

Index

All references are to the following abbreviations:

BR Canadian Bill of Rights

CC Criminal Code

CD Controlled Drugs and Substances Act

CEA Canada Evidence Act

CH Canadian Charter of Rights and Freedoms

FIR Firearms Act

IDENT Identification of Criminals Act

INT Interpretation Act

WC Crimes Against Humanity and War Crimes Act

YC Youth Criminal Justice Act

ABANDONMENT

Abandon, definition, **CC-214**

Animal in captivity, **CC-446**
[446(1)(b)]

Child under ten, **CC-218**

ABDUCTION

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

Attorney General's consent to
prosecute, **CC-283**
[283(2)]

Custody orders

abduction in contravention
of, **CC-282 [282(1)]**,
CC-283 [283(1)]

consent of child no defence,
CC-286

defence to protect from
imminent harm,
CC-285

ABDUCTION—Cont'd

Custody orders—Cont'd

no belief in validity of,
CC-282 [282(2)]

whether custody order or
not, **CC-283 [283(1)]**

Defences

consent, of person abducted,
no defence, **CC-286**

consent, of person having
lawful possession,
CC-284

protection of young person
or person charged,
CC-285

Forcible, compulsion by threats
no defence, **CC-17**

Guardian, definition, **CC-280**
[280(2)]

Internationally protected
person, **CC-7 [7(3)]**

ABDUCTION—Cont'd

No belief in validity of custody order

see Custody orders, *supra*

Person under 14, **CC-281, CC-286**

Person under 16, **CC-280 [280(1)]**

ABETTING

See PARTIES TO OFFENCES

Aiding or abetting

ABORIGINAL RIGHTS

Compelling appearance, **CC-493.2**

Rights and freedoms not affected by Charter, **CH-25**

ABSCONDING

Accused

deemed present at previous trial, **CC-715 [715(3)]**

jury election deemed to be waived, **CC-598**

preliminary inquiry, **CC-544 trial, CC-475, CC-598**

Witness

arrest, **CC-704**

maximum period of detention of witness, **CC-707**

order where witness arrested under warrant, **CC-706**

warrant when witness does not attend, **CC-705**

ABSOLUTE DISCHARGE

See SENTENCE Discharges

ABSOLUTE JURISDICTION

Provincial court judge, **CC-553**

Superior court of criminal jurisdiction, **CC-468, CC-469, CC-471, CC-473**

ABUSE OF PROCESS

See also CHARTER OF RIGHTS Fundamental justice

Burden and onus of proof
see BURDEN AND ONUS OF PROOF

Common law defences preserved, **CC-8 [8(3)]**

Contempt of court
see CONTEMPT OF COURT

Crown withholding evidence
see DISCLOSURE AND DISCOVERY

Elections and re-elections
see ELECTIONS AND RE-ELECTIONS

Equal application of law
see CHARTER OF RIGHTS Equality rights

Full answer and defence
see FULL ANSWER AND DEFENCE

Joinder and severance
see INDICTMENTS AND INFORMATIONS

Laying of charges
see INDICTMENTS AND INFORMATIONS

Preferring indictments
see INDICTMENTS AND INFORMATIONS

INDEX

ABUSE OF PROCESS—Cont'd

- Preferring indictments—Cont'd
 - Preferring indictment
- Private prosecutions
 - see PRIVATE PROSECUTIONS
- Self-incrimination
 - see SELF-INCRIMINATION
- Stay of proceedings
 - see ATTORNEY GENERAL/
SOLICITOR GENERAL; CHARTER OF RIGHTS Remedies

ACCESSORY AFTER THE FACT

- Aircraft, airports, **CC-7 [7(2)(e)]**
- Definition, **CC-23 [23(1)]**
- Evidence of conviction of principal, **CC-657.2 [657.2(2)]**
- Fixed platforms, **CC-7 [7(2.1), (2.2)]**
- Indictment of, **CC-592**
- Married person assisting spouse to escape, not accessory, **CC-23 [23(2)]**
- Murder, **CC-240**
- Principal
 - cannot be convicted, **CC-23.1**
 - evidence of conviction, **CC-657.2 [657.2(2)]**
 - not indicted or convicted, not precluding indictment, **CC-592**

ACCESSORY AFTER THE FACT—Cont'd

- Punishment, **CC-240, CC-463**
- Torture outside Canada, **CC-7 [7(3.7)]**

ACCIDENT

- Causing death to another by accident, **CC-229 [229(b)]**

ACCOMMODATION

- Fraudulently obtaining, **CC-364**

ACCOUNT

- Entry negating theft, **CC-330 [330(2)]**
- Theft by failure to account, **CC-330 [330(1)]**

ACCUSED

- Absconding accused
 - see Presence in court, *infra*;
ABSCONDING
- Admissions by
 - see **ADMISSIONS**
- Alibi
 - see **DEFENCES**
- Allocutus, speaking to sentence, **CC-723, CC-726, CC-726.1**
- Appearance
 - see **APPEARANCE**
- Assessment order
 - see **MENTAL DISORDER**
- Compellability, **CEA-4, CH-11 [CH11(c)]**
- Criminal responsibility, mental disorder
 - see **MENTAL DISORDER**

ACCUSED—Cont'd

Cross-examination
see CROSS-EXAMINATION

Defined to include, **CC-493**

Duty to ascertain date of judge alone trial, **CC-560 [560(4)]**

Fitness to stand trial
see MENTAL DISORDER

Full answer and defence by, **CC-276 [276(3)(a)]**, **CC-650 [650(3)]**, **CC-802 [802(1)]**

Identification
see FINGERPRINTS; HANDWRITING; WITNESSES

Indictments
consent to adding other charges, **CC-574 [574(2)]**
consent to adding other counts to murder indictment, **CC-589 [589(b)]**

Insanity of
see MENTAL DISORDER Criminal responsibility

Language of
see LANGUAGE OF ACCUSED

Mental disorder
see MENTAL DISORDER

Not criminally responsible on account of mental disorder
see MENTAL DISORDER Criminal responsibility

Party re mental disorder proceedings, **CC-672.1**

ACCUSED—Cont'd

Preliminary inquiry
see PRELIMINARY INQUIRY

Presence in court, **CC-537 [537(1)(j)]**, **CC-650**
application for finding of dangerous offender, **CC-758**

fair and public hearing
see CHARTER OF RIGHTS Fair and public hearing

fitness to stand trial, accused can be removed from court, **CC-650 [650(2)(c)]**

full answer and defence
see FULL ANSWER AND DEFENCE

mental disposition hearing, **CC-672.5 [672.5(9), (10)]**

removing accused from court, **CC-650 [650(2)]**

right to present, **CC-650 [650(1)]**

Publication of name
see PUBLICATION BAN

Removal of accused during trial, **CC-650**

Right to counsel
see RIGHT TO COUNSEL

Self-incrimination
see SELF-INCRIMINATION

Speaking to sentence, **CC-723**, **CC-726**, **CC-726.1**

INDEX

ACCUSED—Cont'd

Statements
see ADMISSIONS; STATEMENTS OF THE ACCUSED; VOLUNTARINESS
Testimony at bail hearing, not to be questioned re offence, **CC-518 [518(1)(b)]**
Trial
see TRIAL

ACKNOWLEDGING

JUDGMENT, INSTRUMENT, RECOGNIZANCE, ETC., IN FALSE NAME, CC-405

ACQUITTAL

See also RES JUDICATA
Autrefois acquit/convict
Insufficient evidence to put unfit accused on trial, **CC-672.33 [672.33(6)]**

ACT

See also STATUTES
Definition of, **CC-2**
Duty of persons undertaking acts, **CC-217**

ACTUS REUS

Homicide
see HOMICIDE Death caused by
Overt acts, evidence of, **CC-55, CC-581 [581(4)]**
Statement as offence
see STATEMENTS OF THE ACCUSED;

ACTUS REUS—Cont'd

Statement as offence—Cont'd
VOLUNTARINESS

ADDRESS TO JURY, CC-651

ADJOURNMENTS AND REMANDS

Accused misled, effect, **CC-485 [485(4)], CC-601 [601(5)]**

Adjournment

clerk on instructions of judge, by, **CC-474 [474(2)]**

judge, by, **CC-645 [645(2)]**

Appeals, summary conviction, **CC-824**

Appearance by television or other means, **CC-537 [537(1)(j)], CC-650 [650(1.1)]**

Assessment

see MENTAL DISORDER

Bail hearing

see Show cause hearing, *infra*

Breach of provisions no loss of jurisdiction, **CC-485 [485(1)]**

Clerk adjourning court, **CC-474**

Decision may be reserved, trial by judge without jury, **CC-645 [645(4)]**

Duty to obtain alternate counsel
see RIGHT TO COUNSEL

Fitness to stand trial

see MENTAL DISORDER

**ADJOURNMENTS AND
REMANDS—Cont'd**

Judge alone trials, **CC-571**
 Jurisdiction before or after
 plea, **CC-669.1**
 Justice remanding to provincial
 court judge, **CC-536**
[536(1)]
 Mental examination
 see MENTAL DISORDER
 Powers of a justice, **CC-537**
 Powers of judge, **CC-645**
[645(2)]
 Preliminary inquiry, **CC-536**
[536(1)], **CC-537**
[537(1)(a), (c)], **CC-547**
 Psychiatric assessment
 see MENTAL DISORDER
 Recognizance continues,
CC-763
 Remand for observation
 see MENTAL DISORDER
 Right to counsel
 see RIGHT TO COUNSEL
 Sentence
 see SENTENCE
 Show cause hearing, **CC-516**
 Summary conviction
 appeals, **CC-601 [601(5)]**,
CC-645 [645(2), (3)],
CC-795, CC-824
 trials, **CC-601 [601(5)]**,
CC-645 [645(2), (3)],
CC-795, CC-803
 Trial by indictment
 accused misled or
 prejudiced, **CC-601**
[601(5)]

**ADJOURNMENTS AND
REMANDS—Cont'd**

Trial by indictment—Cont'd
 accused not entitled to
 postponement, **CC-606**
[606(3)]
 further time to plead, etc.,
CC-606 [606(3)]
 jury unable to agree, **CC-653**
 no jury panel summoned,
CC-474 [474(1)]
 securing copies, **CC-603**
 trial continuous, **CC-645**
 trial without jury, **CC-571**
 Trial by provincial court judge,
CC-669.1 [669.1(2)]
 Trial continuous, **CC-551.5**

ADJUDICATION

See JUDGES; JUSTICES;
 TRIAL; YOUTH CRIMI-
 NAL JUSTICE ACT

**ADMINISTERING
DESTRUCTIVE THING,
CC-245**

**ADMINISTERING NOXIOUS
THING**

Domestic animal, to, **CC-446**
[446(1)(b)]
 Person, to, **CC-245**

**ADMINISTRATION OF
JUSTICE, CC-118, CC-149**

See also ABUSE OF PRO-
 CESS; ATTORNEY
 GENERAL/SOLICITOR
 GENERAL; OBSTRUCT
 JUSTICE; PERJURY

INDEX

ADMINISTRATION OF JUSTICE, CC-118, CC-149 —Cont'd

Frauds upon government,
CC-121

ADMINISTRATIVE LAW

Duty to act fairly
see **CHARTER OF RIGHTS**
Fair and public hearing;
Fundamental justice
Mental Review Board
see **MENTAL DISORDER**
Review boards
Prisons
see **CHARTER OF RIGHTS**
Cruel and unusual treat-
ment or punishment

ADMISSIONS

See also **STATEMENTS OF
THE ACCUSED;**
VOLUNTARINESS
Cross-examination on previous
statements
adverse witness, re, **CEA-9**
[CE 9(2)]
opposing witness, re, **CEA-**
10, CEA-11
Dangerous offenders, **CC-754**
[754(3)]
Preliminary inquiry
see also **PRELIMINARY
INQUIRY**
accused's evidence at, used
at trial, **CC-657**
admission at, **CC-541**
[541(1), (2)]
offence re publication,
CC-542 [542(2)]

ADMISSIONS—Cont'd

Preliminary inquiry—Cont'd
statement by unrepresented
accused, **CC-541**
[541(3)], CC-657
statements of the accused,
CC-542
Publishing or broadcasting
admission or confession,
CC-542 [542(2)]
Reading in evidence previously
taken, **CC-715**
Trial, **CC-655**
Young persons
extrajudicial measures,
YC-9, YC-10 [YC
10(4)]
requirements for admissibil-
ity, **YC-149**
statements of, **YC-149**
admissibility of, to person
in authority, **YC-146**
made in pre-sentence
report inadmissible,
YC-40 [YC 40(10)]
made on assessment
inadmissible,
YC-147
voluntariness, **YC-149**

ADULT

See also **COMPETENCE AND
COMPELLABILITY;**
**YOUTH CRIMINAL
JUSTICE ACT**
Definition of, **YC-2 [YC 2(1)]**

ADULTERY

Corrupting children, **CC-172**

ADVERSE WITNESSES

- Cross-examination without declaration of adversity, **CEA-9 [CE 9(2)]**
- Cross-examining adverse witness on prior statements, **CEA-9 [CE 9(1)], CEA-10, CEA-11**
- Procedure, **CEA-9 [CE 9(1)]**

ADVERTISING

- Counterfeit money or tokens, **CC-460 [460(1)(a)]**
- Cure for venereal disease, **CC-163**
- False prospectus, **CC-400**
- Invitation to bet on contest, **CC-202**
- Lottery scheme, **CC-206 [206(1)(a), (7)]**
- Method for causing abortion or miscarriage, **CC-163**
- Using likeness of bank note, **CC-457**

AFFIDAVITS

- See also CERTIFICATES; SOLEMN DECLARATIONS
- Administered abroad, **CEA-52, CEA-54**
- Affirmation in lieu of oath, **CEA-15**
- Appearance notice, proof of issue, **CC-501 [501(5)]**
- Banking records, proof of entry, **CEA-29 [CE 29(4)]**
- Business records
 - proof of copy, **CEA-30 [CE 30(3)]**

AFFIDAVITS—Cont'd

- Business records—Cont'd
 - proof of explanation of records, **CEA-30 [CE 30(4), (8)]**
- Canadian officials outside Canada, **CEA-52, CEA-54**
- Copy of telecommunication writing, affidavit or warrant, **CC-528 [528(1.1)]**
- Cross-examination on, **CC-4 [4(7)]**
- Declarations
 - see SOLEMN DECLARATIONS
- Deprivation of property, proof of, **CC-657.1**
- FALSE, **CC-131, CC-134**
- Foreign affidavit, **CEA-52, CEA-54**
- Government of Canada record, proof of entry, **CEA-26**
- Insurance, proof of loss, **CEA-42**
- Offences
 - administering oath without authority, **CC-138 [138(a)]**
 - false sworn statement, **CC-134**
 - International Criminal Court, **WC-22**
 - perjury, **CC-131**
 - pretended affidavit, **CC-138**
- Ownership and value of property, proof of, **CC-657.1**
- Photographic document, **CEA-31**

INDEX

AFFIDAVITS—Cont'd

- Photographic evidence of property, **CC-491.2 [491.2(4)]**
- Proof of ownership and value of property, **CC-657.1**
- Service of
 - any document, proof of, **CC-4 [4(6), (7)]**
 - subpoena, proof of, **CC-701**
 - summons, proof of, **CC-509 [509(3)]**
- Value of property, proof of, **CC-657.1**

AFFIRMATION

- See also **AFFIDAVITS; COMPETENCE AND COMPELLABILITY**
- Oath; **SOLEMN DECLARATIONS**
- Administered abroad, **CEA-52, CEA-54**
- In lieu of oath, **CEA-14, CEA-16**
- Perjury, liability for, **CEA-15 [CE 15(2)]**

AFFIRMATIVE ACTION, CH-15 [CH 15(2)]

AGE

- Adult, definition of, **YC-2 [YC 2(1)]**
- Child, definition of, **YC-2 [YC 2(1)]**
- Criminal responsibility, **CC-13**
- Date of birth, **CC-658**
- Mistake re age
 - child sexual abuse and exploitation material,

AGE—Cont'd

- Mistake re age—Cont'd
 - CC-163.1,**
 - § **CC163.1:1** to
 - § **CC163.1:3 [163.1(5)]**
 - sexual offences, **CC-150.1 [150.1(4), (5)]**
- Proof of, **CC-658, YC-148**
- Young persons
 - see also **YOUTH CRIMINAL JUSTICE ACT**
 - definition, **YC-2 [YC 2(1)]**
 - jurisdiction re age, **YC-14**
 - proof of age, **CC-658, YC-148**

AGENT

- Appearance by, **CC-800 [800(2), (3)]**
- Meaning of, **CC-426 [426(4)]**
- Pledging goods, when not theft, **CC-325**
- Secret commissions, **CC-426**

AGGRAVATED ASSAULT, CC-268

- Intoxication, when no defence, **CC-33.1**
- Trafficking in humans, committed while, **CC-279.01**

AGGRAVATED SEXUAL ASSAULT

- See also **SEXUAL ASSAULT**
- Intoxication, when no defence, **CC-33.1**
- Offence, **CC-273**
- Trafficking in humans, committed while, **CC-279.01**

AGRICULTURAL FAIR

Games permitted at, **CC-206 [206(3)]**

Licensed lotteries at, **CC-207 [207(1)(d)]**

AIDING AND ABETTING

See **PARTIES TO OFFENCES**
Aiding or abetting

AIRCRAFT

See also **MOTOR VEHICLES**

Airports. see **AIRPORT**

Impaired or over 80 mg
alcohol. see **Operating**,
infra

Arson

see **ARSON**

Assault on board, **CC-77 [77(a)]**

Breaking and entering, **CC-348**

Damage to aircraft in service,
CC-77 [77(c)]

Dangerous operation,
CC-320.13 [320.13(1)]

causing bodily harm,
CC-320.13 [320.13(2)]

causing death, **CC-320.13 [320.13(3)]**

Deemed in service, **CC-7 [7(9)]**

Demand for breath or blood
sample, **CC-320.27**

Endangering safety of aircraft,
CC-77

in flight, **CC-77 [77(g)]**

Explosive on board, **CC-78**

Failure to stop after accident,
CC-320.16

AIRCRAFT—Cont'd

Flight, **CC-7 [7(8)], CC-77 [77(g)]**

Fraud in obtaining transportation, **CC-393 [393(3)]**

Hijacking, **CC-76**

consent to prosecution of
non-citizen, **CC-7 [7(7)]**

first degree murder, **CC-231 [231(5)]**

outside Canada, **CC-7**

Hostage taking, **CC-7 [7(3.1)]**

Jurisdiction

over accused, **CC-7 [7(5), (5.1)]**

over offence, **CC-7 [7(1), (2)], CC-476**

Offence against internationally
protected person, **CC-7 [7(3)]**

Offences outside Canada

consent to prosecute non-
citizen, **CC-7 [7(7)]**

deemed in Canada, **CC-7 [7(1), (2)]**

inchoate offences, **CC-7 [7(2)(e)]**

prosecution outside Canada,
CC-7 [7(6)]

