

Index

Criminal Code, CC; Constitution Act, CA; Controlled Drugs and Substances Act, CDA; Canada Evidence Act, CEA; DNA Identification Act, DNA; Firearms Act, FA; Youth Criminal Justice Act, YCJA

ABANDONMENT

- “Abandon,” **10:1** [CC 214]
- Animal in captivity, **14:70** [CC 446(1)(b)]
- Child under 10, **10:13** [CC 218]

ABDUCTION

- See also CONFINEMENT; KIDNAPPING; TRAFFICKING, PERSONS
- Consent of Attorney General, **10:335** [CC 283(2)]
- Custody order, contravention of, **10:331** [CC 282]
- Custody order, where none, **10:334** [CC 283(1)]
- Defences
 - consent of person abducted, **10:339** [CC 286]
 - consent of person having lawful possession, **10:336** [CC 284]
 - escape from harm, **10:337** [CC 285]
 - protection of young person, **10:337** [CC 285]
- Definition of “guardian,” **10:328** [CC 280(2)]
- Internationally protected persons outside Canada, **2:16** [CC 7(3)]
- Person under 14, **10:329 to 10:333** [CC 281 to 283]
- CSO precluded on indictment, **34:134** [CC 742.1(f)(vi)]

ABDUCTION—Cont’d

- Person under 16, **10:328** [CC 280(1)]
- Recognizance to prevent offence, **38:70** [CC 810.1]
- Removal of child from Canada with intent, **10:275** [CC 273.3]

ABORIGINAL RIGHTS

- Appearance, compelling, **21:2** [CC 493.1]
- Firearms, **47:3** [FA 2(3)]
- Rights and freedoms not affected, **41:94** [CA 25]

ABSCONDING

- See also PRESENCE OF ACCUSED; WITNESS
- Accused
 - preliminary inquiry, **23:70** [CC 544]
 - trial, **19:11, 27:67** [CC 475, 598]
 - accused deemed present, **31:48** [CC 715(3)]
 - jury election deemed waived, **27:67** [CC 598]
- Witness
 - arrest with warrant, **31:18** [CC 704]
 - detention or release, **31:20** [CC 706]
 - endorsement in another jurisdiction, **21:118** [CC 528]

ABSOLUTE JURISDICTION

See also JURISDICTION
Generally, **25:2** [CC 553]

ABSTRACT OF TITLE

Fraudulent concealment, **13:37**
[CC 385(1)]

ABUSE OF PROCESS

Generally, **2:19, 6:48, 41:22**
[CC 8, 131, CA 7]

ACCELERATION OF DEATH

Generally, **10:42** [CC 226]

ACCESSORY AFTER FACT

See also PARTY TO OFFENCE
Defined, **2:80** [CC 23(1)]

Evidence of conviction or discharge of another person,
27:241 [CC 657.2(2)]

Indictment of other parties, **2:84, 27:60** [CC 23.1, 592]

Murder, **10:98** [CC 240]

Punishment (general), **18:1** [CC 463]

accessory to murder, **10:98**
[CC 240]

Treason or high treason
delivery of trial documents,
27:87 [CC 604]

ACCIDENT

Failure to stop at scene, **11:16**
[CC 320.16]

ACCOMMODATION

Fraudulently obtaining, **12:181**
[CC 364]

ACCOUNT

Account entry negating theft,
12:50 [CC 330(2)]

Falsifying, **13:55, 13:58, 13:60**
[CC 397, 399, 400]

Theft by failure to account,
12:49 [CC 330(1)]

ACCUSED

See PRESENCE OF ACCUSED

ACT

See STATUTES

ADJOURNMENT (REMANDS)

See also ASSESSMENTS
(MENTAL DISORDER)

Effect on recognizance, **36:2**
[CC 763]

Judicial interim release hearing,
21:86 [CC 516]

Jury trial

disagreement upon verdict,
27:228 [CC 653]

Preliminary inquiry

irregularities misleading
accused, **23:76** [CC 547]

witness refusing to testify,
23:72 [CC 545]

Procedural irregularities, **20:4, 29:58** [CC 485,

686(1)(b)(iv)]

Summary conviction

appeal, **38:114** [CC 824]

trial, **38:47** [CC 803]

Trial by judge, **25:54** [CC 571]

Trial by provincial court judge,
27:271 [CC 669.1]

Trial on indictment

general, **27:170** [CC 645]

to plead, etc., **27:93** [CC
606(3)]

to secure documents, **27:85**
[CC 603]

where accused misled, **27:82**
[CC 601(5)]

When no jury summoned, **19:10**
[CC 474]

ADMISSIONS

Dispensing with proof

dangerous offenders, **35:24**
[CC 754(3)]

INDEX

ADMISSIONS—Cont'd

- Dispensing with proof—Cont'd
trial by indictment, **27:235**
[CC 655]
- Preliminary inquiry
 - admission as evidence at
inquiry, **23:41, 23:42**
[CC 541(1), (2)]
 - evidence of accused, as admis-
sion at trial, **27:238** [CC
657]
 - non-publication (offence),
23:46 [CC 542(2)]
- Previous admission, **23:45** [CC
542(1)]
- Publication, **23:46** [CC 542(2)]
- Young person, **42:13, 42:172**
[YCJA 10(4), 149]

ADULT

- Generally, **42:3** [YCJA 2(1)]

ADULTERY

- Corrupting child, **7:81** [CC 172]

ADVERSE WITNESS

- Generally, **40:35** [CEA 9(1)]
- Prior inconsistent statement,
40:36 [CEA 9(2)]

ADVERTISING

- Counterfeit money or tokens,
15:27 [CC 460(1)(a)]
- Cure for venereal disease, **7:42**
[CC 163]
- Drug to cause miscarriage, **7:42**
[CC 163]
- False prospectus, **13:60** [CC
400]
- Invitation to bet on contest, **9:20**
[CC 202]
- Lottery scheme, **9:32, 9:39** [CC
206(1)(a), 206(7)]
- Using likeness of bank note,
15:20 [CC 457]

AFFIDAVIT

- See also CERTIFICATE; CER-
TIFIED COPY; SERVICE
- General
 - affirmation in lieu of oath,
40:58 [CEA 15]
 - foreign affidavit, **40:161 to**
40:163 [CEA 52 to 54]
- Offences
 - administering oath without
authority, **6:64** [CC
138(a)]
 - false statements, **6:48, 6:56**
[CC 131, 134]
 - perjury, **6:48** [CC 131]
“witness,” **6:1** [CC 118]
 - signing pretended affidavit,
6:64 [CC 138(a), (c)]
 - statement, **6:53, 6:56** [CC
133, 134]
 - using pretended affidavit, **6:64**
[CC 138(b)]
- Particular affidavits
 - banking record
 - proof of entry, **40:88, 40:89**
[CEA 29(3), (4)]
 - business record
 - proof of copy, **40:90** [CEA
30(3)]
 - proof of explanation, **40:90**
[CEA 30(4), (8)]
 - proof of ownership and
value of property,
27:239 [CC 657.1]
 - government record
 - proof of entry, **40:80** [CEA
26]
 - insurance
 - proof of loss, **40:148** [CEA
42]
 - ownership and value of prop-
erty, **27:240, 27:239** [CC
657.1(1), (2)]
 - attendance for examination,
27:239 [CC 657.1(4)]

AFFIDAVIT—Cont'd

Particular affidavits—Cont'd
ownership and value of prop-
erty, **27:240, 27:239** [CC
657.1(1), (2)]—Cont'd
notice of intention to pro-
duce, **27:239** [CC
657.1(3)]
photographic evidence,
20:195 [CC **491.2(4)**]
photographic print
proof of compliance, **40:93**
[CEA **31(3), (4)**]
proof of service of any docu-
ment, **2:8, 2:9** [CC **4(6)**
to **(7)**]
subpoena
proof of service, **31:12** [CC
701]

AFFIRMATION

See also AFFIDAVIT; OATH
Administered abroad, **40:161 to**
40:163 [CEA **52 to 54**]
Affidavit or deposition, **40:58**
[CEA **15**]
In lieu of oath, **40:54** [CEA **14**]
Liability for perjury, **40:58**
[CEA **15(2)**]

AGE

See also ASSAULT; CONSENT;
EQUALITY; SEXUAL
ASSAULT
Adult sentence eligibility, **42:81**
[YCJA **64**]
“Child,” **42:3** [YCJA **2(1)**]
Criminal responsibility, **2:34**
[CC **13**]
mistake re, **7:3** [CC **150.1(4)**
to **(6)**]
Young offenders
jurisdiction re age, **42:17**
[YCJA **14**]

AGE—Cont'd

Young offenders—Cont'd
“young person,” **42:3** [YCJA
2(1)]

AGENT

See also POWER OF
ATTORNEY
“Agent,” **13:115** [CC **426(4)**]
Appearance for accused, **25:15,**
27:115, 38:28, 38:46 [CC
556, 620, 800, 802.1]
limitation on use, **38:46** [CC
802.1]
organizational accused, **25:15,**
27:115, 38:28 [CC **556,**
620, 800(3)]
Liability for fraud regarding pub-
lic stores, **13:94** [CC
418(2)]
Limitation on use, **38:46** [CC
802.1]
Pledge of goods not theft, **12:36**
[CC **325**]
Secret commission, **13:115** [CC
426]

AGGRAVATED ASSAULT

See ASSAULT

**AGGRAVATED SEXUAL
ASSAULT**

See SEXUAL ASSAULT

**AGGRAVATING
CIRCUMSTANCES**

Generally, **34:19** [CC **718.2(a)**]
Driving offences, **11:23** [CC
320.22]
Elder abuse, **34:19** [CC
718.2(a)(iii.1)]
Fraud offences, **13:25** [CC
380.1]
Home invasion offences, **12:113**
[CC **348.1**]
Personation, **6:47** [CC **130.1**]

INDEX

AGREEMENT OR

ARRANGEMENT—SEXUAL OFFENCE AGAINST CHILD

- Defences, limitation on
 - age of intended victim, **7:89** [CC 172.2(4)]
 - non-existence of victim, re, **7:89** [CC 172.2(5)(b)]
 - police sting operation, re, **7:89** [CC 172.2(5)]
- Designated offence for dangerous offender purposes, **35:1** [CC 752]
- Designated offence for SOIRA purposes, **20:136** [CC 490.011(1)]
- Forfeiture of things used, **7:65** [CC 164.2]
 - relief from, **7:66** [CC 164.3]
- Offence, **7:89** [CC 172.2(1) to (2)]
- Offence outside Canada, **2:16** [CC 7(4.1)]
- Presumption re age, **7:89** [CC 172.2(3)]
- Primary designated offence for DNA purposes, **20:77** [CC 487.04]
- Prohibition order, **7:33** [CC 161]
- Recognizance to prevent offence, **38:70** [CC 810.1]

AIDING AND ABETTING

- See also ACCESSORY AFTER FACT; COUNSELLING; PARTY TO OFFENCE
- Essential elements
 - abetting, **2:64** [CC 21(1)(c)]
 - aiding, **2:64** [CC 21(1)(b)]
- Indictment of other parties, **2:84** [CC 23.1]
- Particular offences
 - betting offences, **9:20** [CC 202(1)(j)]

AIDING AND ABETTING

—Cont'd

- Particular offences—Cont'd
 - cruelty to animals, **14:70** [CC 446]
 - desertion, **3:11, 3:13** [CC 54, 56]
 - enemy alien, **3:6** [CC 50]
 - escape, **6:95 to 6:100** [CC 146 to 148]
 - prize fight, **3:67** [CC 83(1)]
 - suicide, **10:101** [CC 241]
 - treason, **3:1, 3:6** [CC 46, 50]

AIRCRAFT

- See also HIJACKING; DRIVING OFFENCES
- Conveyance, as, see DRIVING OFFENCES
- Deemed in service, **2:16** [CC 7(9)]
- Defined, **10:1** [CC 214]
- “Flight,” **2:16** [CC 7(8)]
- Jurisdiction over accused, **2:16** [CC 7(5)]
- Jurisdiction over offence, **2:17, 19:14, 19:16** [CC 7(1), 476, (2)]
- Offence against internationally protected person, **2:16** [CC 7(3)]
- Offence outside Canada
 - accessory after the fact, **2:16** [CC 7(2)(e)]
 - attempt, **2:16** [CC 7(2)(e)]
 - consent to prosecution, **2:16** [CC 7(7)]
 - conspiracy, **2:16** [CC 7(2)(e)]
 - counselling, **2:16** [CC 7(2)(e)]
 - deemed committed in Canada, **2:17, 2:16** [CC 7(1), (2)]
 - prosecution outside Canada, **2:16** [CC 7(6)]

AIRCRAFT—Cont'd

- Particular offences
 - act of violence, **3:47** [CC **77(a), (b)**]
 - aircraft deemed in service, **2:16** [CC **7(9)**]
 - breaking and entering, **12:100** [CC **348**]
 - causes damage, **3:47** [CC **77**]
 - consent to prosecution, **2:16** [CC **7(7)**]
 - DNA order on conviction or discharge, **20:77, 20:81** [CC **487.04, 487.051**]
 - endangering safety, **3:47** [CC **77**]
 - evidence of overt acts, **3:12** [CC **55**]
 - false communication, **3:47** [CC **77(g)**]
 - first degree murder, **10:67** [CC **231(5)**]
 - fraud in obtaining transportation, **13:49** [CC **393(3)**]
 - hijacking, **3:46** [CC **76**]
 - hostage taking, **2:16** [CC **7(3.1)**]
 - interim release, **21:100** [CC **522(1)**]
 - offence outside Canada, **2:16** [CC **7**]
 - offences outside Canada, **2:16** [CC **7(3.7)(b)**]
 - rendering incapable of flight, **3:47** [CC **77(c)**]
 - sabotage, **3:9** [CC **52**]
 - statement in indictment, **27:25** [CC **581(4)**]
 - weapon or explosive on board, **3:48** [CC **78**]
- Pilot as peace officer, **1:3** [CC **2**]
- Space station, **2:16** [CC **7(2.34)**]
 - consent of Attorney General of Canada, **2:16** [CC **7(2.33)**]

AIRCRAFT—Cont'd

- Space station, **2:16** [CC **7(2.34)**]
 - Cont'd
 - definitions, **2:16** [CC **7(2.34)**]
 - offence committed by Canadian crew member, **2:16** [CC **7(2.3)**]
 - offence committed by crew member of Partner state, **2:16** [CC **7(2.31)**]
 - proceedings by Attorney General of Canada, **2:16** [CC **7(2.32)**]
 - Use of force aboard
 - justified, **2:104** [CC **27.1**]

AIR NAVIGATION FACILITIES

- See also AIRCRAFT
- Interfering with operation, **3:47** [CC **77(d)**]
- Offence outside Canada, **2:16** [CC **7(2)(c)**]

AIRPORT

- See also INTERNATIONAL AIRPORT
- Endangering safety, **3:47** [CC **77**]
 - DNA order on conviction or discharge, **20:77, 20:81** [CC **487.04, 487.051**]
- Particular offences
 - act of violence, **3:47** [CC **77(b)**]
 - causes serious damage, **3:47** [CC **77(f)**]

ALARMING THE QUEEN

- Act with intent to alarm
 - evidence of overt acts, **3:12** [CC **55**]
 - statement in indictment, **27:25, 27:77** [CC **581(4), 601(9)**]

INDEX

ALBERTA

Generally, **1:3, 7:61, 8:42, 10:411, 21:1, 22:15, 25:1, 27:151, 34:184, 38:84, 38:91 [CC 2, 164(8), 188(4), 320(8), 493, 534, 552, 638(3), 745.6(3), 812, 814(1)]**

ALCOHOL

See DRIVING OFFENCES

ALIEN

Assisting enemy alien, **3:7 [CC 50(1)]**
evidence of overt acts, **3:12 [CC 55]**
statement in indictment, **27:25, 27:77 [CC 581(4), 601(9)]**
Consent to prosecution, **2:16, 19:19 [CC 7(7), 477(2)]**
Juror
challenge for cause, **27:148 [CC 638(1)(d)]**

ALTERNATIVE MEASURES

See PUNISHMENT; YOUTH CRIMINAL JUSTICE

AMENDMENT

See INDICTMENT (FORM AND SUBSTANCE)

AMMUNITION

Defined, **5:2 [CC 84(1)]**
Prohibited
defined, **5:2 [CC 84(1)]**
Unauthorized possession of, **47:106 [FA 108]**

ANIMALS

Abandonment, **14:70 [CC 446(1)(b)]**
defence, **14:4 [CC 429(2)]**
Captivity, **14:69 [CC 445.2]**
“Cattle,” **1:3 [CC 2]**

ANIMALS—Cont’d

Cock-pit, building or keeping, **14:77 [CC 447]**
Cruelty, **14:68 [CC 445.1]**
defence, **14:4 [CC 429(2)]**
Dolphins, **14:69 [CC 445.2]**
Injuring or endangering, **14:63, 14:67 [CC 445, 445.01]**
defence, **14:4 [CC 429(2)]**
Killing, **14:67 [CC 445.01]**
Law enforcement, **14:67 [CC 445.01]**
Military, **14:67 [CC 445.01]**
Ownership custody or cohabitation while prohibited, **14:78 [CC 447.1(2)]**
defence, **14:4 [CC 429(2)]**
Poisoning, **14:63, 14:68 [CC 445, 445.1(1)(c)]**
defence, **14:4 [CC 429(2)]**
Prohibition order, **14:78 [CC 447.1]**
Property in wild animal, **12:8 [CC 322(5)]**
Restitution order, **14:78 [CC 447.1]**
Sentencing objectives, **34:13 [CC 718.03]**
Service, **14:67 [CC 445.01]**
Whales, **14:69 [CC 445.2]**

ANTIQUÉ FIREARM

See FIREARMS

APPEALS (INDICTABLE OFFENCES)

By accused (to court of appeal)
from conviction, **29:8 [CC 675(1)(a)]**
from dangerous offender finding, **35:32 [CC 759(1)]**
from discharge, **34:71 [CC 730(3)(a)]**

APPEALS (INDICTABLE OFFENCES)—Cont'd

- By accused (to court of appeal)
 - Cont'd
 - from extraordinary remedies, **37:28, 37:29 [CC 784(1), (2)]**
 - from finding of not criminally responsible, **29:11 [CC 675(3)]**
 - from finding of unfitness, **29:11 [CC 675(3)]**
 - from parole delay order, **29:8 [CC 675(2.1)]**
 - from parole ineligibility order, **29:10, 29:8 [CC 675(2), (2.1), (2.3)]**
 - from proceeds of crime forfeiture order, **17:32 [CC 462.44]**
 - from sentence, **29:8 [CC 675(1)(b)]**
 - from summary conviction, **29:8 [CC 675(1.1)]**
 - person under 18, **29:8 [CC 675(2.1)]**
- By accused (to Supreme Court of Canada), **29:105, 29:116 [CC 691, 692]**
 - election if new trial, **29:124 [CC 695(2)]**
 - where acquittal set aside and judge dissents, **29:105 [CC 691(2)(a)]**
 - where acquittal set aside and verdict of guilty entered, **29:105 [CC 691(2)(b)]**
 - where co-accused acquitted, **29:105 [CC 691(2)(b)]**
 - where conviction upheld, **29:106 [CC 691(1)]**
 - where found not criminally responsible, **29:116 [CC 692(1)]**

APPEALS (INDICTABLE OFFENCES)—Cont'd

- By accused (to Supreme Court of Canada), **29:105, 29:116 [CC 691, 692]**—Cont'd
 - where found unfit, **29:116 [CC 692(2)]**
 - where leave of court, **29:105 [CC 691(2)(c)]**
- By Attorney General (to court of appeal)
 - from acquittal, **29:14, 29:16 [CC 676(1)(a), 676(2)]**
 - from decision not to make parole ineligibility order, **29:19, 29:20 [CC 676(5), (6)]**
 - from discharge, **34:71 [CC 730(3)(b)]**
 - from dismissal of dangerous offender application, **35:33 [CC 759(2)]**
 - from extraordinary remedies, **37:28 [CC 784(1)]**
 - from finding of unfitness, **29:17 [CC 676(3)]**
 - from order quashing or refusing jurisdiction, **29:14 [CC 676(1)(b)]**
 - from order staying proceedings, **29:14 [CC 676(1)(c)]**
 - from parole delay order, **29:8 [CC 675(2.1)]**
 - from parole ineligibility order, **29:18, 29:19, 29:20 [CC 676(4), (5), (6)]**
 - from proceeds of crime forfeiture order, **17:32 [CC 462.44]**
 - from sentence, **29:14 [CC 676(1)(d)]**
 - from summary conviction cases, **29:14 [CC 676(1.1)]**

INDEX

APPEALS (INDICTABLE OFFENCES)—Cont'd

- By Attorney General (to court of appeal)—Cont'd
 - from verdict of not criminally responsible on account of mental disorder, **29:14** [CC 676(1)(a)]
- By Attorney General (to Supreme Court of Canada), **29:117** [CC 693]
 - as of right, **29:117** [CC 693(1)(a)]
 - by Attorney General of Canada, **29:126** [CC 696]
 - where leave given, **29:117**, **29:119** [CC 693(l)(b), 693(2)]
- Costs, **29:23** [CC 676.1]
- “Court of appeal,” **29:1** [CC 673]
- Dissent, specifying grounds of, **29:25** [CC 677]
- “Indictment,” **29:1** [CC 673]
- Notice of appeal
 - extension of time, **29:26** [CC 678(2)]
 - to court of appeal, **29:27** [CC 678(1)]
 - to Supreme Court of Canada, **29:120** [CC 694]
- Powers of court of appeal
 - ancillary authority, **29:42**, **29:53** [CC 683, 684]
 - amend indictment, **29:42** [CC 683(1)(g)]
 - appointment of counsel, **29:53** [CC 684]
 - inquiries and reports, **29:42**, **29:42**, **29:44** [CC 683(1)(e), (f), 683(2)]
 - order production, **29:42** [CC 683(1)(a)]
 - order virtual presence of

APPEALS (INDICTABLE OFFENCES)—Cont'd

- Powers of court of appeal—Cont'd
 - ancillary authority, **29:42**, **29:53** [CC 683, 684]
 - Cont'd
 - parties, **29:42** [CC 683(2.1)]
 - powers in civil cases, **29:45** [CC 683(3)]
 - receive evidence, **29:42**, **29:44** [CC 683(1)(b) to (d), 683(2)]
 - suspension of payment, **29:49**, **29:42**, **29:50** [CC 683(5), (5.1), (6)]
- authority to determine appeals, **29:56 to 29:87** [CC 685 to 687]
 - allow appeal, **29:58**, **29:61**, **29:65** [CC 686(1)(a), 686(2), 686(4)(b), 686(6)]
 - annul/vary order of compensation or restitution, **29:103** [CC 689(2)]
 - appeals filed in error, **29:56** [CC 685(2)]
 - dismiss appeal, **29:58**, **29:62**, **29:63** [CC 686(1)(b), (c), 686(1)(b), 686(3), 686(4)]
 - enter acquittal, **29:58** [CC 686(2)(a)]
 - enter conviction, **29:58** [CC 686(4)(b)(ii)]
 - order conclusion required, **29:58** [CC 686(1)(c)]
 - order new trial, **29:58**, **29:64**, **29:65** [CC 686(2)(b), 686(5),

APPEALS (INDICTABLE OFFENCES)—Cont'd

Powers of court of appeal
—Cont'd
authority to determine appeals, **29:56 to 29:87 [CC 685 to 687]**—Cont'd
election where new trial being jury trial, **29:58 [CC 686(5.1)]**
substitute verdict, **29:58, 29:62 [CC 686(1)(b) to (e), 686(3)]**
summary determination, **29:56 [CC 685]**
vary sentence, **29:51, 29:58 [CC 683(7), 686(1)(a)]**

Powers of Supreme Court of Canada
appeal deemed abandoned, **29:124 [CC 695(2)]**
assignment of counsel, **29:121 [CC 694.1]**
authority to determine appeals, **29:125 [CC 695(1)]**
grant leave on terms, **29:119 [CC 693(2)]**

Release pending appeal
arrest after release, **29:29 [CC 679(6)]**
conditions of order, **29:29 [CC 679(5), (5.1)]**
conditions precedent to release, **29:30, 29:32, 29:33 [CC 679(1), (3), (4)]**
form of release, **29:29 [CC 679(5)]**
notice to prosecutor, **29:31 [CC 679(2)]**
order expediting appeal, **29:29 [CC 679(10)]**
pending appeal to court of appeal, **29:29, 29:32,**

APPEALS (INDICTABLE OFFENCES)—Cont'd

Release pending appeal—Cont'd
29:33 [CC 679(1)(a), (b), 679(3), 679(4)]
pending appeal to Supreme Court of Canada, **29:29, 29:32 [CC 679(1)(c), 679(3), 679(8)]**
pending new trial or hearing, **29:29, 29:32 [CC 679(1)(a), 679(3), 679(7)]**
review by court of appeal, **29:34 [CC 680]**

Remote appearance of accused, **29:42, 29:100, 32:3, 32:4 [CC 683(2.1), 688(2.1), 715.23 to 715.24]**

Report by judge, **29:39 [CC 682]**

Right of appellant to attend court of appeal, **29:100 [CC 688]**
Supreme Court of Canada, **29:123 [CC 694.2]**
“Sentence,” **29:1 [CC 673]**

Stay of conviction or discharge, **10:216 [CC 261]**

Transcript of material, **29:41, 29:39 [CC 682(2), (4), (5)]**
“Trial court,” **29:1 [CC 673]**

APPEALS (PARTICULAR MATTERS)

See also DISPOSITIONS AND DISPOSITION HEARINGS (MENTAL DISORDER)

Canada Evidence Act, pursuant to
from order re disclosure of information subject to Crown privilege, **40:115, 40:116 [CEA 37.1 to 37.2]**

INDEX

APPEALS (PARTICULAR MATTERS)—Cont'd

- Canada Evidence Act, pursuant to—Cont'd
 - from order re disclosure of potentially injurious information, **40:130, 40:131 to 40:133 [CEA 38.09, 38.1 to 38.12]**
 - from order re disclosure of sensitive information, **40:130, 40:131 to 40:133 [CEA 38.09, 38.1 to 38.12]**
- Contempt, **2:26 [CC 10]**
- Dangerous offender, **35:31 [CC 759]**
- Extraordinary remedy, **37:27 [CC 784]**
- Forfeiture
 - child pornography, **7:61 [CC 164(6)]**
 - crime comic, **7:61 [CC 164(6)]**
 - hate propaganda, **10:411, 10:412 [CC 320(6), 320.1(8)]**
 - minerals or precious metals, **13:53 [CC 395(3)]**
 - obscene matter, **7:61 [CC 164(6)]**
 - things seized pursuant to search warrant, **20:129 [CC 490(17)]**
 - things used in child luring or child pornography, **7:65, 29:103 [CC 164.2(3) to (5), 689]**
- Sex offender information registration
 - compliance orders, **20:140 [CC 490.014]**
 - exemption orders, **20:152 [CC 490.024]**

APPEALS (PARTICULAR MATTERS)—Cont'd

- Sex offender information registration—Cont'd
 - termination orders, **20:143, 20:157 [CC 490.017, 490.029]**
- Stay of proceedings, from permanently unfit accused, against, **28:92 [CC 672.852]**
- Taking of bodily substances for forensic DNA analysis, on conviction, discharge or NCRMD finding, order for, **20:90 [CC 487.054]**
- Third party records, orders re, **10:303 [CC 278.91]**
- Young offenders, **42:45 [YCJA 37]**

APPEALS (SUMMARY CONVICTION)

- Appeals to summary conviction appeal court, **38:84 to 38:121 [CC 812 to 828]**
- adjournment, **38:114 [CC 824]**
- “appeal court,” **38:84 [CC 812]**
- costs, **38:118, 38:120 [CC 826, 827]**
 - default in payment, **38:120 [CC 827(2), (3)]**
 - order, **38:118 [CC 826]**
 - payment, **38:120 [CC 827(1)]**
- dismissal for failure to appear or want or prosecution, **38:116 [CC 825]**
- extension of time to appeal, **38:92 [CC 815(2)]**
- fixing date of hearing, **38:99 [CC 819]**

**APPEALS (SUMMARY
CONVICTION)—Cont'd**

Appeals to summary conviction
 appeal court, **38:84 to
 38:121 [CC 812 to 828]**
 —Cont'd
 notice of appeal, **38:93 [CC
 815(1)]**
 order of new trial, **38:105 [CC
 822(2)]**
 payment of fine not waiver,
38:101 [CC 820(1)]
 place of hearing, **38:91 [CC
 814]**
 powers of appeal court,
38:104 [CC 822(1)]
 release pending appeal, **38:94
 [CC 816]**
 release pending new trial,
38:106 [CC 822(3)]
 rights of appeal
 by defendant, **38:85 [CC
 813(a)]**
 by informant, **38:85 [CC
 813(b)]**
 transmission of trial record,
38:102 [CC 821(1), (3)]
 trial de novo, **38:107 to
 38:110 [CC 822(4) to
 (7)]**
 authority to order, **38:107
 [CC 822(4)]**
 defect in conviction order,
38:103 [CC 822(7)(b)]
 defect in process, **38:103
 [CC 822(7)(a)]**
 from sentence, **38:109 [CC
 822(6)]**
 powers of court, **38:110
 [CC 822(7)]**
 undertaking by prosecutor/
 appellant
 form of order, **38:97, 38:96
 [CC 817(1), (2)]**

**APPEALS (SUMMARY
CONVICTION)—Cont'd**

Appeals to summary conviction
 appeal court, **38:84 to
 38:121 [CC 812 to 828]**
 —Cont'd
 undertaking by prosecutor/
 appellant—Cont'd
 non-application to attorney
 general or counsel,
38:96 [CC 817(3)]
 review, **38:98 [CC 818]**
 “Clerk of the appeal court,” **38:1
 [CC 785]**
 “Informant,” **38:1 [CC 785]**
 “Information,” **38:1 [CC 785]**
 “Order,” **38:1 [CC 785]**
 “Proceedings,” **38:1 [CC 785]**
 “Prosecutor,” **38:1 [CC 785]**
 “Sentence,” **38:1 [CC 785]**
 Summary appeal on transcript or
 agreed statement of fact,
**38:123 to 38:134 [CC 829
 to 838]**
 appeal barred, **38:133 [CC
 837]**
 “appeal court,” **38:123 [CC
 829]**
 costs, **38:130 [CC 834(1)]**
 dismissal for failure to appear
 or want of prosecution,
**38:116, 38:127 [CC 825,
 831]**
 enforcement of order, **38:131
 [CC 835]**
 extension of time to appeal,
38:134 [CC 838]
 fixing date of hearing, **38:99,
 38:127 [CC 819, 831]**
 grounds of appeal, **38:125
 [CC 830(1)]**
 powers of appeal court,
38:130 [CC 834]

INDEX

APPEALS (SUMMARY CONVICTION)—Cont'd

Summary appeal on transcript or
agreed statement of fact,
**38:123 to 38:134 [CC 829
to 838]**—Cont'd
release pending appeal, **38:94,
38:127, 38:128 [CC 816,
831, 832(1)]**
rights of appeal, **38:125,
38:124 [CC 830(1), (4)]**
time for appeal, **38:124 [CC
830(3)]**
transcript or agreed statement,
38:126 [CC 830(2)]
undertaking by prosecutor/
appellant, **38:96, 38:127,
38:128 [CC 817, 831,
832]**
form of order, **38:97, 38:96
[CC 817(1), (2)]**
review, **38:98 [CC 818]**
“Summary conviction court,”
38:1 [CC 785]
“Trial,” **38:1 [CC 785]**

APPEARANCE

See AGENT, COUNSEL, PRES-
ENCE OF ACCUSED

APPEARANCE NOTICE

See also JUDICIAL INTERIM
RELEASE
“Appearance notice,” **39:35
[CC Form 9]**
Cancellation or confirmation by
justice, **21:54 [CC 508]**
Contents, **21:23 [CC 500]**
Duration, **34:73 [CC 730(2)]**
Effect after direct indictment,
21:104 [CC 523(1.2)]
Effect after remand to other
jurisdiction, **23:67 [CC
543(2)(b)]**

APPEARANCE NOTICE

—Cont'd

Entering into on holiday, **2:62
[CC 20]**
Failure to appear, **6:82, 21:71,
38:50, 38:47 [CC 145,
512.2, 803(3), (4)]**
Form, **39:35 [CC Form 9]**
Issue by peace officer
no arrest, **21:19 [CC 497]**
Laying of information, **21:40
[CC 505]**
Time in force, **21:104, 34:71
[CC 523, 730]**
Vacating previous order, **21:106
[CC 523(2)]**

APPOINTMENT

Influencing appointment, **6:26
[CC 125]**
Proof of appointment, **40:73,
40:74 [CEA 21, 22]**
Selling or purchasing, **6:25 [CC
124]**
disability on conviction,
34:200 [CC 750(3), (4)]

ARBITRARY DETENTION OR IMPRISONMENT

Generally, **41:52 [CA 9]**

ARMED FORCES

Definitions
“Canadian Forces,” **1:3 [CC
2]**
“Her Majesty’s Forces,” **1:3
[CC 2]**
“member of a force,” **3:24
[CC 62(2)]**
“military,” **1:3 [CC 2]**
Enlistment
presumption, **13:97 [CC
421(1)]**
Jury trial
right to, **41:63 [CA 11(f)]**

ARMED FORCES—Cont'd

- Member as peace officer, **1:3** [CC 2]
- Military law
 - effect of Charter, **41:63** [CA **11(f)**]
 - effect of Code, **2:12** [CC 5]
- Military tribunal
 - effect of Charter, **41:63** [CA **11(f)**]
- Offences
 - assisting deserter, **3:11** [CC **54**]
 - assisting hostile forces, **3:1, 3:3** [CC **46(1)(c), 47(1), (4)**]
 - counselling insubordination, **3:24** [CC **62(1)(b), (c)**]
 - inciting to mutiny, **3:10** [CC **53**]
 - evidence of overt acts, **3:12** [CC **55**]
 - statement in indictment, **27:25, 27:77** [CC **581(4), 601**]
 - interfering with loyalty, **3:24** [CC **62(1)(a)**]
 - presumption of enlistment, **13:97** [CC **421(1)**]
 - receiving military stores, **13:96** [CC **420**]
 - sabotage, **3:9** [CC **52**]
 - evidence of overt acts, **3:12** [CC **55**]
 - statement in indictment, **27:25** [CC **581(4)**]
 - unlawful use of uniform, etc., **13:95** [CC **419**]
- Riot
 - command to suppress, **2:113** [CC **32(2)**]
- Weapons, **5:91** [CC **117.08**]

ARRAIGNMENT

- Indictable offences, **25:28, 27:90** [CC **562, 606**]

ARRAIGNMENT—Cont'd

- Pleas permitted, **27:90, 27:98** [CC **606, 607**]
- Summary conviction offences, **38:32, 38:33** [CC **801(1), (2)**]

ARREST

- See also EXECUTION OF PROCESS
- By surety, **36:6** [CC **766(2)**]
- Citizen's arrest, **21:5** [CC **494**]
- Clergyman, upon civil process, **7:109** [CC **176(1)(b)(ii)**]
- Duty of person arresting
 - delivery to peace officer, **2:109, 2:111, 21:5** [CC **30, 31(2), 494(3)**]
 - duty not to arrest, **21:10, 21:11** [CC **495(2), (3)**]
 - duty to inform arrested person, **2:108, 2:106, 41:57** [CC **29(2), (b), (3), CA 10(a)**]
- Dwelling-house, powers to enter, to carry out arrests
 - authority to enter dwelling without warrant, **21:124** [CC **529.3(1)**]
 - authorization to enter included in warrant of arrest, **21:119** [CC **529(1)**]
 - execution, **21:119** [CC **529(2)**]
- exigent circumstances, **21:123** [CC **529.3(2)**]
- omitting announcement before entry, **21:125** [CC **529.4(1)**]
- exception, **21:125** [CC **529.4(3)**]
- execution of authorization, **21:125** [CC **529.4(2)**]

INDEX

ARREST—Cont'd

Dwelling-house, powers to enter, to carry out arrests—Cont'd
authority to enter dwelling without warrant, **21:124** [CC 529.3(1)]—Cont'd
reasonable terms and conditions, **21:122** [CC 529.2]
warrant to enter dwelling-house, **21:120, 39:33** [CC 529.1, Form 7.1]
authorization to enter included in warrant of arrest, **21:119** [CC 529(1)]
execution, **21:119** [CC 529(2)]
omitting announcement before entry, **21:125** [CC 529.4(1)]
exception, **21:125** [CC 529.4(3)]
execution of authorization, **21:125** [CC 529.4(1)]
reasonable terms and conditions, **21:122** [CC 529.2]
telewarrant, **21:126** [CC 529.5]
Force in arrest
excessive force, **2:100** [CC 26]
permissible force, **2:89, 2:102, 2:113** [CC 25(1), 27, 32, (4)]
Offences
assault with intent to resist, **10:255** [CC 270(2)]
failure to assist in, **6:34** [CC 129(b)]
Preventive, see **TERRORISM**
Private prosecution, in, **21:52** [CC 507.1]

ARREST—Cont'd

Protection of persons acting under authority, **2:91, 2:105, 2:113** [CC 25(3), 28, 32(3), (4)]
Rights upon arrest, **41:57** [CA 10]
Specific arrest authority (offences)
breach of peace, **2:112** [CC 31(1)]
by surety, **36:6** [CC 766(2)]
common gaming house, **9:11** [CC 199(2)]
Warrant
actions not precluding issue, **21:67** [CC 512]
arrest of wrong person, **2:105** [CC 28]
circumstances of issue
absconding accused or witness, **4:39, 19:11** [CC 83.29(1)(b), 475(1)(b)]
commission of offence, **29:29** [CC 679(6)]
defaulting witness, **31:18 to 31:20** [CC 704 to 706]
evasion of service of order or summons, **4:39** [CC 83.29(1)(a)]
failure to attend after adjournment, **20:4, 38:49** [CC 485, 803(2)]
failure to attend review of order of justice, **21:94, 21:97** [CC 520(5), 521(5)]
failure to attend trial, **27:66, 38:49** [CC 597, 803(2)]
information laid, **21:49, 21:52, 21:67** [CC 507(4), 507.1(2), 512(1)]

ARREST—Cont'd

Warrant—Cont'd

circumstances of issue

—Cont'd

necessary in public interest,
21:49, 21:67 [CC
507(4), 512(1)]non-compliance with
appearance notice, etc.,
21:67, 29:29, 38:49
[CC 512(2), 679(6),
803(2)]non-compliance with evi-
dence-gathering order,
4:39 [CC 83.29(1)(c)]private prosecution, 21:52
[CC 507.1]terrorism investigation,
4:39 [CC 83.29(1)(c)]contents, 21:66, 21:73 [CC
511(1), 513]defect not affecting validity,
23:74 [CC 546]adjournment, 23:76 [CC
547]discretion to postpone execu-
tion, 21:65 [CC 511(3)]duty of person arresting, 2:106
[CC 29]endorsement in other jurisdic-
tion, 21:118 [CC 528(1)]endorsement to authorize
release, 21:51, 21:52
[CC 507(6), 507.1(8)]execution, 21:74, 21:94,
21:118 [CC 514, 520(6),
528(2)]deemed execution, 21:65
[CC 511(4)]

form, 21:73 [CC 513]

investigative hearing, in con-
nection with, 4:39 [CC
83.29]release when arrested with
warrant, 21:22 [CC 499]**ARREST—Cont'd**

Warrant—Cont'd

signing in blank, 21:50, 21:52
[CC 507(5), 507.1(8)]

Without warrant

accused on interim release,
29:29, 29:34 [CC 679(6),
680]by any person, 21:6 [CC
494(1)]by owner of property, 21:7
[CC 494(2)]by peace officer, 21:8, 21:16
[CC 495, 495.1]contravention of order, for,
21:16 [CC 495.1]delivery to peace officer, 21:5
[CC 494(3)]detention in custody
release from custody, 21:21
[CC 498]person about to commit
offence, 21:8 [CC
495(1)(a)]person discharged by lieuten-
ant governor, 27:114 [CC
617]release on appearance notice,
21:19 [CC 497]terrorist activity, to prevent,
4:40 [CC 83.3(4)]**ARSON AND OTHER FIRES**

See FIRE

ASSAULTSee also SEXUAL ASSAULT,
TRAFFICKING,
PERSONSAgainst person reading riot
proclamation, 3:34 [CC
68(a)]Aggravated assault, 10:245 [CC
268]excision, 10:248 [CC 268(3)]
consent, 10:249 [CC
268(4)]

INDEX

ASSAULT—Cont'd

- Aggravated assault, **10:245** [CC **268**]—Cont'd
 - internationally protected person, outside Canada, **2:16** [CC **7(3)**]
 - United Nations or associated personnel, outside Canada, **2:16** [CC **7(3.71)**]
- Application of provision, **10:233** [CC **265(2)**]
- Apprehended consent, **10:235** [CC **265(4)**]
- “Bodily harm,” defined, **1:3** [CC **2**]
- “Bodily harm” defined, , **1:3** [CC **2**]
- By trespasser, **2:126, 2:126** [CC **38(a), 41(2)**]
- Causing bodily harm, **10:240** [CC **267(b)**]
 - internationally protected person outside Canada, **2:16** [CC **7(3)**]
 - United Nations or associated personnel, outside Canada, **2:16** [CC **7(3.71)**]
- Clergyman, **7:109** [CC **176(1)(b)(i)**]
- Consent, **10:234, 10:235** [CC **265(3), (4)**]
 - apprehended consent, **10:235** [CC **265(4)**]
- Defence of property, **2:126** [CC **38 to 42**]
- Definition, **10:232** [CC **265(1)**]
- Endangering safety of aircraft, **3:47** [CC **77(a)**]
- Endangering safety of airport, **3:47** [CC **77(b)**]
- Internationally protected person, outside Canada, **2:16** [CC **7(3)**]
- Offence, **10:237** [CC **266**]

ASSAULT—Cont'd

- Peace officer, **10:256** [CC **270(1)**]
 - aggravated assault, **10:258** [CC **270.02**]
 - assault with a weapon or causing bodily harm, **10:257** [CC **270.01**]
 - consecutive sentences, **10:259** [CC **270.03**]
- Public transit operator, **10:253** [CC **269.01**]
- Queen, **3:1** [CC **46(1)(a)**]
 - evidence of overt acts, **3:12** [CC **55**]
 - statement in indictment, **27:25, 27:77** [CC **581(4), 601(9)**]
- Self-defence, **2:120 to 2:125** [CC **34 to 35**]
- Threat against internationally protected person, **2:16, 13:109** [CC **7(3), 424**]
- United Nations or associated personnel, outside Canada, **2:16** [CC **7(3.71)**]
- Unlawfully causing bodily harm, **10:251** [CC **269**]
- With intent
 - to resist distress or seizure causing death, **10:67** [CC **231(4)**]
 - to steal, **12:82** [CC **343(e)**]
- With weapon, **10:240** [CC **267(a)**]
 - internationally protected person, outside Canada, **2:16** [CC **7(3)**]
 - United Nations or associated personnel, outside Canada, **2:16** [CC **7(3.71)**]

ASSEMBLY

See also RIOT

ASSEMBLY—Cont'd

- Freedom of peaceful assembly,
41:6 [CA 2(c)]
- Riot, **3:27, 3:29 [CC 64, 65]**
- Unlawful assembly, **3:25, 3:32**
[CC 63, 66]

ASSESSMENTS (MENTAL DISORDER)

See also **FITNESS TO STAND TRIAL, HOSPITAL ORDERS, MENTAL DISORDER**

- Appearance by accused when completed, **28:12 [CC 672.191]**
- “Assessment,” **28:1 [CC 672.1(1)]**
- Assessment orders
 - application by accused
 - to court, **28:3 [CC 672.12(1)]**
 - to Review Board, **28:4 [CC 672.121]**
 - application by prosecutor
 - to court, **28:3 [CC 672.12(2), (3)]**
 - to Review Board, **28:4 [CC 672.121]**
 - assessment completed, **28:12 [CC 672.191]**
 - authority to make
 - court, **28:3, 28:91 [CC 672.12(1), 672.851(5)]**
 - Review Board, **28:4 [CC 672.121]**
 - contents of order, **28:5, 28:8 [CC 672.13(1), 672.16(1.2)]**
 - form of order
 - court, **28:5, 39:80 [CC 672.13(2), Form 48]**
 - Review Board, **28:5, 39:81 [CC 672.13(2), Form 48.1]**

ASSESSMENTS (MENTAL DISORDER)—Cont'd

- Assessment orders—Cont'd
 - grounds
 - court, **28:2 [CC 672.11]**
 - Review Board, **28:4 [CC 672.121]**
 - no treatment on assessment,
28:11 [CC 672.19]
 - period of order
 - exceptions, **28:6 [CC 672.14(2), (3)]**
 - extensions, **28:7 [CC 672.15]**
 - general rule, **28:6 [CC 672.14(1)]**
 - presumption against custody
 - court orders, **28:8 [CC 672.16(1)]**
 - exceptions, **28:8 [CC 672.16(1.2), (3)]**
 - residency as disposition condition, **28:8 [CC 672.16(1.2)]**
 - Review Board orders, **28:8 [CC 672.16(1.1), (1.2)]**
 - priority over bail hearing, **28:9 [CC 672.17]**
 - variations of assessment order,
28:10 [CC 672.18]
- Assessment reports
 - authority to order, **28:13 [CC 672.2(1)]**
 - distribution of report, **28:13 [CC 672.2(3), (4)]**
 - filing with court or Review Board, **28:13 [CC 672.2(2)]**
 - protected statement
 - admissibility, **28:14 [CC 672.21(2), (3)]**
 - “protected statement,”
28:15 [CC 672.21(1)]

INDEX

ASSESSMENTS (MENTAL DISORDER)—Cont'd

“Hospital,” **28:1** [CC 672.1(1)]
“Medical practitioner,” **28:1**
[CC 672.1(1)]

ASSISTANCE

See also AIDING AND ABETTING, PARTY TO OFFENCE, ACCESSORY AFTER FACT, COUNSELLING

Assistance order, **20:73** [CC 487.02]

Assisting enemy at war, **3:1** [CC 46(1)(c)]

Assisting peace officer, **2:88**,
2:105, **2:111**, **2:115** [CC 25,
28, **31**, **33**]

omitting to assist, **6:34** [CC 129(b)]

ASSOCIATION

See also ORGANIZATION
Freedom of, **41:2** [CA 2(d)]

ATTEMPT

Elements of attempt, **2:86** [CC 24]

Full offence charged, attempt proved, **27:249** [CC 660]

Full offence proved on charge of attempt, **27:251** [CC 661]

Jurisdiction of court, **19:1**, **19:2**
[CC 468, 469]

Jurisdiction of provincial court judge, **25:2** [CC 553(b)]

Order for particulars, **27:43** [CC 587(1)(d)]

Particular offences

causing another to utter
forgery, **12:191** [CC 368(1)(b)]

contravene Act of Parliament
or regulation

intervening by Attorney
General of Canada,

ATTEMPT—Cont'd

Particular offences—Cont'd

contravene Act of Parliament
or regulation—Cont'd
27:19 [CC 579.1]

corruption by judicial officer,
6:4 [CC 119(1)(a)]

corruption of municipal
official, **6:23** [CC 123(2)]

high treason, **3:1** [CC 46(1)(a)]

inciting to mutiny, **3:10** [CC 53]

obstructing justice, **6:67** [CC 139]

piratical acts, **3:45** [CC 75(c)]

Punishment, **18:1** [CC 463]

ATTESTATION

Form

statutory declaration, **40:147**
[CEA 41]

Proof, **40:106** [CEA 34]

ATTORNEY GENERAL, PROVINCIAL

Consent

dangerous offender applica-
tion, **35:24** [CC 754(1)(a), (4)]

investigative hearing, **4:37**
[CC 83.28(3)]

prosecution, **4:33**, **13:98**,
19:21, **19:27**, **6:60**, **7:64**,
7:61, **7:67**, **7:81**, **7:98**,
10:406, **10:408**, **10:411**,
12:76, **13:36** [CC 83.24,
422(3), 477.2, 478(3),
136(3), 164.1(8), 164(7),
166, 172(4), 174(3),
318(3), 319(6),
320(7), 342(1)(e),
385(2)]

recognizance, for feared crimi-
nal organization offence,

**ATTORNEY GENERAL,
PROVINCIAL—Cont'd**

- Consent—Cont'd
 - 38:67 [CC 810.01(1)]**
 - recognizance, for feared terrorism offence, **38:68 [CC 810.011]**
 - recognizance, for marriage-related offences, **38:69 [CC 810.02]**
 - recognizance, for suspected terrorist activity, **4:40 [CC 83.3(1)]**
- Licensing
 - automobile master key, **12:133 [CC 353(2)]**
- Preferring indictment, **27:6 [CC 577]**
- Report on wiretapping authorizations, **8:62 [CC 195(5)]**
- Requiring trial by jury, **25:45, 27:67 [CC 568, 598(1)(b)]**
- Right of appeal
 - indictable offences, **29:14, 29:117, 29:126 [CC 676, 693, 696]**
 - summary conviction, **38:85, 38:125, 38:136, 38:140 [CC 813, 830(1), 839(1), (5)]**
- Stay of proceedings, **27:15 [CC 579(1)]**
 - recommencement, **27:15 [CC 579(2)]**

**ATTORNEY GENERAL OF
CANADA**

- See also ATTORNEY GENERAL, PROVINCIAL
- “Attorney General,” **1:3 [CC 2]**
- Consent
 - court jurisdiction, **19:27, 19:29 [CC 478(3), 479]**
 - prosecution, **2:16, 3:11, 6:4, 10:136, 19:21, 19:19,**

**ATTORNEY GENERAL OF
CANADA—Cont'd**

- Consent—Cont'd
 - 19:27 [CC 7(4.2), 54, 119(2), 251(3), 477.2, 477(2), 478(3), (3), (7)]**
 - transfer of probation order, **34:90 [CC 733(1)]**
- Intervention by, **27:19 [CC 579.1]**
- Right of appeal
 - indictable offence, **29:126 [CC 696]**
 - summary conviction, **38:85, 38:124, 38:135 [CC 813, 830, 839]**

AUDIO CONFERENCES

- See VIDEO AND AUDIO EVIDENCE

AUDIO EVIDENCE

- See VIDEO AND AUDIO EVIDENCE

AUTOMOBILE

- See MOTOR VEHICLES

AUTREFOIS

ACQUIT/CONVICT

- See also PLEA
- Plea, **27:98 to 27:109 [CC 607 to 610]**
- Right, **41:63 [CA 11(h)]**

AVAILS

- See also DISORDERLY HOUSE
- Householder permitting, **7:79 [CC 171]**
- “Public place,” **9:64 [CC 213(2)]**
- Recognizance to prevent offences, **38:70 [CC 810.1]**

BAIL

- See JUDICIAL INTERIM RELEASE

INDEX

BAILEE

Theft of things under seizure,
12:34 [CC 324]

BANK

See also CURRENCY
OFFENCES

Application to inspect account,
40:85 [CEA 29(6)]

“Bank-note” defined, **1:3 [CC
2]**

“Financial institution” defined,
40:85 [CEA 29(9)]

Fraudulent receipts under Bank
Act, **13:43 [CC 390]**

Printing or using likeness of
securities, **15:20 [CC 457]**

Production orders: financial
information
compulsion by order only,
40:85 [CEA 29(5)]
copying of records, for, **40:85
[CEA 29(6)]**

inspection of records, for,
40:85 [CEA 29(6)]

Records as evidence, **40:85
[CEA 29]**

Valuation of securities, **2:4 [CC
4(2)]**

Warrants to search, **40:85 [CEA
29(7)]**

BAWDY-HOUSE

See DISORDERLY HOUSE

BENCH WARRANT

See also ARREST
Execution of, **27:66 [CC 597(2)]**
discretion to postpone execu-
tion, **27:66 [CC 597]**

Issuance, **27:66 [CC 597]**

BESETTING

Generally, **13:101, 13:103 [CC
423(1)(f), (2)]**

BESTIALITY

Arena for fighting, offence re,
14:77 [CC 447(1)]

Breach of order, **7:31 [CC
160(5)]**

Compel another to commit, **7:31
[CC 160(2)]**

Defined, **7:31 [CC 160(6)]**

In presence of child, **7:31 [CC
160(3)]**

Offence of, **7:32 [CC 160(1)]**

Order of prohibition, **7:31, 7:33
[CC 160(4)(a), 161]**

Order of restitution, **7:31 [CC
160(4)(b)]**

Removal of child from Canada
with intent, **10:275 [CC
273.3(1)(c)]**

Sexual activity evidence, see
SEXUAL ACTIVITY EVI-
DENCE

BETTING AND RELATED OFFENCES

Advertising offer to bet, **9:20,
9:22 [CC 202(1)(h), (2)]**
assisting offence, **9:20 [CC
202(1)(j)]**

Agreeing to purchase or sell
information, **9:20, 9:22
[CC 202(1)(e), (2)]**
assisting offence, **9:20 [CC
202(1)(j)]**

Agreeing to purchase or sell
privileges, **9:20, 9:22 [CC
202(1)(e), (2)]**
assisting offence, **9:20 [CC
202(1)(j)]**

Cheating, **9:46 [CC 209]**

Controlling property related to
betting, **9:20, 9:22 [CC
202(1)(c), (2)]**

assisting offence, **9:20 [CC
202(1)(j)]**

BETTING AND RELATED OFFENCES—Cont'd

- Dealing in betting device, **9:20, 9:22** [CC 202(1)(b), (2)]
 - assisting offence, **9:20** [CC 202(1)(j)]
- Engaging in occupation, **9:20, 9:22** [CC 202(1)(e), (2)]
 - assisting offence, **9:20** [CC 202(1)(j)]
- Exemptions from offences, **9:28** [CC 204]
- Jurisdiction of provincial judge, **25:2** [CC 553]
- Pari-mutuel system, **9:28** [CC 204]
 - lottery provisions not applicable, **9:40** [CC 207(5)]
 - violation of provisions, **9:28** [CC 204(8)]
- Permitting use of place for recording bet, **9:20, 9:22** [CC 202(1)(a), (2)]
 - assisting offence, **9:20** [CC 202(1)(j)]
- Placing bet for others, **9:26** [CC 203]
- Printing or providing information, **9:20, 9:22** [CC 202(1)(f), (2)]
 - assisting offence, **9:20** [CC 202(1)(j)]
- Recording or registering bet, **9:20, 9:22** [CC 202(1)(d), (2)]
 - assisting offence, **9:20** [CC 202(1)(j)]
- Sending or receiving information, **9:20, 9:22** [CC 202(1)(i), (2)]
 - assisting offence, **9:20** [CC 202(1)(j)]

BIGAMY

See also PROCURING

BIGAMY—Cont'd

Offence, **10:352, 10:357** [CC 290, 291]

BINDING OVER

See also WITNESS

Material witness, **31:4, 31:18, 31:19, 31:20** [CC 698(2), 704, 705, 706(b)]

To keep peace, **38:64, 42:17, 42:23** [CC 810(3), YCJA 14(2), 20(2)]

young persons, **42:17, 42:23** [YCJA 14(2), 20(2)]

BLACKMAIL

See EXTORTION

BLOOD SAMPLE

See DRIVING OFFENCES

BOARDS OF REVIEW

See REVIEW BOARDS

BOAT

See VESSELS, SHIP

BODILY HARM

See also ASSAULT, SEXUAL ASSAULT

Assault causing, **10:240** [CC 267]

Breach of contract, **13:98** [CC 422]

Causing, **10:251** [CC 269]

by failure to safeguard hole in ice or excavation, **10:218** [CC 263(3)(b)]

by fire or explosion, **3:53, 3:54, 14:23** [CC 80(b), 81, 433(b)]

unlawfully, **10:251** [CC 269]

- internationally protected person, outside Canada, **2:16** [CC 7(3)]

United Nations or associated personnel, outside

INDEX

BODILY HARM—Cont'd

- Causing, **10:251** [CC 269]
 - Cont'd
 - unlawfully, **10:251** [CC 269]
 - Cont'd
 - Canada, **2:16** [CC 7(3.71)]
 - with intent, air gun or pistol, **10:120** [CC 244.1]
 - with intent, firearm, **10:114** [CC 244]
- Criminal negligence causing, **10:30** [CC 221]
 - dangerous operation included offence, **27:253** [CC 662(5)]
 - duty of persons directing work, **10:12** [CC 217.1]
 - organizational liability for, **2:77, 10:12** [CC 22.1, 217.1]
- Defined, **1:3** [CC 2]
- Duty of persons directing work to prevent, **10:12** [CC 217.1]
- Interference with transportation facilities, **10:132** [CC 248]
- Internationally protected person outside Canada, **2:16** [CC 7(3)]
- Punishment, **10:240** [CC 267]
- Restitution to victim, **34:121** [CC 738(1)(b), (c), (2)]
- Sureties to keep peace, **38:61, 42:17, 42:23** [CC 810, YCJA 14(2), 20(2)]
- Threatening, **13:101** [CC 423]
- To Queen
 - evidence of overt acts, **3:12** [CC 55]
 - statement in indictment, **27:25, 27:77** [CC 581(4), 601(9)]
- Traps causing or likely to cause, **10:129** [CC 247]

BODILY HARM—Cont'd

- United Nations or associated personnel, outside Canada, **2:16** [CC 7(3.71)]

BODILY SUBSTANCE

- Analyst
 - attendance of, requiring, **34:70, 38:83** [CC 729.1(4), 811.1(4)]
 - certificate of, proof of, **34:70, 38:83** [CC 729.1(1), 811.1(1)]
 - definition of, **34:70, 38:83** [CC 729.1(2), 811.1(2)]
- Certificate, analyst's
 - notice of intention to produce, **34:70, 38:83** [CC 729.1(3), 811.1(3)]
- Conditional sentence, **34:140** [CC 742.3]
- Probation, **34:85** [CC 732.1]
- Prohibitions re
 - exception, **34:87, 34:141, 38:79** [CC 732.11(3), 742.31(3), 810.4(3)]
 - offence, **34:87, 34:141, 38:79** [CC 732.11(4), 742.31(4), 810.4(4)]
 - results of analysis, disclosure/ use of, **34:87, 34:141, 38:79** [CC 732.11(2), 742.31(2), 810.4(2)]
 - sample, use of, **34:87, 34:141, 38:79** [CC 732.11(1), 742.31(1), 810.4(1)]
- Samples
 - designations, **34:85, 34:140, 38:78** [CC 732.1(8) to (9), 742.3(6) to (7), 810.3(1) to (2)]
 - destruction of, **34:85, 34:140, 38:78** [CC 732.1(11), 742.3(9), 810.3(4)]

BODILY SUBSTANCE—Cont'd

Samples—Cont'd

notice of, **34:85, 34:140, 38:78 [CC 732.1(7), 742.3(5), 810.3(6)]**

prohibitions re, **34:87, 34:141, 38:79 [CC 732.11, 742.31, 810.4]**

regular intervals, at, **34:85, 34:140, 38:78 [CC 732.1(7), 742.3(5), 810.3(6)]**

regulations re, **34:85, 34:140, 38:78 [CC 732.1(12), 742.3(10), 810.3(5)]**

restriction, **34:85, 34:140, 38:78 [CC 732.1(10), 742.3(8), 810.3(3)]**

specifications, **34:85, 34:140, 38:78 [CC 732.1(8), 742.3(6), 810.3(1)]**

Sex offenders, **34:85 [CC 732.1]**

BOND

See PEACE

BOOK-MAKING

See also BETTING AND RELATED OFFENCES

Jurisdiction of provincial judge, **25:2 [CC 553(c)(ii)]**

Offences, **9:20 [CC 202(1)(e) to (g)]**

Punishment, **9:22 [CC 202(2)]**

BOUNDARY LINES AND MARKS

Interference with

boundary lines, **14:56 [CC 442]**

international marks, **14:60 [CC 443(1)]**

lawful excuse, **14:4 [CC 429(2)]**

surveyor's exception, **14:59 [CC 443(2)]**

BOUNDARY LINES AND MARKS—Cont'd

Jurisdiction over offences near boundary, **19:14 [CC 476]**

BREACH OF CONTRACT

Criminal, **13:99 [CC 422(1)]**

Exception, **13:100 [CC 422(2)]**

Institution of proceedings, **13:98 [CC 422(3)]**

BREACH OF PEACE

Arrest by peace officer, **2:112 [CC 31(1)]**

In presence of Queen

evidence of overt acts, **3:12 [CC 55]**

statement in indictment, **27:25, 27:77 [CC 581(4), 601(9)]**

superior court jurisdiction, **19:1, 19:2 [CC 468, 469]**

Interference to prevent, **2:109 [CC 30]**

Suppression of riot, **2:113 [CC 32]**

BREACH OF PROBATION

See PROBATION

BREACH OF TRUST

See also TRUST

Criminal, **12:65 [CC 336]**

Public officer, **6:17 [CC 122]**

BREAKING AND ENTERING

And committing offence, **12:100 [CC 348(1)(b)]**

“Break,” **5:47, 12:1 [CC 98(2), 321]**

Breaking out, **5:47, 12:100 [CC 98(1)(c), 348(1)(c)]**

Coin-operated device, **12:130 [CC 352]**

INDEX

BREAKING AND ENTERING

—Cont'd

- Dwelling-house, **12:100** [CC **348(1)(d)**]
 - “dwelling-house,” **1:3** [CC **2**]
 - “entrance,” **12:119** [CC **350**]
 - “place,” **12:103** [CC **348(3)**]
- Home invasion, aggravating circumstance, **12:113** [CC **348.1**]
- Other than dwelling-house, **12:100** [CC **348(1)(e)**]
- Possession of instruments, **12:125, 12:130** [CC **351(1), 352**]
- Presumption of offence, **12:100** [CC **348(2)(b)**]
- Punishment/sentence
 - DNA order on conviction discharge, **20:77, 20:81** [CC **487.04, 487.051**]
 - general, **12:100** [CC **348(1)(e)**]
 - CSO precluded on indictment, **34:134** [CC **742.1(f)(ix)**]
 - where dwelling-house involved, **12:100, 12:113** [CC **348(1)(d), 348.1**]
 - where firearm stolen, **5:47** [CC **98(4)**]
 - where home invasion involved, **12:100, 12:113** [CC **348(1)(d), 348.1**]
 - where intent to steal firearm, **5:47** [CC **98(4)**]
- To steal firearm, **5:47** [CC **98**]
 - “entrance,” **5:47** [CC **98(3)**]
 - “place,” **5:47** [CC **98(2)**]
- Unlawfully in a dwelling house, **12:115** [CC **349(1)**]
 - CSO precluded on indictment, **34:134** [CC **742.1(f)(x)**]

BREAKING AND ENTERING

—Cont'd

- Unlawfully in a dwelling house, **12:115** [CC **349(1)**]
 - Cont'd
 - presumption of intent, **12:116** [CC **349(2)**]
 - CSO precluded on indictment, **34:134** [CC **742.1(f)(x)**]
- With intent to commit offence, **12:100** [CC **348(1)(a)**]
 - presumption, **12:100** [CC **348(2)(a)**]

BREAK-IN INSTRUMENTS

- For coin-operated or currency-exchange devices, **12:130** [CC **352**]
 - for place, motor vehicle, vault or safe, **12:125** [CC **351(1)**]

BREATHALYZER

- See DRIVING OFFENCES

BREATH SAMPLE

- See DRIVING OFFENCES

BRIBERY

- See also CORRUPTION
- Influencing appointment to public office, **6:26** [CC **125**]
- Judicial officer, **6:4** [CC **119**]
 - consent to prosecution, **6:4** [CC **119(2)**]
 - superior court jurisdiction, **19:1, 19:2** [CC **468, 469**]
- Juror, **6:70** [CC **139(3)**]
- Municipal official, **6:23** [CC **123**]
- Peace officer, **6:6** [CC **120**]
- Person administering criminal law, **6:6** [CC **120**]

BRIBERY—Cont'd

Public officer, **6:6, 6:11** [CC **120, 121**]
 loss of capacity to contract, **34:200** [CC **750(3), (4)**]
 Secret commission, **13:115** [CC **426**]
 Selling or purchasing office, **6:25** [CC **124**]
 Witness, **6:67** [CC **139(3)(c)**]

BRITISH COLUMBIA

Generally, **1:3, 8:42, 10:411, 21:1, 25:1, 34:184, 38:84, 38:91** [CC **2, 188(4), 320(8), 493, 552, 745.6(3), 812, 814(3)**]

BROADCASTING

See PUBLICATION

BROKER

Acquiring stocks or merchandise for purchaser, **13:34** [CC **383(1)**]
 Reducing stock by selling for own account, **13:35** [CC **384**]

BUILDING

Damage by occupant, **14:53** [CC **441**]
 defence, **14:4** [CC **429(2)**]

BUOYS

Interfering with marine signal, **14:48** [CC **439**]
 defence, **14:4** [CC **429(2)**]

BURDEN OF PROOF

Presumption of innocence, **41:64** [CA Part I **11(d)**]

BURGLARS TOOLS

See BREAK-IN INSTRUMENTS

BURGLARY

See BREAKING AND ENTERING

BURIAL

Failure in duty, **7:126** [CC **182(a)**]
 Register of burials
 defacing or making false entry, **12:213** [CC **377(1)(a), (b)**]

BUSINESS

See also CORPORATION, ORGANIZATION
 Defined, **40:90, 47:3** [CEA **30(12), FA 2(1)**]
 Financial institutions, entry in book or record, **40:86, 40:87** [CEA **29(1), (2)**]
 Record as evidence, **40:90** [CEA **30**]

CABLE

False message, **12:206** [CC **372(1)**]

CANADIAN FORCES

See ARMED FORCES

CAPACITY

See CRIMINAL RESPONSIBILITY

CARRIAGE

Cruelty to animals, **14:70** [CC **446(1)(b)**]
 defence, **14:4** [CC **429(2)**]
 False representation to obtain, **13:67** [CC **401**]
 forfeiture of goods, **13:67** [CC **401(2)**]

CASE MANAGEMENT

Application to summary proceedings, **38:23** [CC **795**]

INDEX

CASE MANAGEMENT

—Cont'd

- Appointment of judge
 - application for, **24:1** [CC **551.1(1)**]
 - conference or hearing re, **24:1** [CC **551.1(2)**]
 - same judge may try case, **24:1** [CC **551.1(4)**]
- Compelling attendance, **19:37, 24:7** [CC **482.1(3), 551.7(7), (4)**]
- Conferences, **24:1, 24:7** [CC **551.1(2), 551.7(2)**]
- Hearings
 - appointment, re, **24:1** [CC **551.1(2)**]
 - Charter issues, re, **24:3** [CC **551.3(2)**]
 - evidentiary issues, re, **24:3, 24:7** [CC **551.3(2), 551.7**]
 - joint, **24:7** [CC **551.7**]
 - severance, re, **24:3** [CC **551.3(2)**]
- Joint hearings
 - adjudication as at trial, **24:7** [CC **551.7(10)**]
 - application for, **24:7** [CC **551.7(1)**]
 - considerations, **24:7** [CC **551.7(3)**]
 - limitation, **24:7** [CC **551.7(4)**]
 - order for, **24:7** [CC **551.7(3) to (5)**]
 - powers of judge, **24:7** [CC **551.7(9)**]
 - prisoner, removal of, **24:7** [CC **551.7(8)**]
 - procuring attendance at, **24:7** [CC **551.7(7)**]
 - record, **24:7** [CC **551.7(5) to (6), (11)**]

CASE MANAGEMENT

—Cont'd

- Joint hearings—Cont'd
 - return of documents, **24:7** [CC **551.7(11)**]
 - Judge
 - appointment, **24:1** [CC **551.1**]
 - decision binding, **24:3** [CC **551.3(4)**]
 - duties, **24:4** [CC **551.4**]
 - powers, **24:3, 24:6, 24:7** [CC **551.3, 551.6(2), 551.7(9)**]
 - referral of issues to, **24:6** [CC **551.6**]
 - role of, **24:2** [CC **551.2**]
 - Record, trial
 - decision in joint hearing to be part of, **24:7** [CC **551.7(11)**]
 - information to be part of, **24:4** [CC **551.4**]
 - order re joint hearing to be part of, **24:7** [CC **551.7(5)**]
 - transmission of court record, **24:7** [CC **551.7(6)**]
 - Rules
 - approval by lieutenant governor in council, **19:37** [CC **482.1(5)**]
 - compliance with directions under, **19:37** [CC **482.1(2)**]
 - power to make, **19:37** [CC **482.1(1)**]
 - publication, **19:35, 19:37** [CC **482(4), 482.1(6)**]
 - regulations to secure uniformity, **19:35, 19:37** [CC **482(5), 482.1(6)**]
 - Trial to proceed continuously, **24:5** [CC **551.5**]
- CATTLE**
See also ANIMALS

CATTLE—Cont'd

- “Cattle,” **1:3** [CC 2]
- Defacing or making false brand, **12:69** [CC 338(1)(b)]
- Fraudulent taking, **12:69** [CC 338(1)(a)]
- Injuring or endangering defence, **14:4** [CC 429(2)]
- Poisoning defence, **14:4** [CC 429(2)]
- Theft, **12:69** [CC 338(2)]

CAUSE DISTURBANCE

See DISTURBANCE

CERTIFICATE

See also BLOOD SAMPLE, NOTICE

Offences

- falsifying, **12:215** [CC 378]
- fraudulent use, citizenship, **3:17** [CC 58]
- fraudulent use, naturalization, **3:17** [CC 58]
- unlawful possession, military certificate, **13:95** [CC 419(c), (d)]

Types of certificate

- conviction, **27:268** [CC 667]
- defamation in parliamentary papers, **10:404** [CC 316(3)]
- default of recognizance, **36:12** [CC 770]
- examiner of counterfeit, **15:29** [CC 461(2), (3), (4)]
- failure to appear, **6:91** [CC 145(9)]
- fingerprint examiner, **27:268** [CC 667(1)(c)]
- Imperial certificate, **40:72** [CEA 20]
- marriage, **10:357** [CC 291(2)]
- non-payment of costs, **38:120** [CC 827(2)]

CERTIFICATE—Cont'd

Types of certificate—Cont'd

- previous conviction, **27:269**, **40:50** [CC 667(1), CEA 12(2)]
- Secretary of State for External Affairs, **2:16** [CC 7(11)]
- transcript of evidence at preliminary, **23:38**, **23:39** [CC 540(5), (6)]

CERTIFIED COPY

See also DOCUMENT, RECORD

As evidence of documents, **40:77** [CEA 24]

As evidence of judicial proceedings, **40:75** [CEA 23]

Documents

- banking record, **40:85** [CEA 29]
- business record, **40:90** [CEA 30(3)]
- conviction or order, **25:50**, **38:54** [CC 570, 806]
- notarial act or instrument, **40:82** [CEA 27]
- order of discharge, **25:52** [CC 570(2)]
- order of dismissal, **38:57** [CC 808]

Falsifying, **12:215** [CC 378]

Notice of production of copy, **40:83** [CEA 28]

Proof of handwriting, **40:105** [CEA 33(1)]

CERTIORARI

Appeal, **37:28**, **37:29** [CC 784(1), (2)]

Availability

- appeal as bar, **37:10** [CC 776]
- recognizance as condition, **37:17** [CC 779]

INDEX

CERTIORARI—Cont'd

- Availability—Cont'd
 - to quash warrant of committal, **37:23 [CC 782]**
- Effect of dismissal of application, **37:19 [CC 780]**
- Order for further detention, **37:7 [CC 775]**
- Protection of judicial officials, **37:25 [CC 783]**
- Review of conviction or order, **37:13, 37:16 [CC 777, 778]**
- Rules of court, **19:35 [CC 482(3)(c)]**
- Want or proof of enactment not ground, **37:21 [CC 781]**

CHALLENGE

- See **JURY**

CHANGE OF VENUE

- See **VENUE**

CHARACTER EVIDENCE

- And evidence of previous conviction, **27:262 [CC 666]**
- Dangerous offender application, **35:28 [CC 757]**
- Impeaching credit of witness, **40:34 [CEA 9]**
- Of complainant, **10:287 [CC 277]**

CHARTER RIGHTS

- See **LEGAL RIGHTS**

CHEATING AT PLAY

- Offence, **9:46 [CC 209]**
 - jurisdiction of provincial court judge, **25:2 [CC 553(c)(v)]**

CHEQUE

- See also **FALSE PRETENSE, FRAUD**

CHEQUE—Cont'd

- “Cheque,” **12:174, 12:181 [CC 362(5), 364(3)]**
- Proof of “no account,” **40:88 [CEA 29(3)]**
- Worthless cheque
 - presumption of false pretence, **12:173 [CC 362(4)]**
 - presumption of fraud, **12:181 [CC 364(2)]**

CHILD

- See also **ABDUCTION, CHILD WITNESSES (PROTECTION OF)**
- Abandonment
 - child under 10, **10:13 [CC 218]**
 - “abandon,” **10:1 [CC 214]**
 - “expose,” **10:1 [CC 214]**
- Abduction
 - consent no defence, **10:339 [CC 286]**
 - consent of parent, **10:336 [CC 284]**
 - custody order, **10:331 [CC 282]**
 - defence, **10:337 [CC 285]**
 - no custody order, **10:333 [CC 283]**
 - offences, **10:331 to 10:335 [CC 281 to 283]**
 - protection of child defence, **10:337 [CC 285]**
 - removal from Canada with intent, **10:275 [CC 273.3]**
- Bestiality, **7:31 [CC 160(3)]**
 - removal from Canada with intent, **10:275 [CC 273.3(1)(c)]**
- “Child,” **7:81, 42:3 [CC 172(3), YCJA 2(1)]**

CHILD—Cont'd

Consent of
 defence, **7:3** [CC 150.1(2) to (2.3), (6)]
 no defence, **7:3** [CC 150.1(1)]
 Correcting, with reasonable force, **2:127** [CC 43]
 Corruption, **7:82** [CC 172(1)]
 “child,” **7:81** [CC 172(3)]
 consent to prosecution, **7:81** [CC 172(4)]
 limitation period, **7:13, 7:83** [CC 152, 172(2)]
 Criminal responsibility, **2:34** [CC 13]
 Evidence
 proof of age, **27:246** [CC 658]
 under 14 years, as witness, **40:59** [CEA 16]
 videotaped complaint, **31:53** [CC 715.1]
 youth justice court proceedings, **42:174** [YCJA 151]
 Incest, **7:23** [CC 155]
 “brother,” **7:23** [CC 155(4)]
 “sister,” **7:23** [CC 155(4)]
 Infanticide, **10:78** [CC 233]
 concealing body as included offence, **27:257** [CC 662(4)]
 conviction, **27:258** [CC 663]
 punishment, **10:88** [CC 237]
 Necessaries
 duty and failure in duty, **10:3** [CC 215]
 Newly-born and unborn
 becoming human being, **10:38** [CC 223(1)]
 concealing body, **10:111** [CC 243]
 failure to obtain assistance in birth, **10:109** [CC 242]
 killing in act of birth, **10:89** [CC 238]

CHILD—Cont'd

Newly-born and unborn—Cont'd
 “newly-born child,” **1:3** [CC 2]
 pre-natal injuries causing death, **10:38** [CC 223(2)]
 No conviction where under 12, **2:34** [CC 13]
 Permitting defilement
 female under 18, **7:79** [CC 171]
 removal from Canada with intent, **10:275** [CC 273.3(1)(c)]
 Person under/ind_cont 16
 bestiality, **7:31** [CC 160(3)]
 invitation to sexual touching, **7:13** [CC 152]
 sexual interference, **7:8** [CC 151]
 where fear of sexual offence, **38:70, 38:81** [CC 810.1, 811]
 Person under 18 removal from Canada with intent, **10:275** [CC 273.3(1)(c)]
 Procuring defilement, **7:78** [CC 170]
 removal from Canada with intent, **10:275** [CC 273.3(1)(c)]
 Proof of age, **27:246** [CC 658]
 Protection of persons correcting, **2:127** [CC 43]
 Removal from Canada, **10:275** [CC 273.3]
 Sexual offences outside Canada, **2:16** [CC 7(4.1)]
 Trafficking, **10:321** [CC 279.011]
 Young person
 defined, **7:17** [CC 153(2)]
 sexual exploitation of, **7:16** [CC 153(1)]

INDEX

CHILD PORNOGRAPHY

Accessing, **7:53** [CC **163.1(4.1)**,
(4.2)]
Aggravating factor, **7:53** [CC
163.1(4.3)]
Defences, **7:58, 7:59, 7:60** [CC
163.1(5), (6), (7)]
Definition, **7:54** [CC **163.1(1)**]
Deletion from computer system
appeal from order, **7:61, 7:64**
[CC **164(6), 164.1(8)**]
commencement of order, **7:64**
[CC **164.1(5)**]
consent to prosecute where
order for deletion, **7:61,**
7:64 [CC **164(7),**
164.1(8)]
definitions, **7:61, 7:64** [CC
164(8), 164.1(8)]
destruction of copy, **7:64** [CC
164.1(6)]
ex parte proceeding, **7:64** [CC
164.1(4)]
notice to person who posted,
7:64 [CC **164.1(2)**]
order for deletion of material,
7:64 [CC **164.1(5), (6)**]
return of material, **7:64** [CC
164.1(7)]
right to appear at hearing, **7:64**
[CC **164.1(3)**]
Distribution or sale, **7:56** [CC
163.1(3)]
Exporting, **7:53 (3)** [CC **163.1**
(3)]
Forfeiture
child pornography (in rem)
appeal from order, **7:61**
[CC **164(6)**]
consent to prosecute where
order for forfeiture,
7:61 [CC **164(7)**]
definitions, **7:61** [CC
164(8)]

CHILD PORNOGRAPHY

—Cont'd
Forfeiture—Cont'd
child pornography (in rem)
—Cont'd
order, **7:61** [CC **164(4)**]
return of material, **7:61** [CC
164(5)]
right to appear at hearing,
7:61 [CC **164(3)**]
summons to occupier, **7:63**
[CC **164(2)**]
things used in child
pornography
annulment of order on
appeal, **29:103** [CC
689(2)]
appeal from order, **7:65,**
29:103 [CC **164.2(3)**
to (5), 689(1)]
commencement of order,
29:103 [CC **689(1)**]
notice to third parties, **7:65**
[CC **164.2(2)**]
order, **7:65, 29:103** [CC
164.2(1), 689(1)]
relief from, **7:66** [CC
164.3]
rights of third parties, **7:65**
[CC **164.2(3), (4)**]
stay of order pending
appeal, **29:103** [CC
689(1)]
Importing, **7:56** [CC **163.1(3)**]
Making, **7:55** [CC **163.1(2)**]
Motive irrelevant, **7:48, 7:60**
[CC **163(5), 163.1(7)**]
Order of prohibition, **7:33** [CC
161]
Possession, **7:57** [CC **163.1(4)**]
Possession for purpose, **7:56**
[CC **163.1(3)**]
Recognizance to prevent offence,
38:70 [CC **810.1**]

