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Abuse of process, CC 8, 131; CA Part I Automatism, CC 16 Drunkenness (intoxication), CC 8, 16 Due diligence, CC 8 Entrapment, CC 8 Extreme intoxication, CC 33.1 Honest belief, CC 8 Necessity, CC 8 Negligence, violence by, CC 33.1 Preservation by Code, CC 8(3) Res judicata, CC 8, 12

#### **DEFENCES (STATUTORY)**

See also Law Enforcement Immunity Abduction consent of young person, no defence, CC 286 necessary protection, CC 285

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**DEFENCES (STATUTORY)—Cont'd** Abduction-Cont'd parental consent, CC 284 Aircraft, use of force aboard, CC 27.1 Assault and sexual assault apprehended consent, CC 265(4), 273.2 consent, CC 150.1(1) to (2.2), (6), 265(1)(a), 265(3), 273.1 Colour of right or lawful excuse, CC 429(2) Common law defences, CC 8(3) Compulsion by threats (duress), CC 17 Consent, see Consent Defence of property, CC 35 Defence of self or person under protection, CC 34 Defences to libel, CC 303 to 316 Ignorance of law no defence, CC 19 Justification (prevent offence), CC 27 Law enforcement immunity, see Law Enforcement Immunity Mental disorder, CC 16 Mistake age of V, CC 150.1(4) to (6) consent, CC 265(4) Obedience to de facto law, CC 15 Protection of persons in authority aircraft, use of force aboard, CC 27.1 correction of child by force, CC 43 excessive force, CC 26 general authority, CC 25 master of ship, CC 44 surgical operation, CC 45 Provocation. CC 232 Public good (obscenity), CC 163(3), (4) DEFINITIONS "Accused," CC 672.1(1), 716 "Acoustic device," CC 342.1(2) "Act." CC 2: CC Reg. 2005 to 30, IA

35(1); MRICP Reg. 2011 to 292, s.

"Act or omission," CC 7(3.77)

"Adult," CC 487.04; YCJA 2(1)

"Advertisement for conversion therapy,"

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"Adult sentence," YCJA 2(1)

"Adjudicator," CDA 2(1)

CC 164(8)

164(8)

"Agreement," CC 7(2.34) "Alternate person in charge," CDA **56.1**(1) "Alternative measures," CC 716 "Ammunition," CC 84(1) "Analogue," CDA 2(1) "Analyst," CC 320.11; 729(2); CannA 2(1) "Antique firearm," CC 84(1), (3), (3.1) "Appeal court," CC 812, 829 "Appearance notice," CC 2 "Application for federal employment," CC 672.37(1) "Appropriate Chief Justice," CC 745.6(3) "Approved container," CC 320.11; CC Reg. 85 to 201 generally, 2005 to 37 generally "Approved drug screening equipment," CC 320.11 "Approved instrument," CC 320.11; CC Reg. 85 to 201 generally "Approved screening device," CC 320.11; CC Reg. 85 to 200 generally "Assessment," CC 672.1(1) "Associated personnel," CC 2 "Association," CC 204(9) "Attorney General." CC 2. 507.1(11). 672.1(2), 773(5), 810.01(8), 810.011(14); CannA 2(1); EXA 2; **YCJA 2(1)** "Audioconference," CC 2 "Authorization," CC 84(1), 183; DNA 2 "Authorization to carry," FA 2(1) "Authorization to export," FA 2(1) "Authorization to transport," FA 2(1) "Automatic firearm," CC 84(1) "Automobile master key," CC 353(5) "Bank," IA 35(1) "Bank-note," CC 2 "Barrel length," CC 84(2) "Bet," CC 197(1) "Board," CRA 2(1) "Bodily harm," CC 2 "Brand element," CannA 2(1) "Brand-preference promotion," CannA 2(1) "Break," CC 98(2), 321 "Brother," CC 155(4)

