Marital communications, CE 4(3)
Mental competence, CE 16
Not incompetent by reason of
interest or crime, CE 3
Oath. *See also* CANADA
EVIDENCE ACT
affirmation, CE 14, 15
Canadian officials outside
Canada, CE 53
false, indictment for making, 585
witnesses swearing oath or
affirming, CE 13-16

COMPETENCE AND
COMPELLABILITY —

Continued

Sexual offences, complainant not
compellable re other sexual
activity, 278.94(2)
Spouse of accused, CE 4
Witness whose capacity is
challenged, CE 16, 16.1

COMPLAINANT. *See also*
CHARACTER AND
CREDIBILITY

Character re sexual offences, 276,
278.93-278.97
Consent of complainant —
assault, 265(4)
sexual assault —
belief in consent not a defence,
273.2
meaning of consent, 273.1
no consent obtained in certain
circumstances, 273.1(2)

Defined, 2
Evidence of other sexual conduct,
276, 278.93-278.97
Identity, no publication, 486.4(3),
(4)
Mental or physical disability,
testifying outside courtroom,
486.2
Mistake as to age, 150.1
Recent complaint rules abrogated,
275
Reputation evidence concerning, 277
Testifying outside court room, 486.2
Videotaped evidence, 715.1, 715.2

COMPOUNDING INDICTABLE
OFFENCE, 141

COMPULSION
Spouse, of, 18
Threats, by, 17

COMPUTERS
Definitions, 342.1(2), 430(8)
Device to obtain unauthorized use,
342.2

COMPUTERS — Continued

Documents —
 banking records, CE 29
 business records, CE 30
 microfilmed records, CE 31
 Luring child, 172.1
 Mischief in relation to data,
 430(1.1), (5)
 Unauthorized use of, 342.1(1)

CONCEALED WEAPON. See WEAPONS**CONCEALMENT**

Body of child, 243
 Compounding indictable offence,
 141
 Fraudulent, 341
 Indictable offence, concealment of,
 141
 Property, of, to defraud creditors, 392
 Title documents, 340, 385

**CONDITIONAL DISCHARGE,
730. See also SENTENCE —
Discharges****CONDITIONAL SENTENCE OF
IMPRISONMENT, 742-742.7.
See also SENTENCE****CONFESSIONS. See also
ADMISSIONS; STATEMENTS;
STATEMENTS OF THE
ACCUSED**

Offence to publish or broadcast
 confession or admission, 542(2)
 Preliminary inquiry, 542(1)
 Ruling by case management judge,
 551.3
 Voluntariness, young person, YC
 146

**CONFINEMENT. See FORCIBLE
CONFINEMENT****CONSENT. See also DEFENCES;
SEXUAL ASSAULT
Assault, 265(3), (4)****CONSENT — Continued**

Blood samples. *See* BLOOD
 SAMPLES
 Child's consent —
 defence, 150.1(2)
 no defence, 150.1(1), 286
 Death, to, no defence, 14
 Definition, 265(3), 273.1
 Honest belief in consent, 265(4),
 273.2
 Interception of private
 communications, consent to
 interception, 184.2
 Sexual exploitation of disabled
 complainant, 153.1(2)-(6)
 Sexual offences, 273.1, 273.2

**CONSENT JURISDICTION. See
JURISDICTION****CONSENT TO PREFER
INDICTMENTS. See
INDICTMENTS AND
INFORMATIONS — Preferring****CONSENT TO PROSECUTE. See
ATTORNEY GENERAL/
SOLICITOR GENERAL****CONSPIRACY**

Acquittal or conviction outside
 Canada, effect, 465(7)
 Attorney General of Canada,
 conspiracies other than under
 Criminal Code, 2
 Commit, to —
 indictable offence, 465(1)(c)
 offence in Canada while outside
 Canada, 465(4)
 summary conviction offence,
 465(1)(d)
 Exceptions —
 trade union, 466(2)
 workmen, 467(1)
 False prosecution, 465(1)(b)
 Fixed platforms, 7(2.1)
 High treason, 46(2)(c), (e)
 Murder, 465(1)(a)

CONSPIRACY — *Continued*
 Nuclear material outside Canada,
 7(3.2)-(3.6)
 Offences other than under Criminal
 Code, Attorney General of
 Canada, 2
 Outside Canada re aircraft, airports,
 7(2)(e)
 Prosecute falsely, to, 465(1)(b)
 Punishment, 465
 Restraint of trade, 466, 467
 Seditious, definition, 59(3)
 Sentence, 465
 Territorial jurisdiction, 465(5), (6)
 Trade combination defined, 467(2)
 Treason, as overt act of conspiracy,
 46(4)

CONTEMPT OF COURT

Appeal from summary conviction
 for, 10
 Jurisdiction to punish for, 9, 484
 Preserving order in court, 484
 Witness, contempt by —
 failure to attend or remain, 708(1)
 form of conviction, Form 38
 preliminary inquiry, at, 545, Form
 20
 punishment, 708(2)
 refusal to be sworn, 545
 warrants of committal, Form 20,
 25
 Youth justice court contempt power,
 YC 15
 appeal, YC 37(2), (3)

CONTRACT

Criminal breach of, 422(1)
 Effect of conviction upon power to
 contract, 750(3)-(5)

CONTRACTOR

Effect of conviction, 750(3), (4), (5)
 Subscribing to election fund, 121(2),
 (3)

CONTRADICTORY EVIDENCE.

See also INTERNATIONAL
 CRIMINAL COURT;
PERJURY
 Giving, 136
 Proof of earlier trial, 136(2.1)

CONTRAVENTIONS ACT

Cross-examination on criminal
 record, CE 12
 Fail to comply, 145(8)
 Identification of Criminals Act,
 501(3), 502, 510. *See also*
FINGERPRINTS

**CONTROLLED DRUGS AND
 SUBSTANCES ACT. *See also*
 DRUGS**

Adjudications, CD 34-42
 determination, CD 41, 42
 hearing, CD 34, 36, 40
 notice to appear, CD 37
 powers, CD 39
 Administration and compliance, CD
 30-32
 certificate of designation, CD 30
 designation of inspectors, CD 30
 obstructing inspector, CD 32
 powers of inspector, CD 31
 Administrative orders of
 contraventions of designated
 regulations, CD 33-43, 46
 designation of regulations, CD 33
 determination by adjudicator, CD
 41
 effect of order, CD 42
 hearing by adjudicator, CD 36
 hearing procedure, CD 40
 interim order re suspected
 contravention, CD 35
 notice to appear, CD 37
 offence of contravention of order,
 CD 43
 powers of adjudicator, CD 39
 proof of service, CD 38
 Amendment of Schedule, CD 60

CONTROLLED DRUGS AND
SUBSTANCES ACT —

Continued

Analysis, CD 44-45
 certificate of analyst, CD 45, 51
 designation of analyst, CD 44
 Appeals —
 orders respecting property, re, CD
 20
 Application —
 in rem forfeiture, for, CD 17
 made by person claiming interest
 in forfeited property, CD 20
 restraint order, for, CD 14
 return of controlled substances,
 for, CD 24
 Assistance and use of force, CD 12
 Burden of proving exception, CD 48
 Certificate —
 analyst, of, CD 45, 51
 designation of inspector, of, CD
 30
 issued pursuant to regulation, CD
 50
 Continuity of possession, CD 53
 Contravention of Act or designated
 regulation, CD 34, 43
 Copies of records, books,
 documents, CD 49, 54, 59
 Criminal Code, applicable re offence
 related property (ss. 489.1 and
 490), CD 15
 Definitions, CD 2
 Delegation of powers of Minister,
 CD 57
 Designation of analyst, CD 44
 Designation of inspectors, CD 30
 Designation of regulations, CD 33
 Detention, CD 11
 Determination by adjudicator, CD
 41
 Disposal of controlled substances,
 CD 24-29
 application for return of
 substance, CD 24
 destruction of plant, CD 29
 disposal by Minister where no
 application, CD 25

CONTROLLED DRUGS AND
SUBSTANCES ACT —

Continued

Disposal of controlled substances —
Continued
 disposal with consent, CD 28
 following procedures, CD 27
 security, health or safety hazard,
 CD 26
 Disqualifications, CD 55
 Documents, CD 49, 54, 59
 Double doctoring, CD 4(2)
 Enforcement, CD 11
 Evidence and procedure, CD 47-54
 burden of proving exception, CD
 48
 certificate issued pursuant to
 regulations, CD 50
 continuity of possession, CD 53
 copies of records, books or
 documents, CD 49, 54
 limitation, CD 47
 negating exception, not
 required, CD 48
 proof of notice, CD 52
 venue, CD 47(2)
 Exemption by Minister, CD 56
 Exemptions, CD 55
 Exporting, CD 6
 False or deceptive statements, CD
 59
 Forfeiture of offence-related
 property, CD 16-23
 Health and safety hazard, CD 26
 Hearing by adjudicator, CD 36, 40
 Importing and exporting, CD 6
 Information for search warrant, CD 11
 Inspectors, CD 30-32
 certificate of designation, CD 30
 designation of inspector, CD 30
 obstructing inspector, CD 32
 powers of inspector, CD 31
 Interim order re suspected
 contravention of designated
 regulation, CD 35, 42
 Interpretation, CD 3
 Limitation period, CD 47
 Management order, CD 14.1

CONTROLLED DRUGS AND
SUBSTANCES ACT —*Continued*

Negating exception, not required, CD 48

Notice re property orders, CD 52

Notice to appear re contravention of designated regulation, CD 37

Obstructing inspector, CD 32

Offences, CD 4-7, 32, 43, 46, 59

contravention of order re
contravention of designated
regulations, CD 43

double doctoring, CD 4(2)

false or deceptive statements, CD 59

importing and exporting, CD 6

obstructing inspector, CD 32

penalty where punishment not
otherwise provided, CD 46

possession of substance, CD 4

production of substance, CD 7

trafficking in substance, CD 5

Order of forfeiture of property, CD 16

Orders re contravention of
designated regulations, CD 35, 42

Paramountcy of Act and
regulations, CD 58

Possession, continuity, CD 53

Possession of substance, CD 4

Powers of —

adjudicator, CD 39

inspector, CD 31

Minister or Solicitor General, may
be designated, CD 57

Procedure. *See* Evidence and
procedure, *supra*

Proceeds of crime, CD 14-22. *See*
also PROCEEDS OF CRIME

appeals re orders respecting
property, CD 21

application in rem forfeiture, CD 17

application made by person
claiming interest in forfeited
property, CD 20

CONTROLLED DRUGS AND
SUBSTANCES ACT —*Continued*

Proceeds of crime — *Continued*

Criminal Code, applicable re
offence-related property (ss.
489.1 and 490), CD 15

notice requirements re property
orders, CD 19

order of forfeiture of property on
conviction, CD 16

restraint order, CD 14, 15

suspension of order respecting
property pending appeal, CD 22

voidable transfers, CD 18

Production of substance, CD 7

Proof of notice, general, CD 52

Proof of service re contravention of
designated regulations, CD 38

Punishment, CD 4-10, 32, 43, 46, 59.
See also Sentence, *infra*

Regulations, CD 33-43, 46, 50, 55-
59. *See also* Administrative orders
of contraventions of designated
regulations, *supra*; Evidence and
procedure, *supra*

certificate issued pursuant to
regulations, CD 50

designation of powers, duties and
functions of Minister or
Solicitor General, CD 57

exemption by Minister, CD 56

false or deceptive statements, CD 59

paramountcy, CD 58

penalty for contravention, CD 46

scope of regulations, CD 55

Restraint orders, CD 14, 15

Schedule —

Act, to the, CD 60

amendments, CD 60

Search and seizure, CD 11-22, 31

appeal from order for in rem
forfeiture, CD 21

application by person claiming
interest in forfeited property,
CD 20

CONTROLLED DRUGS AND SUBSTANCES ACT —
Continued
 Search and seizure — *Continued*
 application for in rem forfeiture, CD 17
 assistance and use of force, CD 12
 Criminal Code, applicable re offence-related property (ss. 489.1 and 490), CD 13, 15
 forfeiture of offence-related property, CD 16
 notice, CD 19, 19.1
 powers of inspector, CD 31
 restraint orders, CD 14
 suspension of order pending appeal from in rem forfeiture, CD 22
 voidable transfers, CD 18
 Security, health and safety hazards, CD 26
 Sentence, CD 4-10, 46, 59
 false or deceptive statements, CD 59
 importing and exporting, CD 6
 penalty where punishment not otherwise provided, CD 46
 possession of substance, CD 4
 production of substance, CD 7
 sentencing, factors to be considered, CD 10
 trafficking, in substance, CD 5
 Suspension of order respecting property pending appeal, CD 22
 Trafficking, in substance, CD 5
 Venue, CD 47(2)
 Voidable transfer of offence-related property, CD 18

CONVERSION
 Constitutes theft, 322(1)
 Theft by conversion, 330-332
 Trustee, by, 336

CONVEYANCES. *See also*
 BREATHALYZER;
 CRIMINAL NEGLIGENCE;
 IMPAIRED DRIVING AND OVER 80; MOTOR VEHICLES; OVER 80
 Approved screening device, 320.27
 Blood samples. *See* BLOOD SAMPLES
 Breath test provisions, 320.27, 320.28. *See also* BREATHALYZER
 Dangerous operation of conveyance, 320.13
 included offence re charges of criminal negligence, 662(5)
 Definition, 320.11
 Demand for —
 bodily substances, 320.27(1)(c), 320.28(4)
 breath sample, 320.27(1)(b), (2), 320.28(1)(a)(i), (3)
 coordination tests, 320.27(1)(a)
 Driving while —
 disqualified, 320.18
 impaired, 320.14(1)(a). *See also* DRUGS; IMPAIRED DRIVING AND OVER 80 over 80, 320.14(1)(b)
 Failing to stop after accident, 320.16
 Failure to comply with demand for breath sample, 320.15
 Flight from peace officer, 320.17
 Ignition interlock, 320.18(2), 320.24(10)
 Impaired driving, 320.14(1)(a). *See also* IMPAIRED DRIVING AND OVER 80
 prohibition order upon conviction, 320.24
 Impairment by drugs —
 evaluating officer defined, 320.11
 operating conveyance while impaired by drug, 320.14(1)(a)
 operating conveyance with excess blood drug concentration, 320.14(1)(c), (4)

CONVEYANCES — *Continued*
 Impairment by drugs — *Continued*
 operating conveyance with excess
 alcohol combined with drug,
 320.14(1)(d)
 prohibition order upon
 conviction, 320.24
 refusal to comply with demand,
 320.15

CONVICTIONS

Autrefois convict. *See* RES
 JUDICATA—Autrefois acquit/
 convict
 Certificate of conviction —
 cross-examination on convictions,
 CE 12
 proof of conviction, 667
 Certiorari, when not reviewable by,
 776
 Character evidence, convictions as
 reply evidence, 666
 Child under 12, no conviction of, 13
 Conviction barred by mental
 disorder, 16(1). *See also*
 MENTAL DISORDER —
 Criminal responsibility
 Convictions not to be mentioned —
 indictment, in, 664
 information, in, 789(2)
 Cross-examination upon, CE 12
 Disabilities resulting from —
 contract disability, government
 contracts, 750(3), (4)
 order of restoration of capacities,
 750(5)
 Parliament or legislatures, cannot
 sit or vote, 750(2)
 public employment lost, 750(2)
 public office —
 cannot hold, 750(2)
 loss of, 750(1)
 removal of disability where
 conviction set aside, 750(6)
 restoration of privileges, 750(4),
 (5)

CONVICTIONS — *Continued*

Evidence of conviction —
 accused adduces character
 evidence, if, 666, 667
 principal at trial of accessory after
 the fact, of, 657.2(2)
 thief at trial for possession of
 stolen goods, of, 657.2(1)
 Evidentiary use, 666, CE 12
 Examination re previous, CE 12
 Fingerprints, certificate of examiner,
 Forms 44, 45
 Form of, 667, Form 35
 Good character evidence, rebuttal
 by proof of convictions, 666
 Insanity, no conviction if not
 criminally responsible on account
 of mental disorder, 16(1). *See also*
 MENTAL
 DISORDER—Criminal
 responsibility
 Mental disorder, insanity, no
 conviction if not criminally
 responsible on account of mental
 disorder, 16(1). *See also*
 MENTAL
 DISORDER—Criminal
 responsibility
 Motor vehicle offences. *See*
 BREATHALYZER;
 CRIMINAL NEGLIGENCE;
 IMPAIRED DRIVING
 AND OVER 80; OVER 80
 Pardons and remissions. *See*
 PARDON
 Previous conviction for use of
 firearm while committing
 indictable offence, 85(1), (2). *See*
also WEAPONS—Firearms
 Procuring conviction and death by
 false evidence is not homicide,
 222(6)
 Proof of previous convictions,
 570(4), 667
 certificate of fingerprint examiner,
 Forms 44, 45

- CONVICTIONS — *Continued*
 Proof of previous convictions —
 Continued
 cross-examination upon, 667(3),
 CE 12
 notice to accused re intention to
 produce, 667(4)
 Quashing, order for protection of
 provincial court judge, 783
 Rebuttal evidence, re good character
 evidence, 666
 Sentence. *See* SENTENCE
 Warrant of committal on, Form 21
 Young persons. *See* YOUTH
- CRIMINAL JUSTICE ACT
- COORDINATION TESTS. *See*
 also IMPAIRED DRIVING
 AND OVER 80; OVER 80
 Demand to perform, 320.27(1)(a)
 Refusal to comply with demand,
 320.15
- COPIES. *See* CANADA
 EVIDENCE ACT — Copies
- CORONERS
 Inquisition, no person to be tried on,
 576(3)
 Misconduct in executing process,
 128
- CORPORATIONS. *See*
 ORGANIZATIONS
- CORRECTION OF CHILD, USE
 OF FORCE JUSTIFIED, 43
- CORROBORATION
 Children's evidence, warning
 abrogated, 659
 High treason, 47(3)
 Perjury, 131-133
 Procuring feigned marriage, 292(2)
 Sexual offences, corroboration not
 required, 274
 Treason, 47(3)
- CORRUPTING CHILDREN, 172.
See also CHILD; CHILD
 PORNOGRAPHY
- CORRUPTING MORALS. *See*
 CHILD; CORRUPTING
 CHILDREN; CORRUPTION
- CORRUPTION
 Appointments and resignations —
 influencing, 125
 selling or purchasing, 124
 Breach of trust by public officer, 122
 Bribery —
 coroner, 128
 government employees, ministers,
 etc., 121(1), (3)
 judicial officers, 119
 municipal officials, 123
 obstructing justice as, 139
 officers, bribery of, 120
 peace officer, court official, etc.,
 120, 128
 Child, corruption of, 172. *See also*
 CHILD; CHILD
 PORNOGRAPHY
 Corruptly taking reward for
 recovery of goods, 142
 Disobeying order of court, 127
 Disobeying statute, 126
 Effect of conviction, 750(3)-(6)
 Frauds on government, 121
 Influencing or negotiating
 appointments or dealing in offices,
 125
 Military stores. *See* Public stores
 Misconduct of officers executing
 process, 128
 Municipal corruption, 123
 Personating peace officer, 130
 Public stores —
 applying or removing marks
 without authority, 417
 distinguishing mark on public
 stores, 416
 evidence of enlistment, 421
 military stores, dealing in, 420

<p>CORRUPTION — <i>Continued</i> Public stores — <i>Continued</i> selling defective stores to Her Majesty, 418 unlawful use of military uniforms or certificates, 419 Reward — taking for recovery of stolen goods, 142 Secret commissions, 426 Selling or purchasing office, 124</p> <p>COSTS Adjournment due to amendment, 601(5) Appeal, 676.1, 813(a)(i), 830(1) Charter of Rights remedies, CH 24 Defamatory libel, 751 Enforcement of order, 751.1 None allowable against complainant or person affected by personal information records, 278.4(3), 278.6(3) None allowable on appeal on indictment, 683(3) Remission of penalty by Governor in Council, costs of proceedings, 748.1(2) Summary conviction appeals, 826, 827, 839(3), Form 42. <i>See also</i> SUMMARY CONVICTION APPEALS Summary conviction proceedings — definition, 809(5) imprisonment in default of payment, 809(4). <i>See also</i> SENTENCE—Imprisonment order to be set out in conviction or order of dismissal, 809(2) part of fine or money payment ordered, 809(3) power of court to award, 809(1) schedule of, 840 Undertaking re proceeds of crime orders, 462.32(6), 462.33(7)</p>	<p>COUNSEL. <i>See also</i> MENTAL DISORDER; RIGHT TO COUNSEL Appointed — court of appeal, by, 684 cross-examine witness, to, 486.3. <i>See also</i> WITNESSES — Protecting witnesses; EXCLUSION OF THE PUBLIC Supreme Court of Canada, by, 694.1 Closing address, 651 Definition, 2 Lawyer defined re seizure of documents, 488.1(1) Opening address, 651(2) Right to counsel. <i>See</i> RIGHT TO COUNSEL Solicitor-client privilege, 488.1 Stay of proceedings, counsel instructed for the purpose, 579</p> <p>COUNSELLING, AIDING SUICIDE, 241</p> <p>COUNSELLING OFFENCE. <i>See also</i> PARTIES TO OFFENCES Act, by — fixed platform or ship, on, 7(2.1), (2.2) outside Canada, 7(2)-(3) Attorney General of Canada, counselling other than under Criminal Code, 2 Counselling includes procuring, 22(3) Definition of “counsel”, 22(3) Illicit drug use, 462.1, 462.2 Liability although principal cannot be convicted, 23.1 Offence not committed, punishment where not provided, 464 Offence that is committed, 22 Offences other than under Criminal Code, Attorney General of Canada, 2</p>
---	---

- COUNSELLING OFFENCE —
Continued
Parent or guardian procuring sexual activity, 170
Party to offences by counselling, 22
Sexual touching, 152
Suicide, 241
- COUNTERFEIT MONEY. *See* COUNTERFEITING; CURRENCY OFFENCES
- COUNTERFEITING. *See also* CURRENCY OFFENCES
Government mark, etc., 376(2), (3)
Instruments for making or dealing in, 458
Making counterfeit money, 449
Possession, etc., of counterfeit money, 450
Slugs or tokens, 454
Stamps, 376(1), (3)
Uttering, etc., counterfeit money, 452
Uttering coin, 453
- COUNTS. *See also* INDICTMENTS AND INFORMATIONS
Alternative counts, 590
Amending, 590(2), 601
Definition, 2
High treason, 582
Joinder, 589, 591, 592, 593. *See also* INDICTMENTS AND INFORMATIONS — Joinder and severance
Murder, 582, 589. *See also* MURDER
No mention to be made of previous conviction —
indictment, in, 664
information, in, 789(2)
Overt acts, when to be stated in indictment, 55, 581(4)
Particulars, 587
Severance, 590
- COUNTS — *Continued*
Severance — *Continued*
ruling by case management judge, 551.3
Sufficiency, 581, 583, 584, 585, 586
- COURT OF APPEAL, 2. *See also* APPEALS; COURTS
- COURT OF CRIMINAL JURISDICTION, 2, 469, 470. *See also* COURTS
- COURT OF RECORD
Common law contempt power, 9
Trial by judge without jury, 559
- COURT ORDER
Disobeying, 127
- COURTS. *See also* ALBERTA; BRITISH COLUMBIA; CASE MANAGEMENT; EXCLUSION OF THE PUBLIC; JURISDICTION; MANITOBA; NEW BRUNSWICK; NEWFOUNDLAND; NORTHWEST TERRITORIES; NOVA SCOTIA; NUNAVUT; ONTARIO; PRINCE EDWARD ISLAND; QUEBEC; SASKATCHEWAN; YUKON TERRITORY
Appeal court defined for —
firearms prohibition orders, 111
summary conviction appeals, 812
Chief justice defined for —
emergency authorizations for interception of private communications, 188(4)
review of eligibility for parole applications, 745.6
Court defined for —
seizure warrant for hate propaganda publications, 320(8)
seizure warrant for obscene publications, 164(8)

COURTS — *Continued*

Court of appeal —
 appeal to, indictable offences. *See* APPEALS; SUMMARY CONVICTION APPEALS
 definition, 2
 mental disorder jurisdiction. *See* MENTAL DISORDER — Appeals
 power to make rules, 482
 Court of competent jurisdiction, CH 24(1)
 Court of criminal jurisdiction —
 definition, 2
 indictable offences, 469
 power to make rules, 482
 Court order, disobeying, 127
 Definitions —
 dangerous offenders, 752
 sentencing, 716
 Judge defined for —
 emergency authorizations for interception of private communications, 188(1), 552
 Part XVI of Criminal Code, 493
 Part XIX of Criminal Code, 552
 Jurisdiction. *See* JURISDICTION
 Mental disorder jurisdiction, 672.1.
See also MENTAL DISORDER
 Nunavut Court of Justice, 573
 Open court. *See also* EXCLUSION OF THE PUBLIC
 all proceedings to be in open court, 486(1)
 complainant may testify outside courtroom or behind a screen, 486.2
 exclusion of the public in certain cases, 486
 in camera hearing re admissibility of other sexual activity of complainant, 278.94(1)
 videotaped evidence of complainant under 18 years, 715.1
 witness testifying outside court or behind a screen, 486.2

COURTS — *Continued*

Summary conviction proceedings, mental disorder. *See* MENTAL DISORDER — Summary conviction
 Superior court of criminal jurisdiction defined, 2
 CREDIBILITY. *See* CHARACTER AND CREDIBILITY
 CREDIT. *See also* CREDIT CARD
 Obtaining by false pretence or fraud, 362(1)(b), (3)
 CREDIT CARD
 Definition, 321
 Instruments for forging or falsifying, 342.01
 Theft, forgery, etc., 342(1)
 bringing into Canada, 357
 territorial jurisdiction, 342(2)
 when offence complete, 358
 CREDITORS
 Disposal of property to defraud, 392
 CRIME COMIC
 Definition, 163(7)
 CRIMES AGAINST HUMANITY. *See also* WAR CRIMES
 Authorization to intercept private communications may be obtained, 183
 Autrefois plea *See also* RES JUDICATA
 autrefois convict not available where previous trial in absentia, 607(6)
 Parole ineligibility for murder, 745(b.1)
 Superior court of criminal jurisdiction must try, 468, 469
 CRIMINAL BREACH OF CONTRACT, 422
 Criminal breach of trust, 336

- CRIMINAL BREACH OF CONTRACT — *Continued*
 Exception, 422(2)
 Institution of proceedings, 422(3)
 Trust by public officer, 122
- CRIMINAL CODE
 Application in Canada, 8(1)
 Forms and schedules. *See* FORMS AND SCHEDULES — Criminal Code Forms
 Words in parenthesis, 3
- CRIMINAL HARASSMENT, 264.
See also INTIMIDATION; STALKING; WATCH AND BESET
 Accused not to cross-examine victim, 486.3(4)
- CRIMINAL INFORMATION. *See also* INDICTMENTS AND INFORMATIONS
 None to be laid or granted, 576(2)
- CRIMINAL INTEREST RATE, 347
 Non-publication of identity of complainant or witness, 486.4
 Payday loan, when no offence, 347.1
- CRIMINAL NEGLIGENCE
 Causing —
 bodily harm, 221
 death, 220, 222(5)(b)
 Definitions —
 bodily harm, 2
 criminal negligence, 219
 death, 224-228
 Firearm used, minimum four years' imprisonment, 220(a)
 Homicide, 222(5)(b), 234
 Included offences; conviction for dangerous operation of aircraft, motor vehicle or vessel, 662(5)
 Killing by influence on the mind, 228
 Life imprisonment, 220
 Manslaughter, 234
- CRIMINAL ORGANIZATION
 Authority of Attorney General in proceedings respecting, 467.2
 Committing, defined, 467.1(3)
 Committing offence for, 467.12
 Conditional sentence not available, 742.1
 Criminal organization, defined, 467.1
 Criminal organization offence, defined, 2
 Facilitation, defined, 467.1(2)
 Firearms, using, 239, 244, 272, 273, 279, 279.1, 344, 346
 First degree murder where death caused for benefit of, 81, 231(6.1)
 Forfeiture of offence-related property. *See* OFFENCE-RELATED PROPERTY
 Instructing commission of offence for, 467.13
 Participation in activities, of, 467.11
 Possession of explosives for benefit of, 82(2), 82.1
 Recognizance where fear of offence, 810.01
 Sentencing —
 deemed aggravating factor, 718.2(a)(iv)
 parole ineligibility, 743.6
 sentences to be served consecutively, 467.14
 Serious offence, defined, 467.1(1)
 Victim of —
 publication ban, 486.5
 Wiretap authorization, 183
 Witnesses —
 procedure while testifying, 486.1-486.4
 publication ban, 486.5
- CRIMINAL RECORD. *See* CONVICTIONS;
- CRIMINAL RESPONSIBILITY.
See also MENTAL DISORDER
 Child under twelve, 13

<p>CRIMINAL RESPONSIBILITY — <i>Continued</i></p> <p>One party cannot be convicted, where, 23.1</p> <p>CROSS-EXAMINATION</p> <p>Accused not to cross-examine witness, counsel appointed, 486.3</p> <p>Affidavits, 4(7). <i>See also</i> AFFIDAVITS</p> <p>Business documents, CE 30(9)</p> <p>Convictions, 666, CE 12</p> <p>Declarations, 4(7)</p> <p>Judicial interim release, 518</p> <p>Prior inconsistent statements, CE 10</p> <p>adverse witnesses, CE 9</p> <p>proof of, where witness denies, CE 11</p> <p>written, CE 9(2), 10</p> <p>CROWN. <i>See also</i> ATTORNEY GENERAL/SOLICITOR GENERAL; PROSECUTOR</p> <p>Appeal. <i>See also</i> APPEALS</p> <p>extraordinary remedies, 784</p> <p>indictable proceedings, 676, 693</p> <p>summary conviction proceedings, 813, 830, 839</p> <p>Privilege —</p> <p>confidence of the Queen's Privy Council, CE 39</p> <p>disclosure of government information, CE 37-37.3</p> <p>international relations or national defence or security, CE 38-38.16</p> <p>Public stores —</p> <p>corporate officers, offences by, 418(2)</p> <p>effect of conviction, 750(3)-(6)</p> <p>governor in council prescribing distinguishing marks for, 416</p> <p>offences, 417, 418</p> <p>presumptions, 421</p> <p>CROWN ATTORNEY. <i>See</i> ATTORNEY GENERAL/ SOLICITOR GENERAL; PROSECUTOR</p>	<p>CROWN PRACTICE. <i>See</i> ATTORNEY GENERAL/ SOLICITOR GENERAL; DISCLOSURE AND DISCOVERY; PROSECUTOR</p> <p>CRUEL AND UNUSUAL TREATMENT OR PUNISHMENT, BR 2(b), CH 12</p> <p>CRUELTY TO ANIMALS. <i>See</i> <i>also</i> ANIMALS</p> <p>Abandonment, 446(1)(b)</p> <p>Causing unnecessary suffering, 445.1</p> <p>Injuring or endangering — animals, 445</p> <p>Keeping cockpit, 447</p> <p>Neglect while conveying, 446(1)(a)</p> <p>Offences, 446</p> <p>Prohibition order, 447.1(1)(a)</p> <p>Restitution for reasonable costs of care, 447.1(1)(b)</p> <p>CURRENCY OFFENCES. <i>See</i> <i>also</i> COUNTERFEITING</p> <p>Bank note —</p> <p>exemptions, 457(2), (4)</p> <p>printing anything in likeness of, 457(1), (3)</p> <p>Bullion, conveying out of mint, 459(c)</p> <p>Certificate of examiner of counterfeit, 461(2), (3)</p> <p>Coin —</p> <p>clipping and uttering, 455</p> <p>conveying out of mint, 459(c)</p> <p>defacing and uttering, 456</p> <p>uttering when not current, 453(a)</p> <p>Counterfeit money —</p> <p>advertising and dealing in, 460(1)(a), (2)</p> <p>definition, 448</p> <p>export, etc., 452(b)</p> <p>making, 449</p> <p>possession, etc., 450</p> <p>property of the Crown, 462(1)</p> <p>seizure by peace officer, 462(2)</p> <p>uttering, 452(a)</p>
---	---

- CURRENCY OFFENCES —
Continued
 Counterfeit money — *Continued*
 when offence complete, 461(1)
 Counterfeit token of value —
 dealing in, 460(1)(b), (2)
 definition, 448
 property of the Crown, 462(1)
 seizure by peace officer, 462(2)
 Current, definition of, 448
 Gold or silver clippings, bullion etc.,
 unlawful possession of, 451
 Instruments for —
 coining, conveying out of mint, 459
 counterfeiting, 458
 Slugs and tokens, manufacture/
 possession of for fraudulent
 purpose, 454
 Uttering —
 clipped coin, 455(b)
 coin not current, 453(a)
 counterfeit money, 452
 definition, 448
 metal resembling coin, 453(b)
- CUSTODY. *See* ESCAPE FROM
 CUSTODY; JUDICIAL
 INTERIM RELEASE;
 RELEASE FROM CUSTODY
- CUSTODY ORDER. *See also*
 ABDUCTION
 Abduction in contravention of, 282
 Consent of child no defence, 286
 Defence to protect from imminent
 harm, 285
 No belief in validity of, 282(2)
 Whether custody order or not,
 283(1)
- CUSTOMS AND EXCISE
 Officers as peace officers, 2
- DAMAGES FOR ILLEGAL
 WIRETAPPING, 194
- DAMAGING DOCUMENTS, 377.
See also DOCUMENTS
- DANGEROUS ACTS
 Administering surgical or medical
 treatment, 216
 Duty of persons undertaking acts
 dangerous to life, 216
- DANGEROUS DRIVING. *See*
 CONVEYANCES
- DANGEROUS OFFENDERS. *See*
also LONG-TERM
 OFFENDERS
- Appeal against —
 dismissal of application —
 powers of court of appeal, 759(4)
 procedure, 759(1)
 right of Attorney General,
 759(2)
 sentence imposed on appeal —
 commencement, 759(6)
 effect, 759(4)
 sentence —
 powers of court of appeal,
 759(3)
 procedure, 759(7)
 right of appeal, 759(1)
- Application for finding of dangerous
 offender —
 admissions by offender, effect of,
 754(3). *See also* JUDICIAL
 PROCEEDINGS — Reading
 in; STATEMENTS OF THE
 ACCUSED
 character evidence, 757
 conditions for finding, 753
 court defined, 752
 may be treated as long-term
 offender application, 753(5)
 presence of offender at hearing,
 758
 proof of consent of Attorney
 General, 754(4)
- Dangerous mentally disordered
 accused. *See* MENTAL
 DISORDER
- Finding by court —
 conditions for, 753

DANGEROUS OFFENDERS —
Continued

Finding by court — *Continued*
disclosure to Correctional Service,
760
Loitering by, 179(1)(b)
Sentence, 753
appeal from, 759(4), (6)
review by Parole Board of
Canada, 761
Serious personal injury offence
defined, 752
Young person, YC 74

DANGEROUS OPERATION. See
CONVEYANCES

DATA. See also COMPUTERS
Definition, 342.1(2), 430(8)
Fraudulent obtaining, 342.1(1)
Mischief in relation to, 430(1.1), (5),
(5.1)

DATE OF BIRTH. See AGE

DAY
Definition, 2

DE FACTO AUTHORITY
Obedience to, no defence for war
crimes and crimes against
humanity, 7(3.74)
Obedience to law, no offence, 15

DEAD BODY
Interference with, 182(b)
Neglect re burial, 182(a)

DEATH. See also HOMICIDE;
INFANTICIDE;
MANSLAUGHTER; MURDER
Acceleration by bodily injury, 226
Caused by —
act or omission, where
preventable by other means,
224
criminal negligence, 220, 222(5)(b)
dangerous injury, where treatment
the immediate cause, 225

DEATH — Continued

Caused by — *Continued*
dangerous operation of
conveyance, 320.13
frightening, 228
homicide, 222(1), (6)
impaired operation of
conveyance, 320.14
influence on the mind, 228
Consent to death, effect of, 14
Definition, 224-228
Medical assistance, exemption for,
227
Might have been prevented, that,
224
Procuring conviction and death by
false evidence is not homicide,
222(6)
Threatening death, 264.1
Treatment of dangerous injury,
from, 225

DECLARATIONS. See SOLEMN
DECLARATIONS

DEED
Fraudulent concealment, 385(1)(a)

DEFAMATORY LIBEL. See also
HATE PROPAGANDA
Answers to inquiries where inquirer
has interest, 313
Belief in truth and public interest,
309
Book seller, responsibility of, 304
Costs to successful party, 751, 751.1
Court proceedings, publishing of,
305
Definition, 298
Extortion by, 302
Fair comment —
public person, on, 310(a)
work of art, on, 310(b)
Fair reports —
court proceedings, 307
parliamentary proceedings, 307
public meetings, 308

DEFAMATORY LIBEL —
Continued

Freedom of the press and other media, CH 2(b)

Giving information to person interested, 314

Newspaper —
definition, 297
place of trial of person charged, 478(2)
proprietor, responsibility, 303(2)
seller, responsibility, 303(3)

Parliamentary papers defamatory matter in, 306

Plea of justification, 611, 612
effect where accused convicted, 612(3)
required for inquiry into truth of statements, 612(1)

Proof of offence, innuendo not necessary, 584

Proof that publication by order of Parliament or legislature, 316

Publication —
good faith to redress wrong, in, 315
invited by person affected, 312(a)
necessary to refute other libel, 312(b)

Publishing defined 299

Punishment, 300, 301

Special verdict, 317

Truth as defence, 311

Verdicts available to jury, 317

Wording of indictment, 584

DEFENCE OF PROPERTY. *See*
DEFENCESDEFENCES. *See also* WAR
CRIMES

Age. *See* Mistake of fact/law, *infra*

Artistic merit, child pornography, 163.1(6). *See also* CHILD PORNOGRAPHY

Colour of right, 429(2)
arson, 429(2)

DEFENCES — *Continued*

Colour of right — *Continued*
boundaries, interference with, 429(2)
harbours, removing natural bar, 440
mischief, 429(2)
occupant injuring building, 429(2)
theft, 322(1)

Common law, preservation of defences, 8(3)

Compulsion by threats, 17

Consent —
abduction, 286
assault, 265
belief in consent is not a defence re sexual assault, 273.2
child, 150.1(2)
death, 14
definition, 265(3), 273.1
drunkenness causing mistaken belief in consent, 273.2(a)(i)
failure to take reasonable steps to ascertain consent re sexual assault, 273.2(b)
honest belief in consent, 265(4)
mistake as to age, 150.1(4)
no consent obtained re sexual assault, where, 273.1(2), (3)
person having lawful possession of person under 14, 284
removal of consent defence re sexual offence, 150.1
sexual assault, 265(3), 273.1, 273.2
sexual exploitation of disabled, 153.1(2)-(6)
victim under 14, of, 150.1(1), (2)
wilful blindness causing mistaken belief in consent re sexual assault, 273.2(a)(ii)

Correction of child, use of force justified, 43

Defence of —
another, 34
property, 35

Destruction of property —
partial interest, no defence, 429(3)(a)

DEFENCES — *Continued*

Destruction of property —

Continued

total interest no defence where
intent to defraud, 429(3)(b)

Drunkenness —

common law defences preserved,
8(3)

consent, mistaken belief in
consent re sexual assault,
273.2(a)(i)

self-induced intoxication, 33.1

Duress, 17

Duty not to arrest, 495(2)

Educational, scientific or medical
purpose, re child pornography,
163.1(6). *See also* CHILD
PORNOGRAPHY

Entrapment —

common law defences preserved,
8(3)

Full answer and defence, 276(3)(a),
650(3), 802(1)

Good faith, sedition, 60

Hostage taking, non-resistance,
279.1(3)

Ignorance of law no defence, 19

Insanity, 16. *See also* MENTAL
DISORDER — Criminal
responsibility

Intoxication. *See* Drunkenness,
supra

Justification —

committing criminal acts, 25.1-
25.4

use of force to prevent offence, 27

Lawful excuse. *See also* Lawful
justification or excuse; *infra*
break-in instruments, possession
of, 351(1)

entering or being in dwelling
house, 349(2)

harbours, removing natural bar,
440

Lawful justification or excuse —

arson, 429(2)

boundaries, interference with,
429(2)

DEFENCES — *Continued*

Lawful justification or excuse —

Continued

common law defences preserved,
8(3)

defamatory libel, plea of
justification, 611, 612

occupant injuring building, 441

Medical purpose, child

pornography, 163.1(6). *See also*

CHILD PORNOGRAPHY

Mental disorder. *See* MENTAL

DISORDER — Criminal

responsibility

Mistake of fact/law —

age —

child pornography, 163.1(5)

sexual offences, 150.1(4), (5)

consent, sexual assault, 273.1,
273.2, 276

law, 19

Motive. *See* MENS REA

Necessity —

common law defences preserved,
8(3)

Non-resistance to kidnapping,

hostage taking, 279(3), 279.1(3)

Obedience to de facto authority, 15

Obscenity, defence of public good,
163(3), (4)

Prevent commission of offence, 27

aircraft, on, 27.1

Property —

defence of property, 35

destruction or damage —

partial interest, no defence,
429(3)(a)

total interest no defence where
intent to defraud, 429(3)(b)

Protection of young person, 285

Provocation, 36, 232

Public good, serving —

child pornography, 163.1(6), (7).
See also CHILD
PORNOGRAPHY

obscenity, 163(3)-(5). *See also*
OBSCENITY

- DEFENCES — *Continued*
 Public office. *See* PUBLIC OFFICER — Justification for committing criminal acts or omissions
 Rights after committal for trial, 603
 Scientific purpose, child pornography, 163.1(6). *See also* CHILD PORNOGRAPHY
 Self-defence, 34
 defence of another, 34
 excessive force, 26
 preventing assault, 37
 trespasser, 35
 Serving the public good. *See* Public good, serving, *supra*
 Statement during criminal investigation, 134(2). *See also* PERJURY
 Truth —
 defamatory libel, 311
 wilfully promoting hatred, 319(3)
- DEFRAUDING CREDITORS
 Destroying or altering books with intent, 397(2)
 Offence, 392
- DEPOSITIONS. *See* PRELIMINARY INQUIRY
- DERIVATIVE EVIDENCE
 Charter violation, CH 24(2). *See also* CHARTER OF RIGHTS — Exclusion of evidence
- DESERTION
 Canadian Forces, 54
 RCMP, 56
- DESIGNATED COUNSEL,
 650.01, 650.02
- DESIGNATED OFFENCE. *See* DESIGNATED SUBSTANCE OFFENCE
- DESIGNATED SUBSTANCE OFFENCE
 Definition, 462.48(1), CD 2
- DESIGNATED SUBSTANCE OFFENCE — *Continued*
 Disclosure of Income Tax Act information concerning, 462.48
 Offence related property —
 definition, CD 2
 seizure and forfeiture. *See* PROCEEDS OF CRIME — Drug offences
 Proceeds of crime. *See* PROCEEDS OF CRIME — Drug offences
- DESTROYING DOCUMENTS OF TITLE, 340
- DESTROYING IDENTITY OR TRAVELLING DOCUMENTS, 279.03
- DESTROYING PROPERTY. *See* ARSON; MISCHIEF; PROPERTY
- DETENTION
 Discharging air gun with intent to prevent, 244.1
 Discharging firearm with intent to prevent, 244
 Rights upon, CH 10. *See also* RIGHT TO COUNSEL
- DETENTION ORDER. *See* JUDICIAL INTERIM RELEASE; RELEASE FROM CUSTODY
- DIAMOND. *See* VALUABLE MINERAL
- DIRECT INDICTMENT, 577. *See also* INDICTMENTS AND INFORMATIONS — Preferring indictment
- DISABILITY
 Accommodating juror with physical disability, 627, 631(4)
 Accommodating witness with disability, 486.1, 486.2, 715.2, CE 6, 6.1, 16

DISABILITY — *Continued*

Sexual exploitation of person with mental or physical disability, 153.1
 consent defence, 153.1(2)-(6)
 Videotaped evidence, 715.2

DISARMING PEACE OFFICER, 270.1

DISCHARGES. *See* SENTENCE

DISCHARGING AIR GUN WITH INTENT, 244.1

DISCHARGING FIREARM WITH INTENT, 244

DISCIPLINE

Child, of, 43
 Ship's master maintaining, 44

DISCLOSURE AND DISCOVERY. *See also* CASE MANAGEMENT

After order to stand trial or at trial, 603

Alternative measures, records, 717.4, 721(3)(c)

Assessment reports, 672.2(4). *See also* MENTAL DISORDER — Assessment orders

Breathalyzer. *See*

BREATHALYZER

Business records, CE 30(5), (7)

Case management judge may make order, 551.3

Discretion of trial judge, CE 10, 30(5)

Effect of orders made in case management, 591(4.2)

Government information, CE 37-39. *See also* PRIVILEGE — Crown privilege

Interception of private communications, 189(5), 190

DISCLOSURE AND

DISCOVERY — *Continued*

Mental disorder disposition information, 672.51. *See also*

MENTAL

DISORDER—Disposition information

Personal information records —

appeal, determination deemed question of law for purposes of, 278.91

application by accused for production, 278.3

conditions to be attached to production order, 278.7(3)

disclosure obligation on prosecutor, 278.2(3)

in camera hearing —

determine production to accused, to, 278.6

determine production to judge, to, 278.4

no costs order against person affected or custodian of record, 278.4(3)

person affected and custodian of record not compellable, 278.4(2)

judge may order production — accused, to, 278.7

prosecutor, to, 278.7(4)

no application for disclosure at preliminary inquiry, 278.3(2)

person affected may waive application, 278.2(2)

prohibition on production at trial of certain offences, 278.2

publication of proceedings prohibited, 278.9

reasons to be given for order, 278.8

record defined, 278.1

record to be sealed if production refused, 278.7(6)

test to be applied to determine production, 278.5, 278.7

- DISCLOSURE AND
DISCOVERY — *Continued*
Preliminary inquiry, 603
Production —
 preliminary inquiry, 603
 witnesses' statements, CE 10
Protection of privacy, 189(5), 190
Release of blood specimen for
 testing, 320.28(10)
Release of exhibits for testing, 605
Right of accused, 603, 605
Right to full answer and defence,
 650, 802
Statement of accused, 603
Statements, for cross-examination,
 CE 10
- DISCRETION
Assessment orders. *See also*
 MENTAL DISORDER
 extending term of, 672.15
 varying terms re release or
 detention, 672.18
Sexual activity of complainant,
 admissibility on sexual offences,
 276(3)
Weapons prohibition, 109-111
- DISEASE OF THE MIND. *See also*
 MENTAL DISORDER
Definition of mental disorder, 2
- DISFIGURE
Discharging air gun with intent to,
 244.1
Discharging firearm with intent to,
 244
- DISGUISE WITH INTENT, 351(2)
- DISGUSTING OBJECT. *See also*
 OBSCENITY
Exhibiting disgusting object,
 163(2)(b), 169
- DISOBEYING COURT ORDER,
 127
- DISOBEYING STATUTE, 126
- DISORDERLY HOUSE. *See also*
 BETTING AND GAMING
 OFFENCES — Common betting
 house, Common gaming house;
 COMMON BAWDY HOUSE;
 KEEPER; LOTTERIES;
 PROCURING
Definition, 197(1)
Keeper defined, 197(1)
Search warrant, 199(1). *See also*
 SEARCH AND SEIZURE
Seizure powers, 199
- DISPOSAL OF PROPERTY TO
 DEFRAUD CREDITORS, 392
- DISPOSITIONS. *See* MENTAL
 DISORDER; SENTENCE;
 YOUTH CRIMINAL JUSTICE
 ACT
- DISTINGUISHING MARKS
Offences, 417
Presumptions, 421
Public stores owned by Crown, 416
- DISTURBANCE, 175. *See also*
 CAUSE DISTURBANCE
- DIVERSION. *See*
 ALTERNATIVE MEASURES;
 SENTENCE
- DNA ANALYSIS. *See also*
 SEARCH AND SEIZURE
Collection of additional samples,
 487.091
Definitions, 487.04
Destruction of bodily substances,
 487.09
Disclosure of results where young
 person, YC 119(6)
DNA data bank —
 appeal from decision requiring
 taking of samples, 487.054
 authorization to take samples
 from persons serving sentence,
 487.055
 duty to inform offender, 487.07

DNA ANALYSIS — *Continued*
 DNA data bank — *Continued*
 further samples may be authorized, 487.091
 limitation on use of bodily substances and analysis results, 487.08(1.1)
 no order to be made where DNA profile in data bank, 487.053
 order to take samples from convicted person, 487.051
 peace officer to make report to court, 487.057
 protection from criminal and civil liability, 487.058
 terms and conditions of authorization or order, 487.06
 transmission of results to data bank, 487.071
 when collection to take place, 487.056
 Execution of warrant, 487.07
 Information for warrant, 487.05
 Investigative procedures permitted, 487.06
 Limitations on use of bodily substances, 487.08
 Protection from criminal and civil liability, 487.058
 Terms and conditions of warrant, 487.06

DOCUMENTARY EVIDENCE
 Attesting witness, CE 34
 Books and documents —
 admissibility, CE 25
 bank records, CE 29
 computer print-outs, CE 29(1)
 copies of entries, CE 28
 Government of Canada, kept in office of, CE 26
 notice of production of, CE 28
 Business records, CE 30
 admissibility rules and, CE 30(11)
 affidavit evidence, CE 30(6)
 copies, CE 30(3)
 defined terms, CE 30(12)
 inadmissible records, CE 30(10)

DOCUMENTARY EVIDENCE — *Continued*
 Business records — *Continued*
 inference of non-occurrence, CE 30(2)
 notice of production, CE 30(7)
 ordinary course of business, made in, CE 30(1)
 Canada Gazette, copies of, CE 32(2)
 Certified copies, CE 24
 Electronic documents —
 authentication of, CE 31.1
 best evidence rule and, CE 31.2
 definitions re, CE 31.8
 electronic signatures, presumptions re, CE 31.4
 presumption of integrity, CE 31.3
 proof by affidavit, CE 31.6
 rules of law applicable to, CE 31.7
 standard procedure or usage, evidence of, CE 31.5
 Forged instrument, impounding of, CE 35
 Governor General's proclamations, etc., CE 21
 Imperial proclamations, etc., CE 20
 Judicial proceedings, evidence of, CE 23
 Lieutenant governor's proclamations, etc., CE 22
 Order signed by Secretary of State, CE 32(1)
 Photographic prints, CE 31
 Proof of handwriting of certifying person, CE 33
 Queen's Printer, copies by, CE 19

DOCUMENTS. *See also*
 AFFIDAVITS;
 DOCUMENTARY EVIDENCE;
 DOCUMENTS OF TITLE;
 FALSE DOCUMENT;
 SOLEMN DECLARATIONS
 Affidavits. *See* AFFIDAVITS
 Affirmation. *See* AFFIRMATION
 Age, date of birth, 658, YC 148. *See also* AGE
 Banking records, CE 29

- DOCUMENTS — *Continued*
 Business records, CE 30
 Canada Evidence Act not in derogation of proof of documents, CE 36. *See also* CANADA EVIDENCE ACT
 Canada Gazette, copies printed in, CE 32(2)
 government and public documents, CE 19-28, 31(2)
 microfilm and photographic documents, CE 31
 notice of, CE 28
 pre-sentence report, copy to accused, 721(5)
 proceeds of crime, copies of documents, 462.46
 proof of handwriting, CE 33
 public documents, CE 24
 weapons authorization, licence or registration certificate, 117.12(2)
 Canadian officials certifying documents outside Canada, CE 52-54
 Certificate of conviction, 667. *See also* CERTIFICATES; CONVICTION
 Certificate of weapons analyst, 117.13
 Concealing identity or travelling documents, 279.03
 Copies. *See also* CANADA EVIDENCE ACT
 Acts of Parliament, CE 19
 banking records, CE 29(1)
 business records, CE 30(3), (12)
 by-laws, CE 24
 Cross-examination, upon affidavits, solemn declarations, 4(7). *See also* AFFIDAVITS; CROSS-EXAMINATION; SOLEMN DECLARATIONS
 Crown privilege, CE 37-39. *See also* PRIVILEGE
 Damaging election documents, 377
 Damaging register, 378
 Date of birth, 658, YC 148
- DOCUMENTS — *Continued*
 Declarations. *See* SOLEMN DECLARATIONS
 Definition, 321
 Destroying —
 documents of title, 340
 identity or travelling documents, 279.03
 Drawing without authority, 374
 Election document —
 damage or alteration, 377(1)(c), (d)
 definition, 377(2)
 Electronic, 841-847
 Execution, use, etc., with intent to defraud, 374
 False, defined re offences against property rights, 321
 Falsification, 397
 Fraudulent concealment of title documents, 385
 Government records, CE 24, 25, 26, 28
 Instruments. *See* INSTRUMENTS
 Judicial document, destruction etc., 340
 Judicial proceedings, evidence of, CE 23, 28. *See also* JUDICIAL PROCEEDINGS
 Medical practitioner's evidence for assessment order, 672.16(1)(a), (2). *See also* MENTAL DISORDER
 Microfilmed records, CE 31
 Notarial act or instrument in Quebec, CE 27
 Notice of government or public documents, CE 28
 Order signed by Secretary of State of Canada, CE 32
 Photographic documents, CE 31
 Photographic evidence of property, 491.2
 Privilege. *See also* PRIVILEGE
 Crown privilege, CE 37-39
 solicitor-client privilege claimed, 488.1

<p>DOCUMENTS — <i>Continued</i> Proof of handwriting of person certifying, CE 33 Public documents, CE 24, 25, 26, 28 Records, alternative measures, 717.1-717.4 Service, proof of, 4(6), (6.1), (7) Solemn affirmation. <i>See</i> AFFIRMATION Solemn declarations. <i>See</i> SOLEMN DECLARATIONS Solicitor-client privilege claimed, 488.1. <i>See also</i> PRIVILEGE Testamentary instrument. <i>See</i> TESTAMENTARY INSTRUMENTS Title. <i>See</i> DOCUMENTS OF TITLE Valuable security. <i>See</i> VALUABLE SECURITY Warrant of committal as evidence, 570(5), (6), 806(2), (3), Form 21 Weapons analyst's certificate, 117.13 Weapons authorization, licence, registration certificate as evidence of contents, 117.12 Withholding identity or travelling documents, 279.03</p> <p>DOCUMENTS OF TITLE. <i>See also</i> DOCUMENTS Destruction, cancellation, etc., 340 Fraudulent concealment, 385 Goods, document of title to, defined, 2 Lands, document of title to, defined, 2</p> <p>DOUBLE DOCTORING, CD 4(2). <i>See also</i> DRUGS</p> <p>DOUBLE JEOPARDY. <i>See also</i> CHARTER OF RIGHTS; PLEAS; RES JUDICATA Autrefois acquit/convict, 607-610 Charter of Rights, CH 11(h) Offences under more than one Act, 12</p>	<p>DRAWING DOCUMENT WITHOUT AUTHORITY. <i>See</i> DOCUMENTS</p> <p>DRIFT TIMBER. <i>See</i> LUMBER</p> <p>DRILLING Unlawful, 70</p> <p>DRIVING OFFENCES. <i>See</i> BREATHALYZER; IMPAIRED DRIVING AND OVER 80; MOTOR VEHICLES; OVER 80</p> <p>DRUGS. <i>See also</i> CONTROLLED DRUGS AND SUBSTANCES ACT; PROCEEDS OF CRIME; STUPEFYING DRUG Abstinence during conditional sentence, 742.3(2)(a) Administering — drug to animal, 445.1(1)(c) noxious thing to any person, 245 Controlled substances. <i>See</i> CONTROLLED DRUGS AND SUBSTANCES ACT Designated drug offence. <i>See</i> PROCEEDS OF CRIME — Drug offences Double doctoring, CD 4(2) Illicit drug use — definitions, 462.1 instruments for illicit use — defined, 462.1 offence to import, export, manufacture, promote or sell, 462.2 sell defined, 462.1 literature for illicit use — defined, 462.1 offence to import, export, manufacture, promote or sell, 462.2 sell defined, 462.1 Impairment by drugs — demand to — perform coordination tests, 320.27(1)(a) provide blood, 320.28</p>
---	---

- DRUGS — *Continued*
 Impairment by drugs — *Continued*
 operating conveyance while
 impaired by drug, 320.14(1)(a)
 prohibition order upon
 conviction, 320.24
 qualified —
 medical practitioner, 320.11
 technician, 320.29
 refusal to comply with demand,
 320.15
 samples of blood to be taken by or
 at direction of qualified medical
 practitioner, 320.28
 Importing and exporting controlled
 drug or substance, CD 6
 Operating conveyance while
 impaired by drugs, 320.14. *See*
also MOTOR VEHICLES
 Possession of controlled drug or
 substance, CD 4
 Proceeds of crime. *See* PROCEEDS
 OF CRIME
 Schedules I-VIII drugs, CD
 Schedules
 Trafficking in controlled drug or
 substance, CD 5
 Warrants. *See* SEARCH AND
 SEIZURE
- DRUNKENNESS
 Common law defences preserved,
 8(3)
 Consent, mistaken belief in consent
 re sexual assault, 273.2(a)(i)
 Self-induced intoxication, 33.1
- DUAL STATUS OFFENDERS.
See MENTAL DISORDER
- DUE PROCESS, CH 7. *See also*
 CHARTER OF
 RIGHTS—Fundamental justice
- DURESS, 17
- DUTY OF CARE RE
 EXPLOSIVES. *See*
 EXPLOSIVES
- DUTY OF PERSONS
 Directing work, 217.1
 Provide necessaries, to, 215
 Undertaking —
 dangerous acts, 217
 surgical or medical treatment, 216
- DUTY TO SAFEGUARD
 OPENING IN ICE, 263
- DWELLING-HOUSE
 Breaking and entering, 348
 Defence of, against unlawful entry
 or trespasser, 35
 Definitions —
 general, 2
 search for weapons, 117.02
 Entering or being unlawfully in, 349
 Home invasion, 348.1
 Occupant injuring building, 429(2),
 441
 Right to enter if entitled to
 possession, 35(1)
- ELECTION AS TO MODE OF
 TRIAL. *See* ELECTIONS AND
 RE-ELECTIONS
- ELECTION DOCUMENT
 Damage or alteration, 377(1)(c), (d)
 Definition, 377(2)
- ELECTION FUND
 Contractor subscribing to, 121(2),
 (3), 750(3)-(5)
- ELECTIONS AND RE-
 ELECTIONS. *See also*
 INDICTMENTS AND
 INFORMATIONS; NUNAVUT
 Absconding accused, election
 deemed to be waived, 598
 Absolute jurisdiction of provincial
 court judge, election during trial
 in certain cases, 555(2), (3)
 After electing trial by judge and jury,
 561, 561.1, 562, 562.1
 Appeals, election re new trial,
 686(5), (5.01)

ELECTIONS AND RE-

ELECTIONS — *Continued*

Attorney General overriding, 568, 569

Before —

judge of Nunavut Court of Justice, 536, 555.1

justice, 536(2)-(4), 566

provincial court judge, 554, 555

Consent by Crown to re-election, 561, 561.1

Deemed made in certain cases, 565, 567.1, 598

During trial, in certain cases, 555(2), (3), 555.1

Judge alone, 536(2), 555(3), 566(2).