CHILD PORNOGRAPHY

—Cont'd

- Seizure
 - electronic documents/
publications, **7:64 [CC 164.1(1)]**
 - print documents/publications,
7:62 [CC 164(1)]
- Transmitting, **7:56 [CC 163.1(3)]**
- Warrant of seizure, **7:61, 7:64 [CC 164, 164.1]**
 - sealing order for information
to obtain, **20:115 [CC 487.3]**

CHILD WITNESSES

(PROTECTION OF)

- See also PUBLICITY, WITNESS
- Generally, **20:8 to 20:25, 27:248 [CC 486 to 486.7, 659]**
- Accused not to cross-examine,
20:17 [CC 486.3]
- Order restricting publication,
20:20, 20:22 [CC 486.4, 486.5]
 - offence, **20:24 [CC 486.6]**
- Particular offences, **20:8 [CC 486]**
- Support person, **20:15 [CC 486.1]**
- Testifying outside courtroom or
behind a screen, **20:16 [CC 486.2]**
- Videotaped evidence, **31:53 [CC 715.1]**

CHOKING

- Attempt, **10:127 [CC 246]**

CIVIL PROCEEDINGS

- Remedies preserved, **2:30 [CC 11]**
- Threat to institute not extortion,
12:94 [CC 346(2)]

CIVIL SERVANT

See also BRIBERY, CORRUPTION

- Disabilities on conviction,
34:200 [CC 750(2)]
- vacancy in employment,
34:200 [CC 750(1)]

CLERK OF COURT

- Adjournment in absence of jury
and judge, **19:10 [CC 474]**
- Certificate of failure to attend,
6:91 to 6:93 [CC 145(9) to (11)]
- Certificate of non-payment of
costs, **38:120 [CC 827(2)]**
- “Clerk of the court,” **1:3, 36:1 [CC 2, 762(2)]**
- Entry of stay, **27:15 [CC 579]**
- Notice of indictment to organiza-
tion, **27:116 [CC 621(1)]**
- Notice to judge before fixing
trial date, **25:22 [CC 560(1)]**
- “Registrar” as, **29:1 [CC 673]**
- Transmission of order for
enforcement, **38:121 [CC 828(3)]**
- Youth justice court, **42:24 [YCJA 21]**

COCK-PIT

- Building or keeping, **14:77 [CC 447(1)]**
- Confiscation of birds, **14:77 [CC 447(2)]**

COIN

See CURRENCY OFFENCES

COIN-OPERATED DEVICE

- Possession of instruments to
break, **12:130 [CC 352]**
- Slugs and tokens, **15:14 [CC 454]**

INDEX

COLLECTIVE BARGAINING

See EMPLOYMENT,
INDUSTRIAL DISPUTE,
TRADE UNION

COLOUR OF RIGHT

Theft, **12:3** [CC 322]
Wilful damage to property, **14:4**
[CC 429(2)]

COMMISSION EVIDENCE

Admitting evidence of witness
who is ill, **31:30** [CC 711]
Appointment of commissioner,
31:25, 31:28 [CC 709, 710]
evidence of physician, **31:28**
[CC 710(2)]
Presence of accused or counsel,
31:33 [CC 713(1)]
Process used not contrary to
principles of fundamental
justice, **31:34** [CC 713.1]
Reading in evidence, **31:30,**
31:31, 31:34 [CC 711,
712(2), 713.1]
Return of evidence, **31:33** [CC
713(2)]

COMMITTAL FOR TRIAL

See ORDER TO STAND TRIAL

COMMITTAL TO CUSTODY

See WARRANT, PRELIMI-
NARY INQUIRY

COMMON BAWDY HOUSE

COMMON BETTING HOUSE;
COMMON GAMING
HOUSE, See
DISORDERLY HOUSE

COMMON LAW

Abolition of offences, **2:23** [CC
9(a)]
And business records provisions,
40:90 [CEA 30(11)(b)]

COMMON LAW—Cont'd

DEFENCES

see Defences (Common Law)
Preservation of defences, **2:22**
[CC 8(3)]
Spouse as witness
common law exceptions,
40:11 [CEA 4(5)]

COMMON-LAW PARTNER

Duty to provide necessities,
10:3 [CC 215(1)(b)]
Failure to provide necessities,
10:5 [CC 215(2)]
necessaries provided by
another no defence, **10:3**
[CC 215(4)(d)]
punishment, **10:6** [CC 215(3)]
Grandfathered individual, next of
kin, **47:13** [FA 12(7)]
Interview with, on firearms
licence application, **47:45**
[FA 55(2)]
Intimidation, **13:101** [CC
423(1)(a)]
exception, **34:117** [CC
423(2)]
punishment, **13:102** [CC
423(1)]
Restitution to, **34:121** [CC
738(1)(c)]
Sentencing principles protecting,
34:19 [CC 718.2(a)(ii)]
Sureties to protect, **38:62** [CC
810(1)]

COMMON NUISANCE

Generally, **7:121** [CC 180]

COMMUNICATIONS

See INTERCEPTION OF
PRIVATE COMMUNICA-
TIONS

COMMUNITY IMPACT STATEMENT

Generally, **34:53** [CC 722.2(1)]

COMMUNITY IMPACT

STATEMENT—Cont'd

- Conditions of exclusions, **34:53** [CC 722.2(4)]
- Copy of statement, **34:53** [CC 722.2(5)]
- Form, **34:53** [CC 722.2(2)]
- Presentation of statement, **34:53** [CC 722.2(3)]

COMPELLABILITY

- See COMPETENCE AND COMPELLABILITY, PRIVILEGE

COMPELLING APPEARANCE OF ACCUSED

- See JUDICIAL INTERIM RELEASE

COMPENSATION AND RESTITUTION

- Amount of loss, **34:122** [CC 738(1)]
- Appeal of
 - operation suspended, **29:103** [CC 689(1)]
 - variation on, **29:103** [CC 689(2)]
- Bodily harm, **34:121** [CC 738(1)(b), (c), (2)]
- Bona fide purchaser, **34:123** [CC 739]
- Civil remedy, **34:132** [CC 741.2]
- Default in payment, **34:129** [CC 741]
- Enforcement, **34:129** [CC 741]
 - moneys found on offender, **34:129** [CC 741(2)]
- Joint offenders, **38:56** [CC 807]
- Moneys found on offender, **34:129** [CC 741(2)]
- Person aggrieved, **34:129** [CC 741]
 - notice to, **34:131** [CC 741.1]

COMPENSATION AND RESTITUTION—Cont'd

- Priority of payment, **34:128** [CC 740]
- Property, **34:121** [CC 738(1)(a), (2)]
- Victim fine surcharge, **34:118** [CC 737(1)]
 - amounts to aid victims, **34:117** [CC 737(5)]
 - enforcement, **34:117** [CC 737(7)]
 - exception, **34:117** [CC 737(2.1) to (2.4), (8)]
 - increase in surcharge, **34:117** [CC 737(3)]
 - notice, **34:117** [CC 737(6)]
 - time for payment, **34:117** [CC 737(4)]

COMPETENCE AND COMPELLABILITY

- See also PRIVILEGE
- Accused, **41:63, 40:6** [CA 11(c), CEA 4(1)]
- Bank, **40:85** [CEA 29(5)]
- Spouse, of accused, **40:6, 40:7, 40:10, 40:11** [CEA 4(1), (2), (4), (5)]
- Witness of defective intellect, **40:59** [CEA 16]
- Witness under 14 years of age, **40:59** [CEA 16]

COMPLAINANT

- See also CONSENT, PERSONAL RECORD OF COMPLAINANT, SEXUAL ACTIVITY EVIDENCE
- Generally, **1:3** [CC 2]

COMPOUNDING INDICTABLE OFFENCE

- Generally, **6:75** [CC 141]

INDEX

COMPULSION (DURESS)

- As defence (excuse)
 - incest by female, **7:26** [CC **155(3)**]
 - spouse, **2:56** [CC **18**]
 - threats, **2:50** [CC **17**]

COMPUTERS

- See also DATA, MISCHIEF
- Definitions, **12:79, 14:13** [CC **342.1(2), 430(8)**]
- Luring child by means of, **7:84** [CC **172.1**]
- Possession of device to obtain computer system, **12:81** [CC **342.2**]
- Search of computer system, **20:26** [CC **487**]
- Systems administrators
 - interception of private communications by authorized retention and use, **8:8** [CC **184(3)**]
- Unauthorized use, **12:79** [CC **342.1**]

CONCEALMENT

- Body of child, **10:111** [CC **243**]
- Document, **12:72** [CC **340**]
- Fraudulent concealment, **12:74** [CC **341**]
- Indictable offence, **6:75** [CC **141**]
- Title document, **12:72, 13:37** [CC **340, 385(1)**]
- Wreck, **13:91** [CC **415(a)**]

CONDITIONAL SENTENCE

- BODILY SUBSTANCE
 - see Bodily Substance
- Breach, **34:144, 34:149** [CC **742.6, 742.7**]
- Compulsory conditions, **34:140** [CC **742.3**]
- Imposing of, **34:134** [CC **742.1**]

CONDITIONAL SENTENCE

—Cont'd

- Imprisonment for new offence, upon, **34:149** [CC **742.7**]
- Prohibitions, **34:139** [CC **742.2**]
- Supervisor may propose changes, **34:142** [CC **742.4**]
- Transfer of order, **34:143** [CC **742.5**]

CONFESSION

- See also ADMISSION
- Admissibility at preliminary publication, **23:46** [CC **542(2)**]
- Young person, **42:13, 42:168, 42:170** [YCJA **10(4), 146, 147**]

CONFINEMENT

- See also ABDUCTION, KIDNAPPING
- As primary crime in murder, **10:62, 10:73** [CC **230, 231(5)**]
- Internationally protected person, outside Canada, **2:16** [CC **7(3), (5) to (7)**]
- Offence, **10:313** [CC **279(2)**]
- Sentencing
 - home invasion, aggravating circumstance, **12:113** [CC **348.1**]

CONSENT

- See also ATTORNEY GENERAL OF CANADA
- Aggravated assault, **10:249** [CC **268(4)**]
- Assault and sexual assault
 - apprehended, **10:235** [CC **265(4)**]
 - non-consent, **10:234** [CC **265(3)**]

CONSENT—Cont'd

- Child (person under 16)
 - defence, **7:3 [CC 150.1(2) to (2.2), (6)]**
 - no defence, **7:3, 7:21, 10:339 [CC 150.1(1), 153.1(5), 286]**
- Child trafficking, **10:321 [CC 279.011(2)]**
- Human trafficking, **10:320, 10:321 [CC 279.01(2), 279.011(2)]**
- Not affecting criminal responsibility, **2:36 [CC 14]**
- Person with disability
 - defence, **7:21 [CC 153.1(6)]**
 - no defence, **7:21 [CC 153.1(5)]**
- Preferring indictment, **27:6 [CC 577]**
- Prosecutor
 - plea of guilty to other offence, **27:94 [CC 606(4)]**
- Resumption of proceedings, **20:6 [CC 485.1]**
- Re-election, **25:23, 25:25, 29:124 [CC 561, 561.1, 695(2), (3)]**
- Sexual assault
 - apprehended consent no defence, **10:272 [CC 273.2]**
 - consent
 - defined, **7:21, 10:271 [CC 153.1(2), 273.1(1)]**
 - non-consent, **7:21, 10:270 [CC 153.1(3), 273.1(2), (3), (4)]**
- Sexual exploitation of person with disability, **7:21 [CC 153.1(5), (6)]**
- Sufficiency of count averring consent, **27:36 [CC 583(h)]**

CONSENT—Cont'd

- Theft, forgery of credit card, **12:76 [CC 342(2)]**
 - Transfer of probation order, **34:90 [CC 733(1)]**
 - Trial by Nunavut court judge, **25:6 [CC 554]**
 - Trial by provincial court judge, **25:6 [CC 554]**
 - Trial without jury, **19:8 [CC 473]**
- CONSENT, AEE ALSO ATTORNEY GENERAL OF CANADA**
- Aggravated assault, **10:249 [CC 268(4)]**
- CONSIGNMENT**
- Fraudulent disposition of goods, **13:42 [CC 389]**
- CONSPIRACY**
- Appearance at trial, **18:14 [CC 465(6)]**
 - As overt act of treason, **3:1 [CC 46(4)]**
 - evidence, **3:12 [CC 55]**
 - indictment, **27:77 [CC 601(9)]**
 - Jurisdiction in certain offences, **19:2 [CC 469]**
 - absolute, **25:2 [CC 553(6)]**
 - Order for particulars, **27:43 [CC 587(1)(d)]**
 - Particular conspiracies
 - commit high treason, **3:1 [CC 46(2)(c), (e)]**
 - punishment, **3:3 [CC 47(2)(a)]**
 - commit indictable offence, **18:8 [CC 465(1)(e)]**
 - punishment, **18:8 [CC 465(1)(c)]**
 - commit murder, **18:8 [CC 465(1)(a)]**
 - punishment, **18:8 [CC 465(1)(a)]**

INDEX

CONSPIRACY—Cont'd

- Particular conspiracies—Cont'd
 - commit offence inside Canada, **18:12 to 18:14** [CC **465(4) to (6)**]
 - commit offence outside Canada, **2:16, 18:11, 18:8, 18:13, 18:14** [CC **7(2)(e), 465(3), (2.1), (2.2), (5), (6)**]
 - commit summary conviction offence, **18:8** [CC **465(1)(d)**]
 - punishment, **18:8** [CC **465(1)(d)**]
 - contravene Act of Parliament or regulation
 - intervention by Attorney General of Canada, **27:19** [CC **579.1**]
 - innocent person prosecuted, **18:8** [CC **465(1)(b)**]
 - punishment, **18:8** [CC **465(1)(b)**]
 - nuclear materials, **2:16** [CC **7(3.3) to (3.5)**]
 - overthrow government, **3:1** [CC **46(2)(c)**]
 - punishment, **3:3** [CC **47(2)(a)**]
 - prevent union membership, **13:111** [CC **425**]
 - prosecute innocent person, **18:8** [CC **465(1)(b)**]
 - restrain trade, **18:21, 18:22** [CC **466, 467**]
 - sedition conspiracy, **3:18** [CC **59(3)**]
 - treasonable conspiracy, **3:1** [CC **46(2)(c), (e), (4)**]
 - punishment, **3:3** [CC **47(2)(b), (c)**]

CONTEMPT

See also **DISOBEDIENCE**

CONTEMPT—Cont'd

- Appeal from conviction or sentence, **2:26** [CC **10**]
- Jurisdiction, **2:23** [CC **9**]
- Particular contempts
 - disobeying order of court, **6:31** [CC **127(1)**]
 - failure to attend court, **31:23** [CC **708(1)**]
 - non-compliance with order to release exhibit, **27:88** [CC **605(2)**]
 - preservation of order in court, **20:2** [CC **484**]
 - application, **20:8** [CC **486(1.1)**]
 - exclusion of public, **20:9** [CC **486(1)**]
 - punishment, **31:22** [CC **708**]
- witness
 - failure to attend or remain, **31:23** [CC **708(1)**]
 - refusal to testify at preliminary inquiry, **23:72** [CC **545**]
- Young offenders, **42:18** [YCJA **15**]

CONTRACT

- Criminal breach, **13:99** [CC **422(1)**]

CONTRADICTORY EVIDENCE

- Generally, **6:60** [CC **136**]

CONTROLLED DRUGS AND SUBSTANCES ACT

- Admissibility of certificate, **44:91** [CDA **50(1), (2)**]
- Admissibility of certificate of analyst, **34:69, 44:92** [CC **729, CDA 51(1)**]
- in proceedings for breach of probation condition, **34:69** [CC **729(2)**]

**CONTROLLED DRUGS AND
SUBSTANCES ACT****—Cont'd**

- Admissibility of certified documents, **34:69, 44:90** [CC **729, CDA 49(1)**]
- authentication, **44:90** [CDA **49(2)**]
- evidence inadmissible, **44:90** [CDA **49(3)**]
- Analysis
 - designation, **44:74** [CDA **44**]
 - report, **44:76** [CDA **45(2)**]
 - notice of, **44:92** [CDA **51(3)**]
 - proof of notice, **44:93** [CDA **52(1), (2)**]
 - submission for, **44:76** [CDA **45(1)**]
- Analyst
 - attendance of, **44:92** [CDA **51(2)**]
 - certificate of, **44:92** [CDA **51(1)**]
 - notice of, **44:92** [CDA **51(3)**]
 - proof of notice, **44:93** [CDA **52**]
 - designation of, **44:74** [CDA **44**]
- Authentication of certified documents, **44:90** [CDA **49(2)**]
- Burden of proving exception etc., **44:89** [CDA **48**]
- Certificate issued pursuant to regulations, admissibility of, **44:91** [CDA **50(1), (2)**]
- Compliance with terms and conditions, **44:84** [CDA **46.2**]
- Continuity of possession, **44:94** [CDA **53(1)**]
- alternative method of proof, **44:94** [CDA **53(2)**]

**CONTROLLED DRUGS AND
SUBSTANCES ACT****—Cont'd**

- Contravention of designated regulation, **44:63, 44:64** [CDA **33, 34**]
- determination by adjudicator, **44:71** [CDA **41(1)**]
- notice of determination, **44:71** [CDA **41(2)**]
- hearing by adjudicator, **44:66** [CDA **36(1)**]
- change of hearing date, **44:66** [CDA **36(2)**]
- procedure, **44:70** [CDA **40**]
- proceedings on default, **44:66** [CDA **36(3)**]
- time and place, **44:66** [CDA **36(4)**]
- interim order, **44:65** [CDA **35(1), (2)**]
- cessation of effect, **44:72** [CDA **42(2)(b)**]
- effect of, **44:72** [CDA **42(1)**]
- Ministerial orders, **44:71** [CDA **41(3), (4)**]
- application to revoke order, **44:72** [CDA **42(3)**]
- cessation of effect, **44:72** [CDA **42(2)(a)**]
- effect of, **44:72** [CDA **42(1)**]
- revocation of order, **44:72** [CDA **42(4)**]
- notice to appear, **44:64, 44:65, 44:67** [CDA **34, 35(2), 37**]
- offence for contravention of order, **44:73** [CDA **43**]
- powers of adjudicator, **44:69** [CDA **39**]
- proof of service, **44:68** [CDA **38**]

INDEX

**CONTROLLED DRUGS AND
SUBSTANCES ACT**

—Cont'd

- Copies of certified documents, **44:90 [CDA 49(1), (2)]**
- Copies of records, books or documents, **44:95 [CDA 54]**
- Deceptive statements, offence for making, **44:83 [CDA 46.1]**
- Deeming, **44:11 [CDA 4.1(5)]**
- Defined, **44:11 [CDA 4.1(1)]**
- Definitions, **44:4 [CDA 2(1)]**
- DESIGNATED REGULATION
 - see contravention of designated regulation
- Destruction of plant, **44:58 [CDA 29]**
- Disposal by Minister where no application, **44:54 [CDA 25]**
- Disposal following proceedings, **44:56 [CDA 27]**
- Disposal of controlled substances upon application
 - application for return of substance, **44:53 [CDA 24(1)]**
 - order to return substance
 - at specified time, **44:53 [CDA 24(3)]**
 - forthwith, **44:53 [CDA 24(2)]**
 - refused, **44:53 [CDA 24(4)]**
 - payment compensation in lieu, **44:53 [CDA 24(5)]**
 - security, health or safety hazard, **44:55 [CDA 26]**
- Disposal with consent, **44:57 [CDA 28]**
- Evidence inadmissible, **44:90 [CDA 49(3)]**

**CONTROLLED DRUGS AND
SUBSTANCES ACT**

—Cont'd

- Exemption, **44:98 to 44:100 [CDA 56 to 56.2]**
- Exemptions
 - evidence, **44:11 [CDA 4.1(4)]**
 - medical emergency, **44:11 [CDA 4.1(2)]**
 - persons at the scene, **44:11 [CDA 4.1(3)]**
- Exporting, **44:17 [CDA 6(1)]**
 - punishment, **44:18, 44:24 [CDA 6(3), 10(5)]**
 - mandatory minimums, **44:16, 44:24 [CDA 6(3)(a), (a.1), 10(5)]**
 - Schedule I substance, more than 1 kg, **44:16 [CDA 6(3)(a.1)]**
- False or deceptive statements, offence for making, **44:83 [CDA 46.1]**
 - to inspector, **44:62 [CDA 32(2)]**
- Forfeiture of offence-related property
 - declaring interest not affected by forfeiture, **44:49 [CDA 20(4)]**
 - appeal from order, **44:49 [CDA 20(5)]**
 - suspension of order pending appeal, **44:51 [CDA 22]**
 - application for order, **44:49 [CDA 20(1)]**
 - fixing date for hearing, **44:49 [CDA 20(2)]**
 - notice of application, **44:49 [CDA 20(3)]**
 - order, **44:49 [CDA 20(4)]**
 - return of property, **44:49 [CDA 20(6)]**

**CONTROLLED DRUGS AND
SUBSTANCES ACT****—Cont'd**

- Forfeiture of offence-related property—Cont'd
 - dwelling house
 - criteria/factors to be considered, **44:47** [CDA 19.1(4)]
 - non-forfeiture of property, **44:47** [CDA 19.1(3)]
 - notice requirements, **44:47** [CDA 19.1(1) to (2)]
 - in rem forfeiture, application for, **44:44** [CDA 17(1)]
 - absconded accused, **44:44** [CDA 17(2), (3)]
 - appeals from orders, **44:50** [CDA 21]
 - suspension of order pending appeal, **44:51** [CDA 22]
 - dwelling house, **44:47** [CDA 19.1]
 - notice to interested person, **44:46, 44:47** [CDA 19(1), 19.1(1) to (2)]
 - manner of giving notice, **44:46, 44:47** [CDA 19(2), 19.1(2)]
 - order of forfeiture, **44:44** [CDA 17(2)]
 - order of restoration of property, **44:46** [CDA 19(3)]
 - property outside Canada, **44:44** [CDA 17(5)]
 - who may dispose of forfeited property, **44:44** [CDA 17(4)]
- order of forfeiture on convictions, **44:42** [CDA 16(1)]
 - appeal from order, **44:41** [CDA 16(3)]
 - suspension of order pend-

**CONTROLLED DRUGS AND
SUBSTANCES ACT****—Cont'd**

- Forfeiture of offence-related property—Cont'd
 - order of forfeiture on convictions, **44:42** [CDA 16(1)]
 - Cont'd
 - appeal from order, **44:41** [CDA 16(3)]—Cont'd
 - ing appeal, **44:51** [CDA 22]
 - notice to interested person, **44:46** [CDA 19(1)]
 - manner of giving notice, **44:46** [CDA 19(2)]
 - order of restoration of property, **44:46** [CDA 19(3)]
 - property outside Canada, **44:41** [CDA 16(2.1)]
 - property related to other offences, **44:43** [CDA 16(2)]
 - property outside Canada, **44:41, 44:44** [CDA 16(2.1), 17(5)]
 - Importing, **44:17** [CDA 6(1)]
 - punishment, **44:18** [CDA 6(3)]
 - mandatory minimums, **44:16, 44:24** [CDA 6(3)(a), (a.1), 10(5)]
 - Schedule I substance, more than 1 kg, **44:16** [CDA 6(3)(a.1)]
 - Importing anything knowing it will be used to produce ecstasy or methamphetamine, **44:21** [CDA 7.1(1)]
 - punishment, **44:21** [CDA 7.1(2)]
 - Importing anything knowing it will be used to traffic in

INDEX

**CONTROLLED DRUGS AND
SUBSTANCES ACT**

—Cont'd

- ecstasy or
methamphetamine, **44:21**
[CDA 7.1(1)]
- punishment, **44:21** [CDA
7.1(2)]
- Importing designated device,
44:85 [CDA 46.3]
- punishment, **44:21** [CDA
7.1(2)]
- Inspectors
 - assistance to, **44:61** [CDA
31(5)]
 - authority to issue warrant,
44:61 [CDA 31(3)]
 - designation, **44:60** [CDA
30(1)]
 - certificate of designation,
44:60 [CDA 30(2)]
 - false statements to, **44:62**
[CDA 32(2)]
 - interference, **44:62** [CDA
32(3)]
 - notice of seizure, **44:61** [CDA
31(7)]
 - obstructing, **44:62** [CDA
32(1)]
 - powers, **44:61** [CDA 31(1) to
(1.2)]
 - return by, **44:61** [CDA 31(8)]
 - return or disposal by Minister,
44:61 [CDA 31(9)]
 - storage of substances seized,
44:61 [CDA 31(6)]
 - use of force, **44:61** [CDA
31(4)]
 - warrant required to enter
dwelling-house, **44:61**
[CDA 31(2)]
- Limitation period, **44:88** [CDA
47(1)]
- Management order
 - appointment of Minister to

**CONTROLLED DRUGS AND
SUBSTANCES ACT**

—Cont'd

- Management order—Cont'd
 - manage, **44:38** [CDA
14.1(2)]
 - destruction of property pursu-
ant to, **44:38** [CDA
14.1(4) to (7)]
 - duration of, **44:38** [CDA
14.1(8)]
 - power of court, **44:38** [CDA
14.1(1), (7)]
 - power to manage, **44:38**
[CDA 14.1(1), (3) to (4)]
 - variation of, **44:38** [CDA
14.1(9)]
- Mandatory minimum punish-
ments
 - drug treatment program
exception, **44:24** [CDA
10(4) to (5)]
 - exporting, **44:16** [CDA
6(3)(a), (a.1)]
 - importing, **44:16** [CDA
6(3)(a), (a.1)]
 - notice of, **44:22** [CDA 8]
 - possession for purpose of
exporting, **44:16**, **44:24**,
44:5 [CDA 6(2), 10(5),
3(a), 3(a.1)]
 - production, **44:19** [CDA
7(2)(a) to (b), 7(3)]
 - review and report to Parlia-
ment, **44:23** [CDA 9]
 - trafficking, **44:12** [CDA
5(3)(a)]
- Medical purpose, exemption for,
44:99, **44:100** [CDA 56.1,
56.2]
- Ministerial orders
 - generally, **44:77 to 44:81**
[CDA 45.1 to 45.5]
 - information, provision of,
44:77 [CDA 45.1]

**CONTROLLED DRUGS AND
SUBSTANCES ACT****—Cont'd**

- Ministerial orders—Cont'd
measures, **44:78 [CDA 45.2]**
review
officer, **44:79 [CDA 45.3]**
request for, **44:80 [CDA
45.4]**
- Statutory Instruments Act,
44:81 [CDA 45.5]
- Notice, proof of, **44:93 [CDA
52(1), (2)]**
- Notice of minimum punishment,
44:22 [CDA 8]
- Obtaining substance, **44:6 [CDA
4(2)]**
punishment, **44:6 [CDA 4(7)]**
- Paramountcy of Act, **44:102
[CDA 58]**
- Penalty, **44:82 [CDA 46]**
- Possession, continuity of, **44:94
[CDA 53(1)]**
alternative method of proof,
44:94 [CDA 53(2)]
- Possession for purpose of export-
ing, **44:16 [CDA 6(2)]**
punishment, **44:18 [CDA
6(3)]**
mandatory minimums,
**44:16, 44:24, 44:5
[CDA 6(2), 10(5),
3(a), 3(a.1)]**
Schedule I substance, more
than 1 kg, **44:16 [CDA
6(3)(a.1)]**
- Possession for purpose of traf-
ficking, **44:12 [CDA 5(2)]**
punishment, **44:12 [CDA 5(3)
to (6)]**
mandatory minimums,
**44:12, 44:24 [CDA
5(3)(a), 10(5)]**

**CONTROLLED DRUGS AND
SUBSTANCES ACT****—Cont'd**

- Possession of anything knowing
it will be used to produce
ecstasy or
methamphetamine, **44:21
[CDA 7.1(1)]**
punishment, **44:21 [CDA
7.1(2)]**
- Possession of anything knowing
it will be used to traffic in
ecstasy or
methamphetamine, **44:21
[CDA 7.1(1)]**
punishment, **44:21 [CDA
7.1(2)]**
- Possession of substance, **44:6
[CDA 4(1)]**
determination of amount, **44:6
[CDA 4(8)]**
punishment, **44:6 [CDA 4(3)
to (6)]**
- Powers, duties, functions of
Minister or Minister of Pub-
lic Safety and Emergency
Preparedness, **44:101 [CDA
57]**
- Production of anything knowing
it will be used to produce
ecstasy or
methamphetamine, **44:21
[CDA 7.1(1)]**
punishment, **44:21 [CDA
7.1(2)]**
- Production of anything knowing
it will be used to traffic in
ecstasy or
methamphetamine, **44:21
[CDA 7.1(1)]**
punishment, **44:21 [CDA
7.1(2)]**
- Production of substance
punishment, **44:19 [CDA
7(2)]**
aggravating factors, **44:19**

INDEX

**CONTROLLED DRUGS AND
SUBSTANCES ACT**

—Cont'd

- Production of substance—Cont'd punishment, **44:19** [CDA **7(2)**]—Cont'd [CDA **7(3)**]
 - mandatory minimums, **44:19, 44:24** [CDA **7(2)(a) to (b), 7(3), 10(5)**]
- Regulation, designated
 - see contravention of designated regulation
- Regulations, **44:92** [CDA **51(1)**]
 - paramountcy of, **44:102** [CDA **58**]
 - pertaining of law enforcement, **44:97** [CDA **55(2) to (2.1)**]
- Restraint order, **44:37** [CDA **14**]
 - application for, **44:37** [CDA **14(1)**]
 - application of ss. 489.1 and 490, **44:39** [CDA **15(1)**]
 - conditions, **44:37** [CDA **14(5)**]
 - content of order, **44:37** [CDA **14(3)**]
 - failure to comply, **44:37** [CDA **14(10)**]
 - management order pending restraint, **44:38** [CDA **14.1**]
 - order continues in force, **44:37** [CDA **14(9)**]
 - procedure, **44:37** [CDA **14(2)**]
 - property outside Canada, **44:37** [CDA **14(4)**]
 - recognizance, **44:39** [CDA **15(2)**]
 - registration of order, **44:37** [CDA **14(8)**]
 - service of order, **44:37** [CDA **14(7)**]

**CONTROLLED DRUGS AND
SUBSTANCES ACT**

—Cont'd

- Sale of anything knowing it will be used to produce ecstasy or methamphetamine, **44:21** [CDA **7.1(1)**]
 - punishment, **44:21** [CDA **7.1(2)**]
- Sale of anything knowing it will be used to traffic in ecstasy or methamphetamine, **44:21** [CDA **7.1(1)**]
 - punishment, **44:21** [CDA **7.1(2)**]
- Schedules, **44:104, 44:112 to 44:119** [CDA **60, sch. I to VIII**]
- Search warrant
 - application of s. 487.1, **44:29** [CDA **11(2)**]
 - application of ss. 489.1 and 490, **44:36** [CDA **13**]
 - assistance, **44:33** [CDA **12**]
 - endorsement, effect of, **44:31** [CDA **11(4)**]
 - execution in another province, **44:30** [CDA **11(3)**]
 - information for, **44:28** [CDA **11(1)**]
 - recognizance, **44:36** [CDA **13(6)**]
 - report to justice, **44:36** [CDA **13(4), (5)**]
 - sealing order for information to obtain, **20:115** [CC **487.3**]
 - search of person and seizure, **44:32** [CDA **11(5)**]
 - seizure of additional things, **44:27** [CDA **11(8)**]
 - seizure of things not specified, **44:27** [CDA **11(6)**]
 - use of force, **44:33** [CDA **12**]

**CONTROLLED DRUGS AND
SUBSTANCES ACT****—Cont'd**

- Search warrant—Cont'd
 - where warrant not necessary, **44:27 [CDA 11(7)]**
- Sentencing
 - delay for treatment, **44:24 [CDA 10(4)]**
 - factors to be considered, **44:26 [CDA 10(2)]**
 - minimum punishment, see also mandatory minimum, punishments
 - drug treatment court program, **44:24 [CDA 10(4) to (5)]**
 - notice of, **44:22 [CDA 8]**
 - Parliamentary review of, **44:23 [CDA 9]**
 - purpose of, **44:25 [CDA 10(1)]**
 - reasons, duty to provide, **44:24 [CDA 10(3)]**
- Trafficking in substance, **44:12 [CDA 5(1)]**
 - punishment, **44:12 [CDA 5(3) to (6)]**
 - mandatory minimums, **44:12, 44:24 [CDA 5(3)(a), 10(5)]**
- Transfers, voidable, **44:45 [CDA 18]**
- Transitional provisions, **44:106 to 44:108 [CDA 61 to 63]**
- Validation of prior authorizations, **44:108 [CDA 63]**
- Venue, **44:87 [CDA 47(2)]**

CONVERSION

- See also THEFT
- As theft, **12:4 [CC 322(1)]**
- By trustee, **12:65 [CC 336]**
- Theft by, **12:48 to 12:53 [CC 330 to 332]**

**CONVEYANCES, OFFENCES
INVOLVING**

See DRIVING OFFENCES

CONVICTION

- See also APPEALS (INDICTABLE OFFENCES), APPEALS (SUMMARY CONVICTION), PREVIOUS CONVICTIONS
- Certiorari to quash, **37:10, 37:13 [CC 776 to 777]**
- Evidence of conviction
 - admissibility
 - answer to evidence of good character, **27:262 [CC 666]**
 - offence attracting greater punishment, **27:261 [CC 665]**
 - manner of proof
 - certificate, **27:268, 40:48 [CC 667, CEA 12]**
 - certificate copy, **25:50, 40:48 [CC 570(4), (6), CEA 12]**
- Memorandum of conviction, **38:54 [CC 806]**
- Record of conviction, **25:51, 27:120, 38:54 [CC 570(1), 624(1), 806]**
- Subsequent conviction pardon not affecting punishment, **34:196 [CC 748(4)]**

CORONER

- Inquest no trial, **27:5 [CC 576(3)]**
- Misconduct, **6:33 [CC 128]**

CORPORATION

- Appearance, **23:29, 25:15, 27:115, 38:28 [CC 538, 556, 620, 800(3)]**
- default, **25:15, 27:117, 27:118, 38:28 [CC**

INDEX

CORPORATION—Cont'd

- Appearance, **23:29, 25:15, 27:115, 38:28** [CC 538, 556, 620, 800(3)]—Cont'd 556(2), 622, 623, 800(3)]
- “Corporation” defined, **40:93** [CEA 31(1),]
- Criminal responsibility
 - duty of persons directing work, **10:12** [CC 217.1]
 - negligence offences, **2:77** [CC 22.1]
 - other offences, **2:78** [CC 22.2]
- Enforcement of judgment, **34:113** [CC 735]
- False prospectus, **13:61** [CC 400(1)]
- Greater punishment where previous conviction, **34:66** [CC 727(4)]
- Notice of indictment, **27:116** [CC 621]
- Party liability
 - negligence offences, **2:77** [CC 22.1]
 - other offences, **2:77** [CC 22.1]
- Punishment, **34:33, 34:85, 34:113** [CC 718.21, 732.1(3.1), 735]
- Records
 - photograph as evidence, **40:93** [CEA 31]
- “Representative,” defined, **1:3** [CC 2]
- “Representative” defined, **1:3** [CC 2]
- Request for preliminary inquiry
 - failure to request, **25:15** [CC 556(3), (4)]
- “Senior officer,” defined, **1:3** [CC 2]
- “Senior officer” defined, **1:3** [CC 2]

CORPORATION—Cont'd

- Sentencing
 - finer, **34:113** [CC 735]
 - general considerations, **34:33** [CC 718.21]
 - probation conditions, **34:85** [CC 732.1(3.1), (3.2)]
- Trial and conviction, **27:118** [CC 623]

CORRECTIONS AND CONDITIONAL RELEASE

- Generally, **1:3, 2:93, 3:33, 6:101, 34:151, 34:161, 34:194, 35:35** [CC 2, 25(5), 67, 149(2), 743.1(6), 743.5, 746.1, 761]

CORROBORATION

- Age of child, **27:246** [CC 658(2)]
- Children’s evidence, **27:248** [CC 659]
- Feigned marriage, **10:358** [CC 292(2)]
- Not required (sexual offences), **10:277** [CC 274]
- Perjury, **6:53** [CC 133]
- Treason and high treason, **3:3** [CC 47(3)]

CORRUPTING MORALS

- See also CRIME COMIC, OBSCENITY
- Defence of public good, **7:45, 7:47** [CC 163(3), (4)]
- Obscene material, **7:43, 7:51** [CC 163(1), (8)]
- Offences, **7:43, 7:44** [CC 163(1), (2)]
- Undue exploitation of sex, **7:51** [CC 163(8)]

CORRUPTION

- See also BRIBERY

CORRUPTION—Cont'd

- Corrupting
 - agent or employee, **13:115** [CC 426]
 - child, **7:81** [CC 172]
 - consent to prosecution, **7:81** [CC 172(4)]
 - government official, **6:11** [CC 121]
 - disability on conviction, **34:196, 34:200** [CC 748(3), 750]
 - judicial officer, **6:4** [CC 119]
 - juror, **6:30** [CC 127(3)]
 - municipal official, **6:23** [CC 123]
 - peace officer, etc., **6:6, 6:33** [CC 120, 128]
 - witness, **6:70** [CC 139(3)]
- Influence appointment, **6:26** [CC 125]
- Reward or immunity
 - receiving, **6:77** [CC 142]
- Secret commission, **13:115** [CC 426]
- Selling or purchasing office, **6:25** [CC 124]
 - dealer in offices, **6:26** [CC 125]
 - disability on conviction, **34:200** [CC 750(3), (4)]
- Taking reward for
 - recovery of goods, **6:77** [CC 142]

COSTS

- Adjournment, **27:82** [CC 601(5)]
- Certificate of non-payment, **38:120** [CC 827(2)]
- Part payment, **34:112** [CC 734.8]
- Proceedings by indictment no
 - costs on appeal, **29:45** [CC 683(3)]

COSTS—Cont'd

- Remission, **34:200** [CC 750(2)]
- Summary conviction appeal, **38:118, 38:120** [CC 826, 827]
 - court of appeal, **38:138** [CC 839(3)]
- Summary proceedings, **38:47, 38:59** [CC 803(4), 809]
- Writ of fieri facias, **36:18** [CC 772(2)]

COUNSEL

- Address by counsel, **23:14, 27:211** [CC 537(1)(h), 651]
- Appearance for accused, **25:15, 27:115, 27:205, 27:208, 38:28** [CC 556, 620, 650.01, 650.02, 800]
 - organizational accused, **25:15, 27:115, 38:28** [CC 556, 620, 800]
- Assignment of counsel
 - appeal, **29:53, 29:121, 38:137** [CC 684, 694.1, 839(2)]
 - unfit accused, **28:20** [CC 672.24]
- Authority in absence of accused, **19:11, 23:70, 27:205** [CC 475(4), 544(4), 650.01]
- “Counsel,” **1:3** [CC 2]
- Designated counsel of record
 - designation
 - contents, **27:207** [CC 650.01(2)]
 - filing, **27:206** [CC 650.01(1)]
 - service of summons to
 - accused on, **27:205** [CC 650.01(4)(a)]
 - technological appearance by, **27:208** [CC 650.02]
- Legal assistance on appeal, **29:53, 29:121, 38:137** [CC 684, 694.1, 839(2)]

INDEX

COUNSEL—Cont'd

- Right to counsel, **41:57** [CA **10(b)**]
 - investigative hearing, at, **4:37** [CC **83.28(11)**]
- Summary proceedings, **38:28, 38:40** [CC **800, 802**]
- Young person
 - advising of right to counsel, **42:29** [YCJA **25(2), (3)**]
 - appointment of counsel, **42:29** [YCJA **25(5), (11)**]
 - arresting officer, **42:29** [YCJA **25(2)**]
 - assistance by adult, **42:29** [YCJA **25(7), (11)**]
 - costs, recovery of, **42:29** [YCJA **25(10)**]
 - counsel independent of parents, **42:29** [YCJA **25(8), (11)**]
 - exceptions to statutory requirements, age-based, **42:29** [YCJA **25(11)**]
 - justice, youth justice court or review board, **42:29** [YCJA **25(3)**]
 - release hearing before justice, **42:29, 42:106** [YCJA **25(6), 88**]
 - right to retain counsel, **42:30** [YCJA **25(1)**]
 - statement of right to counsel, **42:29** [YCJA **25(9), (11)**]
 - where unable to retain counsel, **42:29** [YCJA **25(4), (11)**]

COUNSELLING

- See also PARTY TO OFFENCE
- Definition, **2:75** [CC **22(3)**]
- Offence committed, **2:76, 2:75** [CC **22(1), (2)**]
- Offence not committed, **18:6** [CC **464**]

COUNSELLING—Cont'd

- Particular offences
 - contravene Act of Parliament or regulation
 - intervening by Attorney General of Canada, **27:19** [CC **579.1**]
 - sexual touching, **7:13** [CC **152**]
 - suicide, **10:101** [CC **241**]
- Principal not convicted, **2:84** [CC **23.1**]

COUNTERFEITING

- See also CURRENCY OFFENCES, FORGERY
- Certificate of examiner, **15:29** [CC **461(2), (3), (4)**]
- Completion of counterfeit, **15:29** [CC **461(1)**]
- “Counterfeit money,” **15:1** [CC **448**]
- Government mark, **12:211** [CC **376(2)**]
 - “mark,” **12:211** [CC **376(3)**]
- Government seal, **12:200** [CC **369(c)**]
- Instruments for counterfeiting
 - making, possessing, dealing, **12:200, 12:212, 15:23** [CC **369(b), 376(1), 458**]
 - conveying out of mint, **15:26** [CC **459**]
- Making counterfeit money, **15:4** [CC **449**]
 - uttering, **15:10** [CC **452**]
- Stamp, **12:212** [CC **376(1)**]
 - “stamp,” **12:211** [CC **376(3)**]

COUNTS

- See INDICTMENT (FORM AND SUBSTANCE)

COURT

- See also SUMMARY CONVICTION PROCEEDINGS

COURT—Cont'd

“Court”

application for preventive detention, **35:1 [CC 752]**
imposition of punishment, **34:2 [CC 716]**

“Court of appeal”

defined, **1:3, 29:1 [CC 2, 673]**
general powers on appeal, **29:42, 38:137 [CC 683, 839(2)]**

power to make rules, **19:36, 19:37 [CC 482(1), 482.1]**

“Court of competent jurisdiction,” **41:92 [CA 24(1)]**

“Court of criminal jurisdiction”

defined, **1:3 [CC 2]**
jurisdiction over offences, **19:2 [CC 469]**

power to make rules, **19:35 [CC 482(2)]**

Judge as court of record, **25:21 [CC 559(1)]**

“Provincial court judge”

absolute jurisdiction, **25:2 [CC 553]**
defined, **1:3 [CC 2]**

Rules of court, **19:35, 19:37, 34:190 [CC 482, 482.1, 745.64]**

case management, **19:37 [CC 482.1]**

review of parole ineligibility, **34:190 [CC 745.64]**

“Superior court of criminal jurisdiction”

defined, **1:3 [CC 2]**
jurisdiction over offences, **19:1 [CC 468]**

power to make rules, **19:36, 19:37, 19:37 [CC 482(1), 482.1, (2)]**

“Trial court,” **29:1 [CC 673]**

COURT—Cont'd

“Youth justice court,” **42:3 [YCJA 2(1)]**

as court of record, **42:16 [YCJA 13(4)]**

COURT ORDER

See CONTEMPT, DISOBEDIENCE

CREDIT AND CREDITORS

See also CRIMINAL INTEREST RATE

Disposal of property to defraud creditors, **13:46 [CC 392]**

False financial statement, **12:169 [CC 362(1)(c), (d)]**
punishment, **12:172 [CC 362(3)]**

False prospectus or statement, **13:60 [CC 400]**

Falsifying books to defraud creditors, **13:55 [CC 397(2)]**

Obtaining credit by false pretence or fraud, **12:169 [CC 362(1)(b)]**
punishment, **12:172 [CC 362(3)]**

CREDIT CARD

Defined, **12:1 [CC 321]**

Evidence at jury trial, **27:239 [CC 657.1(2)(c.1)]**

Offences

forgery, **12:76 [CC 342(1)(b)]**
instruments for forging or falsifying credit cards, **12:78 [CC 342.01]**

possession of card obtained by crime, **12:76 [CC 342(1)(e)]**

theft, **12:76 [CC 342(1)(a)]**

unauthorized use of credit card data, **12:76 [CC 342(3), (4)]**

INDEX

CREDIT CARD—Cont'd

- Offences—Cont'd
 - use of revoked or cancelled card, **12:76** [CC **342(1)(d)**]
- Trial jurisdiction, **12:76** [CC **342(2)**]

CRIME AGAINST HUMANITY

- Special pleas, **27:98** [CC **607(6)**]
- Superior court jurisdiction, **19:2** [CC **469(c.1)**]

CRIME COMIC

- See also **OBSCENITY**
- Appeal from forfeiture or restoration, **7:61** [CC **164(6)**]
- Forfeiture, **7:61** [CC **164(3), (4)**]
- Publishing, **7:42** [CC **163(1)(c)**]
- Restoration after seizure, **7:61** [CC **164(5)**]
- Seizure, **7:62** [CC **164(1)**]
- Summons, **7:63** [CC **164(2)**]

CRIMINAL BREACH OF CONTRACT

- Offence, **13:99** [CC **422(1)**]

CRIMINAL HARASSMENT

- Murder committed being first degree, **10:67** [CC **231(6)**]
- Offence, **10:221** [CC **264(1)**]
- Prohibited conduct, **10:222** [CC **264(2)**]
- Punishment, **10:223** [CC **264(3)**]
- aggravating factors, **10:224, 10:225** [CC **264(4), (5)**]
- CSO precluded on indictment, **34:134** [CC **742.1(f)(ii)**]

CRIMINAL INTEREST RATE

- Generally, **12:97** [CC **347**]
- Payday loan, **12:99** [CC **347.1**]

CRIMINAL NEGLIGENCE

- Causing bodily harm, **10:30** [CC **221**]

CRIMINAL NEGLIGENCE—Cont'd

- Causing death, **10:23** [CC **220**]
- where firearm used, **10:23** [CC **220(a)**]
- Criminal negligence defined, **10:16** [CC **219**]
- Dangerous driving as included offence, **27:253** [CC **662(5)**]
- Duty of persons directing work, **10:12** [CC **217.1**]
- Flight causing bodily harm or death as included offence, **27:253** [CC **662(5)**]
- Organizational liability for, **2:77, 10:12** [CC **22.1, 217.1**]

CRIMINAL ORGANIZATION

- Commission of offence for bail
 - reverse onus, **21:75** [CC **515(6)(a)(ii)**]
- definitions
 - “commission of offence,” **18:23** [CC **467.1(3)**]
- disclosure of income tax information for investigation of, **17:36** [CC **462.48(1.1)**]
- instructing, **18:30** [CC **467.13**]
- offence, **18:28** [CC **467.12(1)**]
- parole, power of court to delay, **34:162** [CC **743.6(1.2)**]
- proof, Crown burden, **18:29** [CC **467.12(2)**]
- sentence to be served consecutively, **18:31** [CC **467.14**]
- Defined, **18:24** [CC **467.1(1)**]
- Disclosure of income tax information, **17:36** [CC **462.48(1.1)**]

CRIMINAL ORGANIZATION**—Cont'd**

- Electronic surveillance
 - see generally, Interception of Private Communications
 - authorization
 - standard for issuance, relaxed, **8:20, 8:26** [CC **185(1.1), 186(1.1)**]
 - time limitation, extended, **8:26** [CC **186(1.1)**]
 - eligible offences, **8:1** [CC **183**]
 - subject notification period, extended, **8:63** [CC **196(5)**]
- Fear of criminal organization offence, **38:67, 42:17, 42:23** [CC **810.01, YCJA 14(2), 20(2)**]
- adjudication, **38:67** [CC **810.01(3)**]
- appearances, **38:67** [CC **810.01(2)**]
- conditions, firearms, **38:67** [CC **810.01(5)**]
- refusal to enter recognizance, **38:67** [CC **810.01(4)**]
- variance of conditions, **38:67** [CC **810.01(6)**]
- young person, order against, **42:17, 42:23** [YCJA **14(2), 20(2)**]
- Forfeiture of offence-related property, **20:178, 20:180** [CC **490.1, 490.2**]
- see also forfeiture (offence to related property)
- Instructing commission of offence for
 - bail
 - reverse onus, **21:75** [CC **515(6)(a)(ii)**]

CRIMINAL ORGANIZATION**—Cont'd**

- Instructing commission of offence for—Cont'd
 - definitions
 - “commission of offence,” **18:23** [CC **467.1(3)**]
 - disclosure of income tax information for investigation of, **17:36** [CC **462.48(1.1)**]
 - offence, **18:30** [CC **467.13(1)**]
 - parole, power of court to delay, **34:162** [CC **743.6(1.2)**]
 - proof, Crown burden, **18:30** [CC **467.13(2)**]
 - prosecutorial jurisdiction, **18:32** [CC **467.2**]
 - sentence to be served consecutively, **18:31** [CC **467.14**]
- Parole, power of court to delay for offence, **34:162** [CC **743.6(1.1) to (1.2)**]
- Participation in activities of bail
 - reverse onus, **21:75** [CC **515(6)(a)(ii)**]
 - criteria/factors of “participation”/ “contribution,” **18:25** [CC **467.11(3)**]
 - definitions
 - “commission of offence,” **18:23** [CC **467.1(3)**]
 - “facilitation,” **18:23** [CC **467.1(2)**]
 - disclosure of income tax information for investigation of, **17:36** [CC **462.48(1.1)**]
 - offence, **18:25** [CC **467.11(1)**]
 - parole, power of court to

INDEX

CRIMINAL ORGANIZATION

—Cont'd

- Participation in activities of
 - Cont'd
 - delay, **34:162** [CC **743.6(1.2)**]
 - proof, Crown burden, **18:25** [CC **467.11(2)**]
 - sentence to be served consecutively, **18:31** [CC **467.14**]
- Recruitment of members by
 - bail, reverse onus, **21:75** [CC **515(6)(a)(ii)**]
 - definitions
 - “facilitation,” **18:23** [CC **467.1(2)**]
 - disclosure of income tax information for investigation of, **17:36** [CC **462.48(1.1)**]
 - offence, **18:26** [CC **467.111**]
 - parole, power of court to delay, **34:162** [CC **743.6(1.2)**]
 - primary designated offence, **20:77** [CC **487.04**]
 - sentence to be served consecutively, **18:31** [CC **467.14**]
 - testimonial aids available, **20:16** [CC **486.2**]
- Sentences to be served consecutively, **18:31** [CC **467.14**]
- Using explosives in association with
 - murder deemed first degree, **10:67** [CC **231(6.1)**]
- Witness protection in cases involving
 - exclusion of public, **20:8** [CC **486**]
 - limits on cross-examination by accused, **20:17** [CC

CRIMINAL ORGANIZATION

—Cont'd

- Witness protection in cases involving—Cont'd
 - 486.3(2) to (5)**]
 - obstructed view testimony, **20:16** [CC **486.2(4) to (6)**]
 - publication ban, **20:22** [CC **486.5**]
 - recognizance, **38:67** [CC **810.01**]
 - testimony outside courtroom, **20:16** [CC **486.2(4) to (6)**]

CRIMINAL RECORDS

- See PARDON, PREVIOUS CONVICTIONS, RECORD SUSPENSION, YOUTH CRIMINAL JUSTICE

CRIMINAL RESPONSIBILITY

- See also MENTAL DISORDER
- Child
 - under 12 years, **2:34** [CC **13**]
- Effect of consent to infliction of death, **2:36** [CC **14**]
- Mental disorder, **1:3, 2:40** [CC **2, 16**]
- Obedience to de facto law, **2:38** [CC **15**]
- Organization
 - “every one” including organization, **1:3** [CC **2**]
- Where one party cannot be convicted, **2:84** [CC **23.1**]
- Young persons, **42:5** [YCJA **3(1)**]

CROSS-EXAMINATION

- Adverse witness, **40:34** [CEA **9**]
- Business record
 - making or contents, **40:90** [CEA **30(9)**]

CROSS-EXAMINATION

—Cont'd

- Certificate of fingerprint examiner, **27:268 [CC 667(3)]**
- Certificate of previous conviction, **27:268 [CC 667(3)]**
- Previous inconsistent statement, **40:34 to 40:45 [CEA 9 to 11]**
- Proof of service of any document, **2:9 [CC 4(7)]**
- Qualified medical practitioner, analyst or qualified technician, **10:195 [CC 258(6)]**

CRUEL AND UNUSUAL TREATMENT OR PUNISHMENT

- Generally, **41:73 [CA 12]**

CULTURAL PROPERTY

- Generally, **2:16 [CC 7(2.01), (2.02)]**
- Mischief, **14:5 [CC 430(4.2)]**

CURRENCY OFFENCES

- See also COUNTERFEITING
- Advertising counterfeit money or tokens, **15:27 [CC 460(1)(a)]**
- Buying counterfeit money, **15:5 [CC 450]**
- Certificate of examiner of counterfeit, **15:29 [CC 461(2), (3), (4)]**
- Clipping and uttering clipped coin, **15:17 [CC 455]**
- Completion of counterfeiting, **15:29 [CC 461(1)]**
- Conveying coining instruments out of mint, **15:26 [CC 459(a)]**
- Currency exchange device, possession of instruments for

CURRENCY OFFENCES

—Cont'd

- breaking in, **12:130 [CC 352]**
- Dealing with counterfeiting instruments, **15:23 [CC 458]**
- Defacing or uttering defaced coin, **15:18 [CC 456]**
- Forfeiture of counterfeit money and equipment, **23:44 [CC 542]**
- Making counterfeit money, **15:4 [CC 449]**
- Possession of clippings, **15:9 [CC 451]**
- Possession of counterfeit money, **15:5 [CC 450]**
- Printing or using likeness of bank notes, etc., **15:20 [CC 457]**
- Seizure of counterfeit money and equipment, **15:30 [CC 462(2)]**
- Slug or counterfeit token, **15:14 [CC 454]**
- Uttering counterfeit money, **15:10 [CC 452]**

DAMAGE TO PROPERTY

- See also MISCHIEF
- Aircraft, **3:47 [CC 77]**
- Breach of contract likely to cause, **13:98 [CC 422]**
- Cargo, etc. of ship, **3:45 [CC 75(b)]**
- Defence to wilful damage, **14:4 [CC 429(2)]**
- Explosion causing damage, **3:53, 3:54 [CC 80(b), 81]**
- Mischief, **14:5 [CC 430]**
defence, **14:4 [CC 429(2)]**
- Occupant injuring building, **14:53 [CC 441]**

INDEX

DAMAGE TO PROPERTY

—Cont'd

- Order for compensation, **34:59** [CC 725]
- Owner causing damage, **14:2** [CC 429(3)]
- Sabotage, **3:12** [CC 55]
 - evidence of overt acts, **3:12** [CC 55]
 - statement in indictment, **27:25** [CC 581(4)]
- Sureties to keep peace, **38:61, 38:81, 42:17, 42:23** [CC 810, 811, YCJA 14(2), 20(2)]
- Threatening, **13:102** [CC 423(1)]

DANGEROUS DRIVING

See DANGEROUS OPERATION

DANGEROUS OFFENDERS

- Admissions at hearing, **35:24** [CC 754(3)]
 - finding, **35:8** [CC 753]
- Appeal, **35:31** [CC 759]
- Application for finding, **35:8** [CC 753]
 - hearing, **35:24** [CC 754]
 - presence of accused, **35:29** [CC 758]
 - presumption of dangerousness, **35:8** [CC 753(1.1)]
- Application for new sentence or order
 - assessment report, **35:13** [CC 753.01(3)]
 - new long-term supervision, **35:13, 35:26** [CC 753.01(6), 755(2)]
 - remand for assessment, **35:13** [CC 753.01(1) to (3)]
 - right to bring, **35:13** [CC 753.01(4)]

DANGEROUS OFFENDERS

—Cont'd

- Application for new sentence or order—Cont'd
 - sentence of indeterminate detention, **35:13** [CC 753.01(5)]
 - victim evidence, **35:14** [CC 753.02]
- Application for remand for assessment, **35:7, 35:13** [CC 752.1(1), 753.01(1)]
 - after imposition of sentence, **35:12** [CC 753(3)]
 - exception re hearing requirements, **35:25** [CC 754(1)]
 - extension of time, **35:6, 35:13** [CC 752.1(3), 753.01(3)]
 - notice of intention to bring, **35:6, 35:11** [CC 752.1, 753(2)]
 - report, **35:6, 35:13** [CC 752.1(2), 753.01(2)]
 - upon post-finding conviction, **35:13** [CC 753.01]
- “Court,” **35:1** [CC 752]
- “Designated offence,” **35:1** [CC 752]
- Evidence of character, **35:28** [CC 757]
- Loitering by, **7:119** [CC 179]
- “Long-term supervision,” **35:1** [CC 752]
- Negative finding, **35:8** [CC 753(5)]
- Presumption of dangerousness, **35:8** [CC 753(1.1)]
- “Primary designated offence,” **35:1** [CC 752]
- Review for parole, **35:35** [CC 761]
- Sentence, **35:8** [CC 753(4), (4.1), (4.2)]
 - where post-finding offence,

DANGEROUS OFFENDERS**—Cont'd**

Sentence, **35:8** [CC 753(4), (4.1), (4.2)]—Cont'd
35:13 [CC 753.01(4) to (6)]

“Serious personal injury offence,” **35:1** [CC 752]

information where fear of, **38:74, 38:75** [CC 810.2(1), (2)]

recognizance, **10:224, 38:73, 38:81** [CC 264(4), 810.2(3) to (8), 811]

Transcripts to Correctional Service, **35:34** [CC 760]

Witnesses

victim, **35:14** [CC 753.02]

DANGEROUS OPERATION

See also **DRIVING OFFENCES; MOTOR VEHICLES**

Definitions

“motor vehicle,” **1:3** [CC 2]

“railway equipment,” **1:3** [CC 2]

Manslaughter charged, where, **27:253** [CC 662(5)]

general, **10:133, 10:137** [CC 249(2), 249.4]

DANGEROUS SUBSTANCE

See **EXPLOSIVES, DRUG, NOXIOUS THING, POISONING**

DANGER TO LIFE

Generally, **10:9, 10:12** [CC 217, 217.1]

Impeding attempt to save life, **10:217** [CC 262]

DATA

See also **COMPUTERS, MISCHIEF**

DATA—Cont'd

Dealing with data in court, **39:2** [CC 842]

Defined, **14:13, 39:1, 40:103** [CC 430(8), 841, CEA 31.8]

Mischief, **12:76, 14:5** [CC 342(2), 430(1.1)]

Time of filing, **39:3** [CC 843(1)]

Transfer of data, **39:3** [CC 843(1)]

DEAD BODY

Concealing body of child, **10:111** [CC 243]

Failure to perform duty regarding burial, **7:126** [CC 182(a)]

Interfering with dead body, **7:126** [CC 182(b)]

DEALING IN PUBLIC OFFICE

Offences, **6:25, 6:26** [CC 124, 125]

disability on conviction, **34:196** [CC 748(3), (4)]

DEATH

See also **INFANTICIDE, MANSLAUGHTER, MURDER**

Accelerating, **10:42** [CC 226]

Consent not affecting liability, **2:36** [CC 14]

Criminal negligence causing, **10:23** [CC 220]

duty of persons directing work, **10:12** [CC 217.1]

organizational liability for, **2:77, 10:12** [CC 22.1, 217.1]

Failure to guard ice-hole or excavation, **10:218** [CC 263]

Influence on mind, **10:45** [CC 228]

INDEX

DEATH—Cont'd

- Interference with transportation facilities causing, **10:132** [CC 248]
- Preventable death, **10:39** [CC 224]
- Register of deaths
 - destroying or defacing, **12:213** [CC 377]
 - falsifying entry, **12:215** [CC 378]
- Suicide, **10:101** [CC 241]
- Traps causing, **10:129** [CC 247(5)]
- Treatment of injury causing, **10:40** [CC 225]
- Uttering threats of death, **10:226** [CC 264.1(1)(a)]
- Within a year and a day, **10:44** [CC 227]
- Witness dying, **31:45** [CC 715]

DECLARATION

- See AFFIDAVIT

DEED

- See DOCUMENT OF TITLE

DEFAMATORY LIBEL

- Definition of, **10:368** [CC 298]
- Exceptions
 - answer to inquiry, **10:398** [CC 313]
 - fair comment on public person or work of art, **10:393** [CC 310]
 - fair report of parliamentary or judicial proceeding, **10:388** [CC 307]
 - fair report of public meeting, **10:390** [CC 308]
 - giving information to person interested, **10:400** [CC 314]
 - judicial proceeding or inquiry, **10:383** [CC 305]

DEFAMATORY LIBEL—Cont'd

- Exceptions—Cont'd
 - parliamentary papers, **10:386** [CC 306]
 - directed verdict, **10:404** [CC 316(2)]
 - proof, **10:404** [CC 316(1), (3)]
 - publication for public benefit, **10:391, 10:395** [CC 309, 311]
 - publication on invitation or in refutation, **10:397** [CC 312]
 - publishing in good faith for redress of wrong, **10:402** [CC 315]
 - selling book without knowledge, **10:382** [CC 304(1)]
 - employer deemed not to publish, **10:382** [CC 304(2)]
 - selling newspaper without knowledge, **10:379** [CC 303(3)]
- Extortion by libel, **10:378** [CC 302]
- Indictment
 - sufficiency of counts, **27:38** [CC 584]
- Inquiry into truth of words, **27:112** [CC 612(1)]
- Jury trial
 - direction to stand by, **27:147** [CC 637]
- “Newspaper,” **10:368** [CC 298]
- Newspaper proprietor deemed liable, **10:379** [CC 303]
- Offence and punishment, **10:373, 10:375** [CC 300, 301]
- Plea of justification, **27:100, 27:111, 27:112** [CC 607(2), 611, 612]

DEFAMATORY LIBEL—Cont'd
Verdict, **10:405** [CC 317]

DEFENCES (COMMON LAW)

- Abuse of process, **2:19, 6:48, 41:22** [CC 8, 131, CA 7]
- Automatism, **2:40** [CC 16]
- Drunkenness (intoxication), **2:19, 2:40** [CC 8, 16]
- Due diligence, **2:19** [CC 8]
- Entrapment, **2:19** [CC 8]
- Honest belief, **2:19** [CC 8]
- Necessity, **2:19** [CC 8]
- Preservation by Code, **2:22** [CC 8(3)]
- Res judicata, **2:19, 2:32** [CC 8, 12]
- Self-induced intoxication not a defence, **2:116** [CC 33.1]

DEFENCES (STATUTORY)

See also LAW ENFORCEMENT IMMUNITY

- Abduction
 - consent of young person, no defence, **10:339** [CC 286]
 - necessary protection, **10:337** [CC 285]
 - parental consent, **10:336** [CC 284]
- Aircraft, use of force aboard, **2:104** [CC 27.1]
- Assault and sexual assault
 - apprehended consent, **10:235, 10:272** [CC 265(4), 273.2]
 - consent, **7:3, 10:231, 10:270, 10:270** [CC 150.1(1) to (2.2), 265(1)(a), 273.1, (3), (6)]
 - Colour of right or lawful excuse, **14:4** [CC 429(2)]
 - Common law defences, **2:22** [CC 8(3)]

DEFENCES (STATUTORY)

—Cont'd

- Compulsion by threats (duress), **2:50** [CC 17]
- Defence of property, **2:125** [CC 35]
- Defence of self or person under protection, **2:120** [CC 34]
- Defences to libel, **10:379 to 10:404** [CC 303 to 316]
- Ignorance of law no defence, **2:58** [CC 19]
- Justification (prevent offence), **2:102** [CC 27]
- Mental disorder, **2:40** [CC 16]
- Mistake
 - age of V, **7:3** [CC 150.1(4) to (6)]
 - consent, **10:235** [CC 265(4)]
- Obedience to de facto law, **2:38** [CC 15]
- Protection of persons in authority
 - aircraft, use of force aboard, **2:104** [CC 27.1]
 - correction of child by force, **2:127** [CC 43]
 - excessive force, **2:100** [CC 26]
 - master of ship, **2:131** [CC 44]
 - surgical operation, **2:132** [CC 45]
- Provocation, **10:74** [CC 232]
- Public good (obscenity), **7:45, 7:47** [CC 163(3), (4)]

DEFINITIONS

- “Accused,” **28:1, 34:2** [CC 672.1(1), 716]
- “Acoustic device,” **12:79** [CC 342.1(2)]
- “Act,” **1:3** [CC 2]
- “Act or omission,” **2:16** [CC 7(3.77)]
- “Adjudicator,” **44:4** [CDA 2(1)]

INDEX

DEFINITIONS—Cont'd

- “Adult,” 20:77, 42:3 [CC 487.04, YCJA 2(1)]
- “Adult sentence,” 42:3 [YCJA 2(1)]
- “Advertisement of sexual services,” 7:61 [CC 164(8)]
- “Agent,” 13:115 [CC 426(4)]
- “Agreement,” 2:16 [CC 7(2.34)]
- “Alternate person in charge,” 44:99 [CDA 56.1(1)]
- “Alternative measures,” 34:2 [CC 716]
- “Ammunition,” 5:2 [CC 84(1)]
- “Analogue,” 44:4 [CDA 2(1)]
- “Analyst,” 11:1, 34:69 [CC 320.11, 729(2)]
- “Antique firearm,” 5:2, 5:5, 5:1 [CC 84(1), (3), (3.1)]
- “Appeal court,” 38:84, 38:123 [CC 812, 829]
- “Appearance notice,” 1:3 [CC 2]
- “Application for federal employment,” 28:33 [CC 672.37(1)]
- “Appropriate Chief Justice,” 34:184 [CC 745.6(3)]
- “Approved container,” 11:1 [CC 320.11]
- “Approved drug screening equipment,” 11:1 [CC 320.11]
- “Approved instrument,” 11:1 [CC 320.11]
- “Approved screening device,” 11:1 [CC 320.11]
- “Assessment,” 28:1 [CC 672.1(1)]
- “Associated personnel,” 1:3 [CC 2]
- “Association,” 9:28 [CC 204(9)]

DEFINITIONS—Cont'd

- “Attorney General,” 1:3, 21:52, 28:1, 36:19, 38:67, 38:68, 42:3 [CC 2, 507.1(11), 672.1(2), 773(5), 810.01(8), 810.011(14), YCJA 2(1)]
- “Audioconference,” 1:3 [CC 2]
- “Authorization,” 5:2, 8:1, 46:3 [CC 84(1), 183, DNA 2]
- “Authorization to carry,” 47:3 [FA 2(1)]
- “Authorization to export,” 47:3 [FA 2(1)]
- “Authorization to transport,” 47:3 [FA 2(1)]
- “Automatic firearm,” 5:2 [CC 84(1)]
- “Automobile master key,” 12:133 [CC 353(5)]
- “Bank-note,” 1:3 [CC 2]
- “Barrel length,” 5:4 [CC 84(2)]
- “Bet,” 9:2 [CC 197(1)]
- “Bodily harm,” 1:3 [CC 2]
- “Break,” 5:47, 12:1 [CC 98(2), 321]
- “Brother,” 7:23 [CC 155(4)]
- “Business,” 40:90, 47:3 [CEA 30(12), FA 2(1)]
- “Canadian,” 4:1 [CC 83.01(1)]
- “Canadian crew member,” 2:16 [CC 7(2.34)]
- “Canadian Forces,” 1:3 [CC 2]
- “Cap,” 28:69 [CC 672.64(1)]
- “Carrier,” 47:3 [FA 2(1)]
- “Cartridge magazine,” 5:2 [CC 84(1)]
- “Cattle,” 1:3 [CC 2]
- “Cause,” 40:150 [CEA 44]
- “Cetacean,” 14:69 [CC 445.2(1)]
- “Chairperson,” 28:1 [CC 672.1(1)]
- “Change,” 34:85, 34:133 [CC 732.1, 742]

DEFINITIONS—Cont'd

- “Cheque,” 12:174, 12:181 [CC 362(5), 364(3)]
- “Chief firearms officer,” 5:2, 47:3 [CC 84(1), FA 2(1)]
- “Chief Justice,” 8:42 [CC 188(4)]
- “Child,” 42:3 [YCJA 2(1)]
- “Child pornography,” 7:53 [CC 163.1(1)]
- “Civil aircraft,” 3:48 [CC 78(2)]
- “Clerk of the appeal court,” 38:1 [CC 785]
- “Clerk of the court,” 1:3, 36:1 [CC 2, 762(2)]
- “Coastal waters of Canada,” 12:70 [CC 339(6)]
- “Commencement day,” 47:3 [FA 2(1)]
- “Commissioner of Firearms,” 5:2 [CC 84(1)]
- “Commission of offence,” 18:23 [CC 467.1(3)]
- “Common betting house,” 9:2 [CC 197(1)]
- “Common gaming house,” 9:2, 9:4, 9:1 [CC 197(1), (2), (4)]
- “Common-law partner,” 1:3, 47:3 [CC 2, FA 2(1)]
- “Communicating,” 4:28, 10:408 [CC 83.221(2), 319(7)]
- “Competent authority,” 2:96, 5:71 [CC 25.1, 113(5)]
- “Complainant,” 1:3 [CC 2]
- “Computer data,” 1:3, 4:30, 20:52 [CC 2, 83.223(11), 487.011]
- “Computer password,” 12:79 [CC 342.1(2)]
- “Computer program,” 12:79 [CC 342.1(2)]
- “Computer service,” 12:79, 40:103 [CC 342.1(2), CEA 31.8]

DEFINITIONS—Cont'd

- “Computer system,” 4:30, 12:79 [CC 83.223(11), 342.1(2)]
- “Conference,” 42:3 [YCJA 2(1)]
- “Confirmed delivery service,” 42:3 [YCJA 2(1)]
- “Consent,” 7:21, 10:271 [CC 153.1(2), 273.1(1)]
- “Contributing,” 4:18 [CC 83.18(3) to (4)]
- “Controlled substance,” 44:4 [CDA 2(1)]
- “Conveyance,” 11:1 [CC 320.11]
- “Copy,” 40:90 [CEA 30(12)]
- “Corporation,” 40:94 [CEA 31(1)]
- “Council,” 40:140 [CEA 39(2)]
- “Counsel,” 1:3, 2:75 [CC 2, 22(3)]
- “Count,” 1:3 [CC 2]
- “Counterfeit money,” 15:1 [CC 448]
- “Counterfeit token of value,” 15:1 [CC 448]
- “Court,” 4:29, 2:109, 2:131, 4:30, 7:61, 10:411, 27:77, 28:1, 34:2, 35:1, 40:85 [CC 83.222(8), 30(12), 44, 83.223(11), 164(8), 320(8), 601(10), 672.1(1), 716, 752, CEA 29(9)]
- “Court of appeal,” 1:3, 29:1, 30:4, 42:3 [CC 2, 673, 696.3(1), YCJA 2(2)]
- “Court of criminal jurisdiction,” 1:3 [CC 2]
- “Credit advance,” 12:97 [CC 347(2)]
- “Credit card,” 12:1, 12:76 [CC 321, 342(3)]
- “Crew member of a Partner State,” 2:16 [CC 7(2.34)]

INDEX

DEFINITIONS—Cont'd

- “Crime of a sexual nature,”
20:136 [CC 490.011(1)]
- “Criminal organization,” 1:3,
18:24 [CC 2, 467.1(1)]
- “Criminal organization
offence,” 1:3 [CC 2]
- “Criminal rate,” 12:97 [CC
347(2)]
- “Crossbow,” 5:2 [CC 84(1)]
- “Current,” 15:1 [CC 448]
- “Custodial portion,” 42:3
[YCJA 2(1)]
- “Customs office,” 47:3 [FA
2(1)]
- “Customs officer,” 47:3 [FA
2(1)]
- “Data,” 14:13, 20:119, 20:197,
39:1, 40:103 [CC 430(8),
488.01(1), 492.1(8),
492.2(6), 841, CEA 31.8]
- “Database,” 20:136 [CC
490.011(1)]
- “Date,” 12:79 [CC 342.1(2)]
- “Day,” 1:3 [CC 2]
- “Designated criminal offence,”
44:99 [CDA 56.1(1)]
- “Designated drug offence,”
44:99 [CDA 56.1(1)]
- “Designated justice,” 21:52 [CC
507.1(10)]
- “Designated offence,” 17:1,
20:77, 20:136, 28:69, 35:1,
46:3, 46:3 [CC 462.3(1),
487.04, 490.011(1),
672.64(1), 752, DNA 2, (2)]
- “Designated substance offence,”
17:36, 44:4 [CC 462.48(1),
CDA 2(1)]
- “Device,” 1:3, 12:41, 12:81
[CC 2, 327(4), 342.2(4)]
- “Disclosure,” 42:3 [YCJA 2(1)]
- “Disorderly house,” 9:2 [CC
197(1)]

DEFINITIONS—Cont'd

- “Disposition,” 28:1, 28:69 [CC
672.1(1), 672.64(5)]
- “Disposition information,”
28:49 [CC 672.51(1)]
- “Distinguishing mark,” 13:93
[CC 417(3)]
- DNA, 20:77, 46:3 [CC 487.04,
DNA 2]
- “Document,” 10:108, 12:1,
20:119 [CC 241.4(4), 321,
488.01(1)]
- “Document of title to goods,”
1:3 [CC 2]
- “Document of title to lands,” 1:3
[CC 2]
- “Dual status offender,” 28:1
[CC 672.1(1)]
- “Duty,” 10:18 [CC 219(2)]
- “Dwelling-house,” 1:3 [CC 2]
- “Electro-convulsive therapy,”
28:66 [CC 672.61(2)]
- “Electromagnetic, acoustic,
mechanical or other
device,” 8:1, 12:79 [CC
183, 342.1(2)]
- “Electronic document,” 39:1,
40:103 [CC 841, CEA
31.8]
- “Electronic documents system,”
40:103 [CEA 31.8]
- “Enactment,” 2:13 [CC 6(3)]
- “Entity,” 4:1 [CC 83.01(1)]
- “Entrance,” 5:47, 12:119 [CC
98(3), 350]
- “Environment,” 1:3 [CC 2]
- “Escape,” 6:101 [CC 149(2)]
- “Evaluating officer,” 11:1 [CC
320.11]
- “Every one,” 1:3 [CC 2]
- “Evidence,” 6:1, 6:60 [CC 118,
136(2)]
- “Exchequer bill,” 12:1 [CC
321]

DEFINITIONS—Cont'd

“Exchequer bill paper,” 12:1 [CC 321]
 “Explosive substance,” 1:3 [CC 2]
 “Export,” 5:2 [CC 84(1)]
 “Expose,” 10:1 [CC 214]
 “Extrajudicial measures,” 42:3 [YCJA 2(1)]
 “Extrajudicial sanction,” 42:3 [YCJA 2(1)]
 “Facilitation,” 4:1, 4:20, 18:23 [CC 83.01(2), 83.19(2), 467.1(2)]
 “False document,” 12:1 [CC 321]
 “False pretence,” 12:168 [CC 361]
 “Federal Minister,” 47:3 [FA 2(1)]
 “Financial institution,” 40:85 [CEA 29(9)]
 “Fine,” 34:2 [CC 716]
 “Fingerprint examiner,” 27:268 [CC 667(4)]
 “Firearm,” 1:3, 1:44 [CC 2, 2.1]
 “Firearms officer,” 5:2, 47:3 [CC 84(1), FA 2(1)]
 “Fishing zone of Canada,” 19:19 [CC 477(1)]
 “Fixed platform,” 3:51 [CC 79]
 “Flight,” 2:16 [CC 7(8)]
 “Flight element,” 2:16 [CC 7(2.34)]
 Forensic DNA analysis, 20:77, 46:3 [CC 487.04, DNA 2]
 “Former Act,” 47:3 [FA 2(1)]
 “Form of marriage,” 10:1 [CC 214]
 “Function,” 12:79 [CC 342.1(2)]
 “Game,” 9:2 [CC 197(1)]
 “Gaming equipment,” 9:2 [CC 197(1)]

DEFINITIONS—Cont'd

“Genocide,” 10:406, 10:411 [CC 318(2), 320(8)]
 “Goods,” 13:1 [CC 379]
 “Government,” 6:1, 40:94 [CC 118, CEA 31(1)]
 “Government or public facility,” 1:3 [CC 2]
 “Guardian,” 7:1, 10:1, 10:328 [CC 150, 214, 280(2)]
 “Handgun,” 5:2 [CC 84(1)]
 “Hate propaganda,” 10:411 [CC 320(8)]
 “Her Majesty’s Forces,” 1:3 [CC 2]
 “High-risk accused,” 28:1 [CC 672.1(1)]
 “Highway,” 1:3 [CC 2]
 “Holder,” 5:6 [CC 84(4)]
 “Hospital,” 28:1 [CC 672.1(1)]
 “Identifiable group,” 10:406, 10:408 [CC 318(4), 319(7)]
 “Illicit substance,” 44:99 [CDA 56.1(1)]
 “Imitation firearm,” 5:2 [CC 84(1)]
 “Import,” 5:2 [CC 84(1)]
 “Indictment,” 1:3, 29:1, 42:3 [CC 2, 673, YCJA 2(2)]
 “Informant,” 38:1 [CC 785]
 “Information,” 38:1 [CC 785]
 “Insane,” 2:42 [CC 16(2)]
 “Inside information,” 13:33 [CC 382.1(4)]
 “Inspector,” 47:99 [FA 101]
 “Instruments for illicit drug use,” 4:38 [CC 83.28(1)]
 “Insurance charge,” 12:97 [CC 347(2)]
 “Intercept,” 8:1, 12:79 [CC 183, 342.1(2)]
 “Interest,” 12:97, 12:99 [CC 347(2), 347.1(1)]