Operating

dangerous manner,
CC-320.13

definition, **CC-320.11**

demand for breath or blood
sample, **CC-320.27, CC-320.3**

impaired or over 80 mg.
alcohol, **CC-320.14**

INDEX

AIRCRAFT—Cont'd

- Operating—Cont'd
 - prohibition from, **CC-320.24**
- Pilot as peace officer, **CC-2**
- Placing endangering thing on board, **CC-77 [77(d)]**
- Rendering incapable of flight, **CC-77**
- Sabotage, **CC-52**
 - evidence of overt acts, **CC-55**
 - statement in indictment, **CC-581 [581(4)]**
- Transportation fraud, **CC-7 [7(3)]**
- Use of force to prevent offence, **CC-27.1**
- Weapon on board, **CC-78**

AIR GUN

- See also WEAPONS
- Discharging with intent, **CC-244.1**

AIR NAVIGATION FACILITIES

- Conspiracies, attempts, etc., outside Canada, **CC-7 [7(2)(c)]**
- Damage to airport, interference with facility, **CC-77 [77(e)]**

AIRPORT

- See also AIR NAVIGATION FACILITIES; AIRCRAFT
- Conspiracies, attempts, etc., outside Canada, **CC-7 [7(2)(d)]**

AIRPORT—Cont'd

- Damage to airport, interference with facility, **CC-77 [77(f)]**
- Damage to facilities, **CC-77 [77(f)]**
- Disruption of service, **CC-77 [77(f)]**
- Endangering safety, **CC-77**
- International civil aviation, **CC-7 [7(2)(d)], CC-77 [77(b)]**
- Violence using weapon, **CC-77 [77(b)]**

ALBERTA

- Appeal court defined for court of appeal, **CC-2**
 - place of hearing, **CC-814 [814(1)]**
 - proceedings re firearms prohibition orders, **CC-111**
 - summary conviction appeals, **CC-812**
- Attorney General, defined, **CC-2**
- Chief justice defined for emergency authorizations for interception of private communications, **CC-188 [188(4)]**
 - judicial review of ineligibility for parole, **CC-745.6 [745.6(1)]**
- Court defined for appeals, **CC-2**
 - criminal jurisdiction, **CC-2**
 - seizure warrants for hate propaganda publica-

ALBERTA—Cont'd

Court defined for—Cont'd
tions, **CC-320 [320(8)]**

seizure warrants for obscene
publications and child
sexual abuse and
exploitation material,
**CC-164, § CC164:1 to
§ CC164:3 [164(8)(b)]**

superior court of criminal
jurisdiction, **CC-2**

Court of appeal defined, **CC-2**

Court of criminal jurisdiction
defined, **CC-2**

Judge defined for
emergency authorizations for
interception of private
communications,
**CC-188 [188(1)],
CC-552**

Part XIX, Indictable
Offences Trial Without
Jury, **CC-552**

Part XVI, Compelling
Appearance of Accused
Before a Justice and
Interim Release,
CC-493

Language of accused, regula-
tions for Part XVII,
CC-533

Parole, application to reduce
ineligibility period,
CC-745.6

Summary conviction appeals
appeal court defined,
CC-812 [812(1)(d)]
place of hearing, **CC-814
[814(1)]**

ALBERTA—Cont'd

Superior court of criminal juris-
diction defined, **CC-2**

ALCOHOL

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

Abstention during conditional
sentence, **CC-742.3
[742.3(2)(a)]**

Intoxication, when no defence,
CC-33.1

ALIBI DEFENCE

Common law defences
preserved, **CC-8 [8(3)]**

ALIEN

Assisting enemy alien, **CC-50
[50(1)]**

Consent to prosecution
non-citizen, of, **CC-7 [7(7)]**
off-shore offences, re,
**CC-477.2, CC-477.3
[477.3(2)]**

Evidence of overt acts, **CC-55**

Juror, challenge for cause,
CC-638 [638(1)(d)]

ALTERNATIVE MEASURES

Admission of responsibility not
admissible, **CC-715.51,
§ CC717:1 to § CC717:3
[717(3)]**

Definitions, **CC-715.44,
§ CC716:1**

Not bar to subsequent proceed-
ings, **CC-715.52,**

INDEX

ALTERNATIVE MEASURES

—Cont'd

§ CC717:1 to § CC717:3
[717(4)]

Prerequisites to use,

CC-715.49, § CC717:1 to
§ CC717:3

Records of involvement in
alternative measures

application, CC-715.56,
§ CC717.1:1

disclosure, CC-715.6,
§ CC717.4:1 to
§ CC717.4:3

government records,
CC-715.59,
§ CC717.3:1,
§ CC717.3:2 [717.3(1)]

police records, CC-715.58,
§ CC717.2:1,
§ CC717.2:2

private records, CC-715.59,
§ CC717.3:1,
§ CC717.3:2 [717.3(2)]

When not available, CC-715.5,
§ CC717:1 to § CC717:3
[717(2)]

Young persons, YC-8, YC-12

AMENDMENTS

See INDICTMENTS AND
INFORMATIONS
Amendments

AMMUNITION

See WEAPONS

ANIMALS

Abandonment, CC-446
[446(1)(b)]

ANIMALS—Cont'd

Arena for fighting, CC-447

Bestiality, CC-160

Captivity, CC-445.2

Cattle

defacing brand, CC-338
[338(1)(b)]

definition, CC-2

fraudulent taking, CC-338

theft, CC-338 [338(2)]

Causing unnecessary suffering
to, CC-446

Cockpit, keeping, CC-447

Cruelty to, CC-446, CC-447

Dolphins, CC-445.2

Fighting, CC-160

Injuring or endangering,
CC-445, CC-445.01

Justification or excuse and
colour of right, CC-429
[429(2)]

Law enforcement and service
animals

killing or injuring,
CC-445.01, CC-718.03

Neglect while conveying,
CC-446

Ownership or custody while
prohibited, CC-447.1
[447.1(1)(a)]

Restitution for reasonable costs
of care, CC-447.1
[447.1(1)(b)]

Whales, CC-445.2

Wild animal, special property
in, when in captivity,
CC-322 [322(5)]

ANTIQUE FIREARM

Definition, **CC-84 [84(1), (3), (3.1)]**

APPEAL COURT

See **APPEALS**

APPEALS

See also **SUMMARY**

CONVICTION APPEALS

Abuse of process

see **ABUSE OF PROCESS**

Accused may appeal against conviction, **CC-675**

[675(1)(a)(i)]

period of ineligibility for parole, **CC-675**
[675(2)]

verdict of not criminally responsible on account of mental disorder or unfitness to stand trial, **CC-675 [675(3)]**

Amendments

see Powers of appellate court, *infra*/i

Appeal court

defined, **CC-2, CC-673, CC-812**

firearms appeals, **CC-111 [111(8)]**

Appellant's rights

see also Right of appeal against, *infra*

attend hearing, **CC-688 [688(1), (2)]**

present written argument, **CC-688 [688(3)]**

APPEALS—Cont'd

Application for leave to appeal
see Leave to appeal, *infra*

Attorney General

right of, to appeal, **CC-676, CC-693**

rights on appeal, **CC-696**

Bail pending appeal, **CC-679**

Bail review

see **JUDICIAL INTERIM RELEASE**

Certiorari, mandamus and prohibition, appeal from grant or refusal, **CC-784 [784(1), (2)]**

Contempt of court, **CC-10**

Costs, order re, **CC-676.1, CC-813 [813(a)(i)], CC-830 [830(1)]**

Counsel, appointment of court of appeal, by, **CC-684**
Supreme Court of Canada, by, **CC-694.1**

Court of appeal

defined, **CC-673**

dissenting judgment, **CC-677**

review of decision of single judge, **CC-680**

Crown appeals against

see also **QUESTION OF FACT/LAW**

acquittal, without leave, **CC-676 [676(1)(a), (2)]**

order quashing indictment, **CC-676 [676(1)(b), (c)]**

period of ineligibility for parole, **CC-676 [676(4)]**

INDEX

APPEALS—Cont'd

Crown appeals against
—Cont'd
sentence, with leave,
CC-676 [676(1)(d)]
verdict of unfitness to stand
trial, **CC-676 [676(3)]**
Dangerous offender appeals,
CC-759
Detention of things seized,
order for, **CC-490**
[490(7)]
Discharge, appeal from,
CC-730 [730(3)]
Dismissal, specifying grounds
of dissent, **CC-677**
Dismissal of appeal from
conviction
conviction proper on another
count, **CC-686**
[686(1)(b)(i)]
no substantial wrong or
miscarriage of justice,
CC-686 [686(1)(b)(iii)]
no unreasonable verdict or
wrong decision in law,
CC-686 [686(1)(a),
(b)(ii)]
Dissent in court of appeal
basis for appeal to Supreme
Court of Canada,
CC-691 [691(1)(a)],
CC-693 [693(1)(a)]
grounds of, to be specified,
CC-677
Election re new trial, **CC-686**
[686(5), (5.01)]
Error of law
see Questions of law, *infra*;

APPEALS—Cont'd

Error of law—Cont'd
QUESTION OF FACT/
LAW
Evidence, **CC-683 [683(1)(d)]**
Extension of time to appeal,
CC-678 [678(2)]
Extraordinary remedies
see CERTIORARI;
HABEAS CORPUS;
MANDAMUS; PRO-
HIBITION
Fitness to stand trial
see MENTAL DISORDER
Appeals; Fitness to
stand trial
Fresh evidence on appeal,
CC-683 [683(1)(d)]
Frivolous appeal, summary
determination by registrar,
CC-685
Grounds of appeal
see also Questions of law,
infra
miscarriage of justice,
CC-686 [686(1)(a)(iii),
(2)]
no substantial wrong or
miscarriage of justice,
CC-686 [686(1)(b)(iii)]
unreasonable verdict,
CC-686 [686(1)(a)(i),
(2)]
wrong decision on question
of law, **CC-686**
[686(1)(a)(ii), (2)]
Habeas corpus
granting of writ, no appeal,
CC-784 [784(4)]

APPEALS—Cont'd

Habeas corpus—Cont'd
 hearing of appeal, **CC-784 [784(6)]**
 judgment issued on return of writ, **CC-784 [784(5)]**
 refusal of application, **CC-784 [784(3)]**
 Indictment defined, **CC-673**
 Ineligibility for parole
 see PAROLE
 Insanity
 see MENTAL DISORDER
 Appeals
 Issues not raised at trial
 see Grounds of appeal, *supra*
 Judicial interim release
 see JUDICIAL INTERIM
 RELEASE; RELEASE
 FROM CUSTODY
 Judicial notice
 see JUDICIAL NOTICE
 Jurisdiction
 see Grounds of appeal,
 supra; Questions of law,
 infra; JURISDICTION;
 QUESTION OF FACT/
 LAW
 Jury trial, where requested by
 successful appellant,
 CC-686 [686(5)(a)]
 Leave to appeal
 on any ground that appears
 to be sufficient to court,
 CC-675 [675(1)]
 refusal of, by single judge
 and appeal to court,
 CC-675 [675(4)]

APPEALS—Cont'd

Leave to appeal—Cont'd
 sentence appeals, **CC-675 [675(1)(b)]**
 Supreme Court of Canada
 see Supreme Court of
 Canada, appeals to,
 infra
 Mental disorder
 see MENTAL DISORDER
 Miscarriage of justice
 see Grounds of appeal, *supra*
 New trial
 see Powers of appellate
 court, *infra*
 Non-publication ban
 see PUBLICATION BAN
 No substantial wrong or
 miscarriage of justice,
 CC-686 [686(1)(b)(iii)]
 Notice of appeal
 see also Procedure, *infra*;
 DOCUMENTS;
 FORMS AND
 SCHEDULES
 extension of time for,
 CC-678 [678(2)]
 jury trial may be requested
 in, **CC-686 [686(5)(a)]**
 substitutional service,
 CC-678.1
 Supreme Court of Canada,
 CC-694
 time for, **CC-678 [678(1)]**
 Old appeal procedure
 abolished, **CC-674**
 Order for compensation or
 restitution
 see also SENTENCE

INDEX

APPEALS—Cont'd

- Order for compensation or restitution—Cont'd
 - Compensation and restitution, Restitution orders
 - annulment or variation by court of appeal, **CC-689 [689(2)]**
 - suspension pending appeal, **CC-683 [683(5)]**, **CC-689 [689(1)]**
- Orders and obligations to register under Sex Offender Information Registration Act, **CC-490.014**, **CC-490.017**, **CC-490.024**, **CC-490.029**, **CC-490.02906**, **CC-490.0291**, **CC-490.02914**
- Parole ineligibility
 - see **PAROLE Ineligibility for parole**
- Powers of appellate court
 - affirm sentence of trial court, **CC-686 [686(3)(a)]**
 - allowing appeal, **CC-686 [686(1)(a), (2), (4)(b), (6)]**
 - amend indictment, **CC-683 [683(1)(g)]**
 - annul or vary order or restitution, **CC-689 [689(2)]**
 - see also **SENTENCE Compensation and restitution, Restitution orders**

APPEALS—Cont'd

- Powers of appellate court—Cont'd
 - assignment of counsel to appellant, **CC-684**
 - civil matters, powers in civil appeals, **CC-683 [683(3)]**
 - commissioner's report, **CC-683 [683(1)(f)]**
 - direction re court to hold new trial, **CC-686 [686(5)]**
 - dismiss appeal, **CC-686 [686(1)(b), (c), (3), (4)]**
 - election re new trial, **CC-686 [686(5)]**
 - evidence and witnesses, **CC-683 [683(1), (2)]**
 - inquiries and reports references, **CC-683 [683(1)(e)]**
 - insanity
 - see **MENTAL DISORDER**
 - judgment or verdict or acquittal, **CC-686 [686(2)(a)]**
 - new trial, **CC-686 [686(2)(b), (5), (6)]**
 - see also **INDICTMENTS AND INFORMATIONS; TRIAL**
 - order suspending fine, **CC-683 [683(5), (6)]**
 - order that justice requires, **CC-686 [686(8)]**
 - order the conclusion required by verdict and pass

APPEALS—Cont'd

Powers of appellate court
 —Cont'd
 sentence, **CC-686**
 [686(1)(c)]
 procedure and process,
 CC-683 [683(3), (4)]
 process of, exercised
 anywhere in Canada,
 CC-683 [683(4)]
 production, **CC-683**
 [683(1)(a)]
 see also DISCLOSURE
 AND DISCOVERY
 psychiatric assessment
 see MENTAL DISOR-
 DER; YOUTH
 CRIMINAL
 JUSTICE ACT
 sentence appeal, **CC-687**
 set aside conviction and find
 appellant unfit to stand
 trial or not criminally
 responsible on account
 of insanity, **CC-686**
 [686(1)(d)]
 substitute verdict and impose
 sentence, **CC-686**
 [686(1)(c)], CC-688
 [688(3)]
 summary determination of
 frivolous appeals,
 CC-685
 Supreme Court of Canada
 see Supreme Court of
 Canada, *infra*
 suspending fines, forfeitures,
 restitutions and
 surcharges, pending

APPEALS—Cont'd

Powers of appellate court
 —Cont'd
 appeal, **CC-683**
 [683(5)], CC-689
 unfitness
 see MENTAL DISOR-
 DER
 witnesses, **CC-683**
 [683(1)(b)]
 Presence of appellant/
 respondent, **CC-683**
 [683(2.1), (2.2)], CC-688
 Procedure, **CC-678, CC-687**
 see also Powers of appellate
 court, *supra*
 Proceeds of crime, forfeiture
 order, **CC-462.44**
 Proviso, **CC-686**
 [686(1)(b)(iii)]
 see also Grounds of appeal,
 supra
 Publication ban
 see PUBLICATION BAN
 Questions of law
 see also QUESTION OF
 FACT/LAW
 Crown appeals, **CC-676**
 [676(1)(a)]
 determination re
 complainant's sexual
 activity
 application for accused,
 CC-276.05
 application for prosecutor,
 CC-276.09
 joint application,
 CC-276.13

INDEX

APPEALS—Cont'd

Questions of law—Cont'd
determination re record of
personal informations
in possession of accused,
CC-278.34
in possession of prosecu-
tor, **CC-278.28**
in possession of third
party, **CC-278.19**
joint application,
CC-278.38
mental disorder disposition
or placement decision,
CC-672.72 [672.72(1)]
right of appeal of person
convicted, **CC-675**
[675(1)(a)(i)]
sexual activity, admissibility
re sexual offences,
CC-276, § CC278.97:1
Supreme Court of Canada,
CC-691 [691(1)]
Re-election re new trial,
CC-686 [686(5)]
Release pending appeal
see also JUDICIAL
INTERIM RELEASE
application of s. 525,
CC-679 [679(6)]
conviction, from, **CC-679**
[679(1)(a), (3)]
orders that may be made,
CC-679 [679(5)]
review, **CC-680**
sentence, from, **CC-679**
[679(1)(a), (4)]
Supreme Court of Canada,
to, **CC-679 [679(1)(c),**
(3)]

APPEALS—Cont'd

Release pending appeal
—Cont'd
undertaking, **CC-FORM 12**
written notice of application
required, **CC-679**
[679(2)]
Release pending new trial,
CC-679 [679(7)]
Remand for assessment
see MENTAL DISORDER
Remote appearance by accused,
CC-715.23, CC-715.24
Report by trial judge, **CC-682**
Right of appeal against
acquittal, **CC-676**
[676(1)(a), (2)]
conviction
with leave, **CC-675**
[675(1)(a)(ii),
675(1)(a)(iii)]
without leave, **CC-675**
[675(1)(a)(i)]
order
quashing indictment,
CC-676 [676(1)(b),
(c)]
respecting offence-related
property, **CC-490.1**
[490.1(3)], CC-490.6
respecting proceeds of
crime, **CC-462.44**
respecting property
obtained by crime,
CC-491.1, CC-673
period of ineligibility for
parole, **CC-675 [675(2),**
(4)]