See also Re-election, *infra*

Jury election deemed waived by absconding accused, 598

Jury trial required by Attorney General, 568, 569

Overriding of election by Attorney General, 568, 569

Preliminary inquiry —

provincial court judge may decide to hold, 555(1)

re-election after completion of, 561(1), 562

re-election before completion of, 561(1)(a), (b), 562

Provincial court judge, 536(2), 554, 555(2), (3), 561, 562, 563

Re-election —

consent of Crown required, when, 561, 561.1

electing trial by judge and jury, after, 561, 561.1, 562, 562.1

trial by provincial court judge, for, 561, 562, 563

Right of Attorney General to require trial by judge and jury, 568, 569

Several accused making different elections, 567, 567.1

Testamentary instrument, 555(2), (3)

Trial by —

judge alone, form of indictment, 566(2), 566.1

ELECTIONS AND RE-

ELECTIONS — *Continued*

Trial by — *Continued*

judge alone, Superior Court, on consent, 473

provincial court judge, 536(2), 554, 561

Trial without consent, no re-election at, 598

Writing, in, without attendance of accused, 536.2

Youth Criminal Justice Act, YC 67 prosecutor seeking adult sentence,

where, YC 67(1)(b), (3)(b)

young person charged with

murder, YC 67(1)(c), (3)(c)

young person charged with

presumptive offence, YC

67(1)(a), (3)(a)

young person's status uncertain,

YC 67(1)(d), (3)(d)

ELECTRICITY

Theft of, 326

Theft of telecommunication service, 326

ELECTRONIC DOCUMENTS,

841-847. *See also* CANADA

EVIDENCE ACT — Electronic documents

Electronically transmitted summons, warrant, subpoena, 708.1

ELECTRONIC SURVEILLANCE.

See INTERCEPTION OF

PRIVATE

COMMUNICATIONS;

SEARCH AND SEIZURE

EMBEZZLEMENT. *See* THEFT

EMPLOYMENT

Offences against employee re joining union, 425

Records, falsification 398

ENDANGERING LIFE

Abandoning child, 218

- ENDANGERING LIFE —
Continued
 Administering noxious thing with intent, 245
 Discharging with intent —
 air gun, 244.1
 firearm, 244
 Medical or surgical treatment, duty re, 216
 Mischief, 430(2)
 Omission by duty to act, 217, 217.1
- ENEMY ALIEN
 Assisting to leave Canada, 50(1)
 Evidence of overt acts, 55
 Indictment, overt acts to be stated, 581(4)
- ENGLISH CRIMINAL LAW
 Application, 8(2)
 Defences, 8(3)
 Juries, powers of court prior to April 1, 1955, preserved, 672
 Offences not applicable, 9
- ENTRAPMENT
 Common law defences preserved, 8(3)
- ESCAPE FROM LAWFUL CUSTODY, 145(1)(a)
 Assisting prisoner of war, 148
 Being unlawfully at large, 145(1)(b)
 Causing death during, 230
 Definition, “escape”, 149(2)
 Offence of, 145(1)(a)
 Permitting or assisting, 146, 147
 Prison breach, 144
 Service of term for remnant, 149
- ESTREAT, 770 to 771. *See also* RECOGNIZANCE — Forfeiture on default
- EVERY ONE
 Definition, 2
- EVIDENCE. *See also* CASE MANAGEMENT;
 DISABILITY; YOUTH CRIMINAL JUSTICE ACT
 Admissions. *See* ADMISSIONS
 Adverse witnesses, CE 9. *See also* ADVERSE WITNESSES; AGE; WITNESSES; YOUTH CRIMINAL JUSTICE ACT
 Age, proof of, 658, YC 148
 Alternative measures, statements not admissible, 717(3)
 Appeals, 683(1)(d)
 Banking records, CE 29
 Burden and onus of proof. *See* BURDEN AND ONUS OF PROOF
 Business records, CE 30
 Canada Evidence Act. *See* CANADA EVIDENCE ACT
 Canadian officials certifying documents outside Canada, CE 52-54
 Certificates. *See* CERTIFICATES
 Character and credibility. *See* CHARACTER AND CREDIBILITY
 Charter of Rights. *See* CHARTER OF RIGHTS — Evidence, Exclusion of evidence
 Children, CE 16, 16.1
 Children and young persons, proof of age, 658, YC 148. *See also* YOUTH CRIMINAL JUSTICE ACT
 Collateral facts rule —
 cross-examination upon previous convictions, CE 12
 exceptions —
 convictions, CE 12
 prior inconsistent statements, CE 9, 10, 11
 rebuttal evidence, 666
 Commission evidence. *See* COMMISSION EVIDENCE
 Competence and compellability. *See* COMPETENCE AND COMPELLABILITY

EVIDENCE — *Continued*
 Confessions. *See* ADMISSIONS;
 STATEMENTS OF THE
 ACCUSED; VOLUNTARINESS
 Confidential communications. *See*
 PRIVILEGE
 Contradictory evidence. *See also*
 PERJURY
 giving, 136
 proof of earlier trial, 136(2.1)
 Convictions. *See* CONVICTIONS;
 FINGERPRINTS
 Copies. *See* DOCUMENTS
 Corroboration. *See*
 CORROBORATION
 Cross-examination. *See* CROSS-
 EXAMINATION
 Definition, for offences against
 administration of justice, 118. *See*
also GOVERNMENT
 Depositions. *See* PRELIMINARY
 INQUIRY
 Derivative evidence, CH 24(2)
 Discretion. *See* DISCRETION
 Documents. *See* DOCUMENTS
 Evidence to the contrary. *See*
 PRESUMPTIONS AND
 INFERENCE
 Exclusion of evidence. *See*
 CHARTER OF RIGHTS;
 INTERCEPTION OF PRIVATE
 COMMUNICATIONS —
 Admissibility of communications
 Exhibits —
 release for scientific testing, 605
 right of accused to see, 603
 videotapes, 715.1
 Expert evidence. *See* EXPERT
 EVIDENCE
 Fabrication of, sufficiency of
 indictment for. *See*
 INDICTMENTS AND
 INFORMATIONS
 Fingerprints. *See* CONVICTIONS;
 FINGERPRINTS
 Firearm, obliterated serial number,
 108(4). *See also* WEAPONS —
 Firearms

EVIDENCE — *Continued*
 Fresh evidence, 683(1)(d)
 Handwriting —
 certification re Canada Evidence
 Act, CE 33
 comparisons by witnesses, CE 8
 Hearsay. *See* HEARSAY
 EXCEPTIONS
 Identification of accused, CE 6.1
 Inferences. *See* PRESUMPTIONS
 AND INFERENCE
 Interception of private
 communications. *See*
 INTERCEPTION OF PRIVATE
 COMMUNICATIONS
 Judicial interim release, 518. *See also*
 JUDICIAL INTERIM
 RELEASE
 Judicial notice. *See* JUDICIAL
 NOTICE
 Judicial proceedings. *See*
 JUDICIAL PROCEEDINGS
 Knowledge presumed re obliterated
 serial number —
 firearms, 108(4)
 vehicles, 354(2), (3)
 Minerals, theft of, presumption,
 396(2)
 Mute person, manner of giving
 evidence, CE 6
 Oaths. *See* CANADA EVIDENCE
 ACT — Competence and
 compellability; COMPETENCE
 AND
 COMPELLABILITY—Oaths
 Opinion. *See* EXPERT EVIDENCE
 Ownership. *See* INDICTMENTS
 AND INFORMATIONS —
 Sufficiency; OWNERSHIP
 Photocopies. *See* DOCUMENTS
 Physical disability, CE 6
 Preliminary inquiry. *See* JUDICIAL
 PROCEEDINGS;
 PRELIMINARY INQUIRY

- EVIDENCE — *Continued*
 Presumptions. *See*
 PRESUMPTION OF
 INNOCENCE;
 PRESUMPTIONS AND
 INFERENCES
 Previous statements, cross-
 examination upon. *See*
 ADVERSE WITNESSES;
 PRIOR INCONSISTENT
 STATEMENTS
 Prior inconsistent statements. *See*
 PRIOR INCONSISTENT
 STATEMENTS
 Private communications. *See*
 INTERCEPTION OF PRIVATE
 COMMUNICATIONS
 Privilege. *See* CANADA
 EVIDENCE ACT — Privilege;
 PRIVILEGE
 Proceedings in courts out of
 Canada, CE 43-51
 Protection of privacy. *See*
 INTERCEPTION OF PRIVATE
 COMMUNICATIONS
 Provincial laws of evidence,
 applicability, CE 40
 Psychiatric evidence. *See* EXPERT
 EVIDENCE; MENTAL
 DISORDER — Assessment
 orders
 Reading in evidence —
 commission evidence, 711, 712(2)
 evidence from previous hearing,
 715, 822(5)
 trial de novo, reading in of trial
 evidence, 822(5)
 Reasons for rulings. *See* REASONS
 FOR DECISIONS
 Rebuttal evidence, 666
 Records, alternative measures,
 717.1-717.4. *See also*
 CONVICTIONS; YOUTH
 CRIMINAL JUSTICE ACT
 Reply evidence, 666
 Reputation evidence. *See*
 CHARACTER AND
 CREDIBILITY
- EVIDENCE — *Continued*
 Right to silence. *See* SELF-
 INCRIMINATION
 Search and seizure. *See* SEARCH
 AND SEIZURE
 Sexual conduct, restriction on
 questioning. *See* CHARACTER
 AND CREDIBILITY
 Silence. *See* SELF-
 INCRIMINATION — Right to
 silence
 Similar fact evidence —
 sexual activity of complainant
 with others, 276
 young persons, violent patterns
 evidence, in continuation in
 custody hearings, YC 98(4)
 Statements. *See* ADMISSIONS;
 STATEMENTS
 Statements of the accused. *See*
 ADMISSIONS; STATEMENTS
 OF THE ACCUSED
 Statements of the accused at
 preliminary inquiry, use at trial,
 541(3), 657
 Statutory declarations. *See*
 SOLEMN DECLARATIONS;
 STATUTES
 Stolen property proved by theft
 conviction, 657.2(1)
 Sufficiency of evidence, preliminary
 inquiry, 548(1)(a)
 Taking of evidence, 540
 Vehicle —
 identification number obliterated,
 354(2), (3)
 Videotapes, 715.1
 complainant testifying outside the
 courtroom, 486.2
 complainant under 18, evidence
 of, 715.1
 complainant with disability,
 evidence of, 715.2
 Voir dire. *See* VOIR DIRE;
 VOLUNTARINESS
 Voluntariness. *See* STATEMENTS
 OF THE ACCUSED;
 VOLUNTARINESS

<p>EVIDENCE — <i>Continued</i> Wiretap. <i>See</i> INTERCEPTION OF PRIVATE COMMUNICATIONS Witnesses. <i>See</i> WITNESSES</p> <p>EVIDENCE TO THE CONTRARY. <i>See</i> PRESUMPTIONS AND INFERENCES</p> <p>EXCAVATION Failure to safeguard, 263(2), (3)</p> <p>EXCEPTION No need to negative in information, 794(1) Onus of proof re exception, exemption, excuse, 794(2)</p> <p>EXCESSIVE FORCE Criminal responsibility for, 26</p> <p>EXCHEQUER BILL Definition, 321 Exchequer bill paper, definition, 321</p> <p>EXCISE OFFICER Peace officer as, 2</p> <p>EXCLUSION OF THE PUBLIC. <i>See also</i> COURTS; PUBLICATION BAN All proceedings in open court, 486(1) Complainant — sexual activity, admissibility on sexual offences, 276, 278.93-278.97 testifying outside court room or behind a screen, 486.2 Exclusion of the public in certain cases, 486 In camera hearing re admissibility of other sexual activity of complainant, 278.93(3), 278.94(1) Protecting witnesses. <i>See also</i> WITNESSES complainant, 486 support person for witness, 486.1</p>	<p>EXCLUSION OF THE PUBLIC — <i>Continued</i> Protecting witnesses — <i>Continued</i> witnesses under 18, 486 young person, YC 132 Videotaped evidence of. <i>See also</i> VIDEOTAPED EVIDENCE complainant under 18 years, 715.1 disabled witness, 715.2 Witness testifying outside court or behind a screen, 486.2 Youth justice court, YC 132. <i>See also</i> YOUTH CRIMINAL JUSTICE ACT</p> <p>EXCUSE. <i>See also</i> DEFENCES No need to negative in information, 794(1) Onus of proof re exception, exemption, excuse, 794(2) War crimes. <i>See</i> WAR CRIMES</p> <p>EXEMPTION No need to negative in information, 794(1) Onus of proof re exception, exemption, excuse, 794(2)</p> <p>EXHIBITS Release for scientific testing, 605 Right of accused to see, 603 Videotapes, 715.1. <i>See also</i> VIDEOTAPED EVIDENCE</p> <p>EXPERT EVIDENCE Business documents, CE 30(6), (9) Case management judge may make ruling, 551.3 Number of expert witnesses, CE 7 Psychiatric assessment. <i>See</i> MENTAL DISORDER Report admissible, 657.3</p> <p>EXPLOSIVES Care and control, breach of duty re, 79, 80 Causing injury with intent, 81 Explosive substance defined, 2, 431.2(1)</p>
--	---

- EXPLOSIVES — *Continued*
 First degree murder, 81, 231(6.1)
 Prohibition orders, 109
 Public places, 431.2
 Seizure under warrant on suspicion,
 492
 Taking on aircraft, 78
 Transportation systems, 431.2
 Unlawful possession, 82
- EXPORT/IMPORT. *See*
 FIREARMS ACT — Authorized
 export/import
- EXPOSURE, INDECENT
 EXPOSURE, 173(2). *See also*
 SEXUAL OFFENCES
- EXTENSION OF TIME
 Indictable appeals, 678(2)
 Summary conviction appeals,
 815(2), 838
- EXTORTION
 Blackmail, 346
 Criminal interest rate, 347
 Defamatory libel, by, 302
 Definition, 346(1)
 Punishment, 346(1.1)
 Restriction on publication of
 identity of complainant or
 witness, 486.4
 Threat to institute civil proceedings,
 346(2)
- EXTRA-JUDICIAL
 PROCEEDING
 False statement in, 134
- EXTRAORDINARY REMEDIES.
See also CERTIORARI;
 HABEAS CORPUS;
 MANDAMUS; NUNAVUT;
 PROHIBITION
 Application of Part XXVI, 774
 Certiorari —
 appeal to court of appeal, 784(1)
 certain irregularities not rendering
 order invalid, 777(1), 778
- EXTRAORDINARY REMEDIES
 — *Continued*
 Certiorari — *Continued*
 conviction or order not
 reviewable, 776
 court required to take judicial
 notice, 781
 defect in form not rendering
 warrant of committal void, 782
 effect of order dismissing
 application, 780
 judge may correct illegal sentence,
 777(2)
 not required to review summary
 conviction, 833
 privative clause, 776, 777(1), 782
 procedendo not required, 780
 recognizance, defendant may be
 required to enter into, 779
 remedial orders, 777
- Habeas corpus —
 appeals —
 heard expeditiously, to be,
 784(6)
 judgment on return of writ of
 habeas corpus to court of
 appeal and Supreme Court of
 Canada, from, 784(5)
 no appeal from granting of writ
 of habeas corpus, 784(4)
 refusal of writ of habeas corpus
 to court of appeal and
 Supreme Court of Canada,
 from, 784(3)
 defect in form not rendering
 warrant of committal void, 782
 guarantee to, CH 10(c)
 multiple applications prohibited,
 784(3)
 Nunavut, 573.2
 Judge may make order for further
 detention without determining
 legality of detention, 775
- Mandamus —
 appeal from grant or refusal,
 784(1), (2)
 rules of court re, 482(3)(c)
 Nunavut, 573.1

<p>EXTRAORDINARY REMEDIES — <i>Continued</i></p> <p>Procedendo — not required upon dismissal of application to quash, 780</p> <p>Prohibition — appeal from grant or refusal, 784(1), (2) application of Part XXVI, 774 rules of court re, 482(3)(c)</p> <p>Protection order for provincial court judge or justice, 783</p> <p>Rules of court re, 482(3)(c)</p> <p>EXTRATERRITORIALITY. <i>See</i> JURISDICTION — Territorial</p> <p>FABRICATING EVIDENCE, 137. <i>See also</i> INTERNATIONAL CRIMINAL COURT</p> <p>Definition and offence, 137</p> <p>Indictment for, wording, 585</p> <p>Perjury. <i>See</i> PERJURY</p> <p>FACTOR</p> <p>Pledging goods, when not theft, 325. <i>See also</i> THEFT</p> <p>FAIL TO APPEAR</p> <p>Certificate, proof of facts by, 145(9), (10), (11)</p> <p>Court appearance, 145(2), (4), (5), (6)</p> <p>Fingerprinting, Identification of Criminals Act, as required by process to appear for fingerprinting, 145(4)-(10), 510</p> <p>FAIL TO COMPLY, 145(3)-(10)</p> <p>Certificate, proof of facts by, 145(9), (10), (11)</p> <p>Condition in appearance notice or promise to appear, with, 145(5), (6)</p> <p>Condition in undertaking or recognizance, with, 145(3), (5)</p>	<p>FAIL TO COMPLY — <i>Continued</i></p> <p>Fingerprinting, Identification of Criminals Act, as required by process to appear for fingerprinting, 145(4)-(10), 510</p> <p>FAIL TO STOP VEHICLE, VESSEL, AIRCRAFT. <i>See</i> AIRCRAFT; CONVEYANCES; MOTOR VEHICLES</p> <p>FAILURE OR REFUSAL TO PROVIDE BLOOD SAMPLE, 320.15. <i>See also</i> BLOOD SAMPLES</p> <p>FAILURE OR REFUSAL TO PROVIDE BREATH SAMPLE, 320.15. <i>See also</i> BREATHALYZER</p> <p>FAILURE TO ATTEND COURT. <i>See</i> FAIL TO APPEAR</p> <p>FAILURE TO COMPLY WITH PROBATION ORDER. <i>See also</i> SENTENCE — Probation</p> <p>Certificate of analyst re drugs, 729</p> <p>Compliance with s. 732.1(6)</p> <p>Jurisdiction, 733.1(2)</p> <p>Offence, 733.1(1)</p> <p>FAILURE TO COMPLY WITH SEX OFFENDER INFORMATION REGISTRATION ACT OBLIGATION OR ORDER, 490.031</p> <p>FAILURE TO PROVIDE NECESSARIES, 215</p> <p>FAIR TRIAL, CH 11(d). <i>See also</i> CHARTER OF RIGHTS — Fair and public hearing</p> <p>FALSE ACCUSATION</p> <p>Public mischief, 140</p>
--	---

- FALSE AFFIDAVIT OR DECLARATION, 134, 138. *See also* AFFIDAVITS; PERJURY; SOLEMN DECLARATIONS
- FALSE DOCUMENT. *See* FORGERY
- FALSE EVIDENCE. *See* FABRICATING EVIDENCE; FALSE STATEMENT; PERJURY
- FALSE FIRE ALARM
Colour of right defence, 429
Offence, 437
- FALSE MESSAGE
Sending to injure or alarm, 372(1)
- FALSE NEWS
Spreading of, 181
- FALSE OATH. *See also* COMPETENCE AND COMPELLABILITY — Oath
Indictment for making, wording, 585
- FALSE PERSONATION. *See* PERSONATION
- FALSE PRETENCES. *See also* FRAUD
Cheque defined, 362(5)
Cheque dishonoured, presumption from, 362(4)
Definition, 361
Financial statement re false pretence —
making with intent, 362(1)(c)
obtaining with knowledge of, 362(1)(d)
Indictment, sufficiency, 586
Obtaining —
credit by, 362(1)(b)
goods by, 362(1)(a)
Presumption from dishonour of cheque, 362(4)
Punishment, 362(2), (3)
Value over/under \$5,000, 362(2)
- FALSE PROSECUTION
Conspiracy re, 465(1)(b)
Obstructing justice, 139
Public mischief, 140
- FALSE PROSPECTUS, 400
Deemed aggravating factor, 380.1
- FALSE RETURN BY PUBLIC OFFICER, 399
- FALSE STATEMENT. *See also* FALSE PRETENCES; PERJURY
Extra-judicial proceedings, 134
Fabricating evidence, 137
False affidavit, 134, 138
Indictment for, wording, 585
- FALSIFYING EMPLOYMENT RECORD, 398. *See also* EMPLOYMENT
- FARES. *See also* FRAUD
Fraud in relation to, 393
- FAULT
Proof of for organization, 22.1, 22.2
- FEAR OF INJURY TO PERSON OR PROPERTY, 810, 811
- FEAR OF SERIOUS PERSONAL INJURY OFFENCE, 810.2
- FEAR OF SEXUAL OFFENCE AGAINST CHILD
Breach of recognizance, offence, 811
Information laid, 810.1(1)
Parties caused to appear, 810.1(2)
Procedure, 810(5), 810.1(5)
Recognizance —
failure or refusal to enter
recognizance, 810(4), 810.1(5),
Form 23
terms and conditions, 810.1(3)
varying, 810.1(4)
- FEEBLE-MINDED PERSON. *See* MENTAL DISORDER

<p>FEES AND ALLOWANCES. <i>See</i> COSTS</p> <p>FEIGNED MARRIAGE, PROCURING, 292</p> <p>FIERI FACIAS. <i>See</i> RECOGNIZANCE — Forfeiture on default</p> <p>FINANCIAL STATEMENT False pretence re, 362(1)(c), (d), (3)</p> <p>FINES, 734-737. <i>See also</i> SENTENCE</p> <p>FINGERPRINTS. <i>See also</i> IDENTIFICATION OF CRIMINALS ACT Certificates of examiner, Forms 44, 45 Destruction of, IDENT 4, 5 Fail to appear, fail to comply, Identification of Criminals Act, as required by process to appear for fingerprinting, 145(4)-(10), 510 Identification of Criminals Act, 145(4)-(10), 501(3), 502, 510 Photographs, IDENT 2(1), 4, 5 Proof of previous conviction, for, 667 Warrant to obtain, 487.092 Young persons, YC 113, 115</p> <p>FIRE. <i>See</i> ARSON</p> <p>FIRE ALARM False alarm — defence of colour of right or lawful excuse, 429(2) offence, 437</p> <p>FIREARMS. <i>See</i> FIREARMS ACT; WEAPONS</p> <p>FIREARMS ACT Agreements with provinces, FIR 95 Ammunition — authorization to transfer to individual, FIR 25</p>	<p>FIREARMS ACT — <i>Continued</i> Ammunition — <i>Continued</i> prohibited, FIR 24 unauthorized possession of, FIR 108</p> <p>Appeals of refusals and revocations — appeal to court of appeal, FIR 80 appeal to superior court — Attorney General, by, FIR 77(2) burden of proof, FIR 79(2) disposition of appeal, FIR 79(1) licence holder, etc., by, FIR 77(1) procedure, FIR 78 Criminal Code, application of Part XXVII, FIR 81 referral to provincial court judge — decision of judge, FIR 76 hearing procedure, FIR 75 jurisdiction, FIR 74(1) limitation period, FIR 74(2)</p> <p>Application of — Canadian Forces, to, FIR 3(2) Crown, to, FIR 3(1) exemptions by provincial minister, FIR 97</p> <p>Authorizations — acquisitions, FIR 64(1.2) appeals. <i>See</i> Appeals of refusals and revocations, <i>supra</i> carry/transport. <i>See</i> Authorizations to carry or transport, <i>infra</i> export/import. <i>See</i> Authorized export/import, <i>infra</i> extension, FIR 64(1.1), (1.3) form of, FIR 61 geographical extent of, FIR 63 international/interprovincial carriers, application to, FIR 73 issuance, FIR 64(1.4) lending. <i>See</i> Authorized transfers and lending, <i>infra</i> non-transferability, FIR 62</p>
---	---

FIREARMS ACT — *Continued*

Authorizations — *Continued*
 possession. *See* Authorized possession, *infra*
 refusal to issue, FIR 68, 72
 revocation of, FIR 70, 72
 term of, FIR 65
 transfers and lending. *See* Authorized transfers and lending, *infra*
 transport. *See* Authorizations to carry or transport, *infra*
 transportation of firearms. *See* Authorized transportation of firearms, *infra*
 use, FIR 64(1.2)
 Authorizations to carry or transport. *See also* Authorized transportation of firearms, *infra*
 appeals. *See* Appeals of refusals and revocations, *supra*
 automatic, FIR 61(3.1)
 chief firearms officer's responsibility for, FIR 57
 conditions re, FIR 58(1)
 different registered owner, FIR 59
 exception, FIR 58(1.1)
 licence, FIR 58(1.1)
 refusal to issue/revocation, FIR 70, 72
 renewal of, FIR 67
 Authorized export/import —
 appeals. *See* Appeals of refusals and revocations, *supra*
 individuals —
 information —
 providing, FIR 42.2(1)
 sharing, FIR 42.2(2)
 non-residents —
 temporary licence and registration certificate, FIR 36
 without licence to import, FIR 35
 registrar's responsibility for issuing, FIR 60

FIREARMS ACT — *Continued*

Authorized possession —
 eligibility to hold licence —
 businesses, FIR 9
 court order prohibition, FIR 6
 criteria for, FIR 5(2), (3)
 minors —
 consent of parent, FIR 8(5)
 generally, FIR 8(1)
 hunting for sport, FIR 8(3)
 hunting for sustenance, 8(2)
 prohibited/restricted firearms, FIR 8(4)
 public safety principle, FIR 5(1)
 safety courses, completion of —
 exceptions, FIR 7(4), (5)
 prohibition order and, FIR 7(3)
 requirement re, FIR 7(1)
 restricted firearms course, FIR 7(2)
 prohibited firearms, etc. —
 businesses —
 carriers, FIR 11(3)
 generally, FIR 11(1)
 prescribed purposes, FIR 11(2)
 individuals, grandfathered —
 automatic firearms, FIR 12(2)
 converted automatic firearms, FIR 12(3)
 general prohibition, FIR 12(1)
 handguns, FIR 12(6), (7)
 Prohibited Weapons Order No. 12, FIR 12(4)
 Prohibited Weapons Order No. 13, FIR 12(5)
 regulation, application of, FIR 12(8)
 registration certificates —
 exempted firearms, FIR 15
 number of persons per certificate, FIR 16
 requirement, FIR 13
 serial number, FIR 14

FIREARMS ACT — *Continued*

Authorized transfers and lending —
 authorization to transfer —
 ammunition to individuals, FIR 25
 Crown and police, to, FIR 26
 firearms neither prohibited nor restricted, FIR 23, 23.1, 26
 prohibited ammunition, FIR 24
 prohibited firearm, FIR 23.2, 27
 prohibited weapons, etc., FIR 24
 restricted firearm, FIR 23.2, 27
 duties of chief firearms officer, FIR 27
 gun collectors, FIR 30
 inquiry to Registrar re transferee's licence, FIR 23.1, 90.1
 lending —
 Crown and police, to, FIR 34
 requirements, FIR 33
 mail-order transfers, FIR 32
 mental disorder prohibition, FIR 22
 permitted purposes of transfers, FIR 28
 police/Crown, transfer to, FIR 31(2)
 registrar, duties of, FIR 31
 shooting clubs/ranges —
 approval requirement, FIR 29(1), (2)
 delegation of approval power, FIR 29(4)
 non-disclosure of information, FIR 29(7)
 notice of refusal to approve, FIR 29(5), (6)
 revocation of approval, FIR 29(3)
 “transfer” defined, FIR 21
 Authorized transportation of firearms. *See also* Authorizations to carry or transport, *supra* handguns, carrying, FIR 20

FIREARMS ACT — *Continued*

Authorized transportation of firearms — *Continued*
 places prohibited/restricted
 firearms may be possessed, FIR 17
 restricted firearms —
 automatic authorization to transport, FIR 19(2.1)-(2.3)
 carrying, FIR 20
 competition, FIR 19(1.1)
 exceptions, FIR 19(2.3)
 generally, FIR 19(1)
 licence renewal, FIR 19(2.1)
 non-residents, FIR 19(3)
 target practice, FIR 19(1.1)
 transfer, FIR 19(2.2)
 transitional provisions. *See* Transitional provisions, *infra*
 Canadian Firearms Registration System —
 electronic filing, FIR 91, 92
 records —
 access to, right to, FIR 90
 Canadian Firearms Registry, FIR 83
 chief firearms officer, of, FIR 87
 destruction of, FIR 84
 other records, FIR 85
 storage of, form of, FIR 92
 transfer of, FIR 86
 voluntary request to registrar, FIR 23.1, 90.1
 registrar of firearms —
 appointment of, FIR 82
 reporting —
 loss/finding/theft/destruction of firearms, of, FIR 88
 prohibition orders, FIR 89
 reports —
 commissioner, to, FIR 94
 federal Minister, to, FIR 93
 Carry or transport. *See* Authorization to carry or transport, *supra*
 Defined terms, FIR 2

FIREARMS ACT — *Continued*
 Delegation —
 chief firearms officer, to, FIR 98
 designated firearms officers, to,
 FIR 99
 registrar's functions, of, FIR 100
 Export/import. *See* Authorized
 export/import, *supra*
 Gun collectors —
 authorized transfer and lending,
 FIR 30
 Handguns —
 authorized possession of
 prohibited, FIR 12(6), (6.1), (7)
 carrying, FIR 20
 Inspection —
 authorization re, FIR 102(1)
 “business”, defined, FIR 102(5)
 data processing system, use of,
 FIR 102(2)
 demand to produce firearm, FIR
 105
 duty to assist inspectors, FIR 103
 dwelling house, of, FIR 104
 “inspector” defined, FIR 101
 prohibition against use of force,
 FIR 102(3)
 receipt for things taken, FIR
 102(4)
 Lending. *See* Authorized transfers
 and lending, *supra*
 Licences —
 acquisition, FIR 64(1.2)
 appeals. *See* Appeals of refusals
 and revocations, *supra*
 application for —
 information and investigation
 re, FIR 55
 procedure, FIR 54
 conditions, FIR 58(1)
 contravention of conditions of,
 FIR 110
 eligibility to hold. *See* Authorized
 possession, *supra*
 exception re, FIR 58(1.1)
 export/import. *See* Authorized
 export/import — individuals,
 supra

FIREARMS ACT — *Continued*
 Licences — *Continued*
 extension period, FIR 64(1.1)
 form of, FIR 61
 geographical extent of, FIR 63
 issuance of, FIR 56
 minors, issuance to, FIR 58(2), (3)
 non-transferability, FIR 62
 number of, FIR 56
 refusal to issue, FIR 68, 72
 revocation of, FIR 70, 72, 114
 tampering with, FIR 107
 term of, FIR 64
 transitional provisions. *See*
 Transitional provisions, *infra*
 use, FIR 64(1.2)
 Minors —
 eligibility to hold licence. *See*
 Authorized possession, *supra*
 issuance of licence to, FIR 58(2),
 (3)
 transitional provision re, FIR 121
 Offences —
 ammunition, unauthorized
 possession of, FIR 108
 contravention of conditions of
 licences, etc., FIR 110
 demand to produce firearm, non-
 compliance, FIR 113
 false statements, FIR 106
 firearms registration, failure re,
 FIR 112
 licences, etc., tampering with, FIR
 107
 proceedings re, FIR 116
 punishment, FIR 109, 111, 115
 revoked licence, etc., failure to
 deliver up, FIR 114
 Other Acts, obligations under, FIR
 96
 Possession. *See* Authorized
 possession, *supra*
 Prohibited firearms —
 authorization to transfer, FIR
 23.2, 24
 authorized possession of. *See*
 Authorized possession, *supra*

<p>FIREARMS ACT — <i>Continued</i> Prohibited firearms — <i>Continued</i> authorized transportation of, FIR 17, 18 eligibility of minor to hold licence re, FIR 8(4) registration certificate, FIR 12.1 Purpose of, FIR 4 Records. <i>See</i> Canadian Firearms Registration System, <i>supra</i> Registration certificate. <i>See also</i> Authorized possession, <i>supra</i> appeals. <i>See</i> Appeals of refusals and revocations, <i>supra</i> application for — procedure, FIR 54 form of, FIR 61 geographical extent of, FIR 63 non-transferability, FIR 62 prohibited or restricted firearms only, for, FIR 12.1 refusal to issue, FIR 69, 72 registrar's responsibility for issuing, FIR 60 renewal of, FIR 67 revocation of, FIR 71, 72 temporary, FIR 36 term of, FIR 66 transitional provisions. <i>See</i> Transitional provisions, <i>infra</i> Regulations under — laying of proposed regulations — exceptions, FIR 119 procedures, FIR 118 power to make, FIR 117 Restricted firearms — eligibility of minor to hold licence re, FIR 8(4) registration certificate, FIR 12.1 safety course re, FIR 7(2) transportation of. <i>See</i> Authorized transportation of firearms, <i>supra</i> Shooting club — generally. <i>See</i> Authorized transfers and lending, <i>supra</i> transitional provision approvals, FIR 134</p>	<p>FIREARMS ACT — <i>Continued</i> Short title, FIR 1 Transfers. <i>See</i> Authorized transfers and lending, <i>supra</i> Transitional provisions — authorized transportation of firearms — pending applications, FIR 133 permit to carry — deeming provision, FIR 129(1) expiration, FIR 129(3) geographical extent, FIR 129(2) permit to transport/convey, FIR 131, 132 shooting club approvals, FIR 134 temporary permit, FIR 130, 132 temporary storage permit, FIR 135 licences — firearms acquisition certificates, FIR 120 industrial purpose designations, FIR 125 minors' permits, FIR 121 museum approvals, FIR 122, 124 pending applications, FIR 126 permits to carry on business, FIR 123, 124 registration certificates — deeming provision, FIR 127(1) expiration, FIR 127(2) pending applications, FIR 128 Transportation. <i>See</i> Authorized transportation of firearms, <i>supra</i> FIREARMS OFFICER. <i>See also</i> WEAPONS Definition, 84 Reference to court by, 111, 117.011(1) FIRST DEGREE MURDER. <i>See</i> MURDER</p>
--	--

- FISHERY GUARDIAN. *See*
FISHERY OFFICER
- FISHERY OFFICER
Fishery guardian as peace officer, 2
Peace officer as, 2
- FITNESS TO STAND TRIAL. *See*
MENTAL DISORDER —
Fitness to stand trial
- FIXED PLATFORMS
Definition, 78.1(5)
Endangering safety, 78.1(2)
Offences against, 7(2.1), (2.2)
Seizing control, 78.1(1)
Threats causing death or injury,
78.1(4)
- FOLLOWING PERSON. *See*
INTIMIDATION; STALKING
- FORCE
Excessive, criminal responsibility
for, 26
Justification of —
correction of child, 43
defence of movable property, 39
defence of real property, 40, 41
law enforcement, 25
preventing offences, 27
aircraft, on, 27.1
self-defence, 34, 35, 37
ship's master maintaining
discipline, 44
Suppression of riot, 42
- FORCIBLE CONFINEMENT,
279(2)
Causing death while committing,
230
Internationally protected person,
outside Canada, 7(3), (5)-(7)
Non-resistance as defence, 279(3)
- FORCIBLE DETAINER, 72(2),
(3), 73
- FORCIBLE ENTRY, 72(1), (1.1),
(3), 73. *See also* BREAKING
AND ENTERING
- FORENSIC DNA ANALYSIS,
487.04-487.092, YC 119(6). *See*
also DNA ANALYSIS
- FORFEITURE. *See also*
OFFENCE-RELATED
PROPERTY; PROCEEDS OF
CRIME;
Ammunition, 491
Appeals, powers of appellate courts.
See also APPEALS
suspending fines, forfeitures,
restitutions and surcharges,
pending appeal, 462.45, 683(5),
689
Carriage of prohibited goods —
forfeiture order, 401(2)
Civil enforcement of forfeiture,
734.6
Controlled Drugs and Substances
Act, CD 16-22
Default on recognizance —
committal of sureties when not
satisfied, 773
effect, 771(3), (3.1)
execution by sheriff, 772
form of writ, Form 34
issue of writ, 771(3.1)
proceeds, to whom payable,
491(3), 734.4, 771(4)
warrant of committal on, Form 27
Device to obtain computer service,
342.2(2), (3)
Explosive, upon conviction, 492
Fines, in lieu of forfeiture order,
462.37(3), (4). *See also*
SENTENCE—Fines
Instrument for forging credit card,
342.01(2), (3)
Obscene publications, 164(4)-(7)
Offence-related property. *See*
OFFENCE-RELATED
PROPERTY

FORFEITURE — *Continued*

Proceeds —
 crime, of. *See* PROCEEDS OF
 CRIME
 payable, to whom, 491(3), 734.4
 Property obtained by crime, 462.37,
 491.1
 Recognizance. *See* Default on
 recognizance, *supra*
 Recovery, procedure, 734.6
 Remission by Governor in Council,
 748.1
 Restitution order in addition to
 forfeiture, priority, 740. *See also*
 SENTENCE — Restitution
 orders
 Return of weapons or ammunition
 to lawful owner, 491(2)
 Valuable minerals, 394(6), 394.1(4)
 Weapons, 115, 117.03(3), 117.05(4),
 491. *See also* WEAPONS
 Young persons, YC 42(2)(j)

FORGERY

Altering election document,
 377(1)(d)
 Complete, when, 366(3), (4)
 Credit card, 342
 Definition, 366(1), (2)
 Exchequer bill, etc., use or
 possession, 369(a)
 False document, defined, 57(4)(b),
 321
 Impounding forged instrument, CE
 35
 Inserting false entry in register,
 377(1)(b)
 Instrument for forging credit card,
 342.01
 Making false copy of register, record
 or document, 378
 Making false document defined,
 366(2)
 Medical assistance in dying, in
 relation to, 241.4
 Passports, 57. *See also* PASSPORT
 OFFENCES

FORGERY — *Continued*

Plates, dies, etc., making, using, etc.,
 for purpose of, 369(b)
 Public seal of Canada or province,
 369(c)
 Punishment, 367
 Trade mark —
 definition, 406
 offence, 407
 possession of instruments for, 409
 punishment and forfeiture, 412
 Uttering forged —
 document, 368
 passport, 57

FORM OF MARRIAGE

Definition, 214

FORMS AND SCHEDULES. *See*
also CERTIFICATES;

DOCUMENTS

Affidavits. *See* AFFIDAVITS
 Controlled Drugs and Substances
 Act, Schedules I-VIII
 Criminal Code forms, 849
 Form 1, Information to obtain a
 search warrant, 487
 Form 2, Information, 506, 788
 Form 4, Heading of indictment,
 566, 566.1, 580, 591
 Form 5, Warrant to search, 487
 Form 5.01, Information to obtain
 a warrant to take bodily
 substances for forensic DNA
 analysis, 487.05(1)
 Form 5.001, Preservation
 demand, 487.012(1)
 Form 5.002, Information to
 obtain a preservation order,
 487.013(2)
 Form 5.003, Preservation order,
 487.013(4)
 Form 5.004, Information to
 obtain a production order,
 487.014(2), 487.015(2),
 487.016(2), 487.017(2),
 487.018(3)

FORMS AND SCHEDULES —
Continued

Criminal Code forms — *Continued*
 Form 5.005, Production order for documents, 487.014(3)
 Form 5.006, Production order to trace a communication, 487.015(3)
 Form 5.007, Production order for transmission data or tracking data, 487.016(3), 487.017(3)
 Form 5.008, Production order for financial data, 487.018(4)
 Form 5.0081, Information to revoke or vary an order made under any of sections 487.013 to 487.018 of the Criminal Code, 487.019(3)
 Form 5.009, Information to obtain a non-disclosure order, 487.0191(2)
 Form 5.0091, Non-disclosure order, 487.0191(3)
 Form 5.02, Warrant authorizing the taking of bodily substances for forensic DNA analysis, 487.05(1)
 Form 5.03, Order authorizing the taking of bodily substances for forensic DNA analysis, 487.051(1), 487.051(2)
 Form 5.04, Order authorizing the taking of bodily substances for forensic DNA analysis, 487.051(3)
 Form 5.041, Order to a person to have bodily substances taken for forensic DNA analysis, 487.051(4), 487.055(3.11)
 Form 5.05, Application for an authorization to take bodily substances for forensic DNA analysis, 487.055(1)
 Form 5.06, Authorization to take bodily substances for forensic DNA analysis, 487.055(1)

FORMS AND SCHEDULES —
Continued

Criminal Code forms — *Continued*
 Form 5.061, Summons to a person to have bodily substances taken for forensic DNA analysis, 487.055(4), 487.091(3)
 Form 5.062, Warrant for arrest, 487.0551(1)
 Form 5.07, Report to a Provincial Court Judge or the court, 487.057(1)
 Form 5.08, Application for an authorization to take additional samples of bodily substances for forensic DNA analysis, 487.091(1)
 Form 5.09, Authorization to take additional samples of bodily substances for forensic DNA analysis, 487.091(1)
 Form 5.1, Warrant to search, 487.1
 Form 5.2, Report to a justice, 489.1
 Form 5.3, Report to a judge of property seized, 462.32
 Form 6, Summons to a person charged with an offence, 493, 508, 512
 Form 7, Warrant for arrest, 475, 493, 597, 800, 803
 Form 7.1, Warrant to enter dwelling house, 529.1
 Form 8, Warrant for committal, 493, 515
 Form 9, Appearance notice issued by a peace officer to a person not yet charged with an offence, 493
 Form 10, Promise to appear, 493
 Form 11, Recognizance entered into before an officer in charge or other peace officer, 493
 Form 11.1 Undertaking given to a peace officer or an officer in charge, 493, 499, 503

FORMS AND SCHEDULES —
Continued

Criminal Code forms — *Continued*
 Form 12, Undertaking given to a justice or a judge, 493, 679
 Form 13, Undertaking by appellant (defendant), 816, 832, 834
 Form 14, Undertaking by appellant (prosecutor), 817
 Form 15, Warrant to convey accused before justice of another territorial division, 543
 Form 16, Subpoena to a witness, 699
 Form 16.1, Subpoena to a witness in the case of proceedings in respect of an offence referred to in subsection 278.2(1) of the Criminal Code, 278.3(5), 699(7)
 Form 17, Warrant for witness, 698, 705
 Form 18, Warrant to arrest an absconding witness, 704
 Form 19, Warrant remanding a prisoner, 516, 537
 Form 20, Warrant of committal of witness for refusing to be sworn or to give evidence, 545
 Form 21, Warrant of committal on conviction, 570, 806
 Form 22, Warrant of committal on an order for the payment of money, 806
 Form 23, Warrant of committal for failure to furnish recognizance to keep the peace, 810, 810.1
 Form 24, Warrant of committal of witness for failure to enter into recognizance, 550
 Form 25, Warrant of committal for contempt, 708
 Form 26, Warrant of committal in default of payment of costs of an appeal, 827

FORMS AND SCHEDULES —
Continued

Criminal Code forms — *Continued*
 Form 27, Warrant of committal on forfeiture of a recognizance, 773
 Form 28, Endorsement of warrant, 487, 528
 Form 29, Endorsement of warrant, 507
 Form 30, Order for accused to be brought before justice prior to expiration of period of remand, 537
 Form 31, Deposition of a witness, 540
 Form 32, Recognizance, 493, 550, 679, 706, 707, 810, 810.1, 817
 Form 33, Certificate of default to be endorsed on recognizance, 770
 Form 34, Writ of *feri facias*, 771
 Form 35, Conviction, 570, 806
 Form 36, Order against an offender, 570, 806
 Form 37, Order acquitting accused, 570
 Form 38, Conviction for contempt, 708
 Form 39, Order for discharge of a person in custody, 519, 550
 Form 40, Challenge to array, 629
 Form 41, Challenge for cause, 639
 Form 42, Certificate of non-payment of costs of appeal, 827
 Form 43, Jailer's receipt to peace officer for prisoner, 734
 Form 44, Certificate of fingerprint examiner re criminal record, 667
 Form 45, Certificate of fingerprint examiner re fingerprint comparison, 667
 Form 46, Probation order, 732.1
 Form 47, Order to disclose income tax information, 462.48
 Form 48, Assessment order of the court, 672.13

- FORMS AND SCHEDULES —
Continued
- Criminal Code forms — *Continued*
- Form 48.1, Assessment order of the Review Board, 672.13
- Form 49, Warrant of committal, disposition of detention, 672.57
- Form 50, Warrant of committal, placement decision, 672.7(2)
- Form 51, Notice of obligation to provide samples of bodily substance, 732.1(3)(c.2), 742.3(2)(a.2), 810(3.02)(c), 810.01(4.1)(g), 810.1(3.02)(i), 810.2(4.1)(g)
- Form 52, Order to comply with Sex Offender Information Registration Act, 490.012
- Form 53, Notice of obligation to comply with Sex Offender Information Registration Act, 490.032
- Form 54, Notice of obligation to comply with Sex Offender Information Registration Act, 490.02901-490.02903
- Deemed good and sufficient, 849(1)
- Drugs —
- Controlled Drugs and Substances Act, Schedules I-VIII
- Fingerprints, Forms 44, 45
- Firearms. *See* WEAPONS —
- Firearms — firearms acquisition certificate
- Justice not required to affix seal to Form, 849(2)
- Warrant of committal. *See also* MENTAL DISORDER
- disposition of detention, Form 49.
- placement decision, Form 50.
- Youth Criminal Justice Act, YC 154, 155(a)
- FRAUD, 380. *See also* FALSE PRETENCES
- Affecting market prices, 380(2)
- Arson for fraudulent purpose, 435
- FRAUD — *Continued*
- Concealment of title documents, 385
- Disposal of —
- goods on which money advanced, 389
- property to defraud creditors, 392
- Falsification of books and documents, 397
- Fares, 393
- Food, beverage or accommodation, 364
- Forfeiture order re minerals, 394(2)
- Fraud offence, 380
- Fraudulent concealment, 341
- Gaming in wares or merchandise, 383
- Government, fraud upon, 121
- Indictment sufficiency, 586
- Mines, 396
- Misleading receipt for property, 388
- Obtaining —
- credit by, 362(1)(b), (3)
- execution of valuable security, 363
- food and lodging, 364
- Offences in relation to officials, 121-123
- Receipt under Bank Act, making or disposing, 390
- Registration of title to property, 386
- Sale of real property, 387
- Sentencing —
- deemed aggravating factors, 380.1
- Setting fire for fraudulent purpose, 435(1)
- Stocks, shares, etc., 380(2), 382, 382.1, 383, 384. *See also* STOCKS, SHARES, ETC.
- Transportation fraud, 393
- Use of mails, 381
- Valuable minerals, 394
- FRAUD IN RELATION TO MINERALS. *See also* VALUABLE MINERAL
- Offences, 394, 394.1
- Search and seizure, 395

<p>FRAUD IN RELATION TO MINES. <i>See also</i> VALUABLE MINERAL Offences, 396(1) Proof of intent, 396(2) Search and seizure, 395</p> <p>FRAUDULENT CONCEALMENT Anything, 341 Identity or travelling documents, 279.03 Title documents, 385</p> <p>FRAUDULENT DISPOSAL OF GOODS ON WHICH MONEY ADVANCED, 389</p> <p>FRAUDULENT RECEIPTS UNDER BANK ACT, 390</p> <p>FRAUDULENT REGISTRATION OF TITLE, 386. <i>See also</i> DOCUMENTS OF TITLE</p> <p>FRAUDULENT SALE OF REAL PROPERTY, 387</p> <p>FREEDOMS. <i>See</i> FUNDAMENTAL FREEDOMS</p> <p>FULL ANSWER AND DEFENCE. <i>See also</i> CHARTER OF RIGHTS — Fair and public hearing, Fundamental justice Interception of private communications, opening of sealed packet, 187(1.4), (7). <i>See also</i> INTERCEPTION OF PRIVATE COMMUNICATIONS Right to make full answer and defence, 276(3)(a), 650(3), 802(1) Sexual activity of complainant, admissibility on sexual offences, 276</p>	<p>FUNDAMENTAL FREEDOMS, CH 2. <i>See also</i> CANADIAN BILL OF RIGHTS; CHARTER OF RIGHTS Freedom of — assembly, CH 2(c), BR 1(e) association, CH 2(d), BR 1(e) conscience and religion, CH 2(a), BR 1(c) expression, CH 2(b) religion, CH2(a) speech, CH 2(b), BR 1(d) press and other media, the, CH 2(b), BR 1(f) thought, belief, CH 2(b) Override provision, CH 33</p> <p>FUNDAMENTAL JUSTICE, CH 7. <i>See also</i> CHARTER OF RIGHTS Commission evidence, 713.1. <i>See also</i> COMMISSION EVIDENCE</p> <p>GAMBLING. <i>See</i> BETTING AND GAMING OFFENCES; DISORDERLY HOUSE; KEEPER; LOTTERIES</p> <p>GAME. <i>See also</i>, BETTING AND GAMING OFFENCES; GAMING EQUIPMENT Cheating at playing, 209 Common gaming house — defined, 197(1), (4) exemptions, 204-207.1 offences, 201 Defined, 197(1)</p> <p>GAMING EQUIPMENT. <i>See also</i> BETTING AND GAMING OFFENCES Defined, 197(1)</p> <p>GAMING HOUSE. <i>See</i> BETTING AND GAMING OFFENCES</p> <p>GAMING OFFENCES. <i>See</i> BETTING AND GAMING OFFENCES</p>
--	--

- GAOL. *See* SENTENCE —
Imprisonment
- GAZETTE. *See* JUDICIAL
NOTICE; STATUTES
- GENERAL WARRANT, 487.01.
See also SEARCH AND
SEIZURE — Warrants
- GENOCIDE. *See also* HATE
PROPAGANDA; WAR
CRIMES
Advocating, 318
Committing, WC 4, 6
- GOODS
Definition, 379
Obtaining by false pretence,
362(1)(a)
Prohibited, obtaining carriage by
false representation, 401
- GOVERNMENT
Definition, 118
Evidence, definition, 118
Fraud upon, 121
Government mark —
counterfeiting, 376(2)
definition, 376(3)
New Brunswick, English and French
linguistic equality, CH 16.1(2)
Records, CE 24, 25, 26, 28
- GRAND JURY ABOLISHED,
576(2)
- GROSS INDECENCY. *See*
INDECENCY
- GUARDIAN
Abduction by, 282-286
Definitions —
offences against person and
reputation, 214
sexual offences, 150
Duty to provide necessities, 215
Procuring sexual activity, 170
Sexual exploitation, 153
- GUILTY PLEA. *See also* PLEAS
Called upon to plead, when, 606(1)
Included or other offence, 606(4)
Inquiry by judge, 606(1.1)
Judicial interim release, 518(2)
Other offences, 606(4)
Summary conviction proceedings,
801
Transfer of charges, 478, 479
- GUNS. *See* FIREARMS ACT;
WEAPONS
- HABEAS CORPUS. *See also*
EXTRAORDINARY
REMEDIES
Appeals —
hearing of, 784(6)
judgment issued on return of writ,
784(5)
none from grant of writ, 784(4)
refusal of application, 784(3)
Guarantee to, CH 10(c)
Multiple applications prohibited,
784(3)
Nunavut, 573.2
Rules of court re, 482(3)(c)
Warrant of committal, quashing not
available, 782
- HANDGUNS. *See* FIREARMS
ACT; WEAPONS
- HANDWRITING
Certifications re Canada Evidence
Act, CE 33
Comparisons by witnesses, CE 8
- HARASSMENT. *See also*
INTIMIDATION; STALKING;
WATCH AND BESET
Criminal, 264
Repeated telephone calls, by, 372(3)
- HARBOUR
Removing natural bar, 440
- HATE LITERATURE. *See* HATE
PROPAGANDA

HATE PROPAGANDA
 Advocating genocide, 318
 Communicating defined, 319(7)
 Definition, 320(8)
 Deleting from computer system, 320.1
 Forfeiture of material, 319(4)
 Genocide defined, 318(2)
 Identifiable group defined, 319(7)
 Inciting hatred, 319(1)
 Public incitement of hatred, 319
 Public place defined, 319(7)
 Search and seizure, exceptions, 319(5)
 Seizure of publications. *See also* **SEARCH AND SEIZURE—Warrants**
 forfeiture proceedings, 320(2)-(7)
 return of material, 320(5)
 warrant for, 320(1)
 Sentence —
 motivation by hate aggravating factor, 718.2(a)(i)
 Statements defined, 319(7)

HATRED. *See also* HATE PROPAGANDA
 Aggravating factor on sentencing, 718.2(a)(i)
 Inciting, 319

HEARINGS
 Expert evidence —
 business documents, CE 30(6), (9)
 number of expert witnesses, CE 7
 Government records, CE 24, 25, 26, 28
 Prior inconsistent statements —
 adverse witnesses, CE 9
 cross-examination upon —
 one's own witness, CE 9
 opponent's witness, CE 10
 proving statement, CE 11
 Public documents, CE 24, 25, 26, 28

HEARSAY. *See* HEARSAY EXCEPTIONS

HEARSAY EXCEPTIONS
 Admissions. *See* **ADMISSIONS**
 Affidavits. *See* **AFFIDAVITS**
 Age. *See* **AGE**
 Banking records. *See* **DOCUMENTS**
 Business records. *See* **DOCUMENTS**
 Canada Evidence Act. *See* **CANADA EVIDENCE ACT**
 Certificates. *See* **CERTIFICATES**
 Commission evidence. *See* **COMMISSION EVIDENCE**
 Confessions. *See* **STATEMENTS OF THE ACCUSED; VOLUNTARINESS; YOUTH CRIMINAL JUSTICE ACT**
 Convictions. *See* **CONVICTIONS**
 Date of birth. *See* **AGE**
 Documents. *See* **DOCUMENTS**
 Expert evidence —
 business documents, CE 30(6), (9)
 number of expert witnesses, CE 7
 psychiatric assessment. *See* **MENTAL DISORDER**
 report admissible, 657.3
 Government records, CE 24, 25, 26, 28
 Historical events. *See* **JUDICIAL NOTICE**
 Interception of private communications. *See* **INTERCEPTION OF PRIVATE COMMUNICATIONS**
 Judicial notice. *See* **JUDICIAL NOTICE**
 Judicial proceedings. *See* **JUDICIAL PROCEEDINGS**
 Prior inconsistent statements —
 adverse witnesses, CE 9
 cross-examination upon —
 one's own witness, CE 9
 opponent's witness, CE 10
 proving statement, CE 11
 statement during youth court assessment, YC 147(2)
 Prior testimony, 715, 822(5)

HEARSAY EXCEPTIONS —
Continued

Psychiatric evidence. *See* MENTAL DISORDER

Public documents, CE 24, 25, 26, 28

Reading in evidence —
commission evidence, 711, 712(2).
See also COMMISSION

EVIDENCE

evidence from previous hearing,
715, 822(5)

trial de novo, reading in of trial
evidence, 822(5)

Records. *See* DOCUMENTS

Sentencing hearing, 723(5), 724(1)

Solemn declarations. *See* SOLEMN
DECLARATIONS

Statements. *See* STATEMENTS;

STATEMENTS OF THE
ACCUSED; YOUTH
CRIMINAL JUSTICE ACT

Statements of the accused. *See*

STATEMENTS OF THE
ACCUSED; YOUTH
CRIMINAL JUSTICE ACT

Statutes. *See* STATUTES

Young persons, inadmissible
evidence admissible, YC 150

HER MAJESTY

Acts intending —

alarm, to, 55

bodily harm, 55. *See also*

BODILY HARM

HER MAJESTY'S FORCES. *See
also* CANADIAN FORCES

Definition, 2

HIDING TOOLS, ETC.