INDEX

DEFINITIONS—Cont'd

- “International cruise ship,” 9:44 [CC 207.1(4)]
- “Intimate image,” 7:39, 7:61 [CC 162.1(2), 164(8)]
- “Intimate partner,” 1:3 [CC 2]
- “Journalist,” 20:119 [CC 488.01(1)]
- “Journalistic source,” 20:119 [CC 488.01(1)]
- “Judge,” 4:5, 4:29, 4:30, 4:37, 7:61, 10:413, 17:1, 20:120, 20:197, 20:198, 21:1, 25:1, 40:119, 40:150, 44:3 [CC 83.05(11), 83.222(8), 83.223(11), 83.28(1), 164(8), 320(8), 462.3(1), 488.1(1), 492.1(8), 492.2(6), 493, 552, CEA 38, 44, CDA 2(1)]
- “Judicial proceeding,” 6:1 [CC 118]
- “Justice,” 1:3, 42:3, 44:4 [CC 2, YCJA 2(2), CDA 2(1)]
- “Justice system participant,” 1:3 [CC 2]
- “Keeper,” 9:2 [CC 197(1)]
- “Key staff members,” 44:99 [CDA 56.1(1)]
- “Law enforcement animal,” 14:67 [CC 445.01(4)]
- “Law enforcement officer,” 14:67 [CC 445.01(4)]
- “Lawyer,” 20:121 [CC 488.1(1)]
- “Legal proceeding,” 40:85, 40:90 [CEA 29(9), 30(12)]
- “Licence,” 5:2, 12:133 [CC 84(1), 353(5)]
- “Listed entity,” 4:1 [CC 83.01(1)]
- “Local government,” 44:99 [CDA 56.1(1)]
- “Long-term supervision,” 35:1 [CC 752]

DEFINITIONS—Cont'd

- “Lottery scheme,” 9:40, 9:44 [CC 207(5), 207.1(4)]
- “Lumber,” 12:70 [CC 339(6)]
- “Lumbering equipment,” 12:70 [CC 339(6)]
- “Magistrate,” 1:3, 25:1 [CC 2, 552]
- “Mark,” 12:211 [CC 376(3)]
- “Mechanical device,” 12:76 [CC 342(2)]
- “Medical assistance in dying,” 10:44, 10:104, 10:101, 10:126 [CC 227(5), 241.1, 241(7), 245(3)]
- “Medical practitioner,” 10:44, 10:104, 10:101, 10:126, 28:1 [CC 227(5), 241.1, 241(7), 245(3), 672.1(1)]
- “Member of a force,” 3:24 [CC 62(2)]
- “Mental disorder,” 1:3 [CC 2]
- “Military animal,” 14:67 [CC 445.01(4)]
- “Military justice participant,” 13:108 [CC 423.1(4)]
- “Military law,” 1:3 [CC 2]
- “Minister,” 28:72, 44:4 [CC 672.68(1), CDA 2(1)]
- “Motor vehicle,” 1:3 [CC 2]
- “Municipality,” 1:3, 44:99 [CC 2, CDA 56.1(1)]
- “Municipal official,” 6:23 [CC 123(3)]
- “Newly-born child,” 1:3 [CC 2]
- “Newspaper,” 10:367, 21:87, 23:31, 23:47, 27:190 [CC 297, 517(3), 539(4), 542(3), 648(3)]
- “Night,” 1:3 [CC 2]
- “Non-resident,” 47:3 [FA 2(1)]
- “Non-restricted firearm,” 5:2 [CC 84(1)]
- “Nuclear facility,” 1:3 [CC 2]

DEFINITIONS—Cont'd

- “Nuclear material,” 1:3 [CC 2]
- “Nurse practitioner,” 10:44, 10:104, 10:101, 10:126 [CC 227(5), 241.1, 241(7), 245(3)]
- “Oath,” 40:150 [CEA 44]
- “Offence,” 8:1, 42:3 [CC 183, YCJA 2(1)]
- “Offence-related property,” 1:3, 44:4 [CC 2, CDA 2(1)]
- “Offensive weapon,” 1:3 [CC 2]
- “Office,” 6:1 [CC 118]
- “Officer,” 20:121, 20:119 [CC 488.1(1), 488.01(1)]
- “Officer in charge,” 21:1 [CC 493]
- “Official,” 6:1, 10:254, 40:109 [CC 118, 269.1(2), CEA 36.1]
- “Official fee,” 12:97 [CC 347(2)]
- “Ontario Act,” 20:136 [CC 490.011(1)]
- “Operate,” 11:1 [CC 320.11]
- “Optional conditions,” 34:133 [CC 742]
- “Order,” 38:1, 46:3 [CC 785, DNA 2]
- “Organization,” 1:3, 44:4 [CC 2, CDA 2(1)]
- “Overdraft,” 12:97 [CC 347(2)]
- “Owner,” 1:3 [CC 2]
- “Pardon,” 20:136 [CC 490.011(1)]
- “Parent,” 42:3 [YCJA 2(1)]
- “Participant,” 32:5, 40:119 [CC 715.25(1), CEA 38]
- “Participating,” 4:18 [CC 83.18(3) to (4)]
- “Partner State,” 2:16 [CC 7(2.34)]
- “Party,” 28:1 [CC 672.1(1)]
- “Passport,” 3:15 [CC 57(5)]

DEFINITIONS—Cont'd

- “Payday loan,” 12:99 [CC 347.1(1)]
- “Peace officer,” 1:3, 2:16 [CC 2, 7(8)]
- “Penalty,” 34:112 [CC 734.8(1)]
- “Person,” 1:3, 44:4 [CC 2, CDA 2(1)]
- Personal authentication information, 12:76 [CC 342(4)]
- “Person in authority,” 42:168 [YCJA 146(9)]
- “Pharmacist,” 10:101, 10:104 [CC 241(7), 241.1]
- “Photograph,” 20:195 [CC 491.2(8)]
- “Photographic film,” 40:90, 40:94 [CEA 30(12), 31(1)]
- “Place,” 5:47, 9:2, 10:340, 12:103 [CC 98(2), 197(1), 286.1(5), 348(3)]
- “Placement decision,” 28:1 [CC 672.1(1)]
- “Possession,” 44:4 [CDA 2(1)]
- Potentially injurious information, 40:119 [CEA 38]
- “Practitioner,” 44:4 [CDA 2(1)]
- “Precursor,” 44:4 [CDA 2(1)]
- “Prescribed,” 44:4, 5:2, 28:1, 47:3 [CDA 2(1), CC 84(1), 672.1(1), FA 2(1)]
- “Pre-sentence report,” 42:3 [YCJA 2(1)]
- “Primary designated offence,” 20:77, 35:1 [CC 487.04, 752]
- “Principal,” 13:115 [CC 426(4)]
- “Prison,” 1:3, 27:114 [CC 2, 618]
- “Private communication,” 8:1 [CC 183]
- “Prize fight,” 3:68 [CC 83(2)]
- “Proceeding,” 40:119 [CEA 38]
- “Proceedings,” 38:1 [CC 785]

INDEX

DEFINITIONS—Cont'd

“Proceeds of crime,” 17:1 [CC 462.3(1)]
“Produce,” 44:4 [CDA 2(1)]
“Progress report,” 42:106 [YCJA 88]
“Prohibited act,” 3:9 [CC 52(2)]
“Prohibited ammunition,” 5:2 [CC 84(1)]
“Prohibited device,” 5:2 [CC 84(1)]
“Prohibited firearm,” 5:2 [CC 84(1)]
“Prohibited weapon,” 5:2 [CC 84(1)]
“Prohibition order,” 5:2 [CC 84(1)]
“Promise to appear,” 21:1 [CC 493]
“Property,” 1:3, 2:4, 14:1, 14:5 [CC 2, 4(2), 428, 430(4.101)]
“Prosecutor,” 1:3, 38:1, 40:119 [CC 2, 785, CEA 38]
“Protected statement,” 28:15 [CC 672.21(1)]
“Provide,” 44:4 [CDA 2(1)]
“Provincial court judge,” 5:67, 20:77, 47:67 [CC 111(11), 487.04, FA 76.1]
“Provincial director,” 42:3 [YCJA 2(1)]
“Provincial minister,” 47:3 [FA 2(1)]
“Psycho-surgery,” 28:66 [CC 672.61(2)]
“Publication,” 42:3 [YCJA 2(1)]
“Public department,” 1:3 [CC 2]
“Public facility,” 1:3 [CC 2]
“Public officer,” 1:3, 2:96, 5:89, 20:197, 20:198 [CC 2, 25.1, 117.07(2), 492.1(8), 492.2(6)]

DEFINITIONS—Cont'd

“Public place,” 7:1, 9:2, 10:340, 10:408 [CC 150, 197(1), 286.1(5), 319(7)]
“Public stores,” 1:3 [CC 2]
“Public transit operator,” 10:253 [CC 269.01(2)]
“Qualified medical practitioner,” 11:1 [CC 320.11]
“Qualified person,” 42:41 [YCJA 34(14)]
“Qualified technician,” 11:1 [CC 320.11]
“Railway equipment,” 1:3 [CC 2]
“Recognizance,” 1:3 [CC 2]
“Record,” 10:289, 40:90, 42:3 [CC 278.1, CEA 30(12), YCJA 2(1)]
“Record suspension,” 20:136 [CC 490.011(1)]
“Registrar,” 5:2, 29:1 [CC 84(1), 673]
“Registrar of motor vehicles,” 10:164, 10:213 [CC 254(6), 260(7)]
“Registration centre,” 20:136 [CC 490.011(1)]
“Registration certificate,” 5:2 [CC 84(1)]
“Regulations,” 47:3 [FA 2(1)]
“Release from imprisonment,” 5:61, 5:65 [CC 109(4), 110(4)]
“RepliCA firearm,” 5:2 [CC 84(1)]
“Representative,” 1:3 [CC 2]
“Required deposit balance,” 12:97 [CC 347(2)]
“Responsible person in charge,” 44:99 [CDA 56.1(1)]
“Restricted firearm,” 5:2 [CC 84(1)]

DEFINITIONS—Cont'd

- “Restricted weapon,” 5:2 [CC 84(1)]
- “Revenue paper,” 12:1 [CC 321]
- “Review board,” 42:3, 42:106 [YCJA 2(1), 88]
- “Review Board,” 20:136, 28:1, 42:163 [CC 490.011(1), 672.1(1), YCJA 141(12)]
- “Schedule,” 36:1 [CC 762(2)]
- “Secondary designated offence,” 20:77 [CC 487.04]
- “Secure electronic signature,” 40:103 [CEA 31.8]
- “Seditious intention,” 3:18 [CC 59(4)]
- “Sell,” 8:1, 44:4 [CC 183, CDA 2(1)]
- “Senior officer,” 1:3 [CC 2]
- “Senior official,” 2:96 [CC 25.1]
- “Sensitive information,” 40:119 [CEA 38]
- “Sentence,” 29:1, 38:1 [CC 673, 785]
- “Serious offence,” 1:3, 18:24, 18:23, 42:3 [CC 2, 467.1(1), (4), YCJA 2(1)]
- “Serious personal injury offence,” 28:86, 35:1 [CC 672.81(1.3), 752]
- “Serious violent offence,” 42:3 [YCJA 2(1)]
- “Service animal,” 14:67 [CC 445.01(4)]
- “Sexually explicit material,” 7:80 [CC 171.1(5)]
- “Sexual offence,” 20:92 [CC 487.055(3)]
- “Ship,” 3:51 [CC 79]
- “Significant threat to safety of public,” 28:56 [CC 672.5401]

DEFINITIONS—Cont'd

- “Sister,” 7:23 [CC 155(4)]
- “Solicitor,” 8:1 [CC 183]
- “Space flight,” 2:16 [CC 7(2.34)]
- “Space Station,” 2:16 [CC 7(2.34)]
- “Stamp,” 12:211 [CC 376(3)]
- “Statement,” 4:28, 5:59 [CC 83.221(2), 107(3)]
- “Statements,” 10:408 [CC 319(7)]
- “Steal,” 1:3 [CC 2]
- “Subsequent offence,” 5:1, 10:91, 10:114, 10:264, 10:269, 10:313, 10:329, 12:87 [CC 84(5), (6), 239(2), (3), 244(3), (4), 272(3), (4), 273(3), (4), 279(1.2), (1.3), 279.1(2.1), (2.2), 344(2), (3)]
- “Summary conviction court,” 38:1, 42:3 [CC 785, YCJA 2(2)]
- “Summons,” 21:1 [CC 493]
- “Superior court,” 5:2, 38:123, 47:67 [CC 84(1), 829, FA 76.1]
- “Superior court of criminal jurisdiction,” 1:3, 42:3 [CC 2, YCJA 2(2)]
- “Supervised consumption site,” 44:99 [CDA 56.1(1)]
- “Supervisor,” 34:133 [CC 742]
- “Territorial division,” 1:3 [CC 2]
- “Terrorism offence,” 1:3 [CC 2]
- “Terrorist activity,” 4:1 [CC 83.01(1), (1.1), (1.2)]
- “Terrorist group,” 4:1 [CC 83.01(1)]
- “Terrorist propaganda,” 4:29 [CC 83.222(8)]
- “Testamentary instrument,” 1:3 [CC 2]

INDEX

DEFINITIONS—Cont'd

- “Theatre,” 7:1 [CC 150]
- “Three-card monte,” 9:34 [CC 206(2)]
- “Torture,” 10:254 [CC 269.1(2)]
- “Tracking data,” 20:197 [CC 492.1(8)]
- “Tracking device,” 20:197 [CC 492.1(8)]
- “Trade combination,” 18:22 [CC 467(2)]
- “Traffic,” 12:76, 12:79, 12:152, 44:4 [CC 342(4), 342.1(2), 355.1, CDA 2(1)]
- “Transfer,” 5:2, 47:23 [CC 84(1), FA 21]
- “Transmission data,” 20:198 [CC 492.2(6)]
- “Transmission data recorder,” 20:198 [CC 492.2(6)]
- “Trial,” 38:1 [CC 785]
- “Trial court,” 29:1 [CC 673]
- “Trustee,” 1:3 [CC 2]
- “Undertaking,” 1:3 [CC 2]
- “Unfit to stand trial,” 1:3 [CC 2]
- “United Nations operation,” 1:3 [CC 2]
- “United Nations personnel,” 1:3 [CC 2]
- “Utter,” 15:1 [CC 448]
- “Valuable mineral,” 1:3 [CC 2]
- “Valuable security,” 1:3 [CC 2]
- “Vehicle,” 10:253 [CC 269.01(2)]
- “Vehicle identification number,” 12:139 [CC 354(3)]
- “Verdict of not criminally responsible on account of mental disorder,” 28:1 [CC 672.1(1)]
- “Vessel,” 11:1, 12:61 [CC 320.11, 335]
- “Victim,” 1:3, 33:1, 42:3 [CC 2, 715.3(1), YCJA 2(2)]

DEFINITIONS—Cont'd

- “Videoconference,” 1:3 [CC 2]
- “Violent offence,” 42:3 [YCJA 2(1)]
- “Voyeuristic recording,” 7:61 [CC 164(8)]
- “Warrant,” 21:1 [CC 493]
- “Weapon,” 1:3, 10:260 [CC 2, 270.1(2)]
- “Witness,” 6:1 [CC 118]
- “Wreck,” 1:3 [CC 2]
- “Writing,” 1:3, 39:4 [CC 2, 844]
- “Young Offenders Act,” 20:77 [CC 487.04]
- “Young person,” 7:17, 20:77, 42:3, 46:3 [CC 153(2), 487.04, YCJA 2(1), DNA 2]
- “Youth custody facility,” 42:3 [YCJA 2(1)]
- “Youth justice court,” 42:3 [YCJA 2(1)]
- “Youth justice court judge,” 42:3 [YCJA 2(1)]
- “Youth sentence,” 42:3, 42:113 [YCJA 2(1), 95]
- “Youth worker,” 42:3 [YCJA 2(1)]

DEPOSITION

- See also AFFIDAVIT
- Affirmation in lieu of oath, 40:54, 40:58 [CEA 14, 15]
- Preliminary inquiry, 23:35, 23:36 [CC 540(2), (3)]
- Proof of signing, 40:41 [CEA 10(2)]

DETENTION

- See also DANGEROUS OFFENDERS, JUDICIAL INTERIM, RELEASE
- Rights on arrest or detention, 41:57 [CA 10]

DETENTION—Cont'd

Seized property, **20:129, 20:194**
[CC 490, 491.1]

To prevent breach of peace,
2:109 [CC 30]

Young person

authorization of provincial
authority, **42:36** [YCJA
30(8)]

care of responsible person,
42:38 [YCJA 31]

Criminal Code, application of,
42:33 [YCJA 28]

designated place, **42:36**
[YCJA 30(1), (2)]

determination by provincial
authority, **42:36** [YCJA
30(9)]

exceptions, **42:36** [YCJA
30(2), (5), (7)]

notice

contents, **42:31** [YCJA
26(6)]

direction of youth court,
42:31 [YCJA 26(5)]

exception, age-based, **42:31**
[YCJA 26(12)]

failure to give notice, **42:31**
[YCJA 26(9) to (12)]

parent, **42:31** [YCJA 26(1)
to (3), (7), (12)]

relative or other adult,
42:31 [YCJA 26(4)]

service, **42:31** [YCJA
26(8)]

substitute for appropriate
social measures
prohibited, as, **42:34**
[YCJA 28.1]

offences, **42:160** [YCJA 139]

order respecting detention or
release

application, **42:40** [YCJA
33(1)]

DETENTION—Cont'd

Young person—Cont'd

order respecting detention or
release—Cont'd

interim release, **42:40**
[YCJA 33(8), (9)]

notice to prosecutor, **42:40**
[YCJA 33(2)]

notice to young person,
42:40 [YCJA 33(3)]

review, **42:40** [YCJA 33(5)
to (7), (9)]

waiver of notice, **42:40**
[YCJA 33(4)]

separate from adults, **42:36**
[YCJA 30(3)]

transfer by provincial director,
42:36 [YCJA 30(6)]

transfer to adult facility, **42:36**
[YCJA 30(4)]

DIRECTORS AND OFFICERS

Broker reducing stock by selling
for own account, **13:35** [CC
384]

Criminal liability generally,
2:77, 10:12 [CC 22.1,
217.1]

Duty of persons directing work,
10:12 [CC 217.1]

Liability for fraud regarding pub-
lic stores, **13:94** [CC
418(2)]

“Senior officer,” defined, **1:3**
[CC 2]

“Senior officer” defined, **1:3**
[CC 2]

Theft from company, **12:45** [CC
328(e)]

DISARMING PEACE OFFICER

See PEACE OFFICER

DISCHARGE

See also PROBATION

INDEX

DISCHARGE—Cont'd

- Absolute and conditional
 - appeal, **34:74 [CC 730(3)]**
 - breach of probation order, **34:75 [CC 730(4)]**
 - circumstances for granting, **34:72 [CC 730(1)]**
 - process in force until discharge, **34:73 [CC 730(2)]**
 - report by probation officer, **34:48 [CC 721(1)]**
 - restitution to victim of offences, **34:122 [CC 738(1)]**
 - “sentence” including discharge, **29:1, 38:1 [CC 673, 785]**
 - victim impact statement, **34:51 [CC 722.1]**
 - see also Victim Impact Statement
- Preliminary inquiry, **23:78 [CC 548(1)(b)]**

DISCLOSURE

- See also PERSONAL RECORD OF COMPLAINANT, PRODUCTION ORDERS
- Defence, by
 - expert evidence, **27:243 [CC 657.3(3) to (7)]**
- Expert evidence, **27:243 [CC 657.3(3) to (7)]**
- General, **27:85 [CC 603]**
- Government information
 - confidences of Queen’s Privy Council for Canada, **40:140 [CEA 39]**
 - foreign information obtained in confidence, **4:6 [CC 83.06]**
 - income tax information, **17:36 [CC 462.48]**

DISCLOSURE—Cont'd

- Government information
 - Cont'd
 - right to sealed packet contents, **8:36 [CC 187]**
 - sensitive information
 - agreement to disclose, **40:123, 40:124 [CEA 38.031, 38.04(6) to (7)]**
 - appeals from orders concerning, **40:124, 40:131, 40:130, 40:132, 40:133 [CEA 38.04(7), 38.1, 38.09, 38.11, 38.12]**
 - applications to Federal Court re
 - Attorney General of Canada, by, **40:125 [CEA 38.04(1)]**
 - confidentiality of, **40:124 [CEA 38.04(4)]**
 - evidence admissible to determine, **40:127 [CEA 38.06(3.1)]**
 - ex parte representations, public hearing, **40:132 [CEA 38.11(2)]**
 - general, **40:124 [CEA 38.04(2)]**
 - notice to Attorney General of Canada, **40:122 [CEA 38.03(4)]**
 - procedure, **40:124 [CEA 38.04(5)]**
 - protective order, **40:133 [CEA 38.12]**
 - special rules, **40:132 [CEA 38.11(1), (1.1)]**
 - termination, **40:124 [CEA 38.04(7)]**

DISCLOSURE—Cont'd

Government information

—Cont'd

sensitive information—Cont'd

authorization by Attorney

General of Canada,

40:122 [CEA 38.03]

certificate prohibiting

disclosure, **40:134,****40:135 [CEA 38.13,****38.131]**annual report re, **40:139****[CEA 38.17]**

review of certificate,

40:135 [CEA**38.131]**

conditions of disclosure,

40:127 [CEA**38.06(2)]**court records, **40:124,****40:133 [CEA 38.04(4),****38.12(2)]**defined, **40:119 [CEA 38]**

fiat of Attorney General

taking over prosecu-

tion, **40:137 [CEA****38.15]**annual report re, **40:139****[CEA 38.17]**

limitation periods for

appeals, **40:130,****40:131 [CEA 38.09(2),****38.1]**

military proceedings, in,

40:120, 40:122 [CEA**38.01(5), 38.03(2)]**

notice to Attorney General

of Canada, **40:120,****40:121, 40:122 [CEA****38.01, 38.02(1.1) to****(2), 38.03(3)]**exceptions, **40:120,****40:121 [CEA****38.01(6) to (8),****38.02(2)]****DISCLOSURE—Cont'd**

Government information

—Cont'd

sensitive information—Cont'd

order for, **40:127, 40:128,****40:129 [CEA 38.06,****38.07, 38.08]**prohibited, **40:121, 40:127****[CEA 38.02, 38.06(3)]**

prohibition, order confirm-

ing, **40:127, 40:128****[CEA 38.06(3), 38.07]**

regulations concerning,

power to make, **40:138****[CEA 38.16]**

report relating to proceed-

ings, **40:126 [CEA****38.05]**

review of orders concern-

ing, automatic, **40:124,****40:129 [CEA 38.04(7),****CEA 38.08]**

right to fair trial, protection

of, and, **40:136 [CEA****38.14]**

when determination takes

effect, **40:127 [CEA****38.06(3.01)]**

specified public interest, infor-

mation protected by

appeals of orders relating

to, **40:115, 40:116****[CEA 37.1, 37.2]**disclosure order, **40:110,****40:118 [CEA 37(4.1)****to (5), 37.3, (8) to (9)]**

limitation periods for

appeals and objections,

40:114, 40:115, 40:116**[CEA 37(4), 37.1(2),****37.2]**

objection to disclosure,

40:111 [CEA 37(1)]

application to Federal

Court for determina-

INDEX

DISCLOSURE—Cont'd

Government information
—Cont'd
specified public interest, information protected by
—Cont'd
objection to disclosure,
40:111 [CEA 37(1)]
—Cont'd
tion, **40:110, 40:114 [CEA 37(3)(a), (4)]**
body other than superior court, to, **40:113 [CEA 37(3)]**
evidence admissible to determine, **40:110, 40:110 [CEA 37(6.1), (9)]**
obligation of court, person or body, **40:110 [CEA 37(1.1)]**
right to fair trial, protection of, **40:118 [CEA 37.3]**
superior court, to, **40:112, 40:110 [CEA 37(2), 37(3)(b)]**
when determination effective, **40:110 [CEA 37(7)]**
prohibition order, **40:110 [CEA 37(6)]**
right to fair trial, protection of, **40:118 [CEA 37.3]**
Medical records, **10:289 to 10:300 [CC 278.1 to 278.7]**
Personal record of complainant, **10:289 to 10:300 [CC 278.1 to 278.7]**
Police records, **34:5, 34:7, 34:7 [CC 717.2(2), 717.4, (3)]**
Terrorist group property
civil and criminal immunity

DISCLOSURE—Cont'd

Terrorist group property
—Cont'd
for disclosure, **4:8 [CC 83.08]**
duty to disclose, **4:10 [CC 83.1(1)]**
Third party records, **10:289 to 10:300 [CC 278.1 to 278.7]**

DISGUISE

With intent to commit offence,
12:126 [CC 351(2)]

DISGUSTING OBJECT

Exhibiting, **7:42 [CC 163(2)(b)]**
motive irrelevant, **7:48 [CC 163(5)]**
punishment, **7:77 [CC 169]**
service of public good as defence, **7:45, 7:47 [CC 163(3), (4)]**

DISOBEDIENCE

See also CONTEMPT
Disobeying court order, **6:30 [CC 127]**
Disobeying statute, **6:28 [CC 126]**

DISORDERLY CONDUCT

Causing disturbance, **7:99 [CC 175(1)(a)]**
evidence of peace officer, **7:101 [CC 175(2)]**
Disturbing occupants of dwelling-house, **7:99 [CC 175(1)(d)]**
evidence of peace officer, **7:101 [CC 175(2)]**
Disturbing religious worship, **7:111, 7:109 [CC 176(2), (3)]**
Indecent acts, **7:91 [CC 173(1)]**
Indecent exhibition, **7:99 [CC 175(1)(b)]**

DISORDERLY CONDUCT**—Cont'd**

- Loitering, **7:99** [CC 175(1)(c)]
- Nudity, **7:95** [CC 174]
 - consent to prosecution, **7:98** [CC 174(3)]
- Obstructing officiating clergyman, **7:110** [CC 176(1)]
- Trespassing at night, **7:112** [CC 177]

DISORDERLY HOUSE

- Common bawdy-house
 - arrest, **9:9** [CC 199]
 - “disorderly house,” **9:2** [CC 197(1)]
 - jurisdiction of provincial court judge, **25:2** [CC 553(c)(viii)]
 - offences
 - “keeper,” **9:2** [CC 197(1)]
 - “place,” **9:2** [CC 197(1)]
 - recognizance to prevent, **38:70** [CC 810.1]
 - search, **9:9** [CC 199]
- Common betting house
 - arrest, **9:9** [CC 199]
 - “bet,” **9:2** [CC 197(1)]
 - “common betting house,” **9:2** [CC 197(1)]
 - exemptions from offences, **9:28** [CC 204]
 - offences
 - being found in, **9:13** [CC 201(2)(a)]
 - keeping, **9:14** [CC 201(1)]
 - “keeper,” **9:2** [CC 197(1)]
 - “place,” **9:2** [CC 197(1)]
 - permitting use, **9:13** [CC 201(2)(b)]
 - search and seizure, **9:9** [CC 199]

DISORDERLY HOUSE—Cont'd

- Common gaming house
 - arrest, **9:9** [CC 199]
 - “common gaming house,” **9:2** [CC 197(1)]
 - exemptions from offences, **9:28** [CC 204]
 - “game,” **9:2** [CC 197(1)]
 - “gaming equipment,” **9:2** [CC 197(1)]
 - offences
 - being found in, **9:13** [CC 201(2)(a)]
 - keeping, **9:14** [CC 201(1)]
 - “keeper,” **9:2** [CC 197(1)]
 - “place,” **9:2** [CC 197(1)]
 - permitting use, **9:13** [CC 201(2)(b)]
 - Search and seizure, **9:9** [CC 199]

DISPOSITIONS AND DISPOSITION HEARINGS (MENTAL DISORDER)

- See also FITNESS TO STAND TRIAL, MENTAL DISORDER, REVIEW BOARDS
- By court
 - authority, **28:41** [CC 672.45(1)]
 - “court,” **28:1** [CC 672.1(1)]
 - transcript to review Board, **28:41** [CC 672.45(1.1)]
 - when to be made, **28:41** [CC 672.45(2)]
- By Review Board
 - authority
 - extension of time for hearing, **28:43** [CC 672.47(5)]
 - where court disposition, **28:43** [CC 672.47(3), 672.47(4)]

INDEX

**DISPOSITIONS AND
DISPOSITION HEARINGS
(MENTAL DISORDER)**

—Cont'd

- By Review Board—Cont'd
 - authority—Cont'd
 - where no court disposition, **28:43 [CC 672.47(1)]**
 - determination of fitness, **28:44 [CC 672.48(1)]**
 - return of fit accused, **28:44 [CC 672.48(2), (3)]**
 - “Review Board,” **28:1 [CC 672.1(1)]**
 - status quo pending hearing, **28:42 [CC 672.46(1)]**
 - variation of order, **28:42 [CC 672.46(2)]**
- Procedure on hearing
 - appearance of accused by video links, **28:46 [CC 672.5(13)]**
 - assignment of counsel, **2:2, 28:46 [CC 4(d), 672.5(8)]**
 - counsel fees and disbursements, **28:46 [CC 672.5(8.1), (8.2)]**
 - attendance of witnesses, **28:46 [CC 672.5(12)]**
 - determination of condition, **28:46 [CC 672.5(13.2)]**
 - disposition information
 - defined, **28:49 [CC 672.51(1)]**
 - disclosure of, **28:49 [CC 672.51(2) to (5), (7) to (10)]**
 - exclusion of public, **28:49 [CC 672.51(6)]**
 - prohibition on publication, **28:49 [CC 672.51(11)]**
 - residual powers of court, **28:49 [CC 672.51(12)]**

**DISPOSITIONS AND
DISPOSITION HEARINGS
(MENTAL DISORDER)**

—Cont'd

- Procedure on hearing—Cont'd
 - effect of procedural irregularities, **28:51 [CC 672.53]**
 - exclusion of public, **28:46 [CC 672.5(6)]**
 - informality, **28:46 [CC 672.5(2)]**
 - inquiry by court re VIS, **28:46 [CC 672.5(15.2)]**
 - notice of hearing, **28:46 [CC 672.5(5)]**
 - notice of sex offender information registration order, **20:144 [CC 490.018(3)]**
 - parties, **28:46 [CC 672.5(3), (4)]**
 - presence of accused, **28:46 [CC 672.5(9)]**
 - record of proceedings, **28:46 [CC 672.5(2)]**
 - removal of accused, **28:46 [CC 672.5(10)]**
 - rights of the parties, **28:46 [CC 672.5(11)]**
 - rights of victims
 - impact statement, **28:46 [CC 672.5(14) to (15.3)]**
 - notice of accused’s residence, **28:46 [CC 672.5(5.2)]**
 - notice of discharge, **28:46 [CC 672.5(5.2)]**
 - notice of referral to court, **28:46 [CC 672.5(13.3)]**
 - rights to counsel, **28:46 [CC 672.5(7)]**
 - victim impact statement, **28:46 [CC 672.5(14) to (15.3)]**

**DISPOSITIONS AND
DISPOSITION HEARINGS
(MENTAL DISORDER)**

—Cont'd

- Review of dispositions
 - by court of appeal
 - evidence on appeal, **28:77** [CC 672.73]
 - expeditious hearing, **28:76** [CC 672.72(3)]
 - grounds, **28:76** [CC 672.72(1)]
 - powers of court of appeal, **28:83** [CC 672.78]
 - record on appeal, **28:79** [CC 672.74]
 - suspension of disposition pending appeal automatic, **28:80** [CC 672.75]
 - discretionary authority, **28:81** [CC 672.76]
 - effect, **28:82** [CC 672.77]
 - time for appealing, **28:76** [CC 672.72(2)]
 - by Review Board
 - attendance of accused, **28:90** [CC 672.85]
 - discretionary review
 - deemed abandonment of appeal, **28:87** [CC 672.82(2)]
 - right of, **28:87** [CC 672.82(1)]
 - mandatory review, **28:86** [CC 672.81]
 - extension of time, **28:86** [CC 672.81(1.31) to (1.32)]
 - procedure on review, **28:46** [CC 672.5]
 - Stay of proceedings
 - appeal, **28:92** [CC 672.852]

**DISPOSITIONS AND
DISPOSITION HEARINGS
(MENTAL DISORDER)**

—Cont'd

- Stay of proceedings—Cont'd
 - court inquiry, **28:91** [CC 672.851(4)]
 - review board recommendation, **28:91** [CC 672.851(1)]
 - stay, **28:91** [CC 672.851(7)]
- Terms of dispositions
 - effective date, **28:68** [CC 672.63]
 - general authority, **28:52**, **28:56** [CC 672.54, 672.5401]
 - “no contact” condition, **28:58** [CC 672.542]
 - period of disposition, **28:52**, **28:59** [CC 672.54(c), 672.55(2)]
 - public safety paramount, **28:52**, **28:56** [CC 672.54, 672.5401]
 - safety and security conditions, **28:58** [CC 672.542]
 - “significant threat” etc., **28:56** [CC 672.5401]
 - treatment not a term, **28:60** [CC 672.55(1)]
 - variation of restrictions, **28:52**, **28:52**, **28:61** [CC 672.54(b), (c), 672.56]
 - victim impact statement, **28:57** [CC 672.541]
- Treatment dispositions (unfit)
 - authority, **28:63** [CC 672.58]
 - consent required, **28:67** [CC 672.62]
 - criteria, **28:64** [CC 672.59(1)]
 - effective date, **28:68** [CC 672.63]
 - evidence required, **28:64** [CC 672.59(2)]

INDEX

DISPOSITIONS AND

DISPOSITION HEARINGS (MENTAL DISORDER)

—Cont'd

- Treatment dispositions (unfit)
 - Cont'd
 - exceptions, **28:66** [CC **672.61**]
 - notice to accused, **28:65** [CC **672.6**]
- Warrant of committal, **28:52**, **39:83**, **28:62** [CC **672.54(c)**, Form **49**, **672.57**]
- arrest without warrant, **28:99** [CC **672.91**]
- execution of warrant, **28:98** [CC **672.9**]
- release, **28:100**, **28:101** [CC **672.92**, **672.93**]

DISTINGUISHING MARK

- Applying or removing, **13:93** [CC **417(1)**]
- Dealing in public stores, **13:93** [CC **417(2)**]
- “Distinguishing mark,” **13:93** [CC **417(3)**]
- Prescription, **13:92** [CC **416**]
- Presumption, **13:97** [CC **421(2)**]

DISTRESS

- See also EXECUTION OF PROCESS, SEARCH AND SEIZURE
- Obstructing lawful distress, **6:34** [CC **129(c)**]

DISTURBANCE

- See also RIOT
- Causing disturbance, **7:99** [CC **175(1)(a)**]
- Discharging firearm, **7:99** [CC **175(1)(d)**]

DISTURBANCE—Cont'd

- Disturbing occupants of dwelling-house, **7:99** [CC **175(1)(d)**]
- Disturbing religious worship or meeting, **7:111**, **7:109** [CC **176(2)**, (3)]
- Evidence of peace officer, **7:101** [CC **175(2)**]
- Unlawful assembly, **3:25** [CC **63**]

DNA

- See DNA IDENTIFICATION, FORENSIC DNA ANALYSIS

DNA ANALYSIS

- See DNA IDENTIFICATION, FORENSIC DNA ANALYSIS

DNA AUTHORIZATIONS

- See FORENSIC DNA ANALYSIS

DNA IDENTIFICATION

- See also FORENSIC DNA ANALYSIS
- Access, **46:23** [DNA **8.1**]
- Bodily substances
 - access to, **46:27** [DNA **10(4)**]
 - destruction
 - discretionary, **46:27**, **46:28** [DNA **10(6)**, **10.1**]
 - mandatory, **46:10**, **46:27**, **46:28** [DNA **5.2(3)**, (4), **10(7)**, **10.1**]
 - young offenders, **46:28** [DNA **10.1**]
- pardoned offenders, of, **46:27** [DNA **10(8)**]
- retention pending review, **46:10** [DNA **5.2(1)**]
- retesting, **46:27** [DNA **10(2)**]

DNA IDENTIFICATION**—Cont'd**

- Bodily substances—Cont'd
 - storage, **46:27 [DNA 10(1), (8)]**
 - technology change, effect of, **46:27 [DNA 10(2)]**
 - transmission of derivative profile, **46:27 [DNA 10(3)]**
- use
 - authorized, **46:27 [DNA 10(5)]**
- Commissioner
 - delegation, **46:6 [DNA 5(2)]**
 - duties
 - analysis of bodily substances, **46:9, 46:10 [DNA 5.1(2), 5.2(2)]**
 - comparison of DNA profiles, **46:14 [DNA 6(1)]**
 - defective orders, re, **46:10 [DNA 5.2]**
 - delegation, **46:6 [DNA 5(2)]**
 - destruction of bodily substances, **46:10, 46:27, 46:28 [DNA 5.2(3), (4), 10(7), 10.1]**
 - report to Parliament, **46:32 [DNA 13.1]**
 - retention of bodily substances, **46:10 [DNA 5.2(1)]**
 - retention of order or authorization, **46:9 [DNA 5.1(3)]**
 - review of information, **46:9 [DNA 5.1(1)]**
 - revoked order or authorization, re, **46:10 [DNA 5.2(3)]**
 - powers
 - communication of DNA

DNA IDENTIFICATION**—Cont'd**

- Commissioner—Cont'd
 - powers—Cont'd
 - profiles, **46:14 [DNA 6(4), (5)]**
 - communication of information, **46:14 [DNA 6(1) to (3), (5), (6.1)]**
 - comparison of DNA profiles, **46:14 [DNA 6(3), (5)]**
 - destruction of bodily substances, **46:27, 46:28 [DNA 10(6), 10.1(2)]**
 - grant of access to bodily substances, **46:27 [DNA 10(4)]**
 - grant of access to information, **46:21 [DNA 7]**
 - retesting of bodily substances, **46:27 [DNA 10(2)]**
 - storage of bodily substances, **46:27 [DNA 10(1)]**
- Comparison of DNA profiles, **46:13, 46:14, 46:15 to 46:20 [DNA 5.5, 6, 6.1 to 6.6]**
- Consent, written, **46:12 [DNA 5.4]**
- Convicted offenders index
 - access to information removed, **46:25 [DNA 9(2)]**
 - information kept indefinitely, **46:25 [DNA 9(1)]**
 - prescribed contents, **46:6 [DNA 5(4)]**
- Crime scene index
 - access to information removed, **46:23 [DNA 8.1]**

INDEX

DNA IDENTIFICATION

—Cont'd

- Crime scene index—Cont'd
 - prescribed contents, **46:6**
[DNA 5(3)]
- Defective orders/authorizations
 - confirmation or correction,
46:10 [DNA 5.2(2), (4)]
 - destruction of bodily sub-
stances, **46:10** [DNA
5.2(4)]
 - duties of commissioner re,
46:10 [DNA 5.2]
 - notice to AG or DMP, **46:10**
[DNA 5.2(1)]
 - retention of bodily substances
pending review, **46:10**
[DNA 5.2(1)]
 - review by AG, **20:107** [CC
487.091]
 - revoked orders/authorizations,
46:10 [DNA 5.2(3)]
- DNA profiles
 - communication to foreign
agencies/organizations/
states, **46:14** [DNA 6(4)]
 - convicted offenders index,
46:6 [DNA 5(4), (5)]
 - crime scene index, **46:6** [DNA
5(3), (5)]
 - principles pertaining to, **46:5**
[DNA 4(a), (b)]
 - unauthorized communication,
46:14 [DNA 6(7)]
 - unauthorized use, **46:14** [DNA
6(6)]
- Foreign agencies
 - agreement or arrangement
with, **46:14** [DNA 6(5)]
 - communication of DNA
profile to, **46:14** [DNA
6(4)]
 - receipt and use of information
from, **46:14** [DNA 6(3)]

DNA IDENTIFICATION

—Cont'd

- Information, see also DNA
profiles
 - access to
 - eligible persons, **46:21**
[DNA 7]
 - removed, **46:23, 46:25,**
46:26 [DNA 8.1, 9(2),
9.1]
 - young offenders, **46:26**
[DNA 9.1]
 - authorized users, **46:14** [DNA
6(2)]
 - communication of, **46:14**
[DNA 6(1), (3), (4), (6.1),
(7)]
 - unauthorized, **46:14** [DNA
6(7)]
 - kept indefinitely, **46:25** [DNA
9(1)]
 - use
 - authorized, **46:14** [DNA
6(2)]
 - unauthorized, **46:14, 46:22**
[DNA 6(6), 8]
- National DNA data bank
 - establishment, **46:6** [DNA 5]
 - human remains index, **46:6**
[DNA 5(4.4)]
 - missing persons index, **46:6**
[DNA 5(4.2), (4.3)]
- offences
 - unauthorized communica-
tion of DNA profile,
46:14, 46:29 [DNA
6(7), 11]
 - unauthorized use of bodily
substances, **46:27,**
46:29 [DNA 10(5), 11]
 - unauthorized use of DNA
profile, **46:14, 46:29**
[DNA 6(6), 11]
 - unauthorized use of infor-
mation, **46:22, 46:29**

DNA IDENTIFICATION**—Cont'd**

- National DNA data bank
 - Cont'd
 - offences—Cont'd
 - [DNA 8, 11]
 - prescribed contents, **46:6**
 - [DNA 5(3) to (5)]
 - relatives of missing persons index, **46:11** [DNA 5.3(2)]
 - victims index, **46:6** [DNA 5(4.1)]
 - voluntary donors index, **46:6**
 - [DNA 5(4.5)]
- Preconditions
 - missing persons, **46:11** [DNA 5.3(2)]
 - relatives, **46:11** [DNA 5.3(2)]
 - victims, **46:11** [DNA 5.3(1)]
- Principles of legislation, **46:5**
 - [DNA 4]
- Purpose of legislation, **46:4**
 - [DNA 3]
- Regulations, power to make, **46:30** [DNA 12]
- Report to Parliament, **46:32**
 - [DNA 13.1]
- Review of legislation, **46:31**
 - [DNA 13]
- Transfer, **46:24** [DNA 8.2]
- Young offenders, **46:26, 46:28**
 - [DNA 9.1, 10.1]

DOCUMENT

- See also DOCUMENT OF TITLE, RECORD, TESTAMENTARY INSTRUMENT
- Attestation
 - when proof not required, **40:106** [CEA 34]
- Definition, **12:1** [CC 321]
- Electronic documents
 - authenticity, **40:95** [CEA 31.1]

DOCUMENT—Cont'd

- Electronic documents—Cont'd
 - best evidence rule, **40:96**
 - [CEA 31.2(1)]
 - copies, **39:7** [CC 847]
 - data
 - dealing with data in court, **39:2** [CC 842]
 - time of filing, **39:3** [CC 843(1)]
 - transfer of data, **39:3** [CC 843(1)]
 - definitions, **39:1, 40:103** [CC 841, CEA 31.8]
 - oaths, **39:6** [CC 846]
 - presumption of integrity, **40:97** [CEA 31.3]
 - presumptions regarding secure electronic signatures, **40:99** [CEA 31.4]
 - printouts, **40:96** [CEA 31.2(2)]
 - proof by affidavit, **40:101**
 - [CEA 31.6(1)]
 - cross-examination of deponent, **40:101**
 - [CEA 31.6(2)]
 - rules of laws relating to admissibility, **40:102**
 - [CEA 31.7]
 - signatures, **39:5, 40:99** [CC 845, CEA 31.4]
 - writing requirements satisfied by, **39:4** [CC 844]
- Impounding of forgery, **40:107**
 - [CEA 35]
- Inspection, **27:85** [CC 603]
- Judicial notice, **40:66, 40:70**
 - [CEA 17, 18]
- Offences
 - damage or destruction, **12:72, 12:213** [CC 340, 377]
 - “false document,” **12:1** [CC 321]

INDEX

DOCUMENT—Cont'd

- Offences—Cont'd
 - false document drawing,
12:208 [CC 374(a)]
 - making, 12:187 [CC 366]
 - register
 - false extracts or copies,
12:215 [CC 378]
 - using false name, 12:208,
13:77 [CC 374, 405]
 - uttering, 12:208 [CC 374(b)]

OFFENCES

- forgery, see also Forgery
 - instrument based on
forgery, 12:210 [CC
375]

Production

- foreign proceedings, 40:152,
40:159 [CEA 46, 50(2)]
- treason and high treason,
27:85, 27:87 [CC 603,
604]

Proof of document

- banking record, 40:85 [CEA
29]
- business record, 40:90 [CEA
30]
- certified copy as proof, 40:73,
40:74, 40:77 [CEA
21(c), 22(1)(c), 24]
- copies or extracts, 40:105
[CEA 33]
- Gazette copy as proof, 40:72,
40:73, 40:74, 40:104
[CEA 20(b), 21(a),
22(2), 32(2)]
- government appointment,
40:73, 40:74 [CEA 21,
22]
- Imperial document, 40:72
[CEA 20]
- judicial record, 40:75 [CEA
23]

DOCUMENT—Cont'd

- Proof of document—Cont'd
 - photograph as proof, 40:93
[CEA 31]
 - Queen's Printer copies, 40:71,
40:71, 40:72, 40:73
[CEA 19, (c), 20(c),
21(b)]
 - statute not in derogation of
existing law, 40:108
[CEA 36]
- Proof of service, 2:8,2:9 [CC
4(6) to (7)]

DOCUMENT OF TITLE

- Destroying, etc., 12:72 [CC 340]
- "Document of title to goods,"
1:3 [CC 2]
- "Document of title to lands," 1:3
[CC 2]
- Fraudulent concealment, 13:36
[CC 385]
- Fraudulent registration of title,
13:38 [CC 386]
- Pledge or lien given by agent,
12:36 [CC 325]
- Valuation, 2:2, 2:2 [CC 4(2)(a),
(b)]

DOUBLE JEOPARDY

- See also PLEAS PERMITTED,
AUTREFOIS ACQUIT/
CONVICT, RES
JUDICATA
- More than one act, 2:32 [CC 12]
- Rights, 41:63 [CA 11(h)]

DRIVING OFFENCES

- Accident, failure to stop after,
11:16 [CC 320.16]
- Aggravating factors for sentenc-
ing, 11:23 [CC 320.22]
- Analyst, definition of, 11:1 [CC
320.11]
- Approved container, definition
of, 11:1 [CC 320.11]

DRIVING OFFENCES—Cont'd

Approved drug screening equipment, definition of, **11:1** [CC **320.11**]
 Approved instrument
 definition of, **11:1** [CC **320.11**]
 printouts from, **11:34** [CC **320.33**]
 Approved screening device, definition of, **11:1** [CC **320.11**]
 Attorney General
 approvals of, **11:40** [CC **320.39**]
 designations of, **11:41** [CC **320.4**]
 Blood samples, **11:29, 11:32** [CC **320.28, 320.31**]
 Blood tests, **11:31** [CC **320.3**]
 Bodily harm, punishment if, **11:21** [CC **320.2**]
 Bodily substances
 disclosure of results, unauthorized, **11:37** [CC **320.36**]
 samples of, **11:29, 11:32** [CC **320.28, 320.31**]
 uses, unauthorized, **11:37** [CC **320.36**]
 Breath samples, **11:29, 11:32** [CC **320.28, 320.31**]
 Certificates, **11:33** [CC **320.32**]
 Conveyance, definition of, **11:1** [CC **320.11**]
 Dangerous operation, **11:3** [CC **320.13**]
 Death, punishment if, **11:22** [CC **320.21**]
 Declaration, **11:2** [CC **320.12**]
 Definitions, **11:1** [CC **320.11**]
 Delay of sentencing, **11:24** [CC **320.23**]
 Demand, failure/refusal to comply with, **11:15** [CC **320.15**]

DRIVING OFFENCES—Cont'd

Disclosure of information, **11:35** [CC **320.34**]
 Drug, types of, **11:29** [CC **320.28(5)**]
 Evaluating officer, definition of, **11:1** [CC **320.11**]
 Evidentiary matters, **11:32 to 11:36** [CC **320.31 to 320.35**]
 Fines, minimum, **11:20** [CC **320.19(3), (4)**]
 Flight from peace officer, **11:18** [CC **320.17**]
 Hybrid offences, **11:20** [CC **320.19(1), (5)**]
 Investigative matters, **11:28 to 11:31** [CC **320.27 to 320.31**]
 Offences, **11:3 to 11:19** [CC **320.13 to 320.18**]
 Offences, earlier or later, **11:27** [CC **320.26**]
 Operate, definition of, **11:1** [CC **320.11**]
 Operation, presumption of, **11:36** [CC **320.35**]
 Operation while impaired, **11:14** [CC **320.14**]
 Operation while prohibited, **11:19** [CC **320.18**]
 Opinion evidence, **11:32** [CC **320.31(5)**]
 Presumptions, **11:32, 11:36** [CC **320.31(4), 320.35, (6)**]
 Printouts from approved instruments, **11:34** [CC **320.33**]
 Prohibition orders, **11:25** [CC **320.24**]
 Punishment, **11:20 to 11:26** [CC **320.19 to 320.25**]
 Qualified medical practitioner, definition of, **11:1** [CC **320.11**]
 Qualified technician, definition of, **11:1** [CC **320.11**]

INDEX

DRIVING OFFENCES—Cont'd

- Recognition, **11:2** [CC **320.12**]
- Refusal to take sample, **11:38** [CC **320.37**]
- Regulations, **11:39** [CC **320.38**]
- Samples as evidence, **11:32** [CC **320.31**]
- Samples of breath or blood or bodily substances, taking, **11:29** [CC **320.28**]
- Statements, admissibility of, **11:32** [CC **320.31(9)**]
- Stays pending appeals, **11:26** [CC **320.25**]
- Summary conviction, **11:20** [CC **320.19(2)**]
- Testing blood, **11:31** [CC **320.3**]
- Testing for presence of alcohol or drug, **11:28** [CC **320.27**]
- Vessel, definition of, **11:1** [CC **320.11**]
- Warrants to obtain samples, **11:30** [CC **320.29**]

DRUG IMPAIRED DRIVING

See DRIVING OFFENCES

DRUG OFFENCES

- See also CONTROLLED DRUGS AND SUBSTANCES ACT, PROCEEDS OF CRIME, ILLICIT DRUG USE, INSTRUMENTS AND LITERATURE FOR
- Absolute jurisdiction of PCJ, **25:2** [CC **553(c)(x) to (xi)**]
- Stupefying drug
 - administering to aid commission of offence, **10:127** [CC **246**]

DUAL STATUS OFFENDERS

See also DISPOSITIONS AND DISPOSITION HEARINGS (MENTAL DISOR-

DUAL STATUS OFFENDERS

—Cont'd

- DER), REVIEW BOARDS
- “Dual status offender,” **28:1** [CC **672.1(1)**]
- Placement decision by Review Board, **28:72** [CC **672.68(2)**]
- detention as part of term, **28:75** [CC **672.71**]
- effect of, **28:72** [CC **672.68(5)**]
- factors considered, **28:72** [CC **672.68(3)**]
- notice of discharge, **28:74** [CC **672.7**]
- review, **28:73** [CC **672.69(2), (3)**]
- time for, **28:72** [CC **672.68(4)**]
- Priority
 - custodial disposition, **28:71** [CC **672.67(2)**]
 - probation order, **28:75** [CC **672.71(2)**]
 - sentence of imprisonment, **28:71** [CC **672.67(1)**]
- Review of placement decision
 - by appeal to court of appeal, **28:76 to 28:83** [CC **672.72 to 672.78**]
 - by Review Board
 - discretionary review, **28:73** [CC **672.69(3)**]
 - mandatory review, **28:73** [CC **672.69(2)**]

DUELLING

Consent not affecting liability, **2:36** [CC **14**]

DURESS

See COMPULSION OF

DWELLING-HOUSE

- Arrest, powers to enter, to carry out
- authority to enter dwelling without warrant, **21:124** [CC 529.3(1)]
- authorization to enter
 - included in warrant of arrest, **21:119** [CC 529(1)]
 - execution, **21:119** [CC 529(2)]
- exigent circumstances, **21:123** [CC 529.3(2)]
- omitting announcement before entry, **21:125** [CC 529.4(1)]
- exception, **21:125** [CC 529.4(3)]
- execution of authorization, **21:125** [CC 529.4(2)]
- reasonable terms and conditions, **21:122** [CC 529.2]
- warrant to enter dwelling-house, **21:120, 39:33** [CC 529.1, Form 7.1]
- authorization to enter
 - included in warrant of arrest, **21:119** [CC 529(1)]
 - execution, **21:119** [CC 529(2)]
- omitting announcement before entry, **21:125** [CC 529.4(1)]
- exception, **21:125** [CC 529.4(3)]
- execution of authorization, **21:125** [CC 529.4(2)]
- reasonable terms and conditions, **21:122** [CC 529.2]

DWELLING-HOUSE—Cont'd

- Arrest, powers to enter, to carry out—Cont'd
- warrant to enter dwelling-house, **21:120, 39:33** [CC 529.1, Form 7.1]
- Cont'd
- telewarrant, **21:126** [CC 529.5]
- Defence of dwelling, **3:25** [CC 63(3)]
- “Dwelling-house,” **1:3** [CC 2]
- Exceptions to offences
 - mischief, **14:12** [CC 430(7)]
 - sabotage, **3:9** [CC 52(4)]
 - unlawful assembly, **3:25** [CC 63(3)]
- Forfeiture
 - criteria/factors to be considered, **4:14, 20:184, 44:47** [CC 83.14(9), 490.41(4), CDA 19.1(4)]
 - non-forfeiture of property, **4:14, 20:184, 44:47** [CC 83.14(6), 490.41(3), CDA 19.1(3)]
 - notice requirements, **4:14, 20:184, 44:47** [CC 83.14(7), 490.41(1) to (2), CDA 19.1(1) to (2)]
- Home invasion, sentencing considerations, **12:113** [CC 348.1]
- Offences
 - breaking and entering, **12:100** [CC 348]
 - disturbing occupants, **7:99** [CC 175]
 - entering with intent, **12:114** [CC 349]
 - entrance defined, **12:119** [CC 350]
 - occupant damaging, **14:53** [CC 441]
 - defence, **14:4** [CC 429(2)]

INDEX

DWELLING-HOUSE—Cont'd

- Offences—Cont'd
 - possession of house-breaking instruments, **12:125** [CC **351(1)**]
 - sentencing
 - home invasion, aggravating circumstance, **12:113** [CC **348.1**]
 - trespassing at night, **7:112** [CC **177**]
 - unlawfully in, **12:114** [CC **349**]
 - watching or besetting, **13:102** [CC **423(1)**]
 - exception, **13:101** [CC **423(2)**]

ELDER ABUSE

- Aggravating factor in sentencing, **34:19** [CC **718.2(a)(iii.1)**]

ELECTION (MODE OF TRIAL)

- Before judge of Nunavut Court of Justice, **25:8, 25:14** [CC **554(2), 555.1**]
- failure to elect
 - deemed election, **25:33** [CC **565(1.1)**]
- holding preliminary, **25:14** [CC **555.1(3)**]
- more than one accused, **25:44** [CC **567.1**]
- offences in absolute jurisdiction (property over 01675,000), **25:14** [CC **555.1(2) to (3)**]
- trial by judge alone (after preliminary inquiry), **23:9** [CC **536.1(2)**]
 - preferring indictment, **25:41** [CC **566.1(2)**]
 - trial to be by judge alone, **25:19** [CC **558**]

**ELECTION (MODE OF TRIAL)
—Cont'd**

- Before judge of Nunavut Court of Justice, **25:8, 25:14** [CC **554(2), 555.1**]
 - Cont'd
 - trial by judge and jury, **25:5, 23:9** [CC **555.1(2), (3), (5)**]
 - deemed election, **25:33** [CC **565**]
 - trial by judge of Nunavut Court of Justice, **23:9** [CC **536.1(2)**]
 - converted to preliminary, **25:14** [CC **555.1(1)**]
 - deemed election, **25:33** [CC **565(1.1)**]
 - holding preliminary, **25:14** [CC **555.1(3)**]
- Before justice, **23:5, 23:9** [CC **536(2) to (4.3), 536.1(2) to (4.2)**]
- endorsement on information, **23:5, 23:9** [CC **536(4.1), 536.1(4)**]
- failure to elect
 - deemed election, **25:33** [CC **565(1)(c), 565(1.1)**]
- more than one accused, **25:42, 25:44** [CC **567, 567.1**]
- putting accused to election, **23:7, 23:9** [CC **536(2), 536.1(2)**]
- request for preliminary inquiry, **23:5, 23:9** [CC **536(4), 536.1(3)**]
 - endorsement on information, **23:5, 23:9** [CC **536(4.1), 536.1(4)**]
 - where multiple accused, **23:5, 23:9** [CC **536(4.2), 536.1(4.1)**]
 - where none made, **23:5, 23:9** [CC **536(4.3), 536.1(4.2)**]

ELECTION (MODE OF TRIAL)**—Cont'd**

- Before justice, **23:5, 23:9** [CC **536(2) to (4.3), 536.1(2) to (4.2)**]—Cont'd
- trial by judge alone, **23:5, 23:9** [CC **536(4), 536.1(4.1)**]
- preferring indictment, **25:36, 25:41** [CC **566(2), 566.1(2)**]
- trial to be by judge alone, **25:19** [CC **558**]
- trial by judge and jury, **23:7, 23:9** [CC **536(2), 536.1(2) to (4.1), (4) to (4.2)**]
- deemed election, **25:33** [CC **565**]
- trial by provincial court judge converted to preliminary, **25:11, 25:14** [CC **555, 555.1**]
- deemed election, **25:33** [CC **565(1)(a), (1.1)**]
- Before provincial court judge, **25:6, 25:11** [CC **554, 555**]
- failure to elect
- deemed election, **25:33** [CC **565(1)(c)**]
- more than one accused, **25:42** [CC **567**]
- offences in absolute jurisdiction (property over 01675,000), **25:13, 25:11** [CC **555(2), (3)**]
- trial by judge alone, **23:7** [CC **536(2)**]
- preferring indictment, **25:36** [CC **566(2)**]
- trial to be by judge alone, **25:19** [CC **558**]
- trial by judge and jury, **25:13, 25:14** [CC **555(2),**

ELECTION (MODE OF TRIAL)**—Cont'd**

- Before provincial court judge, **25:6, 25:11** [CC **554, 555**]
- Cont'd
- 555.1(2), (3), (3)(a), (5)** deemed election, **25:33** [CC **565**]
- trial by provincial court judge, **23:7** [CC **536(2)**]
- converted to preliminary, **25:12** [CC **555(1)**]
- deemed election, **25:33** [CC **565**]
- holding preliminary, **25:11** [CC **555(3)**]
- with consent, **25:6** [CC **554**]
- In writing, **23:10** [CC **536.2**]
- Re-election
- general rules, **23:10, 25:23, 29:124** [CC **536.2, 561, 695(2), (3)**]
- in writing, **23:10** [CC **536.2**]
- Nunavut, **25:25** [CC **561.1**]
- on election of trial by judge alone
- trial by judge of Nunavut Court of Justice, **25:25** [CC **561.1(1)**]
- trial by jury, **25:23, 25:25** [CC **561(1), 561.1(1) to (3)**]
- trial by provincial court judge, **25:23** [CC **561(1)**]
- proceedings, **25:30, 25:31** [CC **563, 563.1**]
- on election of trial by judge of Nunavut Court of Justice
- trial by judge alone, **25:25** [CC **561.1(2)**]
- trial by jury, **25:25** [CC **561.1(1), (3)**]

INDEX

ELECTION (MODE OF TRIAL)

—Cont'd

- Re-election—Cont'd
 - on election of trial by jury
 - trial by judge alone, **25:23**, **25:25** [CC **561(1)**, **561.1(1)**, (3)]
 - preferring indictment, **25:34**, **25:41** [CC **566**, **566.1**]
 - trial to be by judge alone, **25:19** [CC **558**]
 - trial by judge of Nunavut Court of Justice, **25:26** [CC **561.1(1)**]
 - trial by provincial court judge, **25:23** [CC **561(1)**]
 - on election of trial by provincial court judge
 - trial by judge alone, **25:23** [CC **561(2)**]
 - trial by jury, **25:23** [CC **561(2)**]
 - on re-trial ordered by SCC, **29:124** [CC **695(2)**, (3)]
- Trial by jury
 - Attorney General requiring, **25:45**, **25:49** [CC **568**, **569**]
 - deemed election, **25:33** [CC **565**]
 - waiver upon failure to attend, **27:67** [CC **598**]
- Written, **23:10** [CC **536.2**]
- Young persons, **42:83** [YCJA **67**]

ELECTION OFFENCES

- Contractor subscribing to election fund, **6:13** [CC **121(2)**]
- disability on conviction, **34:200** [CC **750(3)**, (4)]
- Destroying or defacing document, **12:213** [CC

ELECTION OFFENCES

—Cont'd

- 377(1)(c)**, (d)]

ELECTRICITY

- Theft, **12:38** [CC **326**]

ELECTRONIC DOCUMENTS

- See DOCUMENT

EMPLOYMENT

- Duty of persons directing work, **10:12** [CC **217.1**]
- Employee's liability for fraud relating to public stores, **13:94** [CC **418(2)**]
- Falsification of record, **13:57** [CC **398**]
- Intimidation to prevent union membership, **13:111** [CC **425**]
- Refusal to employ union members, **13:111** [CC **425**]
- Retaliation against employees, **13:114** [CC **425.1**]
- Secret commission, **13:115** [CC **426**]
- Threats against employees, **13:114** [CC **425.1**]
- Whistle-blower protection, **13:114** [CC **425.1**]
- Work stoppage
 - and criminal breach of contract, **13:100** [CC **422(2)**]
 - and mischief, **14:11** [CC **430(6)**]
 - and sabotage, **3:9** [CC **52(3)**]
 - not conspiracy, **18:22** [CC **467(1)**]

ENCUMBRANCE

- See also DOCUMENT OF TITLE
- Fraudulent concealment, **13:36** [CC **385(1)(a)**]

ENCUMBRANCE—Cont'd

- Fraudulent registration, **13:38** [CC 386]
- Fraudulent sale of real property, **13:39** [CC 387]

ENDANGERING LIFE

- See also ASSAULT; SEXUAL ASSAULT
- Abandoning child, **10:13** [CC 218]
- Assault endangering life, **10:246** [CC 268(1)]
- By omission where duty to act, **10:9, 10:12** [CC 217, 217.1]
- Duty in medical or surgical treatment, **10:7** [CC 216]
- Duty of persons directing work, **10:12** [CC 217.1]
- Sexual assault endangering life, **10:246** [CC 268(1)]

ENDORSEMENT

- Authorization, **8:44** [CC 188.1(2)]
- Indictment
 - amendment, **27:77** [CC 601]
- Offences
 - false name, **12:208** [CC 374]
 - obtaining by false pretence, **12:179** [CC 363]
- Recognizance, **36:3, 36:6, 36:12, 36:12** [CC 764(4), 766(3), 770, (4)]
- Warrant
 - DNA warrant, **20:76, 20:78** [CC 487.03, 487.05]
 - for arrest, **21:118** [CC 528]
 - general warrant, **20:47** [CC 487.01]
 - number recorder, **20:198** [CC 492.2]
 - of absconding accused, **27:137** [CC 632]

ENDORSEMENT—Cont'd

- Warrant—Cont'd
 - search warrant, **20:26** [CC 487]
 - tracking, **19:37** [CC 482.1]

ENEMY

- See ALIEN

ENFORCEMENT

- See also EXECUTION OF PROCESS
- Fines, **34:106, 34:108** [CC 734.6, 734.7]
- Order for compensation, **34:121, 34:129** [CC 738, 741]
- Recovery of penalties, **34:106** [CC 734.6]
 - finances on organizations, **34:113** [CC 735]
- Use of force in enforcement, **2:88** [CC 25]
 - excessive, **2:100** [CC 26]

ENGLISH CRIMINAL LAW

- See also DEFENCES (COMMON LAW)
- Abolition of offences, **2:23** [CC 9(b)]
- Application of, **2:21, 2:22** [CC 8(2), (3)]

ENTRAPMENT

- Generally, **2:19** [CC 8]

EQUALITY

- Affirmative action programs, **CA 6(4), 15(2)** [CA 6(4), 15(2)]
- Age, **41:80, 41:79** [CA 15(1), (2)]
- Colour, **41:80, 41:79** [CA 15(1), (2)]
- Equality before and under law, **41:80** [CA 15(1)]
- Fundamental freedoms for everyone, **41:6** [CA 2]

INDEX

EQUALITY—Cont'd

- Mental or physical disability, **41:80, 41:79 [CA 15(1), (2)]**
- Military, **41:63 [CA 11]**
- Mobility rights
 - affirmative action programs, **41:19 [CA 6(4)]**
 - limitations on, **41:19 [CA 6(3)]**
 - rights to move and gain livelihood, **41:21 [CA 6(2)]**
- National or ethnic origins, **41:80, 41:79 [CA 15(1), (2)]**
- Postponement of rights under Charter, **41:101 [CA 32(2)]**
- Race, **41:80, 41:94, 41:94 [CA 15(1), 25, (2)]**
- Religion, **41:80, 41:79 [CA 15(1), (2)]**
- Rights guaranteed equally to both sexes, **41:97 [CA 28]**
- Right to equal protection and equal benefit of the law, **41:80 [CA 15(1)]**
- Sex, **41:80, 41:79 [CA 15(1), (2)]**

ESCAPE AND RESCUE

- See also **UNLAWFULLY AT LARGE**
- Assisting escape, **6:95, 6:97 [CC 146, 147(a)]**
- Assisting prisoner of war, **6:100 [CC 148]**
- Escape from lawful custody, **6:83 [CC 145(1)]**
- Failure to appear, **6:82 [CC 145]**
- Failure to comply with process, **6:82 [CC 145]**
- Permitting escape, **6:95, 6:97 [CC 146(a), 147]**
- Prison breach, **6:80 [CC 144]**
 - CSO precluded on indictment, **34:134 [CC 742.1(f)(i)]**

ESCAPE AND RESCUE

—Cont'd

- Rescue from lawful custody, **6:97 [CC 147(a)]**
- Sentence for escape, **6:101 [CC 149]**
- “escape,” **6:101 [CC 149(3)]**
- Unlawfully at large, **6:83 [CC 145(1)]**

EVIDENCE

- See **SPECIFIC TOPICS**

EXAMINER OF COUNTERFEIT

- Certificate, **15:29 [CC 461(2), (3)]**

EXCAVATION, DUTY TO SAFEGUARD

- Generally, **10:218 [CC 263(2), (3)]**

EXCHEQUER BILL

- Defined, **12:1 [CC 321]**
- Making or possessing paper, **12:200 [CC 369(a)]**

EXCLUSION OF PUBLIC

- See also **PUBLICITY; SEXUAL ACTIVITY EVIDENCE**
- Application, **20:8 [CC 486(1.1)]**
- Child witnesses, protection of
 - accused not to cross-examine, **20:17 [CC 486.3]**
 - support person, **20:15 [CC 486.1]**
- Criminal organization and terrorism offence cases
 - obstructed view testimony, **20:16 [CC 486.2(4) to (6)]**
 - testimony outside courtroom, **20:16 [CC 486.2(4) to (6)]**

EXCLUSION OF PUBLIC**—Cont'd**

- General rule of openness, **20:9** [CC 486(1)]
 - adverse inference, whether, **20:14** [CC 486(4)]
 - general exceptions, **20:9** [CC 486(1)]
 - sexual offence exception, **20:12** [CC 486(3)]
 - non-disclosure of witness's identity, **20:19** [CC 486.31]
- Obstructed view testimony, **20:16** [CC 486.2(4) to (6)]
- Protecting identity
 - complainant, **20:20, 20:22, 42:131, 42:132** [CC 486.4, 486.5, YCJA 111, 112]
 - justice system participant, **20:22** [CC 486.5]
 - witness, **20:22, 42:131, 42:132** [CC 486.5, YCJA 111, 112]
 - witness under 18, **20:8, 42:131, 42:132** [CC 486(3) to (4.9), YCJA 111, 112]
 - young person, **42:82, 42:92, 42:129, 42:132** [YCJA 65, 75, 110, 112]
- Sequestered testimony, **20:16** [CC 486.2]
- Testimony outside court room where person under 18, **20:16** [CC 486.2]

EXCUSE

See DEFENCES

EXECUTION OF PROCESS

See also ARREST; ENDORSEMENT: SEARCH AND SEIZURE; SUBPOENA

EXECUTION OF PROCESS**—Cont'd**

- Authorization, **8:44** [CC 188.1]
- Duty to produce process, **2:107** [CC 29(1)]
- Execution justified notwithstanding defect, **2:90** [CC 25(2)]
- Execution on holiday, **2:62** [CC 20]
- Misconduct in execution, **6:33** [CC 128]
- Obstruction, **6:34** [CC 129(c)]
- Process issued by court of appeal, **29:47, 38:137** [CC 683(4), 839(2)]
- Use of force, **2:88** [CC 25]
 - excessive, **2:100** [CC 26]

EXHIBITS

- Detention of things seized, **20:129** [CC 490]
- Inspection, **27:85** [CC 603]
- Power of court of appeal, **29:42, 38:137** [CC 683(1)(a), 839(2)]
- Release for testing, **27:89** [CC 605(1)]
- Rules of court, **19:35** [CC 482(2)]

EXPERT EVIDENCE

See also PHYSICIAN

- Disclosure and production
 - adjournment to address, **27:243** [CC 657.3(4)(a), (5)(a)]
 - notice of intention to call witness, **27:243** [CC 657.3(3)(a)]
 - particulars, order for, **27:243** [CC 657.3(3)]
 - production of opinion or report
 - defence, by, **27:243** [CC 657.3(3)(c)]

INDEX

EXPERT EVIDENCE—Cont'd

- Disclosure and production
 - Cont'd
 - production of opinion or report—Cont'd
 - further disclosure
 - prohibited, **27:243** [CC **657.3(7)**]
 - prosecution, by, **27:243**, **41:22** [CC **657.3(3)(b)**, CA 7]
 - use of material by prosecution, **27:243** [CC **657.3(6)**]
 - remedies for incomplete or non-disclosure, **27:243** [CC **657.3(4)**, (5)]
 - use of material by prosecution, **27:243** [CC **657.3(6)**]
- Limit on number of witnesses, **40:28** [CEA 7]
- Notice of intention to call witness, **27:243** [CC **657.3(3)(a)**]

EXPLORATION

- Taking specimens of ore or minerals, **12:56** [CC **333**]

EXPLOSIVES

- See also FIRE; FIREARMS
- Causing death, **3:53** [CC **80**]
- Causing injury with intent, **3:54** [CC **81**]
- Delivery to specified government/public facilities, **14:21** [CC **431.2**]
- definitions, **14:21** [CC **431.2(1)**]
- DNA order on conviction or discharge, **20:77**, **20:81** [CC **487.04**, **487.051**]
- exception, armed forces, **14:21** [CC **431.2(3)**]
- offence, **14:21** [CC **431.2(2)**]

EXPLOSIVES—Cont'd

- Delivery to specified government/public facilities, **14:21** [CC **431.2**]
- Cont'd
- offence outside Canada, **2:16** [CC **7(3.72)**, (5) to (7)]
- Detonation in specified government/public facilities, **14:21** [CC **431.2**]
- definitions, **14:21** [CC **431.2(1)**]
- DNA order on conviction or discharge, **20:77**, **20:81** [CC **487.04**, **487.051**]
- exception, armed forces, **14:21** [CC **431.2(3)**]
- offence, **14:21** [CC **431.2(2)**]
- offence outside Canada, **2:16** [CC **7(3.72)**, (5) to (7)]
- Discharge in specified government/public facilities, **14:21** [CC **431.2**]
- definitions, **14:21** [CC **431.2(1)**]
- DNA order on conviction or discharge, **20:77**, **20:81** [CC **487.04**, **487.051**]
- exception, armed forces, **14:21** [CC **431.2(3)**]
- offence, **14:21** [CC **431.2(2)**]
- offence outside Canada, **2:16** [CC **7(3.72)**, (5) to (7)]
- Duty of care, **3:51**, **3:53** [CC **79**, **80**]
- “Explosive substance,” **1:3** [CC **2**]
- Placement in specified government/public facilities, **14:21** [CC **431.2**]
- definitions, **14:21** [CC **431.2(1)**]
- DNA order on conviction or discharge, **20:77**, **20:81**

EXPLOSIVES—Cont'd

- Placement in specified government/public facilities, **14:21 [CC 431.2]**
 - Cont'd
 - [**CC 487.04, 487.051**]
 - exception, armed forces, **14:21 [CC 431.2(3)]**
 - offence, **14:21 [CC 431.2(2)]**
 - offence outside Canada, **2:16 [CC 7(3.72), (5) to (7)]**
- Possession while prohibited, **3:56 [CC 82]**
 - possession in association with criminal organization, **3:58 [CC 82(2)]**
 - sentences to be served consecutively, **3:59 [CC 82.1]**
- Taking on board aircraft, **3:48 [CC 78]**
- Using, **3:54 [CC 81]**
 - DNA order on conviction or discharge, **20:77, 20:81 [CC 487.04, 487.051]**
 - in association with criminal organization
 - murder deemed first degree, **10:67 [CC 231(6.1)]**

EXPORTING

- Counterfeit money, **15:10 [CC 452(b)]**
- False representation to obtain carriage, **13:68 [CC 401(1)]**
- Proceeds of property obtained by crime
 - in rem prohibition, **12:154 [CC 355.3]**
- Property obtained by crime
 - in rem prohibition, **12:154 [CC 355.3]**

EXPOSURE

- See also INDECENCY; OBSCENITY

EXPOSURE—Cont'd

- Indecent act, **7:91 [CC 173(1)]**
- Nudity, **7:95 [CC 174]**
- Of sexual organs
 - age-related exceptions to consent, **7:3 [CC 150.1(2) to (4), (6)]**
 - no prosecution of 12 or 13 year old, **7:3 [CC 150.1(3)]**
 - to child under 16, **7:92 [CC 173(2)]**

EXPRESSION

- Freedom of, **41:6 [CA 2(b)]**

EXTENSION OF TIME

- See also APPEAL
- Generally, **38:137 [CC 839(2)]**
- Application for leave, **29:26 [CC 678(2)]**
- Dangerous offender assessment application, **35:6, 35:13 [CC 752.1(3), 753.01(3)]**

EXTORTION

- Generally, **12:92 [CC 346]**
- Extortion by libel, **10:378 [CC 302]**
- Punishment/sentence
 - general, **12:92 [CC 346(1.1)(b)]**
 - where firearm used, **12:92 [CC 346(1.1)(a), (a.1)]**
 - subsequent offences, **12:92 [CC 346(1.2), (1.3)]**
 - where home invasion involved, **12:113 [CC 348.1]**

EXTRAORDINARY REMEDIES

- Appeal, **37:27 [CC 784]**
- Application of Code provisions, **37:1 [CC 774]**

INDEX

EXTRAORDINARY

REMEDIES—Cont'd

- Certiorari
 - appeal, **37:27 [CC 784]**
 - availability
 - appeal as bar, **37:10 [CC 776]**
 - recognizance as condition, **37:17 [CC 779]**
 - to quash warrant of committal, **37:23 [CC 782]**
- Effect of dismissal of application, **37:19 [CC 780]**
 - appeal, **37:27 [CC 784]**
 - no re-application without fresh evidence, **37:30 [CC 784(3)]**
 - order for further detention, **37:7 [CC 775]**
 - review of warrant of committal, **37:23 [CC 782]**
 - want of proof of enactment not ground, **37:21 [CC 781]**
- Order for further detention, **37:21 [CC 781]**
- Protection of judicial officials, **37:25 [CC 783]**
- Review of conviction or order, **37:13, 37:16 [CC 777, 778]**
- Rules of court, **19:35 [CC 482(3)(c)]**
- Want of proof of enactment not ground, **37:21 [CC 781]**

EXTRA-PROVINCIAL

OFFENCES

- Jurisdiction of court, **19:27 [CC 478]**
 - aircraft offences, **2:16 [CC 7]**
 - breach of probation order, **34:90, 34:91 [CC 733, 733.1]**
 - guilty plea in court of criminal jurisdiction, **19:27 [CC 478(3)]**

EXTRA-PROVINCIAL

OFFENCES—Cont'd

- Jurisdiction of court, **19:27 [CC 478]**—Cont'd
 - newspaper libel, **19:27 [CC 478(2)]**
- FABRICATING EVIDENCE**
 - Offence, **6:62 [CC 137]**
 - Order for particulars, **27:43 [CC 587]**
 - Sufficiency of counts, **27:40 [CC 585]**
- FAILURE TO APPEAR (ATTEND)**
 - Appearance notice, under, **21:71 [CC 512.2]**
 - For ICA purposes, **6:85, 6:86 [CC 145(3), (4)]**
 - Non-compliance with process, **6:84 [CC 145(2)]**
 - Section 524, under, **21:72 [CC 512.3]**
 - Summons, under, **21:70 [CC 512.1]**
 - Undertaking, under, **21:71 [CC 512.2]**
- FAILURE TO COMPLY**
 - Generally, **6:85, 6:86, 6:87 [CC 145(3), (4), (5)]**
- FAILURE TO TESTIFY (COMMENT)**
 - Generally, **40:12 [CEA 4(6)]**
- FALSE ALARM OF FIRE**
 - Defence, **14:4 [CC 429(2)]**
 - Offence, **14:41 [CC 437]**
- FALSE INFORMATION**
 - Endangering safety of aircraft, **3:47 [CC 77(e)]**
- FALSE MESSAGES**
 - See TELEPHONE

FALSE OATH

See FALSE STATEMENT;
PERJURY

FALSE PRETENCE

See also FRAUD
False financial statement, **12:169**
[CC 362(1)(c), (d)]
punishment, **12:172** [CC
362(3)]
Jurisdiction of provincial court
judge, **25:2, 25:13** [CC
553, 555(2)]
Obtaining credit, **12:169** [CC
362(1)(b)]
punishment, **12:172** [CC
362(3)]
Obtaining execution of valuable
security, **12:179** [CC 363]
“valuable security,” **1:3** [CC
2]
Obtaining food or lodging,
12:182 [CC 364(1)]
presumption of fraud, **12:181**
[CC 364(2)]
Obtaining goods
presumption from dishonoured
cheque, **12:173** [CC
362(4)]
Obtaining property, **10:411,**
12:169 [CC 320(1)(a),
362(1)(a)]
punishment, **12:171** [CC
362(2)]
not exceeding 01675,000,
12:171 [CC 362(2)]
over 01675,000, **12:172**
[CC 362(3)]
Order for particulars, **27:43** [CC
587(1)(b)]

FALSE PROSECUTION

See also PERJURY
Conspiracy to prosecute falsely,
18:8 [CC 465(1)(b)]

FALSE PROSECUTION

—Cont’d

Public mischief, **6:71** [CC 140]

FALSE PROSPECTUS

Generally, **13:25, 13:60** [CC
380.1, 400]