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**DEFINITIONS—Cont'd** "Designated criminal offence," CDA 56.1(1) "Designated drug offence," CDA 56.1(1) "Designated justice," CC 507.1(10) "Designated offence," CC 462.3(1), (2), 487.04, 490.011(1), 672.64(1), 752; **CannA 2(1); DNA 2** "Designated organization," MRICP Reg. 2011 to 292, s. 1 "Designated substance offence," CC 462.48(1); CDA 2(1) "Destroy," YCJA 128(7) "Device," CC 2, 327(4), 342.2(4) "Digital signature certificate," CC Reg. 2005 to 30, s. 1 "Disclosure," YCJA 2(1) "Disorderly house," CC 197(1) "Disposition," CC 672.1(1), 672.64(5) "Disposition information," CC 672.51(1) "Distinguishing mark," CC 417(3) "Distribute," CannA 2(1) DNA, CC 487.04; DNA 2 "DNA profile," DNA 2 "Document," CC 241.4(4), 321, 488.01(1); CEA 39.1(1); EXA 31(1), 489.011 "Document of title to goods," CC 2 "Document of title to lands," CC 2 "Dried cannabis," CannA 2(1) "Dual status offender," CC 672.1(1) "Duty," CC 219(2) "Dwelling-house," CC 2; CannA 2(1) "Electro-convulsive therapy," CC 672.61(2) "Electromagnetic, acoustic, mechanical or other device," CC 183, 342.1(2) "Electronic document," CC 841; CEA 31.8 "Electronic documents system," CEA 31.8 "Enactment," CC 6(3) "Entity," CC Reg. 2005 to 30, CC 83.01(1), s. 1; EXA 2 "Entrance," CC 98(3), 350 "Environment," CC 2 "Escape," CC 149(2) "Evaluating officer," CC 320.11 "Every one," CC 2 "Evidence," CC 118, 136(2) "Exchequer bill," CC 321

**DEFINITIONS—Cont'd** "Exchequer bill paper," CC 321 "Executive Committee," CRA 2(1) "Explosive substance," CC 2 "Export," CC 84(1) "Expose," CC 214 "Extradition arrangement," EXA 2 "Extradition partner," EXA 2 "Extrajudicial measures," YCJA 2(1) "Extrajudicial sanction," YCJA 2(1) "Extra-provincial bus transport," MVTA 2(1)"Extra-provincial bus undertaking," **MVTA 2(1)** "Extra-provincial motor carrier undertaking," MVTA 2(1) "Extra-provincial truck undertaking," **MVTA 2(1)** "Facilitation," CC 83.01(2), 83.19(2), 467.1(2) "False document," CC 321 "False pretence," CC 361 "Federal Minister," FA 2(1) "Financial institution," CEA 29(9) "Fine," CC 716 "Fingerprint examiner," CC 667(4) "Firearm," CC 2, 2.1 "Firearms officer," CC 84(1); FA 2(1) "Fishing zone of Canada," CC 477(1) "Fixed platform," CC 79 "Flight," CC 7(8) "Flight element," CC 7(2.34), (2.38) Forensic DNA analysis, CC 487.04; DNA 2 "Former Act," FA 2(1) "Form of marriage," CC 214 "Function," CC 342.1(2) "Game," CC 197(1) "Gaming equipment," CC 197(1) "Genocide," CC 318(2), 320(8) "Goods," CC 379 "Government," CC 118; CannA 2(1); **CEA 31(1)** "Government or public facility," CC 2 "Guardian," CC 150, 214, 280(2) "Handgun," CC 84(1) "Hash function," CC Reg. 2005 to 30, s. 1 "Hate propaganda," CC 320(8) "Health professional," CC 423.2(5)

**DEFINITIONS—Cont'd** "Her Majesty's Forces," CC 2 "High-risk accused," CC 672.1(1) "Highway," CC 2 "Holder," CC 84(4) "Holiday," IA 35 "Human remains," DNA 2 "Identifiable group," CC 318(4), 319(7) "Illicit cannabis," CannA 2(1) "Illict substance," CDA 56.1(1) "Imitation firearm," CC 84(1) "Import," CC 84(1) "Indictment," CC 2, 673; YCJA 2(2) "Informant," CC 785 "Information," CC 785; SOIRA 3(1) "Informational promotion," CannA 2(1) "Insane," CC 16(2) "Inside information," CC 382.1(4) "Inspector," CannA 2(1); FA 101 "Insurance charge," CC 347(2) "Intercept," CC 183, 342.1(2) "Interest," CC 347(2), 347.1(1) "International Criminal Court," EXA 2 "International cruise ship," CC 207.1(4) "Internationally protected person," CC 2 "Internet address," MRICP Reg. 2011 to 292, s. 1 "Internet Service," MRICP 1(1) "Intimate image," CC 162.1(2), 164(8) "Intimate partner," CC 2 "Investigating authority," DNA 2 "Journalist," CC 488.01(1); CEA 39.1(1) "Journalistic source," CC 488.01(1); CEA 39.1(1) "Judge," CC 83.05(11), 44; EXA 2, 83.222(8), 83.223(11), 164(8), 320(8), 462.3(1), 488.1(1), 492.1(8), 492.2(6), 493, 552; CannA 2(1); CDA 2(1); CEA 38 "Judicial proceeding," CC 118 "Justice," CC 2; CannA 2(1); CDA 2(1); EXA 2; YCJA 2(2) "Justice system participant," CC 2 "Keeper," CC 197(1) "Key pair," CC Reg. 2005 to 30, s. 1 "Key staff members," CDA 56.1(1) "Label," CannA 2(1) "Law enforcement animal," CC 445.01(4)