APPEALS—Cont'd

Right of appeal against
—Cont'd
refusal of leave by single
judge, **CC-675 [675(4)]**
sentence, with leave,
**CC-675 [675(1)(b), (2),
(2.1)], CC-676
[676(1)(d), (4), (5)]**
verdict of not criminally
responsible on account
of mental disorder,
CC-675 [675(3)]
see also MENTAL DIS-
ORDER
verdict of unfitness to stand
trial, **CC-675 [675(3)],
CC-676 [676(3)]**
see also MENTAL DIS-
ORDER
Right to attend, **CC-688
[688(1), (2)]**
Right to present written argu-
ment, **CC-688 [688(3)]**
Rules of court re, **CC-482**
Sentence
appeal from, **CC-675
[675(1)(b), (2), (2.1)],
CC-676 [676(1)(d), (4),
(5)]**
definition, **CC-673, CC-785**
impose, in absence of appel-
lant, **CC-688 [688(4)]**
powers of court on appeal
against sentence,
CC-687
substitute verdict and impose
sentence, **CC-686
[686(1)(c)], CC-688
[688(3)]**

APPEALS—Cont'd

Service of notice of appeal
extension of time for,
CC-678 [678(2)]
substitutional service,
CC-678.1
to be given as directed by
rules, **CC-678 [678(1)]**
where respondent cannot be
found, **CC-678.1**
Sex offender information
exemption order,
**CC-490.024,
CC-490.025,
CC-490.02906**
obligation to comply with
Sex Offender Informa-
tion Registration Act,
CC-490.019
order to comply with Sex
Offender Information
Registration Act,
CC-490.014
termination order
obligation to comply with
Sex Offender Infor-
mation Registration
Act, **CC-490.029,
CC-490.0291,
CC-490.02914**
order to comply with Sex
Offender Information
Registration Act,
CC-490.017
Stated case
see SUMMARY CONVIC-
TION APPEALS Sum-
mary appeal on
transcript or agreed

INDEX

APPEALS—Cont'd

Stated case—Cont'd
statement of fact
Stay pending appeal
driving prohibition, **CC-680**
fine, **CC-683 [683(5)(a)]**
forfeiture, **CC-683**
[683(5)(b)]
proceeds of crime forfeiture
order, **CC-462.45**
restitution, **CC-683**
[683(5)(c)]
victim fine surcharge,
CC-683 [683(5)(d)]
Substituted verdict
see Powers of appellate
court, *supra*
Substitutional service of notice
of appeal, **CC-678.1**
Summary conviction appeals
see SUMMARY CONVIC-
TION APPEALS
Summary determination of
frivolous appeals, **CC-685**
Supreme Court of Canada,
appeals to
accused, by
acquittal set aside and
judge dissents,
CC-691 [691(2)]
conviction sustained, with
leave, **CC-691**
[691(1)(b)]
dissent in law in court of
appeal, **CC-691**
[691(1)(a)]
verdict of not criminally
responsible on
account of mental

APPEALS—Cont'd

Supreme Court of Canada,
appeals to—Cont'd
accused, by—Cont'd
disorder affirmed,
CC-692 [692(1)]
see also MENTAL DIS-
ORDER
appeal by Crown, **CC-693**,
CC-696
appellant's right to attend,
CC-694.2
assignment of counsel,
CC-694.1
dissent in court of appeal,
grounds of to be speci-
fied, **CC-677**
habeas corpus proceedings,
in, **CC-784**
notice of appeal, **CC-694**
powers of court of appeal,
CC-695 [695(1)]
question of law, **CC-691**
Time to appeal, **CC-678**
Transcripts, **CC-682 [682(2)-**
(5)]
Trial court defined, **CC-673**
Trial de novo
see SUMMARY CONVIC-
TION APPEALS
Trial judge's report, **CC-682**
[682(1)]
Trial without jury, new trial
ordered, **CC-686 [686(5)]**
Youth Criminal Justice Act,
YC-37

APPEARANCE

See also APPEARANCE
NOTICE; JUDICIAL

APPEARANCE—Cont'd

INTERIM RELEASE;
RELEASE FROM
CUSTODY
Accused required to appear
offences not in a province,
CC-477.4 [477.4(2)],
CC-481
Act committed outside Canada,
appearance at trial, **CC-7**
[7(5.1)]
Agents
corporations, **CC-800**
[800(3)]
summary conviction
proceedings, **CC-800**
[800(2), (3)]
Compelling appearance of
accused, **CC-572**
Default of appearance, proce-
dure, **CC-622**
First appearance, preliminary
inquiry commences
see PRELIMINARY
INQUIRY Jurisdiction
Judge defined for Part XVI,
CC-493
Notice
see APPEARANCE
NOTICE
Organizations
agent, by, **CC-800 [800(3)]**
appearance and plea by
counsel, **CC-620**
preliminary inquiry, at,
CC-538
trial by provincial court
judge, at, **CC-556**

APPEARANCE—Cont'd

Probation order, modification
of, compelling appearance
of accused for, **CC-732.2**
[732.2(6)]
Summary conviction proceed-
ings
appearance by
both parties, trial to
proceed, **CC-800**
[800(1)]
corporate defendant,
CC-800 [800(3)]
counsel or agent, **CC-800**
[800(1)]
compelling personal appear-
ance, **CC-800 [800(2)]**
ex parte procedure, **CC-803**
[803(2), (3)]
failure to appear, **CC-803**
[803(2)-(4)]
non-appearance of
defendant, **CC-803**
[803(2), (3)]
prosecutor, **CC-799,**
CC-803 [803(4)]
prosecutor, failure to appear,
CC-799, CC-803
[803(4)]
Television or other means,
CC-537 [537(1)(j)],
CC-650 [650(1.1), (1.2)]
Young persons, statement of
right to counsel to be
included in process com-
pelling appearance,
YC-25 [YC 25(9)]

INDEX

APPEARANCE NOTICE

- Cancellation of by justice,
CC-508 [508(1)(b), (c)]
- Confirmation of by justice,
CC-508 [508(1)(b)]
- Contents, **CC-500, CC-501 [501(1)-(3)]**
- Continuation of, pending granting of discharge, **CC-730 [730(2)]**
- Definition, **CC-2**
- Duration, **CC-730 [730(2)]**
- Failure to appear on
generally, **CC-512.2**
offence, and proof by certificate, **CC-145 [145(5), (8)-(11)]**
summary conviction proceedings, **CC-803 [803(2), (3)]**
warrant re fingerprinting, **CC-502**
- Form, **CC-FORM 9**
- Issued by peace officer
after arrest without warrant, **CC-497**
person not yet charged with an offence, **CC-FORM 9**
where not arrested, **CC-496**
- Issued on holiday, valid, **CC-20**
- Period in force, **CC-523 [523(1), (1.1)]**
- Proof by oral evidence of issuing officer, **CC-501 [501(5)]**
- Right to counsel statement to be included re young

APPEARANCE NOTICE

—Cont'd

- persons, **YC-25 [YC 25(9)]**
- Signing by accused, **CC-501 [501(4)]**
- Vacating previous order, **CC-523 [523(2)]**

APPEARANCE OF JUSTICE

- See **CHARTER OF RIGHTS**
Fair and public hearing;
Fundamental justice;
JUDGES Adjudication

APPROVED SCREENING DEVICE

- See **BREATHALYZER**

ARBITRARY DETENTION OR IMPRISONMENT, CH-9

- See also **CHARTER OF RIGHTS**

ARMED FORCES

- See **CANADIAN FORCES**

ARRAIGNMENT

- See **PLEAS; TRIAL** Arraignment and plea

ARREST

- See also **CHARTER OF RIGHTS** Arbitrary detention or imprisonment;
Arrest or detention;
RESISTING ARREST
- Arbitrary detention or imprisonment, **CH-9**

ARREST—Cont'd

Arrest of accused on release
see JUDICIAL INTERIM
RELEASE

Arrest without warrant re out-
of-province offence,
CC-503 [503(3)]

Assault with intent to resist
arrest, **CC-270**

Bench warrant, **CC-597**

Breach of peace, **CC-31 [31(1)]**

Charter of Rights, **CH-10**

Citizen's arrest, **CC-494**

Common gaming house, keeper
or person in, **CC-199**
[199(2)]

Conditional release of accused,
CC-503

Consent of Attorney General re
offences on ship registered
outside Canada, **CC-477.3**
[477.3(3)]

Criminal offence, arrest for,
CC-495 [495(1)(b)]

Delivery to peace officer by
citizen, **CC-30, CC-31**
[31(2)], CC-494 [494(3)]

Discharging air gun with intent
to prevent, **CC-244.1**

Discharging firearm with intent
to prevent, **CC-244**

Duty not to arrest, **CC-495**
[495(2), (3)]

Duty to inform person arrested,
CC-29 [29(2), (3)],
CH-10 [CH 10(a), (b)]

Entry of dwelling-house to
effect arrest
authorization, **CC-529**

ARREST—Cont'd

Entry of dwelling-house to
effect arrest—Cont'd
conditions in warrant,
CC-529.2
telewarrant, **CC-529.5**
warrant, **CC-529, CC-529.1**
without announcement,
CC-529.4
without warrant in exigent
circumstances,
CC-529.3

Excessive force, **CC-26**

Execution of duty, failure to
assist officer, **CC-129**
[129(b)]

Failure to assist public or peace
officer, **CC-129 [129(b)]**

Finds committing
citizen's arrest, **CC-494**
[494(1)(a), (2)]
police powers, **CC-495**
[495(1)(b)]

Force, use of, **CC-25 [25(4)],**
CC-26, CC-27, CC-32

Found
see Territorial jurisdiction,
infra

Fresh pursuit, **CC-494**
[494(1)(b)(ii)]

Hot pursuit, **CC-477.3,**
CC-494 [494(1)(b)(ii)]

Identification, arrest for,
CC-495 [495(2), (3)]

Informing of reasons for,
CC-29 [29(2)], CH-10
[CH 10(a)]

Jurisdiction
see Hot pursuit, supra; Ter-

INDEX

ARREST—Cont'd

Jurisdiction—Cont'd
 ritorial jurisdiction,
 infra; JURISDICTION
 Territorial
Material witnesses, **CC-698**,
 CC-704, **CC-706**
Mental disorder
 see MENTAL DISORDER
Mistake, **CC-28**
Outside Canada, **CC-477.3**
Police officer, **CC-495**
Private person, **CC-494**
Protection of persons acting
 under authority, **CC-25**
 [25(3), (4)], **CC-28**,
 CC-32 [32(3)]
Reasonable and probable
 grounds
 about to commit, **CC-495**
 [495(1)(a)]
 arbitrary detention or
 imprisonment, **CH-9**
 citizen in hot pursuit,
 CC-494 [494(1)(b)]
 police powers, **CC-495**
Reasons for arrest, **CC-29**
 [29(2)], **CH-10 [CH**
 10(a)]
Release from custody, **CC-497**,
 CC-503
Resisting
 assault with intent, **CC-270**
 [270(2)]
Right to counsel
 informing of right on arrest
 or detention, **CH-10**
 [CH 10(b)]

ARREST—Cont'd

Right to counsel—Cont'd
 statement of right in warrant
 for young person,
 YC-25 [YC 25(9)]
Search and seizure, **CH-8**
Security guard, **CC-494**
Surrender to peace officer,
 CC-30, **CC-31**, **CC-494**
 [494(3)]
Taking arrested person before
 justice, **CC-503 [503(1),**
 (3)], **CC-515**, **CC-706**
Territorial jurisdiction,
 CC-477.3, **CC-495**
 [495(1)(c)], **CC-503**
 [503(3)], **CC-504**
 [504(a)], **CC-514**,
 CC-703
Warrant, **CC-FORM 7**
 after indictment
 filed, **CC-578 [578(1)(b)]**
 preferred, **CC-597**
 arrest of accused on release
 see JUDICIAL INTERIM
 RELEASE
 committal warrant, execu-
 tion, **CC-744**
 contents, **CC-511 [511(1)],**
 CC-513
 copy of telecommunication
 writing, affidavit or
 warrant, **CC-528**
 [528(1.1)]
 defaulting witness, **CC-704**,
 CC-706
 definition, **CC-493**
 directed to whom, **CC-513**

ARREST—Cont'd

Warrant, **CC-FORM 7**

—Cont'd

duty to have and produce
warrant, **CC-29 [29(1),
(3)]**

duty to relate particulars,
CC-29 [29(2)]

endorsement of warrant,
CC-528

backing of warrant,
CC-528

other provinces, in,
CC-528 [528(1)]

execution, **CC-514**

another jurisdiction after
endorsement, in,
CC-528

anywhere in Canada/
province, **CC-514
[514(1)(b)], CC-703**

form, **CC-FORM 7**

issuing, **CC-507 [507(1)],
CC-508 [508(1)(b)(ii)],
CC-512, CC-513**

material witness, **CC-698,
CC-704, CC-706**

production, **CC-29**

protection

arresting wrong person, re,
CC-28 [28(1)]

persons assisting, of,
**CC-25 [25(2)],
CC-28 [28(2)(a)],
CC-31, CC-32
[32(3)]**

prison keeper, of, **CC-28
[28(2)(b)]**

ARREST—Cont'd

Warrant, **CC-FORM 7**

—Cont'd

right to counsel, statement of
right in warrant for
young persons, **YC-25
[YC 25(9)]**

summary conviction
proceedings, **CC-788
[788(2)]**

territorial jurisdiction
anywhere in Canada,
CC-703 [703(1)]

throughout the province,
CC-703 [703(2)]

valid until executed, **CC-511
[511(2)]**

young persons, suspension of
conditional supervision,
YC-107

Warrantless

about to commit, **CC-495
[495(1)(a)]**

arrest by
anyone, **CC-494 [494(1)]**
owner, **CC-494 [494(2)]**

breach of the peace, **CC-30,
CC-31**

citizen's arrest, **CC-30,
CC-31, CC-494**

common gaming house,
CC-199 [199(2)]

contravention of assessment
order or disposition,
CC-672.91

criminal offence, **CC-494
[494(1)(b), (2)],
CC-495 [495(1)(b)]**

INDEX

ARREST—Cont'd

Warrantless—Cont'd

duty not to arrest, **CC-495**
[**495(2)**, (**3**)]

duty to deliver arrested
person to peace officer,
CC-494 [**494(3)**]

impractical to inform of rea-
son for arrest, **CC-29**
[**29(2)**]

indictable offence, **CC-494**
[**494(1)(a)**], **CC-495**
[**495(1)(a)**]

out-of-province offence,
CC-503 [**503(3)**, (**3.1**)]

peace officer, arrest by,
CC-31, **CC-495**

prevent commission of
offence, **CC-27**

property, arrest, **CC-494**
[**494(2)**]

release of accused, **CC-497**,
CC-503

riots, suppression of, **CC-32**
young persons, suspension of
conditional supervision,
YC-107 [**YC 107(3)**]

Without warrant

see Warrantless, *supra*

Witnesses, **CC-704**, **CC-706**

Wrong person, **CC-28**

ARSON

Colour of right or lawful
excuse, **CC-429** [**429(2)**]

Compulsion, duress, no
defence, **CC-17**

Defence of colour of right or
lawful excuse, **CC-429**
[**429(2)**]

ARSON—Cont'd

Definition

arson, **CC-433**, **CC-436**
property, **CC-428**, **CC-433**,
CC-436

Fraudulent purpose, arson for,
CC-435

Mens rea, **CC-433**

presumption against holder
or beneficiary of insur-
ance, **CC-435** [**435(2)**]

property
accused owns, **CC-434.1**
fraudulent purpose, for,
CC-435

not wholly owned by
accused, **CC-434**

violation of fire prevention
law, **CC-436**

Negligence, arson by, **CC-436**

Ownership, **CC-433**, **CC-436**

Possession of incendiary mate-
rial, **CC-436.1**

Presumption

against holder or beneficiary
of insurance, **CC-435**
[**435(2)**]

deemed wilfully to cause
event to occur, **CC-429**
[**429(1)**]

Property

definition of, **CC-428**,
CC-433, **CC-436**

ownership of, **CC-433**,
CC-436

Sentence, **CC-433**, **CC-436**

Threat of, against internation-
ally protected person,
CC-424

ARSON—Cont'd

Wilfully causing event to occur,
CC-429 [429(1)]

ASSAULT

See also **SEXUAL ASSAULT**

Aggravated, **CC-268**

Assault with intent to resist
arrest, **CC-129, CC-270**
[270(1)(b)]

Bodily harm, defined, **CC-2**

Causing bodily harm, **CC-267**
[267(b)]

Compulsion no defence, **CC-17**

Consent, **CC-265 [265(3), (4)]**

Definition, **CC-265**

Drunkenness, when no defence,
CC-33.1

Honest belief, defence of,
CC-265 [265(4)]

Impeding legal process,
CC-270 [270(1)(c)]

Included offences
see **INCLUDED**
OFFENCES

Internationally protected person
outside Canada, **CC-7 [7(3)]**
threat of assault, **CC-424**

Intoxication, when no defence,
CC-33.1

Offence, **CC-266**

Police or peace officer,
CC-129, CC-270
[270(1)(b)]

assault with intent to resist
arrest, **CC-270**
[270(1)(b)]

execution of duty, **CC-270**
[270(1)(a)]

ASSAULT—Cont'd

Prize fight, **CC-83**

Self-defence, **CC-34**

Self-induced intoxication,
when no defence,
CC-33.1

Sexual assault

see **SEXUAL ASSAULT**

Weapon, with, **CC-267**
[267(a)]

ASSESSMENT

See **MENTAL DISORDER**

ASSISTANCE ORDER

In aid of execution of authori-
zation or warrant,
CC-487.02

ASSISTING

See **PARTIES TO OFFENCES**

ATTEMPTS

See also **INCLUDED**
OFFENCES

Actus reus, **CC-24 [24(2)]**

Attempt charged, full offence
proved, **CC-661**

Attorney General of Canada,
attempts other than under
Criminal Code, **CC-2**

Autrefois convict, **CC-661**
[661(2)]

Corruption by
judicial officer, **CC-119**
[119(1)]

municipal official, **CC-123**
[123(2)]

Counselling
see **PARTIES TO**
OFFENCES

INDEX

ATTEMPTS—Cont'd

- Definition, **CC-24 [24(1), 24(2)]**
- Fixed platforms, **CC-7 [7(2.1)]**
- Full offence charged, attempt proved, **CC-660**
- Manslaughter
 - see **MANSLAUGHTER**
- Mere preparation, question of law, **CC-24 [24(2)]**
- Murder, **CC-239**
- Obstruct justice, **CC-139**
- Offences other than under Criminal Code, Attorney General of Canada, **CC-2**
- Outside Canada re aircraft, airports, **CC-7 [7(2)(e)]**
- Overt act, **CC-24 [24(2)]**
- Sentence
 - indictable offence where punishment not provided, **CC-463 [463(a), (b), (d)]**
 - summary conviction offence, **CC-463 [463(c), (d)]**
- Utter forged document, **CC-368 [368(1)(b)]**
- Verdicts
 - attempt charged, full offence proved, **CC-661**
 - full offence charged, attempt proved, **CC-660**