FALSE STATEMENT

See also AFFIDAVIT; FALSE
PRETENCE; FALSIFICA-
TION; MISCHIEF; OATH;
PERJURY
Acknowledgment in false name,
13:77 [CC 405]
Books and documents, **13:55**
[CC 397]
By agent, **13:115** [CC 426]
Employment record, **13:57** [CC
398]
Extra-judicial proceedings, **6:48,**
6:56 [CC 131, 134]
Indictment
particulars, **27:43** [CC 587]
sufficiency of counts, **27:40**
[CC 585]
Passing off, **13:82** [CC 408]
Prospectus or statement of
account, **13:60** [CC 400]
Receipt under Bank Act, **13:43**
[CC 390]
Registration of title, **13:38** [CC
386]
To induce police investigation,
6:72 [CC 140(1)]
To obtain carriage, **13:67** [CC
401]

FALSIFICATION

See also FALSE STATEMENT
Book or document, **13:55** [CC
397]
Employment record, **13:57** [CC
398]
Pedigree, **13:37** [CC 385(1)]

INDEX

FALSIFICATION—Cont'd

- Register, **12:213** [CC 377]
 - extract, **12:215** [CC 378]
- Trademark, **13:79, 13:80** [CC 406, 407]
 - forfeiture, **13:88** [CC 412(2)]
 - punishment, **13:88** [CC 412(1)]
- Valuable security, **13:55** [CC 397]
 - “valuable security,” **1:3** [CC 2]

FARE

- Failure to collect, **13:49** [CC 393]
 - jurisdiction of provincial court judge, **25:2** [CC 553(c)(viii)]
- Slug or token, **15:14** [CC 454]

FEEES AND ALLOWANCES

- Summary conviction proceedings, **38:142** [CC 840]

FIERI FACIAS

- Writ on forfeiture of recognizance, **36:14** [CC 771(3.1)]
 - deficiency, **36:19** [CC 773]
 - levy, **36:18** [CC 772]

FINANCIAL INSTITUTION

- See BANK

FINANCIAL STATEMENT

- False pretence, **12:169** [CC 362(1)(c), (d)]
 - punishment, **12:172** [CC 362(3)]
- False statement, **13:60** [CC 400]

FINE

- See also PUNISHMENT;
SENTENCE
- And other punishment, **34:97** [CC 734(4), (5)]

FINE—Cont'd

- Default of payment
 - imprisonment in default
 - commencement of term, **34:41, 34:40** [CC 719(1), (5)]
 - consecutive terms, **34:39** [CC 718.3(4)]
 - cumulative punishments, **34:35** [CC 718.3(5)]
 - limit on term, **34:38, 34:97, 38:9, 38:7** [CC 718.3(3), 734(4), 787(2), (5)]
 - reduction on part payment, **34:112** [CC 734.8]
 - sentence by summary conviction court, **38:9** [CC 787(2)]
- Discretion of court, **34:35, 34:108** [CC 718.3, 734.7]
- Disposition of proceeds, **34:104** [CC 734.4]
- Fine option program, **34:116** [CC 736]
- In addition to other punishment, **34:98** [CC 734(1)]
- In lieu of forfeiture order, **17:22, 17:19** [CC 462.37(3), (4)]
- In lieu of imprisonment, **34:98** [CC 734(1)]
- Licences, permits, etc., **34:105** [CC 734.5]
- Organizational accused, **34:113** [CC 735]
- Partial payment, **34:112** [CC 734.8]
- Payment not waiver of appeal, **38:101** [CC 820(1)]
- Recovery
 - fine on organization, **34:113** [CC 735]
- Remission, **34:197** [CC 748.1]

FINE—Cont'd

- Suspending payment pending appeal, **29:49, 29:42, 29:50** [CC 683(5), (5.1), (6)]
- Time for payment, **34:101** [CC 734.1]
- Victim fine surcharge (VFS), **34:117, 42:55, 42:72, 42:73** [CC 737, YCJA 42(2)(d), 53(1), 54(2)]
- Young offenders, **42:55, 42:69, 42:72, 42:73, 43:55** [YCJA 42(2)(d), 50(2), 53, 54(1) to (3), (10), YOA 20(1)(b)]

FINGERPRINTING AND FINGERPRINTS

- Failure to appear, **6:86, 6:87** [CC 145(4), (5)]
- Proof of
 - previous convictions, **27:268** [CC 667]
- Requirement to appear, **21:59** [CC 509(5)]
- Warrant to obtain fingerprints, **20:109** [CC 487.092]
- Young persons, **42:133** [YCJA 113]

FIRE

- Arson, **14:23 to 14:36** [CC 433 to 436]
 - colour of right as defence, **14:4** [CC 429(2)]
 - presumption of intent to defraud, **14:35** [CC 435]
- By negligence, **14:37** [CC 436(1)]
 - defence, **14:4** [CC 429(2)]
 - inference from non-compliance with prevention laws, **14:38** [CC 436(2)]
 - organizational liability for, **2:77** [CC 22.1]

FIRE—Cont'd

- Damage to property
 - not wholly owned, **14:30** [CC 434]
 - wholly or partially owned, **14:33** [CC 434.1]
- Defence of colour of right, **14:4** [CC 429(2)]
- Disregard for human life, **14:23** [CC 433]
- False alarm of fire, **14:41** [CC 437]
 - defence, **14:4** [CC 429(2)]
- For fraudulent purpose, **14:35** [CC 435(1)]
 - CSO precluded on indictment, **34:134** [CC 742.1(f)(xi)]
 - inference from insurance, **14:35** [CC 435(2)]
- Possession of incendiary material, device or explosive substance, **14:40** [CC 436.1]
 - explosive substance defined, **1:3** [CC 2]

FIREARMS

- Aboriginal or treaty rights, **47:3** [FA 2(3)]
- Agreements with provinces, **47:93** [FA 95]
- Ammunition
 - authorized transfer to individuals, **47:29** [FA 25]
- Amnesty, **5:97** [CC 117.14]
- Appeal
 - application of Part XXVII of Criminal Code, **47:72** [FA 81]
- Nunavut, **47:67** [FA 76.1]
- order, **5:87, 5:94** [CC 117.11(7) to (9), 117.05(7) to (9)]

INDEX

FIREARMS—Cont'd

Appeal—Cont'd
prohibition orders, **5:67 [CC 111(8) to (10)]**
to Court of Appeal, **47:71 [FA 80]**
to superior court, **47:68 [FA 77]**
disposition, **47:70 [FA 79]**
notice of, **47:69 [FA 78]**
Authorization to carry
application, **47:44, 47:45 [FA 54, 55]**
as evidence, **5:95 [CC 117.12]**
conditions, **47:48 [FA 58]**
different registered owner, **47:49 [FA 59]**
form, **47:51 [FA 61]**
general, **47:47 [FA 57]**
geographical extent, **47:53 [FA 63]**
refusal to issue, **47:58 [FA 68]**
renewal, **47:57 [FA 67]**
restoration of, **5:88 [CC 117.06(2)]**
revocation, **5:75, 5:85, 47:60 [CC 116, 117.04(4), FA 70]**
term, **47:55 [FA 65]**
transferability, **47:52 [FA 62]**
Authorization to transfer
ammunition to individuals, **47:29 [FA 25]**
application, **47:44, 47:45 [FA 54, 55]**
as evidence, **5:95 [CC 117.12]**
Chief Firearms Officer
duties re, **47:31 [FA 27]**
definition of “transfer,” **47:23 [FA 21]**
firearms
inquiry to Registrar re transferee’s licence, **47:88 [FA 90.1]**

FIREARMS—Cont'd

Authorization to transfer
—Cont'd
firearms—Cont'd
non-prohibited firearm, **47:25 [FA 23]**
non-restricted firearm, **47:25 [FA 23]**
prohibited firearm, **47:27 [FA 23.2]**
records, re, **47:88 [FA 90.1]**
restricted firearm, **47:27 [FA 23.2]**
to Crown, etc., **47:30, 47:35 [FA 26(1), 31]**
form, **47:51 [FA 61]**
gun collectors, to, **47:34 [FA 30]**
mail-order transfers, **47:36 [FA 32]**
mental disorder and, **47:24 [FA 22]**
permitted purposes, **47:32, 47:34 [FA 28, 30]**
prohibited ammunition/
devices/weapons
generally, **47:28 [FA 24]**
to Crown, etc., **47:30 [FA 26(2)]**
Registrar
powers upon, **47:35 [FA 31]**
restoration, **5:88 [CC 117.06(2)]**
restricted firearms or
handguns, **47:32, 47:34 [FA 28, 30]**
restricted weapons, **47:30 [FA 26(2)]**
revocation, **5:75, 5:85, 47:60 [CC 116, 117.04(4), FA 70]**
term, **47:55 [FA 65(1) to (3)]**

FIREARMS—Cont'd

Authorization to transport, See also authorization to carry refusal to issue, **47:58 [FA 68]** notice of, **47:62 [FA 72]** reference to provincial court judge, **47:64 to 47:66 [FA 74 to 76]** revocation, **5:75, 5:85, 47:60 [CC 116, 117.04(4), FA 70]** notice of, **47:62 [FA 72]** reference to provincial court judge, **47:64 to 47:66 [FA 74 to 76]**

Certificate of analyst, **5:96 [CC 117.13]**

Chief Firearms Officer authorizing transfer, **47:27, 47:31, 47:32 [FA 23.2, 27, 28]** records of, **47:84, 47:88 [FA 87, 90.1]** reporting, loss, finding, theft, and destruction of firearms to, **47:85 [FA 88]**

Collectors, **47:34 [FA 30]**

Commissioner of Firearms appointment, **47:73 [FA 81.1]** compensation, **47:77 [FA 81.5]** delegation by federal minister to, **47:75 [FA 81.3]** duties, **47:74, 47:75 [FA 81.2, 81.3]** functions, **47:74, 47:75 [FA 81.2, 81.3]** incapacity, **47:76 [FA 81.4]** information to be submitted to, **47:92 [FA 94]** powers, **47:74, 47:75 [FA 81.2, 81.3]** report to federal Minister, **47:91, 47:92 [FA 93, 94]**

FIREARMS—Cont'd

Commissioner of Firearms —Cont'd superannuation, **47:77 [FA 81.5]** vacancy, **47:76 [FA 81.4]**

Delegation, **47:96, 47:97, 47:98 [FA 98, 99, 100]**

Electronic filing, **47:89 [FA 91]**

Eligibility to hold licences businesses, **47:10 [FA 9]** completion of safety course, **47:8 [FA 7]** court orders, **47:7 [FA 6]** international and interprovincial carriers, **47:11 [FA 10]** minors, **47:9 [FA 8]** museums, **47:9 [FA 8(6)]** public safety, **47:6 [FA 5]**

Exempted persons armed forces, **5:91 [CC 117.08]** employees of businesses with licence, **5:92 [CC 117.09(1), (2)]** of carriers, **5:92 [CC 117.09(3)]** of museums, **5:92 [CC 117.09(4), (5)]** public officer, **5:89, 5:91 [CC 117.07, 117.08]**

Exemptions, **47:95 [FA 97]**

Exportation and importation business transferability, **47:52 [FA 62]** individuals non-residents, **47:39, 47:40 [FA 35, 36]**

Registrar assigning identification numbers, **47:50 [FA 60]**

INDEX

FIREARMS—Cont'd

- Exportation and importation
 - Cont'd
 - Registrar—Cont'd
 - information, obligation to provide, **47:42** [FA 42.2]
 - issuing authorizations, **47:50** [FA 60]
 - issuing certificates, **47:50** [FA 60]
- Firearms acquisition certificates, **47:118, 47:124** [FA 120, 126]
- Grandfathered handguns
 - carrying, **47:22** [FA 20]
 - eligibility to hold licence, **47:13** [FA 12(6) to (7)]
 - licences generally, see licences
 - renewal of licences, **47:57** [FA 67(2), (3)]
- Industrial approval designations, **47:123, 47:124** [FA 125, 126]
- Inspections
 - demand to produce firearm, **47:103** [FA 105]
 - duty of inspectors, **47:101** [FA 103]
 - dwelling houses, **47:102** [FA 104]
 - general, **47:100** [FA 102]
- Lending, **47:37, 47:38** [FA 33, 34]
- Licences
 - application, **47:44, 47:45** [FA 54, 55]
 - conditions, **47:48, 47:124** [FA 58, 58.1, 126.1]
 - form, **47:51** [FA 61]
 - general, **47:46** [FA 56]
 - geographical extent, **47:53** [FA 63]

FIREARMS—Cont'd

- Licences—Cont'd
 - refusal to issue, **47:58** [FA 68]
 - appeals, **47:67 to 47:72** [FA 76.1 to 81]
 - notice of, **47:62** [FA 72]
 - reference to provincial court judge, **47:64 to 47:66** [FA 74 to 76]
 - renewal, **47:57** [FA 67]
 - revocation, **5:75, 5:85, 47:60** [CC 116, 117.04(4), FA 70]
 - appeals, **47:67 to 47:72** [FA 76.1 to 81]
 - notice of, **47:62** [FA 72]
 - reference to provincial court judge, **47:64 to 47:66** [FA 74 to 76]
 - term, **47:54** [FA 64]
 - transferability, **47:52** [FA 62]
- Mental disorder, **47:24** [FA 22]
- Museum approvals, **47:120, 47:122, 47:124** [FA 122, 124, 126]
- Non-restricted
 - defined, **5:2** [CC 84(1)]
 - prohibited, distinct from, **5:98** [CC 117.15(3)]
 - restricted, distinct from, **5:98** [CC 117.15(3)]
- Notice of refusal or revocation, **47:62** [FA 72]
- Offences
 - actions by Attorney General, **47:114** [FA 116]
 - careless use or storage, **5:14** [CC 86]
 - carrying concealed weapon, **5:26** [CC 90]
 - carrying while attending public meeting, **5:25** [CC 89]

FIREARMS—Cont'd

Offences—Cont'd

- contraventions of conditions of licences, **47:108 [FA 110]**
- destroying, **5:58 [CC 106]**
- discharging firearm—recklessness, **10:121 [CC 244.2]**
- definition of place, **10:121 [CC 244.2(2)]**
- punishment, **10:121 [CC 244.2(3)]**
- sequence of convictions, **10:121 [CC 244.2(5)]**
- subsequent offences, **10:121 [CC 244.2(4)]**
- discharging in public place, **7:100 [CC 175(1)]**
- discharging with intent, **10:114 [CC 244]**
- evidence of peace officer, **7:101 [CC 175(2)]**
- export or import, **5:1, 5:55, 5:56, 5:56 [CC 84(5), 103, 104, (6)]**
- failure to give up revoked licence, **47:112 [FA 114]**
- false statements, **5:59, 47:104 [CC 107, FA 106]**
- losing or finding, **5:57 [CC 105]**
- making automatic firearm, **5:54 [CC 102]**
- non-compliance with demand to produce firearm, **47:111 [FA 113]**
- pointing, **5:20 [CC 87]**
- possession
 - at unauthorized place, **5:38 [CC 93]**
 - contrary to order, **5:78 [CC 117.01]**
 - for dangerous purpose, **5:21 [CC 88]**

FIREARMS—Cont'd

Offences—Cont'd

- possession—Cont'd
 - obtained by commission of offence, **5:45 [CC 96]**
 - prohibited or restricted with ammunition, **5:1, 5:41, 5:41 [CC 84(5), 95, (6)]**
 - tampering
 - with licences, **47:105 [FA 107]**
 - with serial numbers, **5:60 [CC 108]**
 - trafficking
 - general, **5:1, 5:49, 5:49 [CC 84(5), 99, (6)]**
 - transfer without authority, **5:52 [CC 101]**
 - unauthorized possession
 - general, **5:30, 5:31 [CC 91, 92]**
 - in motor vehicle, **5:39 [CC 94]**
 - of ammunition, **47:106 [FA 108]**
 - use in commission of offence, **5:1, 5:7, 5:13 [CC 84(5), 85, (6)]**
 - using firearm in commission of offence, **5:8 [CC 85(1)]**
- Onus, 5:94 [CC 117.11]**
- Order**
- appeal, **5:94 [CC 117.11(7) to (9)]**
 - application for, **5:94 [CC 117.11(1)]**
 - general, **5:94 [CC 117.11(5), (6)]**
 - hearing, **5:94 [CC 117.11(3), (4)]**
 - notice, **5:94 [CC 117.11(2)]**
 - revocation, **5:95 [CC 117.12]**

INDEX

FIREARMS—Cont'd

Penalties, **47:107, 47:109, 47:113** [FA 109, 111, 115]

Permit

- minors', **47:119, 47:124** [FA 121, 126]
- revocation, **47:133** [FA 135.1]
- temporary storage permit, **47:133** [FA 135]
- to carry, **47:127, 47:128, 47:130, 47:131** [FA 129, 130, 132, 133]
- to carry on business, **47:121, 47:122, 47:124** [FA 123, 124, 126]
- to transport or convey, **47:129, 47:130, 47:131** [FA 131, 132, 133]

Prohibited firearms

- authorized transfer of, **47:28, 47:30** [FA 24, 26]
- businesses, **47:12** [FA 11(1)]
- carriers, **47:12** [FA 11(3)]
- individuals, **47:13** [FA 12]
- non-restricted, distinct from, **5:98** [CC 117.15(3)]
- places where possession allowed, **47:19** [FA 17]
 - grandfathered individuals, **47:12** [FA 11(2) to (8)]
- restricted, distinct from, **5:98** [CC 117.15(4)]
- transporting and using of, **47:21** [FA 19]

Prohibition orders

- appeal, **5:67** [CC 111(8) to (10)]
- application for, **5:67** [CC 111(1) to (7)]
- application of Criminal Code, **42:70** [YCJA 51(7)]
- authorizations revoked or amended, **5:75** [CC 116]
- defined, **5:2** [CC 84(1)]

FIREARMS—Cont'd

Prohibition orders—Cont'd

- discretionary, **5:65, 42:70** [CC 110, YCJA 51(3)]
- forfeiture, **5:74, 5:87, 5:74** [CC 115, 117.05(4), (5)]
- lifting of, **5:71** [CC 113]
- mandatory, **5:61, 42:70** [CC 109, YCJA 51(1), (2)]
- reasons for, **42:70** [YCJA 51(5), (6)]
- records, **42:139** [YCJA 119(3), (10)]
- reporting of, **47:86, 42:69** [FA 89, YCJA 50(8)]
- requirement to surrender, **5:73** [CC 114]
- return to owner, **5:76** [CC 117]
- review, **42:71** [YCJA 52]
- revocation of, **5:70** [CC 112]

Reference

- application, **47:64** [FA 74]
- decision, **47:66** [FA 76]
- hearing, **47:65** [FA 75]
- limitation period, **47:64** [FA 74(2)]

Registrar of Firearms

- access to records of Chief Firearms Officer, **47:87** [FA 90]
- appointment, **47:78** [FA 82]
- incapacity, **47:79** [FA 82.1]
- notification of export or import of firearm, **47:43** [FA 50]
- records of, **47:82, 47:90** [FA 85, 92]
- references to, deemed, **47:3** [FA 2(2.1)]
- responsibilities, **47:50** [FA 60]
- transference of, **47:83** [FA 86]
- vacancy, **47:79** [FA 82.1]

FIREARMS—Cont'd

- Registration certificates
 - application, **47:44, 47:45, 47:125, 47:126 [FA 54, 55, 55.1, 127, 128]**
 - defined, **5:2 [CC 84(1)]**
 - exempted firearms, **47:17 [FA 15]**
 - form, **47:51 [FA 61]**
 - general, **47:14, 47:15 [FA 12.1, 13]**
 - geographical extent, **47:53 [FA 63]**
 - prohibited firearm, **47:14 [FA 12.1]**
 - refusal to issue, **47:59 [FA 69]**
 - restricted firearm, **47:14 [FA 12.1]**
 - restricted to one person, **47:18 [FA 16]**
 - revocation, **47:61 [FA 71]**
 - serial number, **47:16 [FA 14]**
 - temporary, **47:40, 47:43 [FA 36, 48]**
 - term, **47:56 [FA 66]**
 - transferability, **47:52 [FA 62]**
- Registry
 - Canadian Firearms Registry, **47:80 [FA 83]**
 - destruction of records, **47:81 [FA 84]**
- Regulation, **5:98, 47:115, 6:1 [CC 117.15, FA 117, 118]**
- Restricted firearms
 - carrying, **47:22 [FA 20]**
 - places where possession allowed, **47:19 [FA 17]**
 - transporting and using, **47:21 [FA 19]**
- Shooting clubs or shooting ranges, **47:33, 47:132 [FA 29, 134]**

**FIREARMS ACQUISITION
CERTIFICATE**

See FIREARMS

FITNESS TO STAND TRIAL

- See also ASSESSMENTS (MENTAL DISORDER); DISPOSITIONS AND DISPOSITION HEARINGS (MENTAL DISORDER); REVIEW BOARDS
- Appeals from finding of unfitness
 - by accused, **29:11 [CC 675(3)]**
 - by Attorney General, **29:17 [CC 676(3)]**
- Presumption of fitness, **28:16 [CC 672.22]**
- Subsequent inquiry as to adequacy of case
 - burden of proof, **28:29 [CC 672.33(3)]**
 - evidence on inquiry, **28:29 [CC 672.33(4)]**
 - procedure on inquiry, **28:29 [CC 672.33(5)]**
 - requirement, **28:29 [CC 672.33(1), (2)]**
 - where prima facie case not made, **28:29 [CC 672.33(6)]**
- Trial of issue
 - appointment of counsel, **28:20 [CC 672.24]**
 - counsel fees and disbursements, **28:20 [CC 672.24(2), (3)]**
 - burden of proof, **28:18 [CC 672.23(2)]**
 - by whom issue tried
 - judge alone, **28:23 [CC 672.27]**
 - jury trials, **28:22 [CC 672.26]**
 - direction of trial of issue, **28:19 [CC 672.23(1)]**
 - finding of fitness
 - continuation of proceeding,

INDEX

FITNESS TO STAND TRIAL

—Cont'd

Trial of issue—Cont'd

finding of fitness—Cont'd

28:24 [CC 672.28]

detention in hospital, **28:25**
[CC 672.29]

finding of unfitness

burden of proof of fitness,
28:28 [CC 672.32(2)]

discharge of jury, **28:27**
[CC 672.31]

stay of proceedings, **28:91,**
28:92 [CC 672.851,
672.852]

subsequent proceedings,
28:28 [CC 672.32(1)]

permanently unfit accused
appeal from stay, **28:92**
[CC 672.852]

assessment order on inquiry,
28:91 [CC 672.851(5)]

effect of stay, **28:91 [CC**
672.851(9)]

inquiry by court re, **28:91**
[CC 672.851(1)]

notice to accused of stay
recommendation,
28:91 [CC 672.851(2)]

order of stay by court,
28:91 [CC 672.851(7),
(8)]

recommendation of stay by
Review Board, **28:91**
[CC 672.851(1)]

“Unfit to stand trial,” **1:3 [CC 2]**

FIXED PLATFORMS

Offence inside Canada

act of violence, **3:50 [CC**
78.1(2)(a)]

destroys or causes damage,
3:50 [CC 78.1(2)(b)]

destroys or causes damage to
maritime navigational

FIXED PLATFORMS—Cont'd

Offence inside Canada—Cont'd
facility, **3:50 [CC**
78.1(2)(c)]

DNA order on conviction or
discharge, **20:77, 20:81**
[CC 487.04, 487.051]

places anything likely to cause
damage, **3:50 [CC**
78.1(2)(d)]

seizes or exercises control,
3:50 [CC 78.1(1)]

threats likely to endanger
safety, **3:50 [CC 78.1(4)]**

Offence outside Canada

accessory after the fact, **2:16**
[CC 7(2.1), (2.2)]

attempt, **2:16 [CC 7(2.1),**
(2.2)]

consent to prosecution, **2:16**
[CC 7(7)]

conspiracy, **2:16 [CC 7(2.1),**
(2.2)]

counselling, **2:16 [CC 7(2.1),**
(2.2)]

deemed committed in Canada,
2:16 [CC 7(2.1), (2.2)]

DNA order on conviction or
discharge, **20:77, 20:81**
[CC 487.04, 487.051]

prosecution outside Canada,
2:16 [CC 7(6)]

FLIGHT

Police, from, **11:18 [CC 320.17]**

FOLLOWING PERSON

With intent to intimidate, **13:101**
[CC 423(1)(c), (e)]

FORCE (USE OF)

See also DEFENCES (STATU-
TORY)

Defence against provoked
assault, **2:125, 2:126 [CC**
35, 36]

FORCE (USE OF)—Cont'd

Defence against unprovoked assault, **2:120, 2:126** [CC **34, 36**]

Use of force

excess force, **2:100** [CC **26**]
in execution of process, **2:88**
[CC **25**]

excessive force, **2:100** [CC **26**]

to correct child, **2:127** [CC **43**]

to defend self, **2:120, 2:125**
[CC **34, 35**]

to enforce law, **2:88** [CC **25**]
excessive force, **2:100** [CC **26**]

to maintain discipline on vessel, **2:131** [CC **44**]

to prevent assault, **2:126** [CC **37**]

to prevent breach of peace,
2:109 [CC **30**]

to prevent commission of offence, **2:102** [CC **27**]

to prevent escape, **2:92, 2:93**
[CC **25(4), (5)**]

to suppress riot, **2:113** [CC **32**]

FORCIBLE CONFINEMENT

See CONFINEMENT

FORCIBLE DETAINER

Generally, **3:41, 3:43** [CC **72(2), 73**]

FORCIBLE ENTRY

Generally, **3:42, 3:43** [CC **72(1), 73**]

FOREIGN STATE

Communications prejudicial to conspiracy, **3:1** [CC **46(2)(e)**]
defence, **3:1** [CC **46(2)(b)**]

FOREIGN STATE—Cont'd

Communications prejudicial to
—Cont'd
punishment, **3:3** [CC **47(2)(b), (c)**]

FORENSIC DNA ANALYSIS

See also DNA IDENTIFICATION

Arrest warrant, **20:95, 39:24**
[CC **487.0551, Form 5.062**]

Authorization for second collection of bodily substances where profile not derived from initial collection,
20:107 [CC **487.091**]

execution of, **20:95, 20:103, 20:97 to 20:100, 20:104, 31:15** [CC **487.0551(2), 487.07, 487.056 to 487.058, 487.071, 703(2)**]

verification before, **20:104**
[CC **487.071**]

summons to person not in custody, **20:107, 39:23**
[CC **487.091(3), Form 5.061**]

Authorization for taking of bodily substances from offender serving sentence attempted murder, offender convicted of, **20:92** [CC **487.055(1)(c.1)**]
certificate required, **20:94**
[CC **487.055(2)**]
certificate required, **20:94** [CC **487.055(2)**]
collection of additional bodily substances where profile not derived from initial collection under, **20:107**
[CC **487.091**]
collection of bodily substances

INDEX

FORENSIC DNA ANALYSIS

—Cont'd

Authorization for taking of
bodily substances from
offender serving sentence
—Cont'd
under, **20:98** [CC
487.056(1)]
conspiracy to commit murder,
offender convicted of,
20:92 [CC
487.055(1)(c.1)]
certificate required, **20:94**
[CC **487.055(2)**]
criteria for determining
whether authorization
should issue, **20:92** [CC
487.055(3)]
dangerous offenders, **20:92**
[CC **487.055(1)(a), (b)**]
certificate required, **20:94**
[CC **487.055(2)**]
execution of, **20:95, 20:103,**
20:97 to 20:100, 20:104,
31:15 [CC **487.0551(2),**
487.07, 487.056 to
487.058, 487.071,
703(2)]
authorization of second col-
lection where unsuc-
cessful, **20:107** [CC
487.091]
detention of person, **20:103**
[CC **487.07(2)**]
duty to inform, **20:103** [CC
487.07(1)]
in another province, **31:15,**
39:24 [CC **703(2),**
Form 5.062]
manner of appearance at hear-
ing, **20:92** [CC
487.055(3.01)]
protection from liability,
20:100 [CC **487.058**]
report of peace officer

FORENSIC DNA ANALYSIS

—Cont'd

Authorization for taking of
bodily substances from
offender serving sentence
—Cont'd
manner of appearance at hear-
ing, **20:92** [CC
487.055(3.01)]—Cont'd
concerning, **20:99,**
39:25 [CC **487.057,**
Form 5.07]
respect of privacy, **20:103**
[CC **487.07(3)**]
use of bodily substances
and test results, **20:105**
[CC **487.08**]
verification before, **20:104**
[CC **487.071**]
manslaughter, offender
convicted of, **20:92** [CC
487.055(1)(e)]
murderers, **20:92** [CC
487.055(1)(c), (c.1)]
certificate required, **20:94**
[CC **487.055(2)**]
procuring attendance at hear-
ing
arrest warrant, **20:95, 39:24**
[CC **487.0551, Form**
5.062]
summons, **20:92, 39:23**
[CC **487.055(4) to (7),**
Form 5.061]
sex offenders, **20:92** [CC
487.055(1)(d)]
certificate required, **20:94**
[CC **487.055(2)**]
Bodily substances
collection, pursuant to court
order or authorization,
20:97 to 20:100, 20:103,
20:107 [CC **487.056 to**
487.058, 487.07,
487.091]

FORENSIC DNA ANALYSIS**—Cont'd**

- Bodily substances—Cont'd
 - destruction, **20:106** [CC **487.09(1), (3)**]
 - exception, **20:106** [CC **487.09(2)**]
 - investigative procedures, **20:101** [CC **487.06**]
 - limitation on uses, **20:105** [CC **487.08**]
 - offence of misuse, **20:105** [CC **487.08(4)**]
 - transmission of analysis results, **20:104** [CC **487.071(1)**]
 - transmission of unused, **20:104** [CC **487.071(2)**]
- Court order for taking of bodily substances on conviction, discharge, or NCRMD finding
 - appeal from, **20:90** [CC **487.054**]
 - criteria for determining whether order should issue, **20:81** [CC **487.051**]
 - discretion of court, **20:83, 20:84, 20:89** [CC **487.051(2) to (3), 487.053**]
 - exception, **20:83, 20:84** [CC **487.051(2), (3)**]
 - execution of, **20:95, 20:103, 20:97 to 20:100, 20:104, 31:15** [CC **487.0551(2), 487.07, 487.056 to 487.058, 487.071, 703(2)**]
 - authorization of second collection where unsuccessful, **20:107** [CC **487.091**]
 - detention of person, **20:103** [CC **487.07(2)**]

FORENSIC DNA ANALYSIS**—Cont'd**

- Court order for taking of bodily substances on conviction, discharge, or NCRMD finding—Cont'd
 - execution of, **20:95, 20:103, 20:97 to 20:100, 20:104, 31:15** [CC **487.0551(2), 487.07, 487.056 to 487.058, 487.071, 703(2)**]**—Cont'd**
 - duty to inform, **20:103** [CC **487.07(1)**]
 - in another province, **31:15, 39:24** [CC **703(2), Form 5.062**]
 - protection from liability, **20:100** [CC **487.058**]
 - report of peace officer concerning, **20:99, 39:25** [CC **487.057, Form 5.07**]
 - respect of privacy, **20:103** [CC **487.07(3)**]
 - use of bodily substances and test results, **20:105** [CC **487.08**]
 - verification before, **20:104** [CC **487.071**]
- primary designated offence
 - discretionary, **20:83, 39:18** [CC **487.051(2), Form 5.03**]
 - mandatory, **20:82, 39:18** [CC **487.051(1), Form 5.03**]
 - NCR accused, **20:84, 39:19** [CC **487.051(3), Form 5.04**]
- secondary designated offence, **20:84, 39:19** [CC **487.051(3), Form 5.04**]
- timing of, **20:89** [CC **487.053**]
- hearing, post-sentence,

INDEX

FORENSIC DNA ANALYSIS

—Cont'd

- Court order for taking of bodily substances on conviction, discharge, or NCRMD finding—Cont'd timing of, **20:89** [CC **487.053**]
 - Cont'd **20:89** [CC **487.053(2)**]
 - sentencing, upon, **20:89** [CC **487.053(1)**]
 - where not required, **20:83**, **20:89** [CC **487.051(2)**, **487.053**]
- Court order to offender to report for sampling
 - arrest warrant where non-compliance, **20:95**, **39:24** [CC **487.0551**, Form **5.062**]
 - form of, **39:20** [CC Form **5.041**]
 - non-compliance with, offence, **20:96** [CC **487.0552**]
 - power to make, **20:85**, **20:92** [CC **487.051(4)**, **487.055(3.11)**]
- Defective orders/authorizations review by AG, **20:107** [CC **487.091**]
- Definitions, **20:77**, **20:92** [CC **487.04**, **487.055(3)**]
- Destruction of bodily substances, etc., **20:106** [CC **487.09**]
- Execution of warrant, **20:95**, **20:103**, **31:15** [CC **487.0551(2)**, **487.07**, **703(2)**]
- Investigative procedures, **20:101** [CC **487.06**]
- Limitations on use of bodily substances, **20:105** [CC **487.08**]
 - failure to comply with order or

FORENSIC DNA ANALYSIS

—Cont'd

- Limitations on use of bodily substances, **20:105** [CC **487.08**]
 - Cont'd
 - summons, **20:96** [CC **487.0552**]
 - misuse of substances and results, **20:105**, **20:105** [CC **487.08(3)**, **(4)**]
- Results
 - limitation on uses, **20:105** [CC **487.08**]
 - offence of misuse, **20:105** [CC **487.08(4)**]
 - transmission of, **20:104** [CC **487.071**]
- Summons to report for sampling
 - form of, **39:23** [CC Form **5.061**]
 - non-compliance with, offence, **20:96** [CC **487.0552**]
 - power to issue, **20:92**, **20:107** [CC **487.055(4)**, **487.091(3)**]
 - warrant on non-compliance, **20:95** [CC **487.0551**]
- Warrant to obtain bodily substances
 - criteria, **20:80** [CC **487.05(2)**]
 - detention of person named, **20:103** [CC **487.07(2)**]
 - execution, **20:103** [CC **487.07(1)**]
 - against young person, **20:103** [CC **487.07(4)**, **(5)**]
 - detention of person, **20:103** [CC **487.07(2)**]
 - duty to inform, **20:103** [CC **487.07(1)**]
 - protection from liability, **20:100** [CC **487.058**]
 - report of peace officer

FORENSIC DNA ANALYSIS**—Cont'd**

- Warrant to obtain bodily substances—Cont'd
 - execution, **20:103** [CC **487.07(1)**]—Cont'd concerning, **20:99** [CC **487.057**]
 - respect of privacy, **20:103** [CC **487.07(3)**]
 - form of, **39:17** [CC Form **5.02**]
 - information to obtain warrant, **20:78, 39:16** [CC **487.05, Form 5.01**]
 - sealing order for, **20:115** [CC **487.3**]
 - respect of privacy, **20:103** [CC **487.07(3)**]
 - telewarrant, **20:78** [CC **487.05(3)**]
 - terms and conditions, **20:101** [CC **487.06(2)**]
 - use of substances and analysis results, **20:105** [CC **487.08**]
 - Young person, **20:77** [CC **487.04**]

FORFEITURE

See also CHILD

PORNOGRAPHY; FORFEITURE (OFFENCE-RELATED PROPERTY); PROCEEDS OF CRIME; RECOGNIZANCE

- Disposition of proceeds, **34:54** [CC **723**]
- Effect of proceeds of crime provisions, **17:37** [CC **462.49**]
- Order for forfeiture, **20:194** [CC **491.1**]
- Recovery by civil proceedings, **34:56** [CC **724**]
- Remission, **34:200** [CC **750(1)**]

FORFEITURE—Cont'd

Things forfeited

- child pornography, **7:61** [CC **164(4), (5)**]
- counterfeit money, token or equipment, **15:30** [CC **462**]
- crime comic, **7:61** [CC **164(4), (5)**]
- device to obtain computer system, **12:81** [CC **342.2(2), (3)**]
- device to obtain telecommunications service, **12:43, 12:44** [CC **327(2), (3)**]
- explosive, **20:196** [CC **492(2), (3)**]
- FDA, **2:102, 2:127, 2:131** [CC **27, 43(4), 44**]
- goods unlawfully carried, **13:67** [CC **401(2)**]
- hate propaganda, **10:408, 10:411** [CC **319, 320**]
- instruments for forging or falsifying credit cards, **12:78** [CC **342.01(2), (3)**]
- interception device, **8:54** [CC **192**]
- lottery or gaming material, **9:9, 9:37, 9:38** [CC **199, 206(5), (6)**]
- mineral or precious metal, **13:51, 13:53** [CC **394, 395**]
- obscene matter, **7:61**, [CC **164(4), (5)**]
- offence-related property, **20:178, 44:49** [CC **490.1, CDA 20**]
- things seized pursuant to search warrant, **20:129** [CC **490(9)**]

INDEX

FORFEITURE—Cont'd

- Things forfeited—Cont'd
 - things used for child luring, **7:65 [CC 164.2]**
 - things used for child pornography, **7:65 [CC 164.2]**
 - things used for movie piracy, **14:22 [CC 432(3), (4)]**
 - trademarked goods, **13:88 [CC 412(2)]**
 - used goods, **13:88 [CC 412(2)]**
 - weapon, **5:54, 20:193 [CC 102(3), 491]**

**FORFEITURE
(OFFENCE-RELATED
PROPERTY)**

- Dwelling house
 - criteria/factors to be considered, **20:184, 44:47 [CC 490.41(4), CDA 19.1(4)]**
 - non-forfeiture of property, **20:184, 44:47 [CC 490.41(3), CDA 19.1(3)]**
 - notice requirements, **20:184, 44:47 [CC 490.41(1) to (2), CDA 19.1(1) to (2)]**
- In rem forfeiture, application for, **20:181, 44:44 [CC 490.2(1), CDA 17(1)]**
- “Judge” defined, **20:180 [CC 490.2(5)]**
- Management order
 - appointment of Minister to manage, **20:191, 44:38 [CC 490.81(2), CDA 14.1(2)]**
 - destruction of property pursuant to, **20:191, 44:38 [CC 490.81(4) to (7), CDA 14.1(4) to (7)]**
 - duration of, **20:191, 44:38**

FORFEITURE

**(OFFENCE-RELATED
PROPERTY)—Cont'd**

- Management order—Cont'd
 - [**CC 490.81(8), CDA 14.1(8)**]
 - power of court, **20:191, 44:38 [CC 490.81(1), (7), (7), CDA 14.1(1)]**
 - power to manage, **20:191, 44:38 [CC 490.81(1), (3) to (4), CDA 14.1(1)]**
 - variation of, **20:191, 44:38 [CC 490.81(9), CDA 14.1(9)]**
- Notice of application, **20:183, 44:46 [CC 490.4(1), CDA 19(1)]**
 - manner of giving notice, **20:183, 44:46 [CC 490.4(2), CDA 19(2)]**
- Order declaring interest not affected by forfeiture, **20:186, 44:49 [CC 490.5(4), CDA 20(4)]**
 - appeal from order, **20:186, 44:49 [CC 490.5(5), CDA 20(5)]**
 - application for order, **20:187, 44:49 [CC 490.5(1), CDA 20(1)]**
 - fixing date for hearing, **20:186, 44:49 [CC 490.5(2), CDA 20(2)]**
 - notice of application, **20:186, 44:49 [CC 490.5(3), CDA 20(3)]**
 - return of property, **20:186, 44:49 [CC 490.5(6), CDA 20(6)]**
 - suspension of order pending appeal, **20:189, 44:51 [CC 490.7, CDA 22]**

FORFEITURE**(OFFENCE-RELATED PROPERTY)—Cont'd**

- Order of forfeiture of property, **20:180, 44:44** [CC 490.2(2), CDA 17(2)]
 - absconded accused, **20:180, 44:44** [CC 490.2(3), CDA 17(2), (3)]
 - appeals from orders, **20:188, 44:50** [CC 490.6, CDA 21]
 - dwelling house
 - criteria/factors to be considered, **20:184, 44:47** [CC 490.41(4), CDA 19.1(4)]
 - non-forfeiture of property, **20:184, 44:47** [CC 490.41(3), CDA 19.1(3)]
 - notice requirements, **20:184, 44:47** [CC 490.41(1) to (2), CDA 19.1(1) to (2)]
 - property outside Canada, **20:178, 20:180, 44:41** [CC 490.1(2.1), 490.2(4.1), CDA 16(2.1)]
 - suspension of order pending appeal, **20:189, 44:51** [CC 490.7, CDA 22]
 - who may dispose of forfeited property, **20:180, 44:44** [CC 490.2(4), CDA 17(4)]
- Order of forfeiture on conviction, **20:179, 44:42** [CC 490.1(1), CDA 16(1)]
 - appeal from order, **20:178, 44:41** [CC 490.1(3), CDA 16(3)]
 - dwelling house
 - criteria/factors to be considered, **20:184,**

FORFEITURE**(OFFENCE-RELATED PROPERTY)—Cont'd**

- Order of forfeiture on conviction, **20:179, 44:42** [CC 490.1(1), CDA 16(1)]
 - Cont'd
 - dwelling house—Cont'd
 - 44:47** [CC 490.41(4), CDA 19.1(4)]
 - non-forfeiture of property, **20:184, 44:47** [CC 490.41(3), CDA 19.1(3)]
 - notice requirements, **20:184, 44:47** [CC 490.41(1) to (2), CDA 19.1(1) to (2)]
 - property outside Canada, **20:178, 44:41** [CC 490.1(2.1), CDA 16(2.1)]
 - property related to other offences, **20:178, 44:43** [CC 490.1(2), CDA 16(2)]
 - suspension of order pending appeal, **20:189, 44:51** [CC 490.7, CDA 22]
- Property outside Canada, **20:178, 20:180, 44:41, 44:44** [CC 490.1(2.1), 490.2(4.1), CDA 16(2.1), 17(5)]
- Recognizance, **20:192, 44:39** [CC 490.9(2), CDA 15(2)]
- Restoration of property, **20:183, 44:46** [CC 490.4(3), CDA 19(3)]
- Restraint order, **20:190, 44:37** [CC 490.8, CDA 14]
 - application for, **20:190, 44:37** [CC 490.8(1), CDA 14(1)]
 - conditions, **20:190, 44:37** [CC 490.8(4), CDA 14(2)]

INDEX

FORFEITURE

(OFFENCE-RELATED PROPERTY)—Cont'd

- Restraint order, **20:190, 44:37** [CC 490.8, CDA 14]
 - Cont'd
 - management order pending restraint, **20:191** [CC 490.81]
 - order, **20:190, 44:37** [CC 490.8(3) to (3.1), CDA 14(3) to (4)]
 - continues in force, **20:190, 44:37** [CC 490.8(8), CDA 14(9)]
 - contravention of, **20:190, 44:37** [CC 490.8(9), CDA 14(10)]
 - in writing, **20:190, 44:37** [CC 490.8(5), CDA 14(6)]
 - property outside Canada, **20:190, 44:37** [CC 490.8(3.1), CDA 14(4)]
 - registration of, **20:190, 44:37** [CC 490.8(7), CDA 14(8)]
 - service of, **20:190, 44:37** [CC 490.8(6), CDA 14(7)]
 - procedure, **20:190, 44:37** [CC 490.8(2), CDA 14(2)]
- Sections 489.1 and 490 applicable, **20:192, 44:39** [CC 490.9(1), CDA 15(1)]
- Transfers, voidable, **20:182, 44:45** [CC 490.3, CDA 18]

FORGERY

- See also COUNTERFEITING; UTTERING
- Credit card, **12:76** [CC 342(1)(b)]

FORGERY—Cont'd

- Elements of offence
 - definition, **12:188** [CC 366(1)]
 - “make false document,” **12:187** [CC 366(2)]
 - when complete, **12:187** [CC 366(3)]
 - Exchequer bill paper, public seals, **12:200** [CC 369]
 - Impounding forged instrument, **40:107** [CEA 35]
 - Obtaining property by instrument based on forgery, **12:210** [CC 375]
 - Passport, **3:15** [CC 57]
 - Public seal, **12:200** [CC 369(c)]
 - Punishment for forgery, **12:189** [CC 367]
 - Trademark, **13:79, 13:80** [CC 406, 407]
 - forfeiture, **13:88** [CC 412(2)]
 - possession of instrument, **13:83** [CC 409]
 - punishment, **13:88** [CC 412(1)]
 - Uttering forged document, **12:191** [CC 368]
- ### FORMS
- Deemed good and sufficient, **39:10** [CC 849(1)]
 - No seal required, **39:9** [CC 849(2)]
 - Official languages, **39:9** [CC 849(3)]
- ### FRAUD
- See also FALSE PRETENCES
 - Aggravating circumstances, **13:25** [CC 380.1(1) to (1.1)]
 - Indictment
 - sufficiency of counts, **27:36, 27:41** [CC 583, 586]

FRAUD—Cont'd

- Non-mitigating factors, **13:25** [CC **380.1(2)**]
- Offences
 - affecting public market, **13:6** [CC **380(2)**]
 - aggravating circumstances, **13:25** [CC **380.1(1) to (1.1)**]
 - non-mitigating factors, **13:25** [CC **380.1(2)**]
 - record of sentencing factors, **13:25** [CC **380.1(3)**]
- artificial securities transactions, **13:30** [CC **382**]
- aggravating circumstances, **13:25** [CC **380.1(1) to (1.1)**]
- non-mitigating factors, **13:25** [CC **380.1(2)**]
- record of sentencing factors, **13:25** [CC **380.1(3)**]
- bottling under another's mark or name, **13:85** [CC **410(b)**]
- forfeiture, **13:88** [CC **412(2)**]
- punishment, **13:88** [CC **412(1)**]
- broker reducing stock by selling for own account, **13:35** [CC **384**]
- cheating at play, **9:46** [CC **209**]
- concealment of title document, **13:36** [CC **385**]
- consignment sale, fraudulent disposition, **13:42** [CC **389**]
- defacing trademark or name, **13:85** [CC **410(a)**]
- forfeiture, **13:88** [CC **412(2)**]
- punishment, **13:88** [CC **412(1)**]

FRAUD—Cont'd

- Offences—Cont'd
 - defrauding creditors
 - false financial statement, **12:169** [CC **362**]
 - false prospectus, **13:60** [CC **400**]
 - aggravating circumstances, **13:25** [CC **380.1(1) to (1.1)**]
 - non-mitigating factors, **13:25** [CC **380.1(2)**]
 - record of sentencing factors, **13:25** [CC **380.1(3)**]
 - falsifying book or document, **13:55** [CC **397**]
 - fraudulent conveyance, **13:46** [CC **392**]
- defrauding public or person, **13:5** [CC **380(1)**]
- aggravating circumstances, **13:25** [CC **380.1(1) to (1.1)**]
- jurisdiction of provincial court judge, **25:2**, **25:13** [CC **553(a)(iv)**, **555(2)**]
- minimum punishment, **13:4** [CC **380(1.1)**]
- non-mitigating factors, **13:25** [CC **380.1(2)**]
- prohibition order, **13:27** [CC **380.2**]
- record of sentencing factors, **13:25** [CC **380.1(3)**]
- restitution order, **34:121**, **39:64**, **34:123** [CC **738**, **Form 34.1**, **739**]
- false prospectus, **13:60** [CC **400**]
- aggravating circumstances, **13:25** [CC **380.1(1) to (1.1)**]

INDEX

FRAUD—Cont'd

- Offences—Cont'd
 - false prospectus, **13:60** [CC **400**]—Cont'd
 - non-mitigating factors, **13:25** [CC **380.1(2)**]
 - record of sentencing factors, **13:25** [CC **380.1(3)**]
 - falsifying book or document, **13:55** [CC **397**]
 - falsifying pedigree, **13:36** [CC **385**]
 - fare or toll collection, **13:49** [CC **393**]
 - trial jurisdiction, **25:2** [CC **553(c)(viii)**]
 - forgery of trademark, **13:79**, **13:80** [CC **406**, **407**]
 - fraud by government official, **6:17** [CC **122**]
 - fraud generally, **13:5** [CC **380(1)**]
 - punishment
 - aggravating circumstances, CC **380.1(1) to (1.1)** [CC **380.1(1) to (1.1)**]
 - minimum punishment, **13:4** [CC **380(1.1)**]
 - non-mitigating factors, **13:25** [CC **380.1(2)**]
 - not exceeding 01675,000, **13:4** [CC **380(1)(b)**]
 - over 01675,000, **13:4** [CC **380(1)(a)**, **(1.1)**]
 - prohibition order, **13:27** [CC **380.2**]
 - record of sentencing factors, **13:25** [CC **380.1(3)**]
 - restitution order, **34:121**, **39:64**, **34:123** [CC

FRAUD—Cont'd

- Offences—Cont'd
 - fraud generally, **13:5** [CC **380(1)**]—Cont'd
 - punishment—Cont'd
 - 738**, **Form 34.1**, **739**
 - fraud in relation to mineral or precious metal, **13:51** [CC **394**]
 - fraud in relation to public stores, **13:94** [CC **418**]
 - fraudulent concealment, **12:74** [CC **341**]
 - title documents, **13:36** [CC **385**]
 - fraudulent conveyance, **13:46** [CC **392**]
 - fraudulent receipt under Bank Act, **13:43** [CC **390**]
 - fraudulent registration of title, **13:38** [CC **386**]
 - fraudulent sale of land, **13:38**, **13:39** [CC **386**, **387**]
 - fraudulent use of citizenship certificate, **3:17** [CC **58**]
 - fraud upon government, **6:11** [CC **121**]
 - loss of capacity to contract, **34:196** [CC **748(3)**, **(4)**]
 - gaming in stocks or merchandise, **13:34** [CC **383**]
 - general offence and punishment, **13:5**, **13:4** [CC **380(1)**, **(1.1)**]
 - insider trading, prohibited, **13:33** [CC **382.1**]
 - aggravating circumstances, **13:25** [CC **380.1 to (1.1)**]
 - non-mitigating factors, **13:25** [CC **380.1(2)**]

FRAUD—Cont'd

- Offences—Cont'd
 - insider trading, prohibited, **13:33 [CC 382.1]**
 - Cont'd
 - record of sentencing factors, **13:25 [CC 380.1(3)]**
 - jurisdiction of provincial court judge, **25:2, 25:13 [CC 553(a)(iv), 555(2)]**
 - obtaining credit by fraud, **12:169 [CC 362(1)(b)]**
 - punishment, **12:172 [CC 362(3)]**
 - obtaining execution of valuable security, **12:179 [CC 363]**
 - obtaining food and lodging, **12:182 [CC 364(1)]**
 - obtaining property by instrument based on forgery, **12:210 [CC 375]**
 - obtaining transportation, **13:49 [CC 393]**
 - jurisdiction of provincial court judge, **25:2 [CC 553(c)(viii)]**
 - passing off, **13:82 [CC 408]**
 - forfeiture, **13:88 [CC 412(2)]**
 - punishment, **13:88 [CC 412(1)]**
 - purported receipt, **13:41 [CC 388]**
 - salting mine or sample, **13:54 [CC 396]**
 - title documents
 - fraudulent registration, **13:38 [CC 386]**
 - using mails to defraud, **13:29 [CC 381]**
 - uttering counterfeit or noncurrent coin, **15:11 [CC 453]**

FRAUD—Cont'd

- Order for particulars, **27:43 [CC 587]**
- Prohibition order, **13:27 [CC 380.2]**
 - breach offence, **13:27 [CC 380.2(4)]**
 - duration, **13:27 [CC 380.2(2)]**
 - power to make, **13:27 [CC 380.2(1)]**
 - variation, **13:27 [CC 380.2(3)]**

FRAUDULENT**CONCEALMENT**

- Generally, **12:74 [CC 341]**
- Mineral or precious metal, **13:51 [CC 394(1)]**
- Registration of title, **13:38 [CC 386]**
- Title document, **13:37 [CC 385(1)]**

FRAUDULENT CONVEYANCE

- Generally, **13:46 [CC 392]**

FRAUDULENT**MISREPRESENTATION**

- Generally, **12:168 [CC 361]**

“FREE AND DEMOCRATIC SOCIETY”

- Generally, **41:3 [CA 1]**

FREEDOM OF ASSOCIATION

- Generally, **41:6 [CA 2(d)]**

FREEDOM OF CONSCIENCE AND RELIGION

- Generally, **41:6 [CA 2(a)]**

FREEDOM OF PEACEFUL ASSEMBLY

- Generally, **41:6 [CA 2(c)]**

FREEDOM OF PRESS AND OTHER MEDIA OF COMMUNICATIONS

- Generally, **41:6 [CA 2(b)]**

INDEX

**FREEDOM OF THOUGHT,
BELIEF, OPINION AND
EXPRESSION**

Generally, **41:6** [CA 2(b)]

FUNDAMENTAL FREEDOMS

Generally, **41:6** [CA 2]

FUNDAMENTAL JUSTICE

Generally, **41:22** [CA 7]

GAMBLING

See also **BETTING**; **GAMING**;
LOTTERY

Controlling property for
gambling, **9:20** [CC
202(1)(c)]

assisting offence, **9:20** [CC
202(1)(j)]

Dealing in or keeping gambling
device, **9:20** [CC
202(1)(b)]

assisting offence, **9:20** [CC
202(1)(j)]

Exemptions from offences, **9:28**
[CC **204**]

Importing information, **9:20** [CC
202(1)(g)]

assisting offence, **9:20** [CC
202(1)(j)]

Punishment, **9:22** [CC **202(2)**]

GAMING

See also **BETTING**;
DISORDERLY HOUSE;
GAMBLING; **LOTTERY**

Agreeing to purchase or sell
privileges, **8:26**, **9:20** [CC
186(1)(e), **202(1)(e)**]

assisting offence, **8:26**, **9:20**
[CC **186(1)(j)**, **202(1)(j)**]

exemption from offence, **9:29**
[CC **204(1)**]

punishment, **9:22** [CC **202(2)**]

Buying lots; cards or tickets,
9:36 [CC **206(4)**]

GAMING—Cont'd

Cheating at play, **8:54** [CC **192**]

Conducting game, **9:32** [CC
206(1)(d) to (f)]

exception for agricultural fair,
9:35 [CC **206(3)**]

Dealing in lots, cards or tickets,
9:32 [CC **206(1)(b)**]

Exceptions for joint property,
bank premiums
calls of securities, **9:32** [CC
206(8)]

Forfeiture of property, **9:37**, **9:38**
[CC **206(5)**, **(6)**]

Gaming in stocks or
merchandise, **13:34** [CC
383(1)]

Inducing stake, **9:32** [CC
206(1)(g)]

exception for agricultural fair,
9:35 [CC **206(3)**]

Jurisdiction of provincial court
judge, **25:2** [CC **553(c)(i)**
to **(v)**]

Making or advertising scheme,
9:32 [CC **206(1)(a)**]

Sending device or scheme, **9:32**
[CC **206(1)(c)**]

Three-card monte
conducting game, **9:32** [CC
206(1)(h)]

defined, **9:34** [CC **206(2)**]
permitting game, **9:32** [CC
206(1)(j)]

receiving bets, **9:32** [CC
206(1)(i)]

GAS

Theft, **12:38** [CC **326**]

GENERAL WARRANT

Generally, **20:47** [CC **487.01**]

Information to obtain warrant,
20:47 [CC **487.01**]

sealing order for, **20:115** [CC
487.3]

GENOCIDE

See also HATE PROPAGANDA

Advocating genocide, **10:407**
[CC 318(1)]

consent to prosecution, **10:406**
[CC 318(3)]

“Genocide,” **10:406** [CC
318(2)]

“Identifiable group,” **10:406**
[CC 318(4)]

GIFT

To defraud creditors, **13:46** [CC
392]

GOVERNMENT

Appointment, proof, **40:73**,
40:74 [CEA 21, 22]

Conduct of lotteries, **9:40** [CC
207]

DISCLOSURE OF INFORMA-
TION, See DISCLOSURE

“Government,” **6:1** [CC 118]

Offences

corruption

breach of trust by official,
6:17 [CC 122]

bribery of official, **6:11** [CC
121]

loss of capacity to
contract, **34:196**
[CC 748(3), (4)]

contractor subscribing to
election fund, **6:13** [CC
121(2)]

loss of capacity to contract,
34:196 [CC 748(3),
(4)]

“official,” **6:1** [CC 118]

counterfeiting

government mark, **12:211**
[CC 376(2)]

“mark,” **12:211** [CC
376(3)]

GOVERNMENT—Cont’d

Offences—Cont’d

counterfeiting—Cont’d
proclamation, **13:96** [CC
420]

seal, **12:200** [CC 369]

fraud by official, **6:17** [CC
122]

“official,” **6:1** [CC 118]

fraud upon government, **6:11**
[CC 121]

loss of capacity to contract,
34:196 [CC 748(3),
(4)]

influencing appointments,
6:26 [CC 125]

“office,” **6:1** [CC 118]

“official,” **6:1** [CC 118]

printing or using likeness of
securities, **15:20** [CC
457]

records and documents

certified copy as evidence,
40:77, 40:79, 40:81
[CEA 24, 25, 26(1)]

notice of production of
copy, **40:83** [CEA 28]

photograph as evidence,
40:93 [CEA 31]

record as evidence, **40:80**
[CEA 26]

young offenders, **42:136**
[YCJA 116(1)]

sedition, **3:18 to 3:24** [CC 59
to 62]

selling or purchasing office,
6:25, 6:26 [CC 124, 125]

loss of capacity to contract,
34:200 [CC 750]

tobacco, relating to, **6:16** [CC
121.1]

treason, see Treason

GOVERNOR IN COUNCIL

Direction for payment of penalty,
34:104 [CC 734.4(3)(b)]

INDEX

GOVERNOR IN COUNCIL

—Cont'd

- Order prohibiting drilling, **3:37** [CC 70]
- Order restoring capacity to contract, **34:200** [CC 750(4)]
- Pardon
 - grant, **34:196** [CC 748]
- Prescription of distinguishing marks, **13:92** [CC 416]
- Remission of penalties, **34:200** [CC 750]
- Uniform rules of court, **19:35** [CC 482(5)]

GUARDIAN

- See ABDUCTION; PARENT OR GUARDIAN

HABEAS CORPUS

- Appeal, **37:30, 37:27** [CC 784(3), (4), (5)]
- Arrest or detention, **2:26** [CC 10(c)]
- Availability
 - defect in form, **37:23** [CC 782]
 - review of warrant of committal, **37:23** [CC 782]
- No re-application without fresh evidence, **37:30** [CC 784(3)]
- Nunavut, **26:3** [CC 573.2]
- Order for further detention, **37:7** [CC 775]
- Presence of accused mandatory on application, **27:205, 37:6** [CC 650.01(3)(a)(iii), 774.1]
- Protection of judicial officer, **37:25** [CC 783]
- Rules of court, **19:35** [CC 482(2)(c)]

HABEAS CORPUS—Cont'd

- Want of proof of enactment not ground, **37:21** [CC 781]

HANDWRITING

- Proof, **40:32** [CEA 8]

HARASSING

COMMUNICATIONS

- See also TELEPHONE
- Generally, **12:205** [CC 372(3)]

HARBOUR

- See also ACCESSORY AFTER FACT
- Removing natural bar, **14:51** [CC 440]
- defence, **14:4** [CC 429(2)]

HATE PROPAGANDA

- See also GENOCIDE
- Advocating genocide, **10:407** [CC 318(1)]
 - consent of attorney general required, **10:406** [CC 318(3)]
 - “genocide,” **10:406** [CC 318(2)]
 - “identifiable group,” **10:406** [CC 318(3)]
- Forfeiture on conviction, **10:408** [CC 319(4)]
- Public incitement of hatred, **10:409** [CC 319(1)]
 - “communicating,” **10:408** [CC 319(7)]
 - “identifiable group,” **10:408** [CC 319(7)]
 - “public place,” **10:408** [CC 319(7)]
 - “statements,” **10:408** [CC 319(7)]
- Warrant of seizure, **10:411, 10:412** [CC 320, 320.1]

HATE PROPAGANDA—Cont'd

Wilful promotion of hatred,
10:410 [CC 319(2)]
 “communicating,” **10:408**
[CC 319(7)]
 consent of attorney general
 required, **10:408 [CC**
319(6)]
 defence, **10:408 [CC 319(3)]**
 “identifiable group,” **10:408**
[CC 319(7)]
 “statements,” **10:408 [CC**
319(7)]

HATRED

See HATE PROPAGANDA;
 INCITEMENT OF
 HATRED

HIGH-RISK ACCUSED

APPEAL, See also REVIEW OF
 FINDING
 decision of court, **28:69 [CC**
672.64(4)]
 decision of Review Board,
28:86, 28:89 [CC
672.81(1.5), 672.84(6)]
 Application to court
 appeal of decision, **28:69 [CC**
672.64(4)]
 detention order, **28:69 [CC**
672.64(3)]
 factors considered, **28:69 [CC**
672.64(2)]
 finding, **28:69 [CC 672.64(1),**
672.64(5)]
 Assessment order
 by court, **28:2 [CC**
672.11(d.1)]
 by Review Board, **28:4 [CC**
672.121(c)]
 Defined, **28:1 [CC 672.1(1)]**
 Detention of, **28:69 [CC**
672.64(3)]

HIGH-RISK ACCUSED**—Cont'd**

Detention order
 by court, **28:69 [CC**
672.64(3)]
 Disposition hearing
 exceptions, **28:43 [CC**
672.47(4)]
 extension of time for, **28:43**
[CC 672.47(5)]
 mandatory review of disposi-
 tion by Board, **28:86 [CC**
672.81]
 notice to victim: referral to
 court, **28:46 [CC**
672.5(13.3)]
 procedure generally, **28:46**
[CC 672.5]
 protective conditions, **28:58**
[CC 672.542]
 “significant threat to safety of
 public,” **28:56 [CC**
672.5401]
 victim impact statements,
28:46, 28:57 [CC
672.5(14) to (15.3),
672.541]
 Factors to consider, **28:69 [CC**
672.64(2)]
 Findings, **28:69 [CC 672.64(1)]**
 Protected statements
 admissibility, **28:14 [CC**
672.21(3)(c)]
 Review proceedings
 appeal re finding, **28:89 [CC**
672.84(6)]
 extension of time, **28:86 [CC**
672.81(1.31) to (1.32)]
 hearing and disposition, **28:89**
[CC 672.84(4)]
 referral to court, **28:89 [CC**
672.84(1)]
 review of conditions by
 Board, **28:89 [CC**

INDEX

HIGH-RISK ACCUSED

—Cont'd

- Review proceedings—Cont'd
 - 672.84(2), 672.84(5)
 - review of dispositions by Board, mandatory, 28:86 [CC 672.81]
 - review of finding by court, 28:89 [CC 672.84(3)]
- Transfer of proceedings, 28:96, 28:97 [CC 672.88, 672.89]
- Variation of restrictions, 28:61, 28:69 [CC 672.56(1.1), 672.64(3)]

HIGH TREASON

- See also TREASON
- Conspiracy to commit, 3:1 [CC 46(2)(c)]
- Corroboration, 3:3 [CC 47(3)]
- Delivery of trial documents, 27:87 [CC 604]
- Indictment
 - specific charge, 27:35 [CC 582]
 - statement of overt acts, 27:25, 27:77 [CC 581(4), 601(9)]
- Judicial review of parole ineligibility, 34:184 [CC 745.6]
- Offence defined, 3:2, 3:1 [CC 46(1), (3)(a)]
- Overt acts
 - evidence, 3:12 [CC 55]
 - statement in indictment, 27:25, 27:77 [CC 581(4), 601(9)]
- Punishment, 3:3, 34:167 [CC 47(1), 745(a)]
- Trial jurisdiction, 19:1, 19:2 [CC 468, 469(a)(i)]
 - accessory after fact, 19:2 [CC 469(b)]
 - attempt, 19:2 [CC 469(d)]
 - conspiracy, 19:2 [CC 469(e)]

HIGHWAY

- Defined, 1:3 [CC 2]
- Obstructing, 13:101 [CC 423(1)(g)]

HIJACKING

- See also AIRCRAFT
- Consent to prosecution, 2:16 [CC 7(7)]
- Interim release, 21:100 [CC 522(1)]
- Offence of hijacking, 3:46 [CC 76]
 - DNA order on conviction or discharge, 20:77, 20:81 [CC 487.04, 487.051]
 - outside Canada, 2:16 [CC 7(7)]

HOAX REGARDING

TERRORIST ACTIVITY

- Generally, 4:32 [CC 83.231]

HOLIDAY

- Issue and execution of process, 2:62 [CC 20]
- Taking of verdict, 27:234 [CC 654]

HOME INVASION

- Sentencing, aggravating circumstance, 12:113 [CC 348.1]

HOMICIDE

- See also DEATH;
INFANTICIDE; MAN-SLAUGHTER; MURDER
- Causing death
 - acceleration of death, 10:42 [CC 226]
 - death from injury treatment, 10:40 [CC 225]
 - preventable death, 10:39 [CC 224]

HOMICIDE—Cont'd

Culpable homicide
 defined, **10:33** [CC 222(4),
 (5)]
 not by influence on mind,
10:45 [CC 228]

Homicide
 defined, **10:34** [CC 222(1)]
 exception re false evidence,
10:33 [CC 222(6)]
 kinds, **10:35** [CC 222(2)]

Non-culpable homicide, **10:35**,
10:37 [CC 222(2), (3)]

HOSTAGE TAKING

See also ABDUCTION;
 HOSTAGE TAKING;
 KIDNAPPING; TRAF-
 FICKING IN PERSONS

Culpable homicide constituting
 murder, **10:67** [CC
 231(5)(f)]

Defences

compulsion (no defence), **2:50**
 [CC 17]

Defined, **10:327** [CC 279.1(1)]

DNA order on conviction or dis-
 charge, **20:77**, **20:81** [CC
 487.04, 487.051]

Internationally protected person,
 outside Canada, **2:16** [CC
 7(3)]

Offence outside Canada, **2:16**,
 [CC 7(3), (3.1), (3.71)]

Punishment

general, **10:327** [CC 279.1(2)]

threat against internationally
 protected person, **2:16**,
13:109 [CC 7(3), 424]

where firearm used, **10:327**
 [CC 279.1(2)(a), (a.1)]

subsequent offences, **10:327**
 [CC 279.1(2.1), (2.2)]

United Nations or associated
 personnel, outside Canada,

HOSTAGE TAKING—Cont'd
2:16 [CC 7(3.71)]

HUMAN TRAFFICKING

See TRAFFICKING, PERSONS

**ICE, DUTY TO SAFEGUARD
OPENING IN**

Generally, **10:219**, **10:218** [CC
 263(1), (3)]

**IDENTITY THEFT AND
IDENTITY FRAUD**

Definition of identity informa-
 tion, **13:70** [CC 402.1]

Identity fraud, **13:72** [CC 403]

Identity theft, **13:71** [CC 402.2]

Trafficking in identity informa-
 tion, **13:71** [CC 402.2(2)]

IGNORANCE OF LAW

No defence, **2:58** [CC 19]

IMPAIRED DRIVING

See MOTOR VEHICLES

IMPORTING

Anything knowing it will be
 used to produce ecstasy or
 methamphetamine, **44:21**
 [CDA 7.1]

Anything knowing it will be
 used to traffic in ecstasy or
 methamphetamine, **44:21**
 [CDA 7.1]

Child pornography, **7:56** [CC
 163.1(3)]

Controlled substances, **44:17**,
44:18 [CDA 6(1), (3)]

Information promoting
 gambling, **9:20** [CC
 202(1)(g)]

assisting offence, **9:20** [CC
 202(1)(j)]

punishment, **9:22** [CC 202(2)]

Presumption from port of ship-
 ment, **13:90** [CC 414]

INDEX

IMPORTING—Cont'd

- Proceeds of property obtained by crime
 - in rem prohibition, **12:154** [CC 355.3]
- Prohibited weapon, **5:55, 5:56** [CC 103, 104]
- Property obtained by crime,
 - 12:154, 12:160** [CC 355.3, 357]
 - in rem prohibition, **12:154** [CC 355.3]
- Restricted weapon, **5:55, 5:56** [CC 103, 104]
- Weapon, by serviceman, officer, museum, **5:89, 5:91** [CC 117.07, 117.08]

IMPRESSION WARRANT

- Generally, **20:109** [CC 487.092]

IMPRISONMENT

- See PUNISHMENT;
SENTENCE

INCEST

- Generally, **7:23** [CC 155]
- No corroboration required,
 - 10:277** [CC 274]
- Order of prohibition, **7:33** [CC 161]
- Removal of child from Canada with intent, **10:275** [CC 273.3(1)(c)]

INCITEMENT OF HATRED

- Generally, **10:408** [CC 319]

INCITEMENT TO MUTINY

- Generally, **3:10** [CC 53]
- Evidence of overt acts, **3:12** [CC 55]
 - statement in indictment,
 - 27:25, 27:77** [CC 581(4), 601(9)]
- Superior court jurisdiction, **19:1, 19:2** [CC 468, 469(a)(iv)]

INCLUDED OFFENCES

- Plea of guilty, **27:90** [CC 606(4) to (4.4)]
- Specified included offences
 - in break, enter and commit, **27:253** [CC 662(6)]
 - in break, enter and steal firearm, **27:253** [CC 662(6)]
 - in criminal negligence causing death/bodily harm, **27:253** [CC 662(5)]
 - in first degree murder, **27:255** [CC 662(2)]
 - in infanticide/child murder, **27:257** [CC 662(4)]
 - in manslaughter, **27:253** [CC 662(5)]
 - in murder, **27:256, 27:257** [CC 662(3), (4)]

INDECENCY

- See also EXPOSURE;
OBSCENITY
- Exposure to person under 16, **7:92** [CC 173(2)]
- Indecent act, **7:91** [CC 173(1)]
- Indecent communications, **12:205** [CC 372(2)]
- Indecent exhibition, **7:99** [CC 175(1)(b)]
- Indecent matter
 - delivery by mail, **7:74** [CC 168]
 - punishment, **7:77** [CC 169]
- Indecent show, **7:42** [CC 163(2)(b)]
 - motive irrelevant, **7:48** [CC 163(5)]
 - punishment, **7:77** [CC 169]
 - service of public good as defence, **7:45, 7:47** [CC 163(3), (4)]

INDECENCY—Cont'd

Indecent theatrical performance
presenting or allowing, **7:75**
[CC 168(1)]
punishment, **7:77** [CC 169]
taking part, **7:70** [CC 167(2)]

INDECENT ACT

See INDECENCY

**INDEMNIFICATION OF
SURETY**

Acceptance by surety, **6:67** [CC
139(1)(b)]
Of surety, **6:67** [CC 139(1)(a)]

**INDICTMENT (FORM AND
SUBSTANCE)**

See also JOINDER OF
ACCUSED AND COUNTS
Amendment, **27:79, 27:80** [CC
601(2), (3)]
adjournment where prejudice,
27:82 [CC 601(5)]
as question of law, **27:83** [CC
601(6)]
at preliminary inquiry, **27:77**
[CC 601(11)]
considerations on amendment,
27:81 [CC 601(4)]
“court,” **27:77** [CC 601(10)]
defect in form or substance,
27:77 [CC 601(3)(b),
(c)]
endorsement, **27:77** [CC
601(7)]
indictment under wrong Act,
27:77 [CC 601(3)(a)]
objection by motion to quash,
27:78 [CC 601(1)]
record of amended indictment,
27:77, 27:121 [CC
601(7), 625]
Conviction of included offence,
27:253 [CC 662]

**INDICTMENT (FORM AND
SUBSTANCE)—Cont'd**

Form of indictment, **25:35,**
39:14, 27:20 [CC 566(1),
Form 4, 580]
mistake in heading, **27:77**
[CC 601(8)]
Organizational accused
notice of indictment, **27:116**
[CC 621]
Particulars, **27:43** [CC 587]
amendment of indictment to
conform, **27:43** [CC
587(3)(c)]
consideration of evidence
taken, **27:43** [CC 587(2)]
endorsement in record, **27:43**
[CC 587(3)(b)]
general authority, **27:44** [CC
587(1)]
provision to accused, **27:43**
[CC 587(3)(a)]
Specific offences
theft from mails, **12:159** [CC
356(2)]
theft of oysters, **12:32** [CC
323(2)]
Sufficiency of counts
general provisions
application of provisions,
27:27 [CC 581(6)]
detail of circumstances,
27:24, 27:36 [CC
581(3), 583]
headings, mistakes not
material, **27:77** [CC
601(8)]
no reference to prior
convictions, **27:259**
[CC 664]
omissions not ground for
objection, **27:36** [CC
583]
single transaction, **27:22,**

INDEX

INDICTMENT (FORM AND SUBSTANCE)—Cont'd

- Sufficiency of counts—Cont'd
 - general provisions—Cont'd
 - 27:51 [CC 581(1), 590]
 - statement of offence, 27:22, 27:23, 27:26 [CC 581(1), (2), (5)]
 - specific rules
 - fabricating evidence, 27:40 [CC 585]
 - first degree murder, 27:35 [CC 582]
 - fraud and false pretences, 27:41 [CC 586]
 - high treason, 27:35 [CC 582]
 - libel, 27:38 [CC 584]
 - perjury and false statement, 27:40 [CC 585]
 - treasonable offences, 27:25, 27:77 [CC 581(4), 601(9)]

INDICTMENT (PREFERMENT OF)

- Authority to prefer, 27:2, 27:6 [CC 574, 577]
 - after deemed election
 - where no preliminary requested, 27:2 [CC 574(1.1), (1.2)]
 - after election
 - where no preliminary requested, 27:2 [CC 574(1.1), (1.2)]
 - after order to stand trial
 - by prosecutor, 27:3, 27:2 [CC 574(1), (1.2)]
 - consent in private prosecutions, 27:2 [CC 574(3)]
 - consent to inclusion of other charges, 27:2 [CC 574(2)]

INDICTMENT (PREFERMENT OF)—Cont'd

- Authority to prefer, 27:2, 27:6 [CC 574, 577]—Cont'd
 - after order to stand trial—Cont'd
 - judge alone trials, 25:37, 25:41 [CC 566(3), 566.1]
 - after re-election
 - where no preliminary requested, 27:2 [CC 574(1.1), (1.2)]
 - where discharge at preliminary, consent required, 27:6 [CC 577(a), (b)]
 - where no preliminary, consent required, 27:6 [CC 577(a), (b)]
 - where no preliminary requested, 27:2 [CC 574(1.1), (1.2)]
 - where preliminary has commenced, consent required, 27:6 [CC 577(a), (b)]
 - where preliminary not yet requested, consent required, 27:6 [CC 577(a), (b)]
 - Bail, effect on, 21:104 [CC 523(1.2)]
 - Form of indictment, 25:36, 39:14, 25:41, 27:20 [CC 566(2), Form 4, 566.1(2), 580]
 - No preferment except as provided, 27:5 [CC 576(1)]
- INDUSTRIAL DISPUTE**
- Watching or besetting, 13:101 [CC 423]
 - Work stoppage
 - and criminal breach of contract, 13:100 [CC 422(2)]

INDUSTRIAL DISPUTE**—Cont'd**

Work stoppage—Cont'd
and mischief, **14:11 [CC 430(6)]**
and sabotage, **3:9 [CC 52(3)]**
not conspiracy, **18:22 [CC 467(1)]**

INFANTICIDE

See also **HOMICIDE**
Concealing body as included offence, **27:257 [CC 662(4)]**
Conviction barring charge of manslaughter or murder, **27:109 [CC 610(2), (4)]**
Conviction unless act or omission not wilful, **27:258 [CC 663]**
Definition, **10:78 [CC 233]**
Punishment, **10:88 [CC 237]**

INFERENCE

See **PRESUMPTIONS AND INFERENCE**

INFORMANT

Defined, **38:1 [CC 785]**
Hearing of allegations, **21:45, 21:52 [CC 507, 507.1]**

INFORMATION

See also **DISCLOSURE; INDICTMENT (FORM AND SUBSTANCE); PRIVATE PROSECUTION**
After arrest or appearance notice, **21:40 [CC 505]**
cancelling or confirming process, **21:54 [CC 508(1)(b)]**
no laying except as provided, **27:5 [CC 576(2)]**
Arrest or detention, on, **2:26 [CC 10]**

INFORMATION—Cont'd

Certified copy, **38:57 [CC 808]**
Confirmation by designated justice/ provincial court judge, **27:19 [CC 579.1]**
Endorsement
committal on consent, **23:84 [CC 549(2)]**
conviction or order, **25:51 [CC 570(1)]**
election of accused, **25:11, 25:14 [CC 555(3), 555.1(3)]**
Form of information, **21:42 [CC 506]**
Hearing by justice, **21:45 [CC 507]**
issue of process, **21:45, 21:49, 21:50 [CC 507(1)(b), (4), (5)]**
refusal to issue, **21:47 [CC 507(2)]**
release of accused, **21:51, 21:45 [CC 507(6), (7)]**
Inspection, **27:85 [CC 603]**
Laying before justice, **21:32 [CC 504]**
laying otherwise than in person, **21:58 [CC 508.1]**
no laying except as provided, **27:5 [CC 576(2)]**
referral in private prosecution, **27:19 [CC 579.1]**
young offenders, **42:13 [YCJA 10(6)]**
Motion to quash, **27:77 [CC 601]**
adjournment, **27:93 [CC 606(3)]**
Private prosecution, in, **27:19 [CC 579.1]**
Reasons for arrest or detention, **41:57 [CA 10(a)]**

INDEX

INFORMATION—Cont'd

- Referral in private prosecution, **27:19 [CC 579.1]**
- Severance of counts or accused, **27:57 [CC 591(3)]**
- Specific offence charged, **41:63 [CA 11(a)]**
- Variance between charge and evidence, **27:79 [CC 601(2)]**
- Variance not affecting validity, **23:74 [CC 546]**
 - adjournment if accused misled, **23:76 [CC 547]**
- Where injury or damage feared, **38:61, 42:17, 42:23 [CC 810, YCJA 14(2), 20(2)]**

INNOCENCE, PRESUMPTION OF

- Generally, **2:13, 41:63 [CC 6(1)(a), CA 11(d)]**

INSANE PERSONS AND INSANITY

- See ASSESSMENTS (MENTAL DISORDER); DISPOSITIONS AND DISPOSITION HEARINGS (MENTAL DISORDER); FITNESS TO STAND TRIAL: HOSPITAL ORDERS; INTERPROVINCIAL TRANSFERS; REVIEW BOARDS

INSANITY AS DEFENCE

- See MENTAL DISORDER

INSIDER TRADING

- Generally, **13:25, 13:33 [CC 380.1, 382.1]**

INSPECTION OF DOCUMENTS

- Banking record, **40:85 [CEA 29(6), (7)]**

INSPECTION OF

DOCUMENTS—Cont'd

- Business record, **40:90 [CEA 30(7)]**
- Trial by indictment, **27:85 [CC 603]**

INSTRUMENT

- See also DOCUMENT; TESTAMENTARY INSTRUMENT
- Acknowledgement in false name, **13:77 [CC 405]**
- For forging or falsifying credit cards, **12:78 [CC 342.01]**
- Obtain by forged document, **12:210 [CC 375]**