**DEFINITIONS—Cont'd** "Law enforcement officer," CC 445.01(4) "Law of a province," MVTA 2(1) "Lawyer," CC 488.1(1) "Legal proceeding," CEA 29(9), 30(12) "Licence," CC 84(1), 353(5) "Listed entity," CC 83.01(1) "Local bus transport," MVTA 2(1) "Local bus undertaking," MVTA 2(1) "Local government," CDA 56.1(1) "Long-term supervision," CC 752 "Lottery scheme," CC 207(5), 207.1(4) "Lumber," CC 339(6) "Lumbering equipment," CC 339(6) "Magistrate," CC 2, 552 "Main residence," SOIRA 3(1) "Mark," CC 376(3) "Mechanical device," CC 342(2) "Medical assistance in dying," CC 227(5), 241.1, 241(7), 245(3) "Medical practitioner," CC 227(5), 241.1, 241(7), 245(3), 672.1(1) "Member of a force," CC 62(2) "Member of police service," SOIRA 3(1) "Mental disorder," CC 2 "Military animal," CC 445.01(4) "Military justice participant," CC 423.1(4) "Military law," CC 2 "Minister," CC 672.68(1); CannA 2(1); CDA 2(1); CRA 2(1); EXA 2; **MVTA 2(1)** "Motor vehicle," CC 2 "Municipality," CC 2; CDA 56.1(1) "Municipal official," CC 123(3) "Museum," FA 2(1) "Newly-born child," CC 2 "Newspaper," CC 297, 517(3), 539(4), 542(3), 648(3) "Night," CC 2 "Non-chemical offence-related property," CannA 2(1)"Non-resident," FA 2(1) "Non-restricted firearm," CC 84(1) "Nuclear facility," CC 2 "Nuclear material," CC 2 "Nurse practitioner," CC 227(5), 241.1, 241(7), 245(3) "Oath," CEA 44