ATTORNEY GENERAL/SOLICITOR GENERAL

- See also **PROSECUTOR**
- Abuse of process
 - see Stay of proceedings, *infra*

ATTORNEY

GENERAL/SOLICITOR GENERAL—Cont'd

- Acting Attorney General, **CC-2**
- Appeals
 - see also **APPEALS**; **SUMMARY CONVICTION APPEALS**
 - indictable offences, **CC-696**
 - summary conviction offences, **CC-813, CC-839 [839(5)]**
- Attorney General of Canada
 - attempts, conspiracy, counselling, offences other than under Criminal Code, **CC-2**
 - intervention by, **CC-579.1**
 - territories, with respect to, **CC-2**
- Consent to
 - institute proceedings
 - see prosecute, *infra*
 - prefer direct indictment, **CC-577**
- prosecute
 - see also **INDICTMENTS AND INFORMATIONS**
 - abduction, where no custody order, **CC-283 [283(2)]**
 - advocating genocide, **CC-318 [318(3)]**
 - fraudulent concealment of title documents, **CC-385**
 - hate propaganda, **CC-319 [319(6)]**

ATTORNEY

GENERAL/SOLICITOR

GENERAL—Cont'd

Consent to—Cont'd
 prosecute—Cont'd
 non-citizen for offence on
 territorial sea,
 CC-477.2 [477.2(2)]
 nudity, **CC-174 [174(3)]**
 obscenity, if forfeiture
 ordered, **CC-164**
 [164(7)]
 offences in or on territorial
 seas, **CC-477.2**
 preferring indictment,
 CC-574, CC-577
 [574(3)]
 recognizance, where fear
 of criminal organiza-
 tion offence,
 CC-810.01
 [810.01(1)]
 terrorism offences,
 CC-83.24
 terrorism recognizance,
 CC-83.3 [83.3(1)],
 CC-810.011
 [810.011(1)]
 war crimes, **WC-9 [WC**
 9(3)]
 recommence proceedings
 dismissed for want of
 prosecution, **CC-485.1**
 trial without jury, superior
 court, **CC-473**
 Counsel instructed by him for
 the purpose, **CC-579**
 [579(1)]
 Definition, **CC-2**

ATTORNEY

GENERAL/SOLICITOR

GENERAL—Cont'd

Intervention by Attorney Gen-
 eral of Canada, **CC-579.1,**
CC-795
 Jurisdiction, concurrent,
CC-2.3
 Preferring indictment, **CC-574,**
CC-577
 Proceeds of crime
 application for
 disclosure of income tax
 information,
 CC-462.48
 in rem forfeiture hearing,
 CC-462.38
 restraint order, **CC-462.33**
 copies may be made by
 Attorney General before
 return, **CC-462.46**
 forfeiture of property on
 conviction, **CC-462.37**
 regulations may be made by
 Attorney General for
 forfeited property,
 CC-462.5
 residual disposal of property
 seized or dealt with
 pursuant to special war-
 rants or restraint orders,
 CC-462.43
 search warrant application,
 CC-462.32
 undertakings by Attorney
 General, **CC-462.33**
 [462.33(6)]
 Requirement of jury trial,
 CC-568, CC-569

INDEX

ATTORNEY

GENERAL/SOLICITOR

GENERAL—Cont'd

Solicitor General, **CC-2**

Stay of proceedings, **CC-579**,
CC-579.1 [579.1(2)],
CC-795

counsel instructed for the
purpose, **CC-579**
[579(1)]

recommencement of
proceedings, **CC-579**
[579(2)]

Summary conviction appeals,
CC-839 [839(5)]

see also SUMMARY
CONVICTION
APPEALS

AUDIOCONFERENCE

See also AUDIO LINKS;
VIDEOCONFERENCE;
VIDEO LINKS

Definition, **CC-2**

AUDIO LINKS

See also VIDEO LINKS

Evidence deemed to be given
in judicial proceedings,
CC-136 [136(1.1)]

Evidence may be received on
consent, **CC-714.8**

Party calling witness to pay
costs associated with
technology, **CC-714.7**

Witness inside Canada
judge may make order,
CC-714.3

subpoena may issue,
CC-700.1

AUDIO LINKS—Cont'd

Witness outside Canada

evidence deemed to be given
in Canada, **CC-714.6**

evidence may be received,
CC-714.4

evidence to be given under
oath, etc., **CC-714.5**

AUTOMOBILE

See also AUTOMOBILE

MASTER KEY; MOTOR
VEHICLES

Theft of, **CC-333.1**

Vehicle identification number,
tampering with, **CC-353.1**

AUTOMOBILE MASTER KEY

Definition, **CC-353 [353(5)]**

Licence to sell, purchase, have
in possession, **CC-353**
[353(2)]

Offence, failure to comply,
CC-353 [353(4)]

Purchase, have in possession
without licence, **CC-353**
[353(1)]

Records, keeping and produc-
ing, **CC-353 [353(3)]**

Selling, offering, advertising
without licence, **CC-353**
[353(1)]

AUTREFOIS ACQUIT, CC-607, CC-610

See also RES JUDICATA

AUTREFOIS CONVICT, CC-607, CC-610

See also RES JUDICATA

BAIL

See JUDICIAL INTERIM
RELEASE

**BAILEE, THEFT OF THINGS
UNDER SEIZURE,
CC-324**

**BANK ACT, FRAUDULENT
RECEIPTS UNDER,
CC-390**

BANK NOTE, CC-2

See also CURRENCY
OFFENCES

BEING AT LARGE

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

BENCH WARRANT, CC-597

See also ARREST

BENEFIT

See also CORRUPTION
Conferring on official, **CC-121**
Influencing appointment of
office to obtain, **CC-125**
Municipal corruption, **CC-123**
Secret commission, **CC-426**

**BENEFIT OF LESSER
PUNISHMENT, CH-11
[CH 11(i)]**

**BESETTING, CC-423
[423(1)(f), (2)]**

BESTIALITY, CC-160

See also SEXUAL OFFENCES

BETTING

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

**BETTING AND GAMING
OFFENCES**

See also DISORDERLY
HOUSE; KEEPER; LOT-
TERIES

Bet, defined, **CC-197** [197(1)]

Betting, pool-selling, book-
making, etc., **CC-202**

Book-making
exemptions to offences,
CC-204 [204(1)]
offences, **CC-199**
punishment, **CC-202**
[202(2)]

Cheating at play, **CC-209**

Common betting house
definition, **CC-197** [197(1)]
exemptions, **CC-204**
[204(1)]

found in, **CC-201**
[201(2)(a)], **CC-204**
[204(1)]

keeper, **CC-197** [197(1)],
CC-201 [201(1)],
CC-204 [204(1)]

keeping, **CC-201** [201(1)],
CC-204 [204(1)]

permitting use, **CC-201**
[201(2)(b)], **CC-204**
[204(1)]

INDEX

BETTING AND GAMING OFFENCES—Cont'd

- Common betting house
 - Cont'd
 - search warrant re suspected offence, **CC-199 [199(1)]**
- Common gaming house
 - definition, **CC-197 [197(1), (2)]**
 - exception re social club, **CC-197 [197(2), (3)]**
 - exemptions, **CC-204 [204(1)]**
 - keeper, **CC-197 [197(1)], CC-201 [201(1)], CC-204 [204(1)]**
 - keeping, **CC-201 [201(1)], CC-204 [204(1)]**
 - owner permitting use, **CC-201 [201(2)(b)]**
 - part of game played elsewhere, effect, **CC-197 [197(4)]**
 - person found in, **CC-201 [201(2)(a)]**
 - search warrant re suspected offence, **CC-199 [199(1)]**
 - stake held elsewhere, effect, **CC-197 [197(4)]**
 - used on one occasion only, **CC-197 [197(4)]**
- Equipment
 - see Gaming equipment, *infra*
- Exception re agricultural fair, **CC-206 [206(3)]**

BETTING AND GAMING OFFENCES—Cont'd

- Exemptions re
 - international cruise ship, **CC-207.1**
 - pari-mutual system, **CC-204**
- Game defined, **CC-197 [197(1)]**
- Gaming equipment, defined, **CC-197 [197(1)]**
- Keeper, **CC-197 [197(1)], CC-201 [201(1)]**
- Keeping, **CC-201 [201(1)], CC-204 [204(1)]**
- Lotteries and games of chance, **CC-206**
- Off-track betting, **CC-203**
- Permitted lotteries, **CC-207**
- Placing bets on behalf of others, **CC-203**
- Pool-selling
 - exemptions, **CC-204 [204(1)]**
 - offences re, **CC-202 [202(1)]**
 - punishment, **CC-202 [202(2)]**
 - search warrant re, **CC-199 [199(1)]**
- Race meetings, **CC-204**

BETTING HOUSE

- See BETTING AND GAMING OFFENCES;
DISORDERLY HOUSE;
LOTTERIES

BIGAMY

- Defences, **CC-290 [290(2)]**
- Definition, **CC-290 [290(1)]**

BIGAMY—Cont'd

Former marriage
acts of accused not to
invalidate, **CC-290**
[**290(5)**]
deemed valid until proved
invalid, **CC-290**
[**290(4)**]
Form of marriage defined,
CC-214
Incompetence to marry, no
defence, **CC-290** [**290(3)**]
Marriage certificate as evi-
dence, **CC-291** [**291(2)**]
Punishment, **CC-291** [**291(1)**]

BILL OF INDICTMENT

See INDICTMENTS AND
INFORMATIONS

**BINDING OVER TO KEEP
THE PEACE, CC-810,
CC-810.1 [810(3), 810.1]**

See also PEACE BOND

BLACKMAIL

See EXTORTION

BLOOD SAMPLES

See also BREATHALYZER;
OVER 80
Admissibility of test results,
CC-320.31
Approved container defined,
CC-320.11
Certificate of analysis,
CC-320.32
Demand for, **CC-320.28**
[**320.28(1)(a)(ii)**, **(1)(b)**,
(2)(b)]

BLOOD SAMPLES—Cont'd

Presumption, blood alcohol
concentration, **CC-320.31**
[**320.31(4)**]
Procedure for taking,
CC-320.28 [**320.28(6)**,
(7)]
Qualified medical practitioner
certificate of re blood
sample, **CC-320.32**
defined, **CC-320.11**
no criminal or civil liability,
CC-320.37
taking samples, **CC-320.28**
[**320.28(1)(a)(ii)**, **(2)(b)**,
(4)(b)]
Qualified technician,
CC-320.29
Refusal to provide sample,
offence, **CC-320.15**
Release of specimen for test-
ing, **CC-320.28**
[**320.28(10)**]
Testing for drugs, **CC-320.3**
Warrant to obtain, **CC-320.29**

BOAT

See SHIPS

BODILY HARM

See also ASSAULT
Acceleration of death by bodily
injury, **CC-226**
Assault causing bodily harm,
CC-267 [**267(b)**], **CC-272**
[**272(1)(c)**]
Causing bodily harm
intent, with, **CC-244**,
CC-244.1

INDEX

BODILY HARM—Cont'd

Causing bodily harm—Cont'd
unlawfully, **CC-269**

Compulsion by threats no
defence, **CC-17**

Criminal negligence causing,
CC-221

Death

see also **DEATH**

treatment of injury, from,
CC-225

Definition of bodily harm,
CC-2

Included offences, **CC-662**
[**662(5)**]

Setting trap to cause, **CC-247**

Sexual assault causing bodily
harm, **CC-272 [272(1)(c)]**

Sovereign, bodily harm
evidence of overt acts,
CC-55

indictment, overt acts to be
stated, **CC-581 [581(4)]**

Unlawfully causing bodily
harm

see *Causing bodily harm*,
supra

BOOK-MAKING

See **BETTING AND GAMING**
OFFENCES

BOUNDARIES

See also **JURISDICTION**

Defence of colour of right or
lawful excuse, **CC-429**
[**429(2)**]

Interference with

boundary lines, **CC-442**

exception re surveyors,
CC-443 [443(2)]

BOUNDARIES—Cont'd

Interference with—Cont'd
international marks, **CC-443**
[**443(1)**]

BOXING

Prize fights prohibited, **CC-83**
[**83(1)**]

Defence for certain boxing
contests, **CC-83 [83(2)]**

BREACH OF CONTRACT

See **CRIMINAL BREACH OF**
CONTRACT

BREACH OF PEACE

Arrest for, **CC-31 [31(1)]**

Peace officer receiving person
arrested for, **CC-31**
[**31(2)**]

Prevention by person witness-
ing, **CC-30**

BREACH OF PROBATION

See also **SENTENCE** *Proba-*
tion

Certificate of analyst re drugs,
CC-729

Compliance with, **CC-732.1**
[**732.1(5)**]

Jurisdiction, **CC-733.1**
[**733.1(2)**]

Offence, **CC-733.1 [733.1(1)]**

BREACH OF **RECOGNIZANCE,** **CC-811**

BREACH OF TRUST

Aggravating factor in sentenc-
ing, **CC-718.2**

BREACH OF TRUST—Cont'd

[718.2(a)(iii)]

Criminal breach of trust,

CC-336

Public officer, by, **CC-122**

BREAKING AND ENTERING

Break defined, **CC-321**

Breaking out, **CC-348**

[348(1)(c)]

Break-in instruments, possession of, **CC-351** [351(1)]

Committing offence, and, **CC-348** [348(1)(b)]

Entering

defined, **CC-350** [350(a)]

dwelling house, **CC-349**

Forcible entry, **CC-72**, **CC-73**

Home invasion, **CC-348.1**

Place defined, **CC-348** [348(3)]

Possession of instruments, for breaking into coin-operated or currency exchange device, **CC-352**

house-breaking, **CC-351** [351(1)]

Presumptions

breaking in/out, **CC-348** [348(2)]

deemed to have broken and entered, **CC-350** [350(b)]

entering or being in dwelling house, **CC-349** [349(2)]

BREAK-IN INSTRUMENTS

See **BREAKING AND ENTERING**

BREATHALYZER

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

Analysis of sample admissibility in evidence, **CC-320.31**

certificate of analysis, **CC-320.32**

Certificate of analysis, **CC-320.32**

Definitions

analyst, **CC-320.11**

approved container, **CC-320.11**

approved instrument, **CC-320.11**

approved screening device, **CC-320.11**

qualified medical practitioner, **CC-320.11**

qualified technician, **CC-320.11**

Demand for breath sample breathalyzer demand, **CC-320.28**

evidence of failure to comply, admissible, **CC-320.31** [320.31(10)]

failure to comply, **CC-320.15**

roadside screening demand, **CC-320.27**

Evidence of refusal to provide sample, **CC-320.31** [320.31(10)]

Failure to provide breath sample, **CC-320.15**

INDEX

BREATHALYZER—Cont'd

- Over 80, **CC-320.14**
[**320.14(1)(b)**]
- Printout from approved instrument, **CC-320.33**
- Refusal to provide sample,
CC-320.15
- Right to counsel
see **RIGHT TO COUNSEL**
- Warning re evidence not
required, **CC-320.31**
[**320.31(7)**]

BRIBERY

- See **CORRUPTION**

BRITISH COLUMBIA

- Appeal court defined for
court of appeal, **CC-2**
place of hearing, **CC-814**
[**814(3)**]
- proceedings re firearms prohibition orders, **CC-111**
see also **WEAPONS** Firearms
- summary conviction appeals,
CC-812
- Attorney General, **CC-2**
- Chief justice defined for
emergency authorizations for
interception of private
communications,
CC-188 [188(4)]
see also **INTERCEPTION**
OF PRIVATE COMMUNICATIONS
Emergency
authorizations

BRITISH COLUMBIA

—Cont'd

- Chief justice defined for
—Cont'd
judicial review of ineligibility for parole, **CC-745.6**
[**745.6(3)(e)**]
see also **PAROLE** Ineligibility for parole
- Court defined for
appeals, **CC-2**
criminal jurisdiction, **CC-2**
seizure warrants for hate
propaganda publications,
CC-320
[**320(8)(d)**]
see also **HATE PROPAGANDA; SEARCH AND SEIZURE**
- seizure warrants for obscene
publications and child
pornography
see also **OBSCENITY; SEARCH AND SEIZURE**
- seizure warrants for obscene
publications and child
sexual abuse and
exploitation material,
CC-164, § CC164:1 to § CC164:3 [164(8)(d)]
- superior court of criminal
jurisdiction, **CC-2**
- Judge defined for
emergency authorizations for
interception of private
communications,
CC-188 [188(1)],
CC-552 [552(e)]
see also **INTERCEPTION**

BRITISH COLUMBIA

—Cont'd

Judge defined for—Cont'd
emergency authorizations for
interception of private
communications,
CC-188 [188(1)],
CC-552 [552(e)]

—Cont'd

OF PRIVATE COM-
MUNICATIONS

judicial interim release,
CC-493

Part XIX of Criminal Code,
CC-552 [552(e)]

see also INDICTABLE
OFFENCES Trial by
judge alone; TRIAL
Judge alone trial

Part XVI of Criminal Code,
CC-493

see also JUDICIAL
INTERIM
RELEASE;
RELEASE FROM
CUSTODY

Language of accused, regula-
tions for Part XVII,
CC-533

see also LANGUAGE OF
ACCUSED

Parole, application to reduce
ineligibility period,
CC-745.6

see also PAROLE

Summary conviction appeals
appeal court defined,
CC-812 [812(1)(c)]

BRITISH COLUMBIA

—Cont'd

Summary conviction appeals
—Cont'd
place of hearing, **CC-814**
[814(3)]

BROADCASTING

See PUBLICATION BAN

BROTHER

Defined re incest, **CC-155**
[155(4)]

BUGGERY

See SEXUAL OFFENCES

BUILDING

Arson, **CC-433, CC-436**

Breaking and entering
see BREAKING AND
ENTERING

Mischief, to property, **CC-430**

Occupant injuring building,
CC-441

BULLION

Conveying out of mint,
CC-459 [459(c)]