INSURANCE

- Presumption against insured setting fire, **14:35 [CC 435]**
- Proof of loss, **40:148 [CEA 42]**

INTERCEPTION OF PRIVATE COMMUNICATIONS

- Agent of state, **8:11 [CC 184.1]**
- Authorization
 - application, **8:20 [CC 185]**
 - confidentiality, **8:36 [CC 187]**
 - exception for criminal organizations and terrorist groups, **8:20 [CC 185(1.1)]**
- assistance order, **20:73 [CC 487.02]**
- both private communications and radio-based telephone communications, **8:19 [CC 184.6]**
- consent, **8:12, 8:15 [CC 184.2, 184.3]**
- contents, **8:30 [CC 186(4)]**
- disclosure, **8:36 [CC 187]**
- designation of persons, **8:31 [CC 186(5)]**

INTERCEPTION OF PRIVATE COMMUNICATIONS

—Cont'd

- Authorization—Cont'd
 - emergency, **8:42 [CC 188]**
 - subsequent authorization
 - admissibility of evidence, **8:42 [CC 188(5)]**
 - execution in another province, **8:44 [CC 188.1]**
 - installation and removal of device, **8:26 [CC 186(5.1)]**
 - notification by Attorney General, **8:63 [CC 196]**
 - accompanied by affidavit, **8:63 [CC 196(4)]**
 - application to delay, **8:63 [CC 196(3)]**
 - exception for criminal organizations and terrorist groups, **8:63 [CC 196(5)]**
 - removal, **8:26 [CC 186(5.1), (5.2)]**
 - renewal, **8:32, 8:33 [CC 186(6), (7)]**
 - requirements, **8:27 [CC 186(1)]**
 - exception for criminal organizations and terrorism offences, **8:26 [CC 186(1.1)]**
 - time limitation in relation to criminal organizations and terrorism offences, **8:35 [CC 186.1]**
 - where interception with consent, **8:12, 8:15 [CC 184.2, 184.3]**
- Consent to interception, **8:4, 8:5 [CC 183.1, 184(2)(a)]**
- Definitions, **8:1 [CC 183]**

INTERCEPTION OF PRIVATE COMMUNICATIONS

—Cont'd

- Disclosure of packet contents, **8:36 [CC 187]**
- Evidence (primary)
 - admissibility, **8:11, 8:42 [CC 184.1(2), 188(5)]**
 - notice of intention to adduce, **8:47 [CC 189(5)]**
 - particulars, **8:50 [CC 190]**
 - privileged information, **8:47 [CC 189(6)]**
- Immediate interception,
 - imminent harm, **8:5 [CC 184]**
 - annual report re, **8:62 [CC 195(1)(c), (2.1), (3), (5)(c)]**
 - notice to object of interception, **8:64 [CC 196.1]**
 - extension of notice period, **8:64 [CC 196.1(2) to (5)]**
- Interception to prevent bodily harm, **8:11, 8:16 [CC 184.1, 184.4]**
- No civil or criminal liability, **8:46 [CC 188.2]**
- Offences
 - possession of device, **8:52 [CC 191(1)]**
 - exceptions, **8:53, 8:51 [CC 191(2), (3)]**
 - forfeiture, **8:54 [CC 192]**
 - unlawful disclosure, **8:57, 8:60 [CC 193(2), 193.1]**
 - damages, **8:61 [CC 194]**
 - exceptions, **8:57, 8:55 [CC 193(2), (3)]**
 - unlawful interception, **8:6 [CC 184(1)]**
 - damages, **8:61 [CC 194]**

INDEX

INTERCEPTION OF PRIVATE COMMUNICATIONS

—Cont'd

- Offences—Cont'd
 - unlawful interception, **8:6**
[CC 184(1)]—Cont'd
 - exceptions, **8:5, 8:8** [CC 184(2), (3)]
 - forfeiture, **8:54** [CC 192]
 - radio-based telephone communications, **8:18, 8:19** [CC 184.5, 184.6]
 - report, annual, **8:62** [CC 195]
- Packet opening and disclosure, **8:36** [CC 187]

INTEREST (CRIMINAL RATE)

- Generally, **12:97** [CC 347]

INTERNATIONAL AIRPORT

- See also AIRPORT
- Offence inside Canada, **3:47**
[CC 77(f)]
- Offence outside Canada, **2:16**
[CC 7(2)(d)]
 - consent to prosecution, **2:16**
[CC 7(7)]
 - deemed committed in Canada, **2:16** [CC 7(2)]
 - prosecution outside Canada, **2:16** [CC 7(6)]

INTERNATIONAL LAW

- Protection of persons under, **2:16**
[CC 7(10)]
- Retroactive offence, **41:63** [CA 11(g)]

INTERNATIONALLY PROTECTED PERSON

- Attack on premises, **14:19** [CC 431]
- defence, **14:4** [CC 429(2)]

INTERNATIONALLY PROTECTED PERSON

—Cont'd

- Attack on premises, **14:19** [CC 431]—Cont'd
 - DNA order on conviction or discharge, **20:77, 20:81**
[CC 487.04, 487.051]
- Consent to prosecution, **2:16**
[CC 7(7)]
- Hostage taking outside Canada, **2:16** [CC 7(3.1)]
- Offences against outside Canada, **2:16** [CC 7(3), (5) to (7)]
- Proof of status
 - certificate as evidence, **2:16**
[CC 7(10)]
- Threatening, **13:109** [CC 424]

INTERNATIONAL MARITIME NAVIGATION

- See MARITIME NAVIGATION, INTERNATIONAL

INTERNET

- See also CHILD PORNOGRAPHY; COMPUTERS; DATA
- Child pornography
 - deletion order, **7:64** [CC 164.1(5)]
 - destruction of electronic copies, **7:64** [CC 164.1(6)]
 - forfeiture, **7:65** [CC 164.2]
 - seizure, **7:64** [CC 164.1]
- Hate propaganda, warrant of forfeiture, **10:412** [CC 320.1]
- Luring child, **7:84** [CC 172.1]
- Prohibition order, **7:33** [CC 161(1)(d), (1.1) to (4)]
- Service providers
 - interception of private communications by authorized disclosure, **8:55**
[CC 193(2)(d)(iii)]

INTERNET—Cont'd

Service providers—Cont'd
interception of private communications by—Cont'd
authorized interception, **8:5**
[CC 184(2)(e)]
authorized retention and
use, **8:8** [CC 184(3)]

INTERPRETER

Deaf person, **41:77** [CA 14]
Person not knowing language,
41:77 [CA 14]

**INTER-PROVINCIAL
TRANSFERS (MENTAL
DISORDER)**

Authority, **28:93** [CC 672.86]
Delivery and detention of
accused, **28:95** [CC 672.87]
Jurisdiction of Review Board,
28:96, 28:97 [CC 672.88,
672.89]

**INTERVENING BY
ATTORNEY GENERAL OF
CANADA**

Generally, **27:19, 27:18** [CC
579.1, 579.01]

INTIMATE IMAGES

See also VOYEURISM
Defence, **7:39** [CC 162.1(3)]
Definition, **7:39, 7:61** [CC
162.1(2), 164(8)]
Fact, question of, **7:39** [CC
162.1(4)]
Law, question of, **7:39** [CC
162.1(4)]
Motive, **7:39** [CC 162.1(4)]
Offence, **7:40** [CC 162.1(1)]
Prohibition order, **7:41** [CC
162.2]

INTIMIDATING

**PARLIAMENT OR
LEGISLATURE**

Offence, **3:8** [CC 51]
evidence of, **3:12** [CC 55]
overt acts, **3:12** [CC 55]
statement in indictment,
27:25, 27:77 [CC 581(4),
601(9)]
Superior court jurisdiction, **19:1,**
19:2 [CC 468, 469(a)(iii)]

INTIMIDATION

Offence relating to justice
system participant, **13:108**
[CC 423.1]
bail conditions, **21:75** [CC
515(4.1) to (4.2)]
murder during deemed first
degree, **10:67** [CC
231(6.2)]
recognizance to prevent, **38:67**
[CC 810.01]
witness protections in cases
involving, **20:8 to 20:19,**
20:22, 21:75, 21:82 [CC
486 to 486.31, 486.5,
515(4.1) to (4.2), (6)]
Offence simpliciter, **13:101** [CC
423]
bail conditions, **21:75** [CC
515(4.1) to (4.2)]
murder during deemed first
degree, **10:67** [CC
231(6.2)]
offence relating to journalist,
13:108 [CC 423.1]
recognizance to prevent, **38:67**
[CC 810.01]
witness protections in cases
involving, **20:8 to 20:19,**
20:22, 21:75, 21:82 [CC
486 to 486.31, 486.5,
515(4.1) to (4.2), (6)]

INDEX

**INTOXICATION, DEFENCE
OF**

Generally, **2:19, 2:40 [CC 8, 16]**
Self-induced intoxication not a
defence, **2:116 [CC 33.1]**

INVASION OF PRIVACY

See INTERCEPTION OF
PRIVATE COMMUNICA-
TIONS

**INVITATION TO SEXUAL
TOUCHING**

See SEXUAL TOUCHING
(INVITATION TO)

ISSUE ESTOPPEL

Generally, **2:19, 2:32, 41:63**
[CC 8, 12, CA 11(h)]

**JOINDER OF ACCUSED AND
COUNTS**

See also INDICTMENT (FORM
AND SUBSTANCE)

Of accused

accessory after fact, **27:60**
[CC 592]

possession of property
obtained by crime, **27:64**
[CC 593]

Of counts, **27:55 [CC 591(1)]**

consent of accused, **25:37,**
27:2, 27:48 [CC 566(3),
574(2), 589]

on indictment for murder,
27:48 [CC 589]

severance (separate trials)
delayed enforcement, **27:54**
[CC 591(4.1)]

effect on prior Charter deci-
sions, **27:54 [CC**
591(4.2)]

effect on prior evidentiary
decisions, **27:54 [CC**
591(4.2)]

**JOINDER OF ACCUSED AND
COUNTS—Cont'd**

Of counts, **27:55 [CC 591(1)]**

—Cont'd

severance (separate trials)

—Cont'd

effect on verdict, **27:58,**
27:59 [CC 591(4), (5)]

of accused, **27:54 [CC**
591(3)(b)]

of counts, **27:54 [CC**
591(3)(a)]

JOINT TRIALS

See JOINDER OF ACCUSED
AND COUNTS

JOY-RIDING

Generally, **12:61 [CC 335]**

JUDGMENT

Acknowledgment in false name,
13:77 [CC 405]

JUDICIAL ACTS

Effect of, **2:1 [CC 3.1]**

**JUDICIAL INTERIM
RELEASE**

See also APPEARANCE
NOTICE; PROMISE TO
APPEAR;
RECOGNIZANCE; SUM-
MONS; UNDERTAKING

“Accused,” **21:1 [CC 493]**

By justice

alternative to physical pres-
ence, **21:75 [CC**
515(2.2), (2.3)]

appearance of accused before
justice, **21:28, 21:30 [CC**
502.1, 503(1)]

authority, **21:76 [CC 515(1)]**

conditions, additional, **21:75**
[CC 515(4.1), (4.2)]

detention, re-evaluation of,
21:29 [CC 503(1.1)]

JUDICIAL INTERIM**RELEASE—Cont'd**

By justice—Cont'd

form of order, **21:78 to 21:80**
[CC 515(2) to (4)]

inquiries to be made by
justice, **21:89** [CC 518]

justification for detention,
21:75 [CC 515(10)]

order re no communication,
21:75 [CC 515(12)]

release of accused, **21:92** [CC
519(1), (2)]

reverse onus, **21:81 to 21:84**
[CC 515(5) to (8)]

victim's safety and security,
21:75 [CC 515(13)]

By superior court judge

authority, **21:100, 21:99** [CC
522(1), (6)]

detention order, **21:101, 21:99**
[CC 522(2), (2.1)]

form of order, **21:102** [CC
522(3)]

order re no communication,
21:99 [CC 522(2.1)]

release of accused, **21:99** [CC
522(5)]

reverse onus, **21:101** [CC
522(2)]

undertaking, **21:102** [CC
522(3)]

Direct indictment, effect on,
21:104 [CC 523(1.2)]

Expediting proceedings, **21:115**
[CC 526]

Failure to comply with condi-
tions

generally, **21:107, 21:108** [CC
523.1, 524]

cancellation, **21:111** [CC
524(3)]

circumstances, **21:107, 21:110**
[CC 523.1(2), 524(2)]

JUDICIAL INTERIM**RELEASE—Cont'd**

Failure to comply with condi-
tions—Cont'd

detention, **21:108, 21:112** [CC
524(4), 525]

dismissal of charge, **21:107**
[CC 523.1(4)]

hearing, **21:109** [CC 524(1)]

judicial referral hearing,
21:107 [CC 523.1(1)]

powers of judge/justice,
21:107 [CC 523.1(3),
(5)]

reasons, **21:108** [CC 524(6)]

release, **21:108** [CC 524(7)]

release order, **21:108** [CC
524(5)]

review, **21:108, 21:112** [CC
524(9), (10), 525]

Hearing

appearance of accused, **21:75**
[CC 515(2.1)]

evidence, **21:89** [CC 518]

inquiries by justice, **21:89**
[CC 518]

non-publication order, **21:87**
[CC 517]

failure to comply, **21:87**
[CC 517(2)]

remand, **21:86** [CC 516]

“Judge,” **21:1** [CC 493]

Order for detention, **21:81, 21:75**
[CC 515(5), (b), (10), (11)]

conditions, **21:75** [CC
515(12)]

Principles and consideration
generally, **21:2, 21:4** [CC
493.1, 493.2]

Aboriginal accused, **21:4** [CC
493.2]

restraint, **21:2** [CC 493.1]

vulnerable populations, **21:4**
[CC 493.2]

INDEX

JUDICIAL INTERIM

RELEASE—Cont'd

Procedure on hearing before justice
adjournment, **21:86** [CC 516]
appearance of accused, **21:75** [CC 515(2.2)]
detention order, **21:92** [CC 519(3), (12)]
effect of order after direct indictment, **21:104** [CC 523(1.2)]
evidence and inquiries, **21:90** [CC 518(1)]
form of release, **21:78 to 21:80** [CC 515(2) to (4)]
grounds for detention, **21:75** [CC 515(10)]
non-publication order, **21:88** [CC 517(1)]
onus, **21:76** [CC 515(1)]
period of order, **21:105, 21:104** [CC 523(1), (1.1), (1.2)]
release of accused, **21:92** [CC 519(1), (2)]
reverse onus, **21:82 to 21:84** [CC 515(6) to (8)]
review of order, **21:94, 21:97** [CC 520, 521]
Procedure on hearing before superior court judge, **21:87, 21:90, 21:92, 21:99** [CC 517, (6), 518(1), 519, 522(5)]
Release by judge, **21:99** [CC 522]
conditions, **21:99** [CC 522(2.1)]
form, **39:37** [CC Form 11]
Review of order made by justice, **21:94, 21:97, 21:106** [CC 520, (3), 521, 523(2)]
adjournment of hearing,

JUDICIAL INTERIM

RELEASE—Cont'd

Review of order made by justice, **21:94, 21:97, 21:106** [CC 520, (3), 521, 523(2)]
—Cont'd
21:94, 21:97 [CC 520(4), 521(4)]
authority to apply, **21:95, 21:98, 21:106** [CC 520(1), 521(1), 523(2)]
detention of accused, **21:92, 21:94, 21:97, 21:104** [CC 519(3), (8)(e), 520(7)(d), 521(6), 523(3)]
evidence and inquiries, **21:89, 21:94, 21:97, 21:104** [CC 518, 520(7)(a) to (c), 520(9), 521(8)(a) to (c), 521(10), 523(3)]
further applications, **21:94, 21:97** [CC 520(8), 521(9)]
isposition, **21:94, 21:97, 21:104** [CC 520(7)(d), (e), 521(8)(d), 523(3)]
non-publication order, **21:87, 21:94, 21:97, 21:104** [CC 517, 520(9), 521(10), 523(3)]
notice, **21:96, 21:97** [CC 520(2), 521(2)]
presence of accused, **21:94, 21:97** [CC 520(3), (5), (6), 521(3)]
release of accused, **21:92, 21:94, 21:97, 21:104** [CC 519, 520(7)(e), 520(9), 521(8)(d), 521(10), 523(3)]
Review of order made by superior court judge, **21:103, 21:99, 21:104, 29:34** [CC 522(4), (iii),

JUDICIAL INTERIM**RELEASE—Cont'd**

523(2)(c)(ii), 680]

Trial delay review hearings,

21:112 [CC 525]

application, timing of, 21:113

[CC 525(1)]

cancellation of hearing,

21:112 [CC 525(3)]

conduct of hearing, 21:87 to

21:92 [CC 517 to 519]

“judge” defined in Quebec,

21:112 [CC 525(7)]

order to be made, 21:112 [CC

525(4)]

progress of proceedings,

21:112 [CC 525(4)]

release order, 21:112 [CC

525(5)]

surety, declaration of, 21:85

[CC 515.1]

timing of application, 21:113

[CC 525(1)]

waiver, 21:112 [CC 525(1.1)]

Variation of release order, 21:93

[CC 519.1]

Victim's safety and security,

21:75 [CC 515(13)]

“Warrant,” 21:1 [CC 493]

JUDICIAL NOTICE

See also STATUTES

Acts of Imperial Parliament,

40:66 [CEA 17]

Acts of Parliament, 40:70 [CEA

18]

Acts of provincial legislature,

40:66 [CEA 17]

Rules, regulations, by-laws,

37:21 [CC 781(2)]

JUDICIAL OFFICER

Bribery, 6:4 [CC 119]

JUDICIAL PROCEEDING

Certified copy as evidence,

40:75 [CEA 23]

JUDICIAL PROCEEDING**—Cont'd**

Defined, 6:1 [CC 118]

Evidence previously taken,

31:45, 38:108 [CC 715,

822(5)]

JURISDICTION

See also ADJOURNMENT;

NUNAVUT COURT OF

JUSTICE; VENUE

Accused not present, 20:4 [CC

485(1.1)]

Continuation of proceedings,

27:273 [CC 669.2]

Court of criminal jurisdiction

“court of criminal jurisdic-

tion,” 1:3 [CC 2]

jurisdiction over person, 19:3

[CC 470]

offence jurisdiction, 19:2 [CC

469]

rule-making authority, 19:35

[CC 482(2), (3)]

Defects in jurisdiction

defects in jury process, 27:277

to 27:279 [CC 670 to

672]

procedural irregularities, 20:4

[CC 485]

Provincial court judge

absolute jurisdiction, 25:2

[CC 553]

consent jurisdiction, 23:8 [CC

536(3)]

decide to hold preliminary

inquiry, 25:11 [CC 555]

jurisdiction over person, 19:3

[CC 470]

“provincial court judge,” 1:3

[CC 2]

Superior court of criminal juris-

diction

exclusive jurisdiction, 19:2,

19:8 [CC 469, 473]

INDEX

JURISDICTION—Cont'd

- Superior court of criminal jurisdiction—Cont'd
 - general jurisdiction, **19:1** [CC 468]
 - jurisdiction over person, **19:3** [CC 470]
 - rule-making authority, **19:36, 19:35** [CC 482(1), (3)]
 - “superior court of criminal jurisdiction,” **1:3** [CC 2]
- Territorial (offence) jurisdiction
 - breach of probation, **34:128** [CC 740(2)]
 - consent of Attorney General, **19:21** [CC 477.2]
 - conspiracy in or out of Canada, **18:13** [CC 465(5)]
 - credit card offences, **12:76** [CC 342(2)]
 - defamatory libel, **19:29** [CC 479(2), (5)]
 - newspaper libel, **19:27** [CC 478(2)]
 - offence between territorial divisions, **19:14** [CC 476(a), (b)]
 - offence elsewhere in province, **19:29** [CC 479]
 - offence in, above or beyond continental shelf, **19:20** [CC 477.1]
 - offence in aircraft in flight, **19:14** [CC 476(d)]
 - offence in fishing zone, **19:20** [CC 477.1(b)]
 - offence in territorial waters, **19:19, 19:21** [CC 477, 477.2]
 - offence in unorganized territory, **19:30** [CC 480]
 - offence in vehicle or vessel, **19:14** [CC 476(c)]
 - offence not in province, **19:31** [CC 481]

JURISDICTION—Cont'd

- Territorial (offence) jurisdiction—Cont'd
 - offence re delivery of mail, **19:14** [CC 476(e)]
 - offences outside Canada, **2:15, 2:16, 19:20, 19:33** [CC 6(2), 7, 477.1, 481.2]
 - sexual offences against children outside Canada, **2:16** [CC 7(4.1), (4.2)]
- Trial judge appointed to another court, **27:276** [CC 669.3]
- Trial judge dies or unable to continue, **27:273** [CC 669.2]

JURY

- Additional jurors
 - see empanelling jury
- Adjournment when no jury summoned, **19:10** [CC 474]
- Alternate jurors
 - see empanelling jury
- Challenges
 - challenge for cause, **27:148** [CC 638]
 - challenge in writing, **27:153, 39:73** [CC 639, Form 41]
 - denial of challenge, **27:153** [CC 639(3)]
 - grounds, **27:148** [CC 638]
 - trial of challenge, **27:154** [CC 640]
 - challenge to array, **27:130** [CC 629]
 - direction to return new panel, **27:132** [CC 630]
 - trial of challenge, **27:132** [CC 630]
 - peremptory challenges
 - of mixed jury, **27:128, 27:145** [CC 627, 635]

JURY—Cont'd

- Challenges—Cont'd
 - peremptory challenges
 - Cont'd
 - order of challenge, **27:145** [CC 635]
- Discharge of jurors
 - alternate jurors, **27:161** [CC 642.1(2)]
 - from verdict on severed count, **27:58** [CC 591(4)]
 - of juror during trial, **27:165**, **27:166** [CC 644(1), (2)]
 - of jury on disagreement, **27:229** [CC 653(1)]
- Disclosure of proceedings, **27:193** [CC 649]
- Effect of noncompliance, **27:162** [CC 643(3)]
- Empanelling jury
 - additional jurors
 - power to order, **27:133** [CC 631(2.2)]
 - reduction of number to 12, **27:226** [CC 652.1(2)]
 - alternate jurors
 - calling persons who have stood by, **27:158** [CC 641(1)]
 - cards to be drawn, **27:133** [CC 631(3) to (3.1)]
 - discharge of, **27:161** [CC 642.1(2)]
 - drawing additional names, **27:133** [CC 631(5)]
 - limit on access/use of information, **27:133** [CC 631(6)]
 - power to order, **27:133** [CC 631(2.1)]
 - publication ban, **27:133** [CC 631(6)]
 - separation of names, **27:162** [CC 643(1.1)]

JURY—Cont'd

- Empanelling jury—Cont'd
 - alternate jurors—Cont'd
 - substitution of, **27:161** [CC 642.1(1)]
 - summoning other jurors
 - when panel exhausted, **27:160** [CC 642(1)]
 - swearing of, **27:133** [CC 631(4)]
 - by sheriff, before swearing, **27:133** [CC 631]
 - calling persons who have stood by, **27:158** [CC 641]
 - composition of jury, ultimate, **27:163** [CC 643(1)]
 - defect in process
 - judgment not stayed, **27:277** [CC 670]
 - excusing, by judge, **27:137** [CC 632]
 - irregularities not affecting verdict, **27:277**, **27:278** [CC 670, 671]
 - presiding judge, **27:127** [CC 626.1]
 - protection of juror identity, **27:133** [CC 631(3.1), (6)]
 - publication ban to protect jurors, **27:133** [CC 631(6)]
 - separation of names, **27:162** [CC 643(1.1)]
 - summoning additional jurors
 - when panel exhausted, **27:159** [CC 642]
- Evidence on trial
 - admissions at trial, **27:235** [CC 655]
 - character evidence, **27:262** [CC 666]
 - children's evidence, **27:248** [CC 659]

INDEX

JURY—Cont'd

- Evidence on trial—Cont'd
 - of stealing ores or minerals, **27:237 [CC 656]**
 - previous conviction, **27:259, 27:261, 27:268 [CC 664, 665, 667]**
 - proof of age, **27:246 [CC 658]**
 - proof of ownership and value of property, **27:239 [CC 657.1]**
 - statement of accused, **27:238 [CC 657]**
- Influencing juror, **6:67 [CC 139(3)(b), (c)]**
- Limit on access/use of information re, **27:133 [CC 631(6)]**
- Powers of court preserved, **27:279 [CC 672]**
- Presence of accused during trial, **27:199, 27:200, 27:205, 27:208 [CC 650(1) to (2), 650.01, 650.02]**
- Publication ban to protect, **27:133 [CC 631(6)]**
- Qualification of jurors, **27:124 [CC 626]**
- Reduction of number to 12, **27:226 [CC 652.1(2)]**
- Refreshment, food and lodging, **27:189 [CC 647(5)]**
- Separation of jurors, **27:185 [CC 647(1)]**
 - restriction on publication, **27:190 [CC 648]**
 - failure to comply, **27:192 [CC 648(2)]**
- Sequestration, **27:186 [CC 647(2)]**
- Stand bys
 - by judge, **27:139 [CC 633]**
 - calling persons who have stood by, **27:158 [CC 641]**

JURY—Cont'd

- Support for juror with physical disability, **27:128 [CC 627]**
- Treason or high treason
 - copy of panel delivered to accused, **27:87 [CC 604]**
- Trial by jury compulsory, **19:5 [CC 471]**
 - exception, **19:8 [CC 473]**
- Trial of issues, **27:162, 27:226 [CC 643(2), 652.1]**
- Trial without jury on consent, **19:8 [CC 473]**
- Verdict
 - defect in process not ground for quashing, **27:278 [CC 671]**
 - disagreement upon verdict, **27:228 [CC 653]**
 - recommendation in murder by young person, **34:176 [CC 745.3]**
 - recommendation in second degree murder, **34:172, 34:176, 34:175 [CC 745.2, 745.3, 745.21]**
 - recommendation where multiple murders, **34:175 [CC 745.21]**
 - review of parole ineligibility, **34:184 [CC 745.6]**
 - taking on Sunday, **27:234 [CC 654]**
- View by jury, **27:224 [CC 652]**
- Warning concerning children's evidence, **27:248 [CC 659]**

JUSTICE SYSTEM PARTICIPANT

- Bail conditions to protect, **21:75 [CC 515(4.1) to (4.2)]**
- Defined, **1:3 [CC 2]**
- Exclusion of public to protect, **20:8 [CC 486]**

JUSTICE SYSTEM

PARTICIPANT—Cont'd

- Intimidation of, **13:108** [CC **423.1**]
- murder during deemed first degree, **10:67** [CC **231(6.2)**]
- recognizance, to prevent, **38:67** [CC **810.01**]
- Protection of, **20:8 to 20:17, 20:22, 38:67** [CC **486 to 486.3, 486.5, 810.01**]
- Publication ban to protect, **20:22** [CC **486.5(2) to (9)**]
- Recognizance, to protect, **38:67** [CC **810.01**]
- Remote attendance by, **32:1 to 32:6** [CC **715.21 to 715.26**]
- Testimony outside courtroom, **20:16** [CC **486.2(2) to (6)**]

JUSTIFICATION

- See also DEFENCES
- In offences requiring wilfulness, **14:4** [CC **429(2)**]
- Plea in defamatory libel, **27:111, 27:112** [CC **611, 612**]

KIDNAPPING

- See also ABDUCTION;
CONFINEMENT;
HOSTAGE TAKING
- Causing death, **10:67** [CC **231(5)(a)**]
- CSO precluded on indictment, **34:134** [CC **742.1(f)(iv)**]
- Internationally protected person outside Canada, **2:16** [CC **7(3)**]
- outside Canada, **2:16** [CC **7(5) to (7)**]
- threat to kidnap, **13:109** [CC **424**]
- Offence, **10:312** [CC **279(1)**]

KIDNAPPING—Cont'd

- Punishment where firearm used, **10:311** [CC **279(1.1)(a), (a.1)**]
- subsequent offences, **10:311** [CC **279(1.2), (1.3)**]
- Punishment where victim under 16, **10:311** [CC **279(1.1)(a.2), (1.21)**]
- factors to consider, **10:311** [CC **279(1.21)**]
- United Nations or associated personnel, outside Canada, **2:16** [CC **7(3.71)**]

LANGUAGE OF COURT

- Generally, **41:85** [CA **19**]
- And provincial laws, **22:12** [CC **532**]
- Change of venue, **22:11** [CC **531**]
- Coming into force, **22:15** [CC **534**]
- Jury
 - mixed jury in Quebec, **27:128** [CC **627**]
- Language used in proceeding, **22:9** [CC **530.2**]
- Regulations, **22:13** [CC **533**]
- Review of provisions, **22:14** [CC **533.1**]
- Right of accused, **22:1 to 22:6** [CC **530 to 530.1**]
- Translation of documents, **22:5** [CC **530.01**]

LAUNDERING PROCEEDS OF CRIME

- See also PROCEEDS OF CRIME
- Generally, **17:2** [CC **462.31**]
- Controlled drug offences, **44:19** [CDA **7**]

INDEX

LAW ENFORCEMENT

IMMUNITY

- Authorization to commit unlawful acts or omissions
 - civilian oversight, **2:96** [CC **25.1(3.1)**]
 - controlled drugs and substances offences, **2:96** [CC **25.1(14)**]
 - definitions, **2:96** [CC **25.1(1)**]
 - designation of public officers, **2:96** [CC **25.1(3) to (7)**]
 - designation of senior officials, **2:96** [CC **25.1(5)**]
 - justification for acts and omissions, **2:96** [CC **25.1(8), (10)**]
 - limitation on, **2:96** [CC **25.1(11), (13) to (14)**]
 - notification of affected parties, **2:99** [CC **25.4**]
 - principle, **2:96** [CC **25.1(2)**]
 - reporting requirements, **2:97, 2:98** [CC **25.2, 25.3**]
 - requirements for certain acts, **2:96** [CC **25.1(9)**]
- General protection, **2:89, 2:90** [CC **25(1), (2)**]
 - citizen's arrest, **21:5** [CC **494(4)**]
 - exception, **2:91** [CC **25(3)**]
- Regulations relating to, **44:97** [CDA **55(2) to (2.1)**]
- Use of force, authorized
 - aircraft, aboard, **2:104** [CC **27.1**]
 - arrest, in course of, generally, **2:92** [CC **25(4)**]
 - arrest of wrong person, **2:105** [CC **28**]
 - escape from penitentiary, in case of, **2:93** [CC **25(5)**]
 - limits upon, **2:100** [CC **26**]

LAW ENFORCEMENT

IMMUNITY—Cont'd

- Use of force, authorized
 - Cont'd
 - preventing breach of peace, **2:109** [CC **30**]
 - preventing commission of offence, **2:102, 2:104** [CC **27, 27.1**]
 - suppressing riots, **2:113, 2:115** [CC **32, 33**]

LEGAL ASSISTANCE

- On appeal, **29:53, 29:121, 38:137** [CC **684, 694.1, 839(2)**]
- On trial of issue, **27:114** [CC **615**]

LEGAL RIGHTS

- Arbitrary detention or imprisonment prohibited, **41:52** [CA **9**]
- Arrest or detention, rights on, **41:57** [CA **10**]
- Bail, **41:63** [CA **11(e)**]
- Compellability, **41:63** [CA **11(c)**]
- Cruel and unusual treatment or punishment prohibited, **41:73** [CA **12**]
- Double jeopardy prohibited, **41:63** [CA **11(h)**]
- Interpreter, **41:77** [CA **14**]
- Life, liberty and security of the person, **41:22** [CA **7**]
- Presumption of innocence, **41:63** [CA **11(d)**]
- Retroactive offences prohibited, **41:63** [CA **11(g)**]
- Self-incrimination, protection against, **41:75** [CA **13**]
- Specific information when charged with offence, **41:63** [CA **11(a)**]
- Trial by jury, **41:63** [CA **11(f)**]

LEGAL RIGHTS—Cont'd

- Trial within reasonable time, **41:63 [CA 11(b)]**
- Unreasonable search or seizure prohibited, **41:36 [CA 8]**
- Variation of penalty benefit of any, **41:63 [CA 11(i)]**

LETHAL DEVICES

- Delivery to specified government/public facilities, **14:21 [CC 431.2]**
 - definitions, **14:21 [CC 431.2(1)]**
- DNA order on conviction or discharge, **20:77, 20:81 [CC 487.04, 487.051]**
 - exception, armed forces, **14:21 [CC 431.2(3)]**
 - offence, **14:21 [CC 431.2(2)]**
 - offence outside Canada, **2:16 [CC 7(3.72), (5) to (7)]**
- Detonation in specified government/public facilities, **14:21 [CC 431.2]**
 - definitions, **14:21 [CC 431.2(1)]**
- DNA order on conviction or discharge, **20:77, 20:81 [CC 487.04, 487.051]**
 - exception, armed forces, **14:21 [CC 431.2(3)]**
 - offence, **14:21 [CC 431.2(2)]**
 - offence outside Canada, **2:16 [CC 7(3.72), (5) to (7)]**
- Discharge in specified government/public facilities, **14:21 [CC 431.2]**
 - definitions, **14:21 [CC 431.2(1)]**
- DNA order on conviction or discharge, **20:77, 20:81 [CC 487.04, 487.051]**
 - exception, armed forces, **14:21 [CC 431.2(3)]**
 - offence, **14:21 [CC 431.2(2)]**
 - offence outside Canada, **2:16 [CC 7(3.72), (5) to (7)]**
- Discharge in specified government/public facilities, **14:21 [CC 431.2]**
 - definitions, **14:21 [CC 431.2(1)]**
- DNA order on conviction or discharge, **20:77, 20:81 [CC 487.04, 487.051]**
 - exception, armed forces, **14:21 [CC 431.2(3)]**

LETHAL DEVICES—Cont'd

- Discharge in specified government/public facilities, **14:21 [CC 431.2]**
 - Cont'd
 - offence, **14:21 [CC 431.2(2)]**
 - offence outside Canada, **2:16 [CC 7(3.72), (5) to (7)]**
 - “Lethal device,” **14:21 [CC 431.2]**
- Placement in specified government/public facilities, **14:21 [CC 431.2]**
 - definitions, **14:21 [CC 431.2(1)]**
- DNA order on conviction or discharge, **20:77, 20:81 [CC 487.04, 487.051]**
 - exception, armed forces, **14:21 [CC 431.2(3)]**
 - offence, **14:21 [CC 431.2(2)]**
 - offence outside Canada, **2:16 [CC 7(3.72), (5) to (7)]**

LETTERS ROGATORY

- Generally, **40:160 [CEA 51(2)]**

LIBEL

- See **BLASPHEMOUS LIBEL;**
DEFAMATORY LIBEL;
SEDITION

LICENSING

- Automobile master key, **12:133 [CC 353(2)]**
- Imperial licence, proof, **40:72 [CEA 20]**
- Interception device, **8:51 [CC 191(2)(d), (3)]**
- Lottery, **9:40 [CC 207]**
- Proof of non-issuance of licence, **40:80 [CEA 26(2)]**

LIEUTENANT-GOVERNOR

- See also **APPLICABLE**
TRANSITIONAL PROVI-
SIONS

INDEX

LIEUTENANT-GOVERNOR

—Cont'd

Direction for payment of penalties, **34:104** [CC **734.4(3)(a)**]

LIFE

Duty of persons undertaking acts dangerous to life, **10:7** [CC **216**]

Endangering life by abandoning child, **10:13** [CC **218**]

Impeding attempt to save, **10:218** [CC **263**]

LIFE IMPRISONMENT

See PAROLE

LIMITATION

Recovery of penalty, **34:106** [CC **734.6(2)**]

Summary convictions, **38:4** [CC **786(2)**]

Treason, **3:4** [CC **48**]

Trial within a reasonable time, **41:63** [CA **11(b)**]

Young persons, **42:17**, **42:164** [YCJA **14(3)**, **142(4)**]

LIVING ON AVAILS

See AVAILS

LOAN

See also CREDIT

False statement to procure, **13:60** [CC **400**]

LOITERING

Public place, **7:99** [CC **175(1)(c)**]

Trespassing at night, **7:112** [CC **177**]

LONG-TERM OFFENDERS

Appeal, **35:31** [CC **759**]

Application for finding, **35:16** [CC **753.1(1)**]

LONG-TERM OFFENDERS

—Cont'd

Application for remand for assessment, **35:7** [CC **752.1(1)**]

after imposition of sentence, **35:12** [CC **753(3)**]

exception re hearing requirements, **35:25** [CC **754(1)**]

extension of time, **35:6** [CC **752.1(3)**]

notice of intention to bring, **35:5** [CC **752.01**]

report, **35:6** [CC **752.1(2)**]

Evidence of character, **35:28** [CC **757**]

Finding, **35:15**, **35:19** [CC **753.1(3.1)**, **(4)**]

exception, **35:15**, **35:26** [CC **753.1(3.1)**, **755(1)**]

negative, **35:15** [CC **753.1(6)**]

“Substantial risk,” **35:17** [CC **753.1(2)**]

Supervision, **35:20** [CC **753.2(1)**]

application for reduction in period, **35:20** [CC **753.2(3)**]

notice to Attorney General, **35:20** [CC **753.2(4)**]

breach, **35:22** [CC **753.3(1)**]

trial and punishment, **35:21** [CC **753.3(2)**]

concurrent sentences and, **35:20** [CC **753.2(2)**]

defined, **35:1** [CC **752**]

exception where life sentence imposed, **35:26** [CC **755(1)**]

maximum length, **35:26** [CC **755(2)**]

where new offence, **35:23** [CC **753.4**]

LONG-TERM OFFENDERS**—Cont'd**

- Transcripts to Correctional Service, **35:34** [CC 760]
- Witnesses
victim, **35:14** [CC 753.02]

LOTTERY

- Buying tickets, **9:36** [CC 206(4)]
- Conducting lottery, **9:32** [CC 206(1)(d)]
- Dealing in tickets, **9:32** [CC 206(1)(b)]
- Foreign lottery, **9:39** [CC 206(7)]
- Forfeiture of property, **9:37, 9:38** [CC 206(5), (6)]
- Jurisdiction of provincial court judge, **25:2** [CC 553(c)(iv)]
- Making or advertising scheme, **9:32** [CC 206(1)(a)]
- Permitted lottery, **9:40** [CC 207]
 - on international cruise ship, **9:44** [CC 207.1]
 - participation from outside province, **9:40** [CC 207(3) to (4.1)]
- Provisions not applicable to pari-mutuel system, **9:40** [CC 207(5)]
- Sending lottery device or scheme, **9:32** [CC 206(1)(c)]

LUMBER

- Dealing in lumbering equipment without consent, **12:70** [CC 339(2)]
- Registered mark as evidence of property, **12:70** [CC 339(4)]
- Search, **12:70** [CC 339(3)]
- Taking possession or defacing mark of drift timber, **12:71** [CC 339(1)]

LURING CHILD

- Defence, **7:88** [CC 172.1(4)]
- Designated offence for dangerous offender purposes, **35:1** [CC 752]
- Designated offence for SOIRA purposes, **20:136** [CC 490.011(1)]
- Forfeiture on conviction, **7:65** [CC 164.2]
- Offence, **7:80** [CC 172.1(1)]
- Offence outside Canada, **2:16** [CC 7(4.1)]
- Presumption re age, **7:86** [CC 172.1(2)]
- Primary designated offence for DNA purposes, **20:77** [CC 487.04]
- Prohibition order, **7:33** [CC 161]
- Punishment, **7:86** [CC 172.1(2)]
- Recognizance to prevent offence, **38:70** [CC 810.1]
- Relief from, **7:66** [CC 164.3]

MAIL

- Jurisdiction over offences, **19:14** [CC 476(e)]
- Letter conveying false message, **12:206** [CC 372(1)]
- Obscene material, **7:74, 7:77** [CC 168, 169]
- Possession of stolen mail, container or key, **12:157** [CC 356(1)(b)]
 - joinder of accused, **27:64** [CC 593]
- Proof of government mailing, **40:80** [CEA 26(3)]
- Stopping with intent to rob or search, **12:91** [CC 345]
- Theft of mail, container or key, **12:157** [CC 356(1)(a)]
- Using mails to defraud, **13:29** [CC 381]

INDEX

MAKING SEXUALLY

EXPLICIT MATERIAL AVAILABLE TO CHILD

- Defence re age of victim, limitation on, **7:80** [CC **171.1(4)**]
- Definition of “sexually explicit material,” **7:80** [CC **171.1(5)**]
- Designated offence for SOIRA purposes, **20:136** [CC **490.011(1)**]
- Offence, **7:80** [CC **171.1(1) to (2)**]
- Offence outside Canada, **2:16** [CC **7(4.1)**]
- Presumption re age, **7:80** [CC **171.1(3)**]
- Primary designated offence for DNA purposes, **20:77** [CC **487.04**]
- Prohibition order, **7:33** [CC **161**]
- Recognizance to prevent offence, **38:70** [CC **810.1**]

MANAGEMENT ORDERS

- Offence-related property
 - appointment of Minister to manage, **20:191, 44:38** [CC **490.81(2)**, CDA **14.1(2)**]
 - destruction of property pursuant to, **20:191, 44:38** [CC **490.81(4) to (7)**, CDA **14.1(4) to (7)**]
 - duration of, **20:191, 44:38** [CC **490.81(8)**, CDA **14.1(8)**]
 - power of court, **20:191, 20:191, 44:38** [CC **490.81(1), (7), (7)**, CDA **14.1(1)**]
 - power to manage, **20:191, 44:38** [CC **490.81(1)**, CDA **14.1(1), (3) to (4)**]

MANAGEMENT ORDERS

—Cont’d

- Offence-related property
 - Cont’d
 - variation of, **20:191, 44:38** [CC **490.81(9)**, CDA **14.1(9)**]
 - Proceeds of crime
 - appointment of Minister to manage, **17:9** [CC **462.331(2)**]
 - destruction of property pursuant to, **17:9** [CC **462.331(4) to (7)**]
 - duration of, **17:9** [CC **462.331(8)**]
 - power of court, **17:9** [CC **462.331(1), (7)**]
 - power to manage, **17:9** [CC **462.331(1), (3) to (4)**]
 - variation of, **17:9** [CC **462.331(9)**]
 - Terrorist group property
 - appointment of manager, **4:13** [CC **83.13(2) to (3)**]
 - appointment of Minister to manage, **4:13** [CC **83.13(3)**]
 - destruction of property pursuant to, **4:13** [CC **83.13(4) to (8)**]
 - duration of, **4:13** [CC **83.13(9)**]
 - power of court, **4:13** [CC **83.13(2) to (3), (8)**]
 - power to manage, **4:13** [CC **83.13(2), (4) to (5)**]
 - procedure, **4:13** [CC **83.13(11) to (12)**]
 - variation of, **4:13** [CC **83.13(12)**]
- ### MANDAMUS
- Appeal from grant or refusal, **37:28, 37:29** [CC **784(1), (2)**]

MANDAMUS—Cont'd

Rules of court re, **19:35** [CC **482(3)(c)**]

MANITOBA

Generally, **1:3, 7:31, 7:61, 8:42, 10:411, 21:1, 10:411, 21:1, 25:1, 34:184, 38:84, 38:91** [CC **2, 160(11), 164(8), 188(4), 320(8), 493, 552, 745.6(3), 812, 814(1)**]

MANSLAUGHTER,

See also **HOMICIDE**

Coroner's warrant, **21:119** [CC **529**]

Culpable homicide as, **10:33, 10:81** [CC **222(4), 234, (5)**]

Dangerous operation as included offence, **27:253** [CC **662(5)**]

Failure to safeguard ice-hole or excavation, **10:219, 10:218** [CC **263(1), (2), (3)(a)**]

Flight causing bodily harm or death as included offence, **27:253** [CC **662(5)**]

Indictment barred, **27:109** [CC **610(2), (4)**]

In operation of motor vehicle, vessel or aircraft included offence, **27:253** [CC **662(5)**]

Internationally protected person outside Canada, **2:16** [CC **7(3), (5) to (7)**]

Punishment, **10:86** [CC **236**] use of firearm, **10:86** [CC **236(a)**]

United Nations or associated personnel, outside Canada, **2:16** [CC **7(3.71)**]

MARINE SIGNAL

Interfering with signal, **14:48** [CC **439**] defence, **14:4** [CC **429(2)**]

MARITIME NAVIGATION, INTERNATIONAL

Offence outside Canada

accessory after the fact, **2:16** [CC **7(2.1), (2.2)**]

attempt, **2:16** [CC **7(2.1), (2.2)**]

consent to prosecution, **2:16** [CC **7(7)**]

conspiracy, **2:16** [CC **7(2.1), (2.2)**]

counselling, **2:16** [CC **7(2.1), (2.2)**]

deemed committed in Canada, **2:16** [CC **7(2.1)**]

prosecution outside Canada, **2:16** [CC **7(6)**]

MARK

See also **TRADEMARK**

Counterfeiting government mark, **12:211** [CC **376(2)**]

“Mark,” **12:211** [CC **376(3)**]

MARRIAGE

Age of 16 years, **10:362** [CC **293.2**]

Bigamy, **10:352, 10:357** [CC **290, 291(1)**]

marriage certificate as evidence, **10:357** [CC **291(2)**]

Forced, **10:361** [CC **293.1**]

“Form of marriage,” **10:1** [CC **214**]

Polygamy, **10:359** [CC **293**]

Pretending to solemnize marriage, **10:363** [CC **294(a)**]

Procuring feigned marriage, **10:358** [CC **292(1)**]

corroboration, **10:358** [CC **292(2)**]

Procuring pretended solemnization, **10:363** [CC **294(b)**]

INDEX

MARRIAGE—Cont'd

- Publication of reports of proceedings, **7:67 [CC 166]**
- Recognizance
 - generally, **38:69 [CC 810.02(1)]**
 - adjudication, **38:69 [CC 810.02(3)]**
 - appearances, **38:69 [CC 810.02(2)]**
 - conditions, **38:69 [CC 810.02(6) to (9)]**
 - duration extended, **38:69 [CC 810.02(4)]**
 - firearms, **38:69 [CC 810.02(7)]**
 - refusal to enter into, **38:69 [CC 810.02(5)]**
 - surrender, etc., **38:69 [CC 810.02(8)]**
 - variances, **38:69 [CC 810.02(9)]**
- Register of marriages
 - defacing or making false entry, **12:214 [CC 377(1)]**
- Solemnization contrary to law, **10:364 [CC 295]**

**MEDICAL AND
PSYCHOLOGICAL
REPORTS**

- See also **ASSESSMENTS (MENTAL DISORDER)**
- Young persons, **42:41 [YCJA 34]**

**MEDICAL ASSISTANCE IN
DYING**

- Clarification, **10:101, 10:105 [CC 241(5.1), 241.2(9)]**
- Code s. 14, non-application of, **10:44 [CC 227(4)]**
- Defined, **10:44, 10:104, 10:101, 10:126 [CC 227(5), 241.1,**

**MEDICAL ASSISTANCE IN
DYING—Cont'd**
241(7), 245(3)]

- Documents
 - defined, **10:108 [CC 241.4(4)]**
 - destruction of, **10:108 [CC 241.4]**
 - punishment, **10:108 [CC 241.4(3)]**
- Eligibility, **10:105 [CC 241.2(1)]**
- Exemptions
 - generally, **10:44 [CC 227(1)]**
 - administering noxious thing, **10:125 [CC 245(2)]**
 - patient, person aiding, **10:101 [CC 241(5)]**
 - pharmacist, person aiding, **10:101 [CC 241(4)]**
 - practitioner, person aiding, **10:44, 10:101 [CC 227(2), 241(3)]**
 - suicide and, **10:103 [CC 241(2)]**
- Filing information
 - death certificate information, **10:107 [CC 241.31(3.1)]**
 - guidelines, **10:107 [CC 241.31(3.1)]**
 - offences, **10:107 [CC 241.31(4), (5)]**
 - pharmacists, **10:107 [CC 241.31(2)]**
 - practitioners, **10:107 [CC 241.31(1)]**
 - punishment, **10:107 [CC 241.31(4), (5)]**
 - regulations, **10:107 [CC 241.31(3)]**
- Forgery
 - generally, **10:108 [CC 241.4(1)]**
 - punishment, **10:108 [CC 241.4(3)]**

MEDICAL ASSISTANCE IN DYING—Cont'd

- Grievous and irremediable medical condition, **10:105** [CC **241.2(2)**]
- Medical practitioner
 - defined, **10:44, 10:104, 10:101, 10:126** [CC **227(5), 241.1, 241(7), 245(3)**]
 - filing information, **10:107** [CC **241.31(1)**]
 - independence of, **10:105** [CC **241.2(6)**]
 - person aiding, **10:44, 10:101** [CC **227(2), 241(3)**]
- Mistaken belief, reasonable but, **10:44, 10:101** [CC **227(3), 241(6)**]
- Nurse practitioner
 - defined, **10:44, 10:104, 10:101, 10:126** [CC **227(5), 241.1, 241(7), 245(3)**]
 - filing information, **10:107** [CC **241.31(1)**]
 - independence of, **10:105** [CC **241.2(6)**]
 - person aiding, **10:44, 10:101** [CC **227(2), 241(3)**]
- Pharmacist
 - defined, **10:101, 10:104** [CC **241(7), 241.1**]
 - filing information, **10:107** [CC **241.31(2)**]
 - informing, **10:105** [CC **241.2(8)**]
 - person aiding, **10:101** [CC **241(4)**]
- Reasonable but mistaken belief, **10:44, 10:101** [CC **227(3), 241(6)**]
- Reasonable knowledge, care and skill, **10:105** [CC **241.2(7)**]

MEDICAL ASSISTANCE IN DYING—Cont'd

- Safeguards
 - generally, **10:105** [CC **241.2(3)**]
 - comply with, failure to, **10:106** [CC **241.3**]
- Sign, inability to, **10:105** [CC **241.2(4)**]
- Witness, independent, **10:105** [CC **241.2(5)**]

MENTAL DISORDER

- See also ASSESSMENTS (MENTAL DISORDER); DISPOSITIONS AND DISPOSITION HEARINGS (MENTAL DISORDER); FITNESS TO STAND TRIAL; FIREARMS; REVIEW BOARDS
 - Burden of proof, **2:43** [CC **16(3)**]
 - Exemption from criminal responsibility, **2:41** [CC **16(1)**]
 - Presumption against, **2:42** [CC **16(2)**]
 - Special verdict
 - appeals by accused from, **29:11** [CC **675(3)**]
 - effect of, **28:31** [CC **672.35**]
 - on application for federal employment, **28:33** [CC **672.37**]
 - form of special verdict, **28:30** [CC **672.34**]
 - not a previous conviction, **28:32** [CC **672.36**]
 - Transfer or lend firearms to, **47:24** [FA **22**]
 - Young persons, **42:163** [YCJA **141**]
- MERCY**
- See also MISCARRIAGES OF JUSTICE; PARDON

INDEX

MERCY—Cont'd

Royal prerogative, **34:198, 34:201** [CC 749, 751]

MILITARY LAW

See also ARMED FORCES
Effect of Charter, **41:63** [CA 11(f)]
Effect of Code, **2:12** [CC 5]

MILITARY STORES

Receiving, **13:96** [CC 420]
presumption of enlistment, **13:97** [CC 421(1)]

MILITARY TRIBUNAL

See ARMED FORCES

MILITARY UNIFORM

Unlawful use, **13:95** [CC 419]
presumption of enlistment, **13:97** [CC 421(1)]

MINE

Salting, **13:54** [CC 396(1)]

MINERALS

Forfeiture, **13:51, 13:52, 13:53** [CC 394(6), 394.1(4), 395(2)(b)(ii)]
Fraud, **13:51** [CC 394(1)]
Fraudulent concealment, **13:51** [CC 394(1)]
Possession as proof of theft, **27:237** [CC 656]
Possession of stolen or fraudulently obtained, **13:52** [CC 394.1]
Purchase of, **13:51** [CC 394(3), (4)(b)]
Sale of, **13:51** [CC 394(2), (4)(a)]
Salting mine or sample, **13:54** [CC 396(1)]
Search and seizure, **13:53** [CC 395]

MINERALS—Cont'd

Taking for scientific purpose not theft, **12:56** [CC 333]

MINT

Conveying coining instruments out of mint, **15:26** [CC 459]

MISCARRIAGES OF JUSTICE

Application for ministerial review
considerations upon decision by Minister, **30:5** [CC 696.4]
determination by court of appeal, **30:3** [CC 696.3(3)(a)(ii)]
dismissal by Minister, **30:3** [CC 696.3(3)(a)(i)]
finality of decision, **30:3** [CC 696.3(4)]
form of, **30:1** [CC 696.1(2)]
referrals to court of appeal, **30:3** [CC 696.3(2), (3)(a)(ii)]
review by Minister, **30:2, 30:3, 30:5** [CC 696.2, 696.3, 696.4]
right to bring, **30:1** [CC 696.1(1)]
Court of appeal
defined, **30:4** [CC 696.3(1)]
determination of applications, **30:3** [CC 696.3(3)(a)(ii)]
referrals to, **30:3** [CC 696.3(2), (3)(a)(ii)]
release pending determination of reference, **29:29** [CC 679(7)]
Minister of Justice
duties of Minister
annual report, **30:5** [CC 696.4]
considerations on applications, **30:5** [CC 696.4]

MISCARRIAGES OF JUSTICE**—Cont'd**

- Minister of Justice—Cont'd
 - duties of Minister—Cont'd
 - review applications, **30:2, 30:5** [CC **696.2(1), 696.4**]
 - powers of Minister
 - delegation, **30:2** [CC **696.2(2)**]
 - investigation, **30:2** [CC **696.2(2)**]
 - order for new hearing, **30:2** [CC **696.2(3)**]
 - referral to court of appeal, **30:3** [CC **696.3(2), (3)(a)(ii)**]
- Regulations
 - power to make, **30:8** [CC **696.6**]
- Release pending determination of reference, **29:29** [CC **679(7)**]

MISCHIEF

- Data, mischief re, **12:81, 14:5, 14:10, 14:5, 14:13** [CC **342.2, 430(1.1), (5), (5.1), (8)**]
- Property, mischief to, **14:5** [CC **430**]
 - cultural property, **14:5** [CC **430(4.2)**]
 - defence, **14:4** [CC **429(2)**]
 - defined, **14:6** [CC **430(1)**]
 - endangering life, **14:7** [CC **430(2)**]
 - exceptions, **14:11, 14:12** [CC **430(6), (7)**]
 - religious property, **14:5** [CC **430(4.1)**]
 - war memorial, **14:5** [CC **430(4.11)**]
 - where property not testamentary instrument

MISCHIEF—Cont'd

- Property, mischief to, **14:5** [CC **430**]—Cont'd
 - or value over 01675,000, **14:9, 14:5** [CC **430(4), (5.1)**]
 - where property testamentary instrument, **14:8** [CC **430(3)**]
 - where property value over 01675,000, **14:8, 14:5** [CC **430(3), (5.1)**]
 - Public mischief, **6:71** [CC **140**]
- MISLEADING JUSTICE**
- Compounding indictable offence, **6:75** [CC **141**]
 - Conspiring to cause false prosecution, **18:8** [CC **465(1)(b)**]
 - Fabricating evidence, **6:62** [CC **137**]
 - False accusation, **6:71** [CC **140**]
 - False statement, **6:56** [CC **134**]
 - Giving contradictory evidence, **6:60** [CC **136**]
 - Obstructing justice, **6:67** [CC **139**]
 - Perjury, **6:48, 6:52** [CC **131, 132**]
 - Pretended affidavit, **6:64** [CC **138**]
 - Public mischief, **6:71** [CC **140**]
 - Taking reward for recovery of goods, **6:77** [CC **142**]

MISTAKE

- See also DEFENCES
- Apprehended consent, **10:235** [CC **265(4)**]
- Ignorance of law, **2:58** [CC **19**]
- Mistake of fact, **2:19** [CC **8**]
- Officially induced error, **2:58** [CC **19**]

MISTRIAL

- Trial rulings binding at new trial, **27:232** [CC **653.1**]

INDEX

MONEY

See CURRENCY OFFENCES

MORTGAGE

See also DOCUMENT OF
TITLE

Fraudulent concealment, **13:36**
[CC 385]

Fraudulent registration, **13:38**
[CC 386]

Fraudulent sale of property,
13:39 [CC 387]

MOTOR VEHICLES

See also DRIVING OFFENCES

Joy-riding, **12:61** [CC 335]

Master keys, **12:133** [CC 353]

Possession with identification
number removed, **12:138,**
12:139 [CC 354(2), (3)]

Prohibited weapon in, **5:28, 5:26**
[CC 90(2), (4)]

Theft of, **12:135** [CC 353.1]

MOVIE PIRACY

Forfeiture on conviction, **14:22**
[CC 432(3), (4)]

Unauthorized recording of movie
for purpose of sale, etc., **14:22**
[CC 432(2)]
simpliciter, **14:22** [CC 432(1)]

MUNICIPALITY

See also ORGANIZATION

Municipal corruption, **6:23** [CC
123]

“Municipality,” **1:3** [CC 2]

Right to proceeds of penalties,
34:104 [CC 734.4(3)]

Service on, **31:17** [CC 703.2(a)]

MURDER

See also HOMICIDE;
INFANTICIDE; MAN-
SLAUGHTER

MURDER—Cont'd

Accessory after fact, **10:98** [CC
240]

Attempt, **10:91** [CC 239]

Classification, **10:67** [CC
231(1), (7)]

first degree murder, **10:67**
[CC 231(2) to (6.2)]

constructive, **10:67** [CC
231(5)]

contract, **10:67** [CC 231(3)]

criminal harassment, **10:67**
[CC 231(6)]

criminal organization, **10:67**
[CC 231(6.1)]

form of indictment, **27:35**
[CC 582]

indictment for second
degree murder barred,
27:109 [CC 610(3)]

intimidation of journalist or
justice system partici-
pant, **10:67** [CC
231(6.2)]

jury recommendation re
youths, **34:151** [CC
743.1]

of police officer, prison
guard or employee,
10:67 [CC 231(4)]

parole ineligibility, **34:195,**
34:176, 34:175,
34:183 [CC 747,
745.3, 745.21, 745.51]

planned and deliberate,
10:67 [CC 231(2)]

sentence, **34:167, 34:182**
[CC 745(a), 745.5]

terrorist activity, **10:67** [CC
231(6.01)]

verdict where second
degree proved, **27:255**
[CC 662(2)]

second degree murder
defined, **10:47, 10:67** [CC

MURDER—Cont'd

Classification, **10:67** [CC **231(1), (7)**]—Cont'd
 second degree murder
 —Cont'd
 229(a), (b), 231(7)
 indictment for first degree
 barred, **27:109** [CC **610(3)**]
 parole ineligibility order
 appeal regarding order,
 29:8, 29:14 [CC **675(2) to (2.3), 676(4) to (6)**]
 consecutive, **34:175, 34:183** [CC **745.21, 745.51**]
 jury recommendation,
 34:172, 34:176, 34:175 [CC **745.2, 745.3, 745.21**]
 order made, **34:177, 34:182, 34:183** [CC **745.4, 745.5, 745.51**]
 parole ineligibility,
 34:194, 34:172 to 34:176, 34:183 [CC **746.1(2), 745.2 to 745.3, 745.51, (3)**]
 sentence, **34:167, 34:177, 34:182** [CC **745(b), (b.1), 745.4, 745.5**]
 Compulsion by threats, no
 defence, **2:50** [CC **17**]
 Consent not affecting liability,
 2:36 [CC **14**]
 Conspiracy, **18:8** [CC **465(1)(a)**]
 Conviction barring charge of
 manslaughter or infanticide,
 27:109 [CC **610(2)**]
 Coroner's warrant, **21:119** [CC **529**]
 Definition, **10:47** [CC **229**]

MURDER—Cont'd

Indictment
 joinder of counts, **27:48** [CC **589**]
 severance of counts, **27:54**
 [CC **591(3)(a)**]
 Infanticide as included offence,
 27:256, 27:257 [CC **662(3), (4)**]
 Internationally protected person
 outside Canada, **2:16** [CC **7(3), (5) to (7)**]
 Judicial review of parole ineligibility, **34:184** [CC **745.6(2)**]
 Manslaughter as included
 offence, **27:256** [CC **662(3)**]
 Multiple
 consecutive parole ineligibility
 orders
 judge's order, **34:183** [CC **745.51**]
 jury recommendation,
 34:175 [CC **745.21**]
 judicial review of parole ineligibility, **34:184** [CC **745.6(2)**]
 Provocation reducing to man-
 slaughter, **10:74** [CC **232**]
 Punishment, **10:84, 34:171, 34:176** [CC **235, 745.1, 745.3**]
 attempt, where use of firearm,
 10:91, 10:93, 10:94 [CC **239(1)(a), (1)(a.1), (2), (3)**]
 multiple murders, **34:175, 34:183** [CC **745.21, 745.51**]
 persons under 18, **34:171** [CC **745.1**]
 persons under 16 at time of
 offence, **34:176** [CC **745.3**]

INDEX

MURDER—Cont'd

- Threat against internationally protected person, **2:16, 13:109** [CC 7(3), 424]
- United Nations or associated personnel, outside Canada, **2:16** [CC 7(3.71)]

MUSEUM

- Acquisition of weapons, **47:10** [FA 9(6)]
- Employee handling firearms, **5:92** [CC 117.09(4), (5)]
- Transfers of weapons, **5:89, 5:92** [CC 117.07, 117.09]

MUTINY

- Encouraging mutiny, **3:24, 3:24** [CC 62(1)(b), (c)]
- Incitement to mutiny, **3:10** [CC 53]
 - evidence, **3:12** [CC 55]
 - indictment, **27:25, 27:84** [CC 581(4), 602]
 - overt acts, **3:12** [CC 55]
- Mutiny on Canadian ship, **3:45** [CC 75(c)]

NARCOTIC OFFENCES

- See DRUG OFFENCES

NECESSARIES OF LIFE

- Duty to provide, **10:4** [CC 215(1)]
- Failure to provide, **10:5** [CC 215(2)]
 - presumptions, **10:3** [CC 215(4)]
 - punishment, **10:6** [CC 215(3)]
- Support as condition of probation, **34:85** [CC 732.1(3)(e)]

NEW BRUNSWICK

- Generally, **1:3, 2:53, 2:56, 2:60, 2:62, 7:61, 8:42, 10:411, 25:1, 34:184, 38:84, 41:81**

NEW BRUNSWICK—Cont'd

- [CC 2, 17(2), 18(2), 19(2), 20(2), 164(8), 188(4), 320(8), 552, 745.6(3), 812, CA 16(2)]

NEWFOUNDLAND

- Generally, **1:3, 7:61, 8:42, 10:411, 20:1, 22:15, 25:1, 27:151, 34:184, 38:84** [CC 2, 164(8), 188(4), 320(8), 483, 534, 552, 638(3), 745.6(3), 812]

NEWSPAPER

- See also DEFAMATORY LIBEL; PUBLICITY
- “Newspaper,” **10:367, 19:27** [CC 297, 478(5)]

NEW TRIAL

- See APPEALS

NON-COMMUNICATION ORDER

- Failure to comply with, **34:157** [CC 743.21(2)]
- Power to issue, **34:157** [CC 743.21(1)]

NORTHWEST TERRITORIES

- “Appeal court,” **38:84** [CC 812]
- Application of Code provisions, **2:20** [CC 8(1)]
- “Appropriate Chief Justice,” **34:184** [CC 745.6(3)]
- Court of appeal, **1:3** [CC 2]
- Empanelling jury
 - challenge for cause, **27:148** [CC 638]
- Forfeiture of recognizance, **36:1** [CC 762(1)]
- “Judge” under Part XIX, **25:1** [CC 552]
- “Judge” under Part XVI, **21:1** [CC 493]

NORTHWEST TERRITORIES**—Cont'd**

Preferring indictment, **27:6** [CC 577]

“Superior court of criminal jurisdiction,” **1:3** [CC 2]

Venue for summary conviction appeal, **38:91** [CC 814(4)]

NORTHWEST TERRITORIES ACT

Generally, **2:20** [CC 8(1)]

NOTARIAL ACT OR INSTRUMENT

Copy as proof, **40:82** [CEA 27]

NOTICE

Notice of appeal

court of appeal, **29:26, 38:137** [CC 678, 839(2)]

election for new trial, **29:64** [CC 686(5)]

summary conviction appeal court, **38:93, 38:124** [CC 815(1), 830(3)]

notification of clerk of court, **38:102** [CC 821(1)]

Supreme Court of Canada, **29:120** [CC 694]

Notice of application

inspection of bank account, **40:85** [CEA 29(6)]

interception of communication, **8:20** [CC 185]

leave to appeal, **29:26, 38:137** [CC 678, 839(2)]

election for new trial, **29:64** [CC 686(5)]

preventive detention, **35:25** [CC 754(1)]

release of exhibits, **27:89** [CC 605(1)]

release pending appeal or new trial, **29:31** [CC 679(2)]

NOTICE—Cont'd

Notice of application—Cont'd
review of order for release, **21:97** [CC 521(2)]

Notice of expert testimony, **27:243** [CC 657.3(3) to (7)]

Notice of hearing
forfeiture of recognizance, **36:14** [CC 771(1)(b)]

for sureties to show cause, **36:19** [CC 773(2)]

Notice of indictment of organization, **27:116** [CC 621]

Notice of intention to produce business record or affidavit, **40:90** [CEA 30(7)]

certificate of examiner of counterfeit, **15:29** [CC 461(3)]

certificate of failure to appear, **6:93** [CC 145(11)]

certificate of fingerprint examiner, **27:268** [CC 667(4)]

copy of document, **40:83** [CEA 28]

prohibition order, **10:213** [CC 260(5)]

transcript of intercepted communication, **8:47** [CC 189(5)]

Notice of intention to re-elect non-jury trial, **25:33** [CC 565(3)]

provincial court judge, **25:23, 25:25** [CC 561(3), 561.1(4) to (7)]

Notice of intention to seek greater punishment, **4:36, 27:261** [CC 83.27, 665]

Notice of intention to tender “credible and trustworthy” evidence at prelim, **23:33** [CC 540(8)]

INDEX

NOTICE—Cont'd

- Notice of obligation to comply with sex offender registration requirements, **20:146** [CC 490.02]
- Notice of prescribing distinguishing mark, **13:92** [CC 416]
- Notice of recommencement of proceedings, **27:15** [CC 579(2)]
- Notice of sex offender information registration order, **20:144** [CC 490.018]
- Notice to person posting child pornography, **7:64** [CC 164.1(2)]
- Proof of service, **2:8, 2:9, 40:142** [CC 4(6) to (7), CEA 40]
- Sheriff's notice
 - of trial, **25:22** [CC 560(3)]
 - that accused in custody, **25:22** [CC 560(1), (2)]

NOVA SCOTIA

- Generally, **1:3, 8:42, 21:1, 22:15, 25:1, 27:151, 34:184, 38:84** [CC 2, 188(4), 493, 534, 552, 638(3), 745.6(3), 812]

NOXIOUS THING

- Administering, **10:123** [CC 245]

NUCLEAR TERRORISM

- Alteration of device or material
 - with intent to compel/inhibit act, **3:62** [CC 82.4]
 - with intent to damage/harm/kill, **3:61** [CC 82.3]
- Armed forces exception to offences, **3:65** [CC 82.7]
- Commission of indictable offence
 - with intent to obtain access to facility, **3:63** [CC 82.5]

NUCLEAR TERRORISM

—Cont'd

- Commission of indictable offence—Cont'd
 - with intent to obtain device/material, **3:63** [CC 82.5]
- Definition of “device,” **3:60** [CC 82.2]
- DNA order on conviction
 - primary designated offences, **20:77** [CC 487.04]
- Making of device, **3:61** [CC 82.3]
- Offence outside Canada, committed, **2:16** [CC 7(2.21)]
- Possession, etc. of device/material, **3:61** [CC 82.3]
- Serious disruption of facility's operations
 - with intent to compel/inhibit act, **3:62** [CC 82.4]
 - with intent to damage/harm/kill, **3:61** [CC 82.3]
- Serious interference with facility
 - with intent to compel/inhibit act, **3:62** [CC 82.4]
 - with intent to damage/harm/kill, **3:61** [CC 82.3]
- Threats, **3:64** [CC 82.6]
- Use of device/material
 - with intent to compel/inhibit act, **3:62** [CC 82.4]
 - with intent to damage/harm/kill, **3:61** [CC 82.3]
- Wiretap for, **8:1** [CC 183 “offence” (a)(xii.01) to CC 183 “offence” (a)(xii.03)]

NUDITY

- Generally, **7:95** [CC 174]

NUISANCE

- See also MISCHIEF
- Common nuisance, **7:121** [CC 180]

NUISANCE—Cont'd

- Failure to perform duty in burial, **7:126 [CC 182(a)]**
- Interference with dead body, **7:126 [CC 182(b)]**

NUNAVUT

- “Appeal court,” **38:84, 38:123 [CC 812(2), 829(2)]**
- Application of Code provisions, **2:20 [CC 8(1)]**
- “Appropriate Chief Justice,” **34:184 [CC 745.6(3)]**
- “Attorney General,” **1:3 [CC 2]**
- “Court of appeal,” **1:3 [CC 2]**
- Election, **23:9, 23:10, 25:25, 25:33, 25:44, 25:49 [CC 536.1(2) to (4.2), 536.2, 561.1, 565(2), 567.1, 569]**
- Indictment, preferment of, **25:41, 27:6 [CC 566.1, 577]**
- “Judge” under Part XIX, **25:1 [CC 552]**
- “Judge” under Part XVI, **21:1 [CC 493]**
- Preliminary inquiry
 - agreement to limit scope, **23:13, 23:84 [CC 536.5, 549(1.1)]**
 - general, **25:14 [CC 555.1]**
 - jurisdiction, **23:9 [CC 536.1(5)]**
 - pre-inquiry hearing, **23:12 [CC 536.4]**
 - remand, **23:9 [CC 536.1(1)]**
 - request for, **23:9, 25:15, 27:2, 27:6 [CC 536.1(3) to (4.2), 556(4), 574(1.1), 577, (1.2)]**
 - “Provincial court judge,” **47:67 [FA 76.1]**
- Re-election, **23:10, 25:25, 25:29, 25:31 [CC 536.2, 561.1, 562.1, 563.1]**

NUNAVUT—Cont'd

- “Superior court,” **47:67 [FA 76.1]**
- “Superior court of criminal jurisdiction,” **1:3 [CC 2]**
- Venue for summary conviction appeal, **38:91 [CC 814(4)]**

NUNAVUT COURT OF JUSTICE

- Applications for review of decisions of
 - appeal from decision made on review, **26:2 [CC 573.1(7)]**
 - grounds of review, **26:2 [CC 573.1(3)]**
 - limitation, **26:2 [CC 573.1(2)]**
 - orders subject to review, **26:2 [CC 573.1(1), (2)]**
 - powers of reviewing judge, **26:2 [CC 573.1(4), (5)]**
 - rules governing, **26:2 [CC 573.1(6)]**
- Election procedures in, **23:9, 25:14, 25:33, 25:44, 25:49, 27:67 [CC 536.1, 555.1, 565, 567.1, 569, 598]**
- on retrial, **29:58 [CC 686(5.1), (5.2)]**
- Habeas corpus
 - availability, in respect of orders and warrants of, **26:3 [CC 573.2]**
- Jurisdiction, **23:9, 25:2, 25:6, 25:17, 25:19, 25:22, 26:1 [CC 536.1(5), 553, 554, 557, 558, 560, 573]**
- Preferred indictment in, **25:41 [CC 566.1]**
- Preliminary inquiry in
 - agreement to limit scope, **23:13, 23:84 [CC 536.5, 549(1.1)]**

INDEX

NUNAVUT COURT OF JUSTICE—Cont'd

- Preliminary inquiry in—Cont'd
 - continuation of proceedings as, where subject matter is testamentary instrument or value exceeds 01675000, **25:14** [CC **555.1(2), (3)**]
 - decision to hold, where appears offence should be prosecuted by indictment, **25:14** [CC **555.1**]
 - pre-inquiry hearing, **23:12** [CC **536.4**]
 - request for, **23:9, 25:15, 27:2, 27:6** [CC **536.1(3)** to **(4.2), 556(4), 574(1.1), 577, (1.2)**]
- Re-election procedures in, **23:10, 25:25, 25:29, 25:31, 25:33, 25:44, 25:49, 27:67** [CC **536.2, 561.1, 562.1, 563.1, 565, 567.1, 569, 598**]
- Trial procedures in
 - mode of trial where multiple accused, **25:44** [CC **567.1**]
 - mode of trial where new trial ordered following appeal, **29:64, 29:58** [CC **686(5), (5.01)**]
 - taking of evidence on trial by judge alone, **25:17** [CC **557**]

OATH

- See also **AFFIDAVIT; AFFIRMATION; PERJURY**
- Administration, **40:53** [CEA **13**] without authority, **6:64** [CC **138**]
- Affirmation in lieu, **40:58** [CEA **15**]
- Child, **40:60, 40:64** [CEA **16(1), 16.1**]

OATH—Cont'd

- Contradictory evidence, **6:60** [CC **136**]
 - Electronic, **39:6** [CC **846**]
 - False statement under oath, **6:53** [CC **133**]
 - order for particulars, **27:43** [CC **587(1)(a)**]
 - sufficiency of counts, **27:40** [CC **585(b)**]
 - Oath administered abroad, **40:161 to 40:163** [CEA **52 to 54**]
 - Perjury, **6:48** [CC **131**]
 - order for particulars, **27:43** [CC **587(1)(a)**]
 - sufficiency of counts, **27:40** [CC **585(a)**]
 - Refusal to be sworn, **23:73** [CC **545(1)**]
 - Requirement of sworn evidence preliminary inquiry, **23:33** [CC **540(1)(a)**]
 - Where mental capacity challenged, **40:59** [CEA **16(1)**]
 - Witness in foreign proceedings, **40:158** [CEA **49**]
- ### **OBEDIENCE TO DE FACTO LAW**
- Generally, **2:38** [CC **15**]
- ### **OBSCENITY**
- See also **CRIME COMIC**
 - Appeal from forfeiture or restoration, **7:61** [CC **164(6)**]
 - Consent to prosecute where order of forfeiture, **7:61** [CC **164(7)**]
 - Delivering by mail, **7:74** [CC **168**]
 - punishment, **7:77** [CC **169**]
 - Exposing to public view, **7:42** [CC **163(2)(a)**]
 - consent to prosecution, **7:61** [CC **164(7)**]

OBSCENITY—Cont'd

- Exposing to public view, **7:42**
[CC 163(2)(a)]—Cont'd
- motive irrelevant, **7:48** [CC
163(5)]
- presumption of obscenity,
7:51 [CC 163(8)]
- punishment, **7:77** [CC 169]
- service of public good as
defence, **7:45** [CC
163(3)]
- Forfeiture, **7:61** [CC 164(3), (4)]
- Mailing, **7:74, 7:77** [CC 168,
169]
- Obscene theatrical performance
presenting or allowing, **7:69**
[CC 167(1)]
- punishment, **7:77** [CC 169]
- taking part, **7:70** [CC 167(2)]
- Publishing, **7:42** [CC 163(1)(a)]
- consent to prosecution, **7:61**
[CC 164(7)]
- ignorance no defence, **7:49**
[CC 163(6)]
- motive irrelevant, **7:48** [CC
163(5)]
- presumption of obscenity,
7:51 [CC 163(8)]
- punishment, **7:77** [CC 169]
- service of public good as
defence, **7:45, 7:47** [CC
163(3), (4)]
- Restoration after seizure, **7:61**
[CC 164(5)]
- Sale, **7:42** [CC 163(2)(a)]
- consent to prosecution, **7:61**
[CC 164(7)]
- motive irrelevant, **7:48** [CC
163(5)]
- presumption of obscenity,
7:51 [CC 163(8)]
- punishment, **7:77** [CC 169]
- service of public good as
defence, **7:45, 7:42** [CC
163(3), (4)]

OBSCENITY—Cont'd

- Summons, **7:63** [CC 164(2)]
- punishment, **7:77** [CC 169]
- Warrant of seizure, **7:62** [CC
164(1)]

OBSTRUCTION

- Execution of process, **6:34** [CC
129(c)]
- Highway, **13:101** [CC 423(1)(g)]
- Justice, **6:67** [CC 139]
- Officiating clergyman, **7:110**
[CC 176(1)]
- Peace officer, **6:34** [CC 129(a)]
- Public officer, **6:34** [CC 129(b)]
- Saving of vessel, **14:45** [CC
438(1)]
- Saving of wreck, **14:46** [CC
438(2)]
- Use of property, **14:5** [CC
430(1)(c), (d)]

OCCULT SCIENCE

- Pretending to practise, **12:183**
[CC 365(c)]

OFFENCE

- See also JURISDICTION
- Abolition of common law
offences, **2:23** [CC 9]
- Included offences, **27:253** [CC
662]
- No conviction of child under 12,
2:34 [CC 13]
- Offence under more than one
Act, **2:32** [CC 12]
- Rights of persons charged with,
41:63 [CA 11]

OFFENDER

- Definition, **1:3** [CC 2]

OFFENSIVE WEAPON

- See WEAPON

INDEX

OFFICER, PEACE

See also JUDICIAL INTERIM
RELEASE

Release or detention of accused,
21:21, 21:22 [CC 498, 499]

OFFICIAL

See also BRIBERY; CORRUP-
TION; OFFICIAL DOCU-
MENT

Certified copy as evidence,
40:77 [CEA 24]

Destruction etc., 12:72 [CC 340]

OFFICIAL DOCUMENTS

Identity documents, 3:14 [CC
56.1]

definition of identity docu-
ment, 3:14 [CC 56.1(3)]

exceptions, 3:14 [CC 56.1(2)]

punishment, 3:14 [CC
56.1(4)]

OIL WELL

Arson, 14:23, 14:30 [CC 433,
434]

Salting, 13:54 [CC 396]

ONTARIO

Generally, 1:3, 8:9, 21:1, 25:1,
34:184, 38:84 [CC 2,
184(4), 493, 552, 745.6(3),
812]

OPERATE

See also MOTOR VEHICLES
Definition, 10:1 [CC 214]

ORDER TO STAND TRIAL

Generally, 23:78, 23:84 [CC
548(1)(a), 549]

ORE

See also MINERALS
Possession as proof of theft,
27:237 [CC 656]

ORE—Cont'd

Taking for scientific purpose, not
theft, 12:56 [CC 333]

ORGANIZATION

Appearance, 23:29, 25:15,
27:115, 38:28, 38:46 [CC
538, 556, 620, 800(3),
802.1]

default, 25:15, 27:117,
27:118, 38:28 [CC
556(2), 622, 623, 800(3)]