Intimidate, to, 423(1)(d)

HIGH TREASON

Causing death while committing,
230

Conspiracy to commit as treason,
46(2)(c)

Corroboration of single witness,
47(3)

HIGH TREASON — *Continued*

Definition, 46(1), (3)

Evidence of overt acts, 55

Indictment —

offence must be specifically
charged, 582

overt acts to be stated, 581(4)

Punishment, 47(1), (4)

Sentence, 745(a)

HIGHWAY

Blocking or obstructing to
intimidate, 423(1)(g)

Definition, 2

HIJACKING. *See also* AIRCRAFT

Aircraft, 76

Causing death, 230

Consent to prosecution of non-
citizen, 7(7)

First degree murder, 231(5)

Outside Canada, 7

Use of force to prevent, 27.1

HOAX

Terrorist offence, 83.231

HOLIDAY

Acts done on, validity, 20

Taking verdict on Sunday, 654

HOMICIDE. *See also* DEATH;
INFANTICIDE; KILLING
CHILD; MANSLAUGHTER;
MURDER; PAROLE

Acceleration of death by bodily
injury, 226

Attempt murder, 239

Consent to death, effect of, 14

Culpable —

definition, 222(4)

how committed, 222(5)

Dead body —

interference with, 182(b)

neglect re burial, 182(a)

Death caused by —

act or omission, where

preventable by other means,
224

HOMICIDE — ContinuedDeath caused by — *Continued*

criminal negligence, 220, 222(5)(b)
 dangerous injury, where treatment
 the immediate cause, 225
 frightening, 228
 homicide, 222(1), (6)
 influence on the mind, 228

Definition, 222

death, of, 224-228

Infanticide —

definition, 233
 punishment, 237
 verdict of jury —
 concealing body proved, 662(4)
 killing proved, no acquittal
 unless not wilful, 663

Killing by influence on the mind, 228

Killing during birth, 238

Kinds of, 222(2)

Manslaughter. *See also*

MANSLAUGHTER

definition, 222, 234
 included offences, 662(5)
 internationally protected person,
 outside Canada, 7(3), (5)-(7)
 punishment, 236

Murder. *See also* **MURDER**

accessory after the fact to, 240
 attempt murder, 239
 causing death committing
 specified offences, 230, 231(5)
 classification of, 231(1)
 compulsion by threats no defence,
 17
 constructive murder, 229, 230, 231
 definition, 229
 first degree —
 causing death committing
 specified offences, 231(5)
 contract killing, 231(5)
 indictment, offence must be
 specifically charged, 582
 killing peace officer or prison
 guard, 231(4)
 planned and deliberate, 231(2),
 (3)
 sentence, 745(a)

HOMICIDE — ContinuedMurder — *Continued*first degree — *Continued*

terrorist offence, 231(6.01)
 verdict where second degree
 proved, 662(2)

ineligibility for parole. *See*

PAROLE

internationally protected person
 outside Canada, 7(3), (5)-(7)

provocation reducing murder to
 manslaughter, 232

punishment, 235. *See also*

PAROLE; SENTENCE

second degree, 231(7)

ineligibility for parole. *See*

PAROLE

threat of, against internationally
 protected person, 424

young person, YC 42(2)(q), (7),
 67(1)(c), (3)(c). *See also*

YOUTH CRIMINAL**JUSTICE ACT**

Non-culpable not an offence, 222(3)

Parole ineligibility. *See* **PAROLE** —
 Ineligibility for parole

Procuring conviction and death by
 false evidence is not homicide,
 222(6)

Provocation reducing murder to
 manslaughter, 232

HOSTAGE TAKING. See also
ABDUCTION; KIDNAPPING;
TRAFFICKING IN PERSONS

Causing death while committing,
 230, 231(5)(f)

Compulsion by threats no defence,
 17

Defence, non-resistance, 279.1(3)

Definition, 279.1(1)

First degree murder, 231(5)(f)

Offences outside of Canada, 7(3.1)

Punishment, 279.1(2)

Threat of, against internationally
 protected person, 424

- HOUSE-BREAKING. *See*
BREAKING AND ENTERING
- HOUSEHOLDER OR OCCUPIER
PERMITTING SEXUAL
ACTIVITY, 171. *See also*
SEXUAL OFFENCES
- HUMAN BEING
Child becomes, when, 223(1). *See also*
INFANTICIDE
- HUMAN TRAFFICKING. *See*
TRAFFICKING IN PERSONS
- HUSBAND AND WIFE. *See also*
MARRIAGE; SPOUSE
Bigamy, 290, 291. *See also*
BIGAMY
Compulsion by spouse, no
presumption of, 18
Correcting child, 43
Duty to provide necessities of life,
215
Polygamy, 293
Spouse may be charged with sexual
offences, 278. *See also* SEXUAL
OFFENCES
- ICE
Opening in, failure to safeguard,
263(1), (3)
- IDENTIFICATION. *See*
FINGERPRINTS;
HANDWRITING;
IDENTIFICATION OF
CRIMINALS ACT;
WITNESSES
- IDENTIFICATION OF
CRIMINALS ACT
Binding on Crown, IDENT 1.1
Destruction of fingerprints/
photographs, IDENT 4, 5
Fingerprints, IDENT 2(1), 4, 5
No liability for acting under Act,
IDENT 3
Photographs, IDENT 2(1), 4, 5
- IDENTIFICATION OF
CRIMINALS ACT — *Continued*
Publication, IDENT 2(3)
Short title, IDENT 1
Use of force, IDENT 2(2)
- IDENTITY DOCUMENTS
Definition, 56.1(3)
Offences re, 56.1(1)
exceptions, 56.1(2)
Punishment, 57(4)
- IDENTITY THEFT, 402.2
Identity fraud, 403
Identity information defined, 402.1
- IGNORANCE OF LAW
No defence, 19. *See also*
DEFENCES
- ILLICIT DRUG USE. *See*
CONTROLLED DRUGS AND
SUBSTANCES ACT; DRUGS;
PROCEEDS OF CRIME
- IMMORAL THEATRICAL
PERFORMANCE, 167, 169
- IMPAIRED DRIVING AND
OVER 80. *See also*
BREATHALYZER; MOTOR
VEHICLES; OVER 80
Coordination tests —
demand to perform, 320.27(1)(a)
refusal to comply with demand,
320.15
Impaired operation, 320.14(1)(a)
Operation with excess blood alcohol,
320.14(1)(b)
Operate, definition, 320.11
Prohibition order, 320.24
Punishment, 320.19-320.23
Testing —
demand for, 320.27(1)(a)
refusal to comply with demand,
320.15
- IMPEDING ATTEMPT TO SAVE
LIFE, 262

IMPERSONATION

Intent, with, 403
Peace officer, 130

IMPORTING

Controlled drug or substance, CD 6
Counterfeit money, 450
Presumption goods were produced in the country from which shipped, 414
Prohibited —
goods, obtaining carriage by false billing, 401
weapon, 95
Stolen goods, prohibited, 355.3
Things obtained by theft, possession, or a credit card offence, 357

IMPRISONMENT. *See* PAROLE — Ineligibility for parole;
SENTENCE

IN CAMERA

Hearing re —
legal fees, 462.34(5)
other sexual conduct, 278.93(3), 278.94(1)
personal information records, 278.4
Trial, 486. *See also* TRIAL
Youth Criminal Justice Act, YC 132

INCEST, 155. *See also* SEXUAL OFFENCES

INCHOATE CRIMES. *See* ATTEMPTS; CONSPIRACY; COUNSELLING OFFENCE; PARTIES TO OFFENCES —
Counselling — offence that is not committed

INCITING. *See also* COUNSELLING OFFENCES; PARTIES TO OFFENCES
Hatred, 319. *See also* HATE PROPAGANDA

INCLUDED OFFENCES, 662. *See also* TRIAL — Verdicts

INCLUDED OFFENCES —
Continued

Appeal of acquittal of greater offence. *See* APPEALS — Crown appeals against, Powers of appellate court — new trial
Attempt proved but full offence charged, 660
Autrefois acquit/convict, 609, 610. *See also* RES JUDICATA
Breaking and entering, 662(6)
Criminal negligence, 662(5)
Infanticide, 662(3)
Manslaughter, 662(3)
Murder, 662(2), (3)
Part only of offence charged, proved, 662
Plea of guilty to included or other offence, 606(4), 801
Young person charged with presumptive offence, YC 69

INCOME TAX. *See* PROCEEDS OF CRIME

INDECENCY. *See also* SEXUAL OFFENCES

Act of, 173(1)
exposing genitals to person under 16 years, 173(2)
Assault. *See* SEXUAL ASSAULT; SEXUAL OFFENCES
Exhibition, 175(1)(b)
Exposure —
person under 16 years, to, 173(2)
prosecution of person 12 or 13 years, 150.1(3)
Nudity, 174
Show, indecent, 163(2)(b), 169
Telephone calls, 372(2)
Theatrical performance, 167, 169

INDEPENDENT AND IMPARTIAL TRIBUNAL, CH 11(d)

- INDICTABLE OFFENCES. *See also* INDICTMENTS AND INFORMATIONS; JURISDICTION; NUNAVUT; TRIAL
- Accessory after the fact, punishment, 463(a), (b)
- Accused —
- at large, procedure, 597, 598
 - insane. *See* MENTAL DISORDER—Criminal responsibility; Fitness to stand trial
 - presence at trial, 650(1)-(2)
- Acquittal, form of order, Form 37
- Adjournment. *See* ADJOURNMENTS AND REMANDS; TRIAL
- Admissions by accused, 655. *See also* ADMISSIONS; JUDICIAL PROCEEDINGS — Reading in; STATEMENTS OF THE ACCUSED
- Amendment. *See* INDICTMENTS AND INFORMATIONS
- Appeal. *See* APPEALS
- Attempt to commit, punishment, 463(a), (b), (d)
- Change of venue. *See* TRIAL — Change of venue
- Compounding or concealing, 141
- Consent to prosecute. *See* ATTORNEY GENERAL/ SOLICITOR GENERAL
- Conspiracy to commit, 465(1)(c)
- Continuous proceeding, 645(1)
- Counselling, offence not committed, punishment, 464(a)
- Date of trial, 560
- Duty of accused to ascertain date of trial, 560(4)
- Election for trial by accused. *See* ELECTIONS AND RE-ELECTIONS
- Empanelling jury. *See* JURIES
- Fixing date of trial, 560(1), (2)
- Form of indictment for trial by judge alone, 566(2), Form 4
- INDICTABLE OFFENCES —
- Continued*
- Full answer and defence, 650(3). *See also* FULL ANSWER AND DEFENCE
- Included offences. *See* INCLUDED OFFENCES
- Intervention by Attorney General of Canada, 579.1, 795
- Jurisdiction —
- absolute jurisdiction of —
 - judge of Nunavut Court of Justice, 553
 - provincial court judge, 553
 - superior court, 468, 469
 - accused electing provincial court judge, 554
 - adjournments, 669.1. *See also* ADJOURNMENTS AND REMANDS
 - before jurors called, 645(5)
 - continuation of proceedings, 669.2
 - court of criminal jurisdiction, 469, 470
 - over the person, 470
 - provincial court judge, 553, 554
 - superior court of criminal jurisdiction, 468
- Jury, empanelling. *See* JURIES
- Mentally ill accused, remand for observation. *See* MENTAL DISORDER
- Mode of trial. *See* ELECTIONS AND RE-ELECTIONS
- Murder. *See* INDICTMENTS AND INFORMATIONS; MURDER
- Notice to accused of date of trial, 560(3)(a)
- Nunavut. *See* NUNAVUT
- Organization. *See also* ORGANIZATIONS
- appearance and plea by counsel, 620
 - default of appearance, procedure, 622
 - notice of indictment, 621

INDICTABLE OFFENCES —
Continued

Organization — *Continued*
trial and conviction, 623

Pleas. *See* PLEAS

Preferring indictment for. *See*
INDICTMENTS AND
INFORMATIONS — Preferring
indictment

Preliminary inquiry. *See*
PRELIMINARY INQUIRY

Presence of accused, 650(1)-(2)

Pre-trial hearing, 625.1

Previous conviction. *See*
CONVICTIONS

Producing accused for trial,
560(3)(b)

Provincial court judge. *See* Trial by
provincial court judge, *infra*;
PROVINCIAL COURT
JUDGE; TRIAL — Provincial
court judge

Record of proceedings, 624, 625

Remand for observation. *See*
MENTAL DISORDER

Reservation of decision on questions
raised, 645(4)

Sentence. *See* SENTENCE

Speedy trial. *See* Trial by judge
alone, *infra*; TRIAL

Stay of judgment, none for certain
jury process irregularities, 670

Stay of proceedings and
recommencement, 579, 579.1(2),
795

Transfer of charges, 478, 479

Trial by indictment. *See*
INDICTMENTS AND
INFORMATIONS; TRIAL

Trial by judge alone. *See also*
INDICTMENTS AND
INFORMATIONS; TRIAL
accused electing, 558. *See also*
ELECTIONS AND RE-
ELECTIONS
acquittal of accused, 570(2), (4)
adjournments, 571

INDICTABLE OFFENCES —
Continued

Trial by judge alone — *Continued*
compelling appearance of
accused, 527. *See also*
JUDICIAL INTERIM
RELEASE; RELEASE FROM
CUSTODY
conviction of accused, 570(1), (4),
(5)
court of record, 559(1)
custody of records, 559(2)
date of trial, 560
discretion where several accused
making different elections, 567
fixing date of trial, 560
judge defined, 552
preferring indictment, 566(2), (3).
See also INDICTMENTS
AND INFORMATIONS —
Preferring indictment
procedure, application of PARTS
XVI, XVIII, XX and XXIII,
572
punishment, 572
reading in evidence previously
taken, 715. *See also* JUDICIAL
PROCEEDINGS — Reading
in
re-election by accused. *See*
ELECTIONS AND RE-
ELECTIONS
reservation of decision on
questions raised, 645(4)
superior court, on consent, 473

Trial by judge and jury. *See also*
INDICTMENTS AND
INFORMATIONS; TRIAL
compulsory, when, 471
election deemed made, when, 565
jurisdiction before jurors called,
645(5)
re-election by accused. *See*
ELECTIONS AND RE-
ELECTIONS

Trial by magistrate. *See* Trial by
provincial court judge, *infra*

INDICTABLE OFFENCES —
Continued

Trial by provincial court judge. *See also* NUNAVUT; PROVINCIAL COURT JUDGE; TRIAL — Provincial court judge
 absolute jurisdiction, 553
 accused put to election during trial, 555(2), (3)
 acquittal of accused, 570(2), (4)
 adjournments, 571
 after re-election by accused, 561, 562, 563
 compelling appearance of accused, 572
 continuance of trial as preliminary inquiry, 555(1), (3)(a)
 continuation of proceedings, 669.2(2), (3)
 conviction of accused, 570(1), (4), (5)
 corporate accused, appearance, 556
 discretion where several accused making different elections, 567
 election by accused during trial, 555(2), (3). *See also* ELECTIONS AND RE-ELECTIONS
 jurisdiction —
 adjournments, 669.1(2)
 following plea, 669.1(1)
 where accused elects, 554(1)
 procedure, 572
 provincial court judge defined, 2
 punishment, etc., 572
 reading in evidence previously taken, 715. *See also* JUDICIAL PROCEEDINGS — Reading in
 re-election by accused, 561-563.1. *See also* ELECTIONS AND RE-ELECTIONS
 taking of evidence, 557
 transmission of record, 570(3), 572
 value of property shown over \$5,000, procedure, 555(2), (3)

INDICTABLE OFFENCES —
Continued

Trial without jury. *See* Trial by judge alone, *supra*; Trial by provincial court judge, *supra*
 Verdict. *See* TRIAL
 Witnesses. *See* EVIDENCE; WITNESSES

INDICTMENTS AND INFORMATIONS. *See also* INDICTABLE OFFENCES; SUMMARY CONVICTION PROCEEDINGS; TRIAL
 Accessory after the fact, 592
 After —
 issue of appearance notice, Form 2
 release from custody, Form 2
 Amendments —
 adjournment if accused misled or prejudiced, 601(5)
 any stage of the proceedings, 601(3)
 application for, 601
 conform with the evidence, 601(2)
 considerations re discretion to amend, 601(4)
 court, definition, 601(10)
 court of appeal, power to, 683(1)(g)
 defect on face, motion and order for, 601(1)
 endorsement of order, 601(7)
 limitation re overt acts as to certain offences, 601(9)
 question of law, 601(6). *See also* QUESTION OF FACT/LAW
 variance between indictment and evidence not material, 601(4.1)
 Attorney General. *See* ATTORNEY GENERAL/SOLICITOR-GENERAL
 Charging acts or omissions in the alternative, 590(1)(a)
 Definitions —
 count, 2
 indictment, 2

INDICTMENTS AND
INFORMATIONS — *Continued*

Definitions — *Continued*
summary convictions, re, 785
Direct indictment. *See* Preferring
indictment, *infra*
Duplicity, not ground for objection,
590(1)(b)
Elections. *See* ELECTIONS AND
RE-ELECTIONS
Fear of sexual offence, recognizance,
810.1
Form of, 566(1), 580, Form 4
Headings, mistakes not material,
601(8)
High treason —
specifically charged, to be, 582
statement of offence, 581(4)
Information for indictable offence,
504, Form 2
Information for search warrant. *See*
also SEARCH AND SEIZURE
blood samples, impaired
operation. *See* BLOOD
SAMPLES
child pornography, 164
common bawdy house, 210
DNA warrant, 487.05
Form of, Form 1
gaming offences, 199
general warrant, 487.01
hate propaganda, 320
motor vehicle offences, blood
samples, 320.29
obscene publications, 164
number recorder, 492.2
proceeds of crime, 462.32
requirements for any offence, 487
restriction on publication of
contents, 487.2
telephone number recorder, 492.2
telewarrant, 487.1
tracking warrant, 492.1
valuable minerals, 395
Inspection of indictment by accused,
603

INDICTMENTS AND
INFORMATIONS — *Continued*

Intervention by Attorney General of
Canada, 579.1, 795. *See also*
ATTORNEY GENERAL/
SOLICITOR-GENERAL
Joinder and severance —
any number of counts for any
number of offences, 591(1)
application and order for
severance, 590(2), (3), 591(3)-(6)
case management judge may make
order, 551.3, 591(4.1)
consent of accused, 473(1.1),
566(3), 574(2), 589(b)
consent of Attorney General,
473(1.1)
delayed effect of order, 591(4.1),
(4.2)
each count may be treated as a
separate indictment, 591(2)
joinder of counts, 591(1)
murder, 589
order for separate trials, 591(3)-(6)
possession charges, 593
Justice receiving information, 504,
810
Laying information —
alternative measures no bar to
proceedings unless complied
with, 717(4), (5)
indictable offence, 504, 505, 506,
Form 2
summary conviction offence, 788,
Form 2. *See also* SUMMARY
CONVICTION
PROCEEDINGS
Murder. *See also* MURDER
accused consent to adding other
counts, 589(b)
first degree to be specially
charged, 582
joinder with other offence, 589
Negating exception, not required,
794(1)
Notice of to organization, 621
Nunavut, 566.1

INDICTMENTS AND
INFORMATIONS — *Continued*

Omissions not grounds for objection, 583

Overt acts, when to be stated in, 55, 581(4)

Ownership of property, 588. *See also* OWNERSHIP

Particulars, order for, 587

Preferring indictment —

- accused's consent to adding other charges, 574(2), 589(b)
- charges consented to by accused, 574(2), 589(b)
- charges disclosed by the evidence at the preliminary inquiry, 574(1)
- consent —
 - judge, of, 574(3)
 - private prosecution, 574(3)
 - required, when, 574(3)
- direct indictment, 577
- discharged at preliminary inquiry, 577
- inclusion of other charges, 574(2)
- no indictment to be preferred except as provided, 576(1)
- no reference to previous convictions, 664
- preferred indictment, 577
- preliminary inquiry not held, 577
- prosecutor, after committal for trial, 574(1)

Private prosecuting, 507.1

Re-elections. *See* ELECTIONS AND RE-ELECTIONS

Reference to section of statute, 581(5)

Severance. *See* Joinder and severance, *supra*

Single transaction only, 581(1)

Statutes, reference to section, etc., 581(5)

Stay of proceedings and recommencement, 579, 579.1(2), 795

INDICTMENTS AND
INFORMATIONS — *Continued*

Sufficiency —

- alternative matters charged in count not objectionable, 590(1)
- amendments. *See* Amendments, *supra*
- details of circumstances, 581(3), 583
- fabricating evidence, 585
- fraud and false pretences, 586
- headings, mistakes not material, 601(8)
- libel, 584
- making a false oath or statement, 585. *See also* COMPETENCE AND COMPELLABILITY — Oath
- negating exception, not required, 794(1)
- no reference to previous convictions, 664
- ownership, 588
- oyster bed, description in indictment, 323(2)
- perjury, 585
- procuring certain offences, 585
- selling obscene book, 584
- special property wordings, 323(1), 588
- sufficient to inform the accused, 581(3)
- treason and related offences, 581(4)
- wording, 581(2)
- words of the enactment, 581(2)(b)

Summary conviction offence. *See* SUMMARY CONVICTION PROCEEDINGS

Sureties to keep the peace, re threatening information, 810

Threatening, 810

Treason and related offences —

- overt acts to be stated, 581(4)

Wordings, 581(2)

INFANT. *See* CHILD;
 COMPETENCE AND
 COMPELLABILITY — Child;
 INFANTICIDE; YOUTH
 CRIMINAL JUSTICE ACT

INFANTICIDE. *See also*
 HOMICIDE
 Definition, 233
 Punishment, 237
 Verdict of jury —
 concealing body proved, 662(4)
 killing proved, no acquittal unless
 not wilful, 663

INFORMANT. *See*
 COMPLAINANT;
 INDICTMENTS AND
 INFORMATIONS

INFORMATION. *See*
 INDICTMENTS AND
 INFORMATIONS

INFORMATION FOR SEARCH
 WARRANT. *See also* SEARCH
 AND SEIZURE — Warrants
 Blood samples. *See* BLOOD
 SAMPLES
 Child pornography, 164
 Common bawdy house, 210
 DNA warrant, 487.05
 Entry warrant for arrest, 529, 529.1
 Form of, Form 1
 Gaming offences, 199
 General warrant, 487.01
 Hate propaganda, 320
 Impression warrant, 487.091
 Motor vehicle offences, blood
 samples, 320.29
 Obscene publications, 164
 Number recorder, 492.2
 Precious metals, 395
 Proceeds of crime, 462.32
 Requirements for any offence, 487
 Restriction on publication of
 contents, 487.2
 Telephone number recorder, 492.2
 Telewarrant, 487.1

INFORMATION FOR SEARCH
 WARRANT — *Continued*
 Tracking warrant, 492.1
 Valuable minerals, 395

INQUEST. *See* CORONERS

INSANITY. *See also* MENTAL
 DISORDER
 Defence, 16

INSIDER TRADING, 382.1
 Aggravating factors for sentencing,
 380.1

INSTRUMENTS
 Acknowledgment in false name, 405
 Break-in instruments, 351
 Burglar's tools, 351
 Credit card, instrument to forge or
 falsify, 342.01
 Illicit drug use, instrument for,
 462.1, 462.2
 Unlawful use of computer,
 instrument to obtain, 342.2

INSURANCE. *See also* ARSON
 Inference of intent against holder of,
 435(2)
 Proofs, CE 42

INTENT. *See* MENS REA

INTENTION IN COMMON,
 21(2), 23.1

INTERCEPTION OF PRIVATE
 COMMUNICATIONS
 Access to sealed packet, 187. *See*
 also Sealed packet, *infra*
 Admissibility of communications —
 emergency authorizations, 188,
 189
 interception to prevent bodily
 harm, 184.1(2)
 judicial interim release hearing,
 518(1)(d.1)
 notice required, 189(5)
 privileged communications, 189(6)

INTERCEPTION OF PRIVATE COMMUNICATIONS —

Continued

Affidavit in support of application for authorization —
 access to, 187
 contents of, 185(1)
 contents to be kept secret, 187
 editing, 187(4)-(7)

Annual reports —
 Minister of Public Safety and Emergency Preparedness, 195(1)
 provincial Attorneys General, 195(5)

Application for authorization. *See also* Authorization, *infra*; Interception, *infra*; Participant surveillance, *infra*
 confidentiality of documents, 187
 emergency, 188
 procedure, 185
 radio-based telephone communication, 184.5(2), 184.6
 sealed packet, conditions for opening, 187
 specially appointed judges, 188

Application to specially appointed judges, 188

Authorization —
 application, 185
 basket clause, 186(4)(c)
 carried out anywhere in Canada, 188.1(1)
 conditions for granting, 184.2(3), 184.3(6), 186(1)
 contents, 184.2(4), 186(4)
 defined, 183, 184.6
 emergency authorizations, 188, 189
 execution in another province, 188.1(2)
 installation and removal of device, 186(5.1), (5.2)
 renewal, 186(6), (7)
 time-limit in relation to criminal organizations, 186.1

INTERCEPTION OF PRIVATE COMMUNICATIONS —

Continued

Cellular phone. *See* Radio-based telephone communication, *infra*

Civil or criminal liability —
 negated, 188.2
 punitive damages, 194(1)

Consent to interception —
 exception to interception offence, 184(2)(a)
 given by one of several, sufficiency, 183.1
 interception with consent, 184.2

Damages for unlawful interception, 194

Definitions, 183

Derivative evidence. *See*
 Admissibility of communications, *supra*

Designation of persons to intercept, 186(5)

Disclosure of information —
 order for damages to person aggrieved, 194
 without consent, 193

Emergency authorizations, 188

Emergency interception without authorization, 184.4

Forfeiture of equipment for interception, 192

Interception —
 admissibility, 184.1(2), 188, 189.
See also Admissibility of communications, *supra*
 agent of the state, defined, 184.1(4)
 destruction of recordings and transcripts, 184.1(3)
 intercept, defined, 183
 interception in exceptional circumstances, 184.4
 interception to prevent bodily harm 184.1
 interception with consent, 184.2(1) —
 application by telecommunication, 184.3

INTERCEPTION OF PRIVATE COMMUNICATIONS —

Continued

Interception — *Continued*
 interception with consent —
Continued
 application for authorization, 184.2(2)
 content and limitation of authorization, 184.2(4)
 judge to be satisfied, 184.2(3)
 offences. *See* Offences, *infra*
 Notice to accused of intention to adduce —
 further particulars ordered, 190
 requirement and content, 189(5)
 Notification of interception to person affected —
 extension of period for notification, 196(2), (5)
 application to be accompanied by affidavit, 196(4)
 extension to be granted, 196(3)
 requirement, 196(1)
 substitution of extended period on initial application, 185(2)-(4)
 time for, 196
 Number recorder —
 defined, 492.2(4)
 telephone records, order for, 492.2(2)
 warrant for, 492.2(3)
 Offences —
 authorized interception offence defined, 183
 disclosure of information, 193, 193.1
 interception offences —
 exemption from offence, 184(2)
 forfeiture of equipment, 192
 order for damages to person aggrieved, 194
 private communications, 184, 184.5
 punishment, 184
 radio-based telephone communications, 184.5

INTERCEPTION OF PRIVATE COMMUNICATIONS —

Continued

Offences — *Continued*
 possession of interception devices, 191
 Participant surveillance —
 assistance order, 487.02
 interception in exceptional circumstances, 184.4
 interception to prevent bodily harm, 184.1
 interception with consent, 184.2, 184.3
 telecommunication application, 184.3
 Possession of device for surreptitious interception, 191
 Private communication, defined, 183
 Privileged information inadmissible, 189(6). *See also* PRIVILEGE
 Public switched telephone network, defined, 183
 Radio-based telephone communication —
 application for authorization, 184.5(2), 184.6
 defined, 183
 disclosure of intercepted radio-based telephone communication, 193.1
 private communication, included in definition, 183
 Sealed packet —
 conditions for opening, 184.3(3), 187(1.4), (7)
 destruction of contents, 187(1.5)
 editing of copies, 187(4)-(7)
 full answer and defence, 187(1.4)(b), (7)
 Solicitor's office or residence, 186(2), (3)
 Surreptitious entry, 186(5.1), (5.2)
 Surreptitious interception —
 defences, 184(2)
 possession of device for, 191
 prohibition on, 184(1)

INTERCEPTION OF PRIVATE COMMUNICATIONS —
Continued
 Unlawful disclosure of information, 193
 Unlawful possession of equipment, 191, 192
 Wilful interception, 184. *See also* Offences, *supra*

INTEREST
 Criminal rate of, 347

INTERFERING
 Boundary line, with, 442
 International boundary lines, with, 443
 Marine signal, with, 439
 Saving of wrecked vessel, with, 438
 Transportation facilities, with, 248
 Use of property, with —
 intimidation, 423
 mischief, 430

INTERNATIONAL CRIMINAL COURT
 Bribery of judges and officials, WC 18
 Defined, WC 2
 Giving contradictory evidence, WC 20
 Fabricating evidence, WC 21
 False affidavit, WC 22
 Internationally protected persons includes judges and officials, WC 24
 Intimidation in relation to proceeding, WC 23
 Jurisdiction to try offences against, WC 25
 Obstructing justice, WC 16
 Obstructing official, WC 17
 Perjury, WC 19
 Retaliation for testifying, WC 26

INTERNATIONAL MARITIME NAVIGATION
 Offences against, 7(2.1), (2.2)

INTERNATIONAL TRANSFER OF OFFENDERS ACT
 Application to terminate Sex Offender Information Registration Act, 490.02912-290.02914
 Notice of obligation to register, 490.02915
 Offence to fail to comply, 490.031

INTERNATIONALLY PROTECTED PERSON
 Attack on premises, etc., of, 429(2), 431
 Definition, 2, WC 24
 Evidence of status, 7(10)
 Offences against, outside Canada, 7(3)-(7)
 Outside Canada, 7(3)-(7)
 Threat of attack, 424

INTERNET
 Arranging to commit child sexual offence by telecommunication, 172.2
 Ban on transmission. *See* PUBLICATION BAN
 Child luring, 172.1
 arranging to commit child sexual offence by telecommunication, 172.2
 making sexually explicit material available to child, 171.1
 Child pornography —
 closing Internet sites, 164.1
 intent to profit deemed aggravating sentencing factor, 163.1(4)
 possession for purpose of transmission, 163.1(3)
 prohibition on transmission of identity in court proceedings, 486.3(4)
 prohibition on transmission of identity in Review Board proceedings, 672.501(2)
 transmission of, 163.1(3)

INTERNET — *Continued*
 Failure to comply with non-transmission order, 486.6
 Hate propaganda, deleting, 320.1
 Transmission of voyeuristic material, 162(4), (5)
 closing Internet sites, 164.1
 public good defence, 162(6), (7)

INTERPRETATION
 Definitions, 2
 Words and expressions in other Acts, 4(4)

INTERPRETATION ACT
 Amendment. *See* Repeal and amendment, *infra*
 Application of, INT 3
 Citation of enactment, INT 40
 Clause of Acts, enacting, INT 4
 Commencement —
 day fixed for, INT 6
 regulation prior to, INT 7
 Common names, INT 38
 Construction. *See* Rules of construction, *infra*
 Corporations. *See* Rules of construction, *infra*
 Crown —
 demise of, INT 46
 not bound unless stated, INT 17
 Defined terms, INT 2, 35-37, Schedule
 Definitions, INT 15(1), 33(3)
 Evidence. *See* Rules of construction, *infra*
 Offences. *See* Rules of construction, *infra*
 Operation. *See also* Repeal and amendment, *infra*
 commencement/repeal, day fixed for, INT 6
 regulation prior to commencement, INT 7
 royal assent, INT 5
 territorial operation —
 amending enactment, INT 8(2)

INTERPRETATION ACT —
Continued
 Operation — *Continued*
 territorial operation — *Continued*
 continental shelf of Canada, INT 8(2.2)
 exclusive economic zone of Canada, INT 8(2.1)
 extra-territorial operation, INT 8(3)
 rule, re, INT 8(1)
 Public officers. *See* Rules of construction, *infra*
 References in enactment, INT 41
 Regulations —
 prior to commencement of statute, INT 7
 words in, INT 16
 Repeal and amendment. *See also* Operation, *supra*
 amendment not implying change in law, INT 45(2)
 amendment of part of enactment, INT 42(3)
 at same session, INT 42(2)
 day fixed for, INT 6
 effect of repeal, INT 43
 judicial construction not adopted, INT 45(4)
 no implication that enactment was in force, INT 45(1)
 power of reserved, INT 42(1)
 repeal and substitution, INT 44
 repeal not declaring previous law, INT 45(3)
 Resolutions, affirmative and negative, INT 39
 Royal assent, INT 5
 Rules of construction —
 ancillary powers, INT 31(2)
 corporations —
 banking business, INT 21(3)
 corporate name, INT 21(2)
 powers vested in, INT 21(1)
 Crown not bound unless stated, INT 17
 definitions, application of, INT 15(1), 33(3)

INTERPRETATION ACT —
Continued

Rules of construction — *Continued*
enactments deemed remedial, INT 12
evidence —
documentary evidence, INT 25(1)
Queen's Printer, INT 25(2)
forms, INT 32
gender, INT 33(1)
historical references, INT 14
imperative and permissive construction, INT 11
interpretation provisions, INT 15
law always speaking, INT 10
majorities, INT 22(1)
marginal notes, INT 14
number, INT 33(2)
oaths, INT 19
offences —
Criminal Code, application of, INT 34(2)
documents similarly construed, INT 34(3)
indictable and summary conviction, INT 34(1)
power to be exercised as required, INT 31(3)
power to repeal, INT 31(4)
preamble, INT 13
proclamations, INT 18
provisions in private acts, INT 9
public officers —
appointment of, INT 23(1)-(3)
commencement of
appointment/retirement, INT 23(5)
powers of —
holders of public office, INT 24(5)
implied, INT 24(1)
ministers, INT 24(2)
restrictions re public servants, INT 24(3)
successors, INT 24(4)
reference to provincial court judge, etc., INT 31(1)

INTERPRETATION ACT —
Continued

Rules of construction — *Continued*
remuneration of, INT 23(4)
quorum, INT 22(2)
regulations, words in, INT 16
reports to Parliament, INT 20
time —
age attainment, INT 30
calculation of period of months, INT 28
clear days, INT 27(1), (2)
holidays, INT 26
limits, INT 26
prescribed periods, INT 27(3)
specified day, after, INT 27(4), 28
time of day, INT 29
within a time, INT 27(5)
Short title, INT 1
“Telegraph”, construction of, INT 36
Territorial operation. *See* Operation, *supra*
Time. *See* Rules of construction, *supra*
“Year”, construction of, INT 37
INTERPRETERS, CH 14
INTIMATE IMAGES
Forfeiture, 164(4)
Non-consensual distribution, 162.1
Prohibition order, 162.2
Search and seizure, 164(1)(b)
INTIMIDATION, 423(1). *See also* HARASSMENT; STALKING; THREATENING; THREATS
Employee, by employer, 425
Following, intimidation by, 423(1)(c), (e)
Impede administration of justice, to, 423.1
International Criminal Court, WC 23
Journalist, 423.1
Justice system participant, 423.1

INTIMIDATION — *Continued*
 Parliament or legislature, 51
 evidence of overt acts, 55
 indictment, overt acts to be stated,
 581(4)
 Watch and beset, 423(1)(f), (2)

INTOXICATION
 Common law defences preserved,
 8(3)
 Consent, mistaken belief in consent
 re sexual assault, 273.2(a)(i)
 Self-induced intoxication, 33.1

INVASION OF PRIVACY. *See*
 INTERCEPTION OF PRIVATE
 COMMUNICATIONS

INVITATION TO SEXUAL
 TOUCHING, 152. *See also*
 SEXUAL OFFENCES

JOINDER. *See also*
 INDICTMENTS AND
 INFORMATIONS — Joinder
 and severance
 Dividing count, 590
 Joinder of accused charged with
 possession, 593
 Joinder of counts, 591
 Joinder of counts where accused and
 Attorney General consent to trial
 by judge alone, 473(1.1)
 Murder, 589
 Severance of counts, 591(3)-(6)

JOURNALIST
 Disclosure of sources, CE39.1
 Intimidation of, 423.1
 Search warrant in relation to,
 488.01, 488.01

JOY RIDING
 Motor vehicle or vessel, 335

JUDGES. *See also* CASE
 MANAGEMENT; JUSTICES
 Adjudication —

JUDGES — *Continued*
 Adjudication — *Continued*
 summary conviction proceedings,
 804. *See also* SUMMARY
 CONVICTION
 PROCEEDINGS
 Appointing counsel to cross-
 examine child witness, 486.3. *See*
 also EXCLUSION OF THE
 PUBLIC; WITNESSES —
 Protecting witnesses
 Bribery of, 119
 Chief Justice —
 chief justice defined for emergency
 authorizations for interception
 of private communications,
 188(4). *See also*
 INTERCEPTION OF
 PRIVATE
 COMMUNICATIONS
 parole, appropriate chief justice
 defined for applications to
 review eligibility for parole,
 745.6(3). *See also* PAROLE —
 Ineligibility for parole
 Definitions —
 proceeds of crime orders, 462.3
 release from custody, 493
 trial without jury, 552
 Discretion. *See* DISCRETION
 Dissenting judgment in court of
 appeal to specify grounds of
 dissent, 677
 Duty to advise of right to counsel,
 YC 25. *See also* YOUTH
 CRIMINAL JUSTICE ACT
 Joinder and severance. *See*
 INDICTMENTS AND
 INFORMATIONS
 Judicial notice. *See* JUDICIAL
 NOTICE
 Jurisdiction. *See also*
 JURISDICTION
 adjournments, 669.1
 appointment to another court,
 669.3
 continuation of proceedings,
 669.2

JUDGES — *Continued*Jurisdiction — *Continued*

jury defects, judgment not to be stayed, 670

powers of two justices, 483

preserving order in court, 484

procedural irregularities, jurisdiction not lost, 485

trial by judge alone. *See* ELECTIONS AND RE-ELECTIONS; INDICTABLE OFFENCES; TRIAL

Nunavut Court of Justice. *See* NUNAVUT

Reading the Riot Act, 67. *See also* RIOT

Reasons for decision. *See* REASONS FOR DECISION

Reserving final decision on questions raised at trial, 645(4)

Rules made by judges —

- applications and hearings for reduction of ineligibility for parole, 745.6

Sentencing. *See also* SENTENCE —

- Procedure — sentencing hearing duty to consider all relevant information, 726.1
- reasons for, 726.2

JUDGMENT. *See also* REASONS FOR DECISION

Acknowledging in false name, 405

Appeal from. *See* APPEALS

Dissenting judgment in court of appeal to specify grounds of dissent, 677

Reserving, 645(4)

JUDICIAL DOCUMENT. *See* DOCUMENTS

JUDICIAL INTERIM RELEASE

Adjournment of proceedings and remand, 516

Alarming Her Majesty, 522

Alternative to physical presence, 515(2.2)

JUDICIAL INTERIM RELEASE — *Continued*

Appeals —

court of appeal, 679(1)-(7), (10)

review of decision, 680

summary conviction appeals, 679(8), 816

Supreme Court of Canada, 679(1)(c), (3), (7), (8), (10)

undertaking, Form 12

Arrest of accused on release —

- after release —

 - superior court judge, by, 524(3)-(7), 680
 - trial delayed, when, 525(5)-(7)
 - hearing by justice, 524(3)(b)
 - issue of warrant by justice, 524(1)
 - order for detention, 524(8)
 - peace officer without warrant, by, 524(2)
 - release of accused, 524(9)-(11)

Assessment order bars interim release or detention order, 672.17. *See also* MENTAL DISORDER

Bail review. *See* Review of detention, *infra*; Review of order, *infra*

Communication with witness prohibited, 515(4)(d), (4.2)

Conditional sentence of imprisonment, breach of condition, 742.6. *See also* SENTENCE

Conditions of release, 515(4)-(4.3)

Defects in adjournment, remand, 485

Detention order —

- assessment order bars detention order or interim release, 672.17. *See also* MENTAL DISORDER
- directions for expediting proceedings, 526
- grounds for, 515(10)
- non-communication order, 515(12), 522(2.1)
- prosecutor shows cause, when, 515(5), (9)

JUDICIAL INTERIM RELEASE

— *Continued*

Detention order — *Continued*
 record of reasons, 515(9)
 reverse onus, 515(6)-(8)
 review of order, 520, 521, 522(4),
 525(1)-(4), 680
 specific charges, on, 515(6), (9),
 (11)
 superior court judge, 522(1)
 vacation of order, 523(2)
 warrant for committal, 519(3),
 520(9)

Directions for expediting
 proceedings, 526

Evidence, 518

Expediting proceedings, 525(9), 526

Firearms prohibition and surrender
 of documents, 515(4.1), (4.11),
 (4.12), (7), (8), 522(3). *See also*
 WEAPONS—Firearms
 acquisition certificate

Guilty plea, 518(2). *See also*
 GUILTY PLEA

Inciting to mutiny, 522

Inquiries by justice, 518(1)

Intimidating Parliament or
 legislature, 522

Judge defined for Part XVI,
 Compelling Appearance of
 Accused Before a Justice and
 Interim Release, 493. *See also*
 RELEASE FROM CUSTODY

Justice, by. *See also* Show cause
 hearing, *infra*
 conditions may be ordered, 515(4)
 release of accused, 519(1), (2),
 Form 39
 unconditional, 515(1)
 undertaking or recognizance, on,
 515(2), (3)

Mental disorder. *See* MENTAL
 DISORDER — Enforcement of
 orders and regulations

Murder, 522

Ninety-day review, 525, 526

Order for non-publication, 517,
 520(9), 521(10)

JUDICIAL INTERIM RELEASE

— *Continued*

Order for release, 515(2), (7), (8),
 679, 680

Piracy, 522

Piratical acts, 522

Pending appeal on summary
 conviction, 816

Plea of guilty, 518(2). *See also*
 GUILTY PLEA

Presence by telecommunication
 device, 515(2.2)

Primary ground, 515(10)(a),
 672.16(1)(c)

Prisoner, procuring attendance of,
 527

Publication ban, 517, 520(9),
 521(10). *See also* PUBLICATION
 BAN

Recognizance, 493, 515, 520(7), (8),
 522(3), 523, 524, 525, 763. *See also*
 RECOGNIZANCE

Reverse onus, 515(6), 522(2), 679

Review of detention. *See also*
 Review of order, *infra*; Vacating
 order, *infra*
 detention order by superior court
 judge, 522(4), 680
 30-day review re summary
 conviction offence, 525
 90-day review re indictable
 offence, 525

Review of order, 520, 521, 522(4),
 524(6), 680. *See also* Review of
 detention, *supra*; Vacating order,
infra
 adjournment of proceedings,
 520(4)
 application by accused, 520
 accused pleading guilty, release
 pending sentence, 520(9)
 adjournment of proceedings,
 520(4)
 further application only with
 leave, 520(8)
 inquiries by judge and evidence,
 520(9)
 notice to prosecutor, 520(2)

JUDICIAL INTERIM RELEASE

— *Continued*

Review of order — *Continued*
 application by accused —
Continued
 order for non-publication, 517,
 520(9), 521(10)
 powers of judge, 520(7)
 presence of accused at hearing
 520(3), (5), (6)
 release of accused, 520(9)
 warrant for committal of
 accused, 520(9)
 application by prosecutor, 521
 accused pleading guilty, release
 pending sentence, 521(10)
 adjournment of proceedings,
 521(4)
 further applications only with
 leave, 521(9)
 inquiries by judge and evidence,
 521(10)
 notice to accused, 521(2)
 order for non-publication, 517,
 520(9), 521(10)
 powers of judge, 521(8)
 presence of accused at hearing,
 521(3), (5)
 release of accused, 521(10)
 warrant for committal of
 accused, 521(6), (7), (10)
 further application only with
 leave, 520(8)
 inquiries by judge and evidence,
 520(9)
 notice to prosecutor, 520(2)
 order for non-publication, 517,
 520, 521(10)
 powers of judge, 520(7)
 presence of accused at hearing,
 520(3), (5), (6)
 release of accused, 520(9)
 trial delayed, where, 525
 Secondary ground, 515(10)(b),
 672.16(1)(c)
 Sedition offences, 522

JUDICIAL INTERIM RELEASE

— *Continued*

Show cause hearing, 515. *See also*
 Justice, by, *supra*; Detention
 order, *supra*; Review of detention,
supra; Review of order, *supra*
 adjournment, 516
 evidence at, 518
 order for non-publication, 517
 presence by telecommunication
 device, 515(2.2)
 release of accused, 519
 reverse onus, 515(6), 522(2), 679
 Summary conviction appeal, 816
 Superior court judge only, by,
 522(1), (6). *See also* Detention
 order, *supra*; Show cause hearing,
supra
 detention order to be made, 522(2)
 release may be ordered, when,
 515(2), (10)
 Sureties, naming of, 515(2.1)
 Terms and conditions, 515(4)-(4.3)
 Treason, 522
 Undertakings, 493, 499, 515, 520(7),
 520(8), 522(3), 523, 524, 525. *See*
also UNDERTAKINGS
 Vacating order, 523(2), (3). *See also*
 Review of detention, *supra*;
 Review of order, *supra*
 Verdict of not criminally responsible
 on account of mental disorder,
 relevance to release on other
 offences, 672.35(b). *See also*
 MENTAL DISORDER —
 Criminal responsibility
 Warrants. *See* ARREST;
 WARRANTS
 Young person. *See* YOUTH
 CRIMINAL JUSTICE ACT —
 Detention before sentence

JUDICIAL NOTICE
 Acts of Imperial Parliament, CE 17
 Acts of Parliament, CE 18
 By-laws, 781(2)
 Canada Gazette, CE 21, 32(2)
 Copies of Acts, CE 19

JUDICIAL NOTICE — *Continued*

Handwriting of person certifying,
CE 33
Ordinances, CE 7
Proclamations, etc., 781(2)
Statutory instruments, 781(2), CE
17, 18

JUDICIAL OFFICER. *See*
JUDGES; JUSTICES

JUDICIAL PROCEEDINGS

Absconding accused deemed
present, 715(3)
Definition, 118
Perjury. *See* PERJURY
Proceedings in courts out of
Canada, CE 43-51
Reading in —

commission evidence, 711, 712(2).

See also COMMISSION
EVIDENCE

evidence from previous hearing,
715, 822(5). *See also*

STATEMENTS

trial *de novo*, reading in of trial
evidence, 822(5). *See also*

SUMMARY CONVICTION
APPEALSJURIES. *See also* ELECTIONS
AND RE-ELECTIONS;
INDICTABLE OFFENCES —
Trial by jury; TRIAL — Jury trial

Accommodation of juror with
disability, 627, 631(4)

Accused absconding prior to trial
losing right to jury trial, 598

Additional jurors —
discharge of, 652.1
selection of, 631(2.2)

Addresses to, 651

Attorney General requiring jury
trial, 568, 569

Challenge for cause. *See also*
Peremptory challenges, *infra*;
Stand by, *infra*
denial of challenge, 639(3)

JURIES — *Continued*Challenge for cause — *Continued*

form of challenge, Form 41
ground not specified, procedure,
640(2)-(4)
grounds for, 638
name not on panel, trial of issue,
640(1)
order of challenges, 635
peremptory challenge after
challenge for cause, 634(1)
writing, in, when required, 639(1),
Form 41

Challenge to the array, 629, 630,
Form 40

Compulsory jury trial, 471, 568, 569

Dangerous offender proceedings, no
jury, 754(2)

Defects in jury process, judgment
not to be stayed, 670. *See also*
Jury panel, *infra*

Directions by prosecutor to stand
aside. *See* Stand by, *infra*

Disability, accommodating juror
with, 627, 631(4)

Disagreement on verdict, powers of
judge, 653

Discharge of juror during trial —
additional jurors, 652.1
power to discharge juror, 644(1)
replacement of juror, 644(1.1)
trial continues if ten jurors
remain, 644(2)

Disclosure of jury deliberations, 649

Empanelling —
additional jurors, 631(2.2), 652.1
alternate jurors, 631(2.1),
634(2.1), 642.1
calling jurors standing by, 641(1)
challenge for cause. *See* Challenge
for cause, *supra*
death of juror during trial, 644(2)
discharge of juror during trial,
644(2)
excusing jurors, 631(3), 632
failure to comply does not affect
validity of proceedings, 643(3)

JURIES — *Continued*Empanelling — *Continued*

- jurors' names not disclosed, 631(3.1)
- jurors' names not published, 631(6)
- jurors' names on cards to be drawn, 631(3)
- jurors' names to be kept apart until verdict or discharge, 643(1)
- new jurors to be drawn before stand asides called again, if prosecutor requires, 641(2)
- other jurors becoming available, 641(2)
- peremptory challenges. *See* Peremptory challenges, *infra*
- same jury may try another issue on consent of prosecutor and accused, 643(2)
- sheriff, by, before swearing, 631
- stand asides to be sworn if no names remain to be called, 641(1)
- stand by jurors because of personal hardship, 633
- summoning additional jurors when panel exhausted, 642
- Excusing jurors, 632
- Given in charge to the jury — fitness to stand trial, 672.26. *See also* MENTAL DISORDER
- Hung jury, 653
- Irregularities in process, no effect on verdict, 670, 671
- Judge alone trial. *See* TRIAL
- Jurisdiction before jurors called, 645(5)
- Jury panel —
 - adding names to panel, 642(3)
 - additional jurors, talesmen, 642
 - adjournment of court if no panel required, 474(1)
 - challenge to the array, 629, 630
 - excusing jurors, 626(2), 632
 - exhausted, procedure, 642

JURIES — *Continued*Jury panel — *Continued*

- quashing conviction, errors in jury summoning and empanelling, 670
- Jury selection. *See* Challenge for cause, *supra*; Challenge to the array, *supra*; Empanelling, *supra*; Jury panel, *supra*; Peremptory challenges, *infra*; Qualifications to serve, *infra*; Stand by, *infra*; Swearing jurors, *infra*
- Jury trial. *See* TRIAL
- Number of jurors, 632, 643
- Peremptory challenges. *See also* Challenge for cause, *supra*; Stand by, *infra*
- alternate jurors, 634(2.1)
- challenge for cause
 - notwithstanding, 634(1)
 - joint trial, 634(4), 635(2)
 - multiple counts, 634(3)
 - number permitted, 634(2)-(4)
 - order of challenges, 635
 - two or more accused, 634(4)
- Perverse verdict. *See* TRIAL — Verdicts
- Polling the jury. *See* TRIAL — Verdicts
- Powers of court preserved, 672
- Preferring direct indictment, 577. *See also* INDICTMENTS AND INFORMATIONS — Preferring indictment
- Preserving of earlier powers of court re juries, 672
- Pre-trial hearing required, 625.1(2)
- Publication ban. *See also* PUBLICATION BAN
- discharge of jury, 647(4)
- portion of trial where jury not present, 648
- Qualifications to serve, 626. *See also* Empanelling, *supra*
- Refreshment for and lodging, 647(5)
- Replacement of juror, 644(1.1)
- Same jury may try another issue, by consent, 643(2), (3)

JURIES — *Continued*

Saving powers of court before April 1, 1955, 672

Selecting jury. *See* Challenge for cause, *supra*; Challenge to the array, *supra*; Empanelling, *supra*; Jury panel, *supra*; Peremptory challenges, *supra*; Qualifications to serve, *supra*; Stand asides, *infra*; Swearing jurors, *infra*

Separation of jurors during trial, 647(1)

Sequestration, 647

Stand by. *See also* Challenge for cause, *supra*; Peremptory challenges, *supra*
calling jurors who have stood by, 641(1)

judge may direct, 633

new jurors to be drawn before stand asides called again, if prosecutor requires, 641(2)

personal hardship, 633

sworn if no names remain to be called, 641(1)

Swearing jurors, 631(4). *See also* Empanelling, *supra*

Talesmen, 642

Trial to continue after discharge of juror, 644(2)

Trial with jury. *See* TRIAL—Jury trial

Trial without jury, superior court, on consent, 473

Validity —

failure to comply with empanelling procedure does not affect validity of proceedings, 643(3)

trial continues if ten jurors remain, 644(2)

Verdict. *See* TRIAL

View by jury, 652

JURISDICTION. *See also*

COURTS; INDICTABLE OFFENCES; INDICTMENTS AND INFORMATIONS; INTERNATIONAL CRIMINAL COURT; JUDGES; JUSTICES; NUNAVUT; PROVINCIAL COURT JUDGE; SUPERIOR COURT OF CRIMINAL JURISDICTION; SUMMARY CONVICTION PROCEEDINGS; SUMMARY CONVICTION APPEALS

Absolute —

provincial court judge, 553

superior court of criminal jurisdiction, 468, 469, 471, 473

Acquittal —

insufficient evidence to put unfit accused on trial, 672.33(6)

Adjournments —

dismissal for want of prosecution, 485(3)

indictable offences, 669.1

procedural irregularities in, 485(1)

recommencement following dismissal, 485.1

summons or warrant, 485(2)

Aircraft. *See* AIRCRAFT

Airport. *See* AIRPORT

Appointment of judge to another court, 669.3

Assessment orders, 672.11-672.16.

See also MENTAL DISORDER

Consent of Attorney General re offences by non-citizens outside Canada, 477.2, 477.3(3)

Continuation of proceedings where judge unable to continue, 669.2

Court of criminal jurisdiction, 2, 469, 470

Courts. *See also* CHARTER OF RIGHTS — Court of competent jurisdiction; COURTS

JURISDICTION — *Continued*Courts — *Continued*

appeal court defined for —
proceedings re firearms
prohibition orders, 111. *See also* WEAPONS — Firearms
summary conviction appeals,
812

appropriate chief justice defined
for applications to review
eligibility for parole, 745.6. *See also* PAROLE — Ineligibility
for parole

chief justice defined for emergency
authorizations for interception
of private communications,
188(4). *See also*

INTERCEPTION OF
PRIVATE
COMMUNICATIONS

court defined for —
seizure of hate propaganda
publications, 320(8). *See also* HATE PROPAGANDA;
SEARCH AND SEIZURE
warrants of seizure of obscene
publications, 164(8). *See also* OBSCENITY; SEARCH
AND SEIZURE

court of appeal defined, 2
court of criminal jurisdiction, 2,
469, 470

judge defined for —
emergency authorizations for
interception of private
communications, 188(1), 552.
See also INTERCEPTION
OF PRIVATE

COMMUNICATIONS

Part XVI, Compelling
Appearance of Accused
Before a Justice and Interim
Release, 493. *See also* JUDICIAL INTERIM
RELEASE; RELEASE
FROM CUSTODY

JURISDICTION — *Continued*Courts — *Continued*

judge defined for — *Continued*
Part XIX, Indictable Offences
— Trial Without Jury, 552.