**BURDEN AND ONUS OF
PROOF**

See also PRESUMPTIONS
AND INFERENCES

Balance of probabilities
mental disorder, **CC-16**
[16(2)], CC-672.32
[672.32(2)]

see also MENTAL DIS-
ORDER

INDEX

BURDEN AND ONUS OF PROOF—Cont'd

Balance of probabilities

—Cont'd

presumption of fitness to stand trial, **CC-672.22**

Cattle, theft or fraudulent taking, **CC-338 [338(4)]**

see also **ANIMALS**

Exceptions, proof of, **CC-794, CD-48**

Lumber, lawful possession, **CC-339 [339(5)]**

Mental disorder

see **MENTAL DISORDER**

Negating exceptions, **CC-794**

Proof on a balance of probabilities

see Balance of probabilities, *supra*

Reverse onus, **CH-11 [CH 11(d)]**

judicial interim release, **CC-515 [515(6)], CC-522 [522(2)], CC-679**

Sanity, **CC-16 [16(2), (3)]**

see also **MENTAL DISORDER**

Sentencing hearing, disputed facts, **CC-724 [724(3)(d), (e)]**

Sufficiency of evidence to put accused on trial, fitness, **CC-672.33 [672.33(3)]**

see also **PRELIMINARY INQUIRY**

Weapons, authorization, licence, registration certif-

BURDEN AND ONUS OF PROOF—Cont'd

icate, **CC-117.11**

BURGLAR'S TOOLS

See **BREAKING AND ENTERING**

BURGLARY

See **BREAKING AND ENTERING**

BURIAL

Neglect re, **CC-182 [182(a)]**

Registration of burial, defacing or falsifying, **CC-377 [377(1)(a), (b)]**

BUSINESS RECORDS, CEA-30

See also **DOCUMENTS**

BYLAWS

See **STATUTES**

CANADA EVIDENCE ACT

Adverse witnesses, **CEA-9**

see also Prior inconsistent statements

Application of Act, **CEA-2**

Attesting witness, **CEA-34**

Books and documents

see Documentary evidence, *infra*

Business records

see Documentary evidence, *infra*

Canada Gazette, **CEA-21, CEA-32 [CE 32(2)]**

Capacity to testify, **CEA-16, CEA-16.1**

CANADA EVIDENCE ACT

—Cont'd

Child witness, **CEA-16.1**
 Commission evidence, **CEA-43, CEA-51**
 see also COMMISSION EVIDENCE
 Competence and compellability
 see also Witnesses, *infra*;
 COMPETENCE AND COMPELLABILITY
 comment on failure to testify prohibited, **CEA-4 [CE 4(6)]**
 see also Self-incrimination, *infra*
 interest or crime, **CEA-3**
 marital communications privilege, **CEA-4 [CE 4(3)]**
 oaths, **CEA-13, CEA-16, CEA-53**
 see also **COMPETENCE AND COMPELLABILITY** Oath
 solemn affirmation instead of oath, **CEA-14, CEA-15, CEA-53**
 see also **COMPETENCE AND COMPELLABILITY** Oath
 spousal non-compellability to testify, common law exception, **CEA-4 [CE 4(5)]**
 Convictions, cross-examination upon, **CEA-12**
 see also **CONVICTIONS; CROSS-EXAMINATION**

CANADA EVIDENCE ACT

—Cont'd

Copies
 Acts of Parliament, **CEA-19**
 banking records, **CEA-29 [CE 29(1)]**
 business records, **CEA-30 [CE 30(3), (12)]**
 by-laws, **CEA-24**
 copies printed in Canada Gazette, **CEA-32 [CE 32(2)]**
 corporation records, **CEA-24 [CE 24(b)]**
 government and public documents, **CEA-19, CEA-28, CEA-31 [CE 31(2)]**
 microfilm and photographic documents, **CEA-31**
 notice of, **CEA-28**
 proof of handwriting, **CEA-33**
 public documents, **CEA-24, CEA-26, CEA-28**
 Cross-examination
 see also **CROSS-EXAMINATION**
 convictions, **CEA-12**
 prior inconsistent statements, **CEA-10, CEA-11**
 Crown privilege, **CEA-37, CEA-39**
 see also Privilege, *infra*
 Declarations
 see Solemn declarations, *infra*
 Disabled witness, **CEA-6, CEA-6.1**

INDEX

CANADA EVIDENCE ACT

—Cont'd

- Disclosure of government information, **CEA-37, CEA-39**
 - see also Privilege, *infra*
- Documentary evidence
 - attesting witness, **CEA-34**
 - books and documents
 - admissibility, **CEA-25**
 - bank records, **CEA-29**
 - computer print-outs, **CEA-29 [CE 29(1)]**
 - copies of entries, **CEA-28**
 - kept in office of Government of Canada, **CEA-26**
 - notice of production of, **CEA-28**
 - business records, **CEA-30**
 - admissibility rules, **CEA-30 [CE 30(11)]**
 - affidavit evidence, **CEA-30 [CE 30(6)]**
 - copies, **CEA-30 [CE 30(3)]**
 - defined terms, **CEA-30 [CE 30(12)]**
 - inadmissible records, **CEA-30 [CE 30(10)]**
 - inference of non-occurrence, **CEA-30 [CE 30(2)]**
 - notice of production, **CEA-30 [CE 30(7)]**
 - ordinary course of business, made in, **CEA-30 [CE 30(1)]**

CANADA EVIDENCE ACT

—Cont'd

- Documentary evidence
 - Cont'd
 - Canada Gazette, copies of, **CEA-32 [CE 32(2)]**
 - certified copies, **CEA-24**
 - electronic documents
 - see Electronic documents, *infra*
 - forged instrument, impounding of, **CEA-35**
 - Governor General's proclamations, etc., **CEA-21**
 - Imperial proclamations, etc., **CEA-20**
 - judicial proceedings, evidence of, **CEA-23**
 - lieutenant governor's proclamations, etc., **CEA-22**
 - order signed by Secretary of State, **CEA-32 [CE 32(1)]**
 - photographic prints, **CEA-31**
 - proof of handwriting of certifying person, **CEA-33**
 - Queen's Printer, copies by, **CEA-19**
- Documents, not in derogation of proof of, **CEA-36**
- Documents sworn outside Canada, **CEA-54**
- Electronic documents
 - best evidence rule satisfied, **CEA-31.2**

CANADA EVIDENCE ACT

—Cont'd

Electronic documents—Cont'd
 burden of proof of authenticity, **CEA-31.1**
 definitions, **CEA-31.8**
 electronic signature regulations, **CEA-31.4**
 other rules not affected, **CEA-31.7**
 presumption of integrity of system, **CEA-31.3**
 proof by affidavit, **CEA-31.6**
 standards admissible, **CEA-31.5**
 Examination of witnesses in Canada, order for, **CEA-46, CEA-51**
 Expert witnesses, number of, **CEA-7**
 see also EXPERT EVIDENCE
 Foreign country, evidence received in
 classes of persons receiving, **CEA-52**
 documents, **CEA-54**
 oaths, **CEA-53**
 Foreign courts
 see Proceedings in foreign courts, *infra*
 Government information, disclosure of
 national security/
 international relations objection, **CEA-38, CEA-38.16, CEA-SCH**
 objection to, **CEA-37**

CANADA EVIDENCE ACT

—Cont'd

Government information, disclosure of—Cont'd
 Queen's Privy Council confidence objection, **CEA-39**
 Government records, **CEA-24, CEA-26, CEA-28**
 Handwriting
 certification, **CEA-33**
 comparison by witnesses, **CEA-8**
 Imperial proclamations, orders, treaties, proving, **CEA-20**
 Impounding of forged instrument, **CEA-35**
 Insurance proofs, **CEA-42**
 Judicial notice
 see JUDICIAL NOTICE
 Judicial proceedings, evidence of proceedings, **CEA-23, CEA-28**
 see also JUDICIAL PROCEEDINGS
 Microfilmed records, **CEA-31**
 see also Copies, *supra*
 Notarial acts in Quebec, **CEA-27**
 Notice of copies, **CEA-28**
 Oaths
 see also Competence and compellability, *supra*
 evidence of children, **CEA-16.1**
 received in foreign country, **CEA-53**
 solemn affirmation
 deponent, by, **CEA-15**

INDEX

CANADA EVIDENCE ACT

—Cont'd

- Oaths—Cont'd
 - solemn affirmation—Cont'd
 - instead of, **CEA-14**
 - taken abroad, **CEA-53**
 - witness of questionable capacity, **CEA-16**, **CEA-16.1**
 - inquiry required, **CEA-16** [**CE 16(1)**], **CEA-16.1**
 - promise to tell truth, **CEA-16** [**CE 16(3)**], **CEA-16.1** [**CE 16.1(6)**]
- Officials outside Canada, **CEA-52**, **CEA-54**
- Photocopies
 - see Copies, *supra*;
 - Documentary evidence, *supra*
- Prior inconsistent statements
 - see also PRIOR INCONSISTENT STATEMENTS
 - oral, **CEA-11**
 - written, **CEA-10**
- Privilege
 - Cabinet, **CEA-39**
 - international relations
 - see national security, *infra*
 - national defence
 - see national security, *infra*
 - national security, **CEA-38**, **CEA-38.16**, **CEA-SCH**
 - appeal to
 - Federal Court of Appeal, **CEA-38.09**

CANADA EVIDENCE ACT

—Cont'd

- Privilege—Cont'd
 - national security, **CEA-38**, **CEA-38.16**, **CEA-SCH**
 - Cont'd
 - appeal to—Cont'd
 - Supreme Court of Canada, **CEA-38.1**
 - application to Federal Court, **CEA-38.04**
 - Attorney General may
 - apply to Federal Court respecting disclosure, **CEA-38.04**
 - authorize disclosure, **CEA-38.03**
 - be required to give notice, **CEA-38.07**
 - enter into disclosure agreement, **CEA-38.031**
 - issue fiat to assume prosecution, **CEA-38.15**
 - issue prohibition certificate, **CEA-38.13**
 - definitions, **CEA-38**
 - designated entities, **CEA-SCH**
 - disclosure prohibited, **CEA-38.02**
 - ex parte representations, **CEA-38.11** [**CE 38.11(2)**]
 - hearing to be in private, **CEA-38.11** [**CE 38.11(1)**]

CANADA EVIDENCE ACT

—Cont'd

Privilege—Cont'd
 national security, **CEA-38**,
CEA-38.16, **CEA-SCH**
 —Cont'd
 judge may order
 disclosure, **CEA-**
38.06
 military proceedings,
CEA-38.01 [CE
38.01(5)], **CEA-**
38.13 [CE **38.13(2)**],
CEA-38.131 [CE
38.131(3)]
 notice to Attorney General
 of Canada, **CEA-**
38.01
 notice to Minister of
 National Defence,
CEA-38.01 [CE
38.01(6)]
 prohibition certificate,
CEA-38.13
 protection of right to fair
 trial, **CEA-38.14**
 protective order, **CEA-**
38.12
 reference to Federal Court
 of Appeal, **CEA-**
38.08
 regulations, **CEA-38.16**
 report to presiding officer,
CEA-38.05
 review of prohibition cer-
 tificate, **CEA-38.131**
 Privy Council, **CEA-39**

CANADA EVIDENCE ACT

—Cont'd

Privilege—Cont'd
 specified public interest,
CEA-37
 appeal to
 court of appeal, **CEA-**
37.1
 Supreme Court of Can-
 ada, **CEA-37.2**
 protection of right to fair
 trial, **CEA-37.3**
 Proceedings in foreign courts
 application of Act, **CEA-43**
 construction of Act, **CEA-45**
 defined terms, **CEA-44**
 order for examination of
 witness in Canada
 administering oath,
CEA-49
 enforcement of order,
CEA-47
 expenses and conduct
 money, **CEA-48**
 letters rogatory, enforce-
 ment of, **CEA-46**,
CEA-51 [CE **51(2)**]
 procedure, **CEA-46**
 refusal to answer/produce
 document, **CEA-50**
 rules of court, **CEA-51**
 [CE **51(1)**]
 video links, **CEA-46**
 Proclamations, orders, regula-
 tions, **CEA-21**, **CEA-22**
 Provincial laws of evidence,
CEA-40
 Public documents, **CEA-24**,
CEA-26, **CEA-28**

INDEX

CANADA EVIDENCE ACT

—Cont'd

- Regulations, **CEA-21, CEA-22**
- Secretary of State of Canada,
orders of, **CEA-32 [CE
32(1)]**
- Self-incrimination, **CEA-5**
 - comment on failure to testify
prohibited, **CEA-4 [CE
4(6)]**
 - convictions, cross-examina-
tion upon, **CEA-12**
- Short title, **CEA-1**
- Solemn affirmation
 - see Oaths, *supra*
- Solemn declarations, **CEA-41,**
CEA-42, CEA-53,
CEA-54
 - see also SOLEMN DECLA-
RATIONS
- Statutory declaration, form of,
CEA-41
- Witnesses
 - adverse witnesses
 - cross-examination without
proof of adversity,
CEA-9 [CE 9(2)]
 - proof of statement of,
CEA-9 [CE 9(1)]
 - competence of
 - accomplice, of, **CEA-3**
 - interest/crime, by reason
of, **CEA-3**
 - spouse
 - accused, of, **CEA-4**
 - child victims, **CEA-4**
[CE 4(4)]

CANADA EVIDENCE ACT

—Cont'd

- Witnesses—Cont'd
 - competence of—Cont'd
 - spouse—Cont'd
 - comment by trial judge/
prosecutor, **CEA-4**
[CE 4(6)]
 - common law
competency,
CEA-4 [CE 4(5)]
 - communications during
marriage, **CEA-4**
[CE 4(3)]
 - failure to testify, **CEA-4**
[CE 4(6)]
 - deposition of, **CEA-10 [CE
10(2)]**
 - disabled person, **CEA-6**
 - expert witnesses, calling of,
CEA-7
 - handwriting comparison, re,
CEA-8
 - incriminating questions
 - admissibility of answer,
CEA-5 [CE 5(2)]
 - obligation to answer,
CEA-5 [CE 5(1)]
 - mental capacity challenged,
CEA-16
 - mute, evidence of, **CEA-6**
 - oaths of
 - see Oaths, *supra*
 - previous convictions, exami-
nation re, **CEA-12**
 - previous statements of
cross-examination re,
CEA-10

CANADA EVIDENCE ACT

—Cont'd

Witnesses—Cont'd
previous statements of
—Cont'd
oral statements, **CEA-11**

CANADIAN BILL OF RIGHTS

Affect on existing rights and freedoms, **BR-5, § BR5:1 [B.R. 5(1)]**
Application, **BR-5, § BR5:1 [B.R. 5(3)]**
Construction of law, **BR-2, § BR2:1 [B.R. 2]**
arbitrary detention, **BR-2, § BR2:1 [B.R. 2(a)]**
criminatory evidence before tribunal, **BR-2, § BR2:1 [B.R. 2(d)]**
cruel and unusual punishment, **BR-2, § BR2:1 [B.R. 2(b)]**
guarantee to reasonable bail, **BR-2, § BR2:1 [B.R. 2(f)]**
right to counsel, **BR-2, § BR2:1 [B.R. 2(c)]**
right to fair hearing, **BR-2, § BR2:1 [B.R. 2(e)]**
Cruel and unusual punishment, **BR-2, § BR2:1 [B.R. 2(b)]**
Duties of Minister of Justice, **BR-3, § BR3:1 [B.R. 3]**
“Law of Canada” defined, **BR-5, § BR5:1 [B.R. 5(2)]**

CANADIAN BILL OF RIGHTS

—Cont'd

Rights and freedoms, **BR-1, § BR1:1 [B.R. 1]**
counsel, right to, **BR-2, § BR2:1 [B.R. 2(c)]**
equality before the law, **BR-1, § BR1:1 [B.R. 1(b)]**
fair hearing, right to, **BR-2, § BR2:1 [B.R. 2(e)]**
freedom of —
assembly/association, **BR-1, § BR1:1 [B.R. 1(e)]**
press, **BR-1, § BR1:1 [B.R. 1(f)]**
religion, **BR-1, § BR1:1 [B.R. 1(c)]**
speech, **BR-1, § BR1:1 [B.R. 1(d)]**
interpreter, assistance of, **BR-2, § BR2:1 [B.R. 2(g)]**
life, liberty and security, **BR-1, § BR1:1 [B.R. 1(a)]**
Short title, **BR-4 [B.R. 4]**

CANADIAN FORCES

See also **MILITARY**
Assisting deserter, **CC-54**
Counselling disloyalty, **CC-62**
Definition, **CC-2**
Exempted re weapons offences, **CC-117.08, CC-117.1**
see also **WEAPONS**
Governing law not affected, **CC-5**

INDEX

CANADIAN FORCES—Cont'd

- Inciting to mutiny, **CC-53**
- Military justice participant defined, **CC-423.1 [423.1(4)]**
- Officers and non-commissioned members as peace officers, **CC-2**
- Suppression of riot, **CC-32 [32(2)]**
- Weapons offences, exceptions for, **CC-92**

CAPTIVITY

- Marine life, of
see CETACEAN

CARELESS HANDLING OF FIREARM, **CC-86, CC-87**

CARRIAGE OF PROHIBITED GOODS

- Forfeiture order, **CC-401 [401(2)]**
- Obtaining by false representation, **CC-401 [401(1)]**

CASE MANAGEMENT

- Adjudication of issues, **CC-551.3**
 - admissibility of evidence, **CC-551.3 [551.3(1)(g)(ii)]**
 - Charter issues, **CC-551.3 [551.3(1)(g)(iii)]**
 - disclosure of evidence, **CC-551.3 [551.3(1)(g)(i)]**
 - expert evidence, **CC-551.3 [551.3(1)(g)(iv)]**

CASE MANAGEMENT —Cont'd

- Adjudication of issues, **CC-551.3—Cont'd**
 - severance, **CC-551.3 [551.3(1)(g)(vi)]**
- Appointment of case management judge, **CC-551.1**
- Case management judge
 - adjudication of issues, **CC-551.3**
 - appointment of, **CC-551.1**
 - joint hearing by, **CC-551.7**
 - powers of before trial on merits, **CC-551.3**
 - referral of issues to during trial on merits, **CC-551.6**
 - role of, **CC-551.2**
- Court record, information to be included in, **CC-551.4**
- Decisions bind parties, after mistrial, **CC-653.1**
 - severance, **CC-591 [591(4.1), (4.2)]**
- Joint hearing, **CC-551.7**
- Referral of issues during trial on merits, **CC-551.6**
- Rules for, **CC-482.1**
- Rulings binding, following mistrial, **CC-653.1**
 - severance, **CC-591 [591(4.1), (4.2)]**
- Severance, **CC-551.3 [551.3(1)(g)(vi)]**
- Trial to be continuous, **CC-551.5**

CATTLE

See **ANIMALS**

CAUSE DISTURBANCE

Discharging firearms, **CC-175**
[175(1)(d)]

Inference of disturbance,
CC-175 [175(2)]

Public place, in, **CC-175**
[175(1)(a)]