Attributing liability to
duty of persons directing
work, 10:12 [CC 217.1]
“every one” includes, 1:3
[CC 2]

negligence offences, 2:77 [CC
22.1]

other offences, 2:78 [CC 22.2]

Criminal, See CRIMINAL
ORGANIZATION

Criminal responsibility
duty of persons directing
work, 10:12 [CC 217.1]

“every one” includes, 1:3
[CC 2]

negligence offences, 2:77 [CC
22.1]

other offences, 2:78 [CC 22.2]

Duty of persons directing work,
10:12 [CC 217.1]

Enforcement of judgment,
34:113 [CC 735]

Greater punishment where previ-
ous conviction, 34:66 [CC
727(4)]

Notice of indictment, 27:116
[CC 621]

“Organization” defined, 1:3,
44:4 [CC 2, CDA 2(1)]

Party liability
negligence offences, 2:77 [CC
22.1]

other offences, 2:77 [CC 22.1]

ORGANIZATION—Cont'd

- Punishment, **34:33, 34:85, 34:113 [CC 718.21, 732.1(3.1), 735, (3.2)]**
- Request for preliminary inquiry failure to request, **25:15 [CC 556(3), (4)]**
- “Senior officer,” defined, **1:3 [CC 2]**
- “Senior officer” defined, **1:3 [CC 2]**
- Sentencing
 - finer, **34:113 [CC 735]**
 - general considerations, **34:33 [CC 718.21]**
 - probation conditions, **34:85 [CC 732.1(3.1), (3.2)]**
- Service of process on, **31:17 [CC 703.2]**
- Terrorist, See **TERRORIST GROUP**
- Trial and conviction, **27:118 [CC 623]**

ORGANIZATIONAL LIABILITY

See **ORGANIZATION**

OVERCOMING RESISTANCE TO COMMISSION OF OFFENCE

Generally, **10:127 [CC 246]**

OWNER

- “Owner,” **1:3 [CC 2]**
- Ownership of property, **27:45 [CC 588]**
- Theft by owner or joint owner, **12:45 [CC 328(a), (d)]**

OYSTER BED AND OYSTERS

- Description in indictment, **12:32 [CC 323(2)]**
- Presumption of ownership, **12:33 [CC 323(1)]**

PARDON

- See also **RECORD SUSPENSION**
- Removal of disabilities, **34:200 [CC 750(2)]**
- Royal prerogative of mercy, **34:196 [CC 748,]**
- Trial outside Canada, **18:15 [CC 465(7)]**

PARENT OR GUARDIAN

- See also **ABDUCTION**
- Abandoning child under 10, **10:13 [CC 218]**
- Attending youth court, **42:32 [YCJA 27]**
- Correction of child by force, **2:127 [CC 43]**
 - liability for excessive force, **2:100 [CC 26]**
- Defence of child against assault, **2:126 [CC 37]**
- Duty to provide necessaries, **10:3 [CC 215(1)(a)]**
- Failure to provide necessaries, **10:5 [CC 215(2)]**
 - necessaries provided by another no defence, **10:3 [CC 215(4)(d)]**
 - presumption of failure, **10:3 [CC 215(4)(c)]**
 - presumption of parentage, **10:3 [CC 215(4)(b)]**
 - punishment, **10:6 [CC 215(3)]**
- Notice to parent, **42:31 [YCJA 26]**
- Procuring sexual activity, **7:78 [CC 170]**
- Sexual exploitation, **7:16 [CC 153(1)]**

PAROLE

- See also **MURDER**
- Dangerous offenders, **35:35 [CC 761]**

INDEX

PAROLE—Cont'd

- Eligibility in life imprisonment, **34:167 to 34:194 [CC 745 to 746.1]**
- day parole, **34:194 [CC 746.1(2)]**
- young offenders convicted of murder, **34:194 [CC 746.1(3)]**
- early parole prohibited, **34:194 [CC 746.1(1)]**
- information in respect of parole, **34:170 [CC 745.01]**
- review of eligibility, **34:184 [CC 745.6]**
 - information provided by victim, **34:189 [CC 745.63(1.1)]**
- temporary absence, **34:194 [CC 746.1(2)]**
- young offenders convicted of murder, **34:194 [CC 746.1(3)]**
- Eligibility in scheduled offences, **34:162 [CC 743.6]**
- Multiple murders, **34:175, 34:183 [CC 745.21, 745.51]**
- Second degree murder
 - recommendation by jury, **34:172, 34:176, 34:175 [CC 745.2, 745.3, 745.21]**
 - sentence by judge, **34:177, 34:182 [CC 745.4, 745.5]**

PARTICULARS

- See also INDICTMENT
- Amendment at trial, **27:79 [CC 601(2)]**
- Order for particulars, **27:43 [CC 587]**

PARTNER

- Theft by, **12:45 [CC 328(d)]**

PARTNERSHIP

- See ORGANIZATION

PARTY TO OFFENCE

- See also ACCESSORY AFTER FACT; AIDING AND ABETTING; COUNSELLING
- Accessory after fact, **2:79 [CC 23]**
 - defined, **2:80 [CC 23(1)]**
 - murder, **10:98 [CC 240]**
 - punishment, **10:98, 18:1 [CC 240, 463]**
 - treason or high treason
 - delivery of trial documents, **27:87 [CC 604]**
- Aiding or abetting
 - abettor party to offence, **2:64 [CC 21(1)(c)]**
 - aider party to offence, **2:64 [CC 21(1)(b)]**
 - particular offences
 - betting offences, **9:20 [CC 202(1)(j)]**
 - cruelty to animals, **14:70 [CC 446]**
 - desertion, **3:11, 3:13 [CC 54, 56]**
 - enemy alien, **3:6 [CC 50]**
 - escape, **6:95 to 6:100 [CC 146 to 148]**
 - feigned marriage, **10:358 [CC 292]**
 - prize fight, **3:67 [CC 83(1)]**
 - suicide, **10:101 [CC 241(b)]**
 - treason, **3:1, 3:6 [CC 46, 50]**
- Common intention to effect unlawful purpose, **2:66 [CC 21(2)]**

PARTY TO OFFENCE—Cont'd

- Counselling
 - general
 - offence committed, **2:76, 2:75 [CC 22(1), (2)]**
 - offence not committed, **18:6 [CC 464]**
 - particular offences
 - insubordination by service-man, **3:24 [CC 62]**
 - piratical acts, **3:45 [CC 75]**
 - sexual touching, **7:13 [CC 152]**
 - suicide, **10:101 [CC 241]**
- Defined, **2:75 [CC 22(3)]**
- Indictment of other parties, **2:84 [CC 23.1]**
- Organizations
 - negligence offences, **2:77 [CC 22.1]**
 - other offences, **2:78 [CC 22.2]**
- Party to offence defined, **2:64 to 2:78 [CC 21 to 22.2]**
- Principal, **2:64 [CC 21(1)(a)]**
- Sexual assault party to, **10:263 [CC 272(1)(d)]**

PASSING OFF

- Forfeiture, **13:88 [CC 412(2)]**
- Offence, **13:82 [CC 408]**
- Punishment, **13:88 [CC 412(1)]**

PASSPORT

- Appearance at trial, **3:15 [CC 57(7)]**
- Deposit as condition of release, **21:75 [CC 515(4)(f)]**
- False statement to procure, **3:15 [CC 57(2)]**
- Forging or uttering, **3:16 [CC 57(1)]**
 - corroboration, **12:189 [CC 367(2)]**

PASSPORT—Cont'd

- Forging or uttering, **3:16 [CC 57(1)]—Cont'd**
 - forgery generally, **12:187 [CC 366]**
 - “false document,” **38:61 to 38:81, 42:17, 2:62 [CC 57(4)(b), 321]**
- Jurisdiction, **3:15 [CC 57(6)]**
- “Passport,” **3:15 [CC 57(5)]**
- Possession of forged passport, **3:15 [CC 57(3)]**

PEACE BOND

- Generally, **38:61 to 38:81, 42:17, 42:23 [CC 810 to 811, YCJA 14(2), 20(2)]**

PEACE OFFICER

- See also PUBLIC OFFICER; RELEASE FROM CUSTODY
- Assault on, **10:255 [CC 270(1)(a)]**
 - aggravated assault, **10:258 [CC 270.02]**
 - assault with a weapon or causing bodily harm, **10:257 [CC 270.01]**
- Bribery, **6:6 [CC 120]**
- Delivery of arrested person to officer, **21:5 [CC 494(3)]**
- Disarming, **10:260 [CC 270.1]**
- Failure to assist officer, **6:34 [CC 129(b)]**
- Inducing investigation by false statement, **6:71 [CC 140]**
- Murder as first degree, **10:67 [CC 231(2)(a)]**
- Obstruction in execution of duty, **6:34 [CC 129(a)]**
- Obstruction in execution of process, **6:34 [CC 129(c)]**
- Officer permitting escape, **6:95, 6:97 [CC 146, 147]**

INDEX

PEACE OFFICER—Cont'd

- “Peace officer,” **1:3** [CC 2]
- “Peace officer” 1:3 [CC 2]
- “flight,” **2:16** [CC 7(8)]
- Personation, **6:44, 6:47** [CC **130, 130.1**]
- “Police officer,” **17:36** [CC **462.48(17)**]
- Protection, **2:88** [CC 25]
 - arrest without warrant, **21:11** [CC **495(3)**]
 - offence, **21:29** [CC **503(4)**]
- Use of force, **2:88** [CC 25]
 - excessive force, **2:100** [CC **26**]
- Weapons, **5:89, 5:91** [CC **117.07, 117.08**]
- Wilful misconduct in execution of process, **6:33** [CC **128**]

PEDIGREE

- False pedigree of title, **13:36** [CC **385(1)(a)**]

PENALTY

- See also FINE; PUNISHMENT; SENTENCE
- Imprisonment in lieu, **34:98** [CC **734(1)**]
 - reduction on part payment, **34:112** [CC **734.8**]
- Payment to provincial treasurer, **34:104** [CC **734.4(1)**]
- “Penalty,” **34:112** [CC **734.8(1)**]
- Recovery by action, **34:106** [CC **734.6**]
- Variation of, **41:63** [CA **11(i)**]

PENITENTIARY

- Preventing escape from, **2:93** [CC **25(5)**]
- Unlawful assemblies and riots
 - reading proclamation, **3:33** [CC **67**]

PERJURY

- See also CONTRADICTORY EVIDENCE
- Evidence
 - answers to incriminating questions, **40:17, 41:75** [CEA **5(2), CA 13**]
 - corroboration, **6:53** [CC **133**]
- Indictment
 - sufficiency of counts, **27:40** [CC **585(a)**]
- Liability in case of affirmation, **40:58** [CEA **15(2)**]
- Offence of perjury, **6:48** [CC **131**]
- Order for particulars, **27:43** [CC **587(1)(a)**]
- Privilege against self-incrimination, **40:17, 41:63** [CEA **5(2), CA 11(c)**]
- Punishment, **6:52** [CC **132**]
- Statement not permitted or authorized by law, **6:51, 6:57** [CC **131(3), 134(1)**]
- Video links, **6:48** [CC **131(1.1)**]

PERSONAL RECORD OF COMPLAINANT

- Appeal from order re, **10:303** [CC **278.91**]
- Application for production
 - content and form, **10:296** [CC **278.3(3)**]
 - costs orders, **10:296** [CC **278.3(3)**]
 - counsel, right to, **10:297** [CC **278.4(2.1)**]
 - forum, **10:294, 10:295** [CC **278.3(1), (2)**]
 - grounds, insufficient, **10:293** [CC **278.3(4)**]
 - hearing in camera, **10:297** [CC **278.4(1)**]
 - persons who may appear, **10:297** [CC **278.4(2)**]

**PERSONAL RECORD OF
COMPLAINANT—Cont'd**

- Application for production
 - Cont'd
 - service of application and subpoena, **10:293** [CC **278.3(5), (6)**]
- Application of legislation, **10:289** [CC **278.1**]
- Definition of “record,” **10:289** [CC **278.1**]
- Production to accused
 - conditions on production, **10:300** [CC **278.7(3)**]
 - copy to prosecutor, **10:300** [CC **278.7(4)**]
 - factors considered, **10:300** [CC **278.7(2)**]
 - publication ban, **10:302** [CC **278.9**]
 - reasons for decision, **10:301** [CC **278.8**]
 - retention of record by court, **10:300** [CC **278.7(6)**]
 - use limited to proceedings, **10:300** [CC **278.7(5)**]
- Production to court for review
 - duty of court upon review, **10:299** [CC **278.6(1)**]
 - factors considered, **10:298** [CC **278.5(2)**]
 - hearing in camera, **10:299** [CC **278.6**]
 - power of court to order, **10:298** [CC **278.5(1)**]
 - publication ban, **10:302** [CC **278.9**]
 - reasons for decision, **10:301** [CC **278.8**]
 - retention of record by court, **10:300** [CC **278.7(6)**]
- Publication ban, **10:302** [CC **278.9**]
- offence re, **10:302** [CC **278.9(2)**]

PERSONATION

- Acknowledgment in false name, **13:77** [CC **405**]
- Aggravating circumstance, **6:47** [CC **130.1**]
- Peace officer, **6:44, 6:47** [CC **130, 130.1**]
- Public officer, **6:44, 6:47** [CC **130, 130.1**]

PHOTOGRAPH

- See also SEARCH AND SEIZURE
- As evidence of record or instrument, **40:90, 40:93** [CEA **30(3), 31**]
- Photographic evidence, **20:195** [CC **491.2**]

PHYSICIAN

- Duty of care in surgical or medical treatment, **10:7** [CC **216**]
- Presence at prize fight, **3:66** [CC **83(1)(c)**]
- Protection from prosecution, **2:132** [CC **45**]
- causing child's death at birth, **10:89** [CC **238(2)**]

PIRACY

- Compulsion by threats no defence, **2:50** [CC **17**]
- Piracy by law of nations, **3:44** [CC **74**]
- Piratical acts, **3:45** [CC **75**]
- DNA order on conviction or discharge, **20:77, 20:81** [CC **487.04, 487.051**]
- Superior court jurisdiction, **19:1, 19:2, 19:2** [CC **468, 469(a)(vi), (vii)**]

PLEA

- See also DEFENCES

INDEX

PLEA—Cont'd

- Adjournment to plead, **27:93** [CC 606(3)]
- By organization, **27:116, 27:117** [CC 621(2), 622]
- Duty to inform, **27:90** [CC 606(4.3)]
- Guilty or not guilty, **27:91** [CC 606(1)]
 - after special plea, **27:102** [CC 607(4)]
 - conditions for accepting guilty, **27:90** [CC 606(1.1)]
 - consent jurisdiction for guilty plea, **19:27, 19:29** [CC 478(3), 479]
 - defences under plea of not guilty, **27:113** [CC 613]
 - guilty to other offence, **27:94** [CC 606(4)]
 - validity of guilty, **27:90** [CC 606(1.2)]
 - young persons, **42:44, 42:44** [YCJA 36(1), (2)]
- Indictable offences, **27:90** [CC 606(4.2)]
- Murder, **27:90** [CC 606(4.1)]
 - serious personal injury offence, **27:90** [CC 606(4.1)]
- Presence of accused for, **27:95, 27:198** [CC 606(5), 650(1.1), (1.2)]
- Refusal to plead, **27:92** [CC 606(2)]
- Special pleas, **27:91** [CC 606(1)]
 - autrefois acquit/convict, **27:98** [CC 607]
 - allowance of plea, **27:105** [CC 609]
 - conviction of attempt, **27:251** [CC 661(2)]
 - discharge in previous

PLEA—Cont'd

- Special pleas, **27:91** [CC 606(1)]
 - Cont'd
 - autrefois acquit/convict, **27:98** [CC 607]—Cont'd
 - proceedings, **34:113** [CC 735]
 - evidence of identity of charges, **27:104** [CC 608]
 - indictment adding circumstances of aggravation, **27:110** [CC 610(1)]
 - infanticide and manslaughter, **27:109** [CC 610(4)]
 - murder and manslaughter or infanticide, **27:109** [CC 610(2)]
 - first and second degree, **27:109** [CC 610(3)]
 - right, **41:63** [CA 11(h)]
 - justification, **27:100, 27:111, 27:112** [CC 607(2), 611, 612]
 - combined with plea of not guilty, **27:112** [CC 612(2)]
 - pardon, **27:98** [CC 607]
 - validity of, **27:90** [CC 606(4.4)]

POINTING A FIREARM

See FIREARMS

POLICE

See PEACE OFFICER; PUBLIC OFFICER

POLYGAMY

Offence, **10:359** [CC 293]

POOL-SELLING

Exemptions from offences, **9:29** [CC 204(1)]

POOL-SELLING—Cont'd

Offences, **9:21** [CC 202(1)]
 Punishment, **9:22** [CC 202(2)]
 Search warrant, **9:10** [CC
 199(1)]

PORNOGRAPHY

See CHILD PORNOGRAPHY

POSSESSION

See also FIREARMS
 Elements of possession, **2:5** [CC
 4(3)]
 when complete, **12:161** [CC
 358]
 Offences
 animal or bird, **14:76** [CC
 446(6)]
 anything knowing it will be
 used to produce ecstasy
 or methamphetamine,
44:21 [CDA 7.1]
 anything knowing it will be
 used to traffic in ecstasy
 or methamphetamine,
44:21 [CDA 7.1]
 armed forces certificate or
 identification, **13:95** [CC
 419(c), (d)]
 automobile master key, **12:133**
 [CC 353]
 clippings of current coin, **15:9**
 [CC 451]
 controlled substance, **44:6**,
44:14, **44:16** [CDA 4(1),
 5(2), 6(2)]
 counterfeiting instruments,
12:211, **15:23** [CC
 376(1)(c), 458]
 counterfeit mark, **12:211** [CC
 376(2)(b)]
 counterfeit money, **15:5** [CC
 450]
 counterfeit stamp, **12:211** [CC
 376(1)(b)]

POSSESSION—Cont'd

Offences—Cont'd
 device to obtain telecom-
 munication service, **2:113**
 [CC 32]
 explosive substance, **14:40**
 [CC 436.1]
 fraudulently obtained valuable
 minerals, **13:52** [CC
 394.1]
 incendiary device or material,
14:40 [CC 436.1]
 instruments
 breaking and entering
 coin-operated device,
12:130 [CC 352]
 house-breaking, **12:125**
 [CC 351(1)]
 counterfeiting, **12:211**,
15:23 [CC 376(1)(c),
 458]
 forgery, **12:200** [CC
 369(b)]
 trademark, **13:83**, **13:88**
 [CC 409, 412]
 to obtain telecommunica-
 tion service, **12:38**
 [CC 326]
 interception devices, **8:51** [CC
 191]
 ore or mineral, **27:237** [CC
 656]
 paper to make bank note,
12:200 [CC 369(a)]
 proceeds of property obtained
 by crime for purpose of
 trafficking, **12:155**,
12:156 [CC 355.4,
 355.5]
 prohibited weapon, **5:30**, **5:31**
 [CC 91, 92]
 property obtained by crime for
 purpose of trafficking,
12:155, **12:156** [CC
 355.4, 355.5]

INDEX

POSSESSION—Cont'd

Offences—Cont'd

restricted weapon, **5:30, 5:31**
[CC 91, 92]

slug or counterfeit token,
15:14 [CC 454]

stolen valuable minerals,
13:52 [CC 394.1]

weapon, for dangerous
purpose, **5:21** [CC 88]

wreck, **13:91** [CC 415]

“Possession,” **2:5** [CC 4(3)]

Property obtained by crime,
12:136, 12:151, 12:155,
12:156 [CC 354, 355,
355.4, 355.5]

compensation to purchaser,
34:61 [CC 726]

credit card, **12:76** [CC
342(1)(c)]

for purpose of trafficking,
offence, **12:155, 12:156**
[CC 355.4, 355.5]

joinder of accused, **27:64** [CC
593]

jurisdiction of provincial court
judge, **25:2, 25:13** [CC
553, 555(2)]

mail, container or key, **12:157**
[CC 356(1)(b)]

mineral or precious metal,
13:51 [CC 394]

offence outside Canada,
12:160 [CC 357]

presumption where vehicle
identification
number removed, **12:138,**
12:139 [CC 354(2),
(3)]

proof of ownership or value,
27:240 [CC 657.1(1)]

punishment, **12:151, 12:156**
[CC 355, 355.5]

for purpose of trafficking,
12:156 [CC 355.5]

POSSESSION—Cont'd

Property obtained by crime,

12:136, 12:151, 12:155,

12:156 [CC 354, 355,

355.4, 355.5]—Cont'd

punishment, **12:151, 12:156**

[CC 355, 355.5]—Cont'd

not exceeding 01675,000,

12:151 [CC 355(b)]

over 01675,000, **12:151**

[CC 355(a)]

POSSESSION FOR PURPOSE OF TRAFFICKING

Anything knowing it will be
used to traffic in ecstasy or
methamphetamine, offence,
44:21 [CDA 7.1]

Controlled substance, offence,
44:12 [CDA 5(2)]

Proceeds of property obtained by
crime, offence, **12:155,**
12:156 [CC 355.4, 355.5]

Property obtained by crime,
offence, **12:155, 12:156**
[CC 355.4, 355.5]

POSTAGE STAMP

As chattel, **2:3** [CC 4(1)]

As property, **1:3** [CC 2]

Counterfeit, **12:212** [CC 376(1)]

Value, **2:3** [CC 4(1)]

POSTAL CARD

As chattel, **2:3** [CC 4(1)]

As property, **1:3** [CC 2]

Value, **2:3** [CC 4(1)]

POWER OF ATTORNEY

Theft by holder, **12:52, 12:53**
[CC 331, 332]

PRECIOUS METALS

Forfeiture, **13:51, 13:53** [CC
394, 395]

Fraud, **13:51** [CC 394]

PRECIOUS METALS—Cont'd

- Fraudulent concealment, **13:51** [CC 394]
- Presumption from possession, **27:237** [CC 656]
- Search and seizure, **13:53** [CC 395]
- Tampering with mine sample, **13:54** [CC 396]

PRE-HEARING CONFERENCES

- Generally, **19:35, 27:122** [CC 482(3)(c), 625.1]

PRELIMINARY INQUIRY

- Abducting accused, **23:70** [CC 544]
- Absence of accused, authorized admission of evidence, **31:45** [CC 715]
 - permission to be absent, **23:14** [CC 537(1)(j.1)]
 - warning to accused re admissibility of evidence, **23:14** [CC 537(1.01)]
- Address
 - by prosecutor, **23:14** [CC 537(1)(h)]
 - to accused, **23:41** [CC 541(1)]
- Adjournment, **23:14** [CC 537(1)(a)]
 - early resumption of inquiry, **23:14** [CC 537(1)(e)]
 - irregularity misleading accused, **23:76** [CC 547]
 - witness refusing to testify, **23:72** [CC 545]
- Adjudication, **23:78** [CC 548]
- Admission or confession by accused, **23:44** [CC 542]
- Agreement to limit scope, **23:13, 23:84** [CC 536.5, 549(1.1)]
- Appearance by organization, **23:29, 25:15** [CC 538, 556]

PRELIMINARY INQUIRY**—Cont'd**

- Appearance of accused by counsel or closed-circuit television, **23:14** [CC 537(1)(j)]
- Committal for trial, **23:78** [CC 548]
 - by consent, **23:84** [CC 549]
 - endorsement of information, **23:80** [CC 548(2)]
 - fix date for trial, **23:78** [CC 548(2.1)]
 - offence charged, **23:78** [CC 548(1)(a)]
 - other indictable offence in respect of same transaction, **23:78** [CC 548(1)(a)]
 - transmission of record, **23:87** [CC 551]
- Discharge of accused, **23:78** [CC 548(1)(b)]
- Election by accused, **23:7, 23:9** [CC 536(2), 536.1(2)]
- Evidence
 - confession, **23:45** [CC 542(1)]
 - “credible and trustworthy” appearance of witness for examination, **23:33** [CC 540(9)]
 - notice of intention to tender, **23:33** [CC 540(8)]
 - power to receive, **23:33** [CC 540(7)]
 - reading in at trial prohibited, **31:49** [CC 715(4)]
 - for accused, **23:40** [CC 541]
 - hearsay, admissibility of, **23:33** [CC 540(7) to (9)]
 - non-publication order, **23:31, 23:46** [CC 539, 542(2)]
 - power to receive, **23:33** [CC 540]

INDEX

PRELIMINARY INQUIRY

—Cont'd

Evidence—Cont'd
reading at trial, **31:45** [CC
715]
exception, **31:49** [CC
715(4)]
reply evidence, **23:14** [CC
537(1)(g)]
statement by accused, **23:43**
[CC **541(3)**]
taking of evidence, **23:33** [CC
540]
variance not affecting validity,
23:74, 23:76 [CC **546(c),**
547]
where inquiry limited by
agreement, **23:13, 23:84**
[CC **536.5, 549(1.1)**]
Exclusion of public or witnesses,
23:14 [CC **537(1)(h)**]
Fitness of accused
see FITNESS TO STAND
TRIAL
Inability of justice to continue,
23:77 [CC **547.1**]
Inquiry by justice, **23:1** [CC
535]
Irregularity not affecting validity,
23:74 [CC **546**]
adjournment, **23:76** [CC **547**]
Jurisdiction, **23:1, 23:9, 23:67,**
23:78 [CC **535, 536.1(5),**
543, 548]
Place of inquiry, **23:14** [CC
537(1)(a)]
Powers of justice, **23:14, 23:78**
[CC **537, 548**]
Pre-inquiry hearing, **23:12** [CC
536.4]
Prosecutor
address, **23:14** [CC **537(1)(f)**]
agreement to limit scope of
inquiry, **23:13** [CC
536.5]

PRELIMINARY INQUIRY

—Cont'd

Prosecutor—Cont'd
reply evidence, **23:14** [CC
537(1)(g)]
request for preliminary
inquiry, **23:5** [CC **536(4),**
536.1(3)]
statement of issues and wit-
nesses, **23:11** [CC **536.3**]
Reading evidence at trial, **31:45**
[CC **715**]
Regulation by justice, **23:14** [CC
537(1)(i)]
Remand
to custody, **23:14** [CC
537(1)(e)]
bringing accused before
justice, **23:14** [CC
537(1)(e)]
for purposes of, **23:14** [CC
537(1)(b)]
to justice of another jurisdic-
tion, **23:68** [CC **543(1)**]
transmission of evidence,
23:69 [CC **543(2)**]
to Nunavut Court Judge, **23:9**
[CC **536.1(1)**]
to provincial court judge,
23:6, 23:8 [CC **536(1),**
(3)]
Request for
accused organization, failure
to request, **25:15** [CC
556(3), (4)]
duty of court where not made,
23:5, 23:9, 25:15 [CC
536(4.3), 536.1(4.2),
556(3), (4)]
endorsement on information,
23:5, 23:9 [CC **536(4.1),**
536.1(4)]
notice of right to, **23:7, 23:9**
[CC **536(2), 536.1(2)**]

PRELIMINARY INQUIRY**—Cont'd**

- Request for—Cont'd
 - Nunavut, in, **23:9** [CC **536.1(3) to (4.2)**]
 - preferred indictment where not made, **27:2, 27:6, 27:6** [CC **574(1.1), 577, (1.2)**]
 - requirement, **23:5, 23:9** [CC **536(4), 536.1(3)**]
 - where multiple accused, **23:5, 23:9** [CC **536(4.2), 536.1(4.1)**]
- Statement of issues and witnesses, **23:11** [CC **536.3**]
- Transcript
 - transmission to clerk, **23:87** [CC **551**]
 - transmission to justice having jurisdiction, **23:69** [CC **543(2)**]
- Trial of issue of fitness, **28:19, 28:21, 28:23** [CC **672.23(1), 672.25(1), 672.27(b), (2)(a)**]
- Variance not affecting validity, **23:74** [CC **546**]
 - adjournment, **23:76** [CC **547**]
- Witnesses, See also WITNESS
 - application of general Code provision, **31:1** [CC **697**]
 - deposition, **23:33** [CC **540**]
 - exclusion, **23:14** [CC **537(1)(h)**]
 - inappropriate questioning of, limiting, **23:14** [CC **537(1.1)**]
 - prisoner as witness, **21:116** [CC **527**]
 - recognizance to testify at trial, **23:86** [CC **550**]
 - refusal to testify, **23:72** [CC **545**]

PRELIMINARY INQUIRY**—Cont'd**

- Witnesses, See also WITNESS
 - Cont'd
 - witness for accused, **23:41, 23:40** [CC **541(1), (4), (5)**]
 - where accused absent but counsel present, **23:70** [CC **544(5)**]
- Young persons, **42:83** [YCJA **67(7), (8)**]

PRESENCE OF ACCUSED

- See also ABSCONDING
 - accused deemed present, **31:48** [CC **715(3)**]
 - at preliminary inquiry, **23:70** [CC **544**]
 - 23:70 [CC **544**]
 - at trial, **19:11** [CC **475**]
- Appeal, **27:205, 27:208, 29:42, 29:100, 38:103, 38:137** [CC **650.01, 650.02, 683(2.1), 688, 822, 839(2)**]
- Appearance by designated counsel of record, **27:205, 27:208** [CC **650.01, 650.02**]
- Appearance by organization, **23:29, 25:15, 27:115, 27:118, 38:28, 38:46** [CC **538, 556, 620, 623, 800, 802.1**]
- Bail hearing, **21:75** [CC **515(2.2), (2.3)**]
- Conditions for remote appearance, **32:3, 32:4** [CC **715.23 to 715.24**]
- Dangerous offender application, **27:205, 27:208, 35:29** [CC **650.01, 650.02, 758**]
- Disposition hearing, **28:46** [CC **672.5(13)**]

INDEX

PRESENCE OF ACCUSED

—Cont'd

- Fitness of accused
see FITNESS TO STAND TRIAL
- Habeas corpus application,
27:205, 37:6 [CC
650.01(3)(a)(iii), 774.1]
- Jurisdiction preserved in physical absence, 20:4 [CC
485(1.1)]
- Plea of guilty, 27:199, 27:200,
27:205 [CC 650(1) to (2),
650.01(3)(c)]
- Preliminary inquiry, 23:14,
27:205, 27:208 [CC
537(1)(j) to (k), 650.01,
650.02]
 - admission of evidence, 31:45
[CC 715]
 - permission to be absent, 23:14
[CC 537(1)(j.1)]
 - warning to accused re admissibility of evidence,
23:14 [CC 537(1.01)]
- Remote appearance
 - appeals, 29:42, 29:100,
38:103, 38:137 [CC
683(2.1), 688(2.1), 822,
839(2)]
 - bail hearing, 21:75 [CC
515(2.2), (2.3)]
 - disposition hearing, 28:46,
39:8 [CC 672.5(13), 848]
 - preliminary inquiry, 23:14
[CC 537(1)(j) to (k)]
 - trial, 27:198 [CC 650(1.1),
(1.2)]
- Summary conviction trial,
27:205, 27:208, 38:28,
38:46 [CC 650.01, 650.02,
800, 802.1]
- Trial requirement of,
27:199, 27:200, 27:205,
27:208 [CC 650(1) to (2),

PRESENCE OF ACCUSED

—Cont'd

650.01, 650.02]

PRESERVATION (OF DATA)

- Demand
 - generally, 20:54 [CC
487.012(1)]
 - assistance order, 20:73 [CC
487.02]
 - conditions for making, 20:55
[CC 487.012(2)]
 - conditions within, 20:53 [CC
487.012(5)]
 - destruction of data, 20:67,
20:72 [CC 487.0194(1),
487.0199]
 - expiry, 20:53 [CC 487.012(4)]
 - further demand, no, 20:53
[CC 487.012(6)]
 - limitation, 20:53 [CC
487.012(3)]
 - offence, 20:70, 20:72 [CC
487.0197, 487.0199]
 - revocation, 20:53 [CC
487.012(4)]
 - self-incrimination, 20:69 [CC
487.0196]
- Order
 - generally, 20:56 [CC
487.013(1)]
 - assistance order, 20:73 [CC
487.02]
 - conditions for making, 20:56
[CC 487.013(2)]
 - conditions in, 20:63 [CC
487.019]
 - destruction of data, 20:67,
20:72 [CC 487.0194(2),
487.0199]
 - expiry, 20:56 [CC 487.013(6)]
 - form, 20:56 [CC 487.013(4)]
 - limitation, 20:56 [CC
487.013(5)]

PRESERVATION (OF DATA)**—Cont'd**

- Order—Cont'd
 - offence, **20:71, 20:72** [CC **487.0198, 487.0199**]
 - offence against law of foreign state, **20:56** [CC **487.013(3)**]
 - particulars, production of, **20:65** [CC **487.0192**]
 - prohibiting disclosure, **20:64** [CC **487.0191**]
 - self-incrimination, **20:69** [CC **487.0196**]
 - Report, **20:75** [CC **487.021(2)**]
 - Review, **20:75** [CC **487.021(1)**]

PRESERVATION OF ORDER IN COURT

- See also CONTEMPT
- Application, **20:8** [CC **486(1.1)**]
- Exclusion of public, **20:9** [CC **486(1)**]
- Power to preserve, **20:2** [CC **484**]

PRESUMPTIONS AND INFERENCES

- Age, **7:84, 7:89, 27:246** [CC **172.1(3), 172.2(3), 658(2)**]
- Agreement or arrangement — offence against child, **7:89** [CC **172.2(3)**]
- Arson, intent to defraud, **14:35** [CC **435(2)**]
- Baiting animals, **14:74** [CC **446(4)**]
- Breaking and entering, **12:100** [CC **348(2)(a)**]
- Breaking out, **12:100** [CC **348(2)(b)**]
- Cattle theft, **12:69** [CC **338(3)**]
- Cheque dishonoured, **12:173, 12:174** [CC **362(4), (5)**]

PRESUMPTIONS AND INFERENCES—Cont'd

- Distinguishing mark on public stores, **13:97** [CC **421(2)**]
- Failure to provide necessities, **10:3** [CC **215(4)**]
- False pretence, dishonoured cheque, **12:173** [CC **362(4)**]
- Firearm serial number defaced, **5:60** [CC **108(1)(a)**]
- Fire set negligently, **14:38** [CC **436(2)**]
- Fraud by holder of fire insurance, **14:35** [CC **435(2)**]
- Fraud in obtaining food and lodging, **12:181** [CC **364(2)**]
- Importation, port of shipment, **13:90** [CC **414**]
- Innocence, **41:63, 41:19** [CA **11(d), 6(1)(a)**]
- Intent to affect assay, **13:54** [CC **396(2)**]
- Intent to commit offence in dwelling-house, **12:116** [CC **349(2)**]
- Luring child, **7:87** [CC **172.1(3)**]
- Making sexually explicit material available to child, **7:80** [CC **171.1(3)**]
- Newspaper proprietor and defamatory libel, **10:379** [CC **303**]
- Ownership of property, **27:45** [CC **588**]
- Parentage, **10:3** [CC **215(4)(b)**]
- Proceeds of crime, **17:26** [CC **462.39**]
- Property in lumber or equipment, **12:70** [CC **339(4)**]
- Sanity, **2:40** [CC **16**]
- Seditious intention, **3:18** [CC **59(4)**]

INDEX

PRESUMPTIONS AND

INFERENCES—Cont'd

- Summary conviction not appealed, **38:100 [CC 820]**
- Theft of ore or minerals, **27:237 [CC 656]**
- Unlawfully in dwelling house, **12:116 [CC 349(2)]**
- Vehicle identification number removed, **12:138, 12:136 [CC 354(2), (3)]**
- Wilfulness, **14:3 [CC 429(1)]**

PREVENTION OF CRIME

- Use of force, **2:102 [CC 27]**
 - excessive force, **2:100 [CC 26]**

PREVENTIVE DETENTION

- See **DANGEROUS OFFENDER**

PREVIOUS CONVICTIONS

- See also **CHARACTER EVIDENCE**
- Adducing evidence
 - accused not appearing, **27:261 [CC 665]**
 - in answer to evidence of good character, **27:262 [CC 666]**
 - in support of greater punishment, **27:261 [CC 665]**
 - notice, **27:261 [CC 665]**
- Bar to prosecution, **27:109, 27:251 [CC 610, 661(2)]**
- Certificate, **40:50 [CEA 12(2)]**
- Greater punishment for subsequent offences
 - gaming and betting, **9:22 [CC 202(2)]**
 - motor vehicle offence, **10:182 [CC 255(4)]**
 - use of firearm in commission of offence, **5:1, 5:7, 5:13 [CC 84(5), 85(3)(b), (6)]**

PREVIOUS CONVICTIONS

—Cont'd

- Indictment, information, to contain no reference, **27:259, 38:15 [CC 664, 789(2)]**
- Manner of proving, **27:268, 40:50 [CEA 12(2)]**

PRINCE EDWARD ISLAND

- Generally, **1:3, 7:61, 8:42, 10:411, 21:1, 22:15, 25:1, 27:151, 34:184, 38:84 [CC 2, 164(8), 188(4), 320(8), 493, 534, 552, 638(3), 745.6(3), 812]**

PRIOR INCONSISTENT STATEMENT

- Generally, **40:34 to 40:45 [CEA 9 to 11]**

PRISON

- See also **ESCAPE AND RESCUE, PRISONER**
- Delivery of prisoner, **34:165 [CC 744]**
- Employee as peace officer, **1:3 [CC 2]**
- Murder of keeper as first degree, **10:67 [CC 231(4)(b)]**
- “Prison,” **1:3, 27:114 [CC 2, 618]**
- Protection of authorities, **2:105 [CC 28(2)(b)]**
- Sentence to penitentiary, **34:80 [CC 731]**

PRISONER

- See also **ESCAPE AND RESCUE, PRISON**
- Assisting escape, prisoner of war, **6:100 [CC 148]**
- Delivery to prison, **34:165 [CC 744]**

PRISONER—Cont'd

- Employee as peace officer, **1:3** [CC 2]
- Murder of keeper as first degree, **10:67** [CC 231(4)(b)]
- “Prison,” **1:3, 27:114** [CC 2, 618]
- Procuring attendance, **21:116** [CC 527]
 - form of order, **21:116** [CC 527(3) to (5)]
- Protection of authorities, **2:105** [CC 28]
- Sentence to penitentiary, **34:151** [CC 743.1]
- Statement of conviction on delivery, **34:165** [CC 744]
- Transfer of prisoner, **21:116** [CC 527(7) to (9)]

PRIVACY

- See also INTERCEPTION OF PRIVATE COMMUNICATIONS
- Business record, **40:90** [CEA 30(10)(a)(ii), (iii)]
- Communications within marriage, **40:8** [CEA 4(3)]
- Documentary evidence for foreign proceedings, **40:159** [CEA 50(2)]

PRIVATE PROSECUTION

- Confirmation hearing
 - appearance of Attorney General, **21:52** [CC 507.1(4)]
 - court shopping prohibited, **21:52** [CC 507.1(7)]
 - exemptions, **21:52** [CC 507.1(9)]
 - information deemed not laid, **21:52** [CC 507.1(5), (6)]
 - issuance of process, **21:45, 21:52** [CC 507(2) to (8), 507.1(2) to (8)]

PRIVATE PROSECUTION**—Cont'd**

- Confirmation hearing—Cont'd
 - new evidence for new hearing, **21:52** [CC 507.1(7)]
 - procedure when witnesses attend, **21:47, 21:52** [CC 507(2), 507.1(8)]
 - referral of information, **21:53** [CC 507.1(1)]
 - “Designated justice,” **21:52** [CC 507.1(10)]
- Intervention by Attorney General, **27:19, 27:18** [CC 579.1, 579.01]
- Laying information, **21:32** [CC 504]
- Preferred indictment in, **27:2, 27:6** [CC 574(3), 577(b)]
- Recommencement as public prosecution, **27:15, 27:19** [CC 579(2), 579.1(2)]
- Referral of information, **21:53** [CC 507.1(1)]
- Stay by Attorney General, **27:15, 27:19** [CC 579(1), 579.1(2)]
- Summons or warrant to compel attendance
 - conditions for issuance, **21:52** [CC 507.1(3)]
 - endorsement authorizing release, **21:51, 21:52** [CC 507(6), 507.1(8)]
 - undertaking or appearance notice deemed confirmed, **21:45, 21:52** [CC 507(7), 507.1(8)]
 - information deemed not laid, **21:52** [CC 507.1(5), (6)]
 - power to issue, **21:49, 21:52** [CC 507(4), 507.1(2), (8)]

INDEX

PRIVATE PROSECUTION

—Cont'd

- Summons or warrant to compel attendance—Cont'd
 - procedure when witnesses attend, **21:47, 21:52** [CC **507(2), 507.1(8)**]
 - process compulsory, **21:47, 21:52** [CC **507(2), 507.1(8)**]
 - process in blank prohibited, **21:50, 21:52** [CC **507(5), 507.1(8)**]
- Young persons, against, **42:27** [YCJA **24**]

PRIVILEGE

- Documents in possession of lawyer, **20:120** [CC **488.1**]
- Foreign proceedings, **40:159** [CEA **50(2)**]
- Intercepted communications, **8:47** [CC **189(6)**]
- Public interest immunity (Crown privilege)
 - confidences of Queen's Privy Council for Canada, **40:140** [CEA **39**]
 - international relations, see sensitive information
 - national defence and security, see sensitive information
 - potentially injurious information, see sensitive information
 - sensitive information
 - agreement to disclose, **40:123, 40:124** [CEA **38.031, 38.04(6) to (7)**]
 - appeals from orders concerning, **40:124, 40:130, 40:131, 40:132, 40:133** [CEA **38.04(7), 38.1, 38.09,**

PRIVILEGE—Cont'd

- Public interest immunity (Crown privilege)—Cont'd
 - sensitive information—Cont'd
 - 38.11, 38.12**]
 - applications to Federal Court re
 - Attorney General of Canada, by, **40:125** [CEA **38.04(1)**]
 - confidentiality of, **40:124** [CEA **38.04(4)**]
 - evidence admissible to determine, **40:127** [CEA **38.06(3.1)**]
 - ex parte representations, public hearing, **40:132** [CEA **38.11(2)**]
 - general, **40:124** [CEA **38.04(2)**]
 - notice to Attorney General of Canada, **40:122** [CEA **38.03(4)**]
 - procedure, **40:124** [CEA **38.04(5)**]
 - protective order, **40:133** [CEA **38.12**]
 - special rules, **40:132** [CEA **38.11(1), (1.1)**]
 - termination, **40:124** [CEA **38.04(7)**]
 - authorization by Attorney General of Canada, **40:122** [CEA **38.03**]
 - certificate prohibiting disclosure, **40:134, 40:135** [CEA **38.13, 38.131**]
 - annual report re, **40:139** [CEA **38.17**]
 - review of certificate,

PRIVILEGE—Cont'd

Public interest immunity (Crown privilege)—Cont'd
 sensitive information—Cont'd
 certificate prohibiting disclosure, **40:134, 40:135** [CEA **38.13, 38.131**]—Cont'd
40:135 [CEA **38.131**]
 court records, **40:124, 40:133** [CEA **38.04(4), 38.12(2)**]
 defined, **40:119** [CEA **38**]
 disclosure conditions, **40:127** [CEA **38.06(2)**]
 disclosure order, **40:127, 40:128, 40:129** [CEA **38.06, 38.07, 38.08**]
 disclosure prohibited, **40:121, 40:127** [CEA **38.02, 38.06(3)**]
 prohibition, order confirming, **40:127, 40:128** [CEA **38.06(3), 38.07**]
 entities, designated, **40:120, 40:121** [CEA **38.01(6), Sched., 38.02(1.1), (8)**]
 fiat of Attorney General taking over prosecution, **40:137** [CEA **38.15**]
 annual report re, **40:139** [CEA **38.17**]
 limitation periods for appeals, **40:130, 40:131** [CEA **38.09(2), 38.1**]
 military proceedings, in, **40:120, 40:122** [CEA **38.01(5), 38.03(2)**]
 notice to Attorney General

PRIVILEGE—Cont'd

Public interest immunity (Crown privilege)—Cont'd
 sensitive information—Cont'd
 of Canada, **40:120, 40:121, 40:122** [CEA **38.01, 38.02(1.1) to (2), 38.03(3)**]
 exceptions, **40:120, 40:121** [CEA **38.01(6) to (8), 38.02(2)**]
 regulations concerning, power to make, **40:138** [CEA **38.16**]
 report relating to proceedings, **40:126** [CEA **38.05**]
 review of orders concerning, automatic, **40:124, 40:129** [CEA **38.04(7), 38.08**]
 right to fair trial, protection of, and, **40:136** [CEA **38.14**]
 when determination takes effect, **40:127** [CEA **38.06(3.01)**]
 specified public interest
 appeals of orders relating to, **40:115, 40:116** [CEA **37.1, 37.2**]
 disclosure order, **40:110, 40:118** [CEA **37(4.1) to (5), 37.3(8) to (9)**]
 limitation periods for appeals and objections, **40:114, 40:115, 40:116** [CEA **37(4), 37.1(2), 37.2**]
 objection to disclosure on basis of, **40:111** [CEA **37(1)**]
 application to Federal Court for determina-

INDEX

PRIVILEGE—Cont'd

- Public interest immunity (Crown privilege)—Cont'd
 - specified public interest—Cont'd
 - objection to disclosure on basis of, **40:111** [CEA **37(1)**]—Cont'd
 - tion, **40:110, 40:114** [CEA **37(3)(a), (4)**]
 - body other than superior court, to, **40:113** [CEA **37(3)**]
 - evidence admissible to determine, **40:110** [CEA **37(6.1), (9)**]
 - obligation of court, person or body, **40:110** [CEA **37(1.1)**]
 - right to fair trial, protection of, **40:118** [CEA **37.3**]
 - superior court, to, **40:112, 40:110** [CEA **37(2), (3)(b)**]
 - when determination effective, **40:110** [CEA **37(7)**]
 - prohibition order, **40:110** [CEA **37(6)**]
 - right to fair trial, protection of, **40:118** [CEA **37.3**]
 - Self-incrimination, **40:15, 41:63, 41:75** [CEA **5, CA 11(c), 13**]

PRIZE FIGHT

- Attending, **3:66** [CC **83(1)(c)**]
- Engaging in prize fight, **3:66** [CC **83(1)(a)**]
- “Prize fight,” **3:68** [CC **83(2)**]
- Promoting, **3:66** [CC **83(1)(b)**]

PROBATION

- Bodily substance
 - see **BODILY SUBSTANCE**

PROBATION—Cont'd

- Conditions, **34:85** [CC **732.1(2) to (3.2)**]
 - change in circumstances, **34:88** [CC **732.2(3)**]
 - compelling appearance of accused, **34:88** [CC **732.2(6)**]
 - organizations, for, **34:85** [CC **732.1(3.1), (3.2)**]
 - relief or change in conditions after conviction of offence, **34:88** [CC **732.2(5)**]
 - restitution, **34:122** [CC **738(1)**]
- Conviction while under probation, **34:88** [CC **732.2(5)**]
- Order
 - breach, **34:91** [CC **733.1**]
 - duration, **34:88** [CC **732.2(2)**]
 - effective date, **34:89** [CC **732.2(1)**]
 - form, **34:85** [CC **732.1(4)**]
 - making of order, **34:81** [CC **731(1)**]
 - reading and delivery of order, **34:85** [CC **732.1(5), (6)**]
 - suspension pending appeal, **29:49, 29:42, 29:50** [CC **683(5), (5.1), (6)**]
 - transfer, **34:90** [CC **733(1)**]
 - court unable to act, **34:90** [CC **733(2)**]
- Organizations, for, **34:85** [CC **732.1(3.1), (3.2)**]
- Pre-sentence report, **34:48** [CC **721(1)**]
- Report by probation officers, **34:47** [CC **721**]
 - content of report, **34:47** [CC **721(3)**]
 - copy of report, **34:47** [CC **721(5)**]

PROBATION—Cont'd

Victim impact statement, **34:50**
[CC 722(1)]
copies, **34:51** [CC 722.1]

PROCEEDS OF CRIME

Defined, **17:1** [CC 462.3(1)]

Designated offences

defined, **17:1** [CC 462.3(1) to
(2)]

prosecutorial jurisdiction, **17:1**
[CC 462.3(3) to (4)]

regulations defining, power to
make, **17:1** [CC
462.3(2)]

Disclosure

income tax information, **17:36**
[CC 462.48]

informants, immunity of,
17:35 [CC 462.47]

order for disclosure, **17:36**
[CC 462.48(3) to (5)]

Forfeiture

derived from other offences,
17:21 [CC 462.37(2)]

designated offence, committed
in relation to, **17:20** [CC
462.37(1)]

notice of application, **17:28**
[CC 462.41]

fine in lieu of, **17:19** [CC
462.37(3) to (5)]

inference from value of prop-
erty, **17:26** [CC 462.39]

in rem hearing, **17:24** [CC
462.38]

appeal from order, **17:32**
[CC 462.44]

application for forfeiture,
17:25 [CC 462.38(1)]

notice of application, **17:28**
[CC 462.41]

orders for forfeiture, **17:24**

PROCEEDS OF CRIME

—Cont'd

Forfeiture—Cont'd

in rem hearing, **17:24** [CC
462.38]—Cont'd

[CC 462.38(2) to
(2.1)]

property outside Canada,
17:24 [CC
462.38(2.1)]

person deemed absconded,
17:24 [CC 462.38(3)]

particular circumstances,
17:19 [CC 462.37(2.01)]

pattern of criminal activity,
17:19 [CC
462.37(2.04), (2.05)]

property outside Canada, order
respecting, **17:19, 17:24**
[CC 462.37(2.1),
462.38(2.1)]

relief from, **17:30** [CC
462.42]

restitution, **29:103** [CC 689]
voidable transfers, **17:27** [CC
462.4]

From commission of drug
offences, **44:45** [CDA 18]

Income tax information,
disclosure of, **17:36** [CC
462.48]

Informants, immunity of, **17:35**
[CC 462.47]

Laundering, **17:2** [CC 462.31]

Management order

appointment of Minister to
manage, **17:9** [CC
462.331(2)]

destruction of property pursu-
ant to, **17:9** [CC
462.331(4) to (7)]

duration of, **17:9** [CC
462.331(8)]

power of court, **17:9** [CC
462.331(1), (7)]

INDEX

PROCEEDS OF CRIME

—Cont'd

- Management order—Cont'd
 - power to manage, **17:9** [CC **462.331(1), (3) to (4)**]
 - variation of, **17:9** [CC **462.331(9)**]
- Prosecutorial jurisdiction, **17:1** [CC **462.3(3) to (4)**]
- Regulations, **17:38** [CC **462.5**]
- Restraint order
 - generally, **17:6** [CC **462.33**]
 - application, **17:7** [CC **462.33(1)**]
 - automatic expiry of, **17:16** [CC **462.35**]
 - copies of documents, **17:34** [CC **462.46**]
 - disposal of property restrained, **17:31** [CC **462.43**]
 - appeal from order, **17:32** [CC **462.44**]
 - property outside Canada, **17:31** [CC **462.43(2)**]
 - forwarding to clerk of trial court, **17:18** [CC **462.36**]
 - management order pending restraint, **17:9** [CC **462.331**]
 - property outside Canada, **17:6** [CC **462.33(3.1)**]
 - review of, **17:10** [CC **462.34**]
 - suspension pending appeal, **17:33** [CC **462.45**]
- Special search warrant
 - generally, **17:4** [CC **462.32**]
 - automatic expiry of, **17:16** [CC **462.35**]
 - disposal of property seized, **17:31** [CC **462.43**]
 - appeal from order, **17:32** [CC **462.44**]
 - property outside Canada, **17:31** [CC

PROCEEDS OF CRIME

—Cont'd

- Special search warrant—Cont'd
 - disposal of property seized, **17:31** [CC **462.43**]
 - Cont'd
 - appeal from order, **17:32** [CC **462.44**]
 - Cont'd
 - 462.43(2)**
 - execution of warrant, **17:4** [CC **462.32(2.1), (2.2), (3)**]
 - detention of property, **17:4** [CC **462.32(4)(a)**]
 - management order post seizure, **17:9** [CC **462.331**]
 - report to judge of property seized
 - forwarding to clerk of trial court, **17:18** [CC **462.36**]
 - provided to owner, **17:4** [CC **462.32(4)(e)**]
 - requirement for, **17:4** [CC **462.32(4)(b)**]
 - return of proceeds, **17:4** [CC **462.32(4.1)**]
 - review of, **17:10** [CC **462.34**]
- PROCLAMATION
 - Judicial notice of, **37:21** [CC **781(2)**]
 - Order to prohibit drilling, **3:37** [CC **70(1)**]
 - Printing or tendering false, **12:203** [CC **370**]
 - Proof, **40:73, 40:74** [CEA **21, 22**]
 - Imperial proclamation, **40:72** [CEA **20**]
 - Riot proclamation, **3:33, 3:34** [CC **67, 68**]
- PROCURING
 - See also AVAILS, COUNSELLING

PROCURING—Cont'd

- Commission of offence
 - offence committed, **2:76, 2:75** [CC **22(1), (2)**]
 - offence not committed, **18:6** [CC **464**]
- “Counsel” includes, **2:75** [CC **22(3)**]
- Feigned marriage, **10:358** [CC **292(1)**]
- Offence
 - generally, **10:344** [CC **286.3(1)**]
 - 18 years of age, sexual services from, **10:343** [CC **286.3(2)**]

PRODUCTION OF RECORDS

- See also DISCLOSURE, PRODUCTION ORDERS
- Banking record, **40:85** [CEA **29(6)**]
- Business record, **40:90** [CEA **30(3) to (5)**]
- Certified copy, **40:84** [CEA **28(1)**]
- Copy of record in proceedings, **40:83** [CEA **28**]
- Foreign proceedings, **40:152, 40:159** [CEA **46, 50(2)**]
- Power of court on appeal, **29:42, 38:137** [CC **683(1)(a), 839(2)**]
- Records of automobile master key sales, **12:133** [CC **353(3), (4)**]
- Witness statements, written, **40:40** [CEA **10(1)**]

PRODUCTION ORDERS

- Appeal court, power to make, **29:42, 38:137** [CC **683(1)(a), 839(2)**]
- Application for review of, **20:66** [CC **487.0193**]

PRODUCTION ORDERS**—Cont'd**

- Banking records, for, **40:85** [CEA **29(6)**]
- Business records, for, **40:90** [CEA **30(3), (5)**]
- Commercial information, for
 - copies of business records, for, **40:90** [CEA **30(3)**]
 - part of business record, for, **40:90** [CEA **30(5)**]
 - right of court to examine record, **40:90** [CEA **30(6)**]
- Destruction of data, **20:67, 20:72** [CC **487.0194(1), 487.0199**]
- Financial information, for
 - generally, **20:62** [CC **487.018(1)**]
 - compulsion by order only, **40:85** [CEA **29(5)**]
 - conditions for making, **20:62** [CC **487.018(3)**]
 - conditions in, **20:63** [CC **487.019**]
 - copying of records, for, **40:85** [CEA **29(6)**]
 - form, **20:62** [CC **487.018(4)**]
 - identification of person, **20:62** [CC **487.018(2)**]
 - inspection of records, for, **40:85** [CEA **29(6)**]
 - limitation, **20:62** [CC **487.018(5)**]
- Foreign proceedings, re
 - power to order production, **40:152** [CEA **46**]
 - self-crimination protection, **40:159** [CEA **50**]
- General order
 - generally, **20:58** [CC **487.014(1)**]
 - conditions for making, **20:57** [CC **487.014(2)**]

INDEX

PRODUCTION ORDERS

—Cont'd

General order—Cont'd
conditions in, **20:63** [CC
487.019]
form, **20:57** [CC **487.014(3)**]
limitation, **20:57** [CC
487.014(4)]
Offence, **20:71** [CC **487.0198**]
Personal record of complainant,
for
appeal from order re, **10:303**
[CC **278.91**]
application for production
content and form, **10:296**
[CC **278.3(3)**]
costs orders, **10:296** [CC
278.3(3)]
forum, **10:294, 10:295** [CC
278.3(1), (2)]
grounds, insufficient,
10:293 [CC **278.3(4)**]
hearing in camera, **10:297**
[CC **278.4(1)**]
persons who may appear,
10:297 [CC **278.4(2)**]
publication ban, **10:302**
[CC **278.9**]
offence re, **10:302** [CC
278.9(2)]
service of application and
subpoena, **10:293** [CC
278.3(5), (6)]
application of legislation,
10:289 [CC **278.1**]
definition of “record,” **10:289**
[CC **278.1**]
production to accused
conditions on production,
10:300 [CC **278.7(3)**]
copy to prosecutor, **10:300**
[CC **278.7(4)**]
factors considered, **10:300**
[CC **278.7(2)**]

PRODUCTION ORDERS

—Cont'd

Personal record of complainant,
for—Cont'd
production to accused
—Cont'd
power of court to order,
10:300 [CC **278.7(1)**]
publication ban, **10:302**
[CC **278.9**]
reasons for decision, **10:301**
[CC **278.8**]
retention of record by court,
10:300 [CC **278.7(6)**]
use limited to proceedings,
10:300 [CC **278.7(5)**]
production to court for review
duty of court upon review,
10:299 [CC **278.6(1)**]
factors considered, **10:298**
[CC **278.5(2)**]
hearing in camera, **10:299**
[CC **278.6**]
power of court to order,
10:298 [CC **278.5(1)**]
publication ban, **10:302**
[CC **278.9**]
reasons for decision, **10:301**
[CC **278.8**]
retention of record by court,
10:300 [CC **278.7(6)**]
publication ban, **10:302** [CC
278.9]
Related orders
assistance, **20:73** [CC **487.02**]
particulars, production of,
20:65 [CC **487.0192**]
prohibiting disclosure, **20:64**
[CC **487.0191**]
Report, **20:75** [CC **487.021(2)**]
Review, **20:75** [CC **487.021(1)**]
Sealing order re information to
obtain, **20:115** [CC **487.3**]

PRODUCTION ORDERS**—Cont'd**

- Self-incrimination, **20:69** [CC **487.0196**]
- Sentencing court, power to make, **34:54** [CC **723(3)**]
- Third party records
 - see personal record of complainant, for
- Tracing specified communications, for
 - generally, **20:59** [CC **487.015(1)**]
 - conditions for making, **20:59** [CC **487.015(2)**]
 - conditions in, **20:63** [CC **487.019**]
 - form, **20:59** [CC **487.015(3)**]
 - limitation, **20:59** [CC **487.015(5)**]
 - report, **20:59** [CC **487.015(6)**]
 - service, **20:59** [CC **487.015(4)**]
- Tracking data, for
 - generally, **20:61** [CC **487.017(1)**]
 - conditions for making, **20:61** [CC **487.017(2)**]
 - conditions in, **20:63** [CC **487.019**]
 - form, **20:61** [CC **487.017(3)**]
 - limitation, **20:61** [CC **487.017(4)**]
- Transmission data, for
 - generally, **20:60** [CC **487.016(1)**]
 - conditions for making, **20:60** [CC **487.016(2)**]
 - form, **20:60** [CC **487.016(3)**]
 - limitation, **20:60** [CC **487.016(4)**]
- Witness statements, written, for, **40:40** [CEA **10(1)**]

PROHIBITION

See EXTRAORDINARY REMEDIES

PROHIBITION ORDER

See also FIREARMS

- Attending public park frequented by children, **7:33** [CC **161**]
- Attending public swimming pool frequented by children, **7:33** [CC **161**]
- Breach offence, **13:27** [CC **380.2(4)**]
- Communication or contact with child, **7:33** [CC **161**]
- Custody or control of animal or bird, **14:75**, **14:76** [CC **446(5)**, **(6)**]
- Employment involving authority over property, re, **13:27** [CC **380.2**]
- Fraud, **13:27** [CC **380.2**]
- Internet access, **7:33** [CC **161**]
- Operation of aircraft, motor vehicle, vessel or railway equipment, **10:206**, **10:213** [CC **259**, **260**]
- Stay of order pending appeal, **10:216** [CC **261**]
- Volunteering with children, **7:33** [CC **161**]
- Working with children, **7:33** [CC **161**]

PROMISE TO APPEAR

- See also JUDICIAL INTERIM RELEASE
- Confirmation or cancellation by justice, **21:55** [CC **508(1)**]
- Contents, **21:24** [CC **501**]
- Effect after direct indictment, **21:104** [CC **523(1.2)**]
- Effect after remand to another jurisdiction, **23:67** [CC **543(2)(b)**]

INDEX

PROMISE TO APPEAR

—Cont'd

- Failure to appear, **6:87** [CC **145(5)**]
- Giving on holiday, **2:62** [CC **20**]
- Time in force, **21:104, 34:113** [CC **523, 735**]
- Warrant may issue, **21:67** [CC **512**]

PROMISSORY NOTE

- See also VALUABLE SECURITY
- Photograph as evidence, **40:93** [CEA **31(2)**]

PROOF OF SERVICE

- See SERVICE

PROPERTY

- See DEFENCE, FIRE, MISCHIEF, POSSESSION

PROPERTY OBTAINED BY CRIME

- See also POSSESSION
- Bringing into Canada, offence, **12:160** [CC **357**]
- Exportation prohibited in rem, **12:154** [CC **355.3**]
- Importation prohibited in rem, **12:154** [CC **355.3**]
- Possession for purpose of trafficking, **12:155, 12:156** [CC **355.4, 355.5**]
- Trafficking in, **12:153, 12:156** [CC **355.2, 355.5**]

PROSPECTUS

- False, **13:60** [CC **400**]

PROTECTION OF PERSONS ENFORCING LAW

- See also DEFENCE
- Judicial officers
 - no proceedings when conviction quashed, **37:25** [CC **783**]

PROTECTION OF PERSONS ENFORCING LAW

—Cont'd

- Master of ship, **2:131** [CC **44**]
- Parent or schoolteacher, **2:127** [CC **43**]
- Person enforcing law, **2:89** [CC **25(1)**]
 - as included offence, **27:253** [CC **662(5)**]
 - assisting peace officer, **2:89, 2:105, 2:111** [CC **25(1), 28, 31**]
 - execution of process, **2:90, 2:105, 2:106** [CC **25(2), 28, 29(3)**]
 - lawful arrests, **2:92** [CC **25(4)**]
 - preventing escape, **2:93** [CC **25(5)**]
 - from a penitentiary, **2:93** [CC **25(5)**]
 - suppressing riot, **2:113, 2:115** [CC **32, 33**]
 - use of force, **2:91, 2:102** [CC **25(3), 27**]
 - deadly force, **2:91, 2:92, 2:93** [CC **25(3), (4), (5)**]
 - excessive force, **2:100** [CC **26**]
 - self-preservation, **2:91** [CC **25(3)**]
- Public officers, **2:88** [CC **25**]
- Surgeon performing operation, **2:132** [CC **45**]

PROTECTION OF PRIVACY

- See INTERCEPTION OF PRIVATE COMMUNICATIONS

PROVINCIAL COURT JUDGE (FORMERLY MAGISTRATE)

- Generally, **1:3, 20:1, 25:2, 25:7** [CC **2, 483, 553, 554(1)**]

PROVINCIAL LAWS

Language of court and, **27:35**
[CC 582]

Proof of service and, **2:2** [CC
4(6.1)]

Service in accordance with,
31:13 [CC 701.1]

PROVOCATION

See also MANSLAUGHTER
Illegal arrest and provocation,
10:74 [CC 232(4)]

Provoked assault, **2:125** [CC 35]

Reduction of murder to man-
slaughter, **10:75** [CC
232(1)]

What constitutes, **2:126, 10:76**
[CC 36, 232(2)]

PROWLING AT NIGHT

Generally, **7:112** [CC 177]

PSYCHIATRIC OBSERVATION

See ASSESSMENTS (MENTAL
DISORDER)

PUBLIC

See EXCLUSION OF PUBLIC;
PUBLICITY

PUBLICATION

See also LIBEL, OBSCENITY
Admission or confession at pre-
liminary, **23:46** [CC
542(2)]

Ban on, see PUBLICITY

Defamatory libel, **10:371** [CC
299]

see also Defamatory Libel
Evidence from preliminary,
23:31, 23:46 [CC 539,
542(2)]

Obscene matter, **7:42** [CC 163]
consent to prosecution after
seizure, **7:61** [CC
164(7)]

PUBLICATION—Cont'd

Obscene matter, **7:42** [CC 163]

—Cont'd

punishment, **7:77** [CC 169]

Prohibitions

evidence taken at preliminary
inquiry, **23:31** [CC 539]

evidence taken at show cause
hearing, **21:87** [CC 517]

identity of complainant or
witness, **20:20, 20:22,**
38:80 [CC 486.4, 486.5,
810.5]

sexual activity of complainant,
10:280 [CC 276]

when jury separated, **27:190**
[CC 648]

Publishing judicial proceedings
not defamatory libel, **10:383**
[CC 305]

Punishment, **7:77** [CC 169]

restriction when jury
separated, **27:190** [CC
648]

Rules of court, **19:35** [CC
482(4)]

Seditious libel, **3:18** [CC 59]
sufficiency of counts, **27:38**
[CC 584]

Sexual offences

identity of complainant, **20:20**
[CC 486.4]

PUBLICATION BAN

See PUBLICITY

PUBLIC CONVEYANCE

Fraud in fare collection, **13:50**
[CC 393(1)]

jurisdiction of provincial court
judge, **25:2** [CC
553(e)(viii)]

Fraudulently obtaining
transportation, **13:49** [CC
393(3)]

INDEX

PUBLIC CONVEYANCE

—Cont'd

Interfering with transportation facilities, **10:132 [CC 248]**

PUBLIC DOCUMENT

Certified copy as evidence, **40:77, 40:79 [CEA 24, 25]**

PUBLIC INTEREST

IMMUNITY

See PRIVILEGE

PUBLICITY

Non-disclosure of witness's identity, **20:19 [CC 486.31]**

Order restricting publication application, **20:20, 20:22, 28:48, 38:80 [CC 486.4, 486.5, 672.501(5), 810.5]**

factors to be considered, **20:22, 28:48 [CC 486.5, 672.501(3)]**

for certain offences, **20:20, 20:22 [CC 486.4, 486.5]**

juror identity, to protect, **27:133 [CC 631(6)]**

Prohibition (ban) re child pornography, **28:48 [CC 672.501(2)]**

evidence at preliminary inquiry, **23:31, 23:46 [CC 539, 542(2)]**

evidence at show cause hearing

judicial interim release, **21:87, 21:94, 21:97 [CC 517, 520(9), 521(10)]**

identity of complainant, **20:20, 20:22, 5:70, 38:80, 42:131 [CC 486.4, 486.5, 112, 810.5, YCJA 111]**

identity of juror, **27:133 [CC 631(6)]**

PUBLICITY—Cont'd

Prohibition (ban) re—Cont'd not criminally responsible, **28:48 [CC 672.501(3)]**

sexual offence, **28:48 [CC 672.501(1)]**

trial information where jury not present, **27:190 [CC 648]**

witness under, **2:56, 20:17, 42:131, 42:132 [CC 18, 486.3, YCJA 111, 112]**

young offenders, **42:86, 42:92, 42:129, 42:132 [YCJA 69, 75, 110, 112]**

PUBLIC MISCHIEF

Generally, **6:71 [CC 140]**

PUBLIC OFFICER

See also POLICE OFFICER

Assault on, **10:255 [CC 270(1)(a)]**

Breach of trust, **6:17 [CC 122]**

Bribery, **6:6 [CC 120]**

Disability on conviction, **34:196 [CC 748(2), (6)]**

Failure to assist, **6:34 [CC 129(b)]**

False return, **13:58 [CC 399]**

Misconduct executing process, **6:33 [CC 128]**

Obstructing, **6:34 [CC 129(a)]**

Personation, **6:44, 6:47 [CC 130, 130.1]**

Protection, **2:88 [CC 25]**

“Public officer,” **1:3 [CC 2]**

Use of force, **2:88 [CC 25]**
excessive force, **2:100 [CC 26]**

Vacancy in office on conviction, **34:196 [CC 748(1), (6)]**

Weapons, **5:89 [CC 117.07]**

PUBLIC PEACE

See BREACH OF PEACE

PUBLIC PLACE

Offences in public place
 causing disturbance, **7:99** [CC **175(1)(a)**]
 indecent act, **7:91** [CC **173(1)**]
 indecent exhibition, **7:42, 7:99** [CC **163(2)(b), 175(1)(c)**]
 loitering, **7:99** [CC **175(1)(c)**]
 nudity, **7:95** [CC **174(1)(a)**]
 soliciting, **9:62** [CC **213**]
 "Public place," **7:1, 9:2, 10:408** [CC **150, 197(1), 319(7)**]

PUBLIC REVENUE

False statement or return, **13:58** [CC **399**]

PUBLIC SEAL

Forgery, **12:200** [CC **369(c)**]

PUBLIC STORES

Distinguishing mark
 applying or removing, **13:93** [CC **417(1)**]
 prescription, **13:92** [CC **416**]
 Military stores
 receiving, **13:96** [CC **420**]
 "Public stores," **1:3** [CC **2**]
 Selling defective stores, **13:94** [CC **418(1)**]
 loss of capacity to contract, **34:200** [CC **750(3), (4)**]
 Unlawful transactions, **13:93** [CC **417(2)**]
 presumption, **13:97** [CC **421(2)**]

PUBLIC TRANSIT OPERATOR

Assault against
 aggravating factor, **10:253** [CC **269.01(1)**]

PUBLIC TRANSIT OPERATOR

—Cont'd

Assault against—Cont'd
 definitions re, **10:253** [CC **269.01(2)**]
 Defined, **10:253** [CC **269.01(2)**]

PUBLIC UTILITY

Breach of contract likely to interrupt, **13:98** [CC **422**]

PUNISHMENT

See also SENTENCE, YOUTH CRIMINAL JUSTICE
 Alternative measures
 defined, **34:2** [CC **716**]
 disclosure of records, **34:7** [CC **717.4**]
 government records, **34:6** [CC **717.3**]
 police records, **34:5** [CC **717.2**]
 records of persons dealt with, **34:4** [CC **717.1**]
 when may be used, **34:3** [CC **717(1)**]
 admissions not admissible in evidence, **34:3** [CC **717(3)**]
 laying of information, etc., **34:3** [CC **717(5)**]
 no bar to proceedings, **34:3** [CC **717(4)**]
 restriction on use, **34:3** [CC **717(2)**]
 Certiorari to review, **37:15** [CC **777(2)**]
 Conditional sentence, **34:134** [CC **742.1**]
 Degrees of punishment, **34:35** [CC **718.3**]
 Fine
 and other punishment, **34:97** [CC **734(4), (5)**]

INDEX

PUNISHMENT—Cont'd

Fine—Cont'd
default in payment
imprisonment in default
commencement of term,
34:41, 34:40 [CC
719(1), (5)]
consecutive terms, **34:39**
[CC **718.3(4)**]
cumulative punishments,
34:35 [CC **718.3(5)**]
limit on terms, **34:38,**
34:97, 38:9, 38:7
[CC **718.3(3),**
734(4), 787(2), (5)]
reduction on part pay-
ment, **34:112** [CC
734.8]
sentence by summary
conviction court,
38:9 [CC **787(2)**]
warrant of committal,
34:109, 34:110 [CC
734.7(1) to (2)]
discretion of court, **34:35,**
34:108 [CC **718.3,**
734.7]
disposition of proceeds,
34:104 [CC **734.4**]
fine option program, **34:116**
[CC **736**]
in lieu of other punishment,
34:98 [CC **734(1)**]
licences, permits, **34:105** [CC
734.5]
organizational accused, **34:113**
[CC **735**]
partial payment, **34:112** [CC
734.8]
payment not waiver of appeal,
38:101 [CC **820(1)**]
recovery
fine on organization, **34:113**
[CC **735**]

PUNISHMENT—Cont'd

Fine—Cont'd
remission, **34:197** [CC **748.1**]
stay of payment, **29:49,**
38:104, 38:103, 38:109
[CC **683(5), 822(1),**
(5.1), (6)]
time for payment, **34:101** [CC
734.1]
victim fine surcharge, **34:117**
[CC **737**]
Greater punishment for
subsequent offence
gaming and betting, **9:22** [CC
202(2)]
pardon not affecting, **34:196**
[CC **748(4)**]
use of firearm in commission
of offence, **5:1, 5:7, 5:13**
[CC **84(5), 85(3)(b), (6)**]
Greater punishment for terrorist
activity, **4:36** [CC **83.27**]
notice to offender, **4:36** [CC
83.27(2)]
Imprisonment
calculation of term, **34:113**
[CC **735**]
commencement of term, **34:40**
[CC **719(3) to (5)**]
conditional sentence
compulsory conditions,
34:140 [CC **742.3**]
firearm, etc., prohibitions,
34:139 [CC **742.2**]
imposing of, **34:134** [CC
742.1]
procedure on breach of
condition, **34:144** [CC
742.6]
reading and delivery of
order, **34:140** [CC
742.3(3), (4)]
supervisor may propose
changes to conditions,

PUNISHMENT—Cont'd

- Imprisonment—Cont'd
 - conditional sentence—Cont'd
 - 34:142 [CC 742.4]
 - suspension pending appeal, 29:49, 29:42, 29:50 [CC 683(5), (5.1), (6)]
 - transfer of order, 34:143 [CC 742.5]
 - where person imprisoned for new offence, 34:149 [CC 742.7]
 - fine in lieu, 34:97 [CC 734]
 - organizations, 34:113 [CC 735]
 - intermittent, 34:84 [CC 732(1)]
 - legality of detention, 37:7 [CC 775]
 - life imprisonment, 34:167 [CC 745]
 - prison or penitentiary, 34:151 [CC 743.1]
 - sentence served according to regulations, 34:158 [CC 743.3]
 - where no other provision, 34:150 [CC 743]
- Liability limited, 2:13 [CC 6(1)(b)]
- Minimum punishment, 34:37, 34:97 [CC 718.3(2), 734]
- Non-communication order, 34:157 [CC 743.21]
- Organizations, 34:66, 34:106, 34:113 [CC 727(4), 734.6, 735]
- Parole ineligibility, 34:162, 34:167 to 34:183 [CC 743.6, 745 to 745.51]
- Principles of sentence
 - fundamental principle, 34:15 [CC 718.1]
 - other sentencing principles, 34:19 [CC 718.2]

PUNISHMENT—Cont'd

- Procedure and evidence
 - copies of documents, 34:51 [CC 722.1]
 - information accepted, 34:56 [CC 724]
 - disputed facts, 34:56 [CC 724(3)]
 - relevant information, 34:63 [CC 726.1]
 - where jury, 34:58 [CC 724(2)]
 - offender may speak to sentence, 34:61 [CC 726]
 - other offences, 34:59 [CC 725]
 - previous convictions, 34:66 [CC 727]
 - proof of certificate of analyst, 34:69 [CC 729]
 - reasons for sentence, 34:65 [CC 726.2]
 - report by probation officer, 34:47 [CC 721]
 - sentence justified by any court, 34:68 [CC 728]
 - sentencing proceedings, 34:45 [CC 720]
 - submissions on facts, 34:54 [CC 723]
 - victim impact statement, 34:49 [CC 722]
- Purpose of sentencing, 34:8 [CC 718]
- Restitution order. See also RESTITUTION
- generally, 34:120 [CC 737.1(1)]
 - adjournment, 34:120 [CC 737.1(3)]
 - form, 34:120 [CC 737.1(4)]
 - inquiry by court, 34:120 [CC 737.1(2)]
 - reasons, 34:117 [CC 737.1(5)]

INDEX

PUNISHMENT—Cont'd

- Subsequent conviction
pardon not affecting punishment, **34:196** [CC **748(4)**]
- Terrorism
 - additional, for “terrorist activity”
notice to offender, **4:26** [CC **83.21(2)**]
 - additional, for “terrorist activity,” **4:26** [CC **83.21**]
notice to offender, **4:26** [CC **83.21(2)**]
 - aggravating circumstance, **34:19** [CC **718.2(a)(v)**]
 - sentences served
consecutively, **4:35** [CC **83.26**]
 - sentencing principles, **34:19** [CC **718.2(a)(v)**]

PYRAMID SELLING

- Generally, **9:32** [CC **206(1)(e)**]

QUEBEC

- Generally, **1:3**, **21:1**, **22:15**, **25:1**, **27:151**, **34:184**, **36:18**, **38:84**, **7:61**, **8:1**, **8:42**, **10:411**, **20:121** [CC **2**, **493**, **534**, **552**, **638(3)**, **745.6(3)**, **772(2)**, **812**, **164(8)**, **183**, **188(4)**, **320(8)**, **488.1(1)**]

QUEEN

- Alarming the Queen
 - evidence of overt acts, **3:12** [CC **55**]
 - statement in indictment, **27:25**, **27:77** [CC **581(4)**, **601(9)**]
- Bodily harm or assassination, **3:1** [CC **46(1)(a)**]
evidence of overt acts, **3:12** [CC **55**]
statement in indictment, **27:25**, **27:77** [CC

QUEEN—Cont'd

- Bodily harm or assassination, **3:1** [CC **46(1)(a)**]—Cont'd
evidence of overt acts, **3:12** [CC **55**]—Cont'd
581(4), **601(9)**
- punishment, **3:3** [CC **47(1)**, **(4)**]
- specific charge of high treason, **27:35** [CC **582**]

RACE

- See EQUALITY

RADIO

- See also TELECOMMUNICATION SERVICE
- False message, **12:206** [CC **372(1)**]

RAILWAY EQUIPMENT

- Breach of contract likely to delay, **13:98** [CC **422(1)(e)**]
- Fraud in obtaining transportation, **13:49** [CC **393(3)**]
- Interfering with safety of persons, **10:132** [CC **248**]

REAL PROPERTY

- Defence with claim of right, **2:126** [CC **42(3)**]
- Defence without claim of right, **2:126** [CC **42(2)**]
- Fraudulent concealment of title documents, **13:37** [CC **385(1)**]
- Fraudulent registration of title, **13:38** [CC **386**]
- Ownership, **27:45** [CC **588**]

REASONS FOR JUDGMENT

- Furnishing to court of appeal, **29:41** [CC **682(2)**]
- Grounds of dissent on appeal, **29:25** [CC **677**]

REASONS FOR JUDGMENT**—Cont'd**

Reserving decision, **27:174** [CC **645(4)**]

RECEIPT

Fraudulent receipt under Bank Act, **13:43** [CC **390**]

Photograph as evidence, **40:93** [CEA **31(2)**]

Purported receipt, **13:41** [CC **388**]

Valuation, **2:5** [CC **4(3)**]

RECEIVER GENERAL

Payment of penalties, **34:54** [CC **723(2)**]

RECEIVING

See POSSESSION

RECOGNIZANCE

See also JUDICIAL INTERIM RELEASE, TERRORISM

Acknowledgment in false name, **13:77** [CC **405**]