See also INDICTABLE
OFFENCES — Trial by
judge alone, Trial by
provincial court judge;
PROVINCIAL COURT
JUDGE; TRIAL — Judge
alone trial, Provincial court
judge

jurisdiction not limited by
Criminal Code territorial
jurisdiction provisions, 477
superior court of criminal
jurisdiction defined, 2

Defamatory libel, 478(2), (5)

Defects in earlier proceedings. *See*
Loss of jurisdiction, *infra*

Guilty plea, transfer of charges, 478,
479. *See also* GUILTY PLEA

Jury defects. *See also* JURIES

failure to comply with
empanelling procedure does not
affect validity of proceedings,
643(3)

judgments not to be stayed, 670

Loss of jurisdiction —
defects in earlier proceedings, 485,
670

juries. *See also* JURIES

jury defects, judgment not to be
stayed, 670

jury empanelling does not affect
validity of proceedings,
643(3)

no loss for breach of adjournment
or remand provisions, 485(1)

procedural irregularities,
jurisdiction not lost, 485

Mode of trial. *See* ELECTIONS
AND RE-ELECTIONS

Nunavut Court of Justice, 573

Other Acts of Parliament not limited
by Criminal Code territorial
jurisdiction provisions, 477

JURISDICTION — *Continued*

Over the person, 470

Plea of guilty. *See* Guilty plea, *supra*;
GUILTY PLEAProcedural irregularities, jurisdiction
not lost, 485Provincial court judge —
absolute jurisdiction, 553
accused electing, 536(3), 554(1),
555(3)
deciding to hold preliminary
inquiry instead of trial, 555
trial by, with consent of accused,
554Recommencement where dismissal
for want of prosecution, 485.1Superior court of criminal
jurisdiction, 2, 468, 469Territorial —
arrest, search or seizure, and other
powers, 477.3
breach of probation, 733.1(2). *See*
also BREACH OF
PROBATION; SENTENCE —
Probation
consent of Attorney General,
477.2, 477.3(3)
credit card offences, 342(2)
defamatory libel, 478(2), (5)
economic zone, 477.1
fixed platform, 7(2.1), (2.2), 477-
477.4
offence —
aircraft in flight, in, 476(d)
between territorial divisions,
476(a), (b)
continental shelf, in, above or
beyond, 477.1
elsewhere in province, 479
mail being delivered, 476(e)
not in a province, 481
outside Canada, jurisdiction for
commencing prosecution,
477.4(1)
unorganized territory, in, 480
vehicle or vessel, in, 476(c)
ships, 477-477.4
space station, 7(2.3)-(2.34)JURISDICTION — *Continued*Territorial — *Continued*terrorism, 7(3.73)-(3.75)
unorganized territory, 480
warrant of arrest, 703. *See also*
ARREST—Warrants

Transfer of charges, 478, 479

War crimes, WC 8

Young persons, exclusive
jurisdiction of youth justice court,
YC 14JURY. *See* INDICTABLEOFFENCES — Trial by judge
and jury; JURIES; TRIAL —
Jury trialJURY TRIAL. *See* INDICTABLEOFFENCES — Trial by judge
and jury; JURIES; TRIAL —
Jury trial

JUSTICE SYSTEM

PARTICIPANT

Ban on publication of identity, 486.5

Definition, 2

Exclusion of public from courtroom,
486

Intimidation of, 423.1

JUSTICES. *See also* JUDGES;

JURISDICTION

Definition of justice, 2

Election by accused before, 536(2)-
(4)

Issuing process, 507

Jurisdiction. *See also*

JURISDICTION

adjournments, 669.1(2)
continuation of proceedings,
669.2Notification of cancellation of
appearance notice, 508(1)(c)

Peace officer as justice, 2

Powers of —

may be exercised by judge of
Nunavut Court of Justice, 573

- JUSTICES — *Continued*
Powers of — *Continued*
preliminary inquiry, at, 537. *See also* PRELIMINARY INQUIRY
summary conviction proceedings, 788(2), 790(1). *See also* Summary conviction proceedings, *infra*
two justices —
manner of exercising power, 790(2)
may be exercised by judge or provincial court judge, 483
Reading the Riot Act, 67. *See also* RIOT
Receiving information —
appearance notice or release, after, 508
hearing informant and witnesses, 508
procedure after receiving, 507
receivable, when, 504
threatening, 810
Subpoena, issuing, 698, 699
Summary conviction proceedings. *See also* SUMMARY CONVICTION PROCEEDINGS
any justice may act before and after trial, 790(1)
one may act before trial, 788(2)
two or more having jurisdiction, 790(2)
Summons, issuing, 507, 512
Two or more justices having jurisdiction, 790(2)
Warrant —
accused evading service, where, 512(2)(c)
attendance at new or continued trial, 507(8)
authorization of release of accused, 507(6), (7)
despite previous release, 512(1)
failure to appear, after, 512(2)(a), (b)
general power, 507(1)(b), (2), (4)
signing in blank prohibited, 507(5)
- JUSTICES — *Continued*
Youth Criminal Justice Act, YC 20
JUSTIFICATION. *See also* DEFENCES — Lawful justification or excuse, Self-defence
Defamatory libel, special plea, 611, 612
Defence of, 27
JUVENILES. *See* YOUTH CRIMINAL JUSTICE ACT
KEEPING COMMON BAWDY HOUSE, 210. *See also* COMMON BAWDY HOUSE; DISORDERLY HOUSE; KEEPER; PROCURING
KEEPING COMMON BETTING HOUSE, 201. *See also* BETTING AND GAMING OFFENCES; DISORDERLY HOUSE; KEEPER
KEEPING COMMON GAMING HOUSE, 201. *See also* BETTING AND GAMING OFFENCES; DISORDERLY HOUSE; KEEPER
KEEPER. *See also* BETTING AND GAMING OFFENCES; COMMON BAWDY HOUSE; DISORDERLY HOUSE; PROCURING
Arrest, 199(2)
Common bawdy house, 210
Common betting house, 201(1), 204(1)
Common gaming house, 201(1)
Disorderly house, definition, 197(1)
Search and seizure, 199
KIDNAPPING, 279(1), (1.1). *See also* ABDUCTION; HOSTAGE TAKING; TRAFFICKING IN PERSONS

- KIDNAPPING — *Continued*
 Causing death while committing, 230, 231(5)(e)
 Hostage taking, 279.1
 Imprisonment, four-year minimum to life if firearm used, 279(1.1)
 Internationally protected person, outside Canada, 7(3), (5)-(7)
 Non-resistance as defence, 279(3)
 Threat of, against internationally protected person, 424
 Trafficking in persons, 279.01
- KILLING CHILD. *See also* HOMICIDE; MANSLAUGHTER; MURDER
 Causing injury before or during birth, resulting in death, 223(2)
 Child becomes human being, when, 223
 Infanticide 233, 237
 Newly born, by mother, 233, 237
 Unborn, during birth, 238
- KNOWLEDGE. *See* MENS REA; POSSESSION
- LANGUAGE OF ACCUSED, 530-533
 Accused fails to apply, 530(4)
 Accused not represented, 530(3)
 Change of venue when language not spoken in jurisdiction, 531
 Duty of court —
 accused failing to apply, 530(4)
 accused's language —
 English or French, 530(1)
 neither English nor French, 530(2)
 advise accused, to, 530(3)
 Preliminary inquiry, 530.1
 Procedure on preliminary inquiry or trial, 530.1
 Regulations, power of Lieutenant Governor, 533
 Saving of rights under provincial law, 532
 Translation of documents, 530.01
- LANGUAGE OF ACCUSED — *Continued*
 Variation of order where bilingual trial preferable, 530(5)
- LANGUAGE OF TRIAL. *See* LANGUAGE OF ACCUSED
- LAUNDERING PROCEEDS OF CRIME, 462.31. *See also* PROCEEDS OF CRIME
- LAWFUL EXCUSE. *See* DEFENCES
- LAWYER, 488.1
- LEGAL AID
 Appeals, 684(2)
 Right to counsel. *See* RIGHT TO COUNSEL
 Young persons, YC 25(3)-(6)
- LIBEL. *See* BLASPHEMOUS LIBEL; DEFAMATORY LIBEL; SEDITIOUS LIBEL
- LIFE
 Endangering, 216-218
 Imprisonment for life. *See* SENTENCE — Imprisonment
 Necessaries of. *See* NECESSARIES OF LIFE
- LIFE IMPRISONMENT, 743.1, 745, 745.1. *See also* SENTENCE — Imprisonment; PAROLE — Ineligibility for parole
- LIMITATIONS
 Summary conviction, 786(2)
 Treason in certain cases, 48
- LITERATURE PROMOTING ILLICIT DRUG USE
 Definition, 462.1
 Offence to import, export, promote, manufacture, sell, 462.2
- LOANSHARKING, 347

- LOITERING
Private property, 177
Public place, 175(1)(c)
- LONG-TERM OFFENDERS
Appeal —
Attorney General, by, 759(2)
effect of judgment of court of appeal, 759(5), (6)
offender, by, 759(1)
powers of court of appeal, 759(3), (4)
procedure, 759(7)
Application for finding of long-term offender —
admissions by offender, effect of, 754(3)
character evidence, 757
conditions for finding, 753.1
consent of Attorney General required, 754(1)
court defined, 752
hearing by judge alone, 754(2)
notice to offender, 754
presence of offender at hearing, 758
proof of consent of Attorney General, 754(4)
Breach of order, 753.3
Commission of offence while under long-term supervision, 753.4
Dangerous offender application treated as long-term offender application, 753(5), (6)
Disclosure to Correctional Service of Canada, 760
Finding of court, 753.1
Long-term supervision —
appeal from decision, 759
breach of order, 753.3
convicted of later serious personal injury offence, where, 753.01
dangerous offender, where found to be, 753(4)(b)
defined, 752
interruption of, 753.4
long-term offender, where found to be, 753(4)(b)
- LONG-TERM OFFENDERS —
Continued
Long-term supervision — *Continued*
not to be imposed where serving life sentence, 755
supervision in community, 753.2
No sentence of community supervision if serving life imprisonment, 753.1(5)
Remand for assessment, 752.1
Sentence if finding not made, 753.1(6)
Sentence to be imposed including community supervision, 753.1(3), (3.1)
Young person, YC 74
- LONG-TERM SUPERVISION.
See DANGEROUS OFFENDERS; LONG-TERM SUPERVISION
- LOTTERIES. *See also* BETTING AND GAMING OFFENCES
Exceptions, 206(8), 207.1
Exemptions re international cruise ship, 207.1
Foreign, printing advertising for, 206(7)
Licences for —
power to issue, 207(1)(d), (f)
terms and conditions, 207(2)
Lottery scheme defined, 207(4)
Offences re, 206(1), (3), (4), 207(3)
Pari-mutuel betting, 207(5)
Permitted operation —
agricultural fair, 207(1)(c)
charitable or religious organization, 207(1)(b)
government of province, 207(1)(a), (e)
provincial licence, under, 207(1)(d)
Printing cards, etc., when lawful, 207(1)(h)
Sale, etc., of property void, 206(5), (6)
Search warrants, 199(1)

<p>LUMBER Burden of proof re marked lumber and equipment, 339(5) Costal waters of Canada, defined, 339(6) Definition, 339(6) Drift lumber, taking possession, etc., 339(1) Equipment with brand mark, 339(4) Presumption from brand mark, 339(4) Search by peace officer, 339(3) Trading, etc., by second hand dealer, 339(2)</p> <p>LURING CHILD, 172.1</p> <p>MAGISTRATE. <i>See</i> PROVINCIAL COURT JUDGE</p> <p>MAIL Stopping with intent to rob or search, 345 Theft from, 356 Use of — defraud, to, 381 obscene material, for, 168, 169</p> <p>MAIM Discharging — air gun with intent to, 244.1 firearm with intent to, 244</p> <p>MANDAMUS. <i>See also</i> EXTRAORDINARY REMEDIES Appeal from grant or refusal of, 784(1), (2) Rules of court re, 482(3)(c)</p> <p>MANITOBA Appeal court defined for — court of appeal, 2 place of hearing, 814(1) proceedings re firearms prohibition orders, 111. <i>See also</i> WEAPONS — Firearms summary conviction appeals, 812 Attorney General, 2</p>	<p>MANITOBA — <i>Continued</i> Chief justice defined for — emergency authorizations for interception of private communications, 188(4). <i>See also</i> INTERCEPTION OF PRIVATE COMMUNICATIONS judicial review of ineligibility for parole, 745.6. <i>See also</i> PAROLE — Ineligibility for parole Court defined for — appeals, 2 criminal jurisdiction, 2 seizure warrants for — hate propaganda publications, 320(8). <i>See also</i> HATE PROPAGANDA; SEARCH AND SEIZURE obscene publications and child pornography, 164(8)(b). <i>See also</i> OBSCENITY; SEARCH AND SEIZURE summary conviction appeal, 814(1) superior court of criminal jurisdiction, 2 Court of appeal defined, 2 Court of criminal jurisdiction defined, 2 Judge defined for — emergency authorizations for interception of private communications, 188(1), 552. <i>See also</i> INTERCEPTION OF PRIVATE COMMUNICATIONS Part XVI, Compelling Appearance of Accused Before a Justice and Interim Release, 493. <i>See also</i> JUDICIAL INTERIM RELEASE; RELEASE FROM CUSTODY</p>
---	---

- MANITOBA — *Continued*
 Judge defined for — *Continued*
 Part XIX, Indictable Offences —
 Trial Without Jury, 552. *See*
also INDICTABLE
 OFFENCES — Trial by judge
 alone; TRIAL — Judge alone
 trial
 Language of accused, regulations for
 Part XVII, 533
 Minister of Health for procuring
 miscarriage, 287(6)
 Parole, application to reduce
 ineligibility period, 745.6
 Summary conviction appeals —
 appeal court defined, 812(1)(d)
 place of hearing, 814(1)
 Superior court of criminal
 jurisdiction defined, 2
- MANSLAUGHTER. *See also*
 CRIMINAL NEGLIGENCE;
 DEATH; HOMICIDE
 Culpable homicide is manslaughter,
 222
 Dangerous operation of aircraft,
 motor vehicle or vessel, 662(5)
 Definition, 222, 234
 Failure to safeguard opening in ice
 resulting in death, 263(3)(a)
 Included offences, 662(5)
 Internationally protected person,
 outside Canada, 7(3), (5)-(7)
 Minimum four years' imprisonment
 if firearm used, 236(a)
 Punishment, 236
- MARINE SIGNAL
 Interference with, 429(2), 439
- MARRIAGE. *See also* HUSBAND
 AND WIFE; SPOUSE
 Bigamy, 290, 291
 Form of, defined, 214
 Peace bond where fear of forced
 marriage, 810.02
 Polygamy, 293
 Procuring feigned marriage, 292
- MARRIAGE — *Continued*
 Solemnization —
 contrary to law, 294
 pretence, 293
- MARRIED PERSON. *See*
 HUSBAND AND WIFE;
 MARRIAGE; SPOUSE
- MASTER KEY. *See*
 AUTOMOBILE MASTER KEY
- MASTER OF SHIP
 Maintaining discipline, 44
- MEDICAL ASSISTANCE IN
 DYING
 Definitions, 241.1
 Eligibility for, 241.2
 Exemption from culpable homicide
 provisions, 227
 Failure to comply with safeguards,
 241.3
 Forgery with relation to, 241.4
- MEDICAL OBSERVATION. *See*
 MENTAL DISORDER
- MEDICAL TREATMENT
 Duty as to knowledge and skill, 216
 Protection of surgeon where
 operation reasonable, 45
- MENS REA
 Arson, 429, 433-436.1. *See also*
 ARSON
 Automatism. *See* MENTAL
 DISORDER
 Belief. *See* Knowledge, *infra*;
 DEFENCES — Self-defence
 Drunkenness. *See* Knowledge, *infra*;
 DEFENCES
 Foreseeability. *See also* CRIMINAL
 NEGLIGENCE; MURDER
 ought to have known. *See*
 Knowledge, *infra*
 wilfulness, breach of probation,
 733.1(1). *See also* BREACH OF
 PROBATION; SENTENCE —
 Probation

MENS REA — *Continued*

Intent —
 accused putting mental capacity in issue, 672.12(3). *See also* MENTAL DISORDER
 motive. *See* Motive
 self-induced intoxication, 33.1

Knowledge —
 abduction, no belief in validity of custody order, 282(2). *See also* ABDUCTION
 age of victim, 150.1(4), (5)
 foreseeability. *See* Foreseeability, *supra*
 mistake of fact. *See* DEFENCES — Mistake of fact/law
 murder, first degree, 231
 ought to have known, murder, 229(c)
 self-defence, 34, 35
 wilful blindness —
 child pornography, 163.1(5)
 mistaken belief in consent re sexual assault, 273.2(a)(ii)
 sexual assault, re consent, 273.2(a)

Mistake of civil law. *See* DEFENCES — Mistake of fact/law
 Mistake of fact/law. *See* DEFENCES — Mistake of fact/law
 Motive —
 obscenity, motive irrelevant, 163(5)

Murder, 229-231

Negligence —
 arson, 436
 criminal, 219
 dangerous operation of conveyance, 320.13
 organization, 22.1

Organization, 22.1, 22.2

Possession of incendiary material, 436.1. *See also* ARSON

Recklessness —
 arson, 429, 433-436.1

MENS REA — *Continued*

Recklessness — *Continued*
 careless handling of firearm, 86(2). *See also* WEAPONS — Firearms
 criminal negligence, 219(1)
 damage to property, 429, 430
 danger to life, mischief, 430(2)
 dangerous operation of conveyance, 320.13
 definition, 429
 failure to take reasonable steps to ascertain consent re sexual assault, 273.2(b)
 murder, 229(b)
 sexual assault, 273.2(a)

MENTAL DISORDER

Accused, defined to include —
 accused not criminally responsible, verdict of, 672.1. *See also* Criminal responsibility, *infra*
 accused in summary conviction proceedings, 672.1. *See also* Summary conviction proceedings, *infra*
 assessment orders, accused convicted, detained in a treatment facility, 672.11. *See also* Protected statements, *infra*
 credibility, protected statements, 672.21(3)(f). *See also* Protected statements, *infra*;
 CHARACTER AND CREDIBILITY; PRIVILEGE
 high-risk, 672.1
 party re mental disorder proceedings, 672.1
 perjury, protected statements, 672.21(3)(g). *See also* Protected statements, *infra*; PRIVILEGE
 protected statements not admissible without accused's consent, 672.21(2). *See also* Protected statements, *infra*

MENTAL DISORDER —

Continued

Appeals —

- acquittal instead of verdict of unfitness, 686(7)
- allowing appeal against disposition or placement decision, 672.78(1)
- appeal not to be dismissed for failure of others to comply with section, 672.74(5)
- appeal under s. 830 means rights of appeal under s. 813 abandoned, 836
- applications to suspend or carry out dispositions or placement decisions, 672.76
- Attorney General may appeal verdict of unfitness on question of law, 676(3)
- certiorari* not required in order to remove any verdict, 833
- court of appeal re disposition or placement decision, 672.72(1)
- dismissing appeal against disposition, 672.78(2)
- disposition suspended pending appeal, 672.75
- finding appellant unfit to stand trial or not criminally responsible, 686(1), 830(1)
- hearing of appeal as soon as practicable, 672.72(3)
- material to be kept by clerk of court of appeal, 672.74(3)
- new trial where appeal against unfitness verdict allowed, 686(6)
- notice of appeal period, 672.72(2)
- notification of appeal to court or review board, 672.74(1)
- other evidence based upon powers of court of appeal, 672.73(2)
- powers of court of appeal if appeal allowed, 672.78(3)

MENTAL DISORDER —

*Continued*Appeals — *Continued*

- prior disposition or release or detention in effect during suspension of disposition or placement decision appealed from, 672.77
- stay of proceedings from, 672.852
- summary conviction appeals —
 - fitness and criminal responsibility, 813, 830(1)
 - powers of appeal court, 834(1)
 - verdicts, 822(1), 830(1)
- Supreme Court of Canada —
 - verdict of not criminally responsible, 692(1)
 - verdict of unfitness, 692(2)
- transcript —
 - based plus other evidence, 672.73(1)
 - provided by appellant, to be, 672.74(4)
- transmission of decision, exhibits and other material to court of appeal, 672.74(2)
- verdict of —
 - not criminally responsible on account of mental disorder, 675(3), 686(4)
 - unfit to stand trial, 675(3), 686(4)
- Arrest for contravention of assessment order or disposition, 672.91-672.94
- Assessment orders —
 - accused convicted, detained in a treatment facility, 672.11
 - application for, 672.11, 672.121
 - arrest for contravention of, 672.91-672.94
 - assessment defined, 672.1
 - assessment reports, 672.2
 - consent to longer term of order, 672.14(2)
 - contents of order, 672.13

MENTAL DISORDER —

Continued

Assessment orders — *Continued*
 criminal responsibility, 672.11.
See also Criminal responsibility,
infra
 custody, 672.16
 detention in custody, 672.13(1)(b)
 detention under order, 672.16
 disposition other than criminal
 responsibility or unfitness,
 672.11. *See also* Dispositions,
infra
 extended order not to exceed 60
 days, 672.15(2)
 extending order, 672.15(1)
 female charged with death of
 newly born child, 672.11
 fitness to stand trial, 672.11,
 672.14(2). *See also* Fitness to
 stand trial, *infra*
 form of order, Form 48, 672.13(3)
 high-risk accused, 672.11(d.1),
 672.121, 672.21
 judicial interim release barred
 during assessment order, 672.17
 jurisdiction to order assessment,
 672.11
 medical practitioner defined, 672.1
 medical practitioner's evidence,
 672.16(1)(a), (1.1)(b), (2)
 protected statements, 672.21. *See*
also Protected statements, *infra*;
 PRIVILEGE
 reverse onus re custody, 672.16(3)
 Review Board may order, 672.121
 sixty-day order for compelling
 circumstances, 672.14(3)
 term of order, 672.14, 672.15
 thirty-day limit, 672.14(1)
 treatment not to be part of order,
 672.19
 unfit to stand trial, 672.14(2)
 varying terms re interim release or
 detention, 672.18
 young person, YC 34
 Burden of proof —
 criminal responsibility, 16(3)

MENTAL DISORDER —

Continued

Burden of proof — *Continued*
 presumption against mental
 disorder, 16(2)
 Competency of witness with, CE 16
 Counsel. *See also* COUNSEL
 fitness to stand trial, 2. *See also*
 Fitness to stand trial
 order that accused be represented,
 672.24. *See also* Fitness to stand
 trial, *infra*; RIGHT TO
 COUNSEL
 Court defined, 672.1. *See also*
 COURTS
 Court of appeal. *See* Appeals, *supra*
 Criminal responsibility —
 accused putting mental capacity re
 intent in issue, 672.12(3)
 appeals. *See* Appeals, *supra*
 assessment orders, 672.11. *See*
also Assessment orders, *supra*
autrefois acquit, 672.35(a). *See*
also RES JUDICATA
 burden of proof, 16(3)
 exemption from, 16
 defined, 672.34
 federal employment application
 not to contain question re
 verdict of not criminally
 responsible, 672.37
 incapable of —
 appreciating the nature and
 quality of the act or omission,
 16(1)
 knowing that act was wrong,
 16(1)
 judicial interim release for other
 offences, 672.35
 not criminally responsible, 672.1,
 672.34
 Parole Board of Canada taking
 verdict into account re other
 offences, 672.35
 presumption against mental
 disorder, 16(2)

MENTAL DISORDER —

Continued

Criminal responsibility — *Continued*
 protected statements, 672.21(3)(e).
See also Protected statements,
infra; PRIVILEGE

review boards to review verdicts
 of not criminally responsible by
 reason of mental disorder,
 672.38. *See also* Review boards,
infra

sentence or disposition for other
 offences, 672.35

verdict of not criminally
 responsible on account of
 mental disorder —
 defined, 672.1
 relevance to other offences,
 672.35
 trial, at, 672.34

Dangerous mentally disordered
 accused —
 protected statements, 672.21(3)(c).
See also Protected statements,
infra; PRIVILEGE

Definition, 2

Disease of the mind in definition of
 mental disorder, 2

Disposition hearings. *See also*
 Dispositions, *infra*; High-risk
 accused, *infra*; Review boards,
infra

accused —
 removed from hearing,
 672.5(10)
 right to be present, 672.5(9)
 right to be represented by
 counsel, 672.5(7)
 sent back to court if fit and
 court to try fitness issue,
 672.48(2)

appeals. *See* Appeals, *supra*

Attorney General can be
 designated a party, 672.5(3)

chairperson of review board can
 order accused be sent back to
 court for trial of fitness issue,
 672.48(3)

MENTAL DISORDER —

Continued

Disposition hearings — *Continued*
 copy of disposition to court and
 Attorney General, 672.49(2)

court —
 can extend time for hearing to
 90 days after verdict in
 exceptional circumstances,
 672.47(2)
 making disposition to send
 transcript, exhibits and
 documents filed to review
 board, 672.52(2)
 hold hearing, to, 672.45(1)
 make disposition, to, 672.45(2)

court or review board to assign
 counsel if accused not
 represented, 672.5(8)

court's powers not otherwise
 limited, 672.51(12)

disclosure of record to persons
 having valid interest or on
 accused's consent, 672.51(9)

disposition information. *See*
 Disposition information, *infra*

evidence adduced by party,
 672.5(11)

interim release —
 continues until review board
 makes a disposition,
 672.46(1)
 order can be vacated and
 substituted, 672.46(2)

notice of hearing, 672.5(5)

party's scope of participation at
 hearing, 672.5(10)

person having a substantial
 interest in accused can be
 designated a party, 672.5(4)

procedural irregularity does not
 affect validity of hearing, 672.53

procedure for conducting hearing,
 672.5

public can be excluded from
 hearing by court or review
 board, 672.5(6)

MENTAL DISORDER —

Continued

Disposition hearings — *Continued*
 reason for disposition to be stated
 and given to parties, 672.52(3)
 record of proceedings where
 accused excluded not to be
 disclosed to accused or non-
 party, 672.51(8)
 record to be kept and to include
 any assessment report
 submitted, 672.52(1)
 review board or chairperson can
 continue detention until court
 tries fitness issue, 672.49(1)
 review board to —
 determine if accused fit to stand
 trial, 672.48
 hold hearing with 90 days of
 disposition or day disposition
 ceases, 672.47(3)
 hold hearing within 45 days
 after verdict if court does not
 make a disposition, 672.47(1)
 witnesses compelled by court or
 chairperson, 672.5(12)
 Disposition information. *See also*
 Disposition hearing, *supra*;
 Dispositions, *infra*; Review
 boards, *infra*
 accused or party excluded from
 hearing during withheld
 dispositional information,
 672.51(6)
 copy to be made available to
 parties and accused's counsel,
 672.51(2)
 court's powers not otherwise
 limited, 672.51(12)
 definition, 672.51(1)
 disclosure of information. *See also*
 withholding information, *infra*
 accused, to, 672.51(4)
 no disclosure to non-parties,
 672.51(7)
 persons having valid interest,
 to, or on accused's consent,
 672.51(9)

MENTAL DISORDER —

Continued

Disposition information —
Continued
 disclosure of information —
Continued
 research or statistical purposes,
 for, 672.51(10)
 publication ban of certain
 information and proceedings,
 672.51(11)
 withholding information. *See also*
 disclosure of information, *supra*
 endangering another or
 treatment or recovery of
 accused, 672.51(3)
 from a party, 672.51(5)
 Dispositions. *See also* Disposition
 hearings, *supra*; High-risk
 accused, *infra*; Review boards,
infra
 accused may challenge application
 for treatment order by evidence,
 672.6(2)
 assessment orders, dispositions
 other than criminal
 responsibility or unfitness,
 672.11. *See also* Assessment
 orders, *supra*
 beginning and expiration of
 disposition, 672.62(2)
 condition re victim, 672.542
 court can direct treatment of
 accused without accused's
 consent, 672.62(2)
 definition, 672.1
 discharges or detention, 672.54
 electro-convulsive therapy
 defined, 672.61(2)
 hearings. *See* Disposition
 hearings, *supra*
 hospital orders, 672.54(c)
 increased restrictions on accused's
 liberty require record and
 notice, 672.56(2)
 notice to accused of application
 for treatment order, 672.6(1)

MENTAL DISORDER —
Continued

Dispositions — *Continued*
placement decisions. *See* Dual status offenders, *infra*
protected statements, 672.21(3)(b). *See also* Protected statements, *infra*; PRIVILEGE
psychiatric or other treatment not to be directed, 672.55(1)
psychosurgery defined, 672.61(2)
review board can delegate authority over liberty of accused in hospital, 672.56(1)
review of dispositions. *See* Review of dispositions, *infra*
significant threat defined, 672.5401
testimony specifically required for treatment order, 672.59(2)
treatment order —
court not to exceed 60 days, by, 672.58
fitness requires testimony of medical practitioner for specific treatment, re, 672.59(1)
not to include prohibited treatments, 672.61(1)
requires consent of hospital or person in charge of treatment, 672.62(1)
warrant of committal for detention in hospital, 672.57
young person, intensive rehabilitative custody and supervision order, YC 42(2), (4), (7)(b)
Dual status offenders —
access to, by Minister and review board, 672.69(1)
appeals. *See* Appeals, *supra*
custodial disposition takes precedence over prior sentence of imprisonment, 672.67(2)
definition, 672.1
discharge from custody, notice of, 672.7(1)

MENTAL DISORDER —
Continued

Dual status offenders — *Continued*
factors to be considered in placement decision, 672.68(3)
imprisonment takes precedence over —
prior custodial disposition, 672.67(1)
probation, 672.71(2)
Minister defined, 672.68(1)
place of custody inappropriate, 672.68(2)
placement term served is also serving imprisonment, 672.71(1). *See also* SENTENCE — Imprisonment
prisoner under supervision of Minister, 672.68(5)
review board to decide place of custody, 672.68(2)
review of placement decision, 672.69
time-limit for placement decision, 672.68(4)
warrant of committal by review board, 672.7(2)
Enforcement of orders and regulations —
accused to be taken before justice as soon as practicable if justice not available within 24 hours, 672.92(2)
accused to be taken before justice without unreasonable delay and within 24 hours, 672.92(1)
arrest without warrant on reasonable and probable grounds re fail to comply with disposition, 672.91
Governor in Council may make regulations, 672.95
justice to release accused unless reasonable grounds re fail to comply with disposition, 672.93(1)
notice to review board of justice's order, 672.93(1.1)

MENTAL DISORDER —
Continued

Enforcement of orders and regulations — *Continued*
order of justice pending review board hearing, 672.93(2)
powers of review board on receiving notice of justice's order, 672.94
prescribed by regulations, defined, 672.1
warrant or process re assessment or disposition can be executed throughout Canada, 672.9
Evidence, burden of proof, 16
Federal employment —
application not to contain question re verdict of not criminally responsible, 672.37
Female charged with death of newly born child —
assessment orders, 672.11. *See also* Assessment orders, *supra*
protected statements, 672.21(3)(d). *See also* Protected statements, *infra*; PRIVILEGE
Fitness to stand trial —
accused —
can be removed from court, 650(2)(c)
raising issue, 672.12(2)
sent back to court if fit and court to try fitness issue, 672.48(2)
acquittal —
discharge, or, means postponed fitness issue shall not be tried, 672.3
insufficient evidence to put accused on trial, if, 672.33(6)
appeals. *See* Appeals, *supra*
assessment orders, 672.11, 672.14(2). *See also* Assessment orders, *supra*
burden of proof —
accused has subsequently become fit, that, 672.32(2)

MENTAL DISORDER —
Continued

Fitness to stand trial — *Continued*
burden of proof — *Continued*
applicant, on, for trial of fitness issue, 672.23(2)
prosecution, on, as to sufficiency of evidence to put accused on trial, 672.33(3)
chairperson of review board can order accused be sent back to court for trial of fitness issue, 672.48(3)
communicate with counsel, 2
counsel, order that accused be represented, 672.24. *See also* RIGHT TO COUNSEL
court to hold inquiry every two years re sufficiency of evidence, 672.33(1)
definition, 2
documentary evidence re sufficiency of evidence to put accused on trial, 672.33(4)
judge alone trial, 672.25, 672.27-672.31. *See also* TRIAL
jury trial, 672.25-672.3. *See also* TRIAL
postponing trial of fitness issue, 672.25
preliminary inquiry, 672.25, 672.27-672.3. *See also* PRELIMINARY INQUIRY
presumption of fitness, 672.22
procedure of preliminary inquiry may be used to determine sufficiency of evidence to put accused on trial, 672.33(5)
protected statements, 672.21(3)(a). *See also* Protected statements, *infra*; PRIVILEGE
review board —
determine if accused fit to stand trial, to, 672.48
recommend stay of proceedings, to, 672.851
review verdicts, to, 672.38. *See also* Review Boards, *infra*

MENTAL DISORDER —

Continued

Fitness to stand trial — *Continued*
 raising issue, 672.23(1)
 stay of proceedings, 672.851
 appeal from, 672.852
 treatment order by court not to exceed 60 days, 672.58
 trial when accused becomes fit, 672.32(1)
 understand the nature or object of the proceedings, 2
 understand the possible consequences of the proceedings, 2
 unfit accused's application re existence of prima facie case, 672.33(2)
 unfit to stand trial, 2
 verdict of fitness —
 detention order to continue, 672.29
 proceedings continue, 672.28
 High-risk accused —
 application by prosecutor, 672.64
 assessment, 672.11(d.1), 672.121(c), 672.21(3)
 defined, 672.1
 delay in holding subsequent hearing, 672.81(1.31), (1.32), (1.4), (1.5)
 disposition, 672.64(3)
 reference for review of finding, 672.84
 timing of application, 672.47
 timing of hearing, 672.81
 Hospital, definition, 672.1
 Insanity. *See* Criminal responsibility, *supra*
 Interprovincial transfers —
 agreement allowing review board of —
 receiving province to exercise powers, 672.89(2)
 sending province to exercise powers, 672.88(2)
 review board of receiving province —

MENTAL DISORDER —

Continued

Interprovincial transfers —
Continued
 review board of receiving province — *Continued*
 direct custody or attendance of accused, to, 672.86(3)
 exclusive jurisdiction, 672.88(1)
 review board —
 recommends and Attorney General consents, 672.86(1)
 retains exclusive jurisdiction if accused transferred otherwise, 672.89(1)
 warrant —
 authority to convey and detain accused in custody, 672.87
 specifying place to be transferred to, 672.86(2)
 Medical practitioner —
 custody under assessment order, 672.16(1)(a), (1.1)(b), (2)
 definition, 672.1
 Not criminally responsible on account of mental disorder. *See* Criminal responsibility, *supra*
 Party, definition re mental disorder, 672.1. *See also* PARTIES TO OFFENCES
 Placement decision, definition, 672.1
 Prescribed by regulations, defined, 672.1. *See also* Enforcement of orders and regulations, *supra*
 Protected statements. *See also* PRIVILEGE
 admissibility notwithstanding, 672.21(3)
 definition, 672.21(1)
 not admissible without accused's consent, 672.21(2)
 Reverse onus, 16(2). *See also* CHARTER OF RIGHTS; PRESUMPTIONS AND INFERENCES
 Review boards. *See also* Disposition hearings, *supra*; Dispositions, *supra*

MENTAL DISORDER —

Continued

Review boards — *Continued*
 access to dual status offender,
 672.69(1)
 appeals. *See* Appeals, *supra*
 assessment reports from courts,
 672.2(3). *See also* Assessment
 orders, *supra*
 chairperson —
 can send accused back to court
 for trial of fitness issue,
 672.48(3)
 defined, 672.1
 has powers under Inquiries Act,
 672.43
 to be a judge, 672.4
 compelling appearance of
 accused, 672.85
 decisions effected by majority of
 members present and voting,
 672.42
 definition, 672.1
 discharge of dual status offender
 from custody, 672.7(1)
 discretionary review, 672.82
 disposition. *See* Dispositions,
supra
 place of custody for dual status
 offenders, 672.68(2)-(4)
 provincially established or
 designated, purpose of, 672.38
 psychiatrists or mental health
 workers required on board,
 672.41
 quorum, how constituted, 672.39
 regulations for uniform
 procedures, 672.44(3)
 review of —
 dispositions, 672.81. *See also*
 Review of dispositions, *infra*
 placement decision, 672.69
 rules —
 apply to any proceeding,
 672.44(2)
 procedure, of, may be made by
 board, 672.44(1)

MENTAL DISORDER —

Continued

Review boards — *Continued*
 rules — *Continued*
 published in Canada Gazette,
 to be, 672.44(2)
 warrant of committal re
 placement decision, 672.7(2)
 Review of dispositions. *See also*
 Review boards, *supra*
 appeal against disposition deemed
 abandoned by request for
 review, 672.82(2)
 disposition altered by review
 board, 672.83
 hearings —
 extension of time for holding,
 672.81(1.1)-(1.5)
 may hold hearing at any time,
 672.82(1)
 mandatory reviews, 672.81
 high-risk accused, 672.84
 mandatory reviews, 672.81
 process for bringing accused
 before hearing, 672.85
 review board. *See* Review boards,
supra
 timing of reviews. *See* hearings,
supra
 young person, YC 141. *See also*
 YOUTH CRIMINAL
 JUSTICE ACT
 Stay of proceedings against unfit
 accused, 672.851
 appeal, 672.852
 Summary conviction proceedings.
See also Appeals, *supra*
 appeal under s. 830 means rights
 of appeal under s. 813
 abandoned, 836
 summary conviction appeals —
 fitness and criminal
 responsibility, 813, 830(1)
 powers of appeal court, 834(1)
 verdicts, 822(1), 830(1)
 Testimony outside courtroom or
 behind screen, 486.2
 Unfit to stand trial, definition, 2

- MENTAL DISORDER —
Continued
 Unfit to stand trial — *Continued*
 stay of proceedings, 672.851,
 672.852
 Verdict of not criminally responsible
 on account of mental disorder,
 defined, 672.1, 672.34. *See also*
 Criminal responsibility
 Victim —
 communication with, 672.542
 defined, 672.5(16)
 presentation of statement,
 672.5(15.1)-(15.3)
 restricting publication, 672.501
 right to notice, 672.5(5.1), (5.2),
 (13.2), (13.3)
 statement, 672.541
 Witness with, CE 16
- MENTAL ILLNESS. *See*
 MENTAL DISORDER
- MERCY. *See* PARDON; ROYAL
 PREROGATIVE OF MERCY
- MILITARY. *See also* CANADIAN
 FORCES; WAR CRIMES
 Certificates, unlawful use, 419(c), (d)
 Definition, 2
 Law, definition, 2
 Presumption re enlistment, 421(1)
 Stores, unlawful purchase, etc., 420
 Uniforms, unlawful use, 419(a), (b)
- MILITARY COMMANDER. *See*
 WAR CRIMES
- MINERALS. *See* VALUABLE
 MINERAL
- MINISTER OF JUSTICE. *See also*
 ATTORNEY GENERAL/
 SOLICITOR GENERAL
 Duties in Canadian Bill of Rights,
 BR. 3
 Miscarriage of justice review, 696.1-
 696.6
- MINORITY LANGUAGE
 EDUCATIONAL RIGHTS, CH
 23
- MISCARRIAGE. *See*
 PROCURING MISCARRIAGE
- MISCARRIAGE OF JUSTICE
 Appeal based on, 686(1)(a)(iii)
 Ministerial review, 696.1-696.6
- MISCHIEF
 Computers —
 data, 430(1.1), (5), (5.1), (8)
 definitions, 342.1
 Cultural property, 430(4.2)
 Data, mischief re, 430(1.1), (5), (5.1),
 (8)
 Defence of colour of right or lawful
 excuse, 429(2)
 Definition, 430(1)
 Demolishing building to prejudice of
 mortgage or owner, 441
 Endangering life, 430(2)
 Exceptions —
 approaching dwelling house,
 430(7)
 stopping work, 430(6)
 False accusation as public mischief,
 140
 False news, spreading of, 181
 Motivated by bias, etc., 430(4.1),
 (4.101)
 Private property, 430(4), (5.1)
 Public mischief, 140
 Public property, 430(3), (5.1)
- MISLEADING JUSTICE. *See also*
 PERJURY
 Contradictory evidence, 136
 Obstructing justice, 139
 Public mischief, 140
- MISLEADING RECEIPT
 Giving, 388(a)
 Using, 388(b)
- MISTAKE
 Arrest of wrong person, 28

MISTAKE — *Continued*

Fact, of —
 age —
 child pornography, 163.1(5)
 sexual offences, 150.1
 consent —
 assault, 265
 sexual offences, 153.1(2)-(6),
 273.1, 273.2, 276
 Ignorance of law, no defence, 19
 MISTRIAL, 653, 669.2. *See also*
 TRIAL
 Rulings binding at new trial, 653.1
 MOBILITY RIGHTS, CH 6
 MODE OF TRIAL. *See*
 ELECTIONS AND RE-
 ELECTIONS; INDICTABLE
 OFFENCES; JURISDICTION;
 SUMMARY CONVICTION
 PROCEEDINGS
 MONEY LAUNDERING, 462.31.
See also PROCEEDS OF
 CRIME;
 MOTIVE. *See* MENS REA
 MOTOR VEHICLES. *See also*
 BREATHALYZER;
 CONVEYANCES; CRIMINAL
 NEGLIGENCE; IMPAIRED
 DRIVING AND OVER 80;
 OVER 80
 Approved screening device, 320.27
 Blood samples. *See* BLOOD
 SAMPLES
 Breath test provisions, 320.27,
 320.28. *See also*
 BREATHALYZER
 Dangerous operation of conveyance,
 320.13
 included offence re charges of
 criminal negligence, 662(5)
 Definition, 2

MOTOR VEHICLES — *Continued*

Demand for —
 bodily substances, 320.27(1)(c),
 320.28(4)
 breath sample, 320.27(1)(b), (2),
 320.28(1)(a)(i), (3)
 coordination tests, 320.27(1)(a)
 Driving while —
 disqualified, 320.18
 impaired, 320.14(1)(a). *See also*
 DRUGS; IMPAIRED
 DRIVING AND OVER 80
 over 80, 320.14(1)(b)
 Failing to stop after accident, 320.16
 Failure to comply with demand for
 breath sample, 320.15
 Flight from peace officer, 320.17
 Ignition interlock, 320.18(2),
 320.24(10)
 Impaired driving, 320.14(1)(a). *See*
also IMPAIRED DRIVING
 AND OVER 80
 prohibition order upon
 conviction, 320.24
 punishment, 320.19-320.23
 Impairment by drugs —
 evaluating officer defined, 320.11
 operating conveyance while
 impaired by drug, 320.14(1)(a)
 operating conveyance with excess
 blood drug concentration,
 320.14(1)(c), (4)
 operating conveyance with excess
 alcohol combined with drug,
 320.14(1)(d)
 prohibition order upon
 conviction, 320.24
 punishment, 320.19-320.23
 refusal to comply with demand,
 320.15
 Joy riding, 335
 Over 80, 320.14(1)(b)
 Prohibited weapon in, 94
 Prohibition from operating, 320.24
 stay of order pending appeal,
 320.25, 680

MOTOR VEHICLES — Continued

Restricted weapon in, 94
 Roadside screening —
 approved screening device,
 defined, 320.11
 demand for breath sample, 320.27
 failure to comply with demand,
 320.15
 Sabotage of, 52
 evidence of overt acts, 55
 indictment, overt acts to be stated,
 581(4)
 Theft of, 333.1
 Vehicle identification number —
 offence to obliterate, 353.1
 presumption re obliteration,
 354(2)

MOVIE, UNAUTHORIZED RECORDING

Unauthorized recording, 432
 commercial purposes, for, 432(2)
 forfeiture of equipment, 432(3), (4)

MUNICIPAL

Corporation, service of process
 upon, 703.2(a). *See also*

ORGANIZATIONS

Corruption, 123
 Municipality, defined, 2

MURDER. *See also* DEFENCES; HOMICIDE; INFANTICIDE; MANSLAUGHTER; PAROLE; PARTIES TO OFFENCES

Accessory after the fact to, 240
 Attempt murder, 239
 imprisonment —
 five years' minimum first
 offence where firearm used,
 239(a)(i)
 seven years' minimum second
 or subsequent offence where
 firearm used, 239(a)(ii)
 Causing death committing specified
 offences, 230, 231(5)
 Classification of, 231(1)

MURDER — Continued

Compulsion by threats no defence,
 17
 Culpable homicide that is not
 murder, 234
 Constructive murder, 229, 230, 231
 Definition, 229
 First degree —
 benefit of criminal organization,
 for, 231(6.1)
 causing death committing
 specified offences, 231(5)
 contract killing, 231
 indictment, offence must be
 specifically charged, 582
 killing peace officer or prison
 guard, 231(4)
 planned and deliberate, 231(2), (3)
 sentence, 745(a)
 verdict where second degree
 proved, 662(2)
 Indictments. *See also*
**INDICTMENTS AND
 INFORMATIONS**
 consent to adding other counts,
 589(b)
 first degree murder must be
 specifically charged, 582
 joinder with other count, 589
 Ineligibility for parole. *See*
PAROLE
 Internationally protected person
 outside Canada, 7(3), (5)-(7)
 Parole ineligibility. *See also*
PAROLE
 appeal, 675(2), 676(4), (6), 745.62
 first degree, 745(a)
 person under 18 years of age,
 745.1
 judge to set period for —
 adult, 745.4
 youth, 745.5
 judicial review, 745.6-745.64
 appeals, 745.62
 application for, 745.6
 hearing application, 745.63
 rules, 745.64
 screening, 745.61

MURDER — *Continued*

Parole ineligibility — *Continued*
 jury recommendations, 745.2
 person under 16 years of age,
 where, 745.3
 person under 18 years of age,
 where, 745.1
 previous murder conviction,
 where, 745(b)
 parole prohibited, 745.4
 question to jury, 745.2, 745.3
 multiple murders, 745.51
 sentence to be pronounced on —
 adult, 745
 youth, 745.1
 statement at time of sentence,
 745.01
 time spent in custody, 746
 Planned and deliberate, 231(2), (3)
 Provocation reducing murder to
 manslaughter, 232
 Punishment, 235, 745. *See also*
 PAROLE; SENTENCE
 Second degree, 231(7)
 ineligibility for parole. *See*
 PAROLE
 Threat of, against —
 internationally protected person,
 424
 united nations or associated
 personnel, 424.1
 Young person, YC 42(2)(q), (7),
 67(1)(c), (3)(c). *See also* YOUTH
 CRIMINAL JUSTICE ACT

MUSEUM
 Staff. *See also* WEAPONS —
 Restricted weapon
 exceptions re weapons offences,
 117.09(4), (5)
 public officer, as, 117.07(2)

MUTINY, INCITEMENT TO, 53
 Evidence of overt acts, 55
 Indictment, overt acts to be stated,
 581(4)

NATURAL JUSTICE. *See*

CHARTER OR RIGHTS — Fair
 and public hearing; FULL
 ANSWER AND DEFENCE;
 TRIAL — Full answer and
 defence

NAVIGATION OF ANOTHER
 STATE
 Offences against, 7(2.2)

NECESSARIES OF LIFE
 Duty to provide, 215(1)
 Failure to provide, 215(2)-(4)
 Presumptions, 215(4)

NECESSITY DEFENCE
 Common law defences preserved,
 8(3)

NEGLIGENCE. *See* CRIMINAL
 NEGLIGENCE; MENS REA;
 ORGANIZATIONS —
 Negligence

NEW BRUNSWICK
 Appeal court defined for —
 court of appeal, 2
 proceedings re firearms
 prohibition orders, 111. *See*
 also WEAPONS — Firearms
 summary conviction appeals, 812
 Attorney General, 2
 Chief justice defined for —
 emergency authorizations for
 interception of private
 communications, 188(4). *See*
 also INTERCEPTION OF
 PRIVATE
 COMMUNICATIONS
 judicial review of ineligibility for
 parole, 745.6. *See also*
 PAROLE — Ineligibility for
 parole
 Court defined for —
 appeals, 2
 criminal jurisdiction, 2

- NEW BRUNSWICK — *Continued*
 Court defined for — *Continued*
 seizure warrants for —
 hate propaganda publications,
 320(8). *See also* HATE
 PROPAGANDA; SEARCH
 AND SEIZURE
 obscene publications and child
 pornography, 164(8)(b). *See*
 also OBSCENITY;
 SEARCH AND SEIZURE
 superior court of criminal
 jurisdiction, 2
 Court of appeal defined, 2
 Court of criminal jurisdiction
 defined, 2
 English and French linguistic
 communities are equal, CH 16.1
 Judge defined for —
 emergency authorizations for
 interception of private
 communications, 188(1), 552.
 See also INTERCEPTION OF
 PRIVATE
 COMMUNICATIONS
 Part XVI, Compelling
 Appearance of Accused Before
 a Justice and Interim Release,
 493. *See also* JUDICIAL
 INTERIM RELEASE;
 RELEASE FROM CUSTODY
 Part XIX, Indictable Offences —
 Trial Without Jury, 552. *See*
 also INDICTABLE
 OFFENCES — Trial by judge
 alone; TRIAL — Judge alone
 trial
 Language of accused, regulations for
 Part XVII, 533
 Minister of Health for procuring
 miscarriage, 287(6)
 Parole, application to reduce
 ineligibility period, 745.6
 Summary conviction appeals —
 appeal court defined, 812(1)(d)
- NEW BRUNSWICK — *Continued*
 Superior court of criminal
 jurisdiction defined, 2
- NEWFOUNDLAND
 Appeal court defined for —
 court of appeal, 2
 proceedings re firearms
 prohibition orders, 111. *See*
also WEAPONS — Firearms
 summary conviction appeals, 812
 Attorney General, 2
 Chief justice defined for —
 emergency authorizations for
 interception of private
 communications, 188(4). *See*
 also INTERCEPTION OF
 PRIVATE
 COMMUNICATIONS
 judicial review of ineligibility for
 parole, 745.6. *See also*
 PAROLE—Ineligibility for
 parole
 Court defined for —
 appeals, 2
 criminal jurisdiction, 2
 seizure warrants for —
 hate propaganda publications,
 320(8). *See also* HATE
 PROPAGANDA; SEARCH
 AND SEIZURE
 obscene publications and child
 pornography, 164(8)(c). *See*
 also OBSCENITY;
 SEARCH AND SEIZURE
 superior court of criminal
 jurisdiction, 2
 Court of appeal defined, 2
 Court of criminal jurisdiction
 defined, 2
 Judge defined for —
 emergency authorizations for
 interception of private
 communications, 188(1), 552.
 See also INTERCEPTION OF
 PRIVATE
 COMMUNICATIONS

NEWFOUNDLAND — *Continued*
Judge defined for — *Continued*

Part XVI, Compelling
Appearance of Accused Before
a Justice and Interim Release,
493. *See also* JUDICIAL
INTERIM RELEASE;
RELEASE FROM CUSTODY
Part XIX, Indictable Offences —
Trial Without Jury, 552. *See
also* INDICTABLE
OFFENCES — Trial by judge
alone; TRIAL — Judge alone
trial

Language of accused, regulations for
Part XVII, 533

Minister of Health for procuring
miscarriage, 287(6)

Parole, application to reduce
ineligibility period, 745.6

Summary conviction appeals —
appeal court defined, 812(1)(d)

Superior court of criminal
jurisdiction defined, 2

NEWLY-BORN CHILD. *See also*
CHILDBIRTH
Defined, 2
Killing by mother, infanticide, 233,
237, 662(3)

NEWS
Conveying false information with
intent, 372(1)
Spreading false news, 181

NEWSPAPER. *See*
DEFAMATORY LIBEL;
PUBLICATION BAN

NIGHT
Definition, 2
Trespassing at night on private
property, 177

NORTHWEST TERRITORIES
Application of Criminal Code, 8(1)
Appeal court defined for —
court of appeal, 2

NORTHWEST TERRITORIES —
Continued

Appeal court defined for —
Continued
place of hearing, 814(4)
proceedings re firearms
prohibition orders, 111. *See
also* WEAPONS — Firearms
summary conviction appeals, 812

Attorney General, 2

Chief justice defined for —
emergency authorizations for
interception of private
communications, 188(4). *See
also* INTERCEPTION OF
PRIVATE
COMMUNICATIONS
judicial review of ineligibility for
parole, 745.6. *See also*
PAROLE — Ineligibility for
parole

Court defined for —
appeals, 2
criminal jurisdiction, 2
seizure warrants for —
hate propaganda publications,
320(8). *See also* HATE
PROPAGANDA; SEARCH
AND SEIZURE
obscene publications and child
pornography, 164(8)(d). *See
also* OBSCENITY;
SEARCH AND SEIZURE
superior court of criminal
jurisdiction, 2

Court of appeal defined, 2

Court of criminal jurisdiction
defined, 2

Judge defined for —
emergency authorizations for
interception of private
communications, 188(1), 552.
See also INTERCEPTION OF
PRIVATE
COMMUNICATIONS
parole, application to reduce
ineligibility period, 745.64

- NORTHWEST TERRITORIES —
Continued
- Judge defined for — *Continued*
Part XVI, Compelling
Appearance of Accused Before
a Justice and Interim Release,
493. *See also* JUDICIAL
INTERIM RELEASE;
RELEASE FROM CUSTODY
Part XIX, Indictable Offences —
Trial Without Jury, 552. *See
also* INDICTABLE
OFFENCES — Trial by judge
alone; TRIAL — Judge alone
trial
- Language of accused, regulations for
Part XVII, 533
- Minister of Health for procuring
miscarriage, 287(6)
- Parole, application to reduce
ineligibility period, 745.6
- Summary conviction appeals —
appeal court defined, 812(1)(h)
place of hearing, 814(4)
- Superior court of criminal
jurisdiction defined, 2
- NON-PUBLICATION ORDER.
See PUBLICATION BAN
- NOTICE
- Appeal. *See* APPEALS
- Breathalyzer, certificate of analysis,
320.32
- Business records, CE 30(7)
- Certificate of —
conviction, 667(4)
drug analyst, 729
examiner of counterfeit, 461(2),
(3)
fingerprint examiner, 667
- Conditional sentence of
imprisonment, breach, report of
supervisor, 742.6(5)
- Controlled Drugs and Substances
Act, CD 52
- Conviction for keeping common
bawdy house, 210(3), (4)
- NOTICE — *Continued*
- Expert report, 657.3(1)(b)
- Government or public documents,
CE 28
- Greater penalty, 727
- Intention to produce certificate of
analysis re blood-alcohol
concentration, 320.32
- Intention to seek greater penalty,
727. *See also* SENTENCE —
Greater punishment by reason of
previous convictions
- Mental disorder disposition hearing,
672.5(5). *See also* MENTAL
DISORDER — Disposition
hearings
- Organization, indictment of, 621
- Photographic evidence of property,
491.2(5)
- Private communications as evidence,
189
- Proceeds of crime, application for
forfeiture, 462.41
- Proof of, 4(6), (7), 729
- Proof of service. *See* Service, *infra*
- Recommencement of proceedings,
579(2)
- Restitution, notice to interested
persons, 741.1. *See also*
SENTENCE—Compensation
and restitution, Restitution orders
- Seeking greater penalty by reason of
previous convictions, 727(1)
- Service —
conditional sentence of
imprisonment, breach, report of
supervisor, 742.6(6)
process on organization, 703.2
proof of service, 4(6), (7)
- Sexual conduct, contents of
application re questioning
complainant, 278.93(2)
- Young persons. *See also* YOUTH
CRIMINAL JUSTICE ACT
annual review, YC 94(13), (14)
parent or others, to, YC 26
prosecutor seeking adult sentence,
YC 64(2)

NOTICE — *Continued*

Young persons — *Continued*
 prosecutor seeking to prove
 serious violent offence, YC
 64(4), 68
 recommendation for release from
 custody, YC 96(2)

NOVA SCOTIA

Appeal court defined for —
 court of appeal, 2
 proceedings re firearms
 prohibition orders, 111. *See*
also WEAPONS — Firearms
 summary conviction appeals,
 812(1)(c)

Attorney General, 2

Chief justice defined for —
 emergency authorizations for
 interception of private
 communications, 188(4). *See*
also INTERCEPTION OF
 PRIVATE
 COMMUNICATIONS
 judicial review of ineligibility for
 parole, 745.6. *See also*
 PAROLE — Ineligibility for
 parole

Court defined for —
 appeals, 2
 criminal jurisdiction, 2
 seizure warrants for —
 hate propaganda publications,
 320(8). *See also* HATE
 PROPAGANDA; SEARCH
 AND SEIZURE
 obscene publications and child
 pornography, 164(8)(b). *See*
also OBSCENITY;
 SEARCH AND SEIZURE
 superior court of criminal
 jurisdiction, 2
 Court of appeal defined, 2
 Court of criminal jurisdiction
 defined, 2

NOVA SCOTIA — *Continued*

Judge defined for —
 emergency authorizations for
 interception of private
 communications, 188(1), 552.
See also INTERCEPTION OF
 PRIVATE
 COMMUNICATIONS
 Part XVI, Compelling
 Appearance of Accused Before
 a Justice and Interim Release,
 493. *See also* JUDICIAL
 INTERIM RELEASE;
 RELEASE FROM CUSTODY
 Part XIX, Indictable Offences —
 Trial Without Jury, 552. *See*
also INDICTABLE
 OFFENCES — Trial by judge
 alone; TRIAL — Judge alone
 trial

Language of accused, regulations for
 Part XVII, 533

Minister of Health for procuring
 miscarriage, 287(6)

Parole, application to reduce
 ineligibility period, 745.6

Summary conviction appeals —
 appeal court defined, 812(1)(c)

Superior court of criminal
 jurisdiction defined, 2

NOXIOUS THING

Administering —
 domestic animal, 445.1(1)(c)
 person, 245

NUCLEAR MATERIAL

Conspiracy, outside Canada, 7(3.3)-
 (3.5)

Definition, 7(3.6)

Offences outside Canada, 7(3.2)-
 (3.6)

NUDITY, 174. *See also* SEXUAL
 OFFENCES

- NUISANCE
 Common nuisance, 180
- NULLITY. *See* ATTORNEY
 GENERAL/SOLICITOR
 GENERAL; INDICTMENTS
 AND INFORMATIONS;
 JURISDICTION; TRIAL
- NUMBER RECORDER
 WARRANT, 492.2
- NUNAVUT
 Application of Criminal Code, 8(1)
 Appeal court defined for —
 court of appeal, 2
 place of hearing, 814(4)
 proceedings re firearms
 prohibition orders, 111. *See*
also WEAPONS — Firearms
 summary conviction appeals, 812
 Attorney General, 2
 Attorney General may require jury
 trial, 569
 Chief justice defined for —
 emergency authorizations for
 interception of private
 communications, 188(4). *See*
also INTERCEPTION OF
 PRIVATE
 COMMUNICATIONS
 judicial review of ineligibility for
 parole, 745.6(1). *See also*
 PAROLE — Ineligibility for
 parole
 Court defined for —
 appeals, 2
 criminal jurisdiction, 2
 seizure warrants for —
 hate propaganda publications,
 320(8). *See also* HATE
 PROPAGANDA; SEARCH
 AND SEIZURE
 obscene publications and child
 pornography, 164(8)(d). *See*
also OBSCENITY;
 SEARCH AND SEIZURE
- NUNAVUT — *Continued*
 Court defined for — *Continued*
 superior court of criminal
 jurisdiction, 2
 Court of appeal defined, 2
 Court of criminal jurisdiction
 defined, 2
 Indictable offences procedure —
 deemed election, 565(1.1)
 election of trial, 536.1
 indictment, 566.1
 judge may decide to hold
 preliminary inquiry, 555.1
 judge may decline to record
 election, 567.1
 proceedings following re-election,
 562.1, 563.1
 proceedings on new trial,
 686(5.01), (5.2)
 right to re-elect, 561.1
 trial of absolute jurisdiction
 offences, 553
 trial without jury and without
 preliminary inquiry, 554(2)
 Judge defined for —
 emergency authorizations for
 interception of private
 communications, 188(1), 552.
See also INTERCEPTION OF
 PRIVATE
 COMMUNICATIONS
 parole, application to reduce
 ineligibility period, 745.6,
 745.64
 Part XVI, Compelling
 Appearance of Accused Before
 a Justice and Interim Release,
 493. *See also* JUDICIAL
 INTERIM RELEASE;
 RELEASE FROM CUSTODY
 Part XIX, Indictable Offences —
 Trial Without Jury, 552. *See*
also INDICTABLE
 OFFENCES — Trial by judge
 alone; TRIAL — Judge alone
 trial
 Language of accused —
 application for trial, 530

- NUNAVUT — *Continued*
- Language of accused — *Continued*
regulations for Part XVII, 533
- Minister of Health for procuring miscarriage, 287(6)
- Nunavut Court of Justice, Part XIX.1 —
habeas corpus, 573.2
jurisdiction of judge, 573
review of decision of judge by
judge of Court of Appeal, 573.1
certain decisions may be
reviewed, 573.1(1)
further appeal to court of
appeal, 573.1(7)
no review of certain decisions of
judge, 573.1(2)
procedure on review, 573.1(5),
(6)
power of reviewing judge,
573.1(4)
reviewing judge may grant
relief, 573.1(3)
- Parole, application to reduce
ineligibility period, 745.6
- Summary conviction appeals —
appeal court defined, 812(1)(h),
829
appeal to court of appeal, 839
place of hearing, 814(4)
- Superior court of criminal
jurisdiction defined, 2
- NUNAVUT COURT OF
JUSTICE. *See* NUNAVUT
- OATHS. *See* AFFIDAVITS;
AFFIRMATION; CANADA
EVIDENCE ACT;
COMPETENCE AND
COMPELLABILITY;
PERJURY; SOLEMN
DECLARATIONS
- OBEDIENCE TO DE FACTO
AUTHORITY
Defence of, 15
- OBSCENITY, 163-169
Advertising, 163(2)(c), (d), 169
Artistic merit re child pornography,
163.1(6)
Charges barred if forfeiture or
restoration order made, 164(7)
Child pornography. *See* CHILD
PORNOGRAPHY
Corrupting morals, 163, 169
Crime comic defined, 163(7)
Defence of public good, 163(3), (4)
Exhibiting disgusting object,
163(2)(b), 169
Forfeiture of publications, 164(4),
(6)
Immoral theatrical performance,
167, 169
Institution of proceedings after
forfeiture, 164(7)
Mailing obscene matter, 168, 169
Making, printing, publishing, etc.,
163(1), 169
Motive irrelevant, 163(5)
Possession for publication, etc.,
163(1), 169
Public good, defence of serving the
public good, 163(3)-(5), 163.1(7)
Punishment, 169
Seizure of publications,
representations, etc., 164. *See also*
SEARCH AND SEIZURE
appeal, 164(6)
charges barred if order made,
164(7)
court, defined, 164(8)
order of forfeiture, 164(4)
owner and maker may appear,
164(3)
restoring to person seized from,
164(5)
summons to occupier, 164(2)
warrant of seizure, 164(1)
Selling or exposing to public view,
163(2)(a), 169
indictment, 584
Theatrical performance, 167, 169
Undue exploitation of sex, effect,
163(8)

- OBSCENITY — *Continued*
Warrant of seizure, 164. *See also*
Seizure of publications,
representations, etc., *supra*;
SEARCH AND SEIZURE
- OBSTRUCT JUSTICE, 139. *See also*
INTERNATIONAL
CRIMINAL COURT
- OBSTRUCTING PEACE
OFFICER, 129
- OBTAINING BY FALSE
PRETENCES
Carriage by, 401
Credit by, 362(1)(b)
Goods by, 362(1)(a)
Transportation by, 393(3)
- OBTAINING BY FRAUD
Credit by, 362(1)(b), (3)
Execution of valuable security, 363
Food and lodging, 364
Transportation by, 393(3)
- OBTAINING CARRIAGE BY
FALSE BILLING, 401
- OCCUPANT INJURING
BUILDING, 441. *See also*
MISCHIEF
- OFFENCES. *See also*
CONVICTIONS; [and particular
offences listed in this index]
Child under 12, no conviction of, 13
Commencement of proceedings —
not in province, 481
unorganized territory, 480
Conviction under laws of Canada
only, 9
Firearms. *See* FIREARMS ACT —
Offences
Obedience to *de facto* authority, no
offence, 15
Offence, definition, interception of
private communications, 183
- OFFENCES — *Continued*
Outside Canada —
airports, 7(2)(d). *See also*
AIRPORT
conspiracy, 465(4), (5), (6), (7)
endangering safety of aircraft or
airport, 77
fixed platforms, 7(2.1). *See also*
FIXED PLATFORMS
international maritime navigation,
7(2.1), (2.2)
Punishment under more than one
Act, 12
Summary conviction. *See*
SUMMARY CONVICTION
PROCEEDINGS
Transfer of charges, 478, 479
- OFFENCES OUTSIDE CANADA.
See OFFENCES
- OFFENCE-RELATED
PROPERTY. *See also*
TRAFFICKING IN STOLEN
GOODS
- Appeal —
in rem order, from, 490.6
order declaring interest, from,
490.5(4)
order upon conviction, from,
490.1(3)
suspension of order pending,
490.7
Declaration of interest, 490.5
Defined, 2
Destruction order, 490.81(3)-(7)
Detention, 489, 490, 490.9
Forfeiture through in rem
proceedings, 490.2
Forfeiture upon conviction of
indictable offence, 490.1
Management order, 490.81
Notice to person with interest, 490.4
Notice to residents of dwelling-
house, 490.41
Restraint order, 490.8
Voidable transfers, 490.3