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**DEFINITIONS—Cont'd** "Pre-sentence report," YCJA 2(1) "Primary designated offence," CC 487.04, 752 "Principal," CC 426(4) "Private communication," CC 183 "Private key," CC Reg. 2005 to 30, s. 1 "Prize fight," CC 83(2) "Proceeding," CEA 38 "Proceedings," CC 785 "Proceeds of crime," CC 462.3(1) "Produce," CannA 2(1); CDA 2(1) "Progress report," YCJA 88 "Prohibited act," CC 52(2) "Prohibited ammunition," CC 84(1); CC Reg. 98 to 462, Sched. Part 5, s. 6 "Prohibited device," CC 84(1); CC Reg. 98 to 462, Sched. Part 4, s. 5 "Prohibited firearm," CC 84(1); CC Reg. 98 to 462, Sched. Part 1, s. 2 "Prohibited weapon," CC 84(1); CC Reg. 98 to 462, Sched. Part 3, s. 4 "Prohibition order," CC 84(1) "Promote," CannA 2(1) "Property," CC 2, 4(2), 428, 430(4.101) "Prosecutor," CC 2, 785; CEA 38 "Protected statement," CC 672.21(1) "Provide," CDA 2(1) "Provincial authority," MVTA 2(1) "Provincial court judge," CC 111(11), 487.04; FA 76.1 "Provincial director," YCJA 2(1) "Provincial minister," FA 2(1) "Psycho-surgery," CC 672.61(2) "Publication," YCJA 2(1) "Public department," CC 2 "Public facility," CC 2 "Public key," CC Reg. 2005 to 30, s. 1 "Public officer," CC 2, 25.1, 117.07(2); 492.1(8), 492.2(6); CC Reg. 98 to 466 generally "Public place," CC 150, 197(1), 286.1(5), 319(7); CannA 2(1) "Public stores," CC 2 "Public transit operator," CC 269.01(2) "Qualified medical practitioner," CC 320.11 "Qualified person," YCJA 34(14) "Qualified technician," CC 320.11 "Railway equipment," CC 2 "Recognizance," CC 2
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**DEFINITIONS—Cont'd** "Sexual offence against a child," SOIRA 3(1)"Ship," CC 79 "Significant threat to safety of public," CC 672.5401 "Sister," CC 155(4) "Solicitor," CC 183 "Space flight," CC 7(2.34), (2.38) "Space Station," CC 7(2.34) "Specific agreements," EXA 2 "Stamp," CC 376(3) "Statement," CC 83.221(2), 107(3) "Statements," CC 319(7) "State or entity," **EXA 2** "Steal." CC 2 "Subsequent offence," CC 84(5), (1.3), (2.2), (3) to (4), (6), 239(2), 244(3),272(3), 273(3), 279(1.2), 279.1(2.1), 344(2) "Summary conviction court," CC 785; **YCJA 2(2)** "Summons," CC 2 "Superior court," CC 84(1), 829; FA 76.1 "Superior court of criminal jurisdiction," CC 2; YCJA 2(2) "Supervised consumption site," CDA 56.1(1) "Supervisor," CC 742 "Territorial division," CC 2 "Terrorism offence," CC 2 "Terrorist activity," CC 83.01(1), (1.1), (1.2)"Terrorist group," CC 83.01(1) "Terrorist propaganda," CC 83.222(8) "Testamentary instrument," CC 2 "Theatre," CC 150 "Three-card monte," CC 206(2) "Torture," CC 269.1(2) "Tracking data," CC 492.1(8) "Tracking device," CC 492.1(8) "Trade combination," CC 467(2) "Traffic," CC 342(4), 342.1(2), 355.1; CDA 2(1) "Transfer," CC 84(1); FA 21 "Transmission data," CC 492.2(6) "Transmission data recorder," CC 492.2(6) "Trial," CC 785

"Trial court," CC 673

#### 2025 Annotated Tremeear's Criminal Code

**DEFINITIONS—Cont'd** "Trustee," CC 2 "Undertaking," CC 2 "Undue hardship," CC 737(2.2) "Unfit to stand trial," CC 2 "United Nations operation," CC 2 "United Nations personnel," CC 2 "Utter," CC 448 "Valuable mineral," CC 2 "Valuable security," CC 2 "Vehicle," CC 269.01(2) "Vehicle identification number," CC 354(3) "Verdict of not criminally responsible on account of mental disorder," CC 672.1(1) "Vessel," CC 320.11, 335 "Victim," CC 2, 715.3(1); CVBR 2; **YCJA 2(2)** "Videoconference," CC 2 "Violent offence," YCJA 2(1) "Voyeuristic recording," CC 164(8) "Vulnerable persons," CRA 6.3(1) "Warrant," CC 493 "Weapon," CC 2; 270.1(2) "Witness," CC 118 "Wreck," CC 2 "Writing," CC 2, 844 "Young Offenders Act," CC 487.04 "Young person," CC 153(2), 487.04; CannA 2(1); DNA 2; YCJA 2(1) "Youth custody facility," YCJA 2(1) "Youth justice court," YCJA 2(1) "Youth justice court judge," YCJA 2(1) "Youth sentence," YCJA 2(1), 95 "Youth worker," YCJA 2(1)

## **DEPOSITION**

See also Affidavit Affirmation in lieu of oath, **CEA 14, 15** Preliminary inquiry, **CC 540(2), (3)** Proof of signing, **CEA 10(2)** 

#### DETENTION

See also Dangerous Offenders, Judicial Interim Release Rights on arrest or detention, **CA Part I** 10 Seized property, **CC 490, 491.1** To prevent breach of peace, **CC 30** 