Arrest not vacating, **36:5** [CC **765**]

Arrest of accused
on another charge, **36:5** [CC **765**]
on application of surety, **36:6, 36:7** [CC **766, 767**]

Before officer in charge
confirmation or cancellation by justice, **21:54** [CC **508**]

failure to appear, **6:82** [CC **145**]

laying of information, **21:40** [CC **505**]

Conditions in, **38:61** [CC **810(3.02)**]

Default
application for forfeiture, **36:15** [CC **771(1)**]

RECOGNIZANCE—Cont'd

Default—Cont'd
endorsement, **36:12** [CC **770**]

Deposit of money or other valuable security
transfer on forfeiture, **36:14** [CC **771(4)**]

transmission to clerk on default, **36:12** [CC **770(4)**]

Effect after direct indictment, **21:104** [CC **523(1.2)**]

Effect of remand to another jurisdiction, **15:11** [CC **453(b)**]

Entering into on holiday, **2:62** [CC **20**]

Forfeiture
application, **36:1** [CC **762(1)**]
committal of sureties, **36:19** [CC **773**]

payment of penalties, **34:104** [CC **734.4**]

Form, **39:61** [CC Form **32**]

On certiorari application, **37:17** [CC **779**]

On release pending appeal or new trial, **29:29** [CC **679(5)**]
arrest after release, **29:29** [CC **679(6)**]

On summary conviction appeal, **38:94, 38:96, 38:98** [CC **816, 817, 818**]

Peace, to keep
breach of, **38:81** [CC **811**]
criminal organization offence feared, **38:67** [CC **810.01**]

damage feared, **38:61** [CC **810**]

forced marriage, **38:69** [CC **810.02**]

forms, **39:51, 39:61** [CC Forms **23, 32**]

INDEX

RECOGNIZANCE—Cont'd

- Peace, to keep—Cont'd
 - injury feared, **38:61** [CC 810]
 - intimidation of justice system participants feared, **38:67** [CC 810.01]
 - marriage under age of 16 years, **38:69** [CC 810.02]
 - serious personal injury offence feared, **38:69** [CC 810.02]
 - sexual offence feared, **38:70** [CC 810.1]
 - terrorism offence feared, **38:68** [CC 810.011]
 - terrorist activity feared, **4:40** [CC 83.3]
 - young persons, against, **42:17, 42:23** [YCJA 14(4), 20(2)]
- Recognizance of witness at preliminary, **23:86** [CC 550]
 - default, **31:19** [CC 705(2)]
 - recognizance after arrest, **31:20** [CC 706]
- Refusal to enter into, **38:61** [CC 810(3.01)]
- Sheriff's certificate of committal, **36:6** [CC 766(3)]
- Sureties
 - additional sureties, **36:3** [CC 764(2)]
 - application for relief, **36:6** [CC 766]
 - arrest of accused, **36:6** [CC 766(2)]
 - committal on forfeiture, **3:43** [CC 73]
 - discharge, **36:3** [CC 764(3)]
 - render of accused, **36:6, 36:7** [CC 766, 767]
 - rights reserved, **36:10** [CC 768]

RECOGNIZANCE—Cont'd

- Time in force, **21:104, 34:113, 36:2, 36:3** [CC 523, 735, 763, 764]
- Transfer of order, **38:77** [CC 810.22]
- Vacating, **21:106, 36:6** [CC 523(2), 766]
 - not vacated by arrest on other charge, **36:5** [CC 765]
- Video conference, appearance via, **38:76** [CC 810.21]

RECORD

- See also DOCUMENT, REGISTER
- Automobile master key sales, **12:133** [CC 353(3)]
- Bank record as evidence, **40:85** [CEA 29]
- Business record as evidence, **40:90** [CEA 30]
- False extract or copy, **12:215** [CC 378]
- Imperial record
 - proof, **40:72** [CEA 20]
- Judicial proceeding
 - custody of record, **25:21** [CC 559(2)]
 - entering of particulars, **27:43** [CC 587(3)(b)]
 - entitlement of Minister of Justice, **29:39** [CC 682(5)]
 - entitlement of parties to appeal, **29:39** [CC 682(4)]
 - entry of stay of proceedings, **27:15** [CC 579(1)]
 - furnishing to court of appeal, **29:41** [CC 682(2)]
 - indictment amended, **27:121** [CC 625]
 - transmission, **23:67, 25:50, 27:71, 29:41, 38:102**

RECORD—Cont'd

Judicial proceeding—Cont'd
 [CC 543, 570, 599,
 682(2), 821]
 change of venue, 27:74,
 27:75 [CC 599(3), (4)]
 preliminary inquiry, 23:87
 [CC 551]

RECORD SUSPENSION

Civil disabilities, removal of,
 34:200 [CC 750(2)]
 DNA orders and, 46:27 [DNA
 10(8)]
 Record of conviction
 removal of disabilities, 34:200
 [CC 750(2)]
 royal prerogative of mercy,
 34:196, 34:198 [CC 748,
 749]
 SOIRA orders and
 domestic offenders, 20:141
 [CC 490.015(3), (5)]
 international offenders, 20:154
 [CC 490.026(4), (5)]

**REDUCTION OF
 IMPRISONMENT ON
 PARTIAL PAYMENT**

See COMPENSATION AND
 RESTITUTION

RE-ELECTION

See ELECTION (MODE OF
 TRIAL)

REGISTER

Destroying or defacing, 12:214
 [CC 377(1)]
 False extract, 12:215 [CC 378]
 Fraudulent registration of title,
 13:38 [CC 386]

REGISTRAR

Referral of appeal for summary
 determination, 29:56 [CC
 685]

REGULATIONS

“Designated offence,” defining,
 17:1 [CC 462.3(2)]
 “Designated offence” defining,
 17:1 [CC 462.3(2)]
 Law enforcement, concerning,
 44:97 [CDA 55(2) to
 (2.10)]
 Miscarriages of justice, respect-
 ing, 30:8 [CC 696.6]
 “Serious offence,” defining,
 18:23 [CC 467.1(4)]
 “Serious offence” defining,
 18:23 [CC 467.1(4)]
 Service of sentence according to
 regulations, 34:84 [CC
 732(1)]
 Young offenders, 42:177 [YCJA
 154]

RELEASE FROM CUSTODY

See also JUDICIAL INTERIM
 RELEASE
 By peace officer
 where arrested without war-
 rant, 21:21 [CC 498(1)]
 where arrested with warrant,
 21:22 [CC 499]
 Contents of
 appearance notice, 21:23,
 F39:35 [CC 500, Form
 9]
 undertaking, 21:24 [CC 501]

RELIGIOUS WORSHIP

Disturbance, 7:109 [CC 176]

REMAND

See ADJOURNMENT
 (REMANDS)

REMAND FOR OBSERVATION

See ASSESSMENTS (MENTAL
 DISORDER)

INDEX

REMEDICATION

AGREEMENTS

- Admissions as evidence, **33:4, 33:5** [CC 715.33(2), 715.34(2)]
- Completion, order declaring successful, **33:11** [CC 715.4]
- Conditions for, **33:3** [CC 715.32(1)]
- Conflicts of interest re monitor, **33:6** [CC 715.35]
- Considerations/factors, **33:3** [CC 715.32(2), (3)]
- Contents
 - mandatory, **33:5** [CC 715.34(1)]
- Court
 - approval, application for, **33:8** [CC 715.37]
 - definition of, **33:1** [CC 715.3(1)]
 - order for approval, **33:8** [CC 715.37(6)]
- Deadline, **33:12** [CC 715.41]
- Definition of, **33:1** [CC 715.3(1)]
- Definitions, **33:1** [CC 715.3]
- Evidence, admissions as, **33:4, 33:5** [CC 715.33(2), 715.34(2)]
- Inform, duty to, **33:7** [CC 715.36]
- Monitor, independent, **33:6** [CC 715.35]
- Negotiation, invitation for, **33:4** [CC 715.33(1)]
- Notice to organization, **33:4** [CC 715.33(1)]
- Offence, definition of, **33:1** [CC 715.3(1)]
- Organization, definition of, **33:1** [CC 715.3(1)]
- Publication, **33:13** [CC 715.42]
- Purpose, **33:2** [CC 715.31]

REMEDICATION

AGREEMENTS—Cont'd

- Regulations, **33:14** [CC 715.43]
- Stays of proceedings, **33:8, 33:11, 33:10** [CC 715.37(7), 715.4, 715.39(3)]
- Termination orders, **33:10** [CC 715.39]
- Variation orders, **33:9** [CC 715.38]
- Victim
 - acting on behalf of, **33:1** [CC 715.3(2)]
 - consideration re approval, **33:8** [CC 715.37(3)]
 - definition of, **33:1** [CC 715.3(1)]
 - duty to inform, **33:7** [CC 715.36]
 - impact statement, **33:8** [CC 715.37(4)]
 - surcharge, **33:8** [CC 715.37(5)]

REMOTE ATTENDANCE

- Accused, **32:3, 32:4** [CC 715.23, 715.24]
- Attendance, **32:1** [CC 715.21]
- Audioconference provisions, **32:2** [CC 715.22]
- Judge, **32:6** [CC 715.26]
- Justice, **33:7** [CC 715.36]
- Participants, **32:5** [CC 715.25]
- Principles, **32:1, 32:2** [CC 715.21, 715.22]
- Videoconference provisions, **32:2** [CC 715.22]

RESCUE

- See ESCAPE AND RESCUE

RESIDENTIAL PREMISES

- See DWELLING-HOUSE

RESISTING ARREST

- Assault with intent, **10:255** [CC **270(1)(b)**]
- Causing death
 - first degree murder, **10:67** [CC **231(4)**]

RES JUDICATA

- See also PLEA
- Generally, **2:19, 2:32, 41:63** [CC **8, 12, CA 11(h)**]

RESTITUTION

- Ability to pay, **34:124** [CC **739.1**]
- Bodily harm, **34:121** [CC **738(1)(b), (c), (2)**]
- Civil remedy not affected, **34:132** [CC **741.2**]
- Claim form, **39:64** [CC Form **34.1**]
- Condition of probation, **34:122, 34:121** [CC **738(1), (2)**]
- Fraud offences, for, **39:64** [CC Form **34.1**]
- More than one person, **34:126** [CC **739.3**]
- Notice of orders, **34:131** [CC **741.1**]
- Order for restitution, **20:194** [CC **491.1**]
- Payment under order, **34:125** [CC **739.2**]
- Person acting in good faith, to, **34:123** [CC **739**]
- Powers of court on appeal, **29:103, 38:104, 38:137** [CC **689(1), 822(1), 839(2)**]
- Priority to forfeiture order, **34:128** [CC **740**]
- Property, **34:121** [CC **738(1)(a), (2)**]
- Public authority, **34:127** [CC **739.4**]

RESTITUTION—Cont'd

- Rules of court, **19:35** [CC **482(3)(d)(iv)**]
- Seized property, **20:127** [CC **489.1**]
- Suspension of order, **29:49, 38:104, 38:137, 38:135, 38:141** [CC **683(5), 822(1), 839(2), (5.1), (6)**]

RESTRICTED DRUGS

- See DRUG OFFENCES

RETROACTIVITY

- Prohibition against laws, **41:63** [CA **11(g)**]

RETURN

- False return by public officer, **13:58** [CC **399**]
- Sheriff's return, **36:19** [CC **773**]

REVENUE PAPER

- Defined, **12:1** [CC **321**]
- Making or possessing, **12:200** [CC **369**]

REVIEW BOARDS

- See also DISPOSITIONS AND DISPOSITION HEARINGS (MENTAL DISORDER), FITNESS TO STAND TRIAL
- Composition
 - chairperson, **28:36** [CC **672.4(1)**]
 - members, **28:35** [CC **672.39**]
 - quorum, **28:37** [CC **672.41(1)**]
 - transitional, **28:36, 28:37** [CC **672.4(2), 672.41(2)**]
- Establishment of, **28:34** [CC **672.38**]
- Powers, **28:39** [CC **672.43**]
- “Review Board,” **28:1** [CC **672.1(1)**]

INDEX

REVIEW BOARDS—Cont'd

- Rules, **28:40** [CC 672.44]
- Sex offender information registration
 - duty to notify subject of discharge, **20:172** [CC 490.02915(2)]
 - duty to notify subject of order, **20:144, 20:172** [CC 490.018, 490.02915(2)]
 - entitlement to copy of order, **20:144** [CC 490.018(1)(d)(i)]
- Stay of proceedings —
 - permanently unfit accused notice to accused, **28:91** [CC 672.851(2)]
 - power to recommend, **28:91** [CC 672.851(1)]

REWARD

- Recovery of goods obtained by crime, **6:77** [CC 142]

RIGHT NOT TO BE ARBITRARILY DETAINED OR IMPRISONED

- Generally, **41:52** [CA 9]

RIGHT TO COUNSEL

- See COUNSEL

RIGHT TO LIFE AND LIBERTY

- Generally, **41:22** [CA 7]

RIOT

- Duty to disperse or arrest, **2:115** [CC 33]
 - neglect of duty, **3:36** [CC 69]
- Failure to disperse, **3:34** [CC 68(b), (c)]
- Hindering reading of proclamation, **3:34** [CC 68(a)]

RIOT—Cont'd

- Proclamation, **3:33, 3:34** [CC 67, 68]
- Protection of persons enforcing law, **2:113, 2:115** [CC 32, 33]
- Punishment, **3:29** [CC 65]
 - where identity concealed, **3:31** [CC 65(2)]
- Riot defined, **3:27** [CC 64]
- Use of force to suppress, **2:113** [CC 32]

ROBBERY

- Armed robbery, **12:82** [CC 343(d)]
- Offences, **5:48, 12:82** [CC 98.1, 343]
- Punishment/sentence
 - DNA order on conviction discharge, **20:77, 20:81** [CC 487.04, 487.051]
 - general, **12:87** [CC 344(1)(b)]
 - where firearm stolen, **5:48** [CC 98.1]
 - where firearm used, **12:87** [CC 344(1)(a), (a.1)]
 - subsequent offences, **12:89, 12:90** [CC 344(2), (3)]
 - where home invasion involved, **12:113** [CC 348.1]
 - where intent to steal firearm, **5:48** [CC 98.1]
 - Stopping mail with intent, **12:91** [CC 345]
 - To steal firearm, **5:48** [CC 98.1]

ROYAL CANADIAN MOUNTED POLICE

- Assisting deserter, **3:13** [CC 56]

ROYAL PREROGATIVE OF MERCY

- Generally, **34:198, 34:201** [CC 749, 751]

RULES OF COURT

- General, **19:35** [CC 482]
- Judicial notice, **37:21** [CC 781(2)]
- Power to make, **19:36, 19:37, (2)** [CC 482(1), 482.1, (2)]
- Publication, **19:35** [CC 482(4)]
- Review of parole eligibility, **34:190** [CC 745.64]
- Subject-matter, **19:35** [CC 482(3)]
- Taking of commission evidence, **31:35** [CC 714]
- Uniform rules, **19:35** [CC 482(5)]

SABOTAGE

- Mischief, **14:5** [CC 430]
- Offence, **3:9** [CC 52]
 - evidence of overt acts, **3:12** [CC 55]
- Statement in indictment, **27:25** [CC 581(4)]

SAFE-BREAKING

- See also BREAKING AND ENTERING, BREAK-IN INSTRUMENTS
- Possession of instruments, **12:125** [CC 351(1)]

SANITY

- See also MENTAL DISORDER
- Presumption of, no mental disorder, **2:42** [CC 16(2)]

SASKATCHEWAN

- Generally, **1:3, 7:61, 8:42, 10:411, 21:1, 25:1, 34:184, 38:84, 38:91** [CC 2, 164(8), 188(4), 320(8), 493, 552, 745.6(3), 812, 814(1)]

SCHOOLTEACHER

- Correction of pupil, **2:127** [CC 43]
- excessive force, **2:100** [CC 26]

SCURRILOUS MATTER

- Delivery by mail, **7:74** [CC 168]
- punishment, **7:77** [CC 169]

SEAL OF COURT

- Forms not requiring, **39:9** [CC 849(2)]
- sealing order, **20:115** [CC 487.3]

SEARCH AND SEIZURE

- See also FORFEITURE, PROCEEDS OF CRIME, SEARCH WARRANTS, TERRORIST GROUP
- Assistance order, **20:73** [CC 487.02]
- Banking record, **40:85** [CEA 29(7)]
- Cocks in cock-pit, **14:77** [CC 447(2)]
- Counterfeit and equipment, **15:30** [CC 462(2)]
- Crime comic, **7:61** [CC 164]
- Detention of things seized, **20:129** [CC 490]
- Disorderly house, **9:9** [CC 199]
- Disposition of things seized, **5:87, 20:129** [CC 117.05, 490(9), (11)]
- Drugs, **44:27 to 44:36** [CDA 11 to 13]
- Explosives, **20:196** [CC 492]
- Firearms
 - forfeiture of seized thing, **5:83** [CC 117.03(3)]
 - no finding or application, **5:88** [CC 117.06]
 - return of seized thing, **5:83** [CC 117.03(2)]
 - seizure on failure to produce authorization, **5:84** [CC 117.03(1)]
 - without warrant, **5:82, 5:85** [CC 117.02, 117.04(2), (3)]

INDEX

SEARCH AND SEIZURE

—Cont'd

- General warrant, **20:47** [CC **487.01**]
 - electronic surveillance, **20:51**, **20:47** [CC **487.01(4)**, **(5)**]
- Hate propaganda, **10:411**, **10:412** [CC **320(2) to (7)**, **320.1**]
- Management of seized property
 - destruction of property pursuant to order, **20:191**, **44:38** [CC **490.81(4) to (7)**, CDA **14.1(4) to (7)**]
 - duration of order, **20:191**, **44:38** [CC **490.81(8)**, CDA **14.1(8)**]
 - power of court to order, **20:191**, **44:38** [CC **490.81(1)**, **(7)**, **(7)**, CDA **14.1(1)**]
 - power to manage, **20:191**, **44:38** [CC **490.81(1)**, **(3) to (4)**, CDA **14.1(1)**]
 - variation of order, **20:191**, **44:38** [CC **490.81(9)**, CDA **14.1(9)**]
- Minerals and precious metals, **13:53** [CC **395**]
- Obscene matter, **7:61** [CC **164**]
- Photographic evidence of property 20:195
 - admissibility, **20:195** [CC **491.2(2)**]
 - attendance for examination, **20:195** [CC **491.2(6)**]
 - certificate, **20:195** [CC **491.2(3)**]
 - notice of intention to produce, **20:195** [CC **491.2(5)**]
 - production of property, **20:195** [CC **491.2(7)**]
 - secondary evidence, **20:195** [CC **491.2(4)**]

SEARCH AND SEIZURE

—Cont'd

- Preservation of things seized, **20:129** [CC **490**]
- Report by peace officer, **20:127** [CC **489.1(1)(b)**]
- Restitution of seized property, **20:127** [CC **489.1(1)(a)**]
- Theft by bailee, **12:34** [CC **324**]
- Transmittal to clerk of court, **20:129** [CC **490**]

SEARCH WARRANTS

- See also SEARCH AND SEIZURE, TELEWARRANTS
- Application for, **5:86** [CC **117.04(1)**]
- Assistance order, **20:73** [CC **487.02**]
- Detention of things seized, **20:129** [CC **490**]
 - appeal from disposition order, **20:129** [CC **490(17)**]
 - basis for detention, **20:129** [CC **490(1)**]
 - copies of returned documents, **20:129** [CC **490(13)**, **(14)**]
 - detention pending appeal, **20:129** [CC **490(12)**]
 - disposal of seized items, **20:129**, **20:135** [CC **490(9)**, **490.01**, **(11)**]
 - examination by person interested, **20:129** [CC **490(15)**, **(16)**]
 - further detention, **20:129** [CC **490(2)**, **(3)**]
 - return of seized property, **20:129**, **20:135** [CC **490(5) to (11)**, **490.01**]
- Execution of warrant
 - execution by day unless otherwise provided,

SEARCH WARRANTS—Cont'd

- Execution of warrant—Cont'd
 - 20:117 [CC 488]**
 - execution in another territorial division, **20:28, 39:56, 20:28 [CC 487(2), Form 28, (4)]**
 - seizure of explosives, **20:196 [CC 492]**
 - seizure of items not specified, **20:126 [CC 489]**
- Form of warrant, **20:29, 39:15 [CC 487(3), Form 5]**
- Information to obtain warrant form, **39:11 [CC Form 1]**
 - requirement, **20:27 [CC 487(1)]**
 - sealing order, **20:115 [CC 487.3]**
- Report by peace officer
 - form, **20:127, 39:29 [CC 489.1(3), Form 5.2]**
 - requirement, **20:128, 20:127 [CC 489.1(1), (3)]**
- Restriction on publicity, **20:113 [CC 487.2]**
- Return of things seized, **20:128, 20:129, 20:135 [CC 489.1(1), 490(1)(a), (5) to (11), 490.01]**
- Seizure of things not specified, **20:126 [CC 489]**
- Specialized warrants
 - controlled substances, **44:28 [CDA 11(1)]**
 - counterfeit, **15:30 [CC 462(2)]**
 - disorderly houses, **9:9 [CC 199]**
 - drugs, **44:28 [CDA 11(1)]**
 - hate propaganda, **10:411, 10:412 [CC 320(1), 320.1]**

SEARCH WARRANTS—Cont'd

- Specialized warrants—Cont'd
 - lumber or lumbering equipment, **12:70 [CC 339(3)]**
 - obscene material, **7:62 [CC 164(1)]**
 - precious metals, **13:53 [CC 395]**
 - proceeds of crime, **17:4, 20:126 [CC 462.32, 489]**
 - telewarrants, **20:110 [CC 487.1]**

SECOND-HAND GOODS

- Sale without disclosure, **13:87 [CC 411]**
 - forfeiture, **13:88 [CC 412(2)]**
 - punishment, **13:88 [CC 412(1)]**

SECRET COMMISSION

- Generally, **13:115 [CC 426]**

SECURE ELECTRONIC SIGNATURES

- Admissibility, **39:5 [CC 845]**

SECURITIES

- Affecting public market, **13:6 [CC 380(2)]**
 - aggravating circumstances, **13:25 [CC 380.1(1) to (1.1)]**
 - non-mitigating factors, **13:25 [CC 380.1(2)]**
 - record of sentencing factors, **13:25 [CC 380.1(3)]**
- Broker selling for own account, **13:35 [CC 384]**
- Defrauding public or person of valuable security, **13:5 [CC 380(1)]**
 - aggravating circumstances, **13:25 [CC 380.1(1) to (1.1)]**

INDEX

SECURITIES—Cont'd

- Defrauding public or person of valuable security, **13:5** [CC **380(1)**]—Cont'd
 - minimum punishment, **13:4** [CC **380(1.1)**]
 - non-mitigating factors, **13:25** [CC **380.1(2)**]
 - prohibition order, **13:27** [CC **380.2**]
 - restitution order, **34:121, 39:64, 34:123** [CC **738, Form 34.1, 739**]
- Destruction of valuable security, **12:72** [CC **340(b)**]
- False prospectus, **13:60** [CC **400**]
 - aggravating circumstances, **13:25** [CC **380.1(1) to (1.1)**]
 - non-mitigating factors, **13:25** [CC **380.1(2)**]
 - record of sentencing factors, **13:25** [CC **380.1(3)**]
- Falsification or destruction, **13:56** [CC **397(1)**]
- Gaming in stocks, **13:34** [CC **383(1)**]
- Insider trading, **13:33** [CC **382.1**]
 - aggravating circumstances, **13:25** [CC **380.1(1) to (1.1)**]
 - non-mitigating factors, **13:25** [CC **380.1(2)**]
 - record of sentencing factors, **13:25** [CC **380.1(3)**]
- Manipulating exchange transactions, **13:30** [CC **382**]
 - aggravating circumstances, **13:25** [CC **380.1(1) to (1.1)**]
 - non-mitigating factors, **13:25** [CC **380.1(2)**]

SECURITIES—Cont'd

- Manipulating exchange transactions, **13:30** [CC **382**]
 - Cont'd
 - record of sentencing factors, **13:25** [CC **380.1(3)**]
- Printing or using likeness of bank or government securities, **15:21, 15:22** [CC **457(1), (2)**]
- Tipping, **13:33** [CC **382.1(2)**]
 - aggravating circumstances, **13:25** [CC **380.1(1) to (1.1)**]
 - non-mitigating factors, **13:25** [CC **380.1(2)**]
 - record of sentencing factors, **13:25** [CC **380.1(3)**]
- “Valuable security”
 - generally, **1:3** [CC **2**]
 - valuation, **2:4** [CC **4(2)**]

SEDITION

- Armed forces, **3:24** [CC **62**]
- Punishment, **3:20** [CC **61**]
- Seditious conspiracy, **3:18** [CC **59(3)**]
- Seditious intention, **3:18** [CC **59(4)**]
 - exception, **3:19** [CC **60**]
- Seditious libel, **3:18** [CC **59(2)**]
 - proof, **27:38** [CC **584(3)**]
 - sufficiency of counts, **27:39, 27:38** [CC **584(1), (2)**]
- Seditious words, **3:18** [CC **59(1)**]
- Superior court jurisdiction, **19:1, 19:2** [CC **468, 469(a)(v)**]

SEIZURE

- See SEARCH AND SEIZURE, SEARCH WARRANTS, TELEWARRANTS, SOLICITOR-CLIENT PRIVILEGE

SELF DEFENCE

See also DEFENCES (STATUTORY)
 Generally, **2:120, 2:125** [CC 34 to 35]

SELF-INCRIMINATION

Answers to incriminating questions, **4:37, 40:17, 41:75** [CC 83.28(8), (10), CEA 5(2), CA 13]
 Non-compellability as witness against self, **41:63, 41:75** [CA 11(c), 13]
 Right to silence, **41:22, 42:168** [CA 7, YCJA 146(2)(b)]

SENTENCE

See also COMPENSATION AND RESTITUTION: COSTS: DISCHARGE, FINE, PROHIBITION ORDER, PUNISHMENT
 Appeal against sentence, **29:87, 38:104, 38:137** [CC 687, 822(1), 839(2)]
 Commencement, **34:40** [CC 719]
 Consecutive sentence, **34:39, 34:175, 34:183** [CC 718.3(4), 745.21, 745.51]
 Delay for treatment, **34:45** [CC 720(2)]
 Indeterminate detention, **35:8, 35:13** [CC 753, 753.01]
 appeal, **35:31** [CC 759]
 Interim release not part of term, **34:42** [CC 719(2)]
 Non-communication order, **34:157** [CC 743.21]
 Order for compensation, **34:121** [CC 738]
 Parole ineligibility order, **34:162** [CC 743.6]

SENTENCE—Cont'd

Purpose, principles and objectives, **34:8 to 34:33** [CC 718 to 718.21]
 Report by probation officer, **34:48** [CC 721(1)]
 Sentence justified by any count, **27:270** [CC 669]
 Speaking to sentence, **27:270** [CC 668]
 Subsequent conviction
 pardon not affecting sentence, **34:196** [CC 748(4)]
 Time spent in custody as affecting, **34:43** [CC 719(3)]
 exception, **34:40** [CC 719(3.1)]
 reasons, **34:40** [CC 719(3.2)]
 record of proceedings, **34:40** [CC 719(3.2)]
 validity not affected, **34:40** [CC 719(3.4)]
 Variation on certiorari, **37:15** [CC 777(2)]
 Victim fine surcharge, **34:117** [CC 737]
 Victim impact statement, **34:50** [CC 722(1)]
 copies, **34:51** [CC 722.1]
 VICTIM IMPACT STATEMENT
 see also Victim Impact Statement
 Vulnerability, **34:14, 34:32** [CC 718.04, 718.201]
 Vulnerable persons, offences involving, **34:14** [CC 718.04]
 Where sentence not specifically provided, **6:28, 6:30, 34:150** [CC 126, 127, 743]
 Young offender
 transfer of jurisdiction, **34:131** [CC 741.1(1), (3)]

INDEX

SERVANT

See EMPLOYMENT

SERVICE

See also NOTICE

In accordance with provincial laws, **2:2, 31:13 [CC 4(6.1), 701.1]**

On Sunday or holiday, **2:62 [CC 20]**

Proof of service of any document, **2:8, 2:9 [CC 4(6) to (7)]**

in accordance with provincial laws, **2:2 [CC 4(6.1)]**

Summons, **2:9, 21:61 [CC 4(7), 509(2)]**

SEVERANCE

Generally, **24:3, 27:54 [CC 551.3(g)(v), 591(3) to (6)]**

SEX OFFENDER

INFORMATION REGISTRATION

Appeals

compliance orders, **20:140 [CC 490.014]**

exemption orders

domestic offender, **20:152 [CC 490.024]**

offender convicted abroad, **20:163 [CC 490.02906]**

termination orders

domestic offender, **20:143, 20:157 [CC 490.017, 490.029]**

offender convicted abroad, **20:167 [CC 490.0291]**

transferred offender, **20:171 [CC 490.02914]**

Definitions, See DEFINITIONS

Disclosure of information

authorized, **20:173 [CC 490.03]**

SEX OFFENDER

INFORMATION REGISTRATION—Cont'd

Exemption orders

domestic offenders

appeals re, **20:152 [CC 490.024]**

application for, **20:150 [CC 490.023]**

deemed application, **20:156 [CC 490.028]**

notice requirements, **20:153 [CC 490.025]**

offenders convicted abroad

appeals re, **20:163 [CC 490.02906]**

application for, **20:162 [CC 490.02905]**

notice requirements, **20:162, 20:164 [CC 490.02905(5), 490.02907]**

Forms

notice of obligation to comply with SOIRA, **20:145, 39:87, 39:88, 20:158 [CC 490.019, Form 53, Form 54, 490.02901]**

order to comply with SOIRA, **20:137, 39:86 [CC 490.012(1) to (2), Form 52]**

Interpretation of legislation, **20:136 [CC 490.011(2),]**

Offences

certificate evidence to prove, **20:174 [CC 490.031(3) to (5)]**

non-compliance with obligations, **20:174 [CC 490.031]**

non-compliance with orders, **20:174 [CC 490.031]**

provision of false or misleading information, **20:175**

**SEX OFFENDER
INFORMATION
REGISTRATION—Cont'd**

Offences—Cont'd
[CC 490.0311]

Order to comply with requirements
appeal from, 20:140 [CC 490.014]
commencement, 20:139 [CC 490.013(1)]
duration, 20:139 [CC 490.013]
duties of court, 20:137, 20:144 [CC 490.012, 490.018]
failure to make, 20:137, 20:176 [CC 490.012(4), 490.0312]
form, 20:137, 39:86 [CC 490.012(1) to (2), Form 52]
notice requirements, 20:144 [CC 490.018]
powers of court, 20:137, 20:144 [CC 490.012, 490.018]
termination order
appeal from, 20:143 [CC 490.017]
application for, 20:142 [CC 490.016]
duties of court re, 20:142 [CC 490.016]
notice requirements, 20:142, 20:143 [CC 490.016(3), 490.017(2)]
powers of court re, 20:142 [CC 490.016]
reasons for decision re, 20:142 [CC 490.016(2)]
right to apply for, 20:141 [CC 490.015(1)]

**SEX OFFENDER
INFORMATION
REGISTRATION—Cont'd**

Registration requirements
exemption orders
appeal from, 20:152, 20:163 [CC 490.024, 490.02906]
application for, 20:150, 20:162 [CC 490.023, 490.02905]
deemed application, 20:156 [CC 490.028]
duties of court re, 20:150, 20:162 [CC 490.023, 490.02905]
jurisdiction, 20:150 [CC 490.023(1.1)]
notice requirements, 20:153, 20:162, 20:164 [CC 490.025, 490.02905(5), 490.02907]
powers of court re, 20:150, 20:162 [CC 490.023, 490.02905]
reasons for decision, 20:150 [CC 490.023(3)]
removal of information from database, 20:150, 20:162 [CC 490.023(4), 490.02905(4)]
right to apply for, 20:151 [CC 490.023(1)]
form, 20:145, 39:87, 39:88, 20:158 [CC 490.019, Form 53, Form 54, 490.02901]
notice of
persons who may be served, 20:146, 20:159 [CC 490.02, 490.02902]
service of, 20:147, 20:160 [CC 490.021, 490.02903]

INDEX

**SEX OFFENDER
INFORMATION
REGISTRATION—Cont'd**

Registration requirements
—Cont'd

- offenders' obligations
 - commencement date,
**20:149, 20:161 [CC
490.022(1),
490.02904(1)]**
 - compliance generally,
**20:145, 20:158 [CC
490.019, 490.02901]**
 - duration of, **20:148, 20:161
[CC 490.022(3),
490.02904(3)]**
 - end date, **20:148, 20:161
[CC 490.022(2),
490.02904(2)]**
- termination orders
 - domestic offender, **20:141
to 20:143, 20:154 to
20:156 [CC 490.015
to 490.017, 490.026 to
490.028]**
 - offender convicted abroad,
**20:165 to 20:166 [CC
490.02908 to
490.02909]**
 - transferred offender, **20:169
to 20:170 [CC
490.02912 to
490.02913]**

Regulations, power to make
federal, **20:177 [CC 490.032]**

Reporting requirements

- correctional officials' obligations
 - notice before release,
**20:172 [CC
490.02915(1)]**
- offenders' obligations
 - arrival in Canada, offender
convicted abroad,

**SEX OFFENDER
INFORMATION
REGISTRATION—Cont'd**

Reporting requirements—Cont'd

- offenders' obligations
—Cont'd
 - 20:168 [CC
490.02911]**
 - change of information,
notification of, re,
**20:168 [CC
490.02911(2),]**
 - information provision, re,
**20:168 [CC
490.02911]**
 - reporting dates, **20:168 [CC
490.02911(1), CC
490.02911(2),]**
 - subsequent obligation,
**20:168 [CC
490.02911(2)]**
 - young offenders, **20:136
[CC 490.011(2),]**

Review Board's obligations

- notice on disposition,
**20:172 [CC
490.02915(2)]**

Termination orders

- appeal from
 - domestic offender, **20:143,
20:157 [CC 490.017,
490.029]**
 - offender convicted abroad,
20:167 [CC 490.0291]
 - transferred offender, **20:171
[CC 490.02914]**
- application for
 - domestic offender, **20:141,
20:154 [CC 490.015,
490.026]**
 - offender convicted abroad,
**20:165 [CC
490.02908]**
 - transferred offender, **20:169
[CC 490.02912]**

SEX OFFENDER INFORMATION REGISTRATION—Cont'd
 Termination orders—Cont'd
 deemed application, **20:156** [CC 490.028]
 duties of court re
 domestic offender, **20:142, 20:155** [CC 490.016, 490.027]
 offender convicted abroad, **20:166** [CC 490.02909]
 transferred offender, **20:170** [CC 490.02913]
 jurisdiction, **20:141, 20:154** [CC 490.015(6), 490.026(6)]
 notice requirements
 domestic offender, **20:142, 20:143, 20:155, 20:157** [CC 490.016(3), 490.017(2), 490.027(3), 490.029(2)]
 offender convicted abroad, **20:166, 20:167** [CC 490.02909(3), 490.0291(2)]
 transferred offender, **20:170, 20:171** [CC 490.02913(3), 490.02914(2)]
 powers of court re
 domestic offender, **20:142, 20:155** [CC 490.016, 490.027]
 offender convicted abroad, **20:166** [CC 490.02909]
 transferred offender, **20:170** [CC 490.02913]
 re-application
 domestic offender, **20:141,**

SEX OFFENDER INFORMATION REGISTRATION—Cont'd
 Termination orders—Cont'd
 re-application—Cont'd
 20:154 [CC 490.015(5), 490.026(5)]
 offender convicted abroad, **20:165** [CC 490.02908(4)]
 transferred offender, **20:169** [CC 490.02912(4)]
 reasons for decision
 domestic offender, **20:142, 20:155** [CC 490.016(2), 490.027(2)]
 offender convicted abroad, **20:166** [CC 490.02909(2)]
 transferred offender, **20:170** [CC 490.02913(2)]
 time for application
 domestic offender, **20:141, 20:154** [CC 490.015(1) to (3), 490.026(2) to (5)]
 offender convicted abroad, **20:165** [CC 490.02908(2) to (4)]
 transferred offender, **20:169** [CC 490.02912(2) to (4)]
 Young offenders, rights re, **20:136** [CC 490.011(2)]

SEXUAL ACTIVITY (HOUSEHOLDER PERMITTING)
 See also CHILD
 Generally, **7:79** [CC 171]
 Removal of child from Canada with intent, **10:275** [CC 273.3(1)(c)]

INDEX

**SEXUAL ACTIVITY
(PROCURING)**

See also CHILD
Generally, 7:78, **Sexual Services**
[CC 170, **Sexual Services**]
Removal of child from Canada
with intent, 10:275 [CC
273.3(1)(c)]

**SEXUAL ACTIVITY
EVIDENCE**

Admissible evidence of, 10:282,
10:283 [CC 276(2), (3)]
Conditions of admissibility,
10:282 [CC 276(2)]
Considerations/factors, 10:283
[CC 276(3)]
General rule of admissibility,
10:281 [CC 276(1)]
Interpretation, 10:284 [CC
276(4)]

SEXUAL ASSAULT

See also TRAFFICKING,
PERSONS
Aggravated, 10:268 [CC 273]
internationally protected
person, outside Canada,
2:16 [CC 7(3)]
punishment where firearm
used, 10:268 [CC
273(2)(a), (a.1)]
subsequent offences, 10:268
[CC 273(3), (4)]
punishment where victim
under 16, 10:263 [CC
272(2)(a.2)]
Causing bodily harm, 10:263
[CC 272]
“bodily harm” defined, 1:3
[CC 2]
internationally protected
person, outside Canada,
2:16 [CC 7(3)]

SEXUAL ASSAULT—Cont’d

Causing bodily harm, 10:263
[CC 272]—Cont’d
punishment where firearm
used, 10:263 [CC
272(2)(a), (a.1)]
subsequent offences,
10:266, 10:267 [CC
272(3), (4)]
punishment where victim
under 16, 10:268 [CC
273(2)(a.2)]
United Nations or associated
personnel, outside Can-
ada, 2:16 [CC 7(3.71)]
Consent, 7:3, 10:234, 10:271
[CC 150.1, 265(3),
273.1(1)]
honest belief, 10:235, 10:272
[CC 265(4), 273.2]
of person under 16, 7:3 [CC
150.1(1) to (2.2), (6)]
Internationally protected person,
outside Canada, 2:16 [CC
7(3)]
Mistaken belief as to age, 7:7,
7:3 [CC 150.1(4), (6)]
Offence, 10:261 [CC 271]
CSO precluded on indictment,
34:134 [CC 742.1(f)(iii)]
punishment where victim
under 16, 10:261 [CC
271(a), (b)]
Party to offence, 10:263 [CC
272(1)(d)]
Rules of evidence
corroboration, 10:277 [CC
274]
obstructed view testimony,
20:16 [CC 486.2]
recent complaint, 10:278 [CC
275]
sexual reputation, 10:287 [CC
277]

SEXUAL ASSAULT—Cont'd

Rules of evidence—Cont'd
 testimony outside courtroom,
20:16 [CC 486.2]
 videotaped complaint, **31:53**
[CC 715.1]

Safeguarding identity, **20:20,**
20:22 [CC 486.4, 486.5]

Spouse, **10:288 [CC 278]**

Threats to third party, **10:263**
[CC 272(1)(b)]

internationally protected
 person, outside Canada,
2:16 [CC 7(3)]

punishment where victim
 under 16, **10:268 [CC**
273(2)(a.2)]

United Nations or associated
 personnel, outside Can-
 ada, **2:16 [CC 7(3.71)]**

With weapon, **10:263 [CC**
272(1)(a)]

internationally protected
 person, outside Canada,
2:16 [CC 7(3)]

punishment where firearm
 used, **10:263 [CC**
272(1)(a), (a.1)]

punishment where victim
 under 16, **10:268 [CC**
273(2)(a.2)]

subsequent offences,
10:266, 10:267 [CC
272(3), (4)]

United Nations or associated
 personnel, outside Can-
 ada, **2:16 [CC 7(3.71)]**

SEXUAL EXPLOITATION

Consent of person under 16, **7:3**
[CC 150.1(1)]

Disabled person, of
 consent
 accused's belief as to
 consent, **7:21 [CC**
153.1(6)]

SEXUAL EXPLOITATION
—Cont'd

Disabled person, of—Cont'd
 consent—Cont'd

belief in consent not a
 defence, **7:21 [CC**
153.1(5)]

no consent obtained, **7:21**
[CC 153.1(3), (4)]

offence, **7:21 [CC 153.1(1)]**

Inference, **7:15 [CC 153(1.2)]**

Mistake of age, **7:3 [CC**
150.1(5)]

Offence, **7:16 [CC 153(1)]**

Person with disability, **7:21 [CC**
153.1]

Punishment, **7:15 [CC 153(1.1)]**

Recognizance to prevent offence,
38:70 [CC 810.1]

Removal of child from Canada
 with intent, **10:275 [CC**
273.3(1)(b)]

RULES OF EVIDENCE, See
 SEXUAL ASSAULT,
 SEXUAL ACTIVITY EVI-
 DENCE

Safeguarding identity, **20:20,**
20:22 [CC 486.4, 486.5]

SEXUAL INTERCOURSE

Completion of act, **2:7 [CC 4(5)]**

SEXUAL INTERFERENCE

Accused aged twelve or thirteen,
7:3 [CC 150.1(3)]

Consent of person under 16, **7:3**
[CC 150.1(1) to (2.2), (6)]

Mistake of age, **7:3 [CC**
150.1(4), (6)]

Offence, **7:8 [CC 151]**

Order of prohibition, **7:33 [CC**
161]

Removal of child from Canada
 with intent, **10:275 [CC**
273.3(1)(a)]

INDEX

SEXUAL INTERFERENCE

—Cont'd

Rules of evidence, See SEXUAL ASSAULT, SEXUAL ACTIVITY EVIDENCE
Safeguarding identity, **20:20, 20:22** [CC 486.4, 486.5]

SEXUAL OFFENCE (FEAR OF)

Breach, **38:81** [CC 811]
Historic offences, **7:27** [CC 156]
Recognizance, **38:70** [CC 810.1]

SEXUAL SERVICES

See also AVAILS, DISORDERLY HOUSE, PROCURING, SOLICITING, TRAFFICKING, PERSONS

Advertisement of
definition of, **7:61** [CC 164(8)]
immunity, **10:346** [CC 286.5(1)]
offence, **10:345** [CC 286.4]
Aiding and abetting, **10:346** [CC 286.5(2)]
Commodification of, **10:340 to 10:346** [CC 286.1 to 286.5]
Communicating to provide for consideration, **9:62** [CC 213(1.1)]
Immunities re, **10:346** [CC 286.5]
Interfering with traffic, **9:63** [CC 213(1)]
Material benefit from
generally, **10:342** [CC 286.2(1)]
aggravating factor, **10:342** [CC 286.2(6)]
exception, whether, **10:342** [CC 286.2(4), (5)]
immunity, **10:346** [CC 286.5(1)]

SEXUAL SERVICES—Cont'd

Material benefit from—Cont'd
presumption, **10:342** [CC 286.2(3)]
18 years of age, from person under, **10:342** [CC 286.2(2)]
Obtaining
generally, **10:341** [CC 286.1(1)]
convictions, sequence of, **10:340** [CC 286.1(4)]
“place” defined, **10:340** [CC 286.1(5)]
“public place” defined, **10:340** [CC 286.1(5)]
subsequent offences, **10:340** [CC 286.1(3)]
18 years of age, from person under, **10:340** [CC 286.1(2)]
Procuring
generally, **10:344** [CC 286.3(1)]
18 years of age, from person under, **10:342** [CC 286.2(3)]

SEXUAL TOUCHING (INVITATION TO)

Accused aged twelve or thirteen, **7:3** [CC 150.1(3)]
Consent of person under 16, **7:3** [CC 150.1(1) to (2.2), (6)]
Offence, **7:13** [CC 152]
Order of prohibition, **7:33** [CC 161]
Removal of child from Canada with intent, **10:275** [CC 273.3(1)(a)]
Rules of evidence, See SEXUAL ASSAULT, SEXUAL ACTIVITY EVIDENCE

SHERIFF

As peace officer, **1:3** [CC 2]

SHERIFF—Cont'd

- Certificate of committal, **36:6** [CC 766(3)]
- Committal of surety, **36:19** [CC 773(4)]
- Execution of writ of fieri facias, **36:18** [CC 772(1)]
 - certificate of return, **36:20** [CC 773(1)]
- Murder as first degree, **10:67** [CC 231(4)(a)]
- Notice of committal, **25:22** [CC 560(1)(a), (2)]
- Notice of trial, **25:22** [CC 560]

SHIP

- See also VESSELS, MARITIME NAVIGATION, INTERNATIONAL
- Particular offences
 - act of violence, **3:50** [CC 78.1(2)(a)]
 - destroys or causes damage, **3:50** [CC 78.1(2)(b)]
 - destroys or causes damage to maritime navigational facility, **3:50** [CC 78.1(2)(c)]
 - DNA order on conviction or discharge, **20:77, 20:81** [CC 487.04, 487.051]
 - places anything likely to cause damage, **3:50** [CC 78.1(2)(d)]
 - seizes or exercises control, **3:50** [CC 78.1(1)]
 - threats endangering safe navigation, **3:50** [CC 78.1(4)]

SLUG OR TOKEN

- Fraudulent manufacture, sale or possession, **15:14** [CC 454]

SOLEMN DECLARATION

- See AFFIDAVIT

SOLICITING

- Generally, **9:62** [CC 213]

SOLICITOR

- See also COUNSEL
- Fraudulent concealment of title document, **13:36** [CC 385]
- Interception of communications, **8:28, 8:29** [CC 186(2), (3)]
- Privilege respecting documents, **20:120** [CC 488.1]
- “Solicitor,” **8:1** [CC 183]

SOLICITOR-CLIENT PRIVILEGE

- Generally, **20:120** [CC 488.1]
- Application to determine issue, **20:123, 20:124** [CC 488.1(3), (4)]
- Definitions
 - “custodian,” **20:121** [CC 488.1(1)]
 - “document,” **20:121** [CC 488.1(1)]
 - “judge,” **20:121** [CC 488.1(1)]
 - “lawyer,” **20:121** [CC 488.1(1)]
 - “officer,” **20:121** [CC 488.1(1)]
- Examination and copying, **20:122, 20:120** [CC 488.1(2), (8)]
- Hearing of application
 - determination of issue, **20:120** [CC 488.1(4)(d)]
 - inspection of documents, **20:120, 20:120** [CC 488.1(4)(a), (b)]
 - notice of hearing, **20:120** [CC 488.1(10)]
 - order where no application, **20:120** [CC 488.1(6)]
 - valid privilege claim, **20:125** [CC 488.1(5)]

INDEX

SOLICITOR-CLIENT

PRIVILEGE—Cont'd

Seizure, **20:122** [CC 488.1(2)]

SPACE STATION

Definitions, **2:16** [CC 7(2.34)]

Offence committed by Canadian crew member, **2:16** [CC 7(2.3)]

Offence committed by crew member of Partner State, **2:16** [CC 7(2.31)]

Proceedings by Attorney General of Canada, **2:16** [CC 7(2.32)]

consent of Attorney General of Canada, **2:16** [CC 7(2.33)]

SPECIFIC PLEAS

See PLEA

SPOUSE

See also MARRIAGE, PRIVILEGE

As witness, **40:5** [CEA 4]

Compulsion of, **2:56** [CC 18]

Duty to provide necessities, **10:3** [CC 215(1)(b)]

Failure to provide necessities, **10:5** [CC 215(2)]

necessaries provided by another no defence, **10:3** [CC 215(4)(d)]

punishment, **10:6** [CC 215(3)]

Grandfathered individual, next of kin, **47:13** [FA 12(7)]

Interview with, on firearms licence application, **47:45** [FA 55(2)]

Intimidation, **13:101** [CC 423(1)(a)]

exception, **13:101** [CC 423(2)]

punishment, **13:102** [CC 423(1)]

SPOUSE—Cont'd

Privilege for communications, **40:8** [CEA 4(3)]

Restitution to, **34:121** [CC 738(1)(c)]

Sentencing principles protecting, **34:19** [CC 718.2(a)(ii)]

Sexual assault by, **10:288** [CC 278]

Sureties to protect, **38:62, 38:61** [CC 810(1), (3.2)]

STALKING ANOTHER PERSON

See CRIMINAL HARASSMENT

STAMP

As chattel, **2:4** [CC 4(2)]

As property, **1:3** [CC 2]

Counterfeiting or mutilating, **12:211** [CC 376(1)(a)]

Possession of counterfeit, **12:211** [CC 376(1)(b)]

“Stamp,” **12:211** [CC 376(3)]

Value, **2:4** [CC 4(2)]

STATEMENT OF ACCOUNT

False, **13:60** [CC 400]

STATEMENT OF ACCUSED

At preliminary, **23:40, 23:44** [CC 541, 542]

publication, **23:46, 23:47** [CC 542(2), (3)]

use in evidence, **27:238** [CC 657]

Inspection, **27:85** [CC 603]

Young person, **42:13, 42:168** [YCJA 10(4), 146]

STATUTES

See also INTERPRETATION, JUDICIAL NOTICE, YOUTH CRIMINAL JUSTICE

STATUTES—Cont'd

- Application
 - common law, **2:22** [CC 8(3)]
 - Criminal Code
 - Northwest Territories, **2:19** [CC 8(1)(a)]
 - Yukon, **2:19** [CC 8(1)(b)]
 - effect of business records provisions, **40:91** [CEA 30(1)]
 - Identification of Criminals Act, **42:133** [YCJA 113(1)]
 - law of England, **2:21** [CC 8(2)]
 - offences under more than one Act, **2:32** [CC 12]
 - pre-Confederation statutes offences abolished, **2:23** [CC 9(c)]
- Construction
 - cross-references, **1:47** [CC 3]
 - expressions taken from other Acts, **2:6** [CC 4(4)]
- Disobeying statute, **2:38, 6:28** [CC 15, 126]
- Evidence
 - Queen's Printer copies as evidence, **40:71, 40:72, 40:73, 40:74** [CEA 19, 20(c), 21(b), 22(1)(b)]
- Proclamation
 - order to prohibit drilling, **3:37** [CC 70]
 - proof, **40:73, 40:74** [CEA 21, 22]
 - Imperial proclamation, **40:72** [CEA 20]
 - riot proclamation, **3:33, 3:34** [CC 67, 68]
- Regulation
 - judicial notice, **37:21** [CC 781(2)]

STATUTES—Cont'd

- Regulation—Cont'd
 - proof, **40:73, 40:74** [CEA 21, 22]
 - service of sentence according to regulations, **34:84** [CC 732(1)]

STATUTORY DECLARATION

See AFFIDAVIT

STAY OF PROCEEDINGS

- By Attorney General, **27:15** [CC 579(1)]
 - recommencement, **27:15** [CC 579(2)]
- Permanently unfit accused, against
 - appeal from stay, **28:92** [CC 672.852]
 - assessment order on inquiry, **28:91** [CC 672.851(5)]
 - effect of stay, **28:91** [CC 672.851(9)]
 - inquiry by court re, **28:91** [CC 672.851(1)]
 - notice to accused of recommendation, **28:91** [CC 672.851(2)]
 - order by court, **28:91** [CC 672.851(7), (8)]
 - recommendation by Review Board, **28:91** [CC 672.851(1)]
- Stay of judgment
 - not stayed for defect in jury process, **27:277** [CC 670]
- Stay pending appeal
 - payment of fine, **29:49** [CC 683(5)]
 - prohibition order, **10:216** [CC 261]
 - recognizance, **29:42, 29:51** [CC 683(5.1), (7)]

INDEX

STAY OF PROCEEDINGS

—Cont'd

- Stay pending appeal—Cont'd
 - re-sentencing and, **29:51** [CC **683(7)**]
 - revocation of stay, **29:65** [CC **686(6)**]
 - undertaking, **29:42, 29:51** [CC **683(5.1), (7)**]
- Summary conviction proceedings, **27:15, 38:23** [CC **579(1), 795**]

STOCKS AND SHARES

See SECURITIES

STOLEN GOODS

- See also POSSESSION, PROPERTY OBTAINED BY CRIME
- Bringing into Canada, **12:160** [CC **357**]
- Taking reward for recovery, **6:77** [CC **142**]

STREET RACING

See CRIMINAL NEGLIGENCE, BODILY HARM, DEATH, MOTOR VEHICLES, PROHIBITION ORDER

STUPEFYING DRUG

To aid commission of offence, **10:127** [CC **246**]

SUBPOENA

- See also WITNESS
- Contents, **31:9** [CC **700**]
- Issuance, **31:2, 31:6** [CC **698, 699**]
- Service, **31:12** [CC **701**]
- Territorial effect, **31:14** [CC **702**]
- Video links, **31:11** [CC **700.1**]

SUICIDE

- Counselling or aiding, **10:101** [CC **241**]
- consent not affecting liability, **2:36** [CC **14**]

SUMMARY CONVICTION PROCEEDINGS

- Adjournment, **38:48, 38:49** [CC **803(1), (2)**]
- Appeal, See APPEAL (SUMMARY CONVICTIONS)
- Application of Code provisions, **38:3, 38:23** [CC **786(1), 795**]
- Conviction, **38:51** [CC **804**]
 - memorandum, **38:55** [CC **806(1)**]
 - warrant of committal, **38:54** [CC **806(2)**]
- Costs, **38:60** [CC **809(1)**]
- Evidence
 - examination of witnesses, **38:42, 38:43** [CC **802(2), (3)**]
 - taking of evidence, **38:33** [CC **801(2)**]
- Fees and allowances, **38:142** [CC **840**]
- Information
 - amendment
 - dismissal, **38:27, 38:47, 38:51** [CC **799, 803(4), 804**]
 - order and certificate, **38:57** [CC **808**]
 - defined, **38:1** [CC **785**]
 - form, **38:11, 38:13** [CC **788(1), 789**]
 - negating exceptions, **38:22** [CC **794(1)**]
 - reference to previous conviction, **38:15** [CC **789(2)**]

SUMMARY CONVICTION**PROCEEDINGS—Cont'd**

Information—Cont'd

separate trial of counts, **27:54, 38:23 [CC 591(3)(a), 795]**

sufficiency of counts, **27:21, 27:36, 38:23 [CC 581, 583, 795]**

Jurisdiction

one justice may act, **38:12 [CC 788(2)]**

territorial jurisdiction, **38:25 [CC 798]**

two or more justices, **38:18 [CC 790(2)]**

Limitation on proceedings, **38:4 [CC 786(2)]**

Previous conviction

reference in information, **38:15 [CC 789(2)]**

“Proceedings,” **38:1 [CC 785]**

Punishment, **38:7 [CC 787]**

costs, **38:59 [CC 809]**

joint offenders

disposal of penalties, **38:56 [CC 807]**

payment of fine not waiver of appeal, **38:101 [CC 820(1)]**

“Sentence,” **38:1 [CC 785]**

“Summary conviction court,” **38:1 [CC 785]**

Trial procedure, **38:23 [CC 795]**

adjournment, **38:47 [CC 803]**

adjudication, **38:51 [CC 804]**

appearance by defendant

counsel or agent, **27:205, 27:208, 38:30, 38:46, (3) [CC 650.01, 650.02, 800(2), 802.1, (3)]**

non-appearance, **38:49, 38:50 [CC 803(2), (3)]**

SUMMARY CONVICTION**PROCEEDINGS—Cont'd**Trial procedure, **38:23 [CC 795]**

—Cont'd

appearance by defendant

counsel or agent, **27:205, 27:208, 38:30, 38:46, (3) [CC 650.01, 650.02, 800(2), 802.1, (3)]**

—Cont'd

technological appearance, **27:208 [CC 650.02]**

trial proceedings, **27:205, 27:208, 38:29, 38:46 [CC 650.01, 650.02, 800(1), 802.1]**

appearance by prosecutor

dismissal or adjournment on non-appearance, **38:27, 38:47 [CC 799, 803(4)]**

technological appearance, **27:208 [CC 650.02]**

trial proceeding, **27:208, 38:29 [CC 650.02, 800(1)]**

arraignment, **38:32 [CC 801(1)]**

conviction, **38:51 [CC 804]**
 memorandum, **38:55 [CC 806(1)]**

warrant of committal, **38:54 [CC 806(2)]**

dismissal of information, **38:27, 38:47, 38:51 [CC 799, 803(4), 804]**

order and certificate, **38:57 [CC 808]**

examination of witnesses, **38:42, 38:43 [CC 802(2), (3)]**

ex parte trial, **38:49, 38:50 [CC 803(2), (3)]**

full answer and defence, **38:41 [CC 802(1)]**

INDEX

SUMMARY CONVICTION

PROCEEDINGS—Cont'd

Trial procedure, **38:23** [CC 795]

—Cont'd

new trial

interim release, **38:106** [CC 822(3)]

venue, **38:105** [CC 822(2)]

separate trial of counts, **27:54** [CC 591(3)(a)]

Warrant of committal, **38:54** [CC 806(2), (3)]

SUMMONS

Appearance of accused other than by designated counsel, requiring, **27:205** [CC 650.01(4)]

Effect after direct indictment, **21:104** [CC 523(1.2)]

Failure to appear, **6:82, 21:70** [CC 145, 512.1]

summary conviction proceedings, **38:49, 38:50** [CC 803(2), (3)]

Form and content, **21:60, 21:63, 21:59** [CC 509(1), (4), (5)]

Irregularity not affecting validity, **23:74** [CC 546]

adjournment, **23:76** [CC 547]

Issuance

after laying of information, **21:45, 21:52, 21:59** [CC 507, 507.1, 509]

on holiday, **2:62** [CC 20]

power of one justice, **38:10** [CC 788(2)(b)]

private prosecution, in, **21:52** [CC 507.1]

upon failure to appear after adjournment, **20:4** [CC 485]

Person charged, to, **39:31** [CC Form 6]

SUMMONS—Cont'd

Service

by peace officer, **21:61** [CC 509(2)]

on designated counsel of record, **27:205** [CC 650.01]

on organization, **31:17** [CC 703.2]

Signing in blank, **21:50, 21:52** [CC 507(5), 507.1(8)]

Summons to show cause in seizure of obscene matter, **7:63** [CC 164(2)]

Time in force, **21:104, 34:116** [CC 523, 736(2)]

Where jurisdiction lost, **20:4** [CC 485(2)]

SUNDAY

Service on, **2:62** [CC 20]

Taking of jury verdict, **27:234** [CC 654]

SUPERIOR COURT OF CRIMINAL JURISDICTION

Defined, **1:3** [CC 2]

Jurisdiction over offences, **19:1, 19:2** [CC 468, 469]

Power to make rules, **19:36** [CC 482(1)]

SURETIES TO KEEP PEACE

Breach of recognizance, **38:81** [CC 811]

Criminal organization offence feared, **38:67** [CC 810.01]

Damage feared, **38:61** [CC 810]

Forms, **CC Forms 23, 32** [CC Forms 23, 32]

Injury feared, **38:61** [CC 810]

Intimidation of justice system participants feared, **38:67** [CC 810.01]

Serious personal injury offence feared, **38:69** [CC 810.02]

SURETIES TO KEEP PEACE

—Cont'd

- Sexual offence feared, **38:70**
[CC 810.1]
- Terrorism offence feared, **38:68**
[CC 810.011]
- Terrorist activity feared, **4:40**
[CC 83.3]
- Young persons, against, **42:17,**
42:23 [YCJA 14(4), 20(2)]

SURETY

- See also RECOGNIZANCE
- Declaration, **39:39** [CC Form
12]
- Indemnification
 - by surety, **6:67** [CC
139(1)(b)]
 - of surety, **6:67** [CC 139(1)(a)]
- Render of accused, **36:6, 36:7**
[CC 766, 767]
- Rights of, **36:10** [CC 768]
- Substitution of, **36:9** [CC 767.1]

SURGICAL OPERATION

- See also PHYSICIAN
- Duty of knowledge, skill and
care, **10:7** [CC 216]
- Surgeon protected, **2:132** [CC
45]

SURVEYOR

- Interference with boundary
mark, **14:59** [CC 443(2)]

**TELECOMMUNICATION
SERVICE**

- See also RADIO
- Device to obtain use without
payment, **12:41** [CC 327]
- Equipment exempt from seizure,
9:9 [CC 199(6)]
- Means of telecommunication,
2:10 [CC 4(8)]
- Theft of service, **12:39** [CC
326(1)]

TELEGRAPH OR TELEGRAM

- Equipment exempt from seizure,
9:9 [CC 199(6)]
- False message, **12:206** [CC
372(1)]
- Messages facilitate betting, **9:10,**
9:11 [CC 199(1), (2)]

TELEPHONE

- Equipment exempt from seizure,
9:9 [CC 199(6)]
- False communication, **12:206**
[CC 372(1)]
- Harassing communications,
12:205 [CC 372(3)]
- Indecent communications,
12:205 [CC 372(2)]
- Messages to facilitate betting,
9:20 [CC 202(1)(i)]

TELEWARRANTS

- See also SEARCH AND
SEIZURE
- Dwelling-house, entering to
carry out arrests, **21:126**
[CC 529.5]
- Execution of warrant
 - affixing facsimile, **20:110** [CC
487.1(8)]
 - providing facsimile, **20:110**
[CC 487.1(7)]
- Information to obtain
 - by telecommunication that
produces a writing,
20:110 [CC 487.1(2.1),
(3.1)]
 - contents, **20:110** [CC
487.1(4)]
 - on oath by telephone, **20:111,**
20:110 [CC 487.1(1),
(3)]
 - receipt and record, **20:110**
[CC 487.1(2)]
 - sealing order for, **20:115** [CC
487.3]

INDEX

TELEWARRANTS—Cont'd

- Probative value of duplicate or facsimile, **20:110** [CC **487.1(12)**]
- Proof of authorization, **20:110** [CC **487.1(11)**]
- Report re execution, **20:110** [CC **487.1(9), (10)**]
- Seizure of things not specified, **20:126** [CC **489**]
- Warrant
 - conditions precedent to issue, **20:110** [CC **487.1(5)**]
 - formalities of, **20:110** [CC **487.1(6), (6.1)**]
 - form of, **39:28** [CC **Form 5.1**]

TENANT IN COMMON

- Theft, **12:45** [CC **328(d)**]

TERRITORIAL DIVISION

- Offences deemed committed in, **19:14** [CC **476**]
- Offences in unorganized territory, **19:30** [CC **480(1)**]
- Provisional districts or new divisions, **19:30** [CC **480(2)**]
- “Territorial division,” **1:3** [CC **2**]

TERRITORIAL JURISDICTION

- See JURISDICTION

TERRORISM

- See also TERRORIST FINANCING, TERRORIST GROUP
- Annual reports
 - arrest warrants, re, **4:41** [CC **83.31(4)**]
 - investigative hearings, re, **4:41** [CC **83.31(4)**]
 - preventive arrests without warrant, re, **4:41** [CC **83.31(2) to (4)**]

TERRORISM—Cont'd

- Arrest, **4:39** [CC **83.29**]
 - see also preventive arrest, **83.3**
- Bail
 - generally, see JUDICIAL INTERIM RELEASE
 - additional conditions, **21:75** [CC **515(4.2), (4.3)(a)**]
 - condition prohibiting possession of firearms, **21:75** [CC **515(4.1)(a.1)**]
 - reverse onus, **21:75** [CC **515(6)(a)(iii)**]
- Concealing terrorist
 - disclosure of income tax information for investigation of, **17:36** [CC **462.48(1.1)**]
 - DNA order on conviction or discharge, **20:77, 20:81** [CC **487.04, 487.051**]
 - offence, **4:31** [CC **83.23**]
 - offence outside Canada, **2:16** [CC **7(3.74)**]
 - sentences served consecutively, **4:35** [CC **83.26**]
- Electronic surveillance
 - Generally, see INTERCEPTION OF PRIVATE COMMUNICATIONS
 - authorization
 - standard for issuance, relaxed, **8:20, 8:26** [CC **185(1.1), 186(1.1)**]
 - time limitation, extended, **8:26** [CC **186(1.1)**]
 - eligible offences, **8:1** [CC **183**]
 - subject notification period, extended, **8:63** [CC **196(5)**]
- Facilitating terrorist activity
 - disclosure of income tax infor-

TERRORISM—Cont'd

- Facilitating terrorist activity
 - Cont'd
 - mation for investigation of, **17:36 [CC 462.48(1.1)]**
 - DNA order on conviction or discharge, **20:77, 20:81 [CC 487.04, 487.051]**
 - “facilitation,” **4:20 [CC 83.19(2)]**
 - leaving Canada to facilitate, **4:21 [CC 83.191]**
 - offence, **4:20 [CC 83.19(1)]**
 - offence outside Canada, **2:16, 4:21 [CC 7(3.74), 83.191]**
 - sentences served consecutively, **4:35 [CC 83.26]**
 - “terrorist activity,” **4:1 [CC 83.01(1) to (1.2)]**
- Harbouring terrorist
 - disclosure of income tax information for investigation of, **17:36 [CC 462.48(1.1)]**
 - DNA order on conviction or discharge, **20:77, 20:81 [CC 487.04, 487.051]**
 - likely terrorist, **4:31 [CC 83.23(2)]**
 - offence, **4:31 [CC 83.23]**
 - offence outside Canada, **2:16 [CC 7(3.74)]**
 - sentences served consecutively, **4:35 [CC 83.26]**
- Hoax regarding terrorist activity, **4:32 [CC 83.231]**
- Instructing to carry out terrorist activity
 - disclosure of income tax information for investigation

TERRORISM—Cont'd

- Instructing to carry out terrorist activity—Cont'd
 - of, **17:36 [CC 462.48(1.1)]**
 - offence, **4:27 [CC 83.22(1)]**
 - proof, Crown burden, **4:27 [CC 83.22(2)]**
 - sentences served consecutively, **4:35 [CC 83.26]**
 - “terrorist activity,” **4:1 [CC 83.01(1) to (1.2)]**
- Investigative hearing
 - annual reports re operation of provisions, **4:41 [CC 83.31(4)]**
 - arrest warrant, **4:39 [CC 83.29]**
 - consent of Attorney General required, **4:37 [CC 83.28(3)]**
 - forum, **4:38 [CC 83.28(1)]**
 - judge to rule on objections, **4:37 [CC 83.28(8)]**
 - order for custody of thing, **4:37 [CC 83.28(12)]**
 - order for gathering evidence, **4:37 [CC 83.28(2), (4) to (7)]**
 - arrest warrant, **4:39 [CC 83.29]**
 - compliance obligations, **4:37 [CC 83.28(8), (10)]**
 - contents, **4:37 [CC 83.28(5)]**
 - execution, **4:37 [CC 83.28(6)]**
 - legal rights
 - counsel, **4:37 [CC 83.28(11)]**
 - self-crimination protection, **4:37 [CC**

INDEX

TERRORISM—Cont'd

- Investigative hearing—Cont'd
 - order for gathering evidence, **4:37** [CC **83.28(2)**, **(4)** to **(7)**]—Cont'd
 - legal rights—Cont'd **83.28(10)**
 - making of order, **4:37** [CC **83.28(4)**]
 - variation, **4:37** [CC **83.28(7)**]
 - right to counsel, **4:37** [CC **83.28(11)**]
 - sunset clauses, **4:42** [CC **83.32**]
 - testimonial protections, **4:37** [CC **83.28(10)**]
- Offences outside Canada, **2:16** [CC **7(3.74)**]
- Parole, power of court to delay for offence, **34:162 (1.2)** [CC **743.6 (1.2)**]
- Peace bonds
 - See also RECOGNIZANCES, PREVENTIVE ARREST
 - annual reports re operation of provisions, **4:41** [CC **83.31(2)** to **(4)**]
 - opinions, **4:41** [CC **83.31(3.1)**]
 - authority to make, without warrant, **4:40** [CC **83.3(4)**]
 - duty of peace officer, **4:40** [CC **83.3(5)**]
 - sunset clauses, **4:42**, **4:43** [CC **83.32**, **83.33(2)**]
 - taking before judge
 - adjournment for recognizance hearing, **4:40** [CC **83.3(7)**]
 - order of detention or release, **4:40** [CC **83.3(7)**]

TERRORISM—Cont'd

- Peace bonds—Cont'd
 - taking before judge—Cont'd
 - timing of, **4:40** [CC **83.3(6)**]
 - transitional provisions, **4:43** [CC **83.33(2)**]
- Proceedings
 - consent of Attorney General required, **4:33**, **4:37** [CC **83.24**, **83.28(3)**]
 - investigative hearing, **4:37**, **4:39** [CC **83.28**, **83.29**]
 - jurisdiction, **4:34** [CC **83.25**]
 - preventive arrest, on, **4:40** [CC **83.3(6)** to **(7)**]
 - recognizance with conditions, on application for, **4:40** [CC **83.3(8)**]
- Punishment
 - additional, for “terrorist activity,” **4:36** [CC **83.27**]
 - notice to offender, **4:36** [CC **83.27(2)**]
 - aggravating circumstance, **34:19** [CC **718.2(a)(v)**]
 - sentences served consecutively, **4:35** [CC **83.26**]
 - sentencing principles, **34:19** [CC **718.2(a)(v)**]
- Recognizances
 - terrorism offence, to prevent adjudication, **38:67** [CC **810.01(3)**]
 - appearance, **38:67** [CC **810.01(2)**]
 - breach of, **38:81** [CC **811**]
 - conditions
 - firearms, **38:67** [CC **810.01(5)** to **(5.2)**]
 - in recognizance, **38:67** [CC **810.01(4.1)**]

TERRORISM—Cont'd

Recognizances—Cont'd

terrorism offence, to prevent

—Cont'd

conditions—Cont'd

reasons, where not

imposed, **38:67** [CC
810.01(5.2)]surrender, etc., **38:67**
[CC **810.01(5.1)**]variance, **38:67** [CC
810.01(6)]

consent of Attorney General

required to lay infor-
mation, **38:67** [CC
810.01(1)]duration extended, **38:67**
[CC **810.01(3.1)**]forms, **38:67**, **Forms 23**,
2:113 [CC **810.01(7)**,
Forms 23, 32]hearing before judge, **38:67**
[CC **810.01(3)**]procedure, **38:67** [CC
810.01(7)]laying information, **38:67**
[CC **810.01(1)**]order for detention or
release with condi-
tions, **38:67** [CC
810.01(3)]procedure, **38:67** [CC
810.01(7)]refusal to enter, effect of,
38:67 [CC **810.01(4)**]variance, **38:67** [CC
810.01(6)]

terrorist activity, to prevent

annual report re operation
of provisions, **4:41**
[CC **83.31(2) to (4)**]opinions, **4:41** [CC
83.31(3.1)]appearance, **4:40** [CC
83.3(3)]**TERRORISM—Cont'd**

Recognizances—Cont'd

terrorist activity, to prevent

—Cont'd

breach of, **38:81** [CC **811**]

conditions

firearms, **4:40** [CC
83.3(10) to (12)]reasons, where not
imposed, **4:40** [CC
83.3(12)]surrender, etc., **4:40** [CC
83.3(11)]variance, **4:40** [CC
83.3(13)]

consent of Attorney General

required to lay infor-
mation, **4:40** [CC
83.3(1)]forms, **4:40**, **39:51**, **2:113**
[CC **83.3(14)**, **Form**
23, 32]hearing before judge, **4:40**
[CC **83.3(8)**]procedure, **4:40** [CC
83.3(14)]laying information, **4:40**
[CC **83.3(2)**]order for detention or
release with condi-
tions, **4:40** [CC
83.3(8)]procedure, **4:40** [CC
83.3(14)]refusal to enter, effect of,
4:40 [CC **83.3(9)**]variance, **4:40** [CC
83.3(13)]Sunset clauses, **4:42**, **4:43** [CC
83.32, **83.33**]“Terrorism offence,” **1:3** [CC **2**]

Terrorist activity

additional punishment for,
4:36 [CC **83.27**]

INDEX

TERRORISM—Cont'd

- Terrorist activity—Cont'd
 - arrest to prevent, **4:40** [CC **83.3(4)**]
 - concealing person likely to carry out, **4:31** [CC **83.23(2)**]
 - concealing person who has carried out, **4:31** [CC **83.23(1)**]
 - defined, **4:1** [CC **83.01(1) to (1.2)**]
 - facilitating, **4:20, 4:21** [CC **83.19, 83.191**]
 - harbouring person likely to carry out, **4:31** [CC **83.23(2)**]
 - harbouring person who has carried out, **4:31** [CC **83.23(1)**]
 - instructing to carry out, **4:27** [CC **83.22**]
 - leaving Canada to commit, **4:21** [CC **83.191**]
 - leaving Canada to facilitate, **4:25** [CC **83.202**]
 - murder during deemed first degree, **10:67** [CC **231(6.01)**]
 - offences outside Canada, **2:16, 4:21, 4:25** [CC **7(3.74), 83.191, 83.202**]
 - recognizance to prevent, **4:40** [CC **83.3**]
- Witness protection in cases involving
 - exclusion of public, **20:8** [CC **486**]
 - limits on cross-examination by accused, **20:17** [CC **486.3(2) to (5)**]
 - obstructed view testimony, **20:16** [CC **486.2(2) to (6)**]

TERRORISM—Cont'd

- Witness protection in cases involving—Cont'd
 - publication ban, **20:22** [CC **486.5**]
 - recognizances, **4:40, 38:67** [CC **83.3, 810.01**]
 - testimony outside courtroom, **20:16** [CC **486.2(2) to (6)**]

TERRORIST FINANCING

- Collecting/making available/providing property for terrorist purposes
 - disclosure of income tax information for investigation of, **17:36** [CC **462.48(1.1)**]
 - offence, **4:3** [CC **83.03**]
 - offence outside Canada, **2:16** [CC **7(3.74)**]
 - sentences served consecutively, **4:35** [CC **83.26**]
- Collecting/ providing property for certain activities
 - disclosure of income tax information for investigation of, **17:36** [CC **462.48(1.1)**]
 - offence, **4:2** [CC **83.02**]
 - offence committed outside Canada, **2:16** [CC **7(3.73)**]
 - sentences served consecutively, **4:35** [CC **83.26**]
- Disclosure of income tax information for investigation of, **17:36** [CC **462.48(1.1)**]
- Inviting person to provide, financial or related services available for terrorist purposes
 - disclosure of income tax infor-

TERRORIST FINANCING

—Cont'd

Inviting person to provide, financial or related services available for terrorist purposes—Cont'd
 mation for investigation of, **17:36 [CC 462.48(1.1)]**

offence, **4:3 [CC 83.03]**

offence outside Canada, **2:16 [CC 7(3.74)]**

sentences served consecutively, **4:35 [CC 83.26]**

Inviting person to provide property for terrorist purposes
 disclosure of income tax information for investigation of, **17:36 [CC 462.48(1.1)]**

offence, **4:3 [CC 83.03]**

offence outside Canada, **2:16 [CC 7(3.74)]**

sentences served consecutively, **4:35 [CC 83.26]**

Making financial or related services available for terrorist purposes

disclosure of income tax information for investigation of, **17:36 [CC 462.48(1.1)]**

offence, **4:3 [CC 83.03]**

offence outside Canada, **2:16 [CC 7(3.74)]**

sentences served consecutively, **4:35 [CC 83.26]**

Possessing property for terrorist purposes

disclosure of income tax information for investigation

TERRORIST FINANCING

—Cont'd

Possessing property for terrorist purposes—Cont'd
 of, **17:36 [CC 462.48(1.1)]**

offence, **4:4 [CC 83.04(b)]**

offence outside Canada, **2:16 [CC 7(3.74)]**

sentences served consecutively, **4:35 [CC 83.26]**

Using property for terrorist purposes, **4:4 [CC 83.04(a)]**

disclosure of income tax information for investigation of, **17:36 [CC 462.48(1.1)]**

offence, **4:4 [CC 83.04(b)]**

offence outside Canada, **2:16 [CC 7(3.74)]**

sentences served consecutively, **4:35 [CC 83.26]**

Witness protection in cases involving

exclusion of public, **20:8 [CC 486]**

limits on cross-examination by accused, **20:17 [CC 486.3(2) to (5)]**

obstructed view testimony, **20:16 [CC 486.2(2) to (6)]**

publication ban, **20:22 [CC 486.5]**

testimony outside courtroom, **20:16 [CC 486.2(2) to (6)]**

TERRORIST GROUP

See also TERRORISM

INDEX

TERRORIST GROUP—Cont'd

- Commission of offence for
 - bail, generally, see Judicial Interim Release
 - additional conditions, **21:75** [CC **515(4.2), (4.3)(a)**]
 - condition prohibiting possession of firearms, **21:75** [CC **515(4.1)(a.1)**]
 - reverse onus, **21:75** [CC **515(6)(a)(iii)**]
- Disclosure of income tax information for investigation of, **17:36** [CC **462.48(1.1)**]
- DNA order on conviction or discharge, **20:77, 20:81** [CC **487.04, 487.051**]
- offence, **4:22** [CC **83.2**]
- offence outside Canada, **2:16** [CC **7(3.74)**]
- parole, power of court to delay for offence, **34:162** [CC **743.6(1.2)**]
- sentences served consecutively, **4:35** [CC **83.26**]
- Defined, **4:1** [CC **83.01(1)**]
- Disclosure of income tax information for investigation of, **17:36** [CC **462.48(1.1)**]
- Instructing to carry out activity for
 - bail, generally see Judicial Interim Release
 - additional conditions, **21:75** [CC **515(4.2), (4.3)(a)**]
 - condition prohibiting possession of firearms, **21:75** [CC **515(4.1)(a.1)**]
 - reverse onus, **21:75** [CC **515(6)(a)(iii)**]

TERRORIST GROUP—Cont'd

- Instructing to carry out activity for—Cont'd
 - disclosure of income tax information for investigation of, **17:36** [CC **462.48(1.1)**]
 - DNA order on conviction or discharge, **20:77, 20:81** [CC **487.04, 487.051**]
 - offence, **4:26** [CC **83.21(1)**]
 - offence outside Canada, **2:16** [CC **7(3.74)**]
 - parole, power of court to delay for offence, **34:162** [CC **743.6(1.2)**]
 - proof, Crown burden, **4:26** [CC **83.21(2)**]
 - sentences served consecutively, **4:35** [CC **83.26**]
- Leaving Canada to commit offence for, **4:24** [CC **83.201**]
- Leaving Canada to participate in activity of, **4:19** [CC **83.181**]
- List of entities
 - application for removal
 - application for judicial review of refusal duties of court, **4:5** [CC **83.05(6)**]
 - evidence admissible on application, **4:5, 4:6** [CC **83.05(6.1), 83.06(1), (3)**]
 - foreign information obtained in confidence, **4:6** [CC **83.06**]
 - forum, **4:4** [CC **83.04(11)**]
 - procedural rights of applicant, **4:5, 4:6**