<p>OFFENDER. <i>See also</i> ACCUSED; YOUTH CRIMINAL JUSTICE ACT Definition, 2</p> <p>OFFENSIVE WEAPON. <i>See</i> WEAPONS</p> <p>OFFICE. <i>See also</i> CORRUPTION Definition, 118 Exercise of influence to obtain, 125 Purchasing, 124 Selling, 124</p> <p>OFFICER IN CHARGE Definition, 493 Release by. <i>See also</i> RELEASE FROM CUSTODY arrest with warrant, 499 arrest without warrant, 498 deposit by non-resident, 498(1)(d), 499(1)(c), 500</p> <p>OFFICIAL. <i>See also</i> PUBLIC OFFICER Breach of trust by public officer, 122 Bribery of — judicial officers, etc., 119 officers, 120 Definition, 118, 269.1(2) Frauds on the government, 121 Misconduct of officers executing process, 128 Municipal corruption, 123 Selling or purchasing office, 124</p> <p>OFFICIAL DOCUMENT Destruction, cancellation, etc., 340</p> <p>OFFICIAL LANGUAGES. <i>See</i> LANGUAGE OF ACCUSED</p> <p>OFF-TRACK BETTING, 203</p> <p>ONTARIO Appeal court defined for — court of appeal, 2 proceedings re firearms prohibition orders, 111. <i>See also</i> WEAPONS — Firearms</p>	<p>ONTARIO — Continued Appeal court defined for — <i>Continued</i> summary conviction appeals, 812 Attorney General, defined, 2 Chief justice defined for — emergency authorizations for interception of private communications, 188(4), 189. <i>See also</i> INTERCEPTION OF PRIVATE COMMUNICATIONS judicial review of ineligibility for parole, 745.6. <i>See also</i> PAROLE — Ineligibility for parole Court defined for — appeals, 2 criminal jurisdiction, 2 seizure warrants for — hate propaganda publications, 320(8). <i>See also</i> HATE PROPAGANDA; SEARCH AND SEIZURE obscene publications and child pornography, 164(8)(a.1). <i>See also</i> OBSCENITY; SEARCH AND SEIZURE Court of appeal defined, 2 Court of criminal jurisdiction defined, 2 Judge defined for — emergency authorizations for interception of private communications, 188(1), 552. <i>See also</i> INTERCEPTION OF PRIVATE COMMUNICATIONS Part XVI, Compelling Appearance of Accused Before a Justice and Interim Release, 493. <i>See also</i> JUDICIAL INTERIM RELEASE; RELEASE FROM CUSTODY</p>
---	--

ONTARIO — *Continued*

Judge defined for — *Continued*
 Part XIX, Indictable Offences —
 Trial Without Jury, 552. *See*
also INDICTABLE
 OFFENCES — Trial by judge
 alone; TRIAL — Judge alone
 trial
 Language of accused, regulations for
 Part XVII, 533
 Minister of Health for procuring
 miscarriage, 287(6)
 Parole, application to reduce
 ineligibility period, 745.6
 Summary conviction appeals —
 appeal court defined, 812(1)(a)
 Superior court of criminal
 jurisdiction defined, 2

ONUS OF PROOF. *See* BURDEN
 AND ONUS OF PROOF;
 PRESUMPTIONS AND
 INFERENCES

OPEN COURT, 486(1). *See also*
 COURTS

OPERATING VEHICLE. *See*
 BREATHALYZER;
 CONVEYANCES; IMPAIRED
 DRIVING AND OVER 80;
 MOTOR VEHICLES; OVER 80

OPERATION

Duty as to knowledge and skill in
 performing, 216
 Protection of surgeon where
 reasonable, 45

OPINION EVIDENCE. *See also*
 EXPERT EVIDENCE

Identification evidence. *See*
 FINGERPRINTS;
 HANDWRITING; WITNESSES
 Reputation. *See* CHARACTER
 AND CREDIBILITY — Good
 character evidence

ORDER

Definition, 462.371, 785
 Disobeying court, 127. *See also*
 CONTEMPT OF COURT
 Not reviewable by certiorari, 776.
See also CERTIORARI
 Prohibition. *See also*
 PROHIBITION ORDERS
 conveyances, 320.24
 firearm, 109, 110
 motor vehicles, 320.24
 stay pending appeal, 261
 sex offenders, 161
 weapons, 109, 110, 117.04

ORE. *See* VALUABLE MINERAL

ORGANIZATIONS

Appearance. *See also*

APPEARANCE
 appearance and plea by counsel or
 agent, 620
 counsel or agent, by, 800(3)
 default of appearance, procedure,
 622, 727(4)
 preliminary inquiry, at, 538
 summary conviction proceedings,
 in, 800(3)
 trial by provincial court judge, at,
 556
 Defined, 2
 Employees selling defective stores to
 Crown —
 effect of conviction, 750(3)-(5)
 offence, 418(2)
 presumption, 421(1)
 Fines, 735
 False pretence, 362(1)(c), (d)
 False prospectus, 421(1)
 Greater punishment by reason of
 previous conviction, 727(4). *See*
also SENTENCE—Greater
 punishment by reason of previous
 convictions
 Negligence, 22.1
 Notice of indictment, 621, 703.2

ORGANIZATIONS — *Continued*

Party to offence —
 negligence, of, 22.1
 requiring fault, 22.2
 Probation, 732.1(3.1), (3.2)
 Procedure on indictment of, 620-623
 Representative defined, 2
 Senior officer defined, 2
 Sentence —
 enforcement of fine order, 734.6,
 735(2)
 fine in lieu of imprisonment, 735.
See also SENTENCE — Fines,
 Imprisonment
 greater punishment by reason of
 previous convictions, 727(4).
See also SENTENCE —
 Greater punishment by reason
 of previous convictions
 principles, 718.21
 probation, 732.1(3.1), (3.2)
 Service of process on, 703.2
 Theft by representative, 328(e)
 Trial and conviction, 623

OVER 80. *See also*
 BREATHALYZER; IMPAIRED
 DRIVING; MOTOR VEHICLES

Coordination tests —
 demand to perform, 320.27(1)(a)
 refusal to comply with demand,
 320.15
 Impaired operation, 320.14(1)(a)
 Operation with excess blood alcohol,
 320.14(1)(b)
 Operate, definition, 320.11
 Prohibition order, 320.24
 Punishment, 320.19-320.23
 Testing —
 demand for, 320.27(1)(a)
 refusal to comply with demand,
 320.15

OVERCOMING RESISTANCE
 TO COMMISSION OF
 OFFENCE, 246

OVERT ACTS, 55. *See also*
 CONSPIRACY

Actus reus, 55, 581(4)
 Amendments, 601(9)
 Conspiracy —
 overt act —
 treason, conspiracy as an overt
 act, 46(4)
 Evidence of overt acts to be in
 indictment re certain offences, 55
 Indictments and informations. *See*
also INDICTMENTS AND
 INFORMATIONS
 amendments, limitation re overt
 acts as to certain offences,
 601(9)
 overt acts, when to be stated in
 indictment, 55, 581(4). *See also*
 Conspiracy, *supra*
 Treason —
 conspiracy as overt act, 46(4). *See*
also Conspiracy, *supra*
 evidence of, 55

OWNERSHIP. *See also*
 INDICTMENTS AND
 INFORMATIONS;
 PROPERTY; REAL
 PROPERTY; SEARCH AND
 SEIZURE

Arson, 433-436.1
 Definition of owner, 2
 Indictment wording, 588
 Possession. *See* POSSESSION
 Proof of, 657.1
 Property re Part XI, Wilful and
 Forbidden Acts in Respect of
 Certain Property, 428

OYSTERS

Oyster bed, description in
 indictment, 323(2)
 Special property, 323(1)

PARDON. *See also* ROYAL
 PREROGATIVE OF MERCY
 Free or conditional, 748(2), (3)

PARDON — *Continued*

Punishment for subsequent offence not affected, 748(4)
 Remission of fines, forfeitures, 748.1
 Royal mercy to person imprisoned, 748(1)
 Royal prerogative of mercy not limited by Criminal Code, 749
 Special plea of pardon, 607(1)(c)
 war crimes and crimes against humanity, 7(6)
 Verdict of not criminally responsible on account of mental disorder, pardon on other offences, 672.35

PARENT

Abandoning child under ten, 218
 Correction of child by force, 43
 Duty to provide necessities of life, 215
 Incest by, 155
 Procuring sexual activity, 170. *See also* SEXUAL OFFENCES
 Sexual exploitation, 153. *See also* SEXUAL OFFENCES

PARENT OR GUARDIAN
PROCURING SEXUAL
ACTIVITY, 170. *See also*
SEXUAL OFFENCES

PARENTHESIS, WORDS IN, 3

PARLIAMENT

Conviction, cannot sit or vote in Parliament or legislatures, 750(2). *See also* CONVICTIONS
 Intimidation by violence, 51
 evidence of overt acts, 55
 indictment, overt acts to be stated, 581(4)
 Parliamentary papers, defamatory matter in, defence, 306
 PAROLE. *See also* MURDER — Parole ineligibility
 Dangerous offenders, 761

PAROLE — *Continued*

Ineligibility for parole —
 appeals against period of, 675(2), 676(4), (6)
 appeals from decision on judicial screening, 745.62
 application for judicial review, 745.6(1)
 application for reduction of period, 745.6
 calculation of period of imprisonment, 746
 appropriate Chief Justice re applications for reduction of period, 745.6(3)
 Corrections and Conditional Release Act, 743.5(3), 743.6, 761
 court's power to delay parole, 743.6
 dangerous offenders, review of parole, 761
 indeterminate period in penitentiary, 761
 Schedule I and II offences, 743.6
 young person, 743.5(3)
 court's power to delay parole, 743.6
 day parole limited, 746.1(2)
 definition, 745.4
 designating judge to empanel jury, 745.61(5)
 rules, 745.63
 determination of period by jury, 745.6
 high treason, 745.6
 judicial hearing, 745.6(2)
 judicial screening of review application, 745.61
 jury recommendation, 745.2, 745.3
 jury to hear application to reduce ineligibility period —
 empanelling, 745.61(5)

PAROLE — *Continued*

Ineligibility for parole — *Continued*
 jury to hear application to reduce
 ineligibility period — *Continued*
 ordering reduction or
 termination of ineligibility
 for parole, 745.63(3)
 setting time for renewal of
 application for reduction of
 ineligibility, 745.61(3).
 life imprisonment for offences
 other than murder or high
 treason, 745(d)
 mental disorder, 672.35
 murder —
 first degree murder, 745(a),
 745.1, 745.3, 745.5
 second degree murder, 745(b),
 (b.1), (c), 745.1, 745.2, 745.3,
 745.4, 745.5
 young persons, 745.1, 745.3,
 745.5
 review, 761
 parole prohibited during period,
 746.1
 persons under 16, 745.3, 745.5
 persons under 18, 745.1, 745.3,
 745.5, 746.1(3)
 power of court —
 delay parole until half sentence
 served, to, 743.6
 sentencing judge, 743.6, 745.4,
 745.5
 recommendation of jury, 745.2,
 745.3
 reduction or termination of
 ineligibility period by jury,
 745.63(1)
 rules of court, application for
 reduction of period, 745.63
 sentence for murder. *See* murder,
supra
 temporary absence limited,
 746.1(2), (3)
 Territories, 745.64
 transitional provisions re persons
 under 18, S.C. 1992, c.11, s.18
 young persons —

PAROLE — *Continued*

Ineligibility for parole — *Continued*
 young persons — *Continued*
 jury recommendation, 745.3
 sentencing, 745.1, 745.5
 Verdict of not criminally responsible
 on account of mental disorder,
 parole or pardon re other
 offences, 672.35
 Young person, YC 77, 78
 reintegration leave, 91

 PARTICULARS. *See also*
 INDICTMENTS AND
 INFORMATIONS
 Indictments and informations, 587
 Notice of private communications,
 190

 PARTIES. *See* PARTIES TO
 OFFENCES

 PARTIES TO OFFENCES
 Acceleration of death, 226
 Accessory after the fact. *See*
 ACCESSORY AFTER THE
 FACT
 Accessory before the fact, 21(2),
 23.1. *See also* Aiding or abetting,
infra
 Actually commits the offence,
 21(1)(a)
 Aiding or abetting —
 abetting, 21(1)(c)
 aiding, 21(1)(b)
 betting, 202(1)(j)
 cruelty to animals, 446
 desertion, 54-56
 enemy alien, 50
 escape, 146-148
 liability although principal cannot
 be convicted, 23.1
 prize fight, 83(1)
 procuring feigned marriage, 292
 suicide, 241(1)(b)
 treason, 46, 50
 Common intention for unlawful
 purpose, 21(2), 23.1

- PARTIES TO OFFENCES —
Continued
Counselling by act. *See also*
COUNSELLING OFFENCE
fixed platform or ship, on, 7(2.1),
2.2
offence that is committed, 22
offence that is not committed, 464
outside Canada, 7(2)(e)
Definition of parties to offences, 21
Intention in common, 21(2), 23.1
Joint venture, 21(2), 23.1
Organization —
proof of fault, 22.2
proof of negligence, 22.1
Principal cannot be convicted, 23.1
Procuring. *See* Counselling by act,
supra
Sexual assault, 272(1)(d). *See also*
SEXUAL ASSAULT
- PARTNER
Theft by, 328
- PARTNERSHIP. *See*
ORGANIZATIONS
- PASSING OFF
Offence, 408
Punishment and forfeiture, 412
- PASSPORT OFFENCES, 57
Commencement of proceedings,
offence outside Canada, 57(6), (7)
False document, defined, 57(4)(b),
321
False statement to procure passport,
57(2)
Forging or uttering, 57(1)
Possession of forged or falsely
procured passport, 57(3)
- PAYDAY LOAN, 347.1
- PEACE BOND
Appeal from granting or refusal. *See*
SUMMARY CONVICTION
APPEALS
- PEACE BOND — *Continued*
Information may be laid where fear
of —
criminal organization offence,
810.01
forced marriage, 810.02
injury to person or property, 810
serious personal injury offence,
810.2
sexual offence in relation to
children, 810.1
suspicion recognizance required to
prevent terrorist activity, 83.3
terrorism offence, 83.3, 810.011
Punishment for breach of
recognizance, 811
- PEACE OFFICER
Appearance notice, issuing —
arrest without warrant, after,
497(1)(b), (2)
not arrested, where, 496
person not yet charged with an
offence, Form 9
Arrest. *See* ARREST
Assault of, 270
Breach of peace —
power to arrest for, 31(1)
power to receive in charge for,
31(2)
Bribery of, 120
Definition, 2
Disarming, 270.1
Failure to assist, 129
Fishery officer, guardian, 2
Misconduct in executing process,
128
Obstructing or failing to assist, 129
Personation of, 130
Pilot as peace officer, 2
Prisoner, assisting peace officer,
527(7)-(9)
Protection for reasonable acts, 25
Release from custody by. *See*
RELEASE FROM CUSTODY
Suppression of riot by, 32(1), 33
- PENALTY. *See* SENTENCE

<p>PENITENTIARY. <i>See also</i> SENTENCE — Imprisonment Definition, 743.1(6) Reading the Riot Act, 67. <i>See also</i> RIOT</p> <p>PERJURY. <i>See also</i> INTERNATIONAL CRIMINAL COURT Contradictory, giving contradictory evidence, 136 Corroboration of single witness, 133. <i>See also</i> CORROBORATION Defences — compulsion, 17 statement made during criminal investigation, 134(2) statement not required by law, 131(3), 134(1) Definition, 131(1), 134(1) Indictment for, wording, 585 Judicial proceeding not necessary, 131(2) Punishment, 132</p> <p>PERPETUATED EVIDENCE. <i>See</i> JUDICIAL PROCEEDINGS — Reading in</p> <p>PERSONAL INFORMATION RECORDS. <i>See</i> DISCLOSURE AND DISCOVERY</p> <p>PERSONAL PROPERTY Ownership for purposes of indictment wording, 588</p> <p>PERSONATION Identity — fraud, 403 theft, 402.2 Intent, with, 403 Peace officer, 130</p> <p>PHOTOCOPIES. <i>See</i> DOCUMENTS — Copies; PHOTOGRAPHIC EVIDENCE</p> <p>PHOTOGRAPHIC EVIDENCE Documents photographed, CE 31</p>	<p>PHOTOGRAPHIC EVIDENCE — <i>Continued</i> Identification of criminals, IDENT 2(1), 4, 5 Microfilmed records, CE 31 Property photographed, 491.2 notice of, 491.2(5)</p> <p>PILOT OF AIRCRAFT Pilot as peace officer, 2</p> <p>PIRACY, 74 Causing death while committing, 230 Compulsion by threats no defence, 17 Piratical acts, 75</p> <p>PLACE Common gaming house, 197(2), (3) Definition — break and enter, 348(3) disorderly houses, 197(1) Public place. <i>See</i> PUBLIC PLACE</p> <p>PLEA OF GUILTY. <i>See</i> GUILTY PLEA</p> <p>PLEADINGS. <i>See</i> APPEALS; INDICTMENTS AND INFORMATIONS</p> <p>PLEAS. <i>See also</i> GUILTY PLEA; RES JUDICATA; TRIAL — Arraignment and plea Arraignment. <i>See</i> TRIAL — Arraignment and plea Autrefois acquit/convict, 607-610. <i>See also</i> RES JUDICATA Defamatory libel; plea of justification, 611, 612 Further time to plead, 606(3) Guilty, 606. <i>See also</i> GUILTY PLEA Included or other offence, plea of guilty, 606(4) Not guilty, covers all defences outside special pleas, 606(1), 613</p>
--	--

- PLEAS — *Continued*
 Offences arising out of the same transaction, 606(4)
 Pleas permitted, 606
 Refusal to plead, 606(2)
 Special pleas, 606(1), 607
 autrefois acquit/convict, 607-610.
 See also RES JUDICATA
 disposal before further plea taken, 607(3), (4)
 justification, defamatory libel, 611
 pardon, 607(1)(c). *See also* PARDON
- POINTING FIREARM, 87. *See also* WEAPONS
- POISON. *See* NOXIOUS THING
- POLICE. *See also* ARREST; INTERCEPTION OF PRIVATE COMMUNICATIONS; PEACE OFFICER; SEARCH AND SEIZURE
 Arrest. *See* ARREST; CHARTER OF RIGHTS
 Assault of, 270
 Breach of peace —
 power to arrest for, 31(1)
 power to receive in charge for, 31(2)
 Bribery of, 120
 Definition as peace officer 2
 Duty to advise of right to counsel, CH 10(b), YC 25(2). *See also* RIGHT TO COUNSEL
 Exemption for possession of automobile master key, 353(1.1)
 Failure to assist, 129
 Misconduct in executing process, 128
 Obstructing or failing to assist, 129
 Peace officer, as, 2
 Personation of, 130
 Prisoner, assisting peace officer, 527(7)-(9)
 Protection for reasonable acts, 25
- POLICE — *Continued*
 Release from custody by. *See* RELEASE FROM CUSTODY
 Suppression of riot by, 32(1), 33
- POLYGAMY, 293
- POOL-SELLING. *See also* BETTING AND GAMING OFFENCES
 Exemptions, 204(1)
 Offences, re, 202(1)
 Punishment, 202(2)
 Search warrant, re, 199(1)
- PORNOGRAPHY. *See* CHILD PORNOGRAPHY; OBSCENITY
- POSSESSION. *See also* TRAFFICKING IN STOLEN GOODS
 Actual and deemed, 4(3)
 Break-in instruments, 351(1)
 Constructive, 4(3)
 Controlled Drugs and Substances Act, CD 4
 Convictions as evidence. *See* Evidence of, *infra*
 Credit card, 342, 358
 Deemed ownership for indictment purposes, 588
 Definition, 354(1)
 Evidence of —
 conviction of thief, 657.2(1)
 Identity documents, 56.1
 Instruments, break-in, 351(1). *See also* POSSESSION OF INSTRUMENTS
 Knowledge, 354(1)
 Mail, stolen, 356(1)(b), 358
 Motor vehicle identification obliterated, presumption, 354(2), (3). *See also* MOTOR VEHICLES
 Offence complete, when, 358
 Presumption re valuable minerals, 656

POSSESSION — *Continued*

Property —
 deemed ownership for indictment purposes, 588
 stolen from the mail, 356(1)(b), 358
 Punishment, 355
 Valuable mineral, 394.1

POSSESSION OF CONTROLLED DRUGS AND SUBSTANCE, CD 4. *See also* CONTROLLED DRUGS AND SUBSTANCES ACT; DRUGS

POSSESSION OF DRUGS, CD 4. *See also* CONTROLLED DRUGS AND SUBSTANCES ACT; DRUGS

POSSESSION OF FIREARMS. *See* WEAPONS

POSSESSION OF INCENDIARY MATERIAL, 436.1 *See also* ARSON

POSSESSION OF INSTRUMENTS
 Break-in instruments, 351
 Breaking coin-operated or currency exchange device, for, 352

POSSESSION OF PROPERTY OBTAINED BY CRIME. *See also* PROCEEDS OF CRIME; TRAFFICKING IN STOLEN GOODS
 Bringing into Canada, 357
 Credit card obtained by crime, 342(1)(c)
 Importing and exporting, 355.3
 Obliterated vehicle identification number, presumption re, 354(2), (3)
 Offence, 354(1)
 Possession complete, when, 358
 Possession defined, 4(3), 358

POSSESSION OF PROPERTY OBTAINED BY CRIME — *Continued*

Possession for purpose of trafficking, 355.1, 355.4, 355.5
 Proof property stolen, from conviction for theft, 657.2(1)
 Punishment, 355
 Stolen mail, 356(1)(b)
 Trafficking in, 355.1, 355.2, 355.5
 Valuable mineral, presumption re, 656

POSSESSION OF STOLEN GOODS. *See* POSSESSION OF PROPERTY OBTAINED BY CRIME

POSSESSION OF WEAPONS. *See* WEAPONS

POSTAGE STAMP. *See* STAMP

POSTAL CARD
 Chattel, deemed value, 4(1)

POWER OF ATTORNEY
 Theft by holder, 331, 332

PRECIOUS METALS. *See* VALUABLE MINERAL

PREFERRING INDICTMENT. *See* INDICTMENTS AND INFORMATIONS

PRE-HEARING CONFERENCE, 625.1. *See also* TRIAL
 Conference mandatory for jury trials, 625.1(2)
 Conference may be held, 625.1(1)
 Rules of court, re, 482(3)(e)

PRELIMINARY INQUIRY
 Absconding accused, 544
 Accused may be absent, 537(1)(j.1)
 Accused's evidence, 541
 Address to accused re giving evidence, 541

PRELIMINARY INQUIRY —

Continued

Adjournments —

- accused elects trial by provincial court judge, 536(3)
- accused misled, 547
- general power, 537(1)(a)
- video remand, 537(1)(j)
- witness refusing to testify, 545

Agreement to limit scope, 536.5

Caution, 541

Closed circuit television, 537(1)(j)

Commencement of inquiry, 535

Committal for trial, 548

- consent, on, 549
- endorsing charge on information, 548(2)

fixing date of appearance, 548(2.1)

- offences in respect of the same transaction, 548(1)(a), (2)

quashing, 782

- scope of inquiry limited, where, 549(1.1)

transmission of record after committal, 551

Converting trial into preliminary inquiry, 555, 561(2)

Corporate accused, appearance by, 538

Depositions —

- form of, Form 31
- reading to witness, 540(2)
- signing by —
 - justice, 540(2)(c), (3)
 - witness, 540(2)(a), (b)

Discharge of accused, 548(1)(b)

Elections. *See* ELECTIONS AND RE-ELECTIONSEvidence. *See also* Witnesses, *infra*

- accused's evidence, 541, 657
- confession, 542. *See also* ADMISSIONS; STATEMENTS OF THE ACCUSED; VOLUNTARINESS
- credible or trustworthy, admissible, 540(7), (8)

PRELIMINARY INQUIRY —

*Continued*Evidence — *Continued*

- cross-examination, 540(1)(a), 541(5)
- limit examination or cross-examination, 537(1.1)
- non-publication of, 539, 542(2)
- reading in at trial, 715
- sound-recorded, transcript of, 540(6)
- sufficiency, 548(1)(b)
- taking and recording, 540(1)
- variance between charge and evidence, adjournment if accused misled, 547

Exclusion of public, 537(1)(h)

Fitness to stand trial, 672.25-672.33.

See also MENTAL DISORDER

- discharge means postponed fitness issue shall not be tried, 672.3
- sufficiency of evidence to put accused on trial, 672.33(5)

Inability of justice to continue, 547.1

Irregularity or variance —

- adjournment if accused misled by defect, 547
- not to affect validity, 546

Jurisdiction —

- inquiry by justice, 535
- offence committed in another jurisdiction, 543
- remand by justice to provincial court judge in certain cases, 535
- trial converted to preliminary inquiry, 555

Language of accused, 530, 530.01, 530.1. *See also* LANGUAGE OF ACCUSED

Non-publication, order of, 539

Order for pre-inquiry hearing, 536.4

Ordered to stand trial. *See*Committal for trial, *supra*

Organization, appearance by, 538

Powers of justice —

- adjourn proceedings, 537(1)(a), 547

PRELIMINARY INQUIRY —
Continued

Powers of justice — *Continued*
 direct trial of issue re fitness to stand trial. *See* MENTAL DISORDER
 exclude members of public, 537(1)(h)
 limit examination or cross-examination, 537(1.1)
 order restricting publication of evidence, 539
 order to bring up accused before expiration of remand, Form 30
 permit accused to be absent, 537(1)(j.1)
 remand accused to custody, 537(1)(b)
 remand for trial by judge of Nunavut Court of Justice, 536.1
 remand for trial by provincial court judge, 536(1)
 require attendance of declarant, 540(9)
 Prisoner, procuring attendance of, 527
 Provincial Court Judge deciding to hold preliminary inquiry, 555(1)
 Publication ban, 539
 Reading in evidence from, 715
 Recognizance, for —
 committal for failure to comply, 550(4)
 witness to testify at trial, 550
 Re-election for trial during or after preliminary inquiry, 561-563.1.
See also ELECTIONS AND RE-ELECTIONS
 Request for preliminary inquiry, 536(2), 536(4)-536(4.2), 536.1(2), (4), (4.1)
 no request made, where, 536(4.2), 536.1(4.2)
 Statement of. *See also* STATEMENTS OF THE ACCUSED
 accused, use at trial, 541(3), 657
 issues and witnesses, 536.3

PRELIMINARY INQUIRY —
Continued

Stenographer, oath and affidavit, 540(4), (5). *See also* COMPETENCE AND COMPELLABILITY — Oath
 Sufficiency of evidence, 548(1)(a)
 Transmission of —
 record, after committal, 551
 restraint order re property re committal for enterprise offence, 462.36
 Video appearance, 537(1)(j), (k)
 Waiver, 549
 Witnesses. *See also* Evidence, *supra*;
 WITNESSES
 accused, 541(3), 657
 accused's witnesses, 541(4), (5), 544(5)
 committing witness to prison for refusing to be examined, 545(1)
 cross-examination, 540(1)(a), 541(5)
 depositions, 540(2), (3)
 discharging witness committed to prison, 550(4)
 procuring attendance of, 697
 procuring attendance of prisoner, 527
 recognizance to testify at trial, 550, Form 32
 refusing to testify, 545
 Youth Criminal Justice Act, YC 67(6)-(8)

PREROGATIVE

Grant to person imprisoned, 748(1)
 Not affected by Criminal Code, 749

PREROGATIVE REMEDIES. *See* EXTRAORDINARY REMEDIES

PRESENCE OF ACCUSED AT TRIAL. *See also* ACCUSED
 Indictable proceedings, 650

- PRESENCE OF ACCUSED AT TRIAL — *Continued*
 Summary conviction proceedings may proceed in absence of defendant, 803(2)-(4)
- PRESERVATION OF COMPUTER DATA
 Demand —
 contravention of, offence, 487.0197
 destruction of preserved data after expiry of demand, 487.0194(1)
 making of, 487.012
 not required for request for voluntary preservation, 487.0195
 order prohibiting disclosure of, 487.0191
 Order for —
 application for, 487.013
 contravention of, offence, 487.0198
 destruction of preserved data after expiry of order, 487.0194(2)
 order prohibiting disclosure of, 487.0191
- PRESERVATION OF LIFE. *See* ENDANGERING LIFE; NECESSARIES OF LIFE
- PRESERVING ORDER IN COURT, 484. *See also* CONTEMPT OF COURT
- PRESUMPTION OF INNOCENCE, CH 11(d). *See also* CHARTER OF RIGHTS
 Deemed not to be guilty until convicted or discharged, 6(1)
 Not to be convicted or discharged of offence committed outside Canada, 6(2). *See also* JURISDICTION — Territorial
- PRESUMPTIONS AND INFERENCES
 Age, 658(5)
- PRESUMPTIONS AND INFERENCES — *Continued*
 Arson for fraudulent purpose, fire insurance, 435(2). *See also* ARSON
 Being unlawfully in dwelling-house, 349(2)
 Blood sample, blood-alcohol concentration, 320.31(4)
 Brand mark on lumber or equipment, 339(4)
 Branding, 338(3)
 Breaking in/out, 348(2)
 Care or control of motor vehicle. *See* BREATHALYZER; IMPAIRED AND OVER 80; MOTOR VEHICLES
 Cattle theft, presumption from branding, 338(3). *See also* ANIMALS — Cattle
 Causing disturbance, 175(2)
 Cheque dishonoured, presumption re false pretence, 362(4), (5)
 Common betting house *See* BETTING AND GAMING OFFENCES
 Compulsion of spouse, no presumption, 18
 Cruelty to animals, 445.1(3), (4)
 Dealer in stores to the Crown, 421
 Deemed wilfully to cause event to occur, re damage to property, 429(1)
 Duty to provide necessaries of life, 215(4)
 Dwelling-house, entering or being in, 349(2)
 Enlistment, re unlawful use of military certificates, 421(1)
 Entering or being in dwelling-house, 349(2)
 Evidence to the contrary —
 blood samples, presumption re blood-alcohol content, 320.31(4). *See also* BLOOD SAMPLES
 breaking in/out, 348(2)

PRESUMPTIONS AND
INFERENCES — *Continued*

Evidence to the contrary —
Continued
breath samples, presumption re
blood-alcohol content,
320.31(4). *See also*
BREATHALYZER
certificate of analyst re drugs re
breach of probation or
conditional sentence, 729
dealer in stores, 421
deprivation of property, 657.1
entering or being in dwelling
house, 349(2)
lumber, presumption from brand
mark, 339(4)
motor vehicle identification
number obliterated, 354(2), (3)
ownership of property, 657.1
sanity, 16(2)
serial number obliterated,
presumption of knowledge —
firearm, 108(4)
vehicle, 354(2), (3)
value of property, 657.1
Failing to stop after accident,
conveyance, 320.16
Firearms, presumption of
knowledge of altered, defaced or
removed serial number, 108(4).
See also WEAPONS — Firearms
Food, beverage or accommodation,
presumption from obtaining,
364(2), (3)
Fraud —
importation of goods,
presumption from, 414
mines, presumption re offences,
396(2)
obtaining food and lodging,
presumption of fraud, 364(2)
Goods, presumption produced in the
country from which shipped, 414
Identification number obliterated,
motor vehicles, 354(2), (3)

PRESUMPTIONS AND
INFERENCES — *Continued*

Importation of goods, presumption
of fraud, 414
Inference re proceeds of crime,
462.39
Innocence, resumption of, CH 11(d)
Insanity, presumption of not
suffering from mental disorder so
as to be exempt from criminal
responsibility, 16(2). *See also*
MENTAL DISORDER
Lumber, presumption from brand
mark, 339(4)
Mental disorder, presumption of not
suffering from mental disorder so
as to be exempt from criminal
responsibility, 16(2). *See also*
MENTAL DISORDER
Mines, presumption re offences,
396(2)
Motor vehicle identification
obliterated, 354(2), (3)
Necessaries of life, presumptions re,
215(4)
Obtaining food, beverage or
accommodation by fraud, 364(2),
(3)
Offences against animals, 445.1(3),
(4)
Possession of valuable mineral, 656
Possession of vehicle with
identification number obliterated,
354(2), (3)
Presumption —
against. *See* Presumption against,
infra
arson, re violation of fire
prevention laws, 436(2)
goods were produced in the
country from which shipped,
414
innocence, presumption of
innocence, CH 11(d)
necessaries of life, presumptions
re, 215(4)
sanity. *See* MENTAL
DISORDER

- PRESUMPTIONS AND INFERENCES** — *Continued*
- Presumption — *Continued*
- serial number obliterated,
 - knowledge presumed —
 - firearm, 108(4)
 - vehicle, 354(2), (3)
 - status from cohabitation, 215(4)(a)
 - Presumption against —
 - holder of firearm, vehicle, having obliterated serial number, 108(4), 354(2), (3)
 - holder or beneficiary of insurance re arson, 435
 - mental disorder, 16(2). *See also* **MENTAL DISORDER** — Criminal responsibility
 - summary conviction appeal unless contrary shown, 820(2)
 - Proceeds of crime, 462.39. *See also* **PROCEEDS OF CRIME**
 - Property obtained by an enterprise crime, inference thereof, 462.39. *See also* **PROCEEDS OF CRIME**
 - Sanity. *See* **MENTAL DISORDER**
 - Selling defective stores to Crown, 421(1)
 - Serial number obliterated,
 - knowledge presumed —
 - firearm, 108(4)
 - vehicle, 354(2), (3)
 - Theft of valuable minerals, 656
 - Unlawfully in dwelling-house, 349(2)
 - Valuable mineral, 394(4), 656
 - Wilfully causing event to occur, re damage to property, 429(1)
- PRESUMPTIVE OFFENCE.** *See* **YOUTH CRIMINAL JUSTICE ACT**
- PRE-TRIAL MOTIONS**, 645(5). *See also* **CASE MANAGEMENT; TRIAL**
- PREVIOUS CONVICTIONS.** *See* **CONVICTIONS; SENTENCE**
- Greater punishment by reason of previous convictions
- PRINCE EDWARD ISLAND**
- Appeal court defined for —
 - court of appeal, 2
 - proceedings re firearms
 - prohibition orders, 111. *See also* **WEAPONS** — Firearms
 - summary conviction appeals, 812
 - Attorney General, defined, 2
 - Chief justice defined for —
 - emergency authorizations for interception of private communications, 188(4). *See also* **INTERCEPTION OF PRIVATE COMMUNICATIONS**
 - judicial review of ineligibility for parole, 745.6. *See also* **PAROLE** — Ineligibility for parole
 - Court defined for —
 - appeals, 2
 - criminal jurisdiction, 2
 - seizure warrants for —
 - hate propaganda publications, 320(8). *See also* **HATE PROPAGANDA; SEARCH AND SEIZURE**
 - obscene publications, 164(8). *See also* **OBSCENITY; SEARCH AND SEIZURE**
 - superior court of criminal jurisdiction, 2
 - Court of appeal defined, 2
 - Court of criminal jurisdiction defined, 2
 - Judge defined for —
 - emergency authorizations for interception of private communications, 188(1), 552. *See also* **INTERCEPTION OF PRIVATE COMMUNICATIONS**

<p>PRINCE EDWARD ISLAND — <i>Continued</i></p> <p>Judge defined for — <i>Continued</i> Part XVI, Compelling Appearance of Accused Before a Justice and Interim Release, 493. <i>See also</i> JUDICIAL INTERIM RELEASE; RELEASE FROM CUSTODY Part XIX, Indictable Offences — Trial Without Jury, 552. <i>See also</i> INDICTABLE OFFENCES — Trial by judge alone; TRIAL — Judge alone trial</p> <p>Language of accused, regulations for Part XVII, 533</p> <p>Minister of Health for procuring miscarriage, 287(6)</p> <p>Parole, application to reduce ineligibility period, 745.6</p> <p>Summary conviction appeals — appeal court defined, 812(1)(f)</p> <p>Superior court of criminal jurisdiction defined, 2</p> <p>PRIOR CONSISTENT STATEMENTS Recent complaint rules abrogated, 275</p> <p>PRIOR INCONSISTENT STATEMENTS Adverse witnesses, CE 9 Cross-examination upon — one's own witness, CE 9 opponent's witness, CE 10 Proving statement, CE 11 Statement during youth court assessment, YC 147(2). <i>See also</i> YOUTH CRIMINAL JUSTICE ACT</p> <p>PRISON. <i>See also</i> PENITENTIARY; SENTENCE — Imprisonment Definition, 2</p>	<p>PRISON — <i>Continued</i> Officers and employees as peace officers, 2 Reading the Riot Act, 67. <i>See also</i> RIOT</p> <p>PRISON BREACH, 144</p> <p>PRISONER Insane or mentally ill. <i>See</i> MENTAL DISORDER Procuring attendance at court, 527 Receipt for, by keeper of prison, Form 43 Transfer of prisoner, 527(7)-(9)</p> <p>PRISONER OF WAR Assisting escape of, 148</p> <p>PRISONER'S RIGHTS. <i>See</i> CHARTER OF RIGHTS — Cruel and unusual treatment or punishment; PAROLE; SENTENCE</p> <p>PRIVACY, PROTECTION OF. <i>See</i> INTERCEPTION OF PRIVATE COMMUNICATIONS</p> <p>PRIVATE PROSECUTIONS Appeals. <i>See</i> SUMMARY CONVICTION APPEALS Consent to prosecute. <i>See</i> ATTORNEY GENERAL/ SOLICITOR GENERAL — Consent to prosecute Direct indictment, 577 Fear of sexual offence against child, 810.1, 811. <i>See also</i> FEAR OF SEXUAL OFFENCE AGAINST CHILD Intervention by Attorney General, 579 Canada, of, 579.1 not staying proceedings, 579.01 Issuing process, 507.1</p>
--	--

PRIVATE PROSECUTIONS —
Continued

Preferring indictment, 566, 574(3), 577. *See also* INDICTMENTS AND INFORMATIONS — Preferring indictment

Prosecutor, defined, 2, 785

Remission of penalty by Governor in Council, costs not to include those of private prosecutor, 748.1(2)

Stay of proceedings. *See also* ATTORNEY GENERAL/SOLICITOR GENERAL; INDICTMENTS AND INFORMATIONS

Attorney General, by, 579, 579.1

Sureties to keep the peace, 810, 811. *See also* THREATENING

Youth Criminal Justice Act proceedings, YC 24

PRIVILEGE

Alternative measures — records, 717.1, 717.4(4), (5) statements accepting responsibility not admissible, 717(3)

Assessment orders and protected statements, 672.21. *See also* Protected statements, *infra*;

MENTAL DISORDER — Assessment orders

Cabinet, CE 39

Confidential communications, 189(6)

Crown privilege. *See also* CANADA EVIDENCE ACT — Privilege confidence of the Queen's Privy Council, CE 39 disclosure of government information, CE 37-37.3 international relations or national defence or security, CE 38-38.16

Incriminating questions, CE 5, CH 13. *See also* SELF-INCRIMINATION

PRIVILEGE — *Continued*

International relations. *See* National security, *infra*

Marital communications, CE 4(3)

National defence. *See* National security, *infra*

National security, CE 38-38.16, Schedule. *See also* Crown privilege, *supra*

appeal to Federal Court of Appeal, CE 38.09

appeal to Supreme Court of Canada, CE 38.1

application to Federal Court, CE 38.04

Attorney General may apply to Federal Court respecting disclosure, CE 38.04

Attorney General may authorize disclosure, CE 38.03

Attorney General may be required to give notice, CE 38.07

Attorney General may enter into disclosure agreement, CE 38.031

Attorney General may issue fiat to assume prosecution, CE 38.15

Attorney General may issue prohibition certificate, CE 38.13

definitions, CE 38

designated entities, CE Schedule

disclosure prohibited, CE 38.02

hearing to be in private, CE 38.11(1)

judge may order disclosure, CE 38.06

notice to Attorney General of Canada, CE 38.01

notice to Minister of National Defence, CE 38.01(5), (6)

opportunity to make submissions, CE 38.11(2)

prohibition certificate, CE 38.13

protection of right to fair trial, CE 38.14

protective order, CE 38.12

<p>PRIVILEGE — <i>Continued</i></p> <p>National security — <i>Continued</i></p> <p>reference to Federal Court of Appeal, CE 38.08</p> <p>regulations, CE 38.16</p> <p>report to presiding officer, CE 38.05</p> <p>review of prohibition certificate, CE 38.131</p> <p>Private communications, 189(6). <i>See also</i> INTERCEPTION OF PRIVATE COMMUNICATIONS</p> <p>Privy Council, CE 39</p> <p>Production, privilege against, CE 30(10)(a)(iii), (10)(b)</p> <p>Protected statements —</p> <p>admissibility notwithstanding, 672.21(3). <i>See also</i> MENTAL DISORDER — Assessment orders</p> <p>definition, 672.21(1)</p> <p>not admissible without accused's consent, 672.21(2)</p> <p>young persons, YC 147</p> <p>Protection of privacy, 189(6)</p> <p>Public interest privilege. <i>See</i> CANADA EVIDENCE ACT — Privilege</p> <p>Public policy, CE 30(10)(b)</p> <p>Search and seizure, solicitor-client privilege claimed. <i>See also</i> SEARCH AND SEIZURE</p> <p>application to judge re disclosure, 488.1(3), (4)</p> <p>copies, re making of, 488.1(2), (8), (9)</p> <p>custody of sealed package, 488.1(2)</p> <p>definitions, 488.1(1)</p> <p>order to custodian to deliver, 488.1(6)</p> <p>Self-incrimination. <i>See</i> SELF-INCRIMINATION</p> <p>Solicitor-client privilege, 488.1, CE 30(10)(a)(ii)</p> <p>Specified public interest, CE 37</p> <p>appeal to court of appeal, CE 37.1</p>	<p>PRIVILEGE — <i>Continued</i></p> <p>Specified public interest —</p> <p><i>Continued</i></p> <p>appeal to Supreme Court of Canada, CE 37.2</p> <p>protection of right to fair trial, CE 37.3</p> <p>PRIZE FIGHTS, 83</p> <p>PROBATION. <i>See</i> BREACH OF PROBATION; SENTENCE</p> <p>PROCEDURE. <i>See also</i> CASE MANAGEMENT</p> <p>Indictable offences. <i>See</i> APPEALS; INDICTABLE OFFENCES; INDICTMENTS AND INFORMATIONS</p> <p>Irregularities in, not causing loss of jurisdiction, 485</p> <p>Proceedings, defined for summary conviction proceedings, 785</p> <p>Recommencement of proceedings after dismissal for want of prosecution, 485.1</p> <p>Summary conviction proceedings. <i>See</i> SUMMARY CONVICTION APPEALS; SUMMARY CONVICTION PROCEEDINGS</p> <p>Transfer of charges. <i>See</i> TRANSFER OF CHARGES</p> <p>PROCEEDINGS. <i>See also</i> APPEALS; JURISDICTION; PRELIMINARY INQUIRY; TRIAL</p> <p>Absent accused, 475, 598, 650(2), 803(2)</p> <p>Defined for summary conviction proceedings, 785</p> <p>Irregularities in, not causing loss of jurisdiction, 485</p> <p>Recommenced, 485.1, 579(2)</p> <p>Want of prosecution, 485(3)</p> <p>PROCEEDINGS IN FOREIGN COURTS</p> <p>Application of Act, CE 43</p>
---	---

PROCEEDINGS IN FOREIGN COURTS — *Continued*
 Construction of Act, CE 45
 Defined terms, CE 44
 Order for examination of witness in Canada —
 administering oath, CE 49
 enforcement of order, CE 47
 expenses and conduct money, CE 48
 letters rogatory, enforcement of, CE 46, 51(2)
 procedure, CE 46
 refusal to answer/produce document, CE 50
 rules of court, CE 51(1)
 video links, CE 46

PROCEEDS OF CRIME. *See also* OFFENCE-RELATED PROPERTY; TRAFFICKING IN STOLEN GOODS

Appeal —
 forfeiture order included in definition of sentence, 673
 in rem proceedings, 462.44
 restraint order, 462.44, 462.45
 review of search warrant to seize property, 462.34
 suspension of order pending appeal, 683(5)
 Application for forfeiture upon in rem proceedings, 462.38
 Attorney General —
 appeal, 462.44
 application for disclosure of income tax information, 462.48
 application for in rem forfeiture hearing, 462.38
 application for restraint order, 462.33
 copies may be made by Attorney General before return, 462.46
 forfeiture of property on conviction, 462.37
 regulations may be made by Attorney General for forfeited property, 462.5

PROCEEDS OF CRIME — *Continued*
 Attorney General — *Continued*
 residual disposal of property seized or dealt with pursuant to special warrants or restraint orders, 462.43
 search warrant application, 462.32
 undertakings by Attorney General, 462.33(6)
 Copies of documents returned or forfeited, 462.46
 Definitions, 462.3
 Designated offence, defined, 462.3
 Destruction order, 462.331(3)-(7)
 Disclosure of information, 462.47
 application for income tax information, 462.48
 Drug offences —
 Controlled Drugs and Substances Act provisions, CD 14-22
 possession of property obtained by —
 controlled drugs and substances offences, CD 4
 trafficking in controlled drugs and substances, CD 5
 Fine in lieu of forfeiture, 462.37(3), (4)
 Forfeiture of proceeds of crime —
 copies may be made by Attorney General before return, 462.46
 fine in lieu of, 462.37(3), (4)
 in rem proceedings, 462.38, 462.44-462.46
 inference that property proceeds of crime, 462.39
 notice, 462.41
 other provisions unaffected, 462.49
 property obtained by crime, 491.1
 relief from order by innocent part, 462.41(3), 462.42
 upon conviction, 462.37(1), (2)
 Laundering proceeds of crime, 462.31

PROCEEDS OF CRIME —
Continued

Legal fees —
exemption from restraint order or seizure, 462.34(4), (5), (5.1)
taxing, 462.34(5.2)
Living expenses, exemption from restraint order or seizure, 462.34(4)
Management order, 462.331
Money laundering, 462.31
Privilege. *See* PRIVILEGE
Recognizance —
cancelling of, 462.43
in lieu of restraint order, 462.34
Regulations, 462.5
Restitution of property obtained by crime, 491.1. *See also*
SENTENCE — Compensation and restitution, Restitution orders
Restraint order —
appeal, 462.44, 462.45
application for, 462.33
duration of, 462.33(10), 462.35
exemption for living expenses and legal fees, 462.34(4), (5)
expiry of, 462.35
interlocutory sale, 462.331(3)(a)
Minister of Public Works and Government Services taking control of property, 462.331(2)
notice to persons interested in property, 462.32(5)
perishable property, 462.331(3)(a)
recognizance in lieu of, 462.34(4)
registration of, against affected property, 462.33(9)
review of, 462.34
revocation of, 462.43
undertakings by Attorney General, 462.33(7)
Search warrant to seize property subject to forfeiture. *See also* SEARCH AND SEIZURE
application for, 462.32(1), (2)
copies may be made before return of seized property, 462.46

PROCEEDS OF CRIME —
Continued

Search warrant to seize property subject to forfeiture — *Continued*
exemption for living expenses and legal fees, 462.34(4), (5)
execution of, 462.32(4)
expiry of detention order, 462.35
notice to persons interested in property, 462.32(5)
recognizance in lieu of, 462.34(4)
report following execution, 462.32(4)(b), 462.36
return of seized property, 462.43
review of, 462.34
seizure of property not specified in warrant, 489
undertakings by Attorney General, 462.32(6)
Special search warrant. *See* Search warrant to seize property subject to forfeiture, *supra*
Trafficking in, 355.1-355.5
Voidable transfers, setting aside, 462.4
PROCESS. *See also* APPEARANCE NOTICE; SUMMONS; WARRANT
Forms, justice not required to affix seal, 849(2)
Issue on holiday, validity, 20
Service on corporation, 703.2
PROCLAMATION
Judicial notice of, 781(2)
Riot, reading Riot Act —
offences related to proclamations, 68
reading proclamation, 67
PROCURING
Corroboration not required, 274
Counselling —
includes procuring, 22(3)
offence that is not committed, 464

- PROCURING — *Continued***
 Parent or guardian procuring sexual activity, 170. *See also* SEXUAL OFFENCES
 Party to offence by procuring person, 22
PROCURING CONVICTION AND DEATH
 False evidence, by, not homicide, 222(6)
PROCURING FEIGNED MARRIAGE, 292
PROCURING MISCARRIAGE, 287
 Advertising method for causing abortion or miscarriage, 163
 Means, defined, 287(3)
 Offence, 287
 Therapeutic abortion committee, 287(4)-(7)
 accredited hospital defined, 287(6)
 approved hospital defined, 287(6)
 authorization or consent required under other Acts, 287(7)
 board defined, 287(6)
 Minister of Health defined, 287(6)
 qualified medical practitioner defined, 287(6)
 therapeutic abortion committee defined, 287(6)
PRODUCTION ORDER
 Conditions in, 487.019
 Contravention of, offence, 487.0198
 Destruction of preserved data, 487.0194(3), (4)
 Financial data, in respect of, 487.018
 General production order, 487.014
 Order prohibiting disclosure of, 487.0191
 Power to vary or revoke, 487.019(3)
 Review of, 487.0193
 Self-incrimination not excusing compliance, 487.0196
 Tracing of specified communication, 487.015
PRODUCTION ORDER — *Continued*
 Tracking data, in respect of, 487.017
 Transmission data, in respect of, 487.016
PROHIBITED GOODS
 Obtaining carriage by false representation, 401
PROHIBITED WEAPON. *See* WEAPONS
PROHIBITION
 Appeal from grant or refusal, 784(1)
 Application of Part XXVI of Criminal Code, 774
 Rules of court re, 482(3)(c)
PROHIBITION ORDERS. *See also* MOTOR VEHICLES; WEAPONS
 Conveyances, 320.24
 Custody of animal or bird, 447.1
 Firearm, ammunition, explosives, 109. *See also* WEAPONS — Firearms
 Importing and exporting stolen goods, 355.3
 Motor vehicles, 320.24
 Prohibited locations re sex offenders, 161
 no order re young person, YC 42(2)(j)
 offence, 161(4)
 Weapons, 109, 110, 117.05(4)-(9)
 appeals, 111(8), (9)
 application for prohibition order, 111
 authorizations revoked or amended, 116
 discretionary order, 110
 firearms prohibition, 109, 110, 810(3.1), 810(5), 810.2(5)
 forfeiture, 115
 lifting order for sustenance or employment, 113
 mandatory, 109
 order limiting access, 117.011

<p>PROHIBITION ORDERS — <i>Continued</i></p> <p>Weapons — <i>Continued</i></p> <p>possession contrary to order, 117.01</p> <p>return to owner, 117</p> <p>revocation of order, 112, 117.012</p> <p>surrender requirement, 114</p> <p>young person, YC 51</p> <p>Young person, YC 42(2)(j), 51</p> <p>PROMISE TO APPEAR. <i>See also</i> RELEASE FROM CUSTODY</p> <p>Conditional release, 503</p> <p>Contents, 501(1)-(3)</p> <p>Continuation pending granting of discharge, 730(2). <i>See also</i> SENTENCE — Discharges</p> <p>Definition, 493</p> <p>Failure to appear, effect, 145(5), (6), (8)-(11), 502</p> <p>Form of, Form 10</p> <p>Issue on holiday, valid, 20</p> <p>Period in force, 523(1)</p> <p>Signing by accused, 501(4)</p> <p>PROMOTING HATRED, 319(1)</p> <p>PROMOTING ILLICIT DRUG USE. <i>See</i> DRUGS</p> <p>PROPERTY. <i>See also</i> REAL PROPERTY</p> <p>Arson. <i>See</i> ARSON</p> <p>Compensation for loss or damage — enforcement, 741(1)</p> <p>order for payment, 738(1)</p> <p>payment from money found on accused, 741(2)</p> <p>Compensation to <i>bona fide</i> purchaser — enforcement, 741(1)</p> <p>order for payment, 739</p> <p>payment from money found on accused, 741(2)</p> <p>Defence of colour of right or lawful excuse, 429(2)</p> <p>Defence of property, 35. <i>See also</i> DEFENCES</p>	<p>PROPERTY — <i>Continued</i></p> <p>Definition —</p> <p>arson, re, 428, 433-436.1. <i>See also</i> ARSON</p> <p>general, 2, 4(1)</p> <p>offences against certain property, re, 428</p> <p>ownership of property, for purposes of indictment, 588</p> <p>Destruction —</p> <p>partial interest, no defence, 429(3)(a)</p> <p>total interest no defence where intent to defraud, 429(3)(b)</p> <p>Mischief to property, 430(3), (4), (4.1), (4.2), (5.1)</p> <p>Obtained by crime. <i>See</i> POSSESSION</p> <p>Ownership —</p> <p>arson, 433-436.1</p> <p>proof by affidavit or solemn declaration, 657.1</p> <p>purposes of indictment, for, 588</p> <p>Photographed property admissible, 491.2. <i>See also</i> PHOTOGRAPHIC EVIDENCE</p> <p>Proof of ownership or value by affidavit or solemn declaration, 657.1</p> <p>Proof that stolen, 657.2</p> <p>Restitution to owner, 462.43, 491.1. <i>See also</i> SENTENCE — Compensation and restitution</p> <p>Stamps, value, 4(1)</p> <p>Wilful damage. <i>See</i> MISCHIEF</p> <p>PROSECUTOR. <i>See also</i> ATTORNEY GENERAL/ SOLICITOR GENERAL; PRIVATE PROSECUTIONS; SUMMARY CONVICTION APPEALS; SUMMARY CONVICTIONS PROCEEDINGS</p> <p>Assessment orders, application for, 672.12. <i>See also</i> MENTAL DISORDER</p>
---	---

- PROSECUTOR — *Continued*
 Definitions —
 general, 2
 summary conviction proceedings, 785
 Jury selection. *See* JURIES —
 Empanelling
 Preferring indictment, 574, 577. *See also* INDICTMENTS AND INFORMATIONS — Preferring indictment
 Private prosecutor. *See* PRIVATE PROSECUTIONS
- PROSPECTUS
 False, making, circulating, etc., 400
- PROTECTION OF PERSONS ENFORCING THE LAW
 Arrest without warrant, 28
 Carrying out sentence, 25(2)
 Excessive force, criminal responsibility, 26
 Execution of process, 25(2)
 General protection provision, 25(1)
 Peace officer and person assisting using force re arrest, 25(4)
 Persons using force intended or likely to cause death or grievous bodily harm, 25(3). *See also* BODILY HARM; DEATH
 Preventing breach of the peace, 30
 Preventing commission of offence, 27
 aircraft, on, 27.1
 Preventing escape of inmate from penitentiary, 25(5)
- PROTECTION OF PERSONS IN LOCO PARENTIS
 Correction of child using reasonable force, 43
- PROTECTION OF PRIVACY. *See* INTERCEPTION OF PRIVATE COMMUNICATIONS
- PROTECTION OF PROPERTY.
See DEFENCES
- PROVINCIAL COURT JUDGE.
See also PRELIMINARY INQUIRY
 Definitions —
 general, 2
 judge defined for firearms prohibition orders, 111. *See also* WEAPONS — Firearms
 Election by accused before, 554, 555
 Firearms prohibition order, 111. *See also* WEAPONS — Firearms
 Indictable offences. *See also* ELECTIONS AND RE-ELECTIONS; INDICTABLE OFFENCES
 absolute, 553
 accused elects, 536(3), 554, 555(3)
 deciding to hold preliminary inquiry instead of trial, 485(1)
 Issue of process to witness, 698, 699
 Power to preserve order in court, 484
 Powers may be exercised by judge of Nunavut Court of Justice, 573
 Powers of two justices, 483
 Preliminary inquiries. *See* ELECTIONS AND RE-ELECTIONS; PRELIMINARY INQUIRY
 Remand by justice to, re absolute jurisdiction and indictable offences, 536
 Trial of indictable offences. *See* ELECTIONS AND RE-ELECTIONS; INDICTABLE OFFENCES
- PROVINCIAL LEGISLATURE
 Intimidation by violence, 51
 evidence of overt acts, 55
 indictment, overt acts to be stated, 581(4)
- PROVINCIAL RULES OF EVIDENCE
 Applicability to criminal, federal proceedings, CE 40

<p>PROVISO. <i>See</i> EXCUSE</p> <p>PROVOCATION. <i>See also</i> MANSLAUGHTER; MURDER Defined for self-defence, 36 Reducing murder to manslaughter, 232</p> <p>PROWLING BY NIGHT Private property, on, 177</p> <p>PSYCHIATRIC ASSESSMENT. <i>See</i> MENTAL DISORDER</p> <p>PUBLIC DEPARTMENT Definition, 2</p> <p>PUBLIC INCITEMENT OF HATRED, 319</p> <p>PUBLIC MISCHIEF, 140</p> <p>PUBLIC OFFICER. <i>See also</i> PEACE OFFICER Assault on, 270 Breach of trust by, 122 Bribery of, 120 Conviction of — banned from holding office, when, 750(2), (6) office vacated, when, 750(1), (6) Definition, 2, 117.07(2) Exempted persons re weapons offences, 117.07 False return by, 399 Justification for committing criminal acts or omissions, 25.1-25.4 annual report to be filed, 25.3 competent authority may designate public officers, 25.1(3), (4) competent authority may designate senior officials, 25.1(5) conditions under which officer may commit what would otherwise be offence, 25.1(8), (9), (11), (13), (14)</p>	<p>PUBLIC OFFICER — <i>Continued</i> Justification for committing criminal acts or omissions — <i>Continued</i> conditions under which officer may commit what would otherwise be offence — <i>Continued</i> justification for persons acting on direction of public officer, 25.1(10) definitions — competent authority, 25.1(1) public officer, 25.1(1) senior official, 25.1(1) designation — conditions, 25.1(7) effect of designation, 25.1(8) limitation of designation, 25.1(9), (11), (13), (14) notification of affected persons, 25.4 other protections unaffected, 25.1(12) regulations under Controlled Drugs and Substances Act, CD 55(2), (2.1) report to be filed, 25.2 senior official may designate public officer, 25.1(6) statement of policy, 25.1(2) Misconduct of officers executing process, 128 Obstructing, 129 Protection of, re acting under lawful authority, 25 Refusal to aid, 129 Search warrants, 487, 492.1, 492.2</p> <p>PUBLIC PEACE. <i>See also</i> CHARTER OF RIGHTS — Freedom of assembly, Freedom of association; UNLAWFUL ASSEMBLY Disturbing, 175 Weapons, possession of, dangerous to, 88</p>
--	---