#### **DETENTION**—Cont'd

Young person authorization of provincial authority, **YCJA 30(8)** care of responsible person, YCJA 31 Criminal Code, application of, YCJA 28 designated place, YCJA 30(1), (2) determination by provincial authority, YCJA 30(9) exceptions, YCJA 30(2), (5), (7) offences, YCJA 139 order respecting detention or release, **YCJA 33** separate from adults, YCJA 30(3) transfer by provincial director, YCJA 30(6) transfer to adult facility, YCJA 30(4)

#### DIRECTORS AND OFFICERS

Broker reducing stock by selling for own account, CC 384
Criminal liability generally, CC 22.1, 217.1
Duty of persons directing work, CC 217.1
Liability for fraud regarding public stores, CC 418(2)
"Senior officer," defined, CC 2
Theft from company, CC 328(e)

#### **DISARMING PEACE OFFICER**

See Peace Officer

#### DISCHARGE

See also Probation Absolute and conditional appeal, CC 730(3) breach of probation order, CC 730(4) circumstances for granting, CC 730(1) process in force until discharge, CC 730(2) report by probation officer, CC 721(1) restitution to victim of offences, CC 738(1) "sentence" including discharge, CC 673, 785 victim impact statement, CC 722.1 see also Victim Impact Statement Order of, CC Form 39 Preliminary inquiry, CC 548(1)(b)

DISCLOSURE See also Personal Record of Complainant, Production Orders Defence, by expert evidence, CC 657.3(3) to (7) Expert evidence, CC 657.3(3) to (7) General, CC 603 Government information confidences of Queen's Privy Council for Canada, CEA 39 foreign information obtained in confidence, CC 83.06 income tax information, CC 462.48 international relations, relating to, see sensitive information national defence and security, relating to, see sensitive information potentially injurious information, see sensitive information right to, CA Part I 7 right to sealed packet contents, CC 187 sensitive information agreement to disclose, CEA 38.031, 38.04(6) to (7) appeals from orders concerning, CEA 38.04(7), 38.1, 38.09, 38.11, 38.12 applications to Federal Court re, CEA 38.03, 38.04, 38.06, 38.11, 38.12 authorization by Attorney General of Canada, CEA 38.03 certificate prohibiting disclosure, CEA 38.13, 38.17, 38.131 conditions of disclosure. CEA 38.06(2) court records, CEA 38.04(4), 38.12(2)defined. CEA 38 entities, designated, CEA 38.01(6), Sched., (8), 38.02(1.1) fiat of Attorney General taking over prosecution, CEA 38.15, 38.17 limitation periods for appeals, CEA 38.09(2), 38.1 military proceedings, in, CEA 38.01(5), 38.03(2) notice to Attorney General of Canada, CEA 38.01, 38.02(1.1) to (2), 38.03(3)order for, CEA 38.06, 38.07, 38.08

DISCLOSURE—Cont'd Government information-Cont'd sensitive information-Cont'd prohibited, CEA 38.02, 38.06(3) prohibition, order confirming, CEA 38.06(3), 38.07 regulations concerning, power to make, CEA 38.16 report relating to proceedings, CEA 38.05 review of orders concerning, automatic, CEA 38.04(7), CEA 38.08 right to fair trial, protection of, and, **CEA 38.14** when determination takes effect, CEA 38.06(3.01) specified public interest, information protected by appeals of orders relating to, CEA 37.1, 37.2 disclosure order, CEA 37(4.1) to (5), (8) to (9), 37.3 limitation periods for appeals and objections, CEA 37(4), 37.1(2), 37.2 objection to disclosure, CEA 37, 37.3 prohibition order, CEA 37(6) right to fair trial, protection of, CEA 37.3 Journalistic sources, CEA 39.1 Medical records, CC 278.1 to 278.7 Personal record of complainant, CC 278.1 to 278.7 Police records, CC 717.2(2), (3), 717.4 Terrorist group property civil and criminal immunity for disclosure, CC 83.08 duty to disclose, CC 83.1(1) Third party records, CC 278.1 to 278.7 DISGUISE With intent to commit offence, CC 351(2) **DISGUSTING OBJECT** Exhibiting, CC 163(2)(b) motive irrelevant, CC 163(5) punishment, CC 169 service of public good as defence, CC  $163(\bar{3}), (4)$ 

#### DISOBEDIENCE

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