CAUSING BODILY HARM

See **BODILY HARM**

CERTIFICATES

See also **DOCUMENTS**

Analyst, of, **CD-51**

Citizenship certificate, fraudulent use, **CC-58**

Clerk of court, by, **CC-145**

Controlled substances certificate of analyst, **CD-51**

Convictions, **CC-667** [667(4)]
see also **CONVICTIONS**

Counterfeit, examiner of,
CC-461 [461(2), (3)]

Declarations, **CEA-41, CEA-42, CEA-53, CEA-54**

Dismissal, summary conviction proceedings, **CC-808**
[808(2)]

Drugs, certificate of analyst,
CD-51

Fail to appear, proof of facts,
CC-145 [145(9), (10), (11)]

Fail to comply, proof of facts,
CC-145 [145(9), (10), (11)]

CERTIFICATES—Cont'd

Fail to comply with Sex
Offender Information
Registration Act,
CC-490.031 [490.031(3),
(4), (5)]

Fingerprints, **CC-667, CC-FORM 44, CC-FORM 45**

see also **FINGERPRINTS**

Firearms

see **WEAPONS** Firearms,
firearms acquisition
certificate

Forms

see **FORMS AND**
SCHEDULES

Marriage certificate as evidence, **CC-291** [291(2)]
government and public documents, **CEA-28**
photographic evidence of
property, **CC-491.2**
[491.2(5)]

Photographic evidence of property, **CC-491.2** [491.2(2), (3)]

Schedules

see **FORMS AND**
SCHEDULES

Service of certificates, **CC-4**
[4(6), (6.1), (7)], **CC-145**
[145(11)]

Solemn declarations, **CEA-41, CEA-42, CEA-53, CEA-54**

see also **SOLEMN DECLARATIONS**

INDEX

CERTIFICATES—Cont'd

Summary conviction proceedings, certificate of dismissal, **CC-808 [808(2)]**
Territorial jurisdiction of states, **CC-477.4 [477.4(3), (4)]**
see also JURISDICTION
Territorial

CERTIORARI

See also EXTRAORDINARY
REMEDIES
Appeal from grant or refusal, **CC-784 [784(1), (2)]**
Not required to review summary conviction, **CC-833**
Quash warrant of committal, **CC-782**

see also WARRANTS

Removal of conviction or order, when remedy not available, **CC-776**

Review of conviction order
correction of sentence, **CC-777 [777(2)(a), (3)]**
dismissal of motion to quash, effect, **CC-780**
invalid, when not to be held, **CC-777 [777(1)]**
irregularities, for, **CC-777 [777(1)], CC-778**
powers of judge, **CC-777 [777(1)]**
quashing conviction, order for protection of magistrate, **CC-783**
recognizance, order for, **CC-779**

CERTIORARI—Cont'd

Review of conviction order
—Cont'd
remission of sentence, **CC-777 [777(2)(b), (3)]**
want of proof of order in council not ground for quashing, **CC-781**
Rules of court re, **CC-482 [482(3)(c)]**

CETACEAN

Defined, **CC-445.2 [445.2(1)]**
Exceptions, **CC-445.2 [445.2(2.1)-(4)]**
Offence, **CC-445.2 [445.2(2)]**
Punishment, **CC-445.2 [445.2(5)]**

CHALLENGE

See JURIES

CHANGE OF VENUE

See also TRIAL
Authority to remove prisoner, **CC-600**
Defamatory libel, **CC-478 [478(2)]**
Grounds for, **CC-599 [599(1)]**
Language of accused, **CC-530.2**
Order for, **CC-599**

CHARACTER AND CREDIBILITY

Bad character evidence, **CC-666**
Complainant
character re sexual offences, **CC-276, § CC276:1 to**

CHARACTER AND

CREDIBILITY—Cont'd

Complainant—Cont'd

§ **CC-276:3, CC-276.13**

application for accused,
CC-276.01

application for prosecutor,
CC-276.06

joint application,
CC-276.1

sexual activity

application for hearing re
admissibility on
sexual offences
application for accused,
CC-276.01

application for prosecu-
tor, **CC-276.06**

joint application,
CC-276.1

charge to jury

application for accused,
CC-276.04

application for prosecu-
tor, **CC-276.08**

joint application,
CC-276.12

complainant not a compel-
lable witness at hear-
ing

application for accused,
CC-276.02

application for prosecu-
tor, **CC-276.06**

factors to be considered re
admissibility,
CC-276 [276(3)]

form and content of

CHARACTER AND

CREDIBILITY—Cont'd

Complainant—Cont'd

sexual activity—Cont'd
application

application for accused,
CC-276.01

application for prosecu-
tor, **CC-276.06**

joint application,
CC-276.1

hearing to be granted if
application and evi-
dence satisfactory,
CC-276.01

inadmissible on sexual
offences, **CC-276**
[276(1)]

jury and public to be
excluded

application, during,
CC-276.01

hearing, from
application for
accused,
CC-276.02

application for
prosecutor,
CC-276.06

offence to violate publica-
tion ban

application for accused,
CC-276.03

application for prosecu-
tor, **CC-276.07**

joint application,
CC-276.11

publication ban re applica-

INDEX

CHARACTER AND

CREDIBILITY—Cont'd

- Complainant—Cont'd
 - sexual activity—Cont'd
 - tion and hearing
 - application for accused, **CC-276.03**
 - application for prosecutor, **CC-276.07**
 - joint application, **CC-276.11**
 - reasons for judgment at hearing
 - application for accused, **CC-276.02**
 - application for prosecutor, **CC-276.06**
 - joint application, **CC-276.1**
 - recording of reasons
 - application for accused, **CC-276.02**
 - application for prosecutor, **CC-276.06**
 - use of evidence, **CC-276.1**
 - Credibility, protected statements, **CC-672.21 [672.21(3)(f)]**
 - see also PRIVILEGE
 - Dangerous offenders, character evidence, **CC-757**
 - Defamatory libel, **CC-311**
 - Good character evidence, **CC-666**
 - Impeaching credibility, **CEA-12**
 - Modes of proof, specific instances of sexual activity, **CC-276 [276(2)]**

CHARACTER AND

CREDIBILITY—Cont'd

- Previous convictions, **CC-666, CEA-12**
- Previous statements, cross-examination upon, **CEA-9 [CE 9(2)], CEA-10, CEA-11**
- Reputation evidence, re sexual offences, **CC-277**
- Statement during youth justice court assessment as prior inconsistent statement, **YC-147 [YC 147(2)(f)]**
 - see also PRIOR INCONSISTENT STATEMENTS; YOUTH CRIMINAL JUSTICE ACT

CHARGED WITH AN OFFENCE

- See CHARTER OF RIGHTS

CHARTER OF RIGHTS

- Aboriginal rights and freedoms, **CH-25**
- Abuse of process, **CH-7**
 - see also Fundamental justice, *infra*
- Accused is not a compellable witness, **CH-11 [CH 11(c)]**
 - see also SELF-INCRIMINATION
- Amendments, constitutional, **CH-52**
- Annual sitting of legislative bodies, **CH-5**
- Application, **CH-30, CH-33**
 - equality rights, delay of

CHARTER OF RIGHTS

—Cont'd

Application, **CH-30, CH-33**

—Cont'd

application, **CH-32**
[**CH 32(2)**]

evidence

see Evidence, *infra*

full answer and defence

see Fundamental justice,
infra; TRIAL

government of Canada,

CH-32 [CH 32(1)(a)]

legislative powers not

extended, **CH-31**

override provision, **CH-33**

provinces, **CH-32 [CH**

32(1)(b)]

reading down

see Supremacy clause,
infra

reasonable limits

see Reasonable limits,
infra

territories, **CH-30, CH-32**

[**CH 32(1)(a)**]

Arbitrary detention or

imprisonment, **CH-9**

see also Arrest or detention,
infra

dangerous offenders

see DANGEROUS
OFFENDERS

reverse onus, **CH-11 [CH**

11(d)]

see also JUDICIAL

INTERIM

RELEASE;

CHARTER OF RIGHTS

—Cont'd

Arbitrary detention or

imprisonment, **CH-9**

—Cont'd

reverse onus, **CH-11 [CH**

11(d)]—Cont'd

RELEASE FROM

CUSTODY

Arrest or detention, **CH-10**

see also Arbitrary detention
or imprisonment, *supra*

Benefit of lesser punishment,

CH-11 [CH 11(i)]

Charged with an offence,

CH-11

accused is not a compellable

witness, **CH-11 [CH**

11(c)]

see also SELF-INCRIMI-
NATION

benefit of lesser punishment,

CH-11 [CH 11(i)]

compelled to be a witness,

CH-11 [CH 11(c)]

see also SELF-INCRIMI-
NATION

double jeopardy, **CH-11 [CH**

11(h)]

see also DOUBLE JEOP-
ARDY; PLEAS; RES
JUDICATA

fair and public hearing,

CH-11 [CH 11(d)]

see also Fundamental

justice, *infra*; TRIAL

Fair trial

independent and impartial

INDEX

CHARTER OF RIGHTS

—Cont'd

- Charged with an offence,
CH-11—Cont'd
tribunal, **CH-11** [**CH 11(d)**]
informed of the offence,
CH-11 [**CH 11(a)**]
jury trial, right to, **CH-11**
[**CH 11(f)**]
see also TRIAL Jury trial
presumption of innocence,
CH-11 [**CH 11(d)**]
reasonable bail, **CH-11** [**CH 11(e)**]
retrospectivity, **CH-11** [**CH 11(g)**]
reverse onus, **CH-11** [**CH 11(d)**]
right to confrontation,
CH-11 [**CH 11(d)**]
right to counsel, **CH-10** [**CH 10(b)**], **YC-11**, **YC-25**,
YC-107, **YC-146**
see also RIGHT TO
COUNSEL
trial within a reasonable
time, **CH-11** [**CH 11(b)**]
Citation of Charter by name,
CH-34
Compelled to be a witness,
CH-11 [**CH 11(c)**]
see SELF-INCRIMINA-
TION
Confrontation, **CH-11** [**CH 11(d)**]
Constitutional amendments,
CH-52

CHARTER OF RIGHTS

—Cont'd

- Court of competent jurisdic-
tion, **CH-24** [**CH 24(1)**]
see also COURTS; JURIS-
DICTION Courts
inherent jurisdiction
see JURISDICTION
Nunavut Court of Justice,
CC-573
search and seizure
see SEARCH AND
SEIZURE
standing, **CH-24**
Cruel and unusual treatment or
punishment, **BR-2**,
§ **BR2:1** [**B.R. 2(b)**];
CH-12
constitutional right, **CH-12**
psychiatric or other treat-
ment not to be directed,
CC-672.55 [**672.55(1)**]
see also MENTAL DIS-
ORDER
Cultural heritage, **CH-27**
Democratic rights, **CH-3**
Demonstrably justified, **CH-1**
Derivative evidence, **CH-24**
[**CH 24(2)**]
Detention, **CH-9**, **CH-10**
Disability, **CH-15**
Disclosure and discovery
see Fair and public hearing,
infra; Fundamental
justice, infra;
DISCLOSURE AND
DISCOVERY
Discrimination, **CH-15**

CHARTER OF RIGHTS

—Cont'd

- Double jeopardy, **CH-11 [CH 11(h)]**
 - see also DOUBLE JEOPARDY; PLEAS; RES JUDICATA
- Economic rights, **CH-7**
- Enforcement, **CH-24**
 - see also Exclusion of evidence, *infra*; Remedies, *infra*
- Equality rights, **BR-1, § BR1:1 [B.R. 1(b)]; CH-15**
 - counsel of one's choice
 - see RIGHT TO COUNSEL
 - court costs
 - see Remedies, *infra*
 - non-publication order
 - see PUBLICATION BAN
 - sexual activity of complainant, admissibility re sexual offences, **CC-276 [276(3)(f)]**
- Evidence
 - exclusion of evidence, **CH-24 [CH 24(2)]**
 - fair and public hearing, **CH-11 [CH 11(d)]**
 - presumption of innocence, **CH-11 [CH 11(d)]**
 - reasonable limits, **CH-1**
- Exclusion of evidence, **CH-24 [CH 24(2)]**
 - bring the administration of justice into disrepute, **CH-24 [CH 24(2)]**

CHARTER OF RIGHTS

—Cont'd

- Exclusion of evidence, **CH-24 [CH 24(2)]**—Cont'd
 - causation, causal link necessary, **CH-24 [CH 24(2)]**
 - see also Remedies, *infra*
 - derivative evidence, **CH-24 [CH 24(2)]**
 - right to silence
 - see SELF-INCRIMINATION
 - self-incrimination
 - see SELF-INCRIMINATION
- Fair and public hearing, **BR-2, § BR2:1 [B.R. 2(e)]; CH-11 [CH 11(d)]**
 - see also FULL ANSWER AND DEFENCE
- confrontation, **CH-11 [CH 11(d)]**
- publication ban
 - see Freedom of press and other media, *infra*
- right to
 - call witnesses, **CH-11 [CH 11(d)]**
 - confrontation, **CH-11 [CH 11(d)]**
 - counsel
 - see RIGHT TO COUNSEL
- Fair trial
 - see Fair and public hearing, *supra*; Fundamental justice, *infra*; FULL ANSWER AND DEFENCE

INDEX

CHARTER OF RIGHTS

—Cont'd

Free and democratic society,
CH-1

Freedom of —

assembly, **BR-1, § BR1:1**
[B.R. 1(e)]

Freedom of

assembly, **CH-2 [CH 2(c)]**

Freedom of —

association, **BR-1, § BR1:1**
[B.R. 1(e), (f)]

Freedom of

association, **CH-2 [CH 2(d)]**

see also press and other
media, *infra*

conscience and religion,
CH-2 [CH 2(a)]

Freedom of —

expression, **BR-1, § BR1:1**
[B.R. 1(d)]

Freedom of

expression, **CH-2 [CH 2(b)]**

Freedom of —

press and other media, **BR-1,**
§ BR1:1 [B.R. 1(f)]

Freedom of

press and other media, **CH-2**
[CH 2(b)]

Fundamental freedoms, **CH-2**

Fundamental justice, **CH-7**

reading down, **CH-52**

reverse onus, **CH-11 [CH**
11(d)]

right to counsel

see **RIGHT TO**
COUNSEL

CHARTER OF RIGHTS

—Cont'd

Fundamental justice, **CH-7**

—Cont'd

sections 8 to 13 do not
exhaust s. 7 rights,
CH-7

self-incrimination

see **SELF-INCRIMINA-**
TION

Habeas corpus, **CH-10 [CH**
10(c)]

see also **HABEAS CORPUS**

Independent and impartial
tribunal, **CH-11 [CH**
11(d)]

Informed of

offence, **CH-11 [CH 11(a)]**

reason for arrest or deten-
tion, **CH-10**

Interpretation

amendments, constitutional,
CH-52

declaration of invalidity,
CH-52

proportionality, **CH-1**

rational relationship, **CH-1**

reading down, **CH-52**

severance of invalid part,
CH-52

valid governmental objec-
tive, **CH-1**

Interpreter, right to, **CH-14**

Jury trial, right to, **CH-11 [CH**
11(f)]

Language rights, **CH-23**

Legislative

bodies, **CH-4, CH-5**

CHARTER OF RIGHTS

—Cont'd

Legislative—Cont'd
 override, **CH-23**
 powers not extended by
 Charter, **CH-31**
 Lesser punishment, **CH-11**
 [CH 11(i)]
 Life, liberty and security, **BR-1**,
 § **BR1:1** [B.R. 1(a)];
CH-7
 see also Fundamental justice,
 supra
 right to
 silence
 see SELF-INCRIMI-
 NATION
 work, **CH-6**
 self-incrimination
 see SELF-INCRIMINA-
 TION
 sexual activity of complain-
 ant, admissibility re
 sexual offences,
CC-276 [276(3)(f)]
 Maximum sitting of legislative
 bodies, **CH-4**
 Minority language educational
 rights, **CH-23**
 Mobility rights, **CH-6**
 Multicultural heritage, **CH-27**
 see also Freedom of expres-
 sion, infra
 Natural justice
 see Fair and public hearing,
 infra; Fundamental
 justice, infra
 Notwithstanding clause, **CH-33**

CHARTER OF RIGHTS

—Cont'd

Official languages of Canada,
CH-16, **CH-22**
 Other rights and freedoms not
 affected by Charter,
CH-26
 Override provision, **CH-33**
 Presumption of innocence,
CH-11 [CH 11(d)]
 see also PRESUMPTION
 OF INNOCENCE;
 REVERSE ONUS
 Protection of privacy
 see Remedies, infra;
 INTERCEPTION OF
 PRIVATE COM-
 MUNICATIONS;
 SEARCH AND
 SEIZURE
 Reading down, **CH-52**
 Reasonable bail, **CH-11** [CH
 11(e)]
 Reasonable limits, **CH-1**
 Remedies, **CH-24**
 bring the administration of
 justice into disrepute,
CH-24 [CH 24(2)]
 causation, **CH-24** [CH
 24(2)]
 reading down, **CH-52**
 reasonable limits, **CH-1**
 severance of invalid part,
CH-52
 striking down, **CH-52**
 Res judicata, **CH-11** [CH
 11(h)]
 see also DOUBLE JEOP-
 ARDY; RES
 JUDICATA

INDEX

CHARTER OF RIGHTS

—Cont'd

- Retrospectivity, **CH-11 [CH 11(g)]**
- Reverse onus, **CH-11 [CH 11(d)]**
 - see also MENTAL DISORDER Criminal responsibility
- Rights guaranteed equally to both sexes, **CH-28**
- Rights respecting certain schools preserved, **CH-29**
- Right to
 - confrontation, **CH-11 [CH 11(d)]**
 - see also Fair and public hearing, *supra*
 - counsel
 - see RIGHT TO COUNSEL
 - interpreter, **CH-14**
 - silence
 - see SELF-INCRIMINATION
 - vote, **CH-3**
 - work, **CH-6, CH-7**
- Rulings by case management judge, **CC-551.3**
- Schools, **CH-29**
- Self-incrimination
 - see SELF-INCRIMINATION
- Silence
 - see SELF-INCRIMINATION Right to silence
- Speedy trial, **CH-11 [CH 11(b)]**