- PUBLIC PLACE**
 Being nude in, 174(1)(a)
 Causing disturbance in, 175(1)(a)
 Definitions —
 disorderly house, etc., 197(1)
 hate propaganda, 319(7)
 sexual offences, etc., 150. *See also*
 SEXUAL OFFENCES
 Indecent. *See also* **INDECENCY**
 act in public place, 173(1)
 exhibition in, 175(1)(b)
 Loitering in, 175(1)(c)
- PUBLIC PROPERTY**
 Government, fraud upon, 121
 Mischief, 430(3)-(5.1)
- PUBLIC SEAL**
 Forgery of, 369(c)
- PUBLIC SERVICE EMPLOYEES**
 Offences outside Canada, 7(4)-(7)
- PUBLIC STORES**
 Crown property, distinguishing
 marks for, 416
 Definition, 2
 Offences re, 417
 Presumptions, 421
- PUBLICATION BAN.** *See also*
EXCLUSION OF THE PUBLIC
 Admission or confession,
 publishing, broadcasting or
 transmitting, 542(2). *See also*
ADMISSIONS; STATEMENTS
OF THE ACCUSED
 Bail hearing proceedings, 517
 Complainant —
 identity, 486.4
 sexual activity —
 application and hearing re
 admissibility not to be
 published, 278.95(1)
 offence to violate publication
 ban, 278.95(2)
 Disposition information, 672.51(11)
 Hate propaganda publications, 320.
See also **HATE PROPAGANDA**
- PUBLICATION BAN — Continued**
 Identity of —
 complainant, 486.4
 juror, 631(6)
 justice system participant,
 486.5(2)
 witness, 486.4, 486.5
 Judicial interim release, 517, 520(9),
 521(10)
 Juries —
 discharge of jury re breach of ban,
 647(4)
 portion of trial where jury not
 present, 648
 Obscene publications, 164
 Personal information records,
 application re, 278.9
 Preliminary inquiry —
 confession not to be published,
 542(2). *See also*
 ADMISSIONS;
 STATEMENTS OF THE
 ACCUSED
 evidence taken not to be
 published, 539
 Release from custody, 517, 520(9),
 521(10)
 Review Board proceedings, 672.501
 Search and seizure, warrants and
 telewarrants, 487.2. *See also*
SEARCH AND SEIZURE
 Sexual activity of complainant with
 other than the accused, 276. *See*
also **COMPLAINANT; SEXUAL**
OFFENCES
 Telewarrants, 487.2
 Trial, portion where jury not
 present, 648(1)
 Warrants, 164, 320, 487.2
 Young person —
 appeal of order, YC 37(4)
 identity not to be published, YC
 110, 111, 112
 prosecutor seeking adult sentence,
 YC 75
- PUBLICITY.** *See* **PUBLICATION**
BAN

<p>PUBLISHING. <i>See also</i> PUBLICATION BAN</p> <p>Admission or confession, publishing or broadcasting, 542(2). <i>See also</i> ADMISSIONS; STATEMENTS OF THE ACCUSED</p> <p>False news, 181</p> <p>Hate propaganda, 320</p> <p>Obscene material, 164</p> <p>PUNISHMENT. <i>See</i> PAROLE; SENTENCE</p> <p>PYRAMID SELLING. <i>See</i> LOTTERIES</p> <p>QUALIFICATION. <i>See</i> EXCUSE</p> <p>QUEBEC</p> <p>Appeal court defined for — court of appeal, 2 proceedings re firearms prohibition orders, 111. <i>See also</i> WEAPONS — Firearms summary conviction appeals, 812</p> <p>Attorney General, defined, 2</p> <p>Chief justice defined for — emergency authorizations for interception of private communications, 188(4). <i>See also</i> INTERCEPTION OF PRIVATE COMMUNICATIONS</p> <p>judicial review of ineligibility for parole, 745.6. <i>See also</i> PAROLE — Ineligibility for parole</p> <p>Court defined for — appeals, 2 criminal jurisdiction, 2 seizure warrants for — hate propaganda publications, 320(8). <i>See also</i> HATE PROPAGANDA; SEARCH AND SEIZURE</p> <p>obscene publications and child pornography, 164(8)(a). <i>See also</i> OBSCENITY; SEARCH AND SEIZURE</p>	<p>QUEBEC — <i>Continued</i></p> <p>Court of appeal defined, 2</p> <p>Court of criminal jurisdiction defined, 2</p> <p>Judge defined for — emergency authorizations for interception of private communications, 188(1), 552. <i>See also</i> INTERCEPTION OF PRIVATE COMMUNICATIONS</p> <p>Part XVI, Compelling Appearance of Accused Before a Justice and Interim Release, 493. <i>See also</i> JUDICIAL INTERIM RELEASE; RELEASE FROM CUSTODY</p> <p>Part XIX, Indictable Offences — Trial Without Jury, 552. <i>See also</i> INDICTABLE OFFENCES — Trial by judge alone; TRIAL — Judge alone trial</p> <p>Language of accused, regulations for Part XVII, 533</p> <p>Minister of Health for procuring miscarriage, 287(6)</p> <p>Parole, application to reduce ineligibility period, 745.6(1)</p> <p>Summary conviction appeals — appeal court defined, 812(1)(b)</p> <p>Superior court of criminal jurisdiction defined, 2</p> <p>QUEEN, THE</p> <p>Acts intended to alarm Her Majesty, 55</p> <p>Intending bodily harm to, 55</p> <p>QUESTION OF FACT/LAW. <i>See also</i> APPEALS — Questions of law</p> <p>Amendment of indictment, 601(6)</p> <p>Appeals, 830(1), 839</p> <p>Attempts, mere preparation, 24(2)</p> <p>Complainant's sexual activity, admissibility, 278.97</p>
---	--

- QUESTION OF FACT/LAW —
Continued
- Hate propaganda publications,
forfeiture, return of material,
warrants, 320(6)
- Public good defence re obscenity,
163(4)
- RACE MEETINGS
- Offences, 204(10)
- Special provisions re, 204(2)-(9.1)
- RACIAL HATRED. *See* HATE
PROPAGANDA
- RAILWAY EQUIPMENT
- Blood samples. *See* BLOOD
SAMPLES
- Breaking and entering, 348
- Breath test provisions. *See*
BREATHALYZER
- Definition, 2
- Fraud —
- obtaining carriage by fraud, 401
- transportation fraud, 393
- Operate —
- blood-alcohol over 80, with,
320.14(1)(b)
- disqualified, while, 320.18
- impaired, while, 320.14(1)(a)
- prohibition from operating,
320.18
- RAPE. *See* SEXUAL ASSAULT;
SEXUAL OFFENCES
- READING IN EVIDENCE. *See*
JUDICIAL PROCEEDINGS
- READING THE RIOT ACT, 67,
68
- REAL PROPERTY. *See also*
PROPERTY
- Defence against trespasser, 35
- Defence of, 35
- Document of title, fraudulent
concealment, 385
- Fraudulent —
- registration of title, 386
- REAL PROPERTY — *Continued*
- Fraudulent — *Continued*
- sale, 387
- Ownership, for purposes of
indictment, 588. *See also*
OWNERSHIP
- Right to enter if entitled to
possession, 35(1)
- REASONS FOR DECISION
- Bail, 515(4.12), (9)
- Court may reserve decision in non-
jury trial, 645(4)
- Dissenting in court of appeal, 677
- Exclusion of the public in certain
cases, reasons for refusal, 486(2).
See also EXCLUSION OF THE
PUBLIC
- Fines —
- default, reasons for committal,
734.7(2), 737(6)
- victim fine surcharge, reasons for
not making order, 737(5),
737(6)
- No order re seized weapon,
117.05(5). *See also* WEAPONS —
Search and seizure
- Not adding weapons prohibition to
order for recognizance for sureties
to keep the peace, 810(3.12)
- Not making weapons prohibition
order, 110(3), 111(6)
- as bail condition, 515(4.12)
- Sentence, 726.2. *See also* Fines,
supra
- Sex Offender Information
- Registration Act termination
order, 490.016(2), 490.027(2)
- Youth Criminal Justice Act —
- continuation of custody, YC 100,
104(5)
- sentence, YC 48
- REBUTTAL EVIDENCE
- Convictions in reply to good
character evidence, 666

<p>RECEIVING STOLEN GOODS. <i>See</i> POSSESSION; TRAFFICKING IN STOLEN GOODS</p> <p>RECENT COMPLAINT, RULES ABROGATED, 275</p> <p>RECKLESSNESS Arson, 429, 433-436.1 Careless handling of firearm, 86(2). <i>See also</i> WEAPONS — Firearms Criminal negligence, 219(1) Damage to property, 429, 430 Danger to life, mischief, 430(2) Dangerous operation of conveyance, 320.13 Definition, 429 Failure to take reasonable steps to ascertain consent re sexual assault, 273.2(b) Murder, 229(b) Sexual assault, 273.2(a)</p> <p>RECOGNIZANCE. <i>See also</i> JUDICIAL INTERIM RELEASE; RELEASE FROM CUSTODY Acknowledging in false name, 405 Application for forfeiture, proper court, 762 Arraignment or conviction does not discharge, 764. <i>See also</i> TRIAL — Arraignment and plea Arrest of accused, render by sureties, 766. <i>See also</i> ARREST Binding effect, adjournment of proceedings, 763 Breach of recognizance, 811 Certificate of default, 770(2), (3), Form 33 Continuation of recognizance pending grant of discharge, 730(2). <i>See also</i> SENTENCE — Discharges Default, 770-773 application for forfeiture, 771(1) endorsement of, 770(1), Form 33</p>	<p>RECOGNIZANCE — <i>Continued</i> Default — <i>Continued</i> forfeiture on default. <i>See</i> Forfeiture on default, <i>infra</i> powers of court, 771(2) proceedings following, 771(1) transmission of — deposit, 770(4) recognizance, 770(2) Defendant-appellant on interim release, 816(2), 831, Form 32 Definition, 493 Endorsement — default, of, on recognizance, 770(1) recognizance, on, re arrest, 766(3), (4) Entered before judge or justice, Form 32 Entered before officer in charge, 498, 499, 501, 503 contents, 501(1)-(3) failure to appear, effect, 502 form of, Form 11 signing by accused, 501(4) Entered on holiday, valid, 20 Evidence of default, certificate as evidence, 770(3) Failure to attend court, 145(2), (8)- (11) Failure to comply with condition, 145(3), (8)-(11) Fear of — criminal organization offence, 810.01 personal injury or damage to property, 810 serious personal injury offence, 810.2 sexual offence, 810.1. <i>See also</i> FEAR OF SEXUAL OFFENCE AGAINST CHILD; SEXUAL OFFENCES Forfeiture on default — effect, 771(3), (3.1) levy under writ of fieri facias, 771(3.1), 772, 773, Form 34</p>
--	---

- RECOGNIZANCE — *Continued*
 Forfeiture on default — *Continued*
 proceeds, to whom payable, 734.4
 transfer of deposit, 771(4)
 warrant of committal on
 forfeiture, Form 27
 Form of recognizance, Form 32
 Holiday, recognizance valid, 20
 Keep the peace, 810(3)
 breach of, 811
 firearms prohibition, 810(3.1)
 form, Form 32
 Naming sureties, 515(2.1). *See also*
 Sureties, *infra*
 Period in force, 523(1)
 Proceeds of crime provisions. *See*
 also PROCEEDS OF CRIME
 recognizance in lieu of restraint
 order, 462.34(4)
 return of items seized under search
 warrant, 462.34(4)
 Prosecutor-appellant in summary
 conviction appeal, 817, 831, Form
 32
 Right to counsel statement to be
 included in appearance processes
 for young offenders, YC 25(9).
See also RIGHT TO COUNSEL;
 YOUTH CRIMINAL JUSTICE
 ACT
 Sentence, discharges, process
 remains in force until disposition,
 730(2)
 Sexual offence, fear of, 810.1
 Subsequent arrest does not discharge
 recognizance, 765
 Sureties —
 application to be relieved, 766(1)
 bound until discharge or sentence
 of accused, 764(1). *See also*
 SENTENCE — Discharges
 committal when writ of *feri facias*
 not satisfied, 773
 discharge on arrest of accused,
 766(4)
 discharge on committal of
 accused, 764(3), 765
 liability on forfeiture, 772, 773
- RECOGNIZANCE — *Continued*
 Sureties — *Continued*
 naming of sureties, 515(2.1)
 render of accused —
 court, in, 767
 custody, into, 768, 769
 substitution of surety, 767.1
 warrant of committal on failure to
 furnish recognizance to keep
 the peace, Form 23
 Transmission of certificate of default
 to clerk of court, 770(2)
 Weapons prohibition, 810(3.1)
 Witness at preliminary inquiry, 550
- RECORDS. *See* DOCUMENTS
- REFUSAL TO BE SWORN OR
 TESTIFY AT PRELIMINARY
 INQUIRY, 545
- REGISTERS
 Births, marriages, etc., damaging or
 altering, 377(1)(a), (b)
 Offences re, 378
- REGISTRATION OF WEAPONS.
See WEAPONS
- REGULATIONS
 Judicial notice of, 781(2)
 Proceeds of crime, 462.5
 Weapons, 117.15. *See also*
 WEAPONS
- RELEASE FROM CUSTODY. *See*
 also JUDICIAL INTERIM
 RELEASE
 Accused subject to disposition order,
 672.92, 672.93
 Adjournment of proceedings and
 remand, 516
 Appeals —
 court of appeal —
 against conviction, conditions
 for order, 679(3)
 against sentence, 679(4)
 application for leave, notice of,
 679(2)

RELEASE FROM CUSTODY —
Continued

Appeals — *Continued*
 court of appeal — *Continued*
 conditions, 679(1), (3), (4)
 order for, 679(5), (6)
 order refused, direction to expedite hearing, 679(10)
 review of decision, 680
 undertaking, Form 12
 summary conviction, 816
 Supreme Court of Canada, 679(8)
 conditions, 679(1)(c), (3)
 order for new trial, 679(7)
 order refused, direction to expedite hearing, 679(10)
 summary conviction, 679(8)
 Appearance. *See* APPEARANCE
 Appearance notice. *See* APPEARANCE NOTICE
 Arrest without warrant, offence outside province, remand and interim release, 503(3)(b), (3.1)
 Authorization for endorsement on warrant, 507(6), (7), Form 29
 Bail review. *See* JUDICIAL INTERIM RELEASE — Review of detention, Review of order
 Detention order —
 directions for expediting proceedings, 526
 grounds for, 515(10)
 review. *See* JUDICIAL INTERIM RELEASE
 reverse onus re show cause, 515(6)-(11)
 show cause hearing, 515
 superior court judge, 522(1)
 vacation of order, 523(2)
 warrant of committal, 519(3), 520(9)
 when prosecutor shows cause, 515(5), (9)
 Discharges. *See* SENTENCE — Discharges
 Endorsement of warrant, 428
 Evidence, 518

RELEASE FROM CUSTODY —
Continued

Failure of accused to appear, effect, 502, 515(6)
 Form of discharge of person in custody, Form 39
 Inquiries by justice and evidence, 518, 520(9)
 Judge defined for Part XVI, Compelling Appearance of Accused Before a Justice and Interim Release, 493. *See also* JUDICIAL INTERIM RELEASE
 Judicial interim release. *See* JUDICIAL INTERIM RELEASE
 Ninety-day review, 525, 526
 Officer in charge, defined, 493
 Officer in charge releasing —
 arrest with warrant, 499
 arrest without warrant, 498
 deposit by non-resident, 498(1)(d), 499(1)(c), 500
 Peace officer releasing after arrest without warrant, 497
 Pending appeal. *See* APPEALS
 Pending sentence, after guilty plea, 518(2). *See also* GUILTY PLEA
 Person about to commit offence, arrested, 503(4), (5)
 Promise to appear —
 conditional release, 503
 contents, 501(1)-(3)
 continuation pending granting of discharge, 730(2). *See also* SENTENCE — Discharges
 definition, 493
 failure to appear, effect, 145(5), (6), (8)-(11), 502
 form of, Form 10
 issue on holiday, valid, 20
 period in force, 523(1)

- RELEASE FROM CUSTODY —
Continued
- Promise to appear — *Continued*
right to counsel statement to be included in appearance processes for young person, YC 25(9). *See also* RIGHT TO COUNSEL; YOUTH CRIMINAL JUSTICE ACT signing by accused, 501(4)
- Recognizance, 493, 515, 520(7), 520(8), 522(3), 523, 524, 525, 763. *See also* RECOGNIZANCE
- Record of reasons, 515(9)
- Review of detention. *See* JUDICIAL INTERIM RELEASE
- Review of order. *See* JUDICIAL INTERIM RELEASE
- Right to counsel, statement of right in appearance process re young person, YC 25(9). *See also* YOUTH CRIMINAL JUSTICE ACT
- Sentence, after guilty plea, 518(2). *See also* GUILTY PLEA
- Sentence, discharges, process remains in force until disposition, 730(2)
- Show cause hearing, 515-519. *See also* JUDICIAL INTERIM RELEASE
- Undertaking, officer in charge, 499, 503. *See also* JUDICIAL INTERIM RELEASE; UNDERTAKINGS
- Vacating of order, 523(2), (3)
- Verdict of not criminally responsible on account of mental disorder, relevance to release on other offences, 672.35(b). *See also* MENTAL DISORDER — Criminal responsibility
- Warrants. *See* ARREST; WARRANTS
- Young person. *See* YOUTH CRIMINAL JUSTICE ACT — Detention before sentence
- RELEVANCE
- Sexual activity of complainant, admissibility on sexual offences, 276(3)(a), (h)
- RELIGIOUS WORSHIP
- Mischief to religious property, 430(4.1)
- Obstruction or disturbance, 176
- REMANDS. *See* ADJOURNMENTS AND REMANDS; MENTAL DISORDER
- REMEDIES. *See* CHARTER OF RIGHTS; EXTRAORDINARY REMEDIES
- REMISSION OF PENALTIES. *See also* PARDON
- Governor in Council, by, 748.1
- REMOVAL OF CHILD FROM CANADA FOR A SEXUAL PURPOSE, 273.3. *See also* SEXUAL OFFENCES
- REPUTATION EVIDENCE, 277
- RES JUDICATA. *See also* PLEAS
- Autrefois acquit/convict —
acquittal of conviction for one form of homicide, effect, 610(2)-(4)
after discharge, 730(3)(b). *See also* SENTENCE — Discharges
aggravating circumstances in second charge, effect, 610(1)
attempt charged, full offence proved, 661(2)
availability, 607(1)
determining identity of charges, 608, 609
disposal before further plea taken, 607(3), (4)
form of statement for making plea, 607(5)
previously tried —
in absentia, 607(6)

<p>RES JUDICATA — <i>Continued</i> Autrefois acquit/convict — <i>Continued</i> previously tried — <i>Continued</i> outside Canada, 7(6), 607(6) punishment not in accordance with sentence, 607(6) sentencing, other offences taken into account, 725(2). <i>See also</i> SENTENCE — Procedure verdict of not criminally responsible on account of mental disorder, 672.35. <i>See</i> <i>also</i> MENTAL DISORDER — Criminal responsibility Charter of Rights, CH 11(h) Dismissal in summary conviction proceedings, 808 Offence punishable under more than one Act, 12 Plea of not guilty where no special plea provided, 613 Special pleas, 606(1), 607. <i>See also</i> PLEAS</p> <p>RESCUE FROM LAWFUL CUSTODY, 147</p> <p>RESISTING ARREST. <i>See also</i> ARREST; DETENTION; POLICE Assault with intent, 270(2) Causing death while resisting, 230 Peace officer, by, 129</p> <p>RESISTING PEACE OFFICER, 129</p> <p>RESTITUTION. <i>See</i> SEARCH AND SEIZURE; SENTENCE — Compensation and restitution, Restitution orders</p> <p>RESTRICTED WEAPON. <i>See</i> WEAPONS</p> <p>REVENUE PAPER Definition, 321</p>	<p>REVERSE ONUS. <i>See also</i> PRESUMPTIONS AND INFERENCES Bail hearing, 515(6), 522(2), 679. <i>See</i> <i>also</i> JUDICIAL INTERIM RELEASE Charter of Rights. <i>See</i> CHARTER OF RIGHTS Criminal responsibility re mental disorder, 16(2). <i>See also</i> MENTAL DISORDER — Criminal responsibility Presumption against mental disorder, 16(2). <i>See also</i> MENTAL DISORDER — Criminal responsibility</p> <p>REVIEW BOARD. <i>See</i> MENTAL DISORDER — Review Board</p> <p>REVIEW OF DETENTION/ RELEASE. <i>See</i> JUDICIAL INTERIM RELEASE</p> <p>RIGHT TO COUNSEL. <i>See also</i> CHARTER OF RIGHTS; COUNSEL; MENTAL DISORDER Absconding accused, counsel not deprived of authority, 475(4) Alternative measures, 717(1)(d) Appointed by the court. <i>See</i> Counsel appointed, <i>infra</i> Corporation, 620 Counsel appointed — court of appeal, by, 684 cross-examine witness, to, 486.3 Supreme Court of Canada, by, 694.1 Full answer and defence by counsel, 650(3) Guarantee to, CH 10(b) Informing of right, CH 10(b) Mental disorder disposition hearing, 672.5(7), (8). <i>See also</i> MENTAL DISORDER — Disposition hearings</p>
---	--

- RIGHT TO COUNSEL —
Continued
 Opportunity to exercise right, CH 10(b)
 Order that accused be represented, 672.24. *See also* MENTAL DISORDER — Fitness to stand trial
 Reasonable opportunity, CH 10(b)
 Solicitor-client privilege, 488.1. *See also* PRIVILEGE
 Young person, YC 25, 107, 146
 application, YC 25(11)
 counsel independent of parents, YC 25(8)
 duty to advise of right, YC 25(2), (3), (9)
 legal aid, YC 25(3)-(6)
 questioning by police, YC 146
 recovery of costs, YC 25(10)
 statement of right to counsel to be included in process compelling appearance, YC 25(9)
- RIGHTS. *See* CANADIAN BILL OF RIGHTS; CHARTER OF RIGHTS
- RIOT
 Definition, 64
 Neglect of peace officer to suppress, 69
 Proclamation —
 offences related to, 68
 reading of, 67
 Punishment, 65
 Reading the Riot Act —
 offences related to proclamations, 68
 reading proclamation, 67
 Suppression of, 32, 33, 69
- RIOT ACT
 Offences related to proclamation, 68
 Reading proclamation, 67
- ROAD-SIDE SCREENING,
 320.27. *See also*
 BREATHALYZER;
 CONVEYANCES; MOTOR
 VEHICLES
- ROBBERY
 Causing death while committing, 230
 Compulsion by threats, no defence, 17
 Definition, 343
 Extortion, 346
 Punishment, 344
- ROYAL CANADIAN
 MOUNTED POLICE. *See also*
 PEACE OFFICER
 Deserter, counsel or assisting, 56
- ROYAL PREROGATIVE OF
 MERCY. *See also* PARDON
 Grant to person imprisoned, 748(1)
 Not affected by Criminal Code, 749
- RULES OF COURT
 Case management rules, 482.1
 Ineligibility for parole, application for reduction of period re, 745.64. *See also* PAROLE
 Powers to make, 482, 482.1
 publication of, 482(4)
 uniformity, 482(5)
- SABOTAGE, 52
 Causing death while committing, 230
 Evidence of overt acts, 55
 Exceptions, 52(3), (4)
 Indictment, overt acts to be stated, 581(4)
- SAFE-BREAKING
 Possession of instruments for, 351
- SANITY. *See also* MENTAL DISORDER
 Presumption of, 16(2)

<p>SASKATCHEWAN</p> <p>Appeal court defined for — court of appeal, 2 place of hearing, 814(2) proceedings re firearms prohibition orders, 111. <i>See</i> <i>also</i> WEAPONS — Firearms summary conviction appeals, 812</p> <p>Attorney General, defined, 2</p> <p>Chief justice defined for — emergency authorizations for interception of private communications, 188(4). <i>See</i> <i>also</i> INTERCEPTION OF PRIVATE COMMUNICATIONS</p> <p>parole, judicial review of ineligibility for parole, 745.6. <i>See also</i> PAROLE — Ineligibility for parole</p> <p>Court defined for — appeals, 2 criminal jurisdiction, 2 seizure warrants for — hate propaganda publications, 320(8). <i>See also</i> HATE PROPAGANDA; SEARCH AND SEIZURE</p> <p>obscene publications and child pornography, 164(8)(b). <i>See</i> <i>also</i> OBSCENITY; SEARCH AND SEIZURE</p> <p>superior court of criminal jurisdiction, 2</p> <p>Court of appeal defined, 2</p> <p>Court of criminal jurisdiction defined, 2</p> <p>Judge defined for — emergency authorizations for interception of private communications, 188(1), 552. <i>See also</i> INTERCEPTION OF PRIVATE COMMUNICATIONS</p>	<p>SASKATCHEWAN — <i>Continued</i></p> <p>Judge defined for — <i>Continued</i></p> <p>Part XVI, Compelling Appearance of Accused Before a Justice and Interim Release, 493. <i>See also</i> JUDICIAL INTERIM RELEASE; RELEASE FROM CUSTODY</p> <p>Part XIX, Indictable Offences — Trial Without Jury, 552. <i>See</i> <i>also</i> INDICTABLE OFFENCES — Trial by judge alone; TRIAL — Judge alone trial</p> <p>Language of accused, regulations for Part XVII, 533</p> <p>Minister of Health for procuring miscarriage, 287(6)</p> <p>Parole, application to reduce ineligibility period, 745.6</p> <p>Summary conviction appeals — appeal court defined, 812(1)(d) place of hearing, 814(2)</p> <p>Superior court of criminal jurisdiction defined, 2</p> <p>SAVING LIFE Impeding attempt, 262</p> <p>SCHEDULES [to Acts]. <i>See</i> FORMS AND SCHEDULES</p> <p>SCHOOL TEACHER Correction of child by force, 43</p> <p>SEARCH AND SEIZURE. Arrest. <i>See</i> ARREST Assistance and use of force, CD 12 Assistance order, 487.02 Blood samples. <i>See</i> BLOOD SAMPLES Child pornography, 164, 164.1. <i>See</i> <i>also</i> CHILD PORNOGRAPHY Common gaming house, 199 Controlled substances, CD 11-23 Copies of documents returned or forfeited, 462</p>
--	--

SEARCH AND SEIZURE —

Continued

Counterfeit, 462(2)
 Data, 487(2.1), (2.2)
 Detention of things seized, 490, CD 11. *See also* Forfeiture, *infra*;
 Restitution of property or report by peace officer, *infra*; Return of things seized, *infra*
 Devices and investigative techniques, warrant for, 487.01(1)
 Dial number recorder, 492.2. *See also* INTERCEPTION OF PRIVATE COMMUNICATIONS —
 Number recorder
 DNA analysis, 487.04-487.092
 Document, solicitor-client privilege claimed —
 application to judge re disclosure, 488.1(3), (4)
 copies, re making of, 488.1(2), (8), (9)
 custody of sealed package, 488.1(2)
 definitions, 488.1(1)
 order to custodian to deliver, 488.1(6)
 Exclusion of evidence, CH 24(2)
 Execution in another province, 487.03
 Explosives, seizure under warrant on suspicion, 492
 Firearms, 117.02-117.04. *See also* Weapon used in offence, *infra*
 Forfeiture, 164.2, 394(6), 394.1(4), 490(9), 491, 491.1, CD 16-22. *See also* Return of things seized, *infra*;
 Restitution of property or report by peace officer, *infra*
 General warrant, 487.01
 Hate propaganda, seizure of publications —
 forfeiture proceedings, 320(2), (7)
 return of material, 320(5)
 warrant for, 320(1)
 Hot pursuit, 477.3. *See also* JURISDICTION — Territorial

SEARCH AND SEIZURE —

Continued

Informations for warrants. *See* Warrants, *infra*
 Journalistic sources, CE 39.1
 Jurisdiction —
 territorial, 477.3. *See also* JURISDICTION — Territorial
 Lotteries, 199(1)
 Lumber, lumbering equipment, 339(3)
 Number recorder, warrant for, 492.2. *See also* INTERCEPTION OF PRIVATE COMMUNICATIONS
 Obscene publications, 164. *See also* Warrants, *infra*; OBSCENITY
 Overseizure. *See* Return of things seized, *infra*
 Participant surveillance. *See* INTERCEPTION OF PRIVATE COMMUNICATIONS
 Personal search —
 interference with bodily integrity limitations, 487.01(2)
 Photostatic copies. *See* Return of things seized, *infra*
 Privilege claimed re documents, 488.1
 Proceeds of crime, 462.32, CD 14-22. *See also* PROCEEDS OF CRIME
 Reasonable search and seizure, warrant for, 487.01(3), CH 8
 Restitution of property obtained by crime, 491.1
 Restitution of property or report by peace officer —
 form of report, Form 5.2
 peace officer, by, 489.1
 Return of things seized, 489.1-491.1. *See also* Forfeiture, *supra*;
 Detention of things seized, *supra*
 Seizure of things not specified in warrant, 489

SEARCH AND SEIZURE —
Continued

Ships registered outside Canada, consent of Attorney General, 477.3(3). *See also* ARREST; JURISDICTION — Territorial; SHIPS

Suspicion re explosives, 492

Telewarrants —
administration of oath, 487.1(3).
See also COMPETENCE AND COMPELLABILITY — Oath

affixing facsimile within premises, 487.1(8)

alternative to oath, 487.1(3.1)

contents of information, 487.1(4)

duplicate or facsimile of information or warrant, 487.1(12)

form of, Form 5.1

formalities re warrant, 487.1(6)

information by telephone, telecommunication, 487.1(1), (2)

information, record of, filed with court, 487.1(2), (2.1)

issue by justice, indictable offence, 487.1(5)

justice issuing warrant, 487.1(6), (6.1)

proof of authorization, 487.1(11)

providing facsimile to person present, 487.1(7)

report of peace officer brought before justice and filed, 487.1(9), (10)

telecommunication that produces a writing, 487.1(2.1), (3.1)

Things not specified, seizure of, 489

Tracking device, warrant for, 492.1

Unreasonable search and seizure, CH 8

reasonable search and seizure, warrant for, 487.01(3)

Valuable mineral, 395

Video surveillance. *See* Warrants, *infra*

Warrantless —

SEARCH AND SEIZURE —
Continued

Warrantless — *Continued*

counterfeit, 462(2)

controlled drugs and substances, CD 11

exigent circumstances, 487.11

exigent circumstances re weapons, 101(1)

participant surveillance. *See* INTERCEPTION OF PRIVATE COMMUNICATIONS

restitution of property or report by peace officers, 489.1

Warrants. *See also* Telewarrants, *supra*

assistance order, 487.02

banking records, CE 29(7)

betting offences, 199. *See also* BETTING AND GAMING OFFENCES

blood samples, 320.29

common bawdy house, 199(1)

computer records, 487(2.1), (2.2)

data, 487(2.1), (2.2)

detention of things seized, 490, CD 11

devices and investigative techniques used, 487.01(1)

execution in another province, 487.03

interference with bodily integrity limitation, 487.01(2)

seizure of things not specified, 489

disorderly house, 199(1)

DNA analysis, 487.04-487.092

execution by day unless otherwise authorized, 488

execution in another province, 487.03

execution in another territorial division, endorsement for, 487(2), (4), 487.03, Form 29

explosives, 492

forfeiture, Form 5-5.1. *See also* Forfeiture, *supra*

SEARCH AND SEIZURE —
Continued

Warrants — *Continued*
gaming offences, 199(1). *See also*
BETTING AND GAMING
OFFENCES
general provision for, 487
general warrant, 487.01
hate propaganda, 320(1)
informations for, 164, 199, 320,
395(1), 462.32, 487, 487.01,
487.1, 492.1, Form 1, CD 11
issue by justice on information,
487(1), (2)
journalists, in relation to, 488.01,
488.02
jurisdiction, 477.3
obscene publications, 164. *See*
also OBSCENITY
overseizure. *See* Return of things
seized, *supra*
proceeds of crime, 462.32, CD 14-
22. *See also* PROCEEDS OF
CRIME
reasonable search and seizure,
487.01(3), CH 8
report by peace officer. *See*
Restitution of property or
report by peace officer, *supra*
restrictions on publicity, 487.2
return of things seized. 489.1-
491.1
seizure of things not specified, 489
telewarrants, 487.1. *See also*
Telewarrants, *supra*
terrorist propaganda, 83.222
tracking device, 492.1
transmission data recorder, 492.2
unreasonable, 487.01(3), CH 8
valuable mineral, 395
video surveillance —
assistance order, 487.02
execution in another province,
487.03
seizure of things not specified,
489
warrant for, 487.01(4), (5)

SEARCH AND SEIZURE —
Continued

Weapon used in offence. *See also*
WEAPONS—Search and seizure
exigent circumstances re weapons,
101(1)
forfeiture, 491(1)
return to lawful owner, 491(2)
sale, disposition of proceeds,
491(3)
search and seizure generally, 101-
103
Weapons. *See* WEAPONS
SEARCH WARRANT. *See*
SEARCH AND SEIZURE —
Warrants
SECOND DEGREE MURDER,
231(7)
SECRET COMMISSIONS, 426
SECURITIES. *See* STOCKS,
SHARES, ETC.
SEDITION. *See also* SEDITIOUS
CONSPIRACY; SEDITIOUS
LIBEL
Defence re good faith intention, 60
Definition, 59
Punishment, 61
Seditious intention, 59(4), 60
SEDITIONOUS CONSPIRACY
Definition, 59(3)
Punishment, 61
SEDITIONOUS LIBEL
Definition, 59(2)
Indictment for, wording, 584
Punishment, 61
SELF-DEFENCE, 34. *See also*
DEFENCES
Against assault, 34
Excessive force, 26
Preventing assault, 34
Trespasser, 35

SELF-INCRIMINATION

Alternative measures, statements accepting responsibility not admissible, 717(3), YC 10(4)
 Bail, testimony at show cause hearing, not to be questioned re offence, 518(1)(b)
 Compellable witness in relation to prosecution, CE 4, CH 11(c)
 Cross-examination on previous convictions, CE 12
 Evidence for courts out of Canada, CE 50
 Incriminating questions, CE 5, 50; CH 13
 Judicial interim release, testimony at show cause hearing, not to be questioned re offence, 518(1)(b)
 Marital communications, CE 4(3)
 Not to be compelled to be a witness against oneself, CH 11(c), 13
 Right to silence, CH 11(c), 13, CE 4, 5, YC 146
 Silence. *See* Right to silence, *supra*

SELLING AUTOMOBILE
MASTER KEY, 353

SENTENCE. *See also* LONG-TERM OFFENDERS; PAROLE
 Aboriginal offenders, 718.2(e)
 Absolute discharge. *See* Discharges, *infra*
 Accused —
 absconding accused, sentence in absentia, 475(1)(b)(i)
 defined, 716
 may speak to sentence, 726
 After conviction for escape, 149
 Aggravating factors. *See* Mitigating and aggravating factors, *infra*
 Allocutus. *See* Submissions, *infra*
 Alternative measures —
 availability, 717
 definition, 716
 no bar to proceedings unless conditions performed, 717(4), (5)
 records, 717.1, 717.2, 717.3, 717.4

SENTENCE — *Continued*

Alternative measures — *Continued*
 statement accepting responsibility not admissible, 717(3)
 young persons, YC 4-12
 Analyst's certificate admissible, 729
 Appeals. *See also*
 APPEALS—Sentence
 application for leave to appeal is an appeal, 719(6)
 definition of sentence, 673, 785
 impose sentence in absence of appellant, 688(4)
 imprisonment commences, 719(4)
 Arson, 433-436.1. *See also* ARSON
 Attempts —
 indictable offence where punishment not provided, 463(a), (b), (d)
 summary conviction offence, 463(c), (d)
 Benefit of lesser punishment, CH 11(i). *See also* CHARTER OF RIGHTS
 Breach of probation. *See* Probation, *infra*; BREACH OF PROBATION
 Breach of trust, 718.2(a)(iii)
 Commencement of sentence, 719
 Compensation and restitution —
 application, 738, 741
 civil remedy not affected, 741.2
 enforcement of orders of restitution, 741, 741.1, 741.2
 fine, forfeiture in addition, priority, 740
 moneys found on offender, 741(2)
 notice to interested persons re restitution, 741.1
 persons acting in good faith, 739
 priority to restitution, 740
 Concurrent and consecutive sentences —
 consecutive sentences not to be unduly long or harsh, 718.2(c)
 cumulative punishments, consecutive sentences, 718.3(4)

- SENTENCE — *Continued*
- Concurrent and consecutive sentences — *Continued*
- explosive substance for criminal organization, 82.1
 - firearms, 85(4)
 - terrorist offences, 83.26
 - Young Offenders Act and Youth Criminal Justice Act
 - dispositions and sentence under other Act, 743.5(2), (3)
- Conditional discharges. *See* Discharges, *infra*
- Conditional sentence of imprisonment, 742-742.7. *See also* Imprisonment, *infra*; Principles of sentencing, *infra*
- compulsory conditions, 742.3
 - consecutive sentences, 718.3(4)
 - court unable to act, 742.5(2)
 - definitions, 742
 - firearms prohibition, 742.2
 - imposing of conditional sentence, 742.1
 - imprisonment for offence while on conditional sentence, 742.7
 - optional conditions, 742.3(2)
 - changes to conditions, 742.4
 - procedure, 742.3(3)
 - breach of condition, 742.6
 - purpose, 742.1
 - transfer of order, 742.5(1)
- Controlled Drugs and Substances Act, CD 10
- Conviction on more than one count, sentence good if justified on one, 669, 728
- Convictions. *See* Greater punishment by reason of previous convictions, *infra*; Previous convictions, *infra*
- Court defined, 716
- Cumulative, for more than one offence, 718.3(4)
- Cumulative punishments, consecutive sentences, 718.3(4)
- Dangerous offenders, 753. *See also* DANGEROUS OFFENDERS
- SENTENCE — *Continued*
- Defamatory libel, 612(3)
- Definitions —
- appeals, indictable offences, 673
 - court, 716
 - sentence, 673, 785
 - summary conviction proceedings, 719(3)
- Degrees of punishment, 718.3
- Disabilities arising from convictions. *See* CONVICTIONS
- Disability. *See* Mental or physical disability, *infra*
- Discharges —
- absolute and conditional discharges, 730
 - appeal from, 730(3), (4)
 - conditions for granting
 - conditional or absolute discharge, 730(1)
 - continuation of appearance notice, etc., pending discharge, 730(2)
 - convicted while under probation order, 730(4)
 - effect of, 730(3)
 - making of probation order, 731(2)
 - offence following discharge, effect of, 730(4)
 - preliminary inquiry. *See* PRELIMINARY INQUIRY
 - probation order, 731(2)
 - process remains in force until disposition, 730(2)
- Discretion re punishment, 718.3
- Drugs, CD 10
- Dual status offenders. *See* MENTAL DISORDER
- Escape conviction, 149
- Evidence. *See also* Procedure, *infra*
- alternative measures statements
 - not admissible, 717(3)
 - burden of proof, disputed facts, 724(3)(d), (e)
 - certificate of analyst re drugs re breach of probation or conditional sentence, 729

SENTENCE — *Continued*Evidence — *Continued*

cross-examination of analyst re
drugs, 729(6)
disputed facts, 724(3)(d), (e)
records not admissible, 717.4(4),
(5)
sentencing hearing, evidence,
723(2), (3), (4), (5)

Fine option program. *See* Fines,
infra

Fines —

ability to pay, 734(2), 737(3)
changes to fine order, 734.3
civil enforcement, 734.6, 735(2)
corporate accused —
enforcement of order, 735(2)
in lieu of imprisonment
specified, 735. *See also*
Imprisonment, *infra*
default of payment —
civil enforcement, 734.6, 735(2)
definition of default, 734(3),
737(6)
effect of imprisonment,
734.7(4), 737(6)
forfeiture proceedings,
462.37(4)
imprisonment for default,
718.3(3), 734(4), (5), 734.7(4),
734.8(2), 737(6)
licences and permits may be
refused, 734.5
provincial regulations, 734(7)
reasons for committal, 734.7(2),
737(6)
reduction of term on part
payment, 734.8(2)
warrant of committal for, 734.7,
737(6)
directions for payment —
allowance of time, 734(6)
extension of time, 734.3
minimum time, 734.1(b)
payment forthwith, conditions
for, 734.1(d)
powers of court, 734(4), 737(6)
fine option program, 736, 737(10)

SENTENCE — *Continued*Fines — *Continued*

imprisonment in default of
payment, 718.3(3), 734(4), (5)
in addition to other punishment,
734(1), (2), 737(6)
in lieu of forfeiture order,
462.37(3), (4)
in lieu of imprisonment, 734(1),
(2), 735, 737(6). *See also*
Imprisonment, *infra*
moneys found in possession on
arrest, 734(6)
part payment, 734.8(2)
power to impose fine, 734(1)
procedure of making fine order,
734.2
proceeds, to whom payable, 734.4
recovery, procedure, 734.6
remission by Governor in
Council, 748.1
restitution order in addition,
priority, 740
suspending payment pending
appeal, 683(5), (6)
terms of order imposing fine,
734.1
victim fine surcharge, 737
Fundamental principles of
sentencing, proportionality, 718.1
Fundamental purpose of sentencing,
718
Gravity of offence, 718.1
Greater punishment by reason of
previous convictions —
corporation not appearing, 727(4)
ex parte proceedings, 727(3), (4)
murder, parole eligibility, 727(5),
745(b)
notice of intention to seek greater
penalty, 727(1)
procedure for proof of, 667, 727
verdict of not criminally
responsible on account of
mental disorder is not a
previous conviction, 672.36. *See
also* MENTAL DISORDER —
Criminal responsibility

SENTENCE — *Continued*
 Health of accused, 718.2(a)(i)
 House confinement. *See* Conditional sentence of imprisonment, *supra*;
 Probation, *infra*
 Imprisonment, CH 9, 12. *See also* PAROLE; PRISONS
 alternative sanctions to be considered, 718.2(e)
 commencement, 719(3)-(5)
 conditional sentence. *See* Conditional sentence of imprisonment, *supra*
 consecutive terms —
 available, when, 718.3(4)
 subject to young offender disposition, where, 743.5(2)
 totality principle, 718.2(b)(c)
 curative treatment instead. *See* Discharges, *supra*
 default in payment of fine, etc. —
 effect of imprisonment, 734.7(4), 737(6)
 fine imposed in lieu of imprisonment, where, 734(3), 787(2), 737(6), 787(2)
 imprisonment for default, 734(4), (5), 734.7(4), 734.8(2), 737(6)
 penalty defined, 734.8
 reduction of term on part payment, 734(5), 734.8
 summary conviction general power, 787(2)
 term where not specified, 718.3(3)
 time prior to committal does not count, 719(5)
 delivery of accused to keeper, 744, Form 43
 dual status offenders. *See* MENTAL DISORDER
 indeterminate term —
 dangerous offender, 753
 intermittent sentence of imprisonment, 732
 last resort principle re imprisonment, 718.2(e)

SENTENCE — *Continued*
 Imprisonment — *Continued*
 legality, detention on inquiry to determine legality of imprisonment, 775
 life imprisonment —
 first degree murder, 745(a), 745.1
 general, 745(c)
 high treason, 745(a)
 parole. *See* PAROLE
 penitentiary, 743.1
 second degree murder, 745(b), (c), 745.1
 murder, young persons, 745.1, 745.3, 745.5
 pardon by royal mercy, 748(1)
 parole. *See* PAROLE
 penitentiary —
 definition, 743.1(6)
 escape prison, 149
 life imprisonment, 743.1
 report by court to Correctional Service, 743.2
 term to be served in, 743.1
 transfer to, 743.1(5)
 period where unlawfully at large not to count, 719(2)
 place where term to be served —
 less than two years, 743.1(3)
 life or more than two years, 743.1(1)
 subsequent sentence to penitentiary, 743.1(4)
 transfer to penitentiary, 743.1(5)
 pre-trial custody, 719(3)
 proportionality principle, 718.1
 provincial prison —
 term to be served in, 743.1(3)
 transfer to penitentiary from, 743.1(5)
 recognizance, default upon, imprisonment of surety, 773, Form 27
 reduction for part payment of fine, 734.8

SENTENCE — *Continued*Imprisonment — *Continued*

service of term in accordance with prison rules, 743.3
 surety, imprisonment for default on recognizance, 773(3), (4), Form 27
 time unlawfully at large excluded from term of imprisonment, 719(2)
 warrant of committal. *See* WARRANTS
 where no punishment provided, 743
 Young Offenders Act and Youth Criminal Justice Act dispositions and sentence under other Act, 743.5
 young person, 743.4
 Ineligibility for parole, 745.4. *See* PAROLE — Ineligibility for parole
 Intermittent sentence, 732
 Last resort principle, imprisonment, 718.2(e)
 Least restrictive sanction required, 718.2(d)
 Lesser punishment, benefit of, CH 11(i)
 Life imprisonment. *See* Imprisonment, *supra*
 Long-term offender. *See* LONG-TERM OFFENDERS
 Long-term supervision. *See* DANGEROUS OFFENDERS; LONG-TERM OFFENDERS
 Mandatory prohibition order. *See* Prohibition orders, *infra*
 Mental or physical disability, 718.2(a)(i)
 Minimum, none unless so declared, 718.3(2)
 Mitigating and aggravating factors —
 abuse of spouse, 718.2(a)(ii)
 age, bias motive, 718.2(a)(i)
 child abuse, 718.01, 718.2(a)(ii.1)
 criminal harassment, 264(4), (5)

SENTENCE — *Continued*

Mitigating and aggravating factors

— *Continued*
 drugs, CD 10(2), (3)
 ethnic or national origin, 718.2(a)(i)
 false prospectus, 380.1
 fraud, 380.1
 home invasion, 348.1
 insider trading, 380.1
 mental or physical disability, 718.2(a)(i)
 nationality, motive, 718.2(a)(i)
 other similar factors, 718.2(a)(i)
 profit, intent to make from child pornography, 163.1(4.3)
 race, bias motive, 718.2(a)(i)
 sex, bias motive, 718.2(a)(i)
 sexual orientation, 718.2(a)(i)
 stock manipulation, 380.1
 terrorism, 718.2(a)(v)
 National or ethnic origin, bias, motive, 718.2(a)(i)
 Objectives of sentencing. *See* Principles of sentencing, *infra*
 Offences outside Canada, 6(2)
 Offences under more than one Act, 12
 Other offences to be taken into account, 725
 Other statutory principles of sentencing, 718.2
 Pardon. *See* PARDON
 Parole. *See* PAROLE
 Peace bond, 810
 Plea affecting sentence re defamatory libel, 612(3)
 Possession of incendiary material, 436.1. *See also* ARSON
 Pre-sentence report. *See also* Probation, *infra*
 content, 721(3), (4)
 court may order, 721(1)
 copies to be provided by clerk, 722.1
 dispute as to facts, 724(3)(b)
 provincial regulations, 721(2)
 report by probation officer, 721

SENTENCE — *Continued*
 Pre-trial custody, 719(3)
 Preventive detention. *See*
 DANGEROUS OFFENDERS;
 LONG-TERM OFFENDERS
 Previous convictions. *See also*
 Greater punishment by reason of
 previous convictions, *supra*
 convictions may be proved if not
 admitted, 727(2)
 corporation, 727(4)
 ex parte trial, 727(3)
 increased punishment, notice
 required, 727(1)
 mandatory punishment for second
 murder conviction, 745(b)
 proof of previous convictions, 667
 Principles of sentencing, 718-718.21
 aboriginal offenders, 718.2(e)
 aggravating and mitigating factors
 affecting. *See* Mitigating and
 aggravating factors, *supra*
 consecutive sentences not to be
 unduly long or harsh, 718.2(c)
 disparity, 718.2(b)
 fundamental principle of
 sentencing, 718.1
 fundamental purpose of
 sentencing, 718
 last resort principle re
 imprisonment, 718.2(e)
 less restrictive sanctions to be used
 if appropriate, 718.2(d)
 objectives of sentencing —
 denunciation, 718(a)
 deterrence, 718(b)
 promote sense of responsibility,
 718(f)
 rehabilitation, 718(d)
 reparations, 718(e)
 separation of offenders, 718(c)
 organization, 718.21
 proportionality principle, 718.1
 restraint principle, 718.2(d)
 sentence justified by any count,
 728
 similar sentences for similar
 offenders and offences, 718.2(b)

SENTENCE — *Continued*
 Principles of sentencing —
Continued
 statutory objectives of sentencing,
 718
 statutory principles of sentencing,
 718-718.2
 totality, 718.2(c)
 Probation —
 breach of order of probation,
 733.1
 discharge, after, 730(4). *See also*
 Discharges, *supra*
 proof of certificate of analyst re
 drugs, 729
 compulsory conditions of
 probation order, 732.1(2)
 court, defined, 716
 definitions, 732.1(1)
 firearms prohibition, 731,1
 intermittent sentence, probation
 order required, 732
 making of probation order, 731
 modification of probation order —
 compelling appearance of
 accused for, 732.2(6)
 conviction for offence, after,
 732.2(5)
 offence committed during
 probation —
 compelling appearance of
 person bound by probation,
 732.2(6)
 discharge may be revoked,
 730(4). *See also* Discharges,
supra
 revoking probation and
 imposing sentence, 732.2(5)
 optional conditions of probation
 order, 732.1(3), (3.1), (3.2)
 order of probation, 731
 breach of, 733.1
 changes to probation order,
 732.2(3), (4)
 coming into force, 732.2
 compulsory conditions,
 732.1(2)
 conditions of, 732.1(2), (3)

SENTENCE — *Continued*

Probation — *Continued*

order of probation — *Continued*
 continuation following
 conviction of offence,
 732.2(2)
 court unable to act, procedure,
 733(2)
 duration of order, 732.2
 form and period of order,
 732.1(4), Form 46
 judge may act in chambers re
 changes to order, 732.2(4)
 maximum duration, three years
 after coming into force,
 732.2(2)(b)
 optional conditions, 732.1(3),
 (3.1), (3.2)
 procedure on making order,
 732.1(5)
 required with intermittent
 sentence, 732
 sentence not exceeding two
 years, after, 731(1)(b)
 suspending sentence, after,
 731(1)(a)
 transfer to other territorial
 division, 733
 organization, 732.1(3.1), (3.2)
 pre-sentence report by probation
 officer, 721(1)
 probation officer, report by,
 721(1)
 release following suspended
 sentence, 731(1)(a)
 young persons. *See also* YOUTH
 CRIMINAL JUSTICE ACT
 probation, YC 42(2)(k), 55
 remaining portion of
 disposition ordered
 transferred when sentenced,
 743.5(1)

Procedure —

reasons for sentence, 726.2
 sentencing hearing —
 analyst's certificate admissible,
 729

SENTENCE — *Continued*

Procedure — *Continued*

sentencing hearing — *Continued*
 begin as soon as practicable,
 720
 compelling appearance, 723(4)
 disputed facts, 724(3)
 duty to consider all relevant
 information, 726.1
 evidence, 723(2), (3), (4), (5),
 724
 facts proved during trial,
 724(1), (2)
 fines, procedure of making fine
 order, 734.2
 greater punishment by reason
 of previous convictions. *See*
 Greater punishment by
 reason of previous
 convictions, *supra*
 hearsay evidence admissible,
 723(5)
 information accepted, 724(1)
 jury trial, facts to be accepted as
 proved, 724(2)
 offender may speak to sentence,
 726
 other offences to be taken into
 account, 725
 probation, proceedings on
 making order, 732.1(5)
 sentencing proceedings to begin
 as soon as practicable, 720
 submissions, 668, 723, 726,
 726.1
 victim impact statement, 722,
 722.1
 Prohibition orders. *See also*
 PROHIBITION ORDERS
 contact with children, 161,
 810.1(3)
 custody of animal or bird, 446
 driving prohibition, 320.24
 firearms prohibition, 100,
 810(3.1), 810.01(5), 810.2(5)
 prohibited locations re sex
 offenders, 161
 offence, 161(4)

- SENTENCE — *Continued*
- Prohibition orders — *Continued*
- young person, firearms
- prohibition order, YC 51, 52
- Prohibition re prohibited locations
- re sex offenders. *See* Prohibition orders, *supra*
- Proportionality principle, 718.1
- Punishment not specially provided, 743
- Punitive damages for interception offences, 194. *See also*
- INTERCEPTION OF PRIVATE COMMUNICATIONS
- Purpose of sentencing, 718
- Race, bias motive, 718.2(a)(i)
- Reasons for sentence, 264(5), 726.2, CD 10(3)
- Release pending sentence, guilty plea, 518(2)
- Remission of pecuniary penalty, fine, forfeiture by Governor in Council, 748.1
- Remnant to be served re term for escape, 149
- Responsibility of offender, 718.1
- Restitution orders —
- application, 738, 741
- civil remedy not affected, 741.2
- enforcement of orders of
- restitution, 741, 741.1, 741.2
- fine, forfeiture in addition,
- priority, 740
- moneys found on offender, 734(6), 741(2)
- notice of restitution orders to
- persons awarded, 741.1
- persons acting in good faith, 739, 741
- priority of restitution over fine, forfeiture, 740
- property obtained by crime, 491.1
- regulations power re precluding enforcement of restitution orders, 738(2)
- victims of offences, 738
- Restraint principle re less restrictive sanctions, 718.2(d)
- SENTENCE — *Continued*
- Sentence —
- defined, 673
- not specifically provided, where, 743
- proceedings to begin as soon as practicable, 720
- Sentence hearing. *See* Procedure, *supra*
- Sentence justified by any count, 728
- Service of sentence in accordance with prison rules, 743.3
- Sex offenders, prohibition re prohibited locations, 161. *See also*
- SEXUAL OFFENCES
- Similar sentences for similar offenders and offences, 718.2(b). *See also* Principles of sentencing, *supra*
- Statutory objectives of sentencing, 718
- Statutory principles of sentencing. *See also* Principles of sentencing, *supra*
- aggravating and mitigating factors
- affecting sentence, 718.2(a)
- consecutive sentences not to be unduly long or harsh, 718.2(c)
- fundamental principle of sentencing, 718.1
- fundamental purpose of sentencing, 718
- last resort principle re imprisonment, 718.2(e)
- less restrictive sanctions to be used if appropriate, 718.2(d)
- other sentencing principles, 718.2
- proportionality principle, 718.1
- restraint principle, 718.2(d)
- similar offences for similar offenders and offences, 718.2(b)
- Submissions, speaking to sentence, 668, 723, 726, 726.1
- Suspended sentence, 731(1)(a). *See also* Probation, *supra*
- Taking other offences into account, 725
- outstanding charges, 725(1)(b)

SENTENCE — *Continued*

Time in custody, 719(3)
 Trial without jury, 570
 Verdict of not criminally responsible
 on account of mental disorder,
 relevance to dispositions on other
 offences, 672.35. *See also*
 MENTAL DISORDER —
 Criminal responsibility
 Victims —
 definition, 722(4)
 fine surcharge, 737
 other evidence concerning victim,
 722(3)
 restitution, 738-741.2
 victim impact statement, 722,
 722.1
 copies provided by clerk, 722.1
 War crimes, WC 15
 Warrant of committal on conviction,
 570(5), (6), 806(2), (3)
 warrant of committal, execution
 by peace officer, 744
 Where none specially provided, 743
 Young persons. *See also* YOUTH
 CRIMINAL JUSTICE ACT
 murder, 745.1, 745.3, 745.5; YC
 42(2)(q)

SEQUESTERING JURY, 647

SERVICE. *See* AFFIDAVITS;
 CERTIFICATES; NOTICE;
 SOLEMN DECLARATIONS

SETTING FIRE. *See* ARSON

SETTING TRAP
 Cause bodily harm, to, 247

SEVERANCE OF COUNTS. *See*
 CASE MANAGEMENT;
 INDICTMENTS AND
 INFORMATIONS — Joinder
 and severance

SEX OFFENDER
 INFORMATION

Appeal —

SEX OFFENDER

INFORMATION — *Continued*

Appeal — *Continued*

 exemption order, 490.024,
 490.025, 490.02906
 obligation to comply with Sex
 Offender Information
 Registration Act, 490.024
 order to comply with Sex
 Offender Information
 Registration Act, 490.014
 termination order —
 obligation to comply with Sex
 Offender Information
 Registration Act, 490.029,
 490.0291, 490.02914
 order to comply with Sex
 Offender Information
 Registration Act, 490.017
 Application to young persons,
 490.011(2)
 Definitions, 490.011(1)
 Disclosure of information in
 database, 490.03
 International Transfer of Offenders
 Act —
 failure to comply, 490.031
 notice to comply, 490.02915
 termination order —
 appeal, 490.02914
 application, 490.02912
 order, 490.02913
 Obligation to comply with Sex
 Offender Information
 Registration Act, 490.019
 appeal, 490.024
 date obligation begins, 490.022(1)
 duration of obligation,
 490.022(2)-(3)
 exemption order, 490.023
 appeal, 490.024
 notice where exemption order
 not granted, 490.025
 failure to comply, 490.031
 persons who may be served,
 490.02
 service of notice of, 490.021
 termination order, 490.027