TERRORIST GROUP—Cont'd

- List of entities—Cont'd
 - application for removal
 - Cont'd
 - application for judicial review of refusal
 - Cont'd
 - [CC 83.05(6), 83.06(3)]
 - publication of notice of final order, 4:5 [CC 83.05(7)]
 - right to apply, 4:5 [CC 83.05(5)]
 - application to Minister, 4:5, 4:7 [CC 83.05(2), 83.07]
 - deemed decision where none made, 4:5 [CC 83.05(3)]
 - judicial review of decision, 4:4 [CC 83.04(5) to (7), (11)]
 - mistaken identity, in case of, 4:7 [CC 83.07]
 - notice of decision, 4:5 [CC 83.05(4)]
 - right to reapply, 4:4 [CC 83.04(8)]
 - establishment of, 4:5 [CC 83.05(1) to (1.1)]
 - recommendation by Minister, 4:5 [CC 83.05(1.1)]
 - regulations re, 4:5 [CC 83.05(1)]
- Participation in activity of
 - bail, generally, see Judicial Interim Release
 - additional conditions, 21:75 [CC 515(4.2), (4.3)(a)]
 - condition prohibiting possession of firearms, 21:75 [CC 515(4.1)(a.1)]

TERRORIST GROUP—Cont'd

- Participation in activity of
 - Cont'd
 - bail, generally, see Judicial Interim Release—Cont'd
 - reverse onus, 21:75 [CC 515(6)(a)(iii)]
 - criteria/factors to determine, 4:18 [CC 83.18(4)]
 - definitions
 - “participating or contributing,” 4:18 [CC 83.18(3) to (4)]
 - disclosure of income tax information for investigation of, 17:36 [CC 462.48(1.1)]
 - DNA order on conviction or discharge, 20:77, 20:81 [CC 487.04, 487.051]
 - leaving Canada to participate, 4:19 [CC 83.181]
 - offence, 4:18 [CC 83.18(1)]
 - offence outside Canada, 2:16, 4:19 [CC 7(3.74), 83.181]
 - parole, power of court to delay for offence, 34:162 [CC 743.6(1.2)]
 - proof, Crown burden, 4:18 [CC 83.18(2)]
 - sentences served consecutively, 4:35 [CC 83.26]
- Property
 - audit
 - civil and criminal immunity for reporting, 4:11 [CC 83.11(3)]
 - duty to conduct, 4:11 [CC 83.11(1)]
 - exemption regulations, power to make, 4:11 [CC 83.11(4)]

INDEX

TERRORIST GROUP—Cont'd

- Property—Cont'd
 - audit—Cont'd
 - offence relating to, **4:12, 4:33, 4:34 [CC 83.12, 83.24, 83.25]**
 - reporting requirements, monthly, **4:11 [CC 83.11(2), (4)]**
 - exclusions, **4:11 [CC 83.11(4)]**
 - subject entities, **4:11 [CC 83.11(1)]**
- disclosure
 - civil immunity for disclosure, **4:8 [CC 83.08]**
 - duty to disclose, **4:10 [CC 83.1(1)]**
 - offence relating to, **4:12, 4:33, 4:34 [CC 83.12, 83.24, 83.25]**
- forfeiture
 - appeal from order relating to
 - interim preservation rights, **4:16 [CC 83.16(1)]**
 - order refusing to grant, **4:16 [CC 83.16(2)]**
 - application for order of, **4:14 [CC 83.14]**
 - contents of, **4:14 [CC 83.14(2)]**
 - granting of order, **4:14, 4:16, 4:17 [CC 83.14(5), 83.16(2), 83.17(2)]**
 - notice of, **4:14 [CC 83.14(4), (7)]**
 - refusing of order, **4:14 [CC 83.14(6)]**
 - respondents, **4:14 [CC 83.14(3)]**

TERRORIST GROUP—Cont'd

- Property—Cont'd
 - forfeiture—Cont'd
 - application for order of, **4:14 [CC 83.14]**
 - Cont'd
 - third party interests, **4:14 [CC 83.14(8) to (11)]**
 - disposition of property, **4:15 [CC 83.15]**
 - dwelling house, **4:14 [CC 83.14(9)]**
 - other provisions unaffected, **4:17 [CC 83.17(1)]**
 - restitution to victims of crime, priority for, **4:17 [CC 83.17(2)]**
 - setting aside order, **4:14, 4:17 [CC 83.14(10) to (11), 83.17(2)]**
 - use of proceeds, **4:14 [CC 83.14(5.1) to (5.2)]**
 - regulations re, **4:14 [CC 83.14(5.2)]**
 - restitution, **4:17 [CC 83.17(2)]**
 - varying order, **4:14 [CC 83.14(10) to (11)]**
- freezing
 - civil immunity for compliance, **4:8 [CC 83.08(2)]**
 - equities maintained vis a vis frozen property, **4:9 [CC 83.09(3)]**
 - exemptions from prohibitions, **4:9 [CC 83.09]**
 - ministerial authorization of activity otherwise prohibited, **4:9 [CC 83.09(2), (4)]**
 - offence relating to, **4:12, 4:33, 4:34 [CC 83.12, 83.24, 83.25]**

TERRORIST GROUP—Cont'd

Property—Cont'd
 freezing—Cont'd
 prohibitions
 dealing, **4:8** [CC **83.08(1)(a)**]
 exemptions from, **4:9** [CC **83.09**]
 provision of services, **4:8** [CC **83.08(1)(e)**]
 transactions, **4:8** [CC **83.08(1)(b)**]
 management of restrained/
 seized property
 appointment of manager, **4:13** [CC **83.13(2) to (3)**]
 appointment of Minister to manage, **4:13** [CC **83.13(3)**]
 destruction of property pursuant to, **4:13** [CC **83.13(4) to (8)**]
 duration of order, **4:13** [CC **83.13(9)**]
 power of court to order, **4:13** [CC **83.13(2) to (3), (8)**]
 power to manage, **4:13** [CC **83.13(2), (4) to (5)**]
 variation of order, **4:13** [CC **83.13(12)**]
 restraint and seizure
 application for restraining order or warrant, **4:13** [CC **83.13**]
 contents of, **4:13** [CC **83.13(1.1)**]
 management order pending restraint/seizure, **4:13** [CC **83.13(2) to (10)**]
 powers of court, **4:13** [CC **83.13(1) to (3), (8)**]

TERRORIST GROUP—Cont'd

Property—Cont'd
 restraint and seizure—Cont'd
 application for restraining order or warrant, **4:13** [CC **83.13**]
 —Cont'd
 procedure, **4:13** [CC **83.13(11) to (12)**]
 disposition of property, **4:15** [CC **83.15**]
 Witness protection in cases involving
 exclusion of public, **20:8** [CC **486**]
 limits on cross-examination by accused, **20:17** [CC **486.3(2) to (5)**]
 obstructed view testimony, **20:16** [CC **486.2(4) to (6)**]
 publication ban, **20:22** [CC **486.5**]
 recognizances, **4:40, 38:67** [CC **83.3, 810.01**]
 testimony outside courtroom, **20:16** [CC **486.2(4) to (6)**]

TESTAMENTARY INSTRUMENT

Destruction, **12:72** [CC **340(b)**]
 Fraud, **13:4** [CC **380(1)(a)**]
 Mischief, **14:8** [CC **430(3)**]
 Obtaining by false pretence punishment, **12:169** [CC **362(2)(a)**]
 Possession of property obtained by crime, **12:137** [CC **354(1)**]
 “Testamentary instrument,” **1:3** [CC **2**]
 Theft, **12:4** [CC **322(1)**]
 not in absolute jurisdiction of provincial court judge, **25:2** [CC **553(a)**]

INDEX

TESTAMENTARY

INSTRUMENT—Cont'd

Theft, **12:4** [CC 322(1)]

—Cont'd

punishment, **12:58** [CC 334(a)]

THEATRICAL

PERFORMANCE

Immoral, indecent or obscene, **7:68** [CC 167]

punishment, **7:77** [CC 169]

“Theatre,” **7:1** [CC 150]

THEFT

Agent pledging goods, **12:36** [CC 325]

Attorney committing theft, **12:52, 12:53** [CC 331, 332]

Bailee stealing things under seizure, **12:34** [CC 324]

Cattle, **12:69** [CC 338(1), (2)]

Conditional sentence, limitations on

motor vehicle, **34:134** [CC 742.1(f)(vii)]

over 01675,000, **34:134** [CC 742.1(f)(viii)]

Credit card, **12:76** [CC 342(1)(a)]

Director or officer stealing from company, **12:45** [CC 328(e)]

Electricity or gas, **12:38** [CC 326(1)(a)]

Elements of offence, **12:4** [CC 322(1)]

From mail, **12:157** [CC 356]

IDENTITY, See IDENTITY
THEFT AND IDENTITY
FRAUD

Jurisdiction of provincial court, **25:2, 25:13** [CC 553, 555(2)]

THEFT—Cont'd

Lessee stealing from reversioner, **12:45** [CC 328(C)]

Member stealing from society, **12:45** [CC 328(e)]

Misappropriation of funds, **12:53** [CC 332]

Motor vehicle, **12:57** [CC 333.1]

CSO precluded on indictment, **34:134** [CC 742.1(f)(vii)]

Ore or mineral specimen, **12:56** [CC 333]

presumption from possession, **27:237** [CC 656]

Owner committing theft, **12:45** [CC 328(a)]

Oysters

indictment, **12:32** [CC 323(2)]

presumption of ownership, **12:33** [CC 323(1)]

Partner committing theft, **12:45** [CC 328(d)]

Person required to account, **12:49** [CC 330(1)]

Punishment, **12:58** [CC 334]

not exceeding 01675,000, **12:58** [CC 334(b)]

over 01675,000, **12:58** [CC 334(a)]

CSO precluded on indictment, **34:134** [CC 742.1(f)(viii)]

Robbery, **12:82** [CC 343]

“Steal,” **1:3** [CC 2]

Telecommunication service, **12:39** [CC 326(1)]

Tenant in common, **12:45** [CC 328(d)]

THREATENING

Extortion by threats, **12:93** [CC 346(1)]

THREATENING—Cont'd

- Internationally protected person, **2:16, 13:109 [CC 7(3), 424]**
- Intimidation, **13:101 [CC 423(1)(b)]**
- Sureties to keep peace, **38:61 to 38:81, 42:17, 42:17 [CC 810 to 811, YCJA 14(2), 20(2)]**
- Threats of violence or injury to property, **13:101 [CC 423(1)(a)]**
- United Nations or associated personnel, outside Canada, **2:16, 13:110 [CC 7(3.71), 424.1]**
- Uttering threats, **10:226 [CC 264.1]**

TIED SALES

- Obscene matter, **7:67, 7:77 [CC 165, 169]**

TIMBER

- See LUMBER

TIME

- Holidays excluded, **40:85 [CEA 29(9)]**

TIME CLOCK

- Falsification of employment record, **13:57 [CC 398]**

TIPPING

- Generally, **13:25, 13:33 [CC 380.1, 382.1]**

TITLE

- See also DOCUMENT OF TITLE
- Fraudulent concealment, **13:37 [CC 385(1)]**
- Fraudulent registration, **13:38 [CC 386]**

TOBACCO

- Contraband
 - exceptions, **6:16 [CC 121.1(2) to (3)]**
 - offence re, **6:16 [CC 121.1(1)]**
 - punishment, **6:16 [CC 121.1(4)]**
 - subsequent offences, **6:16 [CC 121.1(5)]**

TOKEN

- Advertising counterfeit, **15:27 [CC 460(1)(a)]**
- use of counterfeit, **15:14 [CC 454]**
- “Counterfeit token of value,” **15:1 [CC 448]**

TOLL

- Fraud in collection, **13:49 [CC 393]**

TORTURE

- Definitions, **10:254 [CC 269.1(2)]**
- Derivative evidence inadmissible, **10:254 [CC 269.1(4)]**
- Internationally protected person, outside Canada, **2:16 [CC 7(3)]**
- Offence, **10:254 [CC 269.1(1)]**
- “Superior orders” defence precluded, **10:254 [CC 269.1(3)]**
- United Nations or associated personnel, outside Canada, **2:16 [CC 7(3.71)]**

TRACKING WARRANT

- Sealing order for information to obtain, **20:115 [CC 487.3]**

TRADE DESCRIPTION

- False, **13:82 [CC 408]**
- forfeiture, **13:88 [CC 412(2)]**

INDEX

TRADE DESCRIPTION

—Cont'd

False, **13:82 [CC 408]**—Cont'd
punishment, **13:88 [CC 412(1)]**

TRADEMARK

See also **DISTINGUISHING MARK**

Offences

bottling under another's mark, **13:85 [CC 410(b)]**
defacing or removing, **13:85 [CC 410(a)]**
forgery, **13:79, 13:80 [CC 406, 407]**
instruments for forging, **13:84 [CC 409(1)]**
passing off, **13:82 [CC 408(a)]**

Order of forfeiture, **13:88 [CC 412(2)]**

Punishment, **13:88 [CC 412(1)]**

TRADE NAME

Offences

bottling under another's name, **13:85 [CC 410(b)]**
defacing or removing, **13:85 [CC 410(a)]**
passing off, **13:82 [CC 408(a)]**

Order of forfeiture, **13:88 [CC 412(2)]**

Punishment, **13:88 [CC 412(1)]**

TRADE UNION

And conspiracy in restraint of trade, **18:21, 18:22 [CC 466(2), 467]**

Appearance, **23:29, 25:15, 27:115, 38:28 [CC 538, 556, 620, 800(3)]**

default, **25:15, 27:117, 27:118, 38:28 [CC 556(2), 622, 623, 800(3)]**

TRADE UNION—Cont'd

Criminal responsibility

duty of persons directing work, **10:12 [CC 217.1]**

“every one” includes, **1:3 [CC 2]**

negligence offences, **2:77 [CC 22.1]**

other offences, **2:78 [CC 22.2]**

Discrimination and intimidation, **13:111 [CC 425]**

Enforcement of judgment, **34:113 [CC 735]**

Greater punishment where previous conviction, **34:66 [CC 727(4)]**

Notice of indictment, **27:116 [CC 621]**

“Organization” defined, **1:3 [CC 2]**

Party liability

negligence offences, **2:77 [CC 22.1]**

other offences, **2:77 [CC 22.1]**

Punishment, **34:33, 34:85, 34:113, 34:113 [CC 718.21, 732.1(3.1), 735, (3.2)]**

“Representative,” defined, **1:3 [CC 2]**

“Representative” defined, **1:3 [CC 2]**

Request for preliminary inquiry failure to request, **25:15 [CC 556(3), (4)]**

“Senior officer,” defined, **1:3 [CC 2]**

“Senior officer” defined, **1:3 [CC 2]**

Sentencing

finer, **34:113 [CC 735]**

general considerations, **34:33 [CC 718.21]**

probation conditions, **34:85 [CC 732.1(3.1), (3.2)]**

TRADE UNION—Cont'd

- Service of process on, **31:17** [CC 703.2]
- Trial and conviction, **27:118** [CC 623]

TRAFFICKING, DRUGS

- See also POSSESSION FOR PURPOSE OF TRAFFICKING
- Offence, **44:12** [CDA 5(1)]
- Punishment, **44:12** [CDA 5(3), (4)]

TRAFFICKING, PERSONS

- Consent, invalidity of, **10:320, 10:321** [CC 279.01(2), 279.011(2)]
- Documents, withholding or destruction, **10:323** [CC 279.03]
- Exploitation, **10:325** [CC 279.04]
 - factors, **10:325** [CC 279.04(2)]
 - organ or tissue removal, **10:325** [CC 279.04(3)]
- Material benefit, **10:322** [CC 279.02]
 - CSO precluded on indictment, **34:134** [CC 742.1(f)(v)]
- Offence outside of Canada, **2:16** [CC 7(4.11)]
- Person under 18, **10:321** [CC 279.011]
- Simpliciter, **10:320** [CC 279.01]

TRAFFICKING, PROPERTY OBTAINED BY CRIME

- Offence, **12:153** [CC 355.2]
- Punishment, **12:156** [CC 355.5]

TRANSFER OF CHARGES

- Offence outside province, **19:27** [CC 478(3)]

TRANSFER OF CHARGES

—Cont'd

- Offence within province, **19:29** [CC 479]
- Probation order, **34:123** [CC 739]

TRANSPORTATION

- Fraud in fare collection, **13:50, 13:49** [CC 393(1), (2)]
- Fraudulently obtaining, **13:49** [CC 393(3)]
 - jurisdiction of provincial court judge, **25:2** [CC 553(c)(viii)]
- Interfering with safety of persons, **10:132** [CC 248]

TRAPS LIKELY TO CAUSE BODILY HARM

- Aggravated offences
 - causing bodily harm, **10:131, 10:129** [CC 247(2), (4)]
 - causing death, **10:129** [CC 247(5)]
 - offence-related place
 - causing bodily harm, **10:129** [CC 247(4)]
 - simpliciter, **10:129** [CC 247(3)]
- General/simpliciter offence, **10:130** [CC 247(1)]

TREASON

- See also HIGH TREASON
- Compulsion by threats, **2:50** [CC 17]
- Corroboration, **3:3** [CC 47(3)]
- Delivery of trial documents, **27:87** [CC 604]
- Judicial review of parole ineligibility, **34:184** [CC 745.6]
- Limitation period, **3:4** [CC 48(1)]
- Offence of treason, **3:1** [CC 46]

INDEX

TREASON—Cont'd

- Overt acts
 - act of conspiring, **3:1** [CC **46(4)**]
 - evidence, **3:12** [CC **55**]
 - statement in indictment, **27:25, 27:77** [CC **581(4), 601(9)**]
 - treasonable words, **3:4** [CC **48**]
- Punishment, **3:3** [CC **47(2), (4)**]
- Superior court jurisdiction, **19:1, (b), 19:1, (d), 19:1, (e), 19:2** [CC **468, (b), (d), (e), 469(a)(i)**]

TREASURER OF PROVINCE

- Payment of penalties, **34:104** [CC **734.4**]

TREATY

- Proof of treaty, **40:73** [CEA **21**]
- Imperial treaty, **40:72** [CEA **20**]

TRESPASS

- At night, **7:112** [CC **177**]
- Forcible detainer, **3:41** [CC **72(2)**]
- Forcible entry, **3:42, 3:43** [CC **72(1), 73**]
- Sabotage, **3:9** [CC **52(2)(b)**]
- evidence of overt acts, **3:12** [CC **55**]
- statement in indictment, **27:25** [CC **581(4)**]

TRIAL (INDICTMENT)

- See also SPECIFIC TOPICS AND JURY
- Adjudication
 - reserved decision in trial without jury, **27:174** [CC **645(4)**]

TRIAL (INDICTMENT)

—Cont'd

- Appearance
 - accused, **27:199, 27:200, 27:205, 27:208** [CC **650(1) to (2), 650.01, 650.02**]
 - designated counsel of record, **27:205, 27:208** [CC **650.01, 650.02**]
 - prosecutor, **27:208** [CC **650.02**]
 - technological, **27:198, 27:208, 27:208** [CC **650(1.1), 650.02, (1.2)**]
- By judge alone
 - application of Code provisions, **25:57** [CC **572**]
 - fixing time and place for trial, **25:22, 25:28** [CC **560, 562**]
 - judge as court of record, **25:21** [CC **559(1)**]
- By provincial court judge
 - application of Code provisions, **25:57** [CC **572**]
 - fixing time and place for trial, **25:23, 25:25, 25:28** [CC **561(7), 561.1(a), 562**]
 - transmission of record, **25:53** [CC **570(3)**]
- Continuation of proceedings, **27:273** [CC **669.2**]
- Exclusion of public, **20:9** [CC **486(1)**]
- Fair and public hearing, **41:63** [CA **11(d)**]
- Full answer and defence, **27:201** [CC **650(3)**]
- Independent and impartial tribunal, **41:63** [CA **11(d)**]
- Jury, **41:63** [CA **11(f)**]
- Military tribunal, **41:63** [CA **11(f)**]

TRIAL (INDICTMENT)

—Cont'd

Presence of accused, **27:199**,
27:200, **27:205**, **27:208**
[**CC 650(1)** to **(2)**, **650.01**,
650.02]

Presiding judge
death or inability to continue,
27:273 [**CC 669.2**]
may differ from judge presid-
ing over jury selection,
27:127 [**CC 626.1**]

Reasonable time, **41:63** [**CA**
11(b)]

Record
acquittal, **25:52** [**CC 570(2)**]
conviction or order, **25:51**
[**CC 570(1)**]
of proceedings, **27:120**,
27:121 [**CC 624**, **625**]

Summing up
by defence, **27:211** [**CC**
651(2)]
by prosecutor, **27:212** [**CC**
651(1)]
order of addressing jury,
27:211 [**CC 651(3)**]
joint accused, **27:215** [**CC**
651(4)]

Taking of evidence, **27:177** [**CC**
646]

Warrant of committal, **25:50**
[**CC 570(5)**, **(6)**]

Without jury
on consent, **19:8** [**CC 473**]

**TRIAL (SUMMARY
CONVICTION)**

See SUMMARY CONVICTION
PROCEEDINGS

TRIAL DE NOVO

Appeal against sentence
power of court, **38:109** [**CC**
822(6)]

TRIAL DE NOVO—Cont'd

Grounds for holding, **38:107**
[**CC 822(4)**]

Objections to conviction or
order, **38:103** [**CC**
822(7)(b)]

Objections to information or
process, **38:103** [**CC**
822(7)(a)]

Reading in evidence, **38:108**
[**CC 822(5)**]

TRUST

Breach of, **12:65** [**CC 336**]
By public officer, **6:17** [**CC 122**]
Misappropriation of funds, **12:53**
[**CC 332**]

Sexual exploitation by person in
position of, **7:15** [**CC 153**]

Theft by holder of power of
attorney, **12:52**, **12:53** [**CC**
331, **332**]

Theft by person required to
account, **12:48** [**CC 330**]
“Trustee,” **1:3** [**CC 2**]

TRUST COMPANY

See BANK

**UNAUTHORIZED
RECORDING OF A
MOVIE**

Generally, **14:22** [**CC 432**]

UNDERTAKING

See also JUDICIAL INTERIM
RELEASE

Contents of, **21:24** [**CC 501**]
Effect after remand to another
jurisdiction, **23:67** [**CC**
543(2)(b)]

Failure to appear, **6:82**, **21:71**
[**CC 145**, **512.2**]

Failure to comply with condi-
tions, **6:82** [**CC 145**]

Form, **39:36** [**CC Form 10**]

INDEX

UNDERTAKING—Cont'd

- Giving on holiday, **2:62** [CC 20]
- Release after arrest, **27:66** [CC 597(3)]
- Release pending appeal or new trial
 - arrest after release, **29:29** [CC 679(6)]
 - form of undertaking, **29:29** [CC 679(9)]
- Summary conviction appeal, **38:94, 38:96** [CC 816, 817]
- Time in force, **21:105, 21:104** [CC 523(1), (1.1)]
- “Undertaking,” **39:37** [CC Form 11]
- Varying, **21:27** [CC 502]

UNITED NATIONS PERSONNEL

- Attack on accommodation, premises or transport, **14:20** [CC 431.1]
- defence, **14:4** [CC 429(2)]
- DNA order on conviction or discharge, **20:77, 20:81** [CC 487.04, 487.051]
- Offences against, outside Canada, **2:16** [CC 7(3.71), (5) to (7)]
 - consent to prosecute, where accused not citizen, **2:16** [CC 7(7)]
- Proof of status
 - certificate as evidence, **2:16** [CC 7(10)]
- Threatening, **13:110** [CC 424.1]

UNLAWFUL ASSEMBLY

- Offence, **3:26, 3:25** [CC 63(1), (2)]
- Punishment **3:32** [CC 66]
 - where identity concealed, **3:32** [CC 66(2)]

UNLAWFUL ASSEMBLY

—Cont'd

- Riot, **3:27, 3:33 to 3:36** [CC 64, 67 to 69]

UNLAWFUL DRILLING

- Generally, **3:37** [CC 70]

UNLAWFULLY AT LARGE

- See also JUDICIAL INTERIM RELEASE
- Failure to attend court, **6:84, 6:87, 6:90 to 6:93** [CC 145(2), (5), (8) to (11)]
- Failure to comply, **6:85, 6:87, 6:90, 6:92, 6:93** [CC 145(3), (5), (8), (10), (11)]
- Without lawful excuse, **6:82** [CC 145(1)(b)]

USED GOODS

- Sale without disclosure, **13:87** [CC 411]
- forfeiture, **13:88** [CC 412(2)]
- punishment, **13:88** [CC 412(1)]

USE OF FORCE

- See DEFENCES (STATUTORY)

UTTERING

- See also COUNTERFEITING, CURRENCY OFFENCES, FORGERY
- Clipped coin, **15:17** [CC 455(b)]
- Counterfeit money, **15:10** [CC 452(a)]
 - completion of counterfeit, **15:29** [CC 461(1)]
- Counterfeit or non-current coin, **15:11** [CC 453]
- Defaced coin, **15:18** [CC 456]
- Document in false name, **12:208** [CC 374(b)]
- Forged document, **12:191** [CC 368]

UTTERING—Cont'd

- Forged passport, **3:15** [CC **57(1)(b)**]
- Slug or counterfeit token, **15:14** [CC **454**]
- Threats, **10:226** [CC **264.1**]
- “Utter,” **15:1** [CC **448**]

UTTERING THREATS

- Generally, **10:226** [CC **264.1**]

VALUABLE SECURITY

- Destroying or obliterating, **12:72** [CC **340**]
- Falsification, **13:55** [CC **397**]
- Obtaining by false pretence, **12:179** [CC **363**]
- “Valuable security” defined, **1:3** [CC **2**]
- Valuation, **2:4** [CC **4(2)**]

VAULT-BREAKING

- Possession of instruments, **12:125** [CC **351(1)**]

VEHICLE

- See **DRIVING OFFENCES; MOTOR VEHICLES**

VEHICLE IDENTIFICATION NUMBER

- Defined, **12:135, 12:139** [CC **353.1(2), 354(3)**]
- Presumption where removed, **12:138, 12:139** [CC **354(2), (3)**]
- Tampering
 - offence, **12:135** [CC **353.1(1) to (3)**]
 - punishment, **12:135** [CC **353.1(4)**]

VENEREAL DISEASE

- Advertising cure, **7:42** [CC **163**]

VENUE

- See also **JURISDICTION**

VENUE—Cont'd

- Change of venue, **27:71** [CC **599**]
- Conveyance of prisoner, **27:76** [CC **600**]
- grounds, **27:72** [CC **599(1)**]
- payment of expenses, **27:73** [CC **599(2)**]
- to court speaking language of accused, **22:11** [CC **531**]
- transmission of record, **27:75, 27:71** [CC **599(4), (5)**]
- Newspaper libel, **19:27** [CC **478(2)**]
- New trial in summary conviction, **38:105** [CC **822(2)**]
- Summary, **38:91** [CC **814**]
- Summary conviction appeals, **38:91** [CC **814**]

VERDICT

- See also **JURY**
- Conviction of included offence, **27:253** [CC **662**]
- Defect in process not ground for quashing, **27:278** [CC **671**]
- Disagreement of jury, **27:228** [CC **653**]
- Fitness to stand trial, **27:114** [CC **615**]
- Full offence charged, attempt proved, **27:249** [CC **660**]
- Full offence proved on charge of attempt, **27:251** [CC **661**]
- Infanticide, **27:258** [CC **663**]
- Recommendation in second degree murder, **34:150, 34:151** [CC **743, 743.1**]
- Taking verdict on Sunday, **27:234** [CC **654**]

VESSELS

- See also **AIRCRAFT, MOTOR VEHICLES**

INDEX

VESSELS—Cont'd

- Endangering safety of, **3:50** [CC **78.1**]
- Fraud in obtaining transportation, **13:49** [CC **393(3)**]
- Interfering with saving, **14:44** [CC **438**]
 - defence, **14:4** [CC **429(2)**]
- Joy-riding, **12:61** [CC **335**]
- Jurisdiction over offences, **19:14** [CC **476**]
 - offences on territorial waters, **19:19** [CC **477**]
 - offences outside Canada, **2:13** [CC **6(3)(a)**]
- Making fast to marine signal, **14:48** [CC **439**]
 - defence, **14:4** [CC **429(2)**]
- Piracy, **3:44, 3:45** [CC **74, 75**]
- Removing natural bar to harbour, **14:51** [CC **440**]
 - defence, **14:4** [CC **429(2)**]
- Wreck, **13:91** [CC **415**]

VICTIM IMPACT STATEMENT

- See also COMMUNITY IMPACT STATEMENT
- Adjournment, **34:49** [CC **722(3)**]
 - conditions of exclusion, **34:49** [CC **722(7)**]
 - consideration by sentencing court, **34:49** [CC **722(8)**]
- Content, **34:50** [CC **722(1)**]
- Copy of statement, **34:51** [CC **722.1**]
- Evidence concerning victim admissible, **34:49** [CC **722(9)**]
- Form, **34:49** [CC **722(4)**]
- Inquiry by court, **34:49** [CC **722(2)**]

VICTIM IMPACT

STATEMENT—Cont'd

- Mental disorder verdict disposition hearing, **28:46** [CC **672.5(14) to (15.3)**]
- No bar to other evidence, **34:49** [CC **722(9)**]
- Photograph, [CC **722(6)**]
- Presentation of statement, **34:49** [CC **722(5)**]
- “Victim,” **1:3, 34:49** [CC **2, 722(4)**]

VICTIMS

- See also RESTITUTION; VICTIM IMPACT STATEMENT; VICTIM SURCHARGE; WITNESS/INDEX
- Acting on behalf of, **1:45** [CC **2.2**]
- Defined, **1:3, 42:3** [CC **2, YCJA 2(2)**]
- Judicial interim release of accused, **21:75** [CC **515(13)**]
- Safety and security of, **21:75** [CC **515(13)**]

VICTIM SURCHARGE

- Amount of surcharge, **34:119** [CC **737(2)**]
- Amounts applied to aid victims, **34:117** [CC **737(5)**]
- Enforcement, **34:117** [CC **737(7)**]
- Exception, **34:117** [CC **737(2.1) to (2.4), (8)**]
- Increase in surcharge, **34:117** [CC **737(6)**]
- Notice to offender, **34:117** [CC **737(6)**]
- Power to order suspension pending appeal, **29:49, 29:42,**

VICTIM SURCHARGE

—Cont'd

29:50 [CC 683(5), (5.1),
(6)]

Time for payment, 34:117 [CC
737(4)]

**VIDEO AND AUDIO
EVIDENCE**

Audio evidence

appeals, on, 29:42 [CC
683(2.2)]

witness inside Canada, 29:42
[CC 683(2.2)]

witness outside Canada,
29:42, 31:39 [CC
683(2.2), 714.3]

Consent, 31:44 [CC 714.8]

Costs of technology, 31:43 [CC
714.7]

Oath or affirmation, 31:41 [CC
714.5]

Other laws applying, 31:42 [CC
714.6]

Reasons, 31:40 [CC 714.4]

Video links

appeals, on, 29:42 [CC
683(2.2)]

contempt, 40:159 [CEA
50(1.2)]

laws about witnesses applying,
40:159 [CEA 50(1.1)]

perjury, 6:48 [CC 131(1.1)]

subpoena, 31:11 [CC 700.1]

witness in Canada, 29:42,
31:37, 40:154 [CC
683(2.2), 714.1, CEA
46(2)]

witness outside Canada,
29:42, 31:38 [CC
683(2.2), 714.2]

VIDEO CONFERENCES

See VIDEO AND AUDIO EVI-
DENCE

VIDEOTAPED EVIDENCE

Generally, 31:53, 31:58 [CC
715.1, 715.2]

VIEW

Generally, 27:224 [CC 652]

VIOLENCE

Extortion, 12:93 [CC 346(1)]

Intimidation, 13:101 [CC
423(1)(a)]

Threatening or using to
overcome resistance to
theft, 12:82 [CC 343(a)]

VOYEURISM

Defence, 7:37 [CC 162(6)]

Exemption, 7:37 [CC 162(3)]

Motives, 27:112 [CC 612(7)]

Offence, 7:37 (1)(4) [CC 162
(1)(4)]

Punishment, 7:37 [CC 162(5)]

WAGERING

See BETTING

WANT OF PROSECUTION

Dismissal

procedural irregularities, 20:4
[CC 485(3)]

recommencement of proceed-
ing, 20:6 [CC 485.1]

summary conviction appeal,
38:116 [CC 825]

WAR CRIMES

Special pleas, 27:98 [CC 607(6)]

Superior court jurisdiction, 19:2
[CC 469(c.1)]

WAR MEMORIAL

Mischief re, 14:5 [CC 430(4.11)]

WARRANT

See also ARREST, SEARCH
WARRANTS, TELEWAR-
RANTS, WITNESS

INDEX

WARRANT—Cont'd

- Appearance of accused other than by designated counsel, **27:205 [CC 650.01(4)]**
- Arrest, for, **39:32 [CC Form 7]**
- Assistance order, **20:73 [CC 487.02]**
- Bodily impressions, **20:109 [CC 487.092]**
- Committal, for, **39:34 [CC Form 8]**
- Dwelling-house, powers to enter, to carry out arrests
 - warrant to enter dwelling-house, **21:120, 39:33 [CC 529.1, Form 7.1]**
 - authorization to enter included in warrant of arrest, **21:119 [CC 529(1)]**
 - execution, **21:119 [CC 529(2)]**
 - omitting announcement before entry, **21:125 [CC 529.4(1)]**
 - exception, **21:125 [CC 529.4(3)]**
 - execution of authorization, **21:125 [CC 529.4(2)]**
 - reasonable terms and conditions, **21:122 [CC 529.2]**
 - sealing order for information to obtain, **20:115 [CC 487.3]**
 - telewarrant, **21:126 [CC 529.5]**
- Endorsement, **39:56 [CC Form 28]**
 - in another jurisdiction, **21:118, 23:67 [CC 528, 543]**
 - release of accused, **21:51, 21:52 [CC 507(6), 507.1(8)]**

WARRANT—Cont'd

- General warrant, information for, **20:47 [CC 487.01]**
- sealing order, **20:115 [CC 487.3]**
- video surveillance, **20:51, 20:47 [CC 487.01(4), (5)]**
- Preserved data, destruction of, **20:67 [CC 487.0194(4)]**
- Restriction on publicity, **20:113 [CC 487.2]**
- Sealing order for information to obtain, **20:115 [CC 487.3]**
- Telewarrants, **20:110 [CC 487.1]**
- TELEWARRANTS
 - see also Telewarrants, 528(1.1), 529.5
- Tracking device, for, **20:197 [CC 492.1]**
- Transmission data recorder, for, **20:198 [CC 492.2]**
- Warrant for arrest of witness, **31:4, 31:19 [CC 698(2), 705]**
 - absconding witness, **31:18 [CC 704]**
 - refusal to give evidence, **23:73 [CC 545(1)]**
- Warrant of committal
 - contempt, **39:53 [CC Form 25]**
 - default in payment of costs of appeal, **38:120 [CC 827(3)]**
 - default in payment of fine, **34:108 [CC 734.7]**
 - detention in custody, **21:92, 21:97 [CC 519(3), 521(6) to (10)]**
 - execution of warrant, **34:165 [CC 744]**
 - failure to enter recognizance to keep peace, **38:61,**

WARRANT—Cont'd

- Warrant of committal—Cont'd
 - 39:51, 38:70 [CC 810, Form 23, 810.1]**
 - for contempt, **31:22, 39:53 [CC 708(3), Form 25]**
 - forfeiture of amounts, **39:55 [CC Form 27]**
 - non-compliance with release order, **21:92 [CC 519(1)(b), (3)]**
 - on conviction, **25:50, 38:54, 38:121 [CC 570, 806(2), 828(2)]**
 - admissibility as evidence, **38:54 [CC 806(3)]**
 - on forfeiture of recognizance, **36:19 [CC 773]**
 - refusal to be sworn / to give evidence, **39:48 [CC Form 20]**
 - seizure of things not specified, **20:126 [CC 489]**
 - vacating release order, **21:97 [CC 521(6)]**
 - video surveillance, **20:51, 20:47 [CC 487.01(4), (5)]**
- Warrant of committal of witness contempt, **39:53 [CC Form 25]**
 - failure to enter recognizance, **23:86, 39:52 [CC 550, Form 24]**
 - refusal to be sworn / to give evidence, **39:48 [CC Form 20]**
- Warrant remanding to prison, **21:86, 23:14 [CC 516, 537(1)(c)]**
- Warrant to convey accused to justice of another jurisdiction, **23:67 [CC 543]**
- Where jurisdiction lost, **20:4 [CC 485(2)]**

WATCHING OR BESETTING

- Generally, **13:101 [CC 423(1)(f), (2)]**

WEAPON

- See also FIREARMS
- Assault, **10:231, 10:240 [CC 265(1)(c), 267(a)]**
- Defined, **1:3 [CC 2]**
- Discharge firearm with intent, **10:114 [CC 244]**
- Forfeiture or return to owner, **20:193 [CC 491]**
- “Offensive weapon,” **1:3 [CC 2]**
- Sexual assault, **10:263 [CC 272(1)(a)]**
- Taking on board aircraft, **3:48 [CC 78]**

WILFUL DAMAGE

- See MISCHIEF

WILFULNESS

- Defence to offences involving wilfulness, **14:4 [CC 429(2)]**
- Presumption, **14:3 [CC 429(1)]**

WILL

- See TESTAMENTARY INSTRUMENT

WIRETAPPING

- See INTERCEPTION OF PRIVATE COMMUNICATIONS

WITNESS

- See also BINDING OVER, CHILD WITNESSES, PROTECTION OF, COMMISSION EVIDENCE, CORROBORATION
- Absconding witness
 - arrest, **31:18, 31:20 [CC 704, 706]**

INDEX

WITNESS—Cont'd

- Absconding witness—Cont'd
 - warrant, **31:18 [CC 704]**
 - endorsement in another jurisdiction, **21:118 [CC 528]**
- Accused as witness, **40:5 [CEA 4]**
- Accused not to cross-examine child witness, **20:17 [CC 486.3]**
- Administration of oath, **40:53 [CEA 13]**
- Adverse witness, **40:35 [CEA 9(1)]**
- Affirmation in lieu of oath, **40:54 [CEA 14]**
- Appeal (witness on hearing)
 - powers of court, **29:43 [CC 683(1)]**
- Application of Code provisions, **31:1 [CC 697]**
- Arrest, **31:18 [CC 704]**
 - detention or release, **31:20 [CC 706]**
- Capacity of witness challenged
 - child, **40:60, 42:174 [CEA 16(1), YCJA 151]**
 - mental capacity challenged, **40:60 [CEA 16(1)]**
- Child witness, protection of, **20:24 [CC 486.6]**
- Contradictory evidence, **6:60 [CC 136]**
- Difficulty communicating evidence of person with
 - mental disability, **40:25 [CEA 6(2)]**
 - evidence of person with physical disability, **40:26 [CEA 6(1)]**
- identification of accused, **40:27 [CEA 6.1]**
- inquiry, **40:25 [CEA 6(3)]**

WITNESS—Cont'd

- Examination in Canada for foreign, **40:152 [CEA 46]**
- Expert witness
 - limit on number, **40:28 [CEA 7]**
- Failure to attend
 - contempt, **31:23 [CC 708(1)]**
 - warrant, **31:19 [CC 705]**
- Identification of accused, **40:27 [CEA 6.1]**
- Identity, **20:20, 20:22, 38:80 [CC 486.4, 486.5, 810.5]**
- Intimidation, **6:70 [CC 139(3)]**
- Misleading justice, **6:48 to 6:75 [CC 131 to 141]**
- Mute witness, **40:25 [CEA 6]**
- Non-disclosure of identity, **20:19, 38:80 [CC 486.31, 810.5]**
- Obstructed view testimony, **20:16 [CC 486.2]**
- Outside Canada
 - commission evidence, **31:25, 31:31 [CC 709, 712]**
- Person with disability, **40:25 [CEA 6]**
- Preliminary inquiry
 - recognizance and committal, **23:86 [CC 550]**
 - refusing to testify, **23:72 [CC 545]**
- Previous inconsistent statement, **40:34 to 40:45 [CEA 9 to 11]**
- Prisoner as witness, **21:116 [CC 527]**
- Proceedings, **40:149 to 40:160 [CEA 43 to 51]**
- Procuring attendance
 - subpoena
 - contents, **31:9 [CC 700]**
 - endorsement in another jurisdiction, **21:118 [CC 528]**

WITNESS—Cont'd

- Procuring attendance—Cont'd
 - subpoena—Cont'd
 - for absconding witness, **31:18 [CC 704]**
 - issuance, **31:2, 31:6 [CC 698, 699]**
 - service, **31:12 [CC 701]**
 - territorial effect, **31:14, 31:15 [CC 702, 703]**
 - warrant, **31:2 [CC 698]**
- Production of written statement, **40:40 [CEA 10(1)]**
- Proof of conviction, **40:50 [CEA 12(2)]**
- Reading in evidence
 - from preliminary, **31:45 [CC 715]**
 - summary conviction appeal, **38:108 [CC 822(5)]**
- Sequestered testimony, **20:16 [CC 486.2]**
- Support person, **20:15 [CC 486.1]**
- Treason and high treason
 - list of witnesses delivered to accused, **27:87 [CC 604]**
- Video links, **40:154, 40:159 [CEA 46(2), 50(1.1), (1.2)]**
- Videotaped complaint, **31:53, 31:58 [CC 715.1, 715.2]**

WORKPLACE SAFETY

- Duty of persons directing work, **10:12 [CC 217.1]**

WOUNDING

- See also **BODILY HARM, WEAPON, WRECK**
- Concealing or dealing with, **13:91 [CC 415]**
- Interfering with saving, **14:46 [CC 438(2)]**
- defence, **14:4 [CC 429(2)]**
- Wreck, **1:3 [CC 2]**

YOUTH CRIMINAL JUSTICE

- Adjudication
 - plea of guilty, **42:44 [YCJA 36(1)]**
 - plea of not guilty, **42:44 [YCJA 36(2)]**
- Adult sentence
 - age, prescribed, **42:81 [YCJA 64]**
 - application by Crown for appeal from, **42:45, 42:88 [YCJA 37, 72(5)]**
 - assessment for, **42:41 [YCJA 34]**
 - commencement, **42:91 [YCJA 74(3)]**
 - conviction, as, **42:91 [YCJA 74(2), (3)]**
- Criminal Code, application of, **42:83, 42:92 [YCJA 67(8), (9), 74(1)]**
- duty of AG to consider, **42:81 [YCJA 64(1.1), (1.2)]**
- hearing, **42:87 [YCJA 71]**
- included offences, **42:81, 42:86 [YCJA 64(3), 69]**
- murder, for, **34:171 to 34:182, 34:194 [CC 745.1 to 745.5, 746.1(3)]**
- notice requirements, **42:81, 42:86, 42:98 [YCJA 64(2) to (3), 69, 81]**
- onus, **42:88 [YCJA 72(2)]**
- pre-sentence report, **42:88 [YCJA 72(3)]**
- procedure for application or notice, **42:98 [YCJA 81]**
- reasons, **42:88 [YCJA 72(4)]**
- right to bring, **42:81, 42:86, 42:86 [YCJA 64(1), 68, 69]**

INDEX

YOUTH CRIMINAL JUSTICE

—Cont'd

- Adult sentence—Cont'd
 - duty of AG to consider, **42:81** [YCJA 64(1.1), (1.2)]
 - Cont'd
 - test applicable, **42:89, 42:88** [YCJA 72(1), (1.1)]
 - election, **42:83** [YCJA 67]
 - hearing, **42:87** [YCJA 71]
 - imposition of, duties of court respecting, **42:90** [YCJA 73]
 - imprisonment
 - life sentence, **34:167 to 34:182** [CC 745 to 745.5]
 - placement upon, **42:45, 42:93, 42:96, 42:97** [YCJA 37, 76, 79, 80]
 - jury trial, **42:83** [YCJA 67(6), (9)]
 - parole, **34:161, 42:94** [CC 743.5(3), YCJA 77]
 - preliminary inquiry, **42:83** [YCJA 67(7), (8)]
 - pre-sentence report, **42:53** [YCJA 40]
 - release entitlement, **42:95** [YCJA 78]
 - serious violent offence
 - assessment where alleged, **42:41** [YCJA 34(1)(b)(iii)]
 - continuation in custody, **42:116** [YCJA 98]
 - definition, **42:3** [YCJA 2(1)]
 - intensive rehabilitative custody, **42:55** [YCJA 42(7)]
 - proof of offence, **27:268** [CC 667]

YOUTH CRIMINAL JUSTICE

—Cont'd

- Adult sentence—Cont'd
 - serious violent offence
 - Cont'd
 - records re, **42:141** [YCJA 120(3)]
 - trial procedure
 - Criminal Code, application of, **42:83** [YCJA 67(9)]
 - election, **42:83** [YCJA 67]
 - where required, **42:88, 42:90** [YCJA 72(1)(b), 73(1)]
- Adult status offender
 - application of act, **42:17** [YCJA 14(5)]
 - continuation of proceedings against, **42:17** [YCJA 14(4)]
 - continuation of youth sentence, **42:55, 42:107, 42:110** [YCJA 42(17), 89, 92, 93]
 - custodial placement upon conviction, **42:93, 42:107, 42:110** [YCJA 76(2), 89, 92(4), (5), (9)]
 - status uncertain, **42:19** [YCJA 16]
 - transfer to adult facilities, **42:36, 42:110, 42:111** [YCJA 30(4), 92(1) to (3), 93, (5)]
- Alternative measures. See EXTRAJUDICIAL MEASURES
- Appeals
 - adult sentence, order re, from, **42:45, 42:87, 42:93** [YCJA 37(4), 71, 76(5)]
 - consolidation, **42:45** [YCJA 37(4)]

YOUTH CRIMINAL JUSTICE

—Cont'd

- Appeals—Cont'd
 - contempt, for, **42:45, 2:26**
[YCJA 37(2) to (3), CC 10]
- Criminal Code, application of, **42:45** [YCJA 37(1), (5), (9)]
- indictable offences
 - contempt, **42:45, 2:26**
[YCJA 37(2), (3), CC 10]
 - deemed election, **42:45**
[YCJA 37(7)]
 - forum, Nunavut, **42:45, 38:135** [YCJA 37(9), CC 839]
 - forum where YJC is superior court, **42:45**
[YCJA 37(8)]
 - Supreme Court of Canada, to, **42:45** [YCJA 37(10)]
 - youth sentence on review, from, **42:45** [YCJA 37(11)]
- publication ban, from, **42:45, 42:92** [YCJA 37(4), 75(3)]
- review of custody and, **42:112** [YCJA 94(7)]
- “serious violent offence” determination, from, **42:45, 42:55** [YCJA 37(4), 42(10)]
- summary conviction offences
 - generally, **42:45** [YCJA 37(5)]
 - deemed election, **42:45**
[YCJA 37(7)]
 - offences tried jointly, **42:45**
[YCJA 37(6)]
 - youth sentence on review,

YOUTH CRIMINAL JUSTICE

—Cont'd

- Appeals—Cont'd
 - summary conviction offences
 - Cont'd
 - from, **42:45** [YCJA 37(11)]
 - transfer of youth sentence, and, **42:76** [YCJA 57(2)]
- Appearance
 - procedure on appearance, **42:39** [YCJA 32]
 - unrepresented accused, **42:39**
[YCJA 32(3) to (5)]
 - waiver of procedural requirements, **42:39** [YCJA 32(2)]
- Assessments, See MEDICAL AND PSYCHOLOGICAL REPORTS
- Cautions, **42:9** [YCJA 6]
- Commencement of proceedings, **42:186** [YCJA 162]
- CONDITIONAL SUPERVISION, See CUSTODY AND SUPERVISION
- Construction of Act, **42:3, 42:4**
[YCJA 2(2), 3(2)]
- Contempt of court, **42:18, 42:45**
[YCJA 15, 37(2) to (3)]
- Continuation of proceedings, **42:17** [YCJA 14(4)]
- Contraventions Act offences
 - attendance of parents, **42:32**
[YCJA 27(2)]
 - jurisdiction, **42:17** [YCJA 14(1)]
 - notices, **42:31** [YCJA 26(3), (6), (7)]
- Corrections and Conditional Release Act, application of, **42:94** [YCJA 77(2)]
- Criminal Code, application of generally, **42:161** [YCJA 140]

INDEX

YOUTH CRIMINAL JUSTICE

—Cont'd

Criminal Code, application of
—Cont'd
appeal provisions, **42:45**
[YCJA 37]
attendance of accused provisions, **42:153, 42:164**
[YCJA 132(2), 142(3), (4)]
bail provisions, **42:33, 42:35, 42:40** [YCJA 28, 29(2), 33]
bail review provisions, **42:40**
[YCJA 33]
compelling appearance provisions, **42:33** [YCJA 28]
contempt provisions, **42:17**
[YCJA 14(4)]
costs provisions, **42:164**
[YCJA 142(5)]
dangerous offender provisions, **42:91** [YCJA 74(1)]
definition provisions, **42:3**
[YCJA 2(2)]
forfeiture of recognizance provisions, **42:156** [YCJA 135(6), (7)]
forms provisions, **42:177**
[YCJA 154(2)]
indictable offence appeal provisions, **42:45** [YCJA 37(1), (6)]
limitation period provisions, **42:164** [YCJA 142(4)]
long-term offender provisions, **42:91** [YCJA 74(1)]
mental disorder provisions, **42:163** [YCJA 141]
peace bond provisions, **42:17, 42:23** [YCJA 14(2), 20(2)]
preliminary inquiry provisions, **42:83** [YCJA 67(8)]

YOUTH CRIMINAL JUSTICE

—Cont'd

Criminal Code, application of
—Cont'd
prohibition order provisions, **42:55, 42:70** [YCJA 42(2)(j), 51]
proof of previous conviction provisions, **42:86** [YCJA 68(3)]
sentencing provisions, **42:57, 42:69, 42:70, 42:91, 42:95 to 42:97 80, 42:110** [YCJA 42(2)(j), 50, 51, 74(1), 78 to 80, 92(4)]
summary conviction appeal provisions, **42:45** [YCJA 37(5), (6)]
summary conviction trial provisions, **42:164** [YCJA 142]
trial provisions, **42:83, 42:164**
[YCJA 67(9), 142]
Custody and supervision, See also DETENTION BEFORE SENTENCING; YOUTH SENTENCE
adult status offenders, **42:93, 42:107, 42:110, 42:111** [YCJA 76(2), 89, 92, 93]
breach of conditions, **42:120, 42:121, 42:124 to 42:128** [YCJA 102, 103, 106 to 109]
conditional supervision
apprehension of young person for breach, **42:126** [YCJA 107]
breach of order, **42:124 to 42:128** [YCJA 106 to 109]
conditions, setting, **42:123** [YCJA 105]
deferred custody and supervision order and,

YOUTH CRIMINAL JUSTICE**—Cont'd**

Custody and supervision, See also DETENTION BEFORE SENTENCING; YOUTH SENTENCE
—Cont'd

conditional supervision
—Cont'd
42:61 [YCJA 42(6)]

recommendation of provincial director re,
42:114 [YCJA 96]

reviews, 42:112, 42:113,
42:114, 42:127,
42:128, 42:128
[YCJA 94, 95, 96(3),
108, 109, (4), (7), (8)]

suspension of, 42:124,
42:128 [YCJA 106,
109(2)(b)]

continuation of custody
application of Attorney General, 42:122
[YCJA 104]

application of provincial director, 42:116 to
42:118 [YCJA 98 to
100]

reasons, 42:118, 42:122
[YCJA 100, 104(5)]

reviews, 42:112, 42:113,
42:119, 42:122 [YCJA
94, 95, 101, 104(5)]

custody and supervision order
breach of order, 42:61,
42:120, 42:121,
42:127 [YCJA 42(6),
102, 103, 108]

conditions, setting, 42:55,
42:115 [YCJA
42(2)(n), 97]

continuation of custody,
42:112, 42:113, 42:116
to 42:119, 42:121,

YOUTH CRIMINAL JUSTICE**—Cont'd**

Custody and supervision, See also DETENTION BEFORE SENTENCING; YOUTH SENTENCE
—Cont'd

custody and supervision order
—Cont'd
42:122 [YCJA 94, 95,
98 to 101, 103(2)(b),
104]

deferred, 42:57, 42:61,
42:123 to 42:128
[YCJA 42(2)(p),
42(6), 105 to 109]

reviews, 42:61, 42:112,
42:113, 42:119,
42:122, 42:127,
42:128 [YCJA 42(6),
94, 95, 101, 104(5),
108 to 109]

levels of custody, 42:103 to
42:106 [YCJA 85 to 88]

principles, 42:101, 42:102,
42:103 [YCJA 83(2), 84,
85(5)]

provincial regulations respect-
ing, 42:106 [YCJA 88]

purpose, 42:101 [YCJA
83(1)]

reintegration leave, 42:109
[YCJA 91]

reviews, 42:105, 42:106,
42:112 to 42:114,
42:119, 42:121, 42:127,
42:128 [YCJA 87, 88, 94
to 96, 101, 103, 108,
109]

separation from adults,
requirement, 42:102
[YCJA 84]

transfers, 42:103, 42:104 to
42:106, 42:107, 42:110,
42:111 [YCJA 85(4) to

INDEX

YOUTH CRIMINAL JUSTICE

—Cont'd

- Custody and supervision, See also DETENTION BEFORE SENTENCING; YOUTH SENTENCE
 - Cont'd
 - (7), **86 to 88, 89(2), 92, 93]**
 - youth worker, designation and role, **42:108 [YCJA 90]**
- Declarations of principle
 - custody and supervision, re, **42:101 [YCJA 83(2)]**
 - extrajudicial measures, re, **42:6 [YCJA 4]**
 - general, **42:5 [YCJA 3(1)]**
- Detention before sentencing
 - application for detention or release
 - court to hear, **42:40 [YCJA 33(1), 33(8)]**
 - notice to prosecutor, **42:40 [YCJA 33(2)]**
 - notice to young person, **42:40 [YCJA 33(3)]**
 - review of orders, **42:40 [YCJA 33(5) to (7), (9)]**
 - s. 469 offences, **42:40 [YCJA 33(8), (9)]**
 - waiver of notice, **42:40 [YCJA 33(4)]**
 - authorization of provincial authority, **42:36 [YCJA 30(8)]**
- Criminal Code, application of, **42:33 [YCJA 28]**
- designated place of temporary detention in, **42:36 [YCJA 30(1)]**
 - exception, **42:36 [YCJA 30(7)]**
 - offence relating to, **42:160 [YCJA 139]**

YOUTH CRIMINAL JUSTICE

—Cont'd

- Detention before sentencing
 - Cont'd
 - justification for, **42:35 [YCJA 29(2)]**
 - onus, **42:35 [YCJA 29(3)]**
 - responsible person, placement in care of, **42:38, 42:160 [YCJA 31, 139]**
 - offence relating to, **42:160 [YCJA 139]**
 - separation from adults, requirement, **42:36 [YCJA 30(3)]**
 - exception, **42:36 [YCJA 30(7)]**
 - social measure, as, prohibited, **42:34 [YCJA 28.1]**
 - transfers in custody
 - adult facility, to, **42:36 [YCJA 30(4), (5)]**
 - court, to and from, **42:36 [YCJA 30(2)]**
 - designated places, between, **42:36 [YCJA 30(6)]**
- Election, mode of trial, **42:83 [YCJA 67]**
- Employment applications
 - prohibited content, **42:99 [YCJA 82(3)]**
- Evidence
 - admissions, **42:13, 42:168, 42:172 [YCJA 10(4), 146, 149]**
 - age, of
 - inference, permissible, **42:171 [YCJA 148(4)]**
 - parental testimony, by, **42:171 [YCJA 148(1)]**
 - record, by, **42:164, 40:79 [YCJA 142(2), CEA 25(1)]**

YOUTH CRIMINAL JUSTICE**—Cont'd**

Evidence—Cont'd
 age, of—Cont'd
 reliable information, by,
 42:171 [YCJA 148(3)]
 agreements concerning
 material evidence, **42:173**
 [YCJA 150]
 undisputed facts, **42:172**
 [YCJA 149]
 child of, **42:174, 40:59**
 [YCJA 151(a), CEA 16]
 confessions, **42:168 [YCJA**
 146]
 documents, validity of, **42:176**
 [YCJA 153]
 extrajudicial measures, of,
 42:12, 42:13 [YCJA 9,
 10(4)]
 material
 consent to admission,
 42:173 [YCJA 150]
 seals, **42:176 [YCJA 153]**
 service, proof of, **42:175**
 [YCJA 152]
 statements, admissibility of
 extrajudicial measures,
 made in connection
 with, **42:13 [YCJA**
 10(4)]
 general law applicable,
 42:169 [YCJA 146(1)]
 medical assessments, in,
 42:170 [YCJA 147]
 persons in authority, to,
 42:168 [YCJA 146(2)
 to (9)]
 pre-sentence reports, in,
 42:49 [YCJA 39(10)]
 psychological assessments,
 in, **42:170 [YCJA 147]**
 undisputed facts, of, **42:172**
 [YCJA 149]

YOUTH CRIMINAL JUSTICE**—Cont'd**

Evidence—Cont'd
 young person, of, **42:174**
 [YCJA 151(b)]
 Exclusion from hearing, **42:153**
 [YCJA 132]
 Extrajudicial measures
 adequacy, **42:7 [YCJA 4.1]**
 admissibility in evidence
 prohibited, **42:12, 42:13**
 [YCJA 9, 10(4)]
 alternative measures
 continuation as, **42:189**
 [YCJA 165(5)]
 cautions
 generally, **42:9, 42:12**
 [YCJA 6, 9]
 Crown, **42:11 [YCJA 8]**
 police, **42:10 [YCJA 7]**
 continuation, after age 18,
 42:17 [YCJA 14(4)]
 objectives, **42:8 [YCJA 5]**
 principles, general, **42:6, 42:9,**
 42:12, 42:13 [YCJA 4, 6,
 9, 10]
 records re, **42:135, 42:139**
 [YCJA 115(1.1), 119(4)]
 referrals, **42:9, 42:12 [YCJA**
 6, 9]
 sanctions
 admissions inadmissible,
 42:13 [YCJA 10(4)]
 availability, **42:13 [YCJA**
 10(1) to (3)]
 conditions, **42:13 [YCJA**
 10(2)]
 judicial proceedings, effect
 on, **42:13 [YCJA**
 10(5) to (6)]
 laying of information, and,
 42:13 [YCJA 10(6)]
 notice to parent of, **42:14**
 [YCJA 11]

INDEX

YOUTH CRIMINAL JUSTICE

—Cont'd

- Extrajudicial measures—Cont'd
 - sanctions—Cont'd
 - principles, general, **42:13**
[YCJA 10(1) to (3)]
 - res judicata, and, **42:13**
[YCJA 10(2)(g), 10(5)
to (6)]
 - use, restriction on, **42:13**
[YCJA 10(1), (3)]
 - transitional provisions, **42:189**
[YCJA 165(5)]
 - victim rights respecting, **42:15**
[YCJA 12]
 - warnings, **42:9, 42:12** [YCJA
6, 9]
- Forfeiture of recognizances,
42:155, 42:156 [YCJA 134,
135]
- Forms, **42:177** [YCJA 154]
- Identification of Criminals Act,
application of, **42:133**
[YCJA 113]
- Interprovincial agreements,
42:77, 42:179, 42:188
[YCJA 58, 156, 164]
- Judges
 - disqualification, **42:151**
[YCJA 130]
 - substitution, **42:152** [YCJA
131]
- Limitation periods, **42:17,**
42:164 [YCJA 14(3),
142(4)]
- Medical and psychological
reports, **42:41** [YCJA 34]
- Mental disorder, **42:163** [YCJA
141]
- Offences
 - authorizing use of prescribed
employment application,
42:160 [YCJA 139(3)]
 - breach of deferred custody and
supervision order, **42:61,**

YOUTH CRIMINAL JUSTICE

—Cont'd

- Offences—Cont'd
 - 42:124 to 42:128** [YCJA
42(6), 106 to 109]
 - breach of publication ban,
42:130, 42:131, 42:159,
43:103 [YCJA 110(1),
111(1), 138, YOA 38(1)]
 - classification of, **42:45,**
42:164 [YCJA 37(7),
142(2)]
 - contempt, **2:26, 42:18, 42:32,**
42:45 [CC 10, YCJA 15,
27(4)(a), 37(3)]
 - failure to comply with disposi-
tion or youth sentence,
42:158 [YCJA 137]
 - failure to comply with order to
attend court (parent),
2:26, 42:32, 42:45 [CC
10, YCJA 27(4), 37(4)]
 - failure to comply with
undertaking re condition
of placement in care of
responsible person,
42:38, 42:160, 43:18
[YCJA 31(3), 139, YOA
7.1(2)]
 - failure to keep information
separate, **42:159, 43:103**
[YCJA 138, YOA
38(1.15)(a)]
 - failure to prevent unauthorized
access to information,
42:159, 43:103 [YCJA
138, YOA 38(1.15)(b)]
 - interference with disposition
or youth sentence, **42:157**
[YCJA 136]
 - unauthorized detention of
young person, **42:36,**
42:160, 43:17 [YCJA 30,
139, YOA 7]
 - unauthorized disclosure of
information, **42:150,**

YOUTH CRIMINAL JUSTICE

—Cont'd

- Offences—Cont'd
 - 42:65, 42:159, 42:150, 42:65, 43:103 [YCJA 129, 46(1), 138, YOA 38(1.12), (1.14)]
 - use of prescribed employment application, 42:160 [YCJA 139(3)]
- Organization of system
 - clerks of court, 42:24 [YCJA 21]
 - conferences, 42:22 [YCJA 19]
 - justices of the peace, 42:23 [YCJA 20]
 - provincial directors
 - delegation, authorized, 42:25 [YCJA 22]
 - review board, 42:29, 42:105, 42:106, 42:134, 42:139, 42:141, 42:153 [YCJA 25(3), 87, 88, 114, 119(h), 120(4)(c), 132(3), (4), (7)]
 - transitional provisions, 42:189 [YCJA 165]
 - youth justice court
 - contempt against, 42:18 [YCJA 15]
 - court of record, 42:16 [YCJA 13(4)]
 - deemed, 42:16 [YCJA 13(2), (3)]
 - designation of, 42:16 [YCJA 13(1)]
 - disqualification of judges, 42:151 [YCJA 130]
 - jurisdiction, 42:17, 42:18, 42:77 [YCJA 14, 15, 58(2), (3)]
 - rules, 42:20 [YCJA 17]
 - substitution of judges, 42:152 [YCJA 131]

YOUTH CRIMINAL JUSTICE

—Cont'd

- Organization of system—Cont'd
 - youth worker, 42:108 [YCJA 90]
- Parent or guardian
 - notices to, 42:31 [YCJA 26]
 - order requiring attendance
 - failure to attend, 2:26, 38:7, 42:32, 42:45 [CC 10, 787, YCJA 27(4), 37(3)]
 - power of court to issue, 42:32 [YCJA 27(1)]
 - service, 42:32 [YCJA 27(3)]
 - unavailable in ticket proceedings, 42:32 [YCJA 27(2)]
 - testimony re age, 42:171 [YCJA 148(1)]
- Peace bond, 42:17, 42:23 [YCJA 14(2), 20(2)]
- Policy, 42:5 [YCJA 3(1)]
- Pre-charge screening, 42:26 [YCJA 23(1), (2)]
- Preliminary inquiry, 42:83 [YCJA 67(7), (8)]
- Private prosecutions, 42:27 [YCJA 24]
- Procedure
 - counts charged in information, 42:165 [YCJA 143]
 - subpoena, 42:166 [YCJA 144]
 - warrant, 42:167 [YCJA 145]
- Programs
 - community-based
 - power to establish, 42:180 [YCJA 157]
 - types authorized, 42:180 [YCJA 157]
 - extrajudicial sanction, as condition of, 42:13 [YCJA 10(2)(a)]

INDEX

YOUTH CRIMINAL JUSTICE

—Cont'd

- Programs—Cont'd
 - intensive support and supervision, **42:55, 42:58** [YCJA 42(2)(l), 42(3)]
 - non-residential, attendance at, **42:55, 42:58** [YCJA 42(2)(m), 42(3)]
- Publication bans
 - appeals from, **42:45, 42:92** [YCJA 37(4), 75(4)]
 - application for leave to publish identity
 - offender, **42:129** [YCJA 110(4) to (6)]
 - victim or witness, **42:131** [YCJA 111(3)]
 - exceptions, **42:129, 42:131, 42:132, 42:132** [YCJA 110(2), 111(2), 112, (3)]
 - identity of offender, **42:129** [YCJA 110]
 - identity of victim, **42:131** [YCJA 111]
 - identity of witness, **42:131** [YCJA 111]
 - offences relating to, **42:159** [YCJA 138]
- Purpose of legislation
 - custody and supervision provisions, **42:101** [YCJA 83(1)]
 - sentencing provisions, **42:47** [YCJA 38(1)]
- Records
 - access
 - adult sentence, records re, **42:137** [YCJA 117]
 - application for, outside access period, **42:144** [YCJA 123]
 - archivists, by, **42:149** [YCJA 128(6)]

YOUTH CRIMINAL JUSTICE

—Cont'd

- Records—Cont'd
 - access—Cont'd
 - authorization requirement, **42:137, 42:138, 42:139** [YCJA 117, 118, 119(9)(b)]
 - conviction during access period, effect on, **42:139, 42:141** [YCJA 119(9), 120(4), (6)]
 - extrajudicial measures, records re, **42:135, 42:139** [YCJA 115(1.1), 119(4)]
 - forensic DNA analysis, records re, **42:139** [YCJA 119(6)]
 - form of, **42:143** [YCJA 122]
 - medical reports, **42:139** [YCJA 119(5), (6)]
 - period of, **42:139, 42:141, 42:142, 42:149** [YCJA 119(2), 120(3), 121, 128(1), (3)]
 - persons having, **42:140, 42:141, 42:145, 42:149** [YCJA 119(1), 120, 124, 128(6), (4) to (6)]
 - pre-sentence report, undisclosed, **42:139** [YCJA 119(5)]
 - prohibition orders, records re, **42:139** [YCJA 119(3), (10)]
 - psychological reports, **42:139** [YCJA 119(5), (6)]
 - R.C.M.P. records, **42:141** [YCJA 120]
 - young person, by, **42:145** [YCJA 124]

YOUTH CRIMINAL JUSTICE**—Cont'd**

Records—Cont'd
 destruction of, **42:146, 42:149**
 [YCJA 125(7)(c), 128]
 disclosure of information in
 application for, **42:148**
 [YCJA 127]
 archivists' records, **42:147**
 [YCJA 126]
 Attorney General, by,
 42:146 [YCJA 125(2),
 (3), (6)]
 duties of recipient, **42:146,**
 42:150 [YCJA 125(7),
 129]
 foreign state, to, **42:146**
 [YCJA 125(3)]
 form of, **42:143 [YCJA**
 122]
 insurance company, to,
 42:146 [YCJA 125(3)]
 peace officer, by, **42:146**
 [YCJA 125(1), (3),
 (4), (6)]
 provincial director, by,
 42:146 [YCJA 125(5),
 (6)]
 reports, for, **42:146 [YCJA**
 125(5)]
 research purposes, for,
 42:139, 42:141,
 42:144 [YCJA 119(8),
 120(5), 123(6)]
 schools, to, **42:146 [YCJA**
 125(6)]
 time limit, **42:146 [YCJA**
 125(8)]
 youth worker, by, **42:146**
 [YCJA 125(5), (6)]
 disposal of, **42:149 [YCJA**
 128]
 fingerprints, **42:133 [YCJA**
 113]

YOUTH CRIMINAL JUSTICE**—Cont'd**

Records—Cont'd
 introduction into evidence,
 42:139 [YCJA 119(7)]
 offences relating to, **42:159**
 [YCJA 138]
 photographs, **42:133 [YCJA**
 113]
 types that may be kept
 court, **42:134 [YCJA 114]**
 government, **42:136 [YCJA**
 116(1)]
 police, **42:133, 42:135**
 [YCJA 113, 115]
 private, **42:136 [YCJA**
 116(2)]
 Referral to child welfare agency,
 42:43 [YCJA 35]
 Regulations, power to make,
 42:178 [YCJA 155]
 Responsible person
 placement in care of, **42:38**
 [YCJA 31]
 Right to counsel, **42:29 [YCJA**
 25]
 Rules, **42:20, 42:22, 42:178,**
 42:178 [YCJA 17, 19(3),
 155, (4)]
 Sex offender information
 registration, **20:136 [CC**
 490.011(2),]
 Transfer of charges, **42:154**
 [YCJA 133]
 Transitional provisions, **42:181**
 to 42:189 [YCJA 158 to
 165]
 Violent offence
 custodial sentence, **42:50,**
 42:55, 42:116 [YCJA
 39(1), 42(7), 98]
 definition, **42:3 [YCJA 2(1)]**
 publication ban exception,
 42:129 [YCJA
 110(2)(b)]

INDEX

YOUTH CRIMINAL JUSTICE

—Cont'd

Violent offence—Cont'd
serious violent offence, see
adult sentence
Warnings, **42:9** [YCJA 6]
youth sentence, See also
CUSTODY AND
SUPERVISION
agreement of provincial
director, **42:58** [YCJA
42(3)]
alternatives, **42:57** [YCJA
42(2)]
assessment for purpose of,
42:41 [YCJA **34(2)(c)**]
attendance, **42:55, 42:73,**
42:77 [YCJA
42(2)(m), 42(11),
54(7), 58(1), (10)]
combination with Code sen-
tences, **34:161** [CC
743.5]
commencement, **42:55,**
42:62, 42:75 [YCJA
42(12), 43, 56(5), (6)]
committal to custody, see
also custody and
supervision orders
custody during transfer,
42:36, 42:68
[YCJA **30, 49(2),**
(3)]
deemed continuous,
where, **42:66**
[YCJA **47(1)**]
general principles, **42:49**
[YCJA **39**]
intermittent, **42:66**
[YCJA **47(2), (3)**]
placement on conviction,
42:101 to 42:106,
42:107, 42:110
[YCJA **83 to 88, 89,**
92(4), (5)]

YOUTH CRIMINAL JUSTICE

—Cont'd

Violent offence—Cont'd
youth sentence, See also
CUSTODY AND
SUPERVISION—Cont'd
committal to custody, see
also custody and
supervision orders
—Cont'd
warrant of committal,
42:68 [YCJA **49(1)**]
community service, **42:57,**
42:73 [YCJA **42(2)(i),**
54(7) to (10)]
consolidation rules, **34:161,**
42:62 to 42:66 [CC
743.5, YCJA 43 to 47]
contempt, for, **42:18**
[YCJA **15(4)**]
continuation of custody,
42:116 to 42:119,
42:122 [YCJA **98 to**
101, 104]
continuation when adult,
42:55, 42:107, 42:110,
42:111 [YCJA **42(17),**
89, 92, 93]
Criminal Code, application
of, **42:69, 42:70**
[YCJA **50, 51(7)**]
custodial placement, **42:101**
to 42:106, 42:107,
42:110 [YCJA **83 to**
88, 89, 92(4), (5)]
custody and supervision
orders, **34:161, 42:55,**
42:62 to 42:65, 42:77,
42:115 [CC **743.5,**
YCJA 42(2)(n) to (r),
43 to 46, 58, 97, (4) to
(8), (13)]
deferred custody and
supervision, **34:161,**
42:55, 42:60 [CC

YOUTH CRIMINAL JUSTICE**—Cont'd**

Violent offence—Cont'd
 youth sentence, See also
 CUSTODY AND
 SUPERVISION—Cont'd
 743.5, YCJA 42(2)(p),
 (5)
 breach of order, 42:61
 [YCJA 42(6)]
 definition, 42:3 [YCJA
 2(1)]
 duration, 42:55, 42:72,
 42:73 [YCJA 42(14)
 to (16), 53(10), 54(8)]
 extension of time to
 complete, 42:72
 [YCJA 53(10)]
 factors, 42:46, 42:52, 42:73
 [YCJA 38(3), 39(3),
 54(7), (9)]
 failure to comply with,
 42:158 [YCJA 137]
 fines, 42:57, 42:69, 42:72,
 42:73 [YCJA
 42(2)(d), 50(2), 53,
 54(1) to (3), (10)]
 inconsistent orders, 42:55
 [YCJA 42(11)]
 intensive rehabilitative
 custody and supervi-
 sion, 34:161, 42:55,
 42:62 to 42:65, 42:77
 [CC 743.5, YCJA
 42(2)(r), 43 to 46,
 58(1), (7), (8), (13)]
 intensive support and
 supervision, 42:55,
 42:74, 42:75, 42:77
 [YCJA 42(2)(l), 55,
 56, 58(1), (11)]
 interference with, 42:157,
 42:190 [YCJA 136,
 197]
 interprovincial arrange-

YOUTH CRIMINAL JUSTICE**—Cont'd**

Violent offence—Cont'd
 youth sentence, See also
 CUSTODY AND
 SUPERVISION—Cont'd
 ments, 42:77 [YCJA
 58]
 jurisdiction, transfer of,
 34:161 [CC 743.5]
 limitation, 42:46 [YCJA
 38(2)(a)]
 order of, conditions for,
 42:88, 42:90 [YCJA
 72(1.1), 73(2)]
 orders, possible, 42:57
 [YCJA 42(2)]
 payment to innocent
 purchaser, 42:55,
 42:73 [YCJA 42(2)(g),
 54(1), (4), (5)]
 pre-sentence report, 42:49,
 42:53 [YCJA 39(6),
 40]
 principles, general, 42:48
 [YCJA 38(2)]
 principles re custody, 42:49,
 42:101, 42:102,
 42:116 [YCJA 39,
 83(2), 84(5), 98(4)]
 probation orders, 42:55,
 42:74, 42:75, 42:75
 [YCJA 42(2)(k), 55,
 56, (11)]
 prohibition orders, 42:55,
 42:70, 42:71 [YCJA
 42(2)(j), 51, 52]
 publication ban, 42:129
 [YCJA 110]
 purpose, 42:47 [YCJA
 38(1)]
 reasons, 42:49, 42:67,
 42:70, 42:118 [YCJA
 39(9), 48, 51(6), 100]
 recommendation of confer-

INDEX

YOUTH CRIMINAL JUSTICE

—Cont'd

- Violent offence—Cont'd
- youth sentence, See also
CUSTODY AND
SUPERVISION—Cont'd
- ence, **42:54** [YCJA
41]
- restitution, **42:57, 42:73**
[YCJA **42(2)(f), 54(4)**
to (5), (10)]
- review board, **42:29,**
42:105, 42:106,
42:134, 42:139,
42:141, 42:153
[YCJA **25(3), 87, 88,**
114, 119(h), 120(4)(c),
132(3), (4), (7)]
- reviews
- appeals from, **42:45**
[YCJA **37(11)**]
- appearance order, **42:78,**
42:112 [YCJA
59(6), 94(8)]
- conditional supervision,
42:112, 42:113,
42:114, 42:127,
42:128, 42:128
[YCJA **94, 95,**
96(3), 108, 109, (4),
(7), (8)]
- continuation of custody,
42:112, 42:113,
42:119, 42:122
[YCJA **94, 95, 101,**
104(5)]
- custodial sentences gen-
erally, **42:112,**
42:113 [YCJA **94,**
95]
- custody and supervision
orders, **42:61,**
42:112, 42:113,
42:119, 42:122,
42:127, 42:128

YOUTH CRIMINAL JUSTICE

—Cont'd

- Violent offence—Cont'd
- youth sentence, See also
CUSTODY AND
SUPERVISION—Cont'd
- reviews—Cont'd
- [YCJA **42(6), 94,**
95, 101, 104(5), 108
to 109]
- decision after review,
42:71, 42:78,
42:106, 42:112,
42:114 [YCJA
52(3), 59(7), 88,
94(19), 96(4)]
- level of custody, **42:105,**
42:106 [YCJA **87,**
88]
- non-custodial sentence,
42:78, 42:79
[YCJA **59, 60]**
- notices, **42:29, 42:78,**
42:106, 42:112,
42:114 [YCJA
25(9), 59(5), 88,
94(13) to (18),
96(4), (8)]
- pending appeal, **42:78,**
42:112, 42:114
[YCJA **59(5), 94(7),**
96(4)]
- progress report, **42:78,**
42:106, 42:112,
42:114 [YCJA
59(3), 88, 94(9) to
(12), 96(4), (4)]
- prohibition orders, **42:71**
[YCJA **52]**
- transitional provisions,
42:185 [YCJA
161(3)]
- right to counsel on, **42:29**
[YCJA **25(3)(e),**
(9)(f)]

YOUTH CRIMINAL JUSTICE**—Cont'd**

- Violent offence—Cont'd
- youth sentence, See also
CUSTODY AND
SUPERVISION—Cont'd
- serious violent offence, for,
42:55 [YCJA 42(2)(o),
(7)]
- statement re custody and
supervision, 42:59
[YCJA 42(4)]
- termination, effect of, 42:99
[YCJA 82]
- transfer of, 42:76 [YCJA
57]
- transfer to adult facility,
42:110 [YCJA 92]
- transitional provisions,
42:185 [YCJA 161]
- treatment or care, 34:161,
42:55, 42:109, 42:163
[CC 743.5, YCJA
42(2)(r), 91(b)(iv),
141(11), (7), (8)]
- victim fine surcharge,
42:55, 42:72, 42:73
[YCJA 42(2)(d),
53(1), 54(2)]
- victim funding, 42:55,
42:72, 42:73 [YCJA
42(2)(d), 53(1), 54(2)]

YUKON

- “Appeal court,” 38:84 [CC 812]
- Application of Code provisions,
2:20 [CC 8(1)]
- “Appropriate Chief Justice,”
34:184 [CC 745.6(3)]
- “Attorney General,” 1:3 [CC 2]
- “Court of appeal,” 1:3 [CC 2]
- Empanelling jury
 - challenge for cause, 27:148
[CC 638]
- Forfeiture of recognizance, 36:1
[CC 762(1)]
- “Judge” under Part XIX, 25:1
[CC 552]
- “Judge” under Part XVI, 21:1
[CC 493]
- Preferring indictment, 27:6 [CC
577]
- Proclamations, etc. of Lieutenant
Governor, 40:74 [CEA
22(2)]
- “Superior court of criminal juris-
diction,” 1:3 [CC 2]
- Venue for summary conviction
appeal, 38:91 [CC 814(4)]