CHARTER OF RIGHTS

—Cont'd

- Striking down, **CH-52**
 - Supremacy clause (Constitution Act, 1982), **CH-52**
 - constitutional exemption, **CH-52**
 - declaration of invalidity, **CH-52**
 - reading down legislation, **CH-52**
 - severance of invalid part, **CH-52**
 - Territories, **CH-30, CH-32 [CH 32(1)(a)]**
 - Trial within a reasonable time, **CH-11 [CH 11(b)]**
 - Voting rights, **CH-3**
- CHEATING AT PLAY, CC-209**
- See also BETTING AND GAMING OFFENCES
- CHEQUE**
- See also FALSE PRETENCES; FRAUD
 - Definition, **CC-362 [362(5)], CC-364 [364(3)]**
 - Presumption of false pretence, **CC-362 [362(4)]**
- CHILD**
- See also CHILD ABUSE; SEXUAL OFFENCES; YOUTH CRIMINAL JUSTICE ACT
 - Abandoning, **CC-218**
 - Abduction, under fourteen, **CC-281, CC-286**

CHILD—Cont'd

Abuse of offender's, constituting aggravating factor on sentencing, **CC-718.2 [718.2(a)(ii.1)]**
 Age, proving, **CC-658, YC-148**
 Arranging to commit offence by telecommunication, **CC-172.2**
 Ban on publication of identity, **CC-486.4**
 see also PUBLICATION
 BAN Young person
 Child pornography, **CC-163.1**
 Child sexual abuse and exploitation material, **CC-163.1, § CC163.1:1 to § CC163.1:3**
 Concealing body, **CC-243**
 Consent of child
 defence, **CC-150.1 [150.1(2)]**
 no defence, **CC-150.1 [150.1(1)], CC-286**
 Correction using reasonable force, **CC-43**
 Corroboration
 see Evidence, *infra*
 Corrupting children, **CC-172**
 Definition, re offences against the person, **CC-214**
 Evidence
 see also EVIDENCE
 competence and compellability, **CEA-16, CEA-16.1**
 corroboration warning abrogated, **CC-659**
 counsel to be appointed to

CHILD—Cont'd

Evidence—Cont'd
 cross-examine, **CC-486.3**
 exclusion of public, **CC-486**
 oaths, **CEA-16, CEA-16.1**
 proof of age, **CC-658**
 screen may be used, **CC-486.2**
 support person may be present, **CC-486.1**
 testifying outside courtroom, **CC-486.2**
 videotaped, **CC-715.1**
 young person's statements, **YC-146, YC-147**
 Exposure of genitals to person under 14, **CC-173 [173(2)]**
 Fear of sexual offence against child, **CC-810.1, CC-811**
 Human being, when becoming, **CC-223 [223(1)]**
 Injury before or during birth causing death, **CC-223 [223(2)]**
 Killing of, **CC-223 [223(2)], CC-233, CC-237, CC-238**
 Luring by telecommunication, **CC-172.1**
 Making arrangement with person to commit offence, **CC-172.2**
 Making sexually explicit material available to child, **CC-171.1**
 Necessaries for, duty to provide, **CC-215**
 see also PARENT

INDEX

CHILD—Cont'd

Pornography, **CC-163.1**,
§ **CC163.1:1** to
§ **CC163.1:3**

see also CHILD SEXUAL
ABUSE AND
EXPLOITATION
MATERIAL

Recruitment, **CC-169.1**

Removal of child from Canada
for a sexual purpose,
CC-273.3

Sexual activity

child sexual abuse and
exploitation material,
CC-163.1,
§ **CC163.1:1** to
§ **CC163.1:3**

see also CHILD SEXUAL
ABUSE AND
EXPLOITATION
MATERIAL

corrupting children, **CC-172**

exposure of genitals to
person under 14,
CC-173 [173(2)]

fear of sexual offence against
child, **CC-810.1**,
CC-811

householder or occupier
permitting sexual activ-
ity, **CC-171**

incest, **CC-155**

parent or guardian procuring
sexual activity, **CC-170**

removal of child from Can-
ada for a sexual
purpose, **CC-273.3**

sexual exploitation, **CC-153**

CHILD—Cont'd

Sexual activity—Cont'd
sexual interference, **CC-151**
sexual touching or exposure,
CC-152, § **CC152:1** to
§ **CC152:3**

Under twelve, no conviction,
CC-13

Videotaped evidence,
CC-715.1

Witness, **CC-486**, **CEA-16.1**

Young person defined, **CC-153**
[153(2)]

CHILD ABUSE

See also CHILD; SEXUAL
OFFENCES

Abandoning child, **CC-218**

Arranging to commit offence
by telecommunication,
CC-172.2

Bestiality in presence of child,
CC-160 [160(3)]

Child luring, **CC-172.1**

arranging to commit child
sexual offence by
telecommunication,
CC-172.2

making sexually explicit
material available to
child, **CC-171.1**

Child sexual abuse and
exploitation material

see CHILD SEXUAL
ABUSE AND
EXPLOITATION
MATERIAL

Consent no defence, **CC-150.1**
[150.1(1)]

CHILD ABUSE—Cont'd

Defences, **CC-150.1**
 Failing to provide necessities, **CC-215**
 Guardian procuring sexual activity, **CC-170**
 Householder permitting sexual activity, **CC-171**
 Incest, **CC-155**
 Invitation to sexual touching or exposure, **CC-152**,
 § CC152:1 to § CC152:3
 Luring by telecommunication, **CC-172.1**
 Making arrangement with person to commit offence, **CC-172.2**
 Making sexually explicit material available to child, **CC-171.1**
 Parent procuring sexual activity, **CC-170**
 Prohibition order, **CC-161**
 Protection while testifying
 accused not to cross-examine, **CC-486.3**
 ban on publication of identity, **CC-486.4**
 capacity to testify, **CEA-16.1**
 exclusion of public, **CC-486**
 failing to comply with non-publication order, **CC-486.6**
 support person, **CC-486.1**
 testimony outside court, **CC-486.2**
 Sentencing
 aggravating factor, **CC-718.2**
 [718.2(a)(ii.1)]

CHILD ABUSE—Cont'd

Sentencing—Cont'd
 objectives of sentencing, **CC-718.01**
 profiting from child sexual abuse and exploitation material aggravating factor, **CC-163.1**,
 § CC163.1:1 to § CC163.1:3
 [163.1(4.3)]
 Sexual exploitation, **CC-153**
 judge may infer exploitative relationship, **CC-153**
 [153(1.2)]
 Sexual interference, **CC-151**
 Threat to publish, **CC-163.1**

CHILDBIRTH

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

CHILDREN'S EVIDENCE

See CHILD Evidence; EVIDENCE

INDEX

CHILD SEXUAL ABUSE AND EXPLOITATION

**MATERIAL, CC-163.1,
§ CC163.1:1 to
§ CC163.1:3**

Ban on publication of identity
of complainant or witness,
CC-486.4

Charges barred if forfeiture or
restoration order made,
CC-164 [164(7)]

Closing Internet site, **CC-164.1**
Defence

artistic merit, **CC-163.1
[163.1(6)]**

educational, scientific or
medical purpose,
CC-163 [163(6)]

mistake as to age no defence,
CC-163.1 [163.1(5)]

serving the public good,
**CC-163 [163(3)-(5)],
CC-163.1 [163.1(7)]**

Definition, **CC-163.1**

Distribution or sale of,
CC-163.1 [163.1(3)]

Enterprise crime offence
proceeds of crime,
CC-462.3

Forfeiture of materials,
CC-164.2

relief from forfeiture,
CC-164.3

Intent to profit aggravating fac-
tor, **CC-163.1 [163.1(4.3)]**

Making child sexual abuse and
exploitation material,
offence, **CC-163.1,
§ CC163.1:1 to**

CHILD SEXUAL ABUSE AND EXPLOITATION

**MATERIAL, CC-163.1,
§ CC163.1:1 to
§ CC163.1:3—Cont'd**

§ CC163.1:3 [163.1(2)]

Mistake as to age no defence,
CC-163.1 [163.1(5)]

Offence for interception of
private communications,
CC-183

Possession of, **CC-163.1
[163.1(4)]**

for purpose of sale,
CC-163.1 [163.1(3)]

Prohibition on publication of
identity

court proceedings, in,
CC-486.3 [486.3(4)]

Review Board proceedings,
in, **CC-672.501
[672.501(2)]**

Question of law whether
advocating sexual activity,
CC-163.1 [163.1(7)]

Warrant of seizure, **CC-164**

CHOKING

Attempt, to aid commission of
offence, **CC-246 [246(a)]**

CINEMATOGRAPHIC WORK

Unauthorized recording,
CC-432

commercial purposes, for,
CC-432 [432(2)]

forfeiture of equipment,
CC-432 [432(3), (4)]

CITIZEN

Arrest without warrant by any
person, **CC-494**

CITIZEN—Cont'd

Offence committed by non-citizen on territorial sea, **CC-477.2 [477.2(2)]**

CITIZENSHIP

CERTIFICATE, CC-58 [58(2)]

Certificate of naturalization, **CC-58 [58(2)]**

Fraudulent use, **CC-58 [58(1)]**

CIVIL PROCEEDINGS

Arrest, peace officer deemed to be acting lawfully, **CC-495 [495(3)]**

Commission evidence, **CC-714**

Disclosure of information re private communication, **CC-193 [193(2)(a)]**

Fines, civil enforcement, **CC-734.6, CC-735 [735(2)]**

Forfeiture, civil enforcement, **CC-734.6**

Protection of persons acting under authority, **CC-25**

Protection order, **CC-783**

Remedies

preservation of civil remedies, **CC-11**

Restitution

see also **SENTENCE**

civil remedy not affected by restitution order, **CC-741.2**

enforcing restitution order, **CC-741 [741(1)]**

Sentence

see **Fines, supra**; **Restitution, supra**

CIVIL PROCEEDINGS

—Cont'd

Threat to institute not basis of extortion, **CC-346 [346(2)]**

CIVIL REMEDIES

See **CIVIL PROCEEDINGS Remedies**

CIVIL RIGHTS

See also **CHARTER OF RIGHTS; CIVIL PROCEEDINGS**

Civil remedies preserved, **CC-11**

Loss of, for certain convictions, **CC-750**

CLERGY

Obstructing from performing service, **CC-176 [176(1)]**

CLERK OF THE COURT

Appeal court, clerk of definition re summary conviction proceedings, **CC-785**

Certificate of, re failure to appear or comply, **CC-145 [145(9)-(11)]**

Definition, **CC-2**

Entering stay directed by Attorney General, **CC-579**

COASTAL WATERS OF CANADA, Offences in, above or beyond continental shelf

Definition, **CC-339 [339(6)]**

INDEX

COASTAL WATERS OF CANADA, Offences in, above or beyond continental shelf—Cont'd
Offences in, above or beyond continental shelf, **CC-477.1**

COCKPIT
Building or keeping, **CC-447 [447(1)]**
Offence, **CC-447 [447(2)]**

COIN
See COIN-OPERATED DEVICE; CURRENCY OFFENCES

COIN-OPERATED DEVICE
Possession of instruments for breaking into, **CC-352**

COLLATERAL FACTS RULE
Cross-examination upon previous convictions, **CEA-12**
Exceptions
convictions, **CEA-12**
prior inconsistent statements, **CEA-9, CEA-11**
Rebuttal evidence, **CC-666**

COLOUR OF RIGHT
See DEFENCES

COMMISSION
Evidence on commission, **CC-709, CC-713.1**
Secret commissions, **CC-426**

COMMISSION EVIDENCE, CC-709, CC-713.1
Application, **CC-710 [710(1)], CC-712 [712(1)]**

COMMISSION EVIDENCE, CC-709, CC-713.1
—Cont'd
Evidence of medical practitioner, **CC-710 [710(2)]**
Oath, affirmation, **CEA-53**
Order appointing commissioner, **CC-709, CC-710, CC-712**
Presence of accused when taken, **CC-713 [713(1)]**
Procedure as in civil cases, **CC-714**
Reading in commission evidence at proceedings
witness ill, conditions, **CC-711**
witness out of Canada, **CC-712 [712(2)]**
Return of evidence, provision in order, **CC-713 [713(2)]**
Witness unable to attend, **CC-709, CC-710**

COMMITTAL
See PRELIMINARY INQUIRY; WARRANTS

COMMON BETTING HOUSE
See BETTING AND GAMING OFFENCES;
DISORDERLY HOUSE;
KEEPER

COMMON GAMING HOUSE
See BETTING AND GAMING OFFENCES;
DISORDERLY HOUSE;
KEEPER

COMMON INTENTION

See PARTIES TO OFFENCES

COMMON LAW

Competence and compellability, **CEA-4 [CE 4(5)]**

Defences preserved, **CC-8 [8(3)]**

No conviction for offences at common law, **CC-9**

Partner, defined, **CC-2**

**COMMON NUISANCE,
CC-180**

COMMUNICATIONS

See INTERCEPTION OF
PRIVATE COMMUNICATIONS

COMPANY

See ORGANIZATIONS

**COMPELLING
APPEARANCE AND
INTERIM RELEASE**

See APPEARANCE;
JUDICIAL INTERIM
RELEASE

COMPENSATION

See SENTENCE Restitution
orders

**COMPETENCE AND
COMPELLABILITY**

Accomplice, **CEA-3**

Accused, **CEA-4**

Affirmation, **CEA-14, CEA-15**

Child, **CEA-16.1**

**COMPETENCE AND
COMPELLABILITY**

—Cont'd

Complainant not a compellable
witness re admissibility of
sexual activity

application for accused,

CC-276.02

application for prosecutor,

CC-276.06

Marital communications,

CEA-4 [CE 4(3)]

Mental competence, **CEA-16**

Not incompetent by reason of
interest or crime, **CEA-3**

Oath

see also CANADA EVIDENCE ACT

affirmation, **CEA-14,**

CEA-15

Canadian officials outside
Canada, **CEA-53**

false, indictment for making,
CC-585

witnesses swearing oath or
affirming, **CEA-13,**
CEA-16

Sexual offences, complainant
not compellable re other
sexual activity

application for accused,

CC-276.02

application for prosecutor,

CC-276.06

Spouse of accused, **CEA-4**

Witness whose capacity is chal-
lenged, **CEA-16, CEA-
16.1**

INDEX

COMPLAINANT

See also CHARACTER AND CREDIBILITY

Character re sexual offences,
CC-276.01 to 276.13,
§ CC276:1 to § CC276:3,
CC-278.93,
§ CC278.93:1 to
§ CC278.93:3 to
CC-278.97,
§ CC278.97:1

Consent of complainant
assault, **CC-265 [265(4)]**
sexual assault
belief in consent not a
defence, **CC-273.2**
meaning of consent,
CC-273.1
no consent obtained in
certain circum-
stances, **CC-273.1**
[273.1(2)]

Defined, **CC-2**

Evidence of other sexual
conduct, **CC-276.01 to**
276.13, § CC276:1 to
§ CC276:3, CC-278.93,
§ CC278.93:1 to
§ CC278.93:3 to
CC-278.97,
§ CC278.97:1

Identity, no publication,
CC-486.4 [486.4(3), (4)]

Mental or physical disability,
testifying outside
courtroom, **CC-486.2**

Mistake as to age, **CC-150.1**

Recent complaint rules
abrogated, **CC-275**

COMPLAINANT—Cont'd

Reputation evidence concern-
ing, **CC-277**

Testifying outside court room,
CC-486.2

Videotaped evidence,
CC-715.1, CC-715.2

COMPOUNDING

INDICTABLE OFFENCE,
CC-141

COMPULSION

Spouse, of, **CC-18**

Threats, by, **CC-17**

COMPUTERS

Definitions, **CC-342.1**
[342.1(2)], CC-430
[430(8)]

Device to obtain unauthorized
use, **CC-342.2**

Documents

banking records, **CEA-29**

business records, **CEA-30**

microfilmed records,
CEA-31

Luring child, **CC-172.1**

Mischief in relation to data,
CC-430 [430(1.1), (5)]

Unauthorized use of, **CC-342.1**
[342.1(1)]

CONCEALED WEAPON

See WEAPONS

CONCEALMENT

Body of child, **CC-243**

Compounding indictable
offence, **CC-141**

Fraudulent, **CC-341**

CONCEALMENT—Cont'd

Indictable offence, concealment of, **CC-141**

Property, of, to defraud creditors, **CC-392**

Title documents, **CC-340**, **CC-385**

CONDITIONAL DISCHARGE, CC-730

See also SENTENCE
Discharges

CONDITIONAL SENTENCE OF IMPRISONMENT, CC-742, CC-742.7

See also SENTENCE

CONFESSIONS

See also ADMISSIONS;
STATEMENTS; STATEMENTS OF THE
ACCUSED

Offence to publish or broadcast confession or admission, **CC-542 [542(2)]**

Preliminary inquiry, **CC-542 [542(1)]**

Ruling by case management judge, **CC-551.3**

Voluntariness, young person, **YC-146**

CONFINEMENT

See FORCIBLE CONFINEMENT

CONSENT

See also DEFENCES;
SEXUAL ASSAULT

Assault, **CC-265 [265(3), (4)]**

CONSENT—Cont'd

Blood samples

see BLOOD SAMPLES

Child's consent

defence, **CC-150.1**

[150.1(2)]

no defence, **CC-150.1**

[150.1(1)], CC-286

Death, to, no defence, **CC-14**

Definition, **CC-265 [265(3)], CC-273.1**

Honest belief in consent,

CC-265 [265(4)],

CC-273.2

Interception of private communications, consent to interception, **CC-184.2**

Sexual exploitation of disabled complainant, **CC-153.1**,
§ CC153.1:1 to
§ CC153.1:3 [153.1(1)-(6)]

Sexual offences, **CC-273.1**,
CC-273.2

CONSENT JURISDICTION

See JURISDICTION

CONSENT TO PREFER INDICTMENTS

See INDICTMENTS AND
INFORMATIONS Preferring

CONSENT TO PROSECUTE

See ATTORNEY GENERAL/
SOLICITOR GENERAL

CONSPIRACY

Acquittal or conviction outside
Canada, effect, **CC-465**
[465(7)]

INDEX

CONSPIRACY—Cont'd

- Attorney General of Canada, conspiracies other than under Criminal Code, **CC-2**
- Commit, to
 - indictable offence, **CC-465 [465(1)(c)]**
 - offence in Canada while outside Canada, **CC-465 [465(4)]**
 - summary conviction offence, **CC-465 [465(1)(d)]**
- Exceptions
 - trade union, **CC-466 [466(2)]**
 - workmen, **CC-467 [467(1)]**
- False prosecution, **CC-465 [465(1)(b)]**
- Fixed platforms, **CC-7 [7(2.1)]**
- High treason, **CC-46 [46(2)(c), (e)]**
- Murder, **CC-465 [465(1)(a)]**
- Nuclear material outside Canada, **CC-7 [7(3.2)-(3.6)]**
- Offences other than under Criminal Code, Attorney General of Canada, **CC-2**
- Outside Canada re aircraft, airports, **CC-7 [7(2)(e)]**
- Prosecute falsely, to, **CC-465 [465(1)(b)]**
- Punishment, **CC-465**
- Restraint of trade, **CC-466, CC-467**
- Seditious, definition, **CC-59 [59(3)]**
- Sentence, **CC-465**