- SEX OFFENDER INFORMATION — *Continued*
 Obligation to comply with Sex Offender Information Registration Act — *Continued*
 termination order — *Continued*
 appeal, 490.029
 application for, 490.026
 Offences, 490.031
 Offences committed outside Canada, 490.02901
 appeal, 490.02906
 date obligation begins, 490.02904(1)
 duration of obligation, 490.02904(2), (3)
 exemption order, 490.02905, 490.02906
 failure to comply, 490.031, 490.0312
 notice, 490.02902, 490.02903, 490.02907
 obligation to advise police service, 490.02911
 termination order —
 appeal, 490.0291
 application for, 490.02908, 490.02909
 Order to comply with Sex Offender Information Registration Act, 490.012
 appeal, 490.014
 date order begins, 490.013(1)
 duration of order, 490.013(2)-(5)
 failure to comply, 490.031
 notice, 490.018
 termination order, 490.016
 appeal, 490.017
 application for, 490.015
 Regulations, 490.032
- SEXUAL ACTIVITY. *See also*
 CHILD; INDECENCY;
 SEXUAL ASSAULT; SEXUAL OFFENCES
 Householder or occupier permitting, 170
- SEXUAL ACTIVITY — *Continued*
 Limitation on evidence of complainant's, 276, 278.93-278.97. *See also* CHARACTER AND CREDIBILITY —
 Complainant
 Parent or guardian procuring, 171
- SEXUAL ASSAULT. *See also*
 ASSAULT; SEXUAL OFFENCES
 Aggravated, 273
 Bodily harm defined, 2
 Causing bodily harm, 272(1)(c)
 Causing death while committing, 230, 231(5)(b)
 Compulsion by threats, no defence, 17
 Consent —
 belief in consent is not a defence, 273.2
 definition, 265(3), 273.1
 disabled complainant, of, 153.1(2)-(6)
 drunkenness causing mistaken belief in consent, 273.2(a)(i)
 failure to take reasonable steps to ascertain consent, 273.2(b)
 honest belief in consent, 265(4)
 mistake as to age, 150.1(4)
 no consent obtained, where, 273.1(2), (3)
 victim under 16, of, 150.1(1), (2)
 wilful blindness causing mistaken belief in consent, 273.2(a)(ii)
 Corroboration not required, 274
 Drunkenness, when no defence, 33.1
 Honest belief in consent, 265(4)
 Imprisonment, four-year minimum to 14 years or life, if firearm used, 272(2), 273(2)
 Internationally protected person outside Canada, 7(3)
 Intoxication, when no defence, 33.1
 Parties to offence, 272(1)(d)
 Prohibition re prohibited locations, 161
 offence, 161(4)

<p>SEXUAL ASSAULT — <i>Continued</i> Publication ban. <i>See</i> PUBLICATION BAN Punishment, 271. <i>See also</i> PAROLE; SENTENCE Recent complaint rules abrogated, 275 Reputation evidence not admissible, 277. <i>See also</i> CHARACTER AND CREDIBILITY; COMPLAINANT Self-induced intoxication, when no defence, 33.1 Serious personal injury offence, 752(b) Sexual conduct, restriction on questioning, 276. <i>See also</i> CHARACTER AND CREDIBILITY; COMPLAINANT Spouse may be charged, 278. <i>See</i> <i>also</i> SEXUAL OFFENCES Threats to third person, with, 272(1)(b) Trial — exclusion of public, 486 non-publication of complainant's name, 486.4. <i>See also</i> PUBLICATION BAN Weapon, with, 272(1)(a)</p> <p>SEXUAL EXPLOITATION, 153, 153.1. <i>See also</i> SEXUAL OFFENCES</p> <p>SEXUAL INTERCOURSE, 4(5). <i>See also</i> SEXUAL OFFENCES Complete, when, 4(5) Incest, 155</p> <p>SEXUAL INTERFERENCE, 151. <i>See also</i> SEXUAL OFFENCES No prosecution of child aged 12 pr 13, 150.1(3) Person under 16 years, 151</p>	<p>SEXUAL OFFENCES. <i>See also</i> SEX OFFENDER INFORMATION; SEXUAL ASSAULT Adultery, corrupting children, 172 Anal intercourse — exceptions, 159(2), (3) offence, 159(1) Bestiality, 160 Brother, definition re incest, 155(4). <i>See also</i> Incest, <i>infra</i> Child cannot be tried for certain offences, 150.1(3) Child pornography. <i>See</i> CHILD PORNOGRAPHY Children. <i>See</i> CHILD; YOUTH CRIMINAL JUSTICE ACT Common bawdy house. <i>See</i> COMMON BAWDY HOUSE; KEEPER Complainant. <i>See also</i> CHARACTER AND CREDIBILITY; COMPLAINANT character re sexual offences, 276, 278.93-278.97 complainant's other sexual activity, 276, 278.93-278.97 identity, protecting complainant's identity, 486.4 not a compellable witness at voir dire re sexual activity, 276, 278.93-278.97. <i>See also</i> COMPETENCE AND COMPELLABILITY sexual activity of complainant, 276, 278.93-278.97 sexual reputation not admissible re complainant's credibility, 276, 278.93-278.97. <i>See also</i> CHARACTER AND CREDIBILITY; COMPLAINANT videotaped complainant under 18, 715.1. <i>See also</i> COMPLAINANT; VIDEOTAPED EVIDENCE</p>
--	---

SEXUAL OFFENCES —

Continued

Consent —

belief in consent no defence, when,
273.2

complainant disabled, where,
153.1(2)-(6)

defence although complainant
under 16 years, 150.1(2)

definition for sexual offences,
273.1

honest belief in consent, 153.1(5),
(6), 265(4), 273.2

no defence where complainant
under 14 years, 150.1(1)

Corroboration not required, 274.
See also CORROBORATION

Corrupting children, 172

Corrupting morals, 163, 169. *See
also* OBSCENITY

Definitions —

guardian, 150. *See also*

GUARDIAN

public place, 150. *See also*

PUBLIC PLACE

sister, 155(4). *See also* Incest, *infra*

Disorderly house. *See* COMMON

BAWDY HOUSE;

DISORDERLY HOUSE;

KEEPER

Evidence, 150.1

Exclusion of the public from trial,
486

Exposure of genitals to child, 173(2)

Fear of sexual offence against child,
recognizance, 810.1, 811

Guardian, definition for sexual
offences, 150. *See also*

GUARDIAN

Householder or occupier permitting
sexual activity, 170

Immoral theatrical performance,
167, 169

In camera hearing re admissibility of
other sexual activity of
complainant, 278.94(1)

Incest, 155

SEXUAL OFFENCES —

*Continued*Incest — *Continued*

complainant under compulsion,
155(3)

corroboration not required, 274

sister, brother, defined, 155(4)

Indecency. *See also* INDECENCY

act of, 173(1)

assault. *See* Sexual assault, *infra*

exhibition, 175(1)(b)

exposure, 173(2)

telephone calls, 372(2)

Invitation to sexual touching by

person under 16, 152

Keeper, 210

Keeping common bawdy house, 210

Luring child, 172.1

arranging to commit child sexual
offence by telecommunication,
172.2

making sexually explicit material
available to child, 171.1

Mailing obscene matter, 168, 169

Mistake as to age re consent,

150.1(4), (5)

Nudity, 174

Obscenity, 163, 164, 169. *See also*
OBSCENITY

Parent or guardian procuring sexual
activity, 170. *See also* CHILD;

PARENT

Person with disability, 153.1

Personal information records, 278.1-
278.91. *See also* DISCLOSURE

AND DISCOVERY

Prohibition re prohibited locations

re sex offenders, 161

offence, 161(4)

Public place, definition, 150. *See also*
PUBLIC PLACE

Publication ban. *See also*

PUBLICATION BAN

identity of the complainant, non-
publication order, 486.4

publication of reports of judicial
proceedings, offence, 166, 169

SEXUAL OFFENCES —
Continued

Publication ban — *Continued*
sexual activity of complainant,
278.95
Rape, 271, 272, 273. *See also*
SEXUAL ASSAULT
Recent complaint rules abrogated,
275
Recognizance where sexual offence
feared, 810.1(3), 811, Form 32.
See also RECOGNIZANCE
Removal of child from Canada for
sexual purpose, 273.3
Reputation evidence, re sexual
offences, 277. *See also*
CHARACTER AND
CREDIBILITY;
COMPLAINANT
Sex offender information. *See* SEX
OFFENDER INFORMATION;
Sexual activity —
complainant, 276. *See also*
Complainant, *supra*;
COMPLAINANT
householder or occupier
permitting, 171
parent or guardian procuring, 170
sexual reputation not admissible
re complainant's credibility,
276(1). *See also* Complainant,
supra; CHARACTER AND
CREDIBILITY;
COMPLAINANT
Sexual assault, 271, 272, 273. *See*
also SEXUAL ASSAULT
Sexual conduct, contents of
application re questioning
complainant, 279.93(2). *See also*
CHARACTER AND
CREDIBILITY;
COMPLAINANT
Sexual exploitation, 153, 153.1
Sexual intercourse —
complete, when, 4(5)
incest, 155

SEXUAL OFFENCES —
Continued

Sexual interference —
no prosecution of child aged 12 or
13, 150.1(3)
person under 16 years, re, 151
Sexual touching —
invitation to person under 16
years, 152
no prosecution of child aged 12 or
13, 150.1(3)
Sister, definition re incest, 155(4).
See also Incest, *supra*
Spouse may be charged with sexual
offences, 278. *See also*
HUSBAND AND WIFE
Trust, sexual exploitation by person
in position of trust, 153. *See also*
TRUST
Videotaped complainant under 18,
715.1. *See also* VIDEOTAPED
EVIDENCE
SEXUAL SERVICES
Advertising, 286.4
Immunities in relation to, 286.5
Obtaining for consideration, 286.1
Procuring a person to provide, 286.3
Receiving material benefit from,
286.2
SEXUAL TOUCHING
Invitation to person under 16 years,
152
No prosecution of child aged 12 or
13, 150.1(3)
SHARES. *See* STOCKS, SHARES,
ETC.
SHERIFF
Peace officer, as, 2
Reading the Riot Act, 67. *See also*
RIOT
SHIPS
Arrest, search and seizure, 477.3. *See*
also JURISDICTION —
Territorial

- SHIPS — *Continued*
 Definition, 78.1(5)
 Endangering safety, 78.1(2)
 False communication endangering navigation, 78.1(3)
 Piratical acts re, 75
 Seizing control, 78.1(1)
 Threats causing death or injury, 78.1(4)
 Use of force by master to maintain discipline, 44
- SILENCE, CE 4, 5, CH 11(c), 13
- SIMILAR FACT EVIDENCE
 Sexual activity of complainant with others, 276
 Young persons, violent patterns evidence, in continuation in custody hearings, YC 98(4), 104(3). *See also* YOUTH CRIMINAL JUSTICE ACT
- SISTER
 Defined re incest, 155(4)
- SLUGS AND TOKENS
 Manufacture, possession, etc. for fraudulent purpose, 454
- SODOMY. *See* SEXUAL OFFENCES — Anal intercourse
- SOLEMN AFFIRMATION. *See* AFFIRMATION
- SOLEMN DECLARATIONS. *See also* AFFIDAVITS
 Administered abroad, CE 52-54
 Cross-examination upon, 4(7)
 Deprivation of property, proof of, 657.1
 Documents to be admitted in evidence, CE 54
 Form of, CE 41
 Insurance, proof of loss, CE 42
 Making solemn declaration, CE 41, 42, 53
 Oaths taken abroad, CE 53
 Ownership, proof of, 657.1
- SOLEMN DECLARATIONS — *Continued*
 Service, proof of, 4(6)
 Value of property, proof of, 657.1
- SOLICITOR GENERAL. *See* ATTORNEY GENERAL/SOLICITOR GENERAL
- SOVEREIGN. *See* QUEEN, THE
- SPACE STATION
 Attorney General of Canada may conduct proceedings, 7(2.32)
 Consent of Attorney General of Canada required, 7(2.33)
 Definitions, 7(2.34)
 Offence committed by Canadian crew member, 7(2.3)
 Offence committed by crew member of Partner State, 7(2.31)
- SPECIAL PLEAS, 607-612. *See also* PLEAS
 War crimes, WC 12(2)
- SPEEDY TRIAL. *See* ELECTIONS AND RE-ELECTIONS; INDICTABLE OFFENCES; TRIAL
- SPOUSE. *See also* HUSBAND AND WIFE; MARRIAGE
 Abuse of, constituting aggravating factor on sentencing, 718.2(a)(ii)
 Assisting escape, not accessory, 23(2)
 Competency and compellability as witness, CE 4
 Compulsion by spouse, no presumption, 18
 Duty to provide necessaries, 215
 May be charged with sexual assault, 278
 Theft, 329. *See also* THEFT
- SPREADING FALSE NEWS, 181
- STALKING. *See also* INTIMIDATION

STALKING — *Continued*
 Following person to intimidate,
 423(1)(c), (e)
 Harassment, criminal, 264
 Voyeurism, 162
 Watch and beset, 423(1)(f), (2)

STAMP
 Counterfeiting, 376(1)
 Deemed value as property, 4(1)
 Definition, 376(3)
 Property includes, 2

STATEMENTS. *See also*
 STATEMENTS OF THE
 ACCUSED
 Admissions. *See* ADMISSIONS
 Confessions. *See* STATEMENTS
 OF THE ACCUSED; YOUTH
 CRIMINAL JUSTICE ACT
 Definition re offences against
 administration of law and justice,
 118

Prior inconsistent statements. *See*
 PRIOR INCONSISTENT
 STATEMENTS
 Reading in evidence previously
 taken, 715

Statements of the accused. *See*
 STATEMENTS OF THE
 ACCUSED; YOUTH
 CRIMINAL JUSTICE ACT

STATEMENTS OF THE
 ACCUSED. *See also*
 ADMISSIONS;
 VOLUNTARINESS; YOUTH
 CRIMINAL JUSTICE ACT
 Admissible at preliminary inquiry,
 542(1)
 Admissions at trial, 655, YC 149.
See also ADMISSIONS;
 JUDICIAL PROCEEDINGS —
 Reading in
 Alternative measures, statements not
 admissible, 717(3), YC 10(4). *See*
also SENTENCE — Alternative
 measures

STATEMENTS OF THE
 ACCUSED — *Continued*
 Preliminary inquiry —
 statement after warning
 administered, 541(3)
 trial, use of statement, 657
 Protected statements. *See* MENTAL
 DISORDER
 Publication ban. *See also*
 PUBLICATION BAN;
 PUBLISHING
 confession or admission of
 accused given in evidence at
 preliminary inquiry, 542(2)
 portion of trial jury not present at,
 648
 Publishing or broadcasting
 admission or confession, 542(2)
 Reading in evidence previously
 taken. *See* JUDICIAL
 PROCEEDINGS — Reading in
 Ruling by case management judge
 551.3
 Torture, statement inadmissible,
 269.1(4)
 Trial, use of accused's statement
 given at preliminary inquiry, 657
 Voluntariness of young person's
 statement, YC 146
 Young persons. *See also* YOUTH
 CRIMINAL JUSTICE ACT
 statement made on assessment
 inadmissible, YC 147
 statement of accused, YC 146

STATUTES
 Canada Gazette —
 rules re Review Boards to be
 published in Canada Gazette,
 672.44(2). *See also* MENTAL
 DISORDER — Review Boards
 Disobeying statute, 126
 conspiracy, prosecutorial
 responsibility of Government of
 Canada, 126(2)
 offence and punishment, 126(1)

- STATUTES — *Continued*
 Indictment, counts referring to section, 581(5). *See also* INDICTMENTS AND INFORMATIONS — Sufficiency
 Judicial notice of statutory instruments and bylaws, 781(2). *See also* JUDICIAL NOTICE
 Presumption from violation of fire prevention laws, 436. *See also* ARSON
 Proceedings not to be quashed, dismissed or set aside for want of evidence of statutory instruments or by-laws, 781(1)
 Proclamations, proof of, CE 20-22
 Regulations re Review Boards, 672.44(3). *See also* MENTAL DISORDER — Review Boards
 Statutory declarations, 4(6), (7), CE 41, 42, 53, 54. *See also* SOLEMN DECLARATIONS
 Statutory instruments, 781(2)
- STATUTORY DECLARATION
 Form of, CE 41
- STATUTORY INSTRUMENTS.
See STATUTES
- STATUTORY INTERPRETATION. *See* INTERPRETATION ACT
- STAY OF PROCEEDINGS. *See also* INDICTMENTS AND INFORMATIONS
 Indictment, 579, 579.1
 Recommencement of proceedings, 579(2), 579.1, 795
 Summary conviction proceedings, 579, 579.1, 795
 Unfit accused, 672.851
- STAY PENDING APPEAL. *See also* APPEALS
 Fine, 683(5)(a)
 Forfeiture order, 683(5)(b)
- STAY PENDING APPEAL — *Continued*
 Offence-related property forfeiture order, 490.7
 Proceeds of crime forfeiture order, 462.45
 Restitution order, 683(5)(c)
- STEAL. *See also* ROBBERY; THEFT
 Definition, 2
- STOCKS, SHARES, ETC.
 Fraudulent activities, re —
 affecting market prices, 380(2)
 broker selling on own account, 384
 gaming, 383(1), (2)
 manipulation of exchange transactions, 382
 wash trading, 382
 Printing likeness of obligation or security, 457
 Sentencing, 380.1
- STOLEN GOODS. *See* POSSESSION; THEFT; TRAFFICKING IN STOLEN GOODS
- STOPPING BREATH
 Causing death in commission of offence, 246
- STRANGLING
 Attempt, to aid commission of offence, 246
- STUPEFYING DRUG
 Administering —
 aid, to, commission of offence, 246
 causing death in commission of offence, 230(b)
- SUBPOENA
 Contents of, 700(1)
 Duty of witness when served, 700(2)
 Effectiveness, territorial extent, 702

SUBPOENA — *Continued*

Electronically transmitted copy, 708.1
 Form, Form 16, 16.1
 Issuing, 698(1), 699
 Material witness warrant, where witness will not respond to, 698(2), (3), 703, 706, 707
 Personal information records, 278.3(5)
 Personal service required for witness out of province in certain proceedings, 701(2)
 Proof of service, 701(3)
 Service of, 509(2), 701
 Service of process on corporation, 703.2
 Warrant where witness fails to respond to, 705-708

SUFFICIENCY OF EVIDENCE, 548(1)(a). *See also* EVIDENCE; PRELIMINARY INQUIRY

SUFFICIENCY OF INDICTMENT. *See* INDICTMENTS AND INFORMATIONS — Sufficiency

SUFFOCATING
 Attempt, to aid commission of offence, 246

SUICIDE
 Counselling, aiding or abetting, 241

SUMMARY APPEAL. *See* SUMMARY CONVICTION APPEALS

SUMMARY CONVICTION APPEALS. *See also* SUMMARY CONVICTION PROCEEDINGS
 Adjournments, 601(5), 645(2), (3), 795, 824
 Appeal court, defined, 812
 Appeal to Court of Appeal — costs, 839(3)

SUMMARY CONVICTION

APPEALS — *Continued*
 Appeal to Court of Appeal — *Continued*
 decision of appeal court, from, 839(1)(a)
 enforcement of decision, 839(4)
 leave to appeal, 839(1), (1.1)
 provisions for appeals on indictment apply, 839(2)
 summary appeal on transcript, from, 839(1)(b)
 Appeal to summary conviction appeal court, 812-838
 adjournments, 824
 appeal by defendant, informant or Attorney General, 813
 application to fix date for hearing of appeal, 819
 costs, 826, 827
 definition of appeal court, 812
 dismissal for failure to appear or want of prosecution, 825
 enforcement of conviction or order by court of appeal, 828
 interim release of appellant, 816
 notice of appeal, 815
 notification and transmission of conviction, etc., 821
 payment of fine, not a waiver of appeal, 820
 place of hearing, sittings of courts in Territories and western provinces, 814
 remand for observation. *See* MENTAL DISORDER
 sections of Criminal Code applicable to appeals, 822
 summary appeal on transcript or agreed statement of facts, 829-838. *See also* Summary appeal on transcript or agreed statement of fact, *infra*
 undertaking or recognizance of prosecutor, 817, 818
 Clerk of appeal court defined, 785

SUMMARY CONVICTION
APPEALS — *Continued*

Costs —
certificate of non-payment,
827(2), Form 42
Court of Appeal, 826
default in payment, committal,
827(3)
payable to whom and when,
827(1)
power to award, 826
Criminal responsibility. *See*
MENTAL DISORDER —
Appeals
Discharges, appeals from, 730(3)(a).
See also SENTENCE —
Discharges
Dismissal of appeal —
breach of recognizance or
undertaking, 825(a)
no dismissal for failure to comply
by other than appellant, 821(2)
want of prosecution, 825(b)
Enforcement for conviction or
order, 828
Fitness to stand trial. *See* MENTAL
DISORDER — Appeals
Hearing of appeal —
application to fix date for person
in custody, 819(1)
order fixing date, 819(2)
Insanity. *See* MENTAL
DISORDER — Appeals
Mental disorder. *See* MENTAL
DISORDER — Appeals
New trial ordered —
release or detention of appellant,
order for, 822(3)
which court to hold new trial,
822(2)
Notice of appeal —
according to rules of court, 815(1)
extension of time for, 815(2)
Notification of appeal by clerk to
trial court, 821(1)
Place of hearing —
Alberta, 814(1)
British Columbia, 814(3)

SUMMARY CONVICTION
APPEALS — *Continued*

Place of hearing — *Continued*
Manitoba, 814(1)
Northwest Territories, 814(4)
Nunavut, 814(4)
Saskatchewan, 814(2)
Yukon Territory, 814(4)
Powers of the court, 822(1)
Presumption against appeal unless
contrary shown, 820(2)
Pre-trial hearing, 625.1
Recognizance by prosecutor —
conditions of, 817
Form 32
review of s. 817 order, 818
Release from custody pending
appeal —
arrest of accused, 816(2)
form of discharge, Form 39
interim release, 816(1)
Supreme Court of Canada, to,
679(8)
Remand for observation. *See*
MENTAL DISORDER
Right of appeal —
Attorney General or agent, 813(b)
defendant, 813(a)
informant, 813(b)
payment of fine, not waiver of
right, 820(1)
Summary appeal on transcript or
agreed statement of fact —
appeal court defined, 829
appeal, statute barred, 837
appeal to appeal court precluded
by, 836. *See also* Appeal to
Court of Appeal, *supra*
dismissal, 831
enforcement, 835
expediting, appellant in custody,
831
extension of time, 838
final order, 834
form of appeal, transcript or agreed
statement of facts, 830(2)
grounds for appeal, 830(1)

SUMMARY CONVICTION APPEALS — *Continued*
 Summary appeal on transcript or agreed statement of fact — *Continued*
 no writ required to remove judgment, etc., 833
 only parties or Attorney General may appeal, 830(1)
 powers of appeal court, 834
 procedure, 830(3), 831
 recognizance by prosecutor, 831
 release from custody pending appeal, 831
 right of appeal, 830(1), (4)
 rules of court, 830(3)
 undertaking or recognizance, 832
 Transcript of evidence, furnishing to appeal court, 821(3)
 Transmission of conviction, order, etc., 821(1)
 Trial de novo —
 defect in —
 conviction or order, 822(7)(b)
 process, 822(7)(a)
 order to hold trial de novo, 822(4)
 reading in of trial evidence, 822(5)
 sentence appeal, powers of court, 822(6)
 Undertaking or recognizance by prosecutor —
 Attorney General, 832(2)
 conditions, 817(1)
 Form 14
 review of s. 817 order, 818
SUMMARY CONVICTION PROCEEDINGS. *See also* **INDICTMENTS AND INFORMATIONS; SUMMARY CONVICTION APPEALS; TRIAL**
 Accessory after the fact to a summary conviction offence, punishment, 463(c), (d)
 Adjournment of trial, 601(5), 645(2), (3), 795, 803

SUMMARY CONVICTION PROCEEDINGS — *Continued*
 Adjudication, 804
 Appeals. *See* **SUMMARY CONVICTION APPEALS**
 Appearance —
 both parties, trial to proceed, by, 800(1)
 compelling personal appearance, 800(2)
 corporate defendant, by, 800(3)
 counsel or agent, by, 800(1)
 ex parte procedure, 803(2), (3)
 failure to appear, 803(2)-(4)
 organization, by, 800(3)
 prosecutor, failure to appear, by, 799, 803(4)
 Arraignment and plea, 801(1), (2).
 See also **TRIAL** — Arraignment and plea
 Attempt to commit summary conviction offence, punishment, 463(c), (d). *See also* **ATTEMPTS; SENTENCE**
 Attorney General. *See* **ATTORNEY GENERAL/SOLICITOR GENERAL**
 Burden of proof re exceptions, 794(2)
 Commencement of proceedings —
 information, by, 788(1)
 limitation period, 786(2)
 Conspiracy to commit summary conviction offence is itself a summary conviction offence, 465(1)(d)
 Conviction. *See also* **CONVICTIONS**
 form of, Form 35
 memorandum of, 806(1)
 plea of guilty, after, 801(2)
 warrant of committal upon, 806(2), (3), Form 21
 Costs, 809, 840. *See also* **COSTS**
 Counselling summary conviction offence that is not committed, 464(b)

- SUMMARY CONVICTION
PROCEEDINGS — *Continued*
- Dismissal of information, order of —
certified copy, bar to subsequent proceedings, 808(2)
request of defendant, at, 808(1)
- Evidence —
reading in evidence previously taken, 715. *See also* JUDICIAL PROCEEDINGS — Reading in
taking evidence, 801(3)
- Ex parte procedure, 803(2)
- Fees and allowances, 840 and Schedule
- Fitness to stand trial. *See* MENTAL DISORDER
- Information. *See also* INDICTMENTS AND INFORMATIONS
- amendment, 601
- commencement of proceedings by, 788(1)
- defined, 785
- dismissal of, 808
- exceptions, proof of, 794
- form, Form 2
- formalities, 789(1)
- may charge several offences, 789(1)
- no reference to previous convictions, 789(2)
- objection to defect on fact, motion to quash, 795
- one justice, powers, 788(2)
- Intervention by Attorney General of Canada, 579.1, 795. *See also* ATTORNEY GENERAL/SOLICITOR GENERAL
- Jurisdiction. *See also* JURISDICTION
- territorial, 477.3(2)
- trial jurisdiction, 798
- Limitation period re institution of proceedings, 786(2)
- Memorandum of conviction or order, 806
- SUMMARY CONVICTION
PROCEEDINGS — *Continued*
- Mental disorder. *See* MENTAL DISORDER
- Mentally ill accused, remand for observation, 672.11. *See also* MENTAL DISORDER — Criminal responsibility; Disposition hearings; Fitness to stand trial
- No need to negate exceptions, 794(2)
- Order against defendant —
form, Form 36
memorandum of, 806(1)
plea of guilty, after, 801(2)
warrant of committal, 806(2), Form 22
- Order defined, 785
- Penalty. *See* Sentence, *infra*
- Powers of justices —
any justice may act before or after trial, 790(1)
one may act before trial, 788(2)
two or more having jurisdiction, 790(2)
- Procedure. *See* Trial, *infra*
- Proceedings, defined, 785
- Prosecutor. *See also* PROSECUTOR
- definition, 785
- failing to appear, powers of court, 799
- Punishment. *See* Sentence, *infra*
- Sentence. *See also* SENTENCE
- accessory after the fact, 463(c), (d)
- attempt to commit, 463(c), (d)
- counselling offence that is not committed, 464(b)
- general penalty, 787
- joint offenders, 807
- organization, 731(3.1), (3.2), 735
- sentence defined, 785
- Stay of proceedings and recommencement, 579, 579.1(2), 795
- Summary conviction court —
definition, 785

SUMMARY CONVICTION**PROCEEDINGS — Continued**

Summary conviction court —
Continued

jurisdiction, 798
power to award costs, 809(1). *See also* Costs, *supra*; COSTS
Summons. *See* SUMMONS
Trial. *See also* TRIAL
adjournments, 601(5), 645(2), (3), 795, 803
adjudication by court, 804
appearance by. *See also* non-appearance of, *infra*
both parties, trial to proceed, 800(1)
corporate defendant, 800(3)
counsel or agent, 800(1)
prosecutor, 799, 803(4)
arraignment and plea, 801. *See also* TRIAL — Arraignment and plea
compelling personal appearance, 800(2)
definition, 785
evidence, taking of, 801(3)
ex parte procedure, 803(2), (3)
examination of witnesses, 802(2), (3)
failure to appear, 803(2)-(4)
fitness to stand trial. *See* MENTAL DISORDER
full answer and defence, 802(1). *See also* FULL ANSWER AND DEFENCE
jurisdiction of court, 798
mentally ill accused. *See* MENTAL DISORDER
non-appearance of. *See also* appearance by, *supra*
defendant, 803(2), (3)
prosecutor, 799, 803(4)
remand for observation. *See* MENTAL DISORDER
Warrant. *See also* ARREST; SEARCH AND SEIZURE
warrant of committal on conviction or order, 806

SUMMARY CONVICTION**PROCEEDINGS — Continued**

Witnesses. *See* WITNESSES

SUMMONS

Contents, 509(1), (4), (5)
Continuation pending granting of discharge, 730(2). *See also* SENTENCE — Discharges
Definition, 493
Effectiveness throughout Canada, 703.1
Electronically transmitted copy, 708.1
Failure to appear, 145(4), (8)-(11), 510, 803(2), (3)
Form of, Form 6
Issuing —
indictment presented, after, 578(1)(a), (2)
justice on information, by, 507(1)(b), (2), (4)
power of single justice, 788(2)
valid on holiday, 20
Period in force, 523(1)
Right to counsel statement to be included in appearance process for young persons, YC 25(9). *See also* RIGHT TO COUNSEL
Service —
corporation, on, 703.2
laws of province, in accordance with, 701.1
peace officer, proof of, by, 509(2), (3)
Signing in blank prohibited, 507(5)
SUNDAY
Taking verdict on, 654
Validity of Acts on a holiday, 20
SUPERIOR COURT OF CRIMINAL JURISDICTION
Definition, 2
Exclusive jurisdiction for certain offences, 469
Jurisdiction in indictable offences, 468

- SUPERIOR COURT OF
CRIMINAL JURISDICTION —
Continued
Jurisdiction over person, 470
Power to make rules, 482(1), (3)-(5)
- SUPPORT PERSON, 486.1
- SUPREMACY CLAUSE, CH 52.
See also CHARTER OF
RIGHTS
- SUPREME COURT OF
CANADA. *See also* APPEALS
Appeals to, in habeas corpus
proceedings, 784(3), (5)
Appeals to, in indictable matters —
abandonment, when deemed, 695
appellant's right to attend, 694.2
assignment of counsel, 694.1
notice of appeal, 694
powers of court of appeal, 695(1)
question of law, 691
right of appeal by accused, where
—
acquittal of co-accused set
aside, 691(2)(b)
acquittal set aside, 691(2)(a)
conviction sustained, 691(1)
verdict of not criminally
responsible on account of
mental disorder affirmed,
692(1). *See also* MENTAL
DISORDER
right of appeal by Crown, 693
Release pending appeal to, 679
- SURCHARGE
Victim fine surcharge, 737. *See also*
SENTENCE
- SURETIES. *See*
RECOGNIZANCE
- SURETIES TO KEEP THE
PEACE, 810. *See also* PEACE
BOND; THREATENING
Breach of recognizance, 811
- SURETIES TO KEEP THE
PEACE — *Continued*
Recognizance, 810(3). *See also*
RECOGNIZANCE
Weapons prohibition, 810(3.1)
- SURGICAL TREATMENT
Duty as to knowledge and skill, 216
Protection of surgeon where
operation reasonable, 45
- SUSPENDED SENTENCE,
731(1)(a). *See also* SENTENCE
— Probation
- TEACHER
Correction of child by force, 43
- TELECOMMUNICATION
Definition, 326(2)
Service or facility —
forfeiture order, 327(2), (3)
possession, etc., of device to
obtain use of, 327(1)
Theft of, 326(1)
- TELEPHONE CALLS. *See also*
INTERCEPTION OF PRIVATE
COMMUNICATIONS
False messages, 372(1)
Harassing, 372(3)
Indecent, 372(2)
Number recorder warrant, 492.2
- TELEWARRANTS. *See* SEARCH
AND SEIZURE; WARRANTS
- TERRITORIAL DIVISION. *See*
also JURISDICTION —
Territorial
Definition, 2
- TERRITORIAL JURISDICTION.
See also JURISDICTION —
Territorial
Arrest, search or seizure, and other
powers, 477.3

TERRITORIAL JURISDICTION
— *Continued*

Breach of probation, 733.1(2). *See also* BREACH OF PROBATION;
SENTENCE—Probation
Consent of Attorney General for offences committed at sea, 477.2, 477.3(2)
Credit card offences, 342(2)
Defamatory libel, 478(2), (5)
Fishing zones, 477.1
Offence —
aircraft in flight, in, 476(d)
between territorial divisions, 476(a), (b)
committed entirely in province, 478(1)
continental shelf, in, above or beyond, 477.1
elsewhere in province, 479
mail being delivered, 476(e)
not in a province, 481
outside Canada, jurisdiction for commencing prosecution, 477.4(1)
unorganized territory, in, 480
vehicle or vessel, in, 476(c)
Ships, 477-477.4
Space station, 7(2.3)-(2.34)
Terrorism, 7(3.73)-(3.75)
Transfer of charges, 478, 479
Unorganized territory, 480
Warrant of arrest, 703. *See also* ARREST—Warrants

TERRITORIES. *See* NORTHWEST TERRITORIES; NUNAVUT; YUKON TERRITORY

TERRORISM

Attorney General of Canada may conduct prosecution, 83.25
Bail hearing, special conditions, 515(4.1)-(4.3)
Consent of Attorney General —
investigative hearing, 83.28(3)

TERRORISM — *Continued*

Consent of Attorney General —
Continued
prosecution of breach of freezing provisions, 83.24
prosecution of terrorism offences, 83.24
recognizance, 83.3(1), 810.011(1)
Consent of Attorney General of Canada —
offence committed outside Canada by non-citizen, where, 7(7)
Definitions —
Canadian, 83.01(1)
entity, 83.01(1)
listed entity, 83.01(1), 83.05
terrorism offence, 2
terrorist activity, 83.01(1)
saving for mere expression, 83.01(1.1)
terrorist group, 83.01(1)
Financing offences —
Attorney General's consent to prosecution required, 83.24
providing property for carrying out —
intimidation of public etc., 83.02(b)
terrorist activity, 83.02(a)
providing property for terrorist purposes, 83.03
using property for terrorist purposes, 83.04
First degree murder, 231(6.01)
Forfeiture of property, 83.14, 83.15-83.17. *See also* OFFENCE-RELATED PROPERTY; PROCEEDS OF CRIME
Freezing property. *See also* OFFENCE-RELATED PROPERTY; PROCEEDS OF CRIME
dealing in property of terrorist group prohibited, 83.08, 83.12
disclosure of property of terrorist group, 83.1, 83.11, 83.12

- TERRORISM — *Continued***
 Freezing property — *Continued*
 Solicitor General may exempt person, 83.09
 Hoax, 83.231
 Interception of private communications, 183
 special provisions, 185(1.1), 186(1.1), 186.1, 196
 Investigative hearing, 83.28
 annual report, 83.31
 arrest warrant may issue, 83.29
 consent of Attorney General, 83.28(3)
 sunset clause, 83.32
 transition provision, 83.33
 Listed entities —
 application for removal from list, 83.05(2)-(8)
 admission of confidential foreign information, 83.06
 certificate that not listed entity, 83.07
 defined, 83.01(1)
 Governor in Council may establish list, 83.05
 Solicitor General shall review list, 83.05(9)-(10)
 Offence committed outside Canada, 7(3.73)-(3.75)
 Placing explosives, 431.2
 Prosecution by Attorney General of Canada, 2
 Recognizance, 83.3, 810.011
 annual report, 83.31
 consent of Attorney General, 83.3(1), 810.01(1)
 sunset clause, 83.32
 transition provision, 83.33
 Sentencing —
 deemed aggravated factor, 718.2(a)(v)
 increased punishment where terrorist activity, 83.27
 sentences to be served consecutively, 83.26
 Seizure of propaganda, 83.222
- TERRORISM — *Continued***
 Seizure of propaganda — *Continued*
 deletion from computer system, 83.223
 Seizure of property, 83.13, 83.15, 83.16
 Territorial jurisdiction, 7(3.73)-(3.75)
 Terrorist offences —
 advocating terrorism offences in general, 83.221
 Attorney General's consent to prosecution required, 83.24
 committing offence for terrorist group, 83.2
 facilitating terrorist activity, 83.19
 harbouring terrorist, 83.23
 instructing activity for terrorist group, 83.21
 instructing terrorist activity, 83.22
 participation in activity of terrorist group, 83.18
 Terrorist propaganda, 83.222, 83.223
 Witnesses —
 ban on publication of identity, 486.5
 protection of, 486.2
 testifying outside court room, 486.2
- TESTAMENTARY INSTRUMENT. *See also* DOCUMENTS**
 Definition, 2
 Destruction, cancellation, etc., 340
 Obtaining by false pretence, 362(2)(a)
 Theft of, exception from absolute jurisdiction of provincial court judge, 553(a)
- THEATRE**
 Definition, 150
 Obscene performance, 167, 169
- THEFT, 322-334**
 Automobile, 333.1

THEFT — *Continued*

By —
 bailee, things under lawful seizure, 324
 person having official property, or from, 328
 person holding power of attorney, 331
 person required to account, 330
 representative of organization, 328(e)
 Cattle, 338(2)-(4)
 Conversion —
 constitutes theft, 322(1), (3)
 theft by conversion, 330-332
 trustee, by, 336
 Credit card, 321, 342
 Defences. *See also* DEFENCES
 colour of right, 322(1)
 Definition of theft, 322
 Entry in accounts negating theft, 330(2)
 Identity, of, 402.1, 402.2
 Importing property obtained by theft, 357
 Mail, theft from, 356
 Misappropriation of funds held under direction, 332
 Motor vehicle, 333.1
 Ore specimen, when taking not theft, 333
 Ownership, for purposes of indictment wordings, 588. *See also* INDICTMENTS AND INFORMATIONS—Sufficiency; OWNERSHIP
 Pledging by agent, when not theft, 325
 Possession of stolen goods. *See* POSSESSION
 Presumption re valuable mineral, 656
 Punishment, 334
 Steal, defined, 2
 Telecommunication service, 326. *See also* TELECOMMUNICATION
 Theft by failure to account, 330(1)

THERAPEUTIC ABORTION. *See* PROCURING MISCARRIAGE

THREATENING. *See also* THREATS

Breach of recognizance offence, 811
 Fear of sexual offence against child, 810.1, 811. *See also* FEAR OF SEXUAL OFFENCE AGAINST CHILD
 Laying information, 810(1)
 Orders that may be made, 810(2)
 Parties to appear, 810(2)
 Recognizance, 810(3)
 Sureties to keep the peace, 810(3)

THREATS. *See also* THREATENING

Compulsion to commit offence, when a defence, 17
 Extortion, 346
 Internationally protected person, against, 424
 Intimidation by, 423(1)(b)
 Uttering threats, 264.1

THREE-CARD MONTE
 Definition, 206(3)
 Offences re, 206(1)(g)-(j)

TIMBER. *See* LUMBER

TIME CLOCK
 Punching with intent to deceive, 398

TITLE. *See also* DOCUMENTS; DOCUMENTS OF TITLE
 Document of, fraudulent concealment, 385
 Fraudulent registration, 386

TOBACCO
 Unauthorized sale, 121.1

TORTURE
 Act being ordered no defence, 269.1(3)
 Definition, 269.1(1)
 Punishment, 269.1(1)

- TORTURE — *Continued*
 Statements obtained by,
 inadmissible, 269.1(4)
- TRACKING WARRANT, 492.1.
See also SEARCH AND
 SEIZURE
- TRADE MARK
 Defacing mark, 410(a)
 Forgery. *See* FORGERY
 Punishment and forfeiture, 412
 Sale or possession of used goods
 with another's mark, 411
 Use of bottle with another's mark,
 410(b)
- TRADE UNION. *See also*
 ORGANIZATIONS
 Joining, offences by employer re, 425
 Saving provision for criminal breach
 of contract, 422(2)
- TRAFFICKING IN PERSONS.
See also ABDUCTION;
 HOSTAGE TAKING;
 KIDNAPPING
 Aggravated assault in course of
 trafficking, 279.01(a)
 Aggravated sexual assault in course
 of trafficking, 279.01(a)
 Concealing identity or travelling
 documents, 279.03
 Concealing or harbouring persons
 for exploitation, 279.01
 Death in course of trafficking,
 279.01(a)
 Definition of exploitation, 279.04
 Destroying identity or travelling
 documents, 279.03
 Protection of witnesses, 486-486.4
 Receiving financial or material
 benefit, 279.02
 Recruiting, transporting persons for
 exploitation, 279.01
 Under age of 18 years, 279.011
- TRAFFICKING IN STOLEN
 GOODS
 Definition, 355.1
 Possession for purpose of
 trafficking, 355.4
 Prohibition on importing and
 exporting, 355.3
 Punishment, 355.5
 Trafficking in property obtained by
 crime, 355.2
- TRANSFER OF CHARGES
 Offence —
 committed outside province,
 478(3)
 outstanding in other jurisdiction,
 479
 Youth justice court charges, YC 133
- TRANSPORTATION
 Carriage of goods, obtaining by false
 representation, 401
 Facility, interference with to
 endanger safety, 248
 Fares, fraud re collection, 393(1), (2)
 Obtaining by fraud, 393(3)
- TRANSPORTING PERSON TO
 BAWDY HOUSE, 211
- TRAP
 Setting, to cause bodily harm, 247
- TREASON. *See also* HIGH
 TREASON
 Causing death while committing,
 230
 Compulsion by threats no defence,
 17
 Conspiracy as overt act, 46(4)
 Corroboration of single witness,
 47(3)
 Definition, 46(2), (3)
 Evidence of overt acts, 55
 Failure to inform to prevent, 50(2)
 Indictment, statement of offence,
 581(4)
 Punishment, 47(2)

<p>TREASON — <i>Continued</i> Treasonable words, information and limitation, 48(2)</p> <p>TRESPASS AT NIGHT, 177</p> <p>TRESPASSER Defence of — movable property against trespasser, 38 real property against trespasser, 41</p> <p>TRIAL. <i>See also</i> CASE MANAGEMENT; INDICTABLE OFFENCES; INDICTMENTS AND INFORMATIONS; JURIES; SUMMARY CONVICTION PROCEEDINGS Abatement. <i>See</i> APPEALS; JURISDICTION Absconding accused. <i>See</i> ABSCONDING Accused to be present, exclusion of the accused, 650. <i>See also</i> ACCUSED — Presence in court; CHARTER OF RIGHTS — Fair and public hearing; JURISDICTION — Loss of jurisdiction Acquittal. <i>See</i> JURISDICTION; RES JUDICATA — Autrefois acquit/convict Addresses to jury, 651(3), (4) Adjournment, 601(5), 645, 650, 653, 763. <i>See also</i> ADJOURNMENTS AND REMANDS Admissions, 715. <i>See also</i> ADMISSIONS; JUDICIAL PROCEEDINGS — Reading in Appearance. <i>See</i> APPEARANCE Appearance at trial, act committed outside Canada, 7(5.1) Arraignment and plea — judge alone, 562 judge and jury, 606</p>	<p>TRIAL — <i>Continued</i> Arraignment and plea — <i>Continued</i> pleas permitted on arraignment, 606 special pleas, 607 summary conviction, 801(1), (2) Bilingual, 530, 530.1. <i>See also</i> LANGUAGE OF ACCUSED Change of venue — authority to remove prisoner, 600 defamatory libel, 478(2) grounds for, 599(1) language of trial, 531. <i>See also</i> LANGUAGE OF ACCUSED order for, 599 Charge to jury — complainant's sexual activity re sexual offences, 278.96 Consent to prosecute. <i>See</i> ATTORNEY GENERAL/ SOLICITOR GENERAL Continuation of proceedings, judge unable to continue, 669.2 Continuous proceedings, 645(1) Date, judge alone trial, 560. <i>See also</i> Judge alone trial, <i>infra</i> Defence — declaring whether evidence to be called, 651(1) opening the case for the defence, 651(2) Disagreement by jury, powers of judge, 653 Evidence. <i>See also</i> EVIDENCE admissions by accused, 655. <i>See also</i> ADMISSIONS; JUDICIAL PROCEEDINGS — Reading in; STATEMENTS OF THE ACCUSED; VOLUNTARINESS age of children and young persons, 658 complainant may testify outside courtroom or behind a screen, 486.2 convictions. <i>See</i> CONVICTIONS</p>
--	---

TRIAL — *Continued*Evidence — *Continued*

corroboration warning re
children's evidence abrogated,
659

reading in evidence previously
taken, 715. *See also* JUDICIAL
PROCEEDINGS — Reading in
statement of accused at
preliminary inquiry, 657

taking evidence, 557, 646, 801(3)

testimony outside courtroom,
mental or physical disability,
486.2

Ex parte trial, 475, 598, 650(2),
803(2)

Exclusion of —
accused, 650(2)
public, 486

Fair trial. *See* CHARTER OF
RIGHTS — Fair and public
hearing

Full answer and defence, 276(3)(a),
650(3), 802(1). *See also*
CHARTER OF RIGHTS — Fair
and public hearing, Fundamental
justice

Fundamental justice. *See*
CHARTER OF RIGHTS

Guilty plea to included or other
offence, 606(4), 801. *See also*
GUILTY PLEA

In camera, 486

Included offences. *See* Verdicts,
infra; INCLUDED OFFENCES

Indictable offences. *See* Judge alone
trial, *infra*; Jury trial, *infra*;
Provincial court judge, *infra*;
INDICTABLE OFFENCES

Judge alone trial. *See also*
ELECTIONS AND RE-
ELECTIONS; INDICTABLE
OFFENCES — Trial by judge
alone
accused electing, 558. *See also*
ELECTIONS AND RE-
ELECTIONS

TRIAL — *Continued*Judge alone trial — *Continued*

acquittal means postponed fitness
issue shall not be tried, 672.3.
See also MENTAL
DISORDER — Fitness to
stand trial

acquittal of accused, 570(2), (4)

adjournments, 571

compelling appearance of
accused, 572

continuation of proceedings where
judge unable to continue, 669.2

conviction of accused, 570(1), (4),
(5)

court of record, 559(1)

custody of records, 559(2)

date of trial, 560

discretion where several accused
making different elections, 567

fitness to stand trial, 672.25,
672.27-672.3. *See also*
MENTAL DISORDER

fixing date of trial, 560

judge defined for Part XIX,
Indictable Offences — Trial
Without Jury, 552. *See also*
INDICTABLE OFFENCES —
Trial by judge alone
Nunavut. *See* NUNAVUT

preferring indictment, 566(2), (3).
See also INDICTMENTS
AND INFORMATIONS —
Preferring indictment

procedure, application of PARTS
XVI, XVIII, XX and XXIII,
572

provincial court judge —
absolute jurisdiction, 553
trial with consent, 554

punishment, 572

reading in evidence previously
taken, 715. *See also* JUDICIAL
PROCEEDINGS — Reading
in

record of conviction or order, 570

TRIAL — *Continued*

Judge alone trial — *Continued*
 re-election by accused. *See*
 ELECTIONS AND RE-
 ELECTIONS
 reservation of decision on
 questions raised, 645(4)
 superior court, on consent, 473
 verdict of unfit to stand trial
 requires plea to be set aside,
 672.31. *See also* MENTAL
 DISORDER
 Judge appointed to another court,
 jurisdiction continues, 669.3
 Judge dies or unable to continue,
 669.2 *See also* Mistrial, *infra*
 Jury trial. *See also* JURIES
 acquittal means postponed fitness
 issue shall not be tried, 672.3.
See also MENTAL
 DISORDER — Fitness to
 stand trial
 addresses to jury, order of, 651(3),
 (4)
 adjournment, jury unable to
 agree, 653
 compulsory, 471, 473
 continuation of proceedings,
 669.2
 fitness to stand trial, 672.25-672.3.
See also MENTAL
 DISORDER
 jurisdiction before jurors called,
 645(5)
 re-election by accused. *See*
 ELECTIONS AND RE-
 ELECTIONS
 saving earlier powers of court, 672
 selecting jury. *See* JURIES
 summing up, order of addresses,
 651
 verdict of unfit to stand trial
 requires plea to be set aside,
 672.31. *See also* MENTAL
 DISORDER
 when election deemed made, 565

TRIAL — *Continued*

Language to be used, 530-534. *See*
also LANGUAGE OF
 ACCUSED
 Mistrial —
 disagreement of jury, 653
 judge dies, unable to continue,
 669.2(3)
 rulings binding on new trial, 653.1
 Non-jury trial. *See* Judge alone trial,
supra; Provincial court judge,
infra
 Nunavut. *See* NUNAVUT
 Open court, 486(1)
 Persons jointly having in possession,
 593
 Plea. *See* Arraignment and plea,
supra
 Plea of guilty to included or other
 offence, 606(4). *See also* GUILTY
 PLEA
 Pre-hearing conference. *See* Pre-
 trial, *infra*
 Presence of the accused at trial, 650,
 650.01
 Pre-trial —
 conference, 625.1
 motions, 645(5)
 Prisoner, procuring attendance of,
 527
 Provincial court judge. *See also*
 INDICTABLE OFFENCES —
 Trial by provincial court judge;
 PROVINCIAL COURT JUDGE
 absolute jurisdiction, 553
 accused put to election during
 trial, 555(2), (3)
 acquittal of accused, 570(2), (4)
 adjournments, 571
 compelling appearance of
 accused, 572
 continuance of trial as preliminary
 inquiry, 555(1), (3)(a)
 continuation of proceedings,
 where judge unable to continue,
 669.2
 conviction of accused, 570(1), (4),
 (5)

- TRIAL — *Continued*
 Provincial court judge — *Continued*
 corporate accused, appearance, 556
 discretion where several accused making different elections, 567
 election by accused during trial, 555(2), (3). *See also* ELECTIONS AND RE-ELECTIONS
 jurisdiction —
 accused elects, where, 554(1)
 adjournments, 669.1(2)
 following plea, 669.1(1)
 procedure, 572
 provincial court judge defined, 2
 punishment, etc., 572
 reading in evidence previously taken, 715. *See also* JUDICIAL PROCEEDINGS — Reading in
 re-election by accused, 561-563. *See also* ELECTIONS AND RE-ELECTIONS
 taking of evidence, 557
 transmission of record, 570(3), 572
 value of property shown over \$5,000, procedure, 555(2), (3)
 Sexual offences. *See also* SEXUAL ASSAULT; SEXUAL OFFENCES
 exclusion of the public, 486
 identity of the complainant, non-publication order, 486.4. *See also* EXCLUSION OF THE PUBLIC; PUBLICATION BAN
 questions re complainant's sexual conduct limited, 276
 Statement of accused. *See* Evidence, *supra*; STATEMENTS OF THE ACCUSED
 Summary conviction. *See* SUMMARY CONVICTION APPEALS; SUMMARY CONVICTION PROCEEDINGS
 Summing up, order of addresses, 651
- TRIAL — *Continued*
 Taking evidence. *See* Evidence, *supra*; EVIDENCE
 Trial with jury. *See* Jury trial, *supra*
 Trial within a reasonable time, CH 11(b)
 Trial without jury. *See* Judge alone trial, *supra*
 Verdicts —
 attempts, 660-662
 dangerous operation of aircraft, motor vehicle or vessel, proved on charge of criminal negligence or manslaughter, 662(5)
 defamatory libel, special verdict, 317
 disagreement, powers of judge, 653
 first degree murder charged, second degree proved, 662(2)
 fitness to stand trial. *See also* MENTAL DISORDER — Fitness to stand trial
 detention ordered to continue, 672.29
 proceedings continue, 672.28
 full offence proved but only attempt charged, 661
 included offence proved, 660-662
 infanticide charged, included offences, 662(4), 663
 insanity. *See* MENTAL DISORDER — Criminal responsibility; Fitness to stand trial
 murder —
 charged, manslaughter or infanticide proved, 662(3)
 child, of, charged, concealing body proved, 662(4)
 not criminally responsible on account of mental disorder, 672.1, 672.34. *See also* MENTAL DISORDER — Criminal responsibility

TRIAL — *Continued*

Verdicts — *Continued*

plea of guilty to included or other offence, 606(4). *See also*

GUILTY PLEA

special verdict, defamatory libel, 317

taking verdict on a Sunday, 654

Video appearance of accused, 650(1.1), (1.2)

Viewing, by jury of place, thing or person, 652

Without jury. *See* Judge alone trial, *supra*

TRIAL JUDGE'S REPORT, 682

TRUST

Breach by public officer, 122

Criminal breach of, 336

Sexual exploitation by person in position of trust, 153, 153.1

TRUSTEE

Conversion by, 336

Definition, 2

UNAUTHORIZED USE OF

COMPUTER, 342.1(1). *See also* COMPUTER

UNDERTAKINGS. *See also*

JUDICIAL INTERIM

RELEASE; RELEASE FROM CUSTODY

By —

Attorney General re proceeds of crime orders, 462.32(6), 462.33(7)

defendant-appellant re summary conviction appeal, 817, 831, Form 14

Continuation pending granting of discharge, 730(2)

Definition re release from custody, 493

Forms of criminal jurisdiction defined, 2

Forms of, Forms 11.1-14

UNDERTAKINGS — *Continued*

Given on holiday, valid, 20

Period in force, 523(1)

Summary conviction appeals, 817, 818

UNFIT TO STAND TRIAL. *See*

MENTAL DISORDER —

Fitness to stand trial

UNITED KINGDOM. *See*

ENGLISH CRIMINAL LAW

UNITED NATIONS

Associated personnel defined, 2

Attack on premises of, or of associated personnel, 431.1

Attorney General of Canada's consent —

prosecution of non-citizen for offence committed outside Canada, for, 7(7)

Certificate of Minister of Foreign Affairs proof of status, 7(10)

Offence against committed outside Canada, 7(3.71)

Operation defined, 2

Personnel defined, 2

Threat against personnel, or against associated personnel, 424.1

UNLAWFUL ASSEMBLY

Punishment, 66

Riot as, 64

UNLAWFUL DRILLING, 70

UNLAWFULLY AT LARGE

Failure to —

attend court, 145(2), (8)-(11)

comply, 145(3), (8), (10), (11)

Lawful excuse, without, 145(1)(b)

UNLAWFULLY CAUSING

BODILY HARM, 269. *See also*

ASSAULT; BODILY HARM

Bodily harm defined, 2

Compulsion by threats no defence, 17

- UNORGANIZED TERRITORY
Offence in, commencement of proceedings, 480. *See also* JURISDICTION — Territorial
- UNSAFE AIRCRAFT. *See* CONVEYANCES
- UNSAFE RAILWAY EQUIPMENT. *See* CONVEYANCES
- UNSEAWORTHY VESSEL. *See* CONVEYANCES
- USE OF FORCE. *See* FORCE
- UTTERING. *See also* CURRENCY OFFENCES; COUNTERFEITING
Counterfeit money, 452
Definition of utter, 448
Document drawn without authority, 374(b)
Forged document, 368
Forged passport, 57(1)(b)
- UTTERING THREATS, 264.1. *See also* THREATENING; THREATS
- VAGRANCY
Definition, 179(1)
Punishment, 179(2)
- VALUABLE MINERAL
Defined, 2
Forfeiture upon conviction, 394(6), (7), 394.1(4), (5)
Fraud in relation to, 394(1)
Possession when stolen or fraudulently obtained, 394.1
Presumption of —
 lack of authority, 394(4)
 theft or unlawful possession, 656
Search for, 395
Specimen, taking for exploration or investigation not theft, 333
Unauthorized —
 purchase, 394(3)
- VALUABLE MINERAL —
Continued
Unauthorized — *Continued*
 sale, 394(2)
- VALUABLE SECURITY
Defined, 2, 4(2)
Destruction, cancellation, etc., 340
Falsification, 397
Obtaining execution by fraud, 363
Value, rules for determining, 4(2)
- VALUE
Establishing by affidavit, 657.1
- VAULT-BREAKING
Possession of instruments for, 351
- VEHICLE. *See* MOTOR VEHICLES
- VENUE. *See* CHANGE OF VENUE; TRIAL
- VERDICTS. *See* TRIAL
- VICTIM
Ban on publication of identity —
 court proceedings, 486.4, 486.5
 failure to comply with order, 486.6, 672.51(12)
 mental disorder proceedings, 672.501
Defined, 2
Exclusion of public while testifying, 486
Restitution to, 738-741.2
Support person while testifying, 486.1
Surcharge, offender to pay, 737
Testimony behind screen, 486.2
Victim impact statement, 722-722.2
 copy to be provided to offender and prosecutor, 722.1
 court may consider other evidence concerning victim, 722(3)
 court to inquire if victim aware of rights, 722.2

VICTIM — *Continued*

Victim impact statement —
Continued
 hearing to determine disposition
 of accused found not criminally
 responsible, 672.541
 mental disorder proceedings,
 672.5(15.1)-(16), 672.541
 parole ineligibility review, 745.63
 sentence hearing, at, 722, 722.1
 victim defined for purposes of,
 672.5(16), 722(4)
 Video-recorded evidence, 715.1,
 715.2

VIDEO LINKS. *See also* AUDIO
 LINKS

Accused may appear by —
 appeal, at, 683(2.1), (2.2), 688(2.1)
 making Sex Offender Information
 Registration Act order,
 490.012(4)(c)
 preliminary inquiry, at —
 accused confined to prison,
 where, 537(1)(k)
 consent of parties, with,
 537(1)(h)
 trial, at —
 accused confined to prison,
 where, 650(1.2)
 consent of parties, with,
 650(1.1)
 Accused must understand
 proceedings, 848
 Complainant's evidence in certain
 cases by closed circuit television,
 486.2
 Evidence —
 deemed to be given in judicial
 proceeding, 136(1.1)
 received on consent, 714.8
 witnesses, of, 486.2
 Order to assist foreign court, CE
 46(2)
 application of law of contempt,
 CE 50(1.2)

VIDEO LINKS — *Continued*

Order to assist foreign court —
Continued
 witness deemed to be outside
 Canada for some purposes, CE
 50(1.1)
 Party calling witness to pay costs
 associated with technology, 714.7
 Witness inside Canada —
 judge may make order, 714.1
 subpoena may issue, 700.1
 Witness outside Canada —
 evidence may be received, 714.2
 evidence to be given in Canada,
 714.6
 evidence to be given under oath,
 etc., 714.5

VIDEO RECORDING
 Voyeuristic material, 162

VIDEO REMAND, 537(1)(j),
 650(1.1)

VIDEOTAPED EVIDENCE. *See*
also EXHIBITS

Complainant testifying outside the
 courtroom, 486(2.1), (2.2)
 Evidence of complainant under 18,
 715.1
 Evidence of complainant with
 disability, 715.2

VIEW BY JURY, 652. *See also*
 JURIES; TRIAL

VIOLENCE
 Use or threat, of, to intimidate,
 423(1)(a)

VOIDABLE TRANSFERS, 462.32

VOIR DIRE
 Business records, CE 30(6), (9). *See*
also DOCUMENTS
 Challenge for cause, 640
 Complainant —
 not a compellable witness re
 admissibility of sexual activity,
 278.94(2)

- VOIR DIRE — *Continued*
 Complainant — *Continued*
 sexual activity, admissibility on
 sexual offences, 278.94
 Sexual activity of complainant re sex
 offences, 278.94
 Voluntariness —
 young person, YC 146
- VOLUNTARINESS. *See also*
 ADMISSIONS; STATEMENTS
 OF THE ACCUSED; VOIR
 DIRE ; YOUTH CRIMINAL
 JUSTICE ACT
 Confession, preliminary inquiry, 542
 law relating to the admissibility of
 statements, YC 146(1)
 person in authority, statement to,
 YC 146(2)-(9)
 Young person, YC 146
- VOYEURISM
 Ban on publication of identity of
 complainant or witness, 486.4
 Closing Internet sites, 164.1
 In rem proceedings, 164
 Offence to surreptitiously observe or
 record, 162
 Printing, distributing or record,
 162(4)
 Public good defence, 162(6), (7)
 Seizure of recordings, 164
 Testimony outside courtroom, 486.2
- WAR CRIMES
 Attorney General of Canada's
 consent required, WC 9(3)
 Authorization to intercept private
 communications may be obtained,
 183
 Conventional international law
 defined, WC 2(1)
 Crime against humanity —
 defined, WC 4(3), 6(3), Schedule
 Rome Statute Article 7
 fund established, WC 30, 31
 liability of military commander
 for, WC 5, 7
- WAR CRIMES — *Continued*
 Crime against humanity —
 Continued
 liability of superior for, WC 5, 7
 offence in Canada, WC 4
 offence outside Canada, WC 6
 Crown bound by Act, WC 3
 Defences —
 obedience to law no defence, WC
 13
 other defences preserved, WC 11
 previously tried outside Canada,
 when, WC 12
 superior orders, WC 14
 Evidence and procedure, WC 10
 Genocide —
 defined, WC 4(3), 6(3), Schedule
 Rome Statute Article 6
 liability of military commander
 for, WC 5, 7
 liability of superior for, WC 5, 7
 offence in Canada, WC 4
 offence outside Canada, WC 6
 Jurisdiction —
 over person, WC 8
 territorial jurisdiction, WC 9
 Military commander —
 defined, WC 5(4), 7(6)
 offence by in Canada, WC 5
 offence by outside Canada, WC 7
 Parole ineligibility, 745(b.1)
 Punishment, WC 15
 Superior —
 defined, WC 5(4), 7(6)
 offence by, in Canada, WC 5
 offence by, outside Canada, WC 7
 Superior court of criminal
 jurisdiction must try, 468, 469
 War crime —
 defined, WC 4(3), 6(3), Schedule
 Rome Statute Article 2
 liability of military commander
 for, WC 5, 7
 liability of superior for, WC 5, 7
 offence in Canada, WC 4
 offence outside Canada, WC 6
- WARD. *See* GUARDIAN

WARRANT OF COMMITTAL.
See WARRANTS

WARRANTS. *See also* ARREST;
 JUSTICES; SEARCH AND
 SEIZURE — Warrants
 Arrest. *See* ARREST
 Committal upon. *See* Warrant of
 committal, *infra*
 Convey accused to another
 jurisdiction, to, Form 15
 Electronically transmitted copy,
 708.1
 Endorsement of warrant, 528
 Failure to appear —
 fingerprints, 502
 summary conviction proceedings,
 803(2), (3)
 Issue of, after indictment presented,
 578(1)(b), (2)
 Issue on holiday valid, 20
 Proceeds of crime. *See* PROCEEDS
 OF CRIME
 Remanding prisoner, Form 19
 Search warrant. *See* SEARCH AND
 SEIZURE—Warrants
 Seizure of obscene publications, 164
 Warrant of committal —
 committal for trial. *See*
 PRELIMINARY INQUIRY
 conviction for contempt, 708. *See
 also* CONTEMPT OF COURT
 conviction, on, Form 21
 default of payment of costs on
 appeal, Form 26
 defects in, when not ground for
 quashing, 781
 execution of, 744
 failure —
 furnish recognizance to keep
 the peace, to, Form 23
 witness to enter into
 recognizance, of, Form 24
 forfeiture of recognizance, Form
 27
 general form, Form 8
 order to pay money, on, Form 22

WARRANTS — *Continued*
 Warrant of committal — *Continued*
 quashing, when certiorari not
 available, 781
 Witness absconding, defaulting, 704,
 705. *See also* WITNESSES —
 Warrant of arrest for witness

WASH TRADING, 382
 Sentencing, 380.1

WATCH AND BESET, 264(2)(c),
 423(1)(f), (2). *See also*
 INTIMIDATION;
 HARASSMENT; STALKING

WEAPON DANGEROUS. *See also*
 WEAPONS
 Weapon for purpose —
 committing offence, of, 87, 88
 dangerous to the public peace, 87,
 88

WEAPONS. *See also* FIREARMS
 ACT
 Airgun, discharging with intent,
 244.1
 Ammunition —
 authorization to transfer to
 individual, FIR 25
 definition, 84(1)
 possession while prohibited, 114,
 115, 117.01, 117.04
 prohibited ammunition, FIR 24
 definition, 84(1)
 export and import offences,
 103, 104
 possession —
 knowing possession
 unauthorized, 92(1)
 unauthorized, 91, 92, 93, 94
 unauthorized place, at, 93
 weapon, of, obtained by
 commission of offence, 96
 without licence, 91(2)
 trafficking offences, 99-101
 prohibition orders, 109-117.01
 appeal, 111, 117.04
 conviction, after, 109, 110

WEAPONS — *Continued*
 Ammunition — *Continued*
 prohibition orders — *Continued*
 seizure, after, 117.04
 search and seizure, 117.02-117.06.
 See also SEARCH AND SEIZURE
 order for disposition, 117.05
 return to provincial judge, 117.04(3)
 with warrant, 117.04(1)
 without warrant, 117.02, 117.04(2)
 trafficking offences, 99-101
 wrongful delivery of, 94
 Amnesty periods, 117.14
 Application for search warrant, 117.02, 117.04
 Assault with weapon, 267(a)
 Authorizations —
 appeals. *See* FIREARMS ACT — Appeals of refusals and revocations
 carry/transport. *See* FIREARMS ACT — Authorizations to carry or transport
 definition, 84(1)
 export/import. *See* FIREARMS ACT — Authorized export/import
 form of, FIR 61
 geographical extent of, FIR 63
 international/interprovincial carriers, application to, FIR 73
 lending. *See* FIREARMS ACT — Authorized transfers and lending
 non-transferrability, FIR 62
 offences re losing, finding, false statements, 105, 107
 possession. *See* FIREARMS ACT — Authorized possession
 refusal to issue, FIR 68, 72
 revocation of, FIR 70, 72
 term of, FIR 65

WEAPONS — *Continued*
 Authorizations — *Continued*
 transfers and lending. *See* FIREARMS ACT — Authorized transfers and lending
 transport. *See* FIREARMS ACT — Authorizations to carry or transport
 transportation of firearms. *See* FIREARMS ACT — Authorized transportation of firearms
 Authorized possession —
 eligibility to hold licence —
 businesses, FIR 8
 court order prohibition, FIR 6
 criteria for, FIR 5(2), (3)
 international and interprovincial carriers, FIR 10
 minors —
 consent of parent, FIR 8(5)
 generally, FIR 8(1)
 hunting for sport, FIR 8(3)
 hunting for sustenance, FIR 8(2)
 prohibited/restricted firearms, FIR 8(4)
 public safety principle, FIR 5(1)
 safety courses, completion of —
 exceptions, FIR 7(4), (5)
 prohibition order and, FIR 7(3)
 requirement re, FIR 7(1)
 restricted firearms course, FIR 7(2)
 prohibited firearms, etc. —
 businesses —
 carriers, FIR 11(3)
 generally, FIR 11(1)
 prescribed purposes, FIR 11(2)
 individuals, grandfathered —
 automatic firearms, FIR 12(2)
 converted automatic firearms, FIR 12(3)
 general prohibition, FIR 12(1)
 handguns, FIR 12(6), (7)

WEAPONS — <i>Continued</i>	WEAPONS — <i>Continued</i>
Authorized possession — <i>Continued</i>	Definitions — <i>Continued</i>
prohibited firearms, etc. —	chief provincial firearms officer,
<i>Continued</i>	84(1)
individuals, grandfathered —	cross-bow, 84(1)
<i>Continued</i>	firearm, 2
Prohibited Weapons Order	firearms officer, 84(1)
No. 12, FIR 12(4)	genuine gun collector, 84(1)
Prohibited Weapons Order	imitation firearm, 84(1)
No. 13, FIR 12(5)	holder of authorization, licence,
regulation, application of, FIR	registration certificate, 84(4)
12(8)	licence, 84(1)
registration certificates —	prohibited ammunition, 84(1)
exempted firearms, FIR 15	prohibited device, 84(1)
equipment, FIR 13	prohibited firearm, 84(1)
number of persons per	prohibited weapon, 84(1)
certificate, FIR 16	prohibition order, 84(1)
serial number, FIR 14	public officer, 117.07(2)
Begging while openly carrying	Registrar, 84(1)
weapon, 265(1)(c)	registration certificate, 84(1)
Business reports and rules re	replica firearm, 84(1)
weapons, 105	report or statement, offence re
Carrying concealed weapon, 90	false report or statement, 107(3)
Carrying weapon while attending	restricted firearm, 84(1)
public meeting, 89	restricted weapon, 84(1)
Concealed weapon, 90	superior court, 84(1)
Controlled drugs and substances	weapon, 2
offences, CD 10	weapons deemed not to be
Cross-bow —	firearms, 84(3)
definition, 84(1)	Delivering or reporting found
Defences —	weapon to officer, offence re
amnesty period exception to	failing to, 105(1)(b), (2)
offences, 117.14(3), (4)	Destroyed weapon, offence re failing
exempted persons, 92, 117.07,	to report, 106
117.08, 117.09, 117.1, 117.14(3),	Discharging —
(4)	airgun with intent, 244.1
proceedings a nullity re amnesty	firearm with intent, 244
period defence, 117.14(3)	Evidence —
replaced firearm serial number re	authorizations, licences,
tampering offence, 108(3)	registration certificates as proof
Definitions, 2, 84, FIR 2	of contents, 117.12(1)
ammunition, 84(1)	copies, certified, authorizations,
amnesty period, 117.14(1), (2)	licences, registration
antique firearm, 84(1), (3), (3.1)	certificates, 117.12(2)
authorization, 84(1)	certificate of weapons analyst,
automatic firearm, 84(1)	117.13
barrel length of firearm, 84(2)	lawful excuse re altered, defaced
chief firearms officer, 84(1)	or removed serial number, 108

WEAPONS — *Continued*Evidence — *Continued*

onus on accused re proof of authorization, licence or registration certificate, 117.11
presumption re obliterated firearms serial number, 108(4)
Exempted persons, 92, 99, 117.07, 117.08, 117.09, 117.1, 117.14(3), (4)
employees of business with licence, 117.09(1), (2)
employees of carriers exempted from offences, 117.09(3)
employees of museums exempted, 92, 117.09(4), (5)
employees with licence exempted from offences, 117.09
peace officer or person in public service of Canada or province, 117.07
persons acting for police force, Canadian Forces, visiting forces, 117.08
public officers, 117.07
violating prohibition order, authorization or licence, 117.1
amnesty period exception to offences, 117.14(3), (4)
Export and import offences, 103, 104
importing or exporting knowing it is unauthorized, 103
unauthorized importing or exporting, 104
False report or statement re loss, theft or destruction of weapon, offence re, 107
Firearms. *See also* FIREARMS ACT
agreements with provinces re administration, 111
altering firearm for automatic fire, 102
antique firearm, definition, 84(1), 84(3), (3.1)
armed forces exemption, 117.07
assembling offence, 102

WEAPONS — *Continued*Firearms — *Continued*

authorization, definition, 84(1)
automatic firearm, definition, 84(1)
barrel length, 84(2)
borrowed firearm for sustenance, 92(5), 94(5)
business. *See also* Restricted weapon, *infra*
exemption, 117.09
careless handling, use, 86(1)
chief firearms officer, definition, 84(1)
chief provincial firearms officer, 84(1)
defence re replaced registration certificate, 108(3)
definitions, 2, 84, 107(3)
firearm, 2
prohibited firearm, 84(1)
report or statement, offence re false report or statement, 107(3)
restricted firearm, 84(1)
weapon, 2
discharging with intent, 244
disposal of, 115(2)
exempted persons, 117.07, 117.08, 117.09, 117.1, 117.14(3), (4)
export and import offences, 103, 104
firearms acquisition certificate. *See also* Firearms acquisition certificate, *infra*
definition, 84(1)
Firearms Act, 84, 86, 90, 92(6), 93(1)(c), 99(1), 100(1), 101(1), 103(1), 104(1), 117.07(1), 117.08, 117.09
firearms officer, definition, 84(1)
forfeiture, 491. *See also* Forfeiture of weapons and ammunition, *infra*
found weapon offence, 105
handling —
contrary to regulation, 86(2)

WEAPONS — *Continued*Firearms — *Continued*handling — *Continued*

restricted firearm contrary to regulation, 86(2)
shipping, storing, transporting contrary to regulations, 86(2)

holder re authorization, licence or registration certificate, 84(4)

imitation firearm, definition, 84(1)
use of, offence, 85(2)

importing without certificate, 103, 104

judicial interim release, surrender of firearms acquisition certificate, 515(4.11), (7), (8), 522(3). *See also* JUDICIAL INTERIM RELEASE

licence —

definition, 84(1)
unauthorized possession of firearm, 91, 92

making automatic firearm, 102
museums —

exemption, 117.09(4), (5)

offences re lost, found, destroyed or defaced weapons, etc., 105-108

officer, firearms, defined, 84(1)
pointing, 87(1)

possession —

firearm with altered, defaced or removed serial number, of, 108

knowing possession
unauthorized, 92(1)

prohibited, while, 117.01(1)

purpose of weapons trafficking, for, 100

unauthorized, 91, 92, 93, 94

unauthorized place, at, 93

weapon obtained by
commission of offence, of, 96

presumption re obliterated serial number, 108(4)

previous conviction, evidence of, 92(6)

WEAPONS — *Continued*Firearms — *Continued*

prohibited firearm —

definition, 84(1)
possession, with ammunition, 95

prohibited weapon. *See*

Prohibited weapon, *infra*

prohibition orders, 109-117.01, 117.1

appeal of, 111(8)

application by peace officer, 111

authorization, etc. revoked by order, 116

conviction, on, for offence involving violence, 109, 110
criteria, 111(1)

discretionary order prohibiting possession, 110

duration of order up to ten years, 110(2)

hearing of reference and disposition, 111

procedure for hearing, 111(2)-(6)

reasons why order not made, 110(3), 111(6)

time for surrendering lawfully owned weapon, 114

registrar, definition, 84(1)

registration certificate —

definition, 84(1)
unauthorized possession of firearm, 91

regulations —

contravention of, 86(2)

powers re, 116

replica firearm —

definition, 84(1)

unauthorized possession of prohibited device other than replica firearm, 91(2)

report of loss, destruction, theft, 105(2)

report or statement, definition re false report or statement, 107(3)

WEAPONS — *Continued*Firearms — *Continued*

restricted firearm —
 definition, 84(1)
 possession, with ammunition,
 95
 restricted weapon, 84(1), 91
 search and seizure, 117.02-117.06.
See also Search and seizure,
infra
 serial number, altering, defacing,
 removing, offence, 108
 storage, handling firearm contrary
 to regulation, 86(3)
 tampering with serial number,
 offence, 108
 trafficking offences, 99-101
 transfer, etc., to unauthorized
 person, 94, 99, 101
 transfer without authority, 101
 unauthorized possession in motor
 vehicle, 94
 unauthorized possession of
 firearm, 91
 use during commission of offence,
 85, 220(a), 236(a), 239(1)(a),
 (a.1), 272(2)(a), (a.1), 273(2)(a),
 (a.1), 279(1.1)(a), (a.1),
 279.1(2)(a), (a.1), 344(1)(a),
 (a.1), 346(1.1)(a), (a.1)
 weapon, 2
 weapons deemed not to be
 firearms, 84(3)
 Firearms acquisition certificate. *See*
also FIREARMS ACT
 evidence of its contents, 117.12
 failure to deliver up, 117.01(2)
 judicial interim release, surrender
 of certificate, 515(4.11), (7), (8),
 522(3). *See also* JUDICIAL
 INTERIM RELEASE
 lost certificate offence, 105
 onus of proof re holding of,
 117.11
 possession while prohibited by
 order, 117.01(1)
 registration certificate, definition,
 84(1)

WEAPONS — *Continued*Firearms acquisition certificate —
Continued

removing, altering serial number
 on firearm, 108
 revocation by prohibition order,
 116
 Forfeiture of weapons and
 ammunition, 491(1)
 proceeds of sale, 491(3)
 return to lawful owners, 491(2)
 Found weapon offence, 105
 Gun collectors, authorized transfer
 and lending, FIR 30
 Handguns —
 authorized possession of
 prohibited, FIR 12(6), (6.1), (7)
 carrying, FIR 20
 Importing and exporting offences,
 103, 104
 Importing or exporting prohibited
 weapon, 103, 104
 Judicial interim release, 515(4.11).
See also JUDICIAL INTERIM
 RELEASE
 Licence. *See also* FIREARMS ACT
 — Licences
 definition, 84(1)
 offences re losing, finding, false
 statements, 105, 107
 Lost, found, destroyed or defaced
 weapons and authorizations
 offences, 105-108
 destroying, 106
 false statements, 107
 losing or finding, 105
 tampering with serial number, 108
 Offences —
 ammunition, unauthorized
 possession of, FIR 108
 assembling offence, 102
 failing to deliver up documents,
 117.01(2)
 making automatic firearm, 102
 contravention of conditions of
 licences, etc., FIR 110
 demand to produce firearm, non-
 compliance, FIR 113

WEAPONS — *Continued*

Offences — *Continued*

- export and import offences, 103, 104
 - importing or exporting
 - knowing it is unauthorized, 103
 - unauthorized importing or exporting, 104
- false statements, FIR 106
- firearms registration, failure re, FIR 112
- licences, etc., tampering with, FIR 107
- lost, destroyed or defaced weapons, authorizations, etc., offences, 105-108
 - destroying weapon, device, ammunition, without reporting, 106
 - false statements, 107
 - finding prohibited or restricted weapon, firearm, without report or delivery, 105(1)(b)
 - losing or finding weapon, authorization, etc., without reporting or delivery, 105(1)(a)
 - losing restricted weapon without reporting, 105
- possession of firearm with altered serial number, 108
- tampering with serial number, 108
- possession offences, 88-98.1, 108
 - carrying concealed weapon, 90
 - carrying weapon while
 - attending public meeting, 89
 - importing or exporting
 - prohibited weapon, 103, 104
 - making automatic firearm, 102
 - possession —
 - firearm, of, knowing its possession is unauthorized, 92(1)
 - firearm, of, with altered serial number, 108(1)

WEAPONS — *Continued*

Offences — *Continued*

- possession offences — *Continued*
- possession — *Continued*
- prohibited or restricted
 - firearm, of, with ammunition, 95
 - prohibited, restricted weapon, device, ammunition, of, knowing possession unauthorized, 92(2)
- prohibited weapon, of, 91
- purpose of weapons
 - trafficking, for, 100
- unauthorized place, at, 93(1)
- unregistered restricted firearm, of, 91
- weapon for dangerous
 - purpose, of, 87, 88
- weapon, of, obtained by
 - commission of offence, 96
- unauthorized possession —
 - automobile, in, 94
 - firearm, of, 91(1)
 - prohibited, restricted weapon, etc., of, 91(2)
 - weapons dangerous, 87, 88
- proceedings, re, FIR 116
- punishment, FIR 109, 111, 115
- revoked licence, etc., failure to deliver up, FIR 114
- trafficking offences, 99-101
 - possession for purpose of weapons trafficking, 100
 - transfer without authority, 101
 - weapons trafficking, 99
- use offences —
 - careless use of firearm, weapon, etc., 86(1)
 - consecutive sentences for using firearm, 85(4)
 - contravention of storage regulations, 86(2)
 - pointing firearm, 86, 87

WEAPONS — *Continued*Offences — *Continued*use offences — *Continued*

using firearm in commission of offence, 85(1), 220(a), 236(a), 239(1)(a), (a.1), 244, 272(2)(a), (a.1), 273(2)(a), (a.1), 279(1)(a), (1.1)(a.1), 279.1(2)(a), (a.1), 344(1)(a), (1)(a.1), 346(1.1)(a), (a.1)

using imitation firearm in commission of offence, 85(2)

Offences re lost, found, destroyed and altered weapons and authorizations, 105-108

Permit for restricted weapon. *See* Restricted weapon, *infra*

Possession —

attending meeting, 89

carrying concealed weapon, 90

carrying weapon while attending public meeting, 89

dangerous purpose, for, 88

exception re —

- business, 117.09
- Canadian forces, peace officers, etc., 117.07, 117.08
- museum staff, 117.09(4), (5)

exempted persons, 92, 99, 117.07, 117.08, 117.09, 117.1, 117.14(3), (4)

firearm knowing its possession is unauthorized, 92(1)

firearm with altered serial number, 108(1)

prohibited —

- ammunition, 88-94, 96, 100
- device, 88-94, 96, 100
- order, by, 117.01(1)
- weapon, 90, 91(2), 92(2)

prohibited or restricted firearm with ammunition, 95

prohibited, restricted weapon, device, ammunition knowing possession unauthorized, 92(2)

purpose of committing offence, for, 88

WEAPONS — *Continued*Possession — *Continued*

purpose of weapons trafficking, for, 100

restricted weapon, unregistered, 92

unauthorized place, at, 93(1)

unauthorized possession —

- automobile, in, 94
- firearm, of, 91(1)
- prohibited, restricted weapon, device, etc., of, 91(2)
- unregistered restricted weapon, 91

weapon dangerous, 87, 88

weapon for dangerous purpose, 87, 88

weapon obtained by commission of offence, 96

Prohibited device. *See also*

FIREARMS ACT — Prohibited firearms

definition, 84(1)

export and import offences, 103, 104

offences re lost, found, destroyed or defaced weapons, etc., 105-108

possession —

- knowing possession
 - unauthorized, 92(1)
- unauthorized, 91, 92, 93, 94
- unauthorized place, 93
- weapon, of, obtained by
 - commission of offence, 96
 - without licence, 91(2)

trafficking offences, 99-101

unauthorized possession, 91(2)

unauthorized possession in motor vehicle, 94

Prohibited firearm. *See* Firearms, *supra*; FIREARMS ACT — Prohibited firearms

Prohibited weapon. *See also* FIREARMS ACT — Prohibited firearms

armed forces exemption, 117.07

definition, 84

WEAPONS — *Continued*

Prohibited weapon — *Continued*
 export and import offences, 103, 104
 failure to deliver or report after finding, 105
 failure to report after destroying, 106
 forfeiture, 491
 found weapon offence, 104, 105
 importing, delivering, and exemptions, 117.09
 importing or exporting knowing it is unauthorized, 103
 lost, destroyed or defaced weapons, authorizations, etc., offences, 105-108
 occupant in vehicle, 94
 possession —
 knowing possession unauthorized, 92(1)
 offences, 90, 91(2), (3), (4), 92(2)-(6), 93, 94
 purpose of weapons trafficking, for, 100
 unauthorized, 91, 92, 93, 94
 unauthorized place, at, 93
 weapon obtained by commission of offence, of, 96
 without licence, 91(2)
 regulations, 117.15
 report of loss, destruction, theft, 105
 search and seizure. *See* Search and seizure, *infra*; SEARCH AND SEIZURE
 trafficking offences, 99, 100, 101
 unauthorized —
 importing or exporting, 104
 possession, 91(2)
 possession in motor vehicle, 94
 Prohibition orders, 100, 109-117.01, 117.011(7), (8), 117.05(4), (7), (8), 117.1
 appeals, 111(8), (9), 117.011(7), (8), 117.05(7), (8)
 application for prohibition order, 111

WEAPONS — *Continued*

Prohibition orders — *Continued*
 authorizations, licences, registration certificates, revoked or amended by prohibition order, 116
 conditional sentence of imprisonment, 742.2
 definition, 84(1)
 discretionary prohibition order, 110
 failure to surrender authorization, licence, registration certificate, 117.01(2)
 forfeiture, 115
 forfeiture and prohibition order on finding, 117.05(4)
 lifting of prohibition order for sustenance or employment, 113
 limitation on access order re person associated with prohibited person, 117.011
 making of —
 discretionary prohibition order, 110
 mandatory prohibition order, 109
 order limiting access, 117.011
 possession contrary to order, 117.01(1)
 probation, 731.1
 registration certificate may not be denied where sustenance order made, 113(3)(a)
 return to owner, 117
 requirement to surrender possession on making of order, 114
 revocation of prohibition order, 112, 117.012
 seized things, prohibition, 117.05.
 See also Search and seizure, *infra*
 surrender requirement, 114
 young persons, YC 51

WEAPONS — *Continued*

Registration certificate. *See also*
 Restricted weapon, *infra*;
 FIREARMS ACT —
 Registration certificate
 definition, 84(1)
 failure to deliver up, 117.01
 offences re losing, finding, false
 statements, 113, 105, 107
 onus on accused, 117.11
 proof of, 117.12
 Regulations, powers re, 117.15
 Reporting destruction of weapon,
 offence re failure to report, 106
 Reporting or delivering found
 weapon, offence re failing to, 105
 Restricted firearm. *See* Firearms,
supra; FIREARMS ACT —
 Restricted firearms
 Restricted weapon. *See also*
 Firearms, *supra*; FIREARMS
 ACT — Restricted firearms
 amnesty periods, 117.14
 armed forces exemption, 117.07,
 117.08
 definition, 84(1)
 export and import offences, 103,
 104
 failure to deliver or report after
 finding, 105(1)(b)
 failure to report loss, 105(1)(a)
 false report or statement re loss,
 theft or destruction of weapons,
 offence, 107
 forfeiture, 491
 found weapon offence, 104, 105
 handling restricted weapon or
 firearm contrary to regulation,
 86(2)
 importing or exporting knowing it
 is unauthorized, 103
 importing without permit, 96(3)
 lost, destroyed weapons, false
 statements re, offences, 104,
 105-107
 museums exemption, 92(2)

WEAPONS — *Continued*

Restricted weapon — *Continued*
 offences re lost, found, destroyed
 or defaced weapons, etc., 105-
 108
 permit for restricted weapon —
 evidence of contents, as, 117.12
 failure to deliver up, 117.01
 onus of proof re holding of,
 117.11
 possession offences, 91, 91(2)-(4),
 92(2)-(4), 93, 94, 96
 exemptions, 91(4), 92(4), 93(3),
 94(3), (4), (5), 95(3), 96(3)
 knowing possession
 unauthorized, 92(2)
 occupant in motor vehicle,
 91(3), (5), 94
 trafficking offences, 99-101
 unauthorized —
 place, at, 91(2), 93
 possession, 91, 92, 93, 94
 possession in motor vehicle, 94
 unregistered restricted weapon,
 91
 weapon obtained by
 commission of offence, 96
 without licence, 91(2)
 without registration certificate,
 91(1)
 record of transactions, 105
 regulations re, 117.15
 trafficking offences, 99-101
 transfer, etc., to unauthorized
 person, 100
 unauthorized —
 importing or exporting, 104
 possession, 91(2)
 possession in motor vehicle, 94
 Search and seizure, 101-103, 117.02-
 117.06. *See also* SEARCH AND
 SEIZURE
 application for disposition and
 notice, 111
 appeal of order or failure to
 make finding or order,
 111(8), (9)
 definitions, 111(11)

WEAPONS — *Continued*

Search and seizure — *Continued*
 application for disposition and notice — *Continued*
 disposition of articles seized and prohibition re possession, revocation of authorization, etc., 117, 117.01
 ex parte hearing, 111(4)
 hearing of application, 111(3)
 application for disposition of thing seized, 117.05
 application for warrant, 117.04
 authorization, licence, certificate, revoked on seizure, 117.04(4)
 exigent circumstances, 101(1)
 failure to produce authorization, seizure on, 117.03
 forfeiture, 117.03(3), 117.05(4), 491(1)
 peace officer, by, without warrant, 103(2)
 prohibition order, 117.05(4)-(9).
See also Prohibition orders, *supra*
 prohibited weapon, 117.02-117.04
 restricted weapon, 117.02-117.04
 return —
 justice, to, 117.04(3)
 lawful owner, to, 491(2)
 seized articles where no application or finding, of, 117.06
 seized thing on production of authorization, of, 117.03(2)
 seizure to justice, on, 117.04(3)
 thing seized, of, 117.06
 sale, disposition of proceeds, 491(3)
 seizure on failure to produce authorization, 117.03
 under search warrant, 491
 warrant to seize weapon, authorization, certificate, 117.04
 warrantless seizure, 117.02, 117.04(2)

WEAPONS — *Continued*

Sexual assault with weapon, 272(1)(a). *See also* SEXUAL ASSAULT
 Superior court, definition, 84(1)
 Threatening use of weapon in committing —
 assault, 267(a)
 sexual assault, 272(1)(a). *See also* SEXUAL ASSAULT
 Trafficking offences, 99-101
 possession for the purpose of weapons trafficking, 100
 transfer without authority, 101
 weapons trafficking, 99
 Transfer, etc. —
 definition, 84(1)
 transfer without authority, 101
 Using in —
 assault, 267(a)
 sexual assault, 272(1)(a). *See also* SEXUAL ASSAULT
 Warrant for search and seizure, 103
 Weapon dangerous to public peace, 87, 88
 Weapons prohibition. *See* Prohibition orders, *supra*
 WILD ANIMAL. *See* ANIMALS
 WILFUL DAMAGE. *See* MISCHIEF
 WILFUL PROMOTION OF HATRED. *See* HATE PROPAGANDA
 WILFULLY. *See also* MENS REA
 Definition, 429(1)
 WILL. *See* TESTAMENTARY INSTRUMENT
 WIRETAPPING. *See* INTERCEPTION OF PRIVATE COMMUNICATIONS
 WITNESSES
 Absconding. *See* Arrest of, *infra*;
 ABSCONDING

- WITNESSES — *Continued*
 Adverse witnesses, CE 9. *See also*
 ADVERSE WITNESSES
 cross-examination without proof
 of adversity, CE 9(2)
 proof of statement of, CE 9(1)
 Affirming, CE 14-16.1
 Arrest of —
 absconding witness, 704
 defaulting witness, 705
 evading service, 698(2)(b)
 if not expected to attend if served,
 698(2)(a)
 order of court on arrest, 706
 Capacity in question, CE 16, 16.1
 Child, CE 16.1
 Competence and compellability. *See*
 COMPETENCE AND
 COMPELLABILITY
 Convictions, cross-examination
 upon, CE 12
 Cross-examination on previous
 statements, CE 9(2), 10, 11
 Definition, 118
 Deposition, CE 10(2)
 preliminary inquiry, 540(2), (3),
 Form 31
 Detention in custody —
 application for review, 707(2)
 maximum period, 707(1)
 review by judge, 707(3)
 Disabled, 486.1, 486.2, 715.2, CE 6,
 6.1
 Evidence of other sexual conduct,
 276, 278.93-278.97. *See also*
 COMPLAINANT
 Evidence on commission. *See*
 COMMISSION EVIDENCE
 Expert witnesses, calling of, CE 7
 Failure to attend or remain to give
 evidence, 708(1)
 form of conviction, Form 38
 punishment, 708(2). *See also*
 PAROLE; SENTENCE
 warrant of committal on
 conviction, Form 25
 Handwriting comparison, CE 8
- WITNESSES — *Continued*
 Identity, no publication, 486.4,
 486.5, 672.501. *See also*
 COMPLAINANT
 Incriminating questions —
 admissibility of answer, CE 5(2)
 obligation to answer, CE 5(1)
 Judicial interim release order
 preventing communication with
 witness, 515(4)(d), (4.2)
 Material witness warrants, 698, 704-
 706
 Mental disorder disposition hearing,
 672.5(12). *See also* MENTAL
 DISORDER — Disposition
 hearings
 Mental or physical disability,
 testifying outside courtroom,
 486.2. *See also* COMPLAINANT
 Mentally disordered witness, CE 16.
See also COMPETENCE AND
 COMPELLABILITY
 Mute person, manner of giving
 evidence, CE 6
 Oaths, CE 13-16. *See also*
 COMPETENCE AND
 COMPELLABILITY
 Preliminary inquiry. *See*
 PRELIMINARY INQUIRY —
 Evidence, Witnesses
 Previous convictions, examination
 re, CE 12
 Previous statements of witnesses.
See Statements of witnesses, *infra*
 Prisoner. *See* Procuring attendance,
infra
 Procuring attendance of —
 prisoner, 527
 witness, 697-708
 Protecting witnesses. *See also*
 EXCLUSION OF THE PUBLIC
 accused not to cross-examine
 witness, 486.2
 no publication of identity, 486.4,
 486.5
 order with respect to, 486.7
 support person for witness, 486.1

WITNESSES — *Continued*

Protecting witnesses — *Continued*
witnesses under 18 re sexual offences, 486-486.4
Recent complaint rules abrogated, 275. *See also* COMPLAINANT
Refusal to be sworn or testify at preliminary inquiry, 545
warrant of committal, Form 20
Reputation evidence concerning complainant, 277. *See also* CHARACTER AND CREDIBILITY; COMPLAINANT
Retaliation against International Criminal Court witness, WC 26
Statements of witnesses, CE 9, 10, 11. *See also* ADVERSE WITNESSES; CROSS-EXAMINATION; PRIOR INCONSISTENT STATEMENTS; STATEMENTS; STATEMENTS OF THE ACCUSED
Subpoena. *See* SUBPOENA
Testifying —
behind screen, complainant under 18, 486.2
outside court room, 486.2
Videotaped evidence, 715.1, 715.2
Warrant of arrest for witness —
absconding witness, 704, Form 18
defaulting witness, 705, Form 17
issuing, 698(2), (3)
territorial extent, 703

WOUNDING

Discharging airgun, 244.1
Discharging firearm with intent, 244.
See also WEAPONS — Firearms committing assault, 268
committing sexual assault, 273.
See also SEXUAL ASSAULT
Minimum four years' imprisonment, 244

WRECK

Definition, 2

WRECK — *Continued*

Interference with saving vessel, 429(2), 438
Offences re, 415

WRIT

Assault on person executing, 270
Fieri facias, levy under writ of, 771(3.1), 772, 773, Form 34. *See also* RECOGNIZANCE — Forfeiture on default

WRITING

Definition, 2

WRONGFUL CONVICTION. *See* MISCARRIAGE OF JUSTICE

YOUNG OFFENDERS. *See* YOUTH CRIMINAL JUSTICE ACT

YOUNG OFFENDERS ACT. *See* YOUTH CRIMINAL JUSTICE ACT — Young Offenders Act

YOUNG PERSONS. *See* CHILD; YOUTH CRIMINAL JUSTICE ACT

YOUTH CRIMINAL JUSTICE ACT

Adjudication on guilty plea, YC 36
Adult sentence, YC 61-81. *See also* Sentence, *infra*
appeal of placement, YC 37(4)
defined, YC 2

Age —

jurisdiction re age, YC 14
proof of, YC 148
Application of Act, YC 14, 16
Application of Criminal Code, YC 140-142

Assessment, YC 34

court may vary terms of order, YC 34(6)
court may withhold report, YC 34(8)-(10)
order may be made, when, YC 34(1)

YOUTH CRIMINAL JUSTICE
 ACT — *Continued*
 Assessment — *Continued*
 purpose for making order, YC
 34(2)
 qualified person —
 evidence of, may be dispensed
 with on consent, YC 34(5)
 may disclose information to
 protect young person or
 others, YC 34(13)
 opinion that detention required
 to make assessment, YC
 34(4)
 remand in custody for purpose of
 assessment, YC 34(3), (4)
 report, YC 34(7)-(12)
 statement made on assessment
 inadmissible, YC 147(1)
 exceptions, YC 147(2)
 Appeals, YC 37
 no review while appeal pending,
 YC 94(7)
 Bail. *See* Detention before sentence,
infra
 Clerk of the court, YC 21
 Conditional supervision —
 bring detained young person
 before provincial director, YC
 105
 included in order, YC 105(2)
 may be included in order, YC
 105(3)
 set as soon as circumstances
 permit, YC 105(5)
 order to bring young person
 before court, YC 105(7)
 power to set conditions, YC
 105(1)
 procedural provisions applicable,
 YC 105(7), (8)
 release or remand by provincial
 director, YC 107(5)
 report of provincial director, YC
 105(6)
 review by youth justice court, YC
 109

YOUTH CRIMINAL JUSTICE
 ACT — *Continued*
 Conditional supervision —
Continued
 suspension of conditional
 supervision, YC 106, 107(1)
 provincial director, by, YC 106
 youth court, by, YC 109
 suspension, reports and notices
 provisions applicable, YC
 109(3)
 warrant, conditional supervision
 suspended, YC 107(1)-(3)
 Conferences, YC 19
 sentence recommendations, YC 41
 Contempt of court, YC 15
 appeal, YC 37(2), (3)
 Cost-sharing agreements with
 provinces, YC 156
 Custody. *See also* Detention before
 sentence, *infra*; Sentence, *infra*
 continuation of custody, YC 98-
 101, 104
 designation of youth worker, YC
 90
 determination by provincial
 director, YC 87
 review, YC 87
 young person 20 years old or
 older, when, YC 89
 determination by court, YC 88
 levels of custody, YC 85
 penitentiary, YC 89(2)
 procedural safeguards, YC 86
 purpose and principles, YC 83
 reintegration leave, YC 91
 release on recommendation of
 provincial director, YC 96
 review, YC 94
 no review while appeal pending,
 YC 94(7)
 orders subject to review, YC 95
 transfer to adult facility, YC 92,
 93
 young person to be held apart, YC
 84
 youth custody facility defined, YC
 2

YOUTH CRIMINAL JUSTICE

ACT — *Continued*

Declaration of principle, YC 3, 4, 38, 83

Definitions, YC 2

Detention before sentence, YC 28-31
application for release or
detention, YC 33
application of Criminal Code, YC
28bail supervision program, YC
157(b)

conditions of, YC 30

designation of place of temporary
detention, YC 30(1)detention in adult facility, YC
30(3)-(5)forfeiture of recognizance, YC
134, 135placement with responsible person
instead, YC 31

breach of undertaking, YC 139

presumption against, YC 29(2)
review by youth justice court, YC
33social measure, prohibited, as, YC
29(1)transfer by provincial direction,
YC 30(6)unlawful detention in adult
facility, YC 139Diversion. *See* Extrajudicial
measures, *infra*

DNA Analysis, 487.07, YC 119(6)

Election, YC 66, 67. *See also*
Presumptive offence, *infra*;Sentence, *infra*prosecutor seeking adult sentence,
where, YC 67(1)(b), (3)(b)young person charged with
murder, YC 67(2)(c), (3)(c)young person charged with
presumptive offence, YC
67(1)(a), (3)(a)young person's status uncertain,
YC 67(1)(d), (3)(d)

Evidence —

admissions, YC 149

YOUTH CRIMINAL JUSTICE

ACT — *Continued*Evidence — *Continued*

child or young person, of, YC 151

confession, YC 146

dispensing with strict rules of
evidence, YC 150

extrajudicial measures

inadmissible, YC 9, 10(4)

material evidence admissible, YC
150

proof of age, YC 148

proof of service, YC 152

seal not required, YC 153

statement, YC 146

statements made on assessment
inadmissible, YC 147

Exclusion of public, YC 132

Extrajudicial measures —

access to records, YC 119(4)

caution by police officer, YC 6, 7

caution by prosecutor, YC 8

community based programs, YC
157

conferences, YC 19

declaration of principles, YC 4

evidence of inadmissible, YC 9,
10(4)

failure to consider not

invalidating proceedings, YC
6(2)

limitation period, YC 14(3)

notice to parent, YC 11

objectives, YC 5

referral by police officer, YC 6

sanctions, YC 10

victim's right to information, YC
12

warning by police officer, YC 6

First appearance, YC 32

Forfeiture of recognizances, YC 134,
135

Forms, YC 154

Guilty plea —

adjudication, YC 36

young person unrepresented,

where, YC 32(3)

- YOUTH CRIMINAL JUSTICE
ACT — *Continued*
- Identity not to be published, YC
110, 111
application where prosecutor
seeking adult sentence, YC 75
- In camera hearing, YC 132
- Judge —
disqualification, YC 130
substitution, YC 131
youth justice court judge defined,
YC 2
- Justice of the peace, YC 20
- Mental illness —
assessment order, YC 34
intensive rehabilitative custody
and supervision order, YC
42(2)(r), (7)(b)
- Murder by young persons, 745.1,
745.3, YC 2, 42(2)(q), (7), 67(1),
(3)
- Notice —
annual review, YC 94(13), (14)
parent or others, to, YC 26
contents, YC 26(7)
Contraventions Act, YC 26(3),
(8)
effect of failure to give, YC
26(9)-(11)
extrajudicial measures, YC 11
judge may give directions, YC
26(5)
not required, YC 26(12)
notice to other adult, YC 26(4)
officer in charge, by, YC 26(1),
(2)
prosecutor seeking adult sentence,
YC 64(2)
prosecutor seeking to prove
serious violent offence, YC
64(4), 68
recommendation for release from
custody, YC 96(2)
- Nunavut —
election for mode of trial, YC
67(3), (4), (5), (7)(b)
preliminary inquiry, YC 67(8)
- YOUTH CRIMINAL JUSTICE
ACT — *Continued*
- Offences —
disclosure of identity or records,
YC 138
failure to comply with sentence,
YC 137
inducing young person, YC 136
- Parent —
judge may require attendance, YC
27
notice to, YC 11, 26
- Parole, YC 77, 78. *See also*
Custody—review, *supra*
reintegration leave, 91
- Placement in care prior to sentence,
YC 31
- Pre-charge screening, YC 23
- Preliminary hearing, YC 67(6)-(8)
- Pre-sentence report, YC 40
- Presumptive offence. *See also*
Sentence, *infra*
- Attorney General not seeking
adult sentence, YC 65
defined, YC 2
election, YC 66-68
imposition of adult sentence, YC
62, 70, 72
included offences, YC 69
notice, YC 64, 68, 69
sentencing, YC 42(2)(o), 62
- Principles, YC 3, 4, 38, 83
- Private prosecutions, YC 24
- Procedure —
application of Criminal Code, YC
140-142
counts in same information, YC
143
- Prosecutor —
cautions, YC 8
pre-charge screening by, YC 23
private prosecutors, YC 24
- Provincial Director —
breach of conditions by young
person, YC 102
conditional supervision, YC 105-
108
continuation of custody, YC 98

YOUTH CRIMINAL JUSTICE
ACT — *Continued*

Provincial Director — *Continued*
defined, YC 2
delegation of powers, YC 22
determination of level of custody,
YC 85
review of decision, YC 86
duty to inform parole board, YC
77
pre-sentence report, YC 40(2)(f),
(9)
recommendation for release of
young person, YC 96
reintegration leave, YC 91
transfer of young person among
places of temporary detention,
YC 30(6)
Publication ban. *See*
PUBLICATION BAN
Reasons for decision —
continuation of custody, YC 100,
104(5)
sentence, YC 48
Recognizances —
forfeiture, YC 135
jurisdiction of youth justice court,
YC 14(2)
proceedings on default, YC 135
Records of offences and offenders,
YC 110-129
access to records, YC 117-127
court order, by, YC 123
young person, by, YC 124
adult sentence, YC 117
destruction of records, YC 128
disclosure by court order, YC 127
disclosure by peace officer, YC
125
disclosure of records, YC 117-127
fingerprints, YC 113
government records, YC 116
Identification of Criminals Act
applies, YC 113
police records, YC 115
prohibition against disclosure, YC
118

YOUTH CRIMINAL JUSTICE
ACT — *Continued*

Records of offences and offenders —
Continued
RCMP records, YC 115(3), 120
records that may be kept, YC 114
subsequent disclosure, YC 129
unlawful disclosure, YC 138
Referral —
child welfare agency, to, YC 36
police officer, by, YC 6
Regulations, YC 155
Right to counsel. *See* RIGHT TO
COUNSEL
Sentence —
adult sentence —
age for purposes of, YC 61
application —
Attorney General, by, YC 64,
81
Criminal Code, of, YC 74
young person, by, YC 63, 81
Attorney General not seeking,
YC 65, 81
dangerous offender, YC 74
defined, YC 2
election, YC 67
hearing, YC 71
imposition of, YC 62, 73(1)
long-term offender, YC 74
notice of intent to seek, YC
64(2), (4), 68
notice that young person not
opposing, YC 64(5)
parole, YC 77, 78
placement, YC 76, 79, 80, 81
publication ban, YC 75
test on application for, YC 72
appeal, YC 37
committal to custody when
permitted, YC 39
principles, YC 38(2), (3), 50
pre-sentence report, YC 40
purpose, YC 38(1)
review, YC 59, 60
no appeal of, YC 37(11)
victim assistance fund, YC 53

YOUTH CRIMINAL JUSTICE

ACT — *Continued*Sentence — *Continued*

weapons prohibition, YC 51

youth sentence —

application for, YC 63, 70, 71,
72application of Criminal Code,
YC 50breach of conditions, YC 102,
103

community service, YC 42(2)(i)

compensation, YC 42(2)(e), (g),
(h), 54conditional supervision, YC
105-108

consecutive sentence, YC 42(13)

consent to treatment, YC 42(8)

considerations, YC 42(2)
custody and supervision order,
YC 42(2)(n), (o), (4), 44, 45,
47, 97, 98, 102

date in force, YC 42(12), (17)

deferred custody and
supervision, YC 42(2)(p), (5),
(6)

defined, YC 2

discharge, YC 42(2)(b), (c),
(11), 82

duration, YC 42(14)-(16), 43, 46

effect of termination, YC 82

fine, YC 42(2)(d), 54

forfeiture order, YC 42(2)(j)

intensive rehabilitative custody
and supervision, YC 42(2)(r),
(7)intensive support, YC 42(2)(l),
(3), 55, 56

intermittent custody, YC 47

interprovincial arrangements,
YC 58

murder, YC 42(2)(q)

non-residential program, YC
42(2)(m), (3)presumptive offence, YC
42(2)(o)

YOUTH CRIMINAL JUSTICE

ACT — *Continued*Sentence — *Continued*youth sentence — *Continued*probation, YC 42(2)(k), 55, 56
prohibition order, YC 42(2)(j),
51, 52

reasons, YC 48

recommendation of conference,
YC 41

reprimand, YC 42(2)(a)

restitution, YC 42(2)(f), 54

review, YC 59, 60

sanctions, YC 42(2)-(17)

seizure order, YC 42(2)(j)

transfer of sentence, YC 57

warrant of committal, YC 49

weapon prohibition, YC 51

Serious violent offence —

appeal of determination, YC
37(4), 42(10)

defined, YC 2

determination, YC 42(9)

notice, YC 64(4)

Sex Offender Information

Registration Act —

application of, 490.011(2)

Statement —

admissibility of, to person in
authority, YC 146made on assessment, inadmissible,
YC 147(1)

exception, YC 147(2)

pre-sentence report, in,
inadmissible, YC 40(10)

Subpoena, YC 144

Transitional provisions, YC 158-165

Transfer of charges, YC 133

Victim —

identity not to be disclosed, YC
111notice of extrajudicial measures,
YC 12

victim assistance fund, YC 53

victim-offender reconciliation, YC
157

YOUTH CRIMINAL JUSTICE

ACT — *Continued*
 Warrant, YC 145
 Witness —
 identity not to be disclosed, YC 111
 Young Offenders Act —
 effect of termination of disposition, YC 82
 failure to comply with disposition, YC 137
 level of custody, YC 88
 transitional provisions, YC 158-165
 Youth Justice Committees, YC 18
 Youth justice court —
 contempt of court, YC 15
 defined, YC 2
 designated, YC 13
 established, YC 13
 exclusive jurisdiction, YC 14
 judge defined, YC 2
 jurisdiction, YC 14
 status of person uncertain, YC 16
 rules, YC 17, 155(b)
 superior court judge retains jurisdiction, YC 14(7)

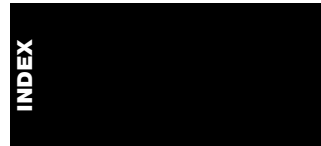
YUKON TERRITORY
 Application of Criminal Code, 8(1)(a)
 Appeal court defined for —
 court of appeal, 2
 place of hearing, 814(1)
 proceedings re firearms prohibition orders, 111. *See also* WEAPONS — Firearms summary conviction appeals, 812
 Attorney General, defined, 2
 Chief justice defined for —
 emergency authorizations for interception of private communications, 188(4). *See also* INTERCEPTION OF PRIVATE COMMUNICATIONS

YUKON TERRITORY —

Continued
 Chief justice defined for —
Continued
 judicial review of ineligibility for parole, 745.6(3)(f). *See also* PAROLE — Ineligibility for parole
 Court defined for —
 appeals, 2
 criminal jurisdiction, 2
 seizure warrants for —
 hate propaganda publications, 320(8). *See also* HATE PROPAGANDA; SEARCH AND SEIZURE
 obscene publications and child pornography, 164(8). *See also* OBSCENITY; SEARCH AND SEIZURE
 superior court of criminal jurisdiction, 2
 Court of appeal defined, 2
 Court of criminal jurisdiction defined, 2
 Empanelling jury in, 632
 Judge defined for —
 emergency authorizations for interception of private communications, 188(1), 552. *See also* INTERCEPTION OF PRIVATE COMMUNICATIONS
 Part XVI, Compelling Appearance of Accused Before a Justice and Interim Release, 493. *See also* JUDICIAL INTERIM RELEASE; RELEASE FROM CUSTODY
 Part XIX, Indictable Offences —
 Trial Without Jury, 552. *See also* INDICTABLE OFFENCES — Trial by judge alone; TRIAL — Judge alone trial
 Language of accused, regulations for Part XVII, 533

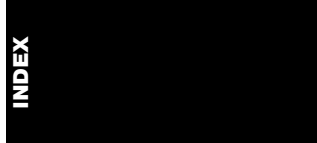
YUKON TERRITORY —
Continued
Minister of Health for procuring
miscarriage, 287(6)
Parole, application to reduce
ineligibility period, 745.6
Summary conviction appeals —
appeal court defined, 812(1)(h)

YUKON TERRITORY —
Continued
Summary conviction appeals —
Continued
place of hearing, 814(4)
Superior court of criminal
jurisdiction defined, 2



INDEX TO FORMS FOR THE CRIMINAL CODE

<p>Appearance notice issued by a peace officer to a person not yet charged with an offence (s. 493), Form 9</p> <p>Application for an authorization to take additional samples of bodily substances for forensic DNA testing (s. 487.091(1)), Form 5.08</p> <p>Application for an authorization to take bodily substances for forensic DNA analysis (s. 487.055(1)), Form 5.05</p> <p>Assessment order of the court (s. 672.13), Form 48</p> <p>Assessment order of the review board (s. 672.13), Form 48.1</p> <p>Authorization to take additional samples of bodily substances for forensic DNA analysis (s. 487.091(1)), Form 5.09</p> <p>Authorization to take bodily substances for forensic DNA analysis (s. 487.055(1)), Form 5.06</p> <p>Certificate of default to be endorsed on recognizance (s. 770), Form 33</p> <p>Certificate of non-payment of costs of appeal (s. 827), Form 42</p> <p>Challenge for cause (s. 639), Form 41</p> <p>Challenge to array (s. 629), Form 40</p> <p>Community impact statement (s. 722.2(2)), Form 34.3</p>	<p>Conviction (ss. 570 and 806), Form 35</p> <p>Conviction for contempt (s. 708), Form 38</p> <p>Deposition of a witness (s. 540), Form 31</p> <p>Endorsement of warrant (ss. 487 and 528), Form 28</p> <p>Endorsement of warrant (s. 507), Form 29</p> <p>Heading of Indictment (ss. 566, 566.1, 580 and 591), Form 4</p> <p>Information (ss. 506 and 788), Form 2</p> <p>Information to obtain a non-disclosure order (s. 487.0191(2)), Form 5.009</p> <p>Information to obtain a preservation order (s. 487.013(2)), Form 5.002</p> <p>Information to obtain a production order (ss. 487.014(2), 487.015(2), 487.016(2), 487.017(2) and 487.018(3)), Form 5.004</p> <p>Information to obtain a search warrant (s. 487), Form 1</p> <p>Information to obtain a warrant to take bodily substances for forensic DNA analysis (s. 487.05(1)), Form 5.01</p>
---	--

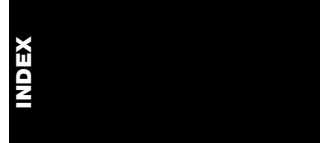


MARTIN'S POCKET CRIMINAL CODE, 2020

Information to revoke or vary an order made under any of sections 487.013 to 487.018 of the Criminal Code (s. 487.019(3)), Form 5.0081	Order for discharge of a person in custody (ss. 519 and 550), Form 39
Jailer's receipt to peace officer for prisoner (s. 734), Form 43	Order to a person to have bodily substances taken for forensic DNA analysis (ss. 487.051(4) and 487.055(3.11)), Form 5.041
Non-disclosure order (s. 487.0191(3)), Form 5.0091	Order to comply with Sex Offender Information Registration Act (s. 490.012), Form 52
Notice of obligation to comply with Sex Offender Information Registration Act (ss. 490.019 and 490.032), Form 53	Order to disclose income tax information (s. 462.48), Form 47
Notice of obligation to provide samples of bodily substance (ss. 732.1(3)(c.2), 742.3(2)(a.2), 810(3.02)(c), 810.01(4.1)(g), 810.011(6)(f), 810.1(3.02)(i) and 810.2(4.1)(g)), Form 51	Preservation demand (s. 487.012(1)), Form 5.001
Obligation to comply with Sex Offender Information Registration Act (ss. 490.02901 to 490.02903, 490.02905 and 490.032), Form 54	Preservation order (s. 487.013(4)), Form 5.003
Order acquitting accused (s. 570), Form 37	Probation order (s. 732.1), Form 46
Order against an offender (ss. 570 and 806), Form 36	Production order for documents (s. 487.014(3)), Form 5.005
Order authorizing the taking of bodily substances for forensic DNA analysis (s. 487.051(1) and (2)), Form 5.03	Production order for financial data (s. 487.018(4)), Form 5.008
Order authorizing the taking of bodily substances for forensic DNA analysis (ss. 487.051(3)), Form 5.04	Production order for transmission data or tracking data (ss. 487.016(3) and 487.017(3)), Form 5.007
Order for accused to be brought before justice prior to expiration of period of remand (s. 537), Form 30	Production order to trace a communication (s. 487.015(3)), Form 5.006
	Promise to appear (s. 493), Form 10
	Recognizance (ss. 493, 550, 679, 706, 707, 810, 810.1 and 817), Form 32
	Recognizance entered into before an officer in charge or other peace officer (s. 493), Form 11
	Report to a judge of property seized (s. 462.32), Form 5.3

INDEX TO FORMS FOR THE CRIMINAL CODE

Report to a justice (s. 489.1), Form 5.2	Victim impact statement (s. 722(4)), Form 34.2
Report to a provincial court judge or the court (s. 487.057(1)), Form 5.07	Warrant authorizing the taking of bodily substances for forensic DNA analysis (s. 487.05(1), Form 5.02
(Section 667), Form 44	Warrant for arrest (ss. 475, 493, 597, 800 and 803), Form 7
(Section 667), Form 45	Warrant for arrest (ss. 487.0551(1)), Form 5.062
(Subsection 487.05(1)), Forms 5.01 and 5.02	Warrant for committal (ss. 493 and 515), Form 8
Statement on restitution (s. 737.1(4)), Form 34.1	Warrant for witness (ss. 698 and 705), Form 17
Subpoena to a witness (s. 699), Form 16	Warrant of committal—disposition of detention (s. 672.57), Form 49
Subpoena to a witness in the case of proceedings in respect of an offence referred to in subsection 278.2(1) of the Criminal Code (ss. 278.3(5) and 699(7)), Form 16.1	Warrant of committal—placement decision (s. 672.7(2)), Form 50
Summons to a person charged with an offence (ss. 493, 508 and 512), Form 6	Warrant of committal for contempt (s. 708), Form 25
Summons to a person to have bodily substances taken for forensic DNA analysis (ss. 487.055(4) and 487.091(3)), Form 5.061	Warrant of committal for failure to furnish recognizance to keep the peace (ss. 810 and 810.1), Form 23
Undertaking by appellant (defendant) (ss. 816, 832 and 834), Form 13	Warrant of committal in default of payment of costs of an appeal (s. 827), Form 26
Undertaking by appellant (prosecutor) (s. 817), Form 14	Warrant of committal of witness for failure to enter into recognizance (s. 550), Form 24
Undertaking given to a justice or a judge (ss. 493 and 679), Form 12	Warrant of committal of witness for refusing to be sworn or to give evidence (s. 545), Form 20
Undertaking given to a peace officer or an officer in charge (ss. 493, 499 and 503), Form 11.1	Warrant of committal on an order for the payment of money (s. 806), Form 22
Victim impact statement (s. 672.5(14), Form 48.2	Warrant of committal on conviction (ss. 570 and 806), Form 21



MARTIN'S POCKET CRIMINAL CODE, 2020

Warrant of committal on forfeiture of a recognizance (s. 773), Form 27	Warrant to enter dwelling house (s. 529.1), Form 7.1
Warrant remanding a prisoner (ss. 516 and 537), Form 19	Warrant to search (s. 487), Form 5
Warrant to arrest an absconding witness (s. 704), Form 18	Warrant to search (ss. 320.29 and 487.1), Form 5.1
Warrant to convey accused before justice of another territorial division (s. 543), Form 15	Writ of fieri facias (s. 771), Form 34