CONSPIRACY—Cont'd

- Territorial jurisdiction, **CC-465 [465(5), (6)]**
- Trade combination defined, **CC-467 [467(2)]**
- Treason, as overt act of conspiracy, **CC-46 [46(4)]**

CONTEMPT OF COURT

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

CONTRACT

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

CONTRACTOR

Effect of conviction, **CC-750**
[**750(3), (4), (5)**]

Subscribing to election fund,
CC-121 [**121(2), (3)**]

**CONTRADICTORY
EVIDENCE**

See also **INTERNATIONAL
CRIMINAL COURT;**
PERJURY

Giving, **CC-136**

Proof of earlier trial, **CC-136**
[**136(2.1)**]

CONTRAVENTIONS ACT

Cross-examination on criminal
record, **CEA-12**

Fail to comply, **CC-145**
[**145(8)**]

**CONTROLLED DRUGS AND
SUBSTANCES ACT**

See also **DRUGS**

Adjudications, **CD-34, CD-42**
determination, **CD-41,**

CD-42

hearing, **CD-34, CD-36,**
CD-40

notice to appear, **CD-37**
powers, **CD-39**

Administration and compli-
ance, **CD-30, CD-32**
certificate of designation,
CD-30

designation of inspectors,
CD-30

obstructing inspector, **CD-32**
powers of inspector, **CD-31**

**CONTROLLED DRUGS AND
SUBSTANCES ACT**

—Cont'd

Administrative orders of
contraventions of
designated regulations,
CD-33, CD-43, CD-46

designation of regulations,
CD-33

determination by adjudicator,
CD-41

effect of order, **CD-42**

hearing by adjudicator,
CD-36

hearing procedure, **CD-40**

interim order re suspected
contravention, **CD-35**

notice to appear, **CD-37**

offence of contravention of
order, **CD-43**

powers of adjudicator,
CD-39

proof of service, **CD-38**

Amendment of Schedule,
CD-60

Analysis, **CD-44, CD-45**

certificate of analyst, **CD-45,**
CD-51

designation of analyst,
CD-44

Appeals

orders respecting property,
re, **CD-20**

Application

in rem forfeiture, for, **CD-17**

made by person claiming
interest in forfeited
property, **CD-20**

INDEX

CONTROLLED DRUGS AND SUBSTANCES ACT

—Cont'd

Application—Cont'd
 restraint order, for, **CD-14**
 return of controlled sub-
 stances, for, **CD-24**
Assistance and use of force,
 CD-12
Burden of proving exception,
 CD-48
Certificate
 analyst, of, **CD-45, CD-51**
 designation of inspector, of,
 CD-30
 issued pursuant to regulation,
 CD-50
Continuity of possession,
 CD-53
Contravention of Act or
 designated regulation,
 CD-34, CD-43
Copies of records, books, docu-
 ments, **CD-49, CD-54,**
 CD-59
Criminal Code, applicable re
 offence-related property
 (ss. 489.1 and 490),
 CD-15
Definitions, **CD-2**
Delegation of powers of
 Minister, **CD-57**
Designation of analyst, **CD-44**
Designation of inspectors,
 CD-30
Designation of regulations,
 CD-33
Detention, **CD-11**

CONTROLLED DRUGS AND SUBSTANCES ACT

—Cont'd

Determination by adjudicator,
 CD-41
Disposal of controlled sub-
 stances, **CD-24, CD-29**
 application for return of
 substance, **CD-24**
 destruction of plant, **CD-29**
 disposal by Minister where
 no application, **CD-25**
 disposal with consent,
 CD-28
 following procedures,
 CD-27
 security, health or safety haz-
 ard, **CD-26**
Disqualifications, **CD-55**
Documents, **CD-49, CD-54,**
 CD-59
Double doctoring, **CD-4 [CD**
 4(2)]
Enforcement, **CD-11**
Evidence and procedure,
 CD-47, CD-54
 burden of proving exception,
 CD-48
 certificate issued pursuant to
 regulations, **CD-50**
 continuity of possession,
 CD-53
 copies of records, books or
 documents, **CD-49,**
 CD-54
 limitation, **CD-47**
 negating exception, not
 required, **CD-48**

**CONTROLLED DRUGS AND
SUBSTANCES ACT**

—Cont'd

Evidence and procedure,
 CD-47, CD-54—Cont'd
 proof of notice, **CD-52**
 venue, **CD-47 [CD 47(2)]**
Exemption by Minister, **CD-56**
Exemptions, **CD-55**
Exporting, **CD-6**
False or deceptive statements,
 CD-59
Forfeiture of offence-related
 property, **CD-16, CD-23**
Health and safety hazard,
 CD-26
Hearing by adjudicator, **CD-36,**
 CD-40
Importing and exporting, **CD-6**
Information for search warrant,
 CD-11
Inspectors, **CD-30, CD-32**
 certificate of designation,
 CD-30
 designation of inspector,
 CD-30
 obstructing inspector, **CD-32**
 powers of inspector, **CD-31**
Interim order re suspected
 contravention of
 designated regulation,
 CD-35, CD-42
Interpretation, **CD-3**
Limitation period, **CD-47**
Negating exception, not
 required, **CD-48**
Notice re property orders,
 CD-52

**CONTROLLED DRUGS AND
SUBSTANCES ACT**

—Cont'd

Notice to appear re contraven-
 tion of designated regula-
 tion, **CD-37**
Obstructing inspector, **CD-32**
Offences, **CD-4, CD-7, CD-32,**
 CD-43, CD-46, CD-59
 contravention of order re
 contravention of
 designated regulations,
 CD-43
 double doctoring, **CD-4 [CD**
 4(2)]
 false or deceptive statements,
 CD-59
 importing and exporting,
 CD-6
 obstructing inspector, **CD-32**
 penalty where punishment
 not otherwise provided,
 CD-46
 possession of substance,
 CD-4
 production of substance,
 CD-7
 trafficking in substance,
 CD-5
Order of forfeiture of property,
 CD-16
Orders re contravention of
 designated regulations,
 CD-35, CD-42
Paramountcy of Act and regula-
 tions, **CD-58**
Possession, continuity, **CD-53**
Possession of substance, **CD-4**

INDEX

CONTROLLED DRUGS AND SUBSTANCES ACT

—Cont'd

- Powers of
 - adjudicator, **CD-39**
 - inspector, **CD-31**
 - Minister or Solicitor General, may be designated, **CD-57**
- Procedure
 - see Evidence and procedure, *supra*
- Proceeds of crime, **CD-14**, **CD-22**
 - see also PROCEEDS OF CRIME
 - appeals re orders respecting property, **CD-21**
 - application in rem forfeiture, **CD-17**
 - application made by person claiming interest in forfeited property, **CD-20**
 - Criminal Code, applicable re offence-related property (ss. 489.1 and 490), **CD-15**
 - notice requirements re property orders, **CD-19**
 - order of forfeiture of property on conviction, **CD-16**
 - restraint order, **CD-14**, **CD-15**
 - suspension of order respecting property pending appeal, **CD-22**
 - voidable transfers, **CD-18**

CONTROLLED DRUGS AND SUBSTANCES ACT

—Cont'd

- Production of substance, **CD-7**
- Proof of notice, general, **CD-52**
- Proof of service re contravention of designated regulations, **CD-38**
- Punishment, **CD-4**, **CD-10**, **CD-32**, **CD-43**, **CD-46**, **CD-59**
 - see also Sentence, *infra*
- Regulations, **CD-33**, **CD-43**, **CD-46**, **CD-50**, **CD-55**, **CD-59**
 - see also Administrative orders of contraventions of designated regulations, *supra*; Evidence and procedure, *supra*
 - certificate issued pursuant to regulations, **CD-50**
 - designation of powers, duties and functions of Minister or Solicitor General, **CD-57**
 - exemption by Minister, **CD-56**
 - false or deceptive statements, **CD-59**
 - paramountcy, **CD-58**
 - penalty for contravention, **CD-46**
 - scope of regulations, **CD-55**
- Restraint orders, **CD-14**, **CD-15**
- Schedule
 - Act, to the, **CD-60**
 - amendments, **CD-60**

**CONTROLLED DRUGS AND
SUBSTANCES ACT**

—Cont'd

Search and seizure, **CD-11,
CD-22, CD-31**
 appeal from order for in rem
 forfeiture, **CD-21**
 application by person claim-
 ing interest in forfeited
 property, **CD-20**
 application for in rem forfei-
 ture, **CD-17**
 assistance and use of force,
CD-12
 Criminal Code, applicable re
 offence-related property
 (ss. 489.1 and 490),
CD-13, CD-15
 forfeiture of offence-related
 property, **CD-16**
 notice, **CD-19, CD-19.1**
 powers of inspector, **CD-31**
 restraint orders, **CD-14**
 suspension of order pending
 appeal from in rem forfei-
 ture, **CD-22**
 voidable transfers, **CD-18**
 Security, health and safety
 hazards, **CD-26**
 Sentence, **CD-4, CD-10,
CD-46, CD-59**
 false or deceptive statements,
CD-59
 importing and exporting,
CD-6
 penalty where punishment
 not otherwise provided,
CD-46

**CONTROLLED DRUGS AND
SUBSTANCES ACT**

—Cont'd

Sentence, **CD-4, CD-10,
CD-46, CD-59**—Cont'd
 possession of substance,
CD-4
 production of substance,
CD-7
 sentencing, factors to be
 considered, **CD-10**
 trafficking, in substance,
CD-5
 Suspension of order respecting
 property pending appeal,
CD-22
 Trafficking, in substance, **CD-5**
 Venue, **CD-47 [CD 47(2)]**
 Voidable transfer of offence-
 related property, **CD-18**

CONVERSION

Constitutes theft, **CC-322
[322(1)]**
 Theft by conversion, **CC-330,
CC-332**
 Trustee, by, **CC-336**

CONVERSION THERAPY

Definition, **CC-320.101**
 Punishment
 causing another person to
 undergo, **CC-320.102**
 material benefit, **CC-320.104**
 promoting or advertising,
CC-320.103

CONVEYANCES

See also BREATHALYZER;
 CRIMINAL

INDEX

CONVEYANCES—Cont'd

NEGLIGENCE;
IMPAIRED DRIVING
AND OVER 80; MOTOR
VEHICLES; OVER 80
Approved screening device,
CC-320.27
Blood samples
see BLOOD SAMPLES
Breath test provisions,
CC-320.27, CC-320.28
see also BREATHALYZER
Dangerous operation of
conveyance, **CC-320.13**
included offence re charges
of criminal negligence,
CC-662 [662(5)]
Definition, **CC-320.11**
Demand for
bodily substances,
CC-320.27
[320.27(1)(c)],
CC-320.28 [320.28(4)]
breath sample, **CC-320.27**
[320.27(1)(b), (2), (3)],
CC-320.28
[320.28(1)(a)(i)]
coordination tests,
CC-320.27
[320.27(1)(a)]
Driving while
disqualified, **CC-320.18**
impaired, **CC-320.14**
[320.14(1)(a)]
see also DRUGS;
IMPAIRED DRIV-
ING AND OVER 80
over 80, **CC-320.14**
[320.14(1)(b)]

CONVEYANCES—Cont'd

Failing to stop after accident,
CC-320.16
Failure to comply with demand
for breath sample,
CC-320.15
Flight from peace officer,
CC-320.17
Ignition interlock, **CC-320.18**
[320.18(2)], CC-320.24
[320.24(10)]
Impaired driving, **CC-320.14**
[320.14(1)(a)]
see also IMPAIRED DRIV-
ING AND OVER 80
prohibition order upon
conviction, **CC-320.24**
Impairment by drugs
evaluating officer defined,
CC-320.11
operating conveyance while
impaired by drug,
CC-320.14
[320.14(1)(a)]
operating conveyance with
excess alcohol
combined with drug,
CC-320.14
[320.14(1)(d)]
operating conveyance with
excess blood drug
concentration,
CC-320.14
[320.14(1)(c), (4)]
prohibition order upon
conviction, **CC-320.24**
refusal to comply with
demand, **CC-320.15**

CONVICTIONS

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

CONVICTIONS—Cont'd

- Disabilities resulting from
 - Cont'd
 - public office
 - cannot hold, **CC-750 [750(2)]**
 - loss of, **CC-750 [750(1)]**
 - removal of disability where conviction set aside, **CC-750 [750(6)]**
 - restoration of privileges, **CC-750 [750(4), (5)]**
- Evidence of conviction
 - accused adduces character evidence, if, **CC-666, CC-667**
 - principal at trial of accessory after the fact, of, **CC-657.2 [657.2(2)]**
 - thief at trial for possession of stolen goods, of, **CC-657.2 [657.2(1)]**
- Evidentiary use, **CC-666, CEA-12**
- Examination re previous, **CEA-12**
- Fingerprints, certificate of examiner, **CC-FORM 44, CC-FORM 45**
- Form of, **CC-667, CC-FORM 35**
- Good character evidence, rebuttal by proof of convictions, **CC-666**
- Insanity, no conviction if not criminally responsible on account of mental disorder, **CC-16 [16(1)]**
see also MENTAL DISORDER Criminal

INDEX

CONVICTIONS—Cont'd

- Insanity, no conviction if not criminally responsible on account of mental disorder, **CC-16 [16(1)]**
 - Cont'd
 - responsibility
- Mental disorder, insanity, no conviction if not criminally responsible on account of mental disorder, **CC-16 [16(1)]**
 - see also MENTAL DISORDER Criminal responsibility
- Motor vehicle offences
 - see BREATHALYZER; CRIMINAL NEGLIGENCE; IMPAIRED DRIVING AND OVER 80; OVER 80
- Pardons and remissions
 - see PARDON
- Previous conviction for use of firearm while committing indictable offence, **CC-85 [85(1), (2)]**
 - see also WEAPONS Firearms
- Procuring conviction and death by false evidence is not homicide, **CC-222 [222(6)]**
- Proof of previous convictions, **CC-570 [570(4)], CC-667**
 - certificate of fingerprint examiner, **CC-FORM 44, CC-FORM 45**

CONVICTIONS—Cont'd

- Proof of previous convictions, **CC-570 [570(4)], CC-667**
 - Cont'd
 - cross-examination upon, **CC-667 [667(3)], CEA-12**
 - notice to accused re intention to produce, **CC-667 [667(4)]**
- Quashing, order for protection of provincial court judge, **CC-783**
- Rebuttal evidence, re good character evidence, **CC-666**
- Sentence
 - see SENTENCE
- Warrant of committal on, **CC-FORM 21**
- Young persons
 - see YOUTH CRIMINAL JUSTICE ACT

COORDINATION TESTS

- See also IMPAIRED DRIVING AND OVER 80; OVER 80
- Demand to perform, **CC-320.27 [320.27(1)(a)]**
- Refusal to comply with demand, **CC-320.15**

COPIES

- See CANADA EVIDENCE ACT Copies

CORONERS

- Inquisition, no person to be tried on, **CC-576 [576(3)]**

CORONERS—Cont'd

Misconduct in executing process, **CC-128**

CORPORATIONS

See ORGANIZATIONS

CORRECTION OF CHILD, USE OF FORCE JUSTIFIED, CC-43

CORROBORATION

Children's evidence, warning abrogated, **CC-659**

High treason, **CC-47 [47(3)]**

Perjury, **CC-131, CC-133**

Procuring feigned marriage, **CC-292 [292(2)]**

Sexual offences, corroboration not required, **CC-274**

Treason, **CC-47 [47(3)]**

CORRUPTING CHILDREN, CC-172, § CC172:1 to § CC172:3. see also CHILD; CHILD SEXUAL ABUSE AND EXPLOITATION MATERIAL

CORRUPTING MORALS

See CHILD; CORRUPTING CHILDREN; CORRUPTION

CORRUPTION

Appointments and resignations influencing, **CC-125**
selling or purchasing, **CC-124**

CORRUPTION—Cont'd

Breach of trust by public officer, **CC-122**

Bribery

coroner, **CC-128**

government employees, ministers, etc., **CC-121 [121(1), (3)]**

judicial officers, **CC-119**

municipal officials, **CC-123**

obstructing justice as, **CC-139**

officers, bribery of, **CC-120**

peace officer, court official, etc., **CC-120, CC-128**

Child, corruption of, **CC-172**

see also CHILD; CHILD SEXUAL ABUSE AND EXPLOITATION MATERIAL

Corruptly taking reward for recovery of goods, **CC-142**

Disobeying order of court, **CC-127**

Disobeying statute, **CC-126**

Effect of conviction, **CC-750 [750(3)-(6)]**

Frauds on government, **CC-121**

Influencing or negotiating appointments or dealing in offices, **CC-125**

Military stores

see Public stores

Misconduct of officers executing process, **CC-128**

Municipal corruption, **CC-123**

Personating peace officer, **CC-130**

INDEX

CORRUPTION—Cont'd

- Public stores
 - applying or removing marks without authority, **CC-417**
 - distinguishing mark on public stores, **CC-416**
 - evidence of enlistment, **CC-421**
 - military stores, dealing in, **CC-420**
 - selling defective stores to Her Majesty, **CC-418**
 - unlawful use of military uniforms or certificates, **CC-419**
- Reward
 - taking for recovery of stolen goods, **CC-142**
- Secret commissions, **CC-426**
- Selling or purchasing office, **CC-124**

COSTS

- Adjournment due to amendment, **CC-601 [601(5)]**
- Appeal, **CC-676.1, CC-813 [813(a)(i)], CC-830 [830(1)]**
- Charter of Rights remedies, **CH-24**
- Defamatory libel, **CC-751**
- Enforcement of order, **CC-751.1**
- None allowable against complainant or person affected by personal information records
 - in possession of prosecutor, **CC-278.22**

COSTS—Cont'd

- None allowable against complainant or person affected by personal information records—Cont'd
 - in possession of third party, **CC-278.13**
- None allowable on appeal on indictment, **CC-683 [683(3)]**
- Remission of penalty by Governor in Council, costs of proceedings, **CC-748.1 [748.1(2)]**
- Summary conviction appeals, **CC-826, CC-827, CC-839, CC-FORM 42**
 - see also SUMMARY CONVICTION APPEALS
- Summary conviction proceedings
 - definition, **CC-809 [809(5)]**
 - imprisonment in default of payment, **CC-809 [809(4)]**
 - see also SENTENCE Imprisonment
 - order to be set out in conviction or order of dismissal, **CC-809 [809(2)]**
 - part of fine or money payment ordered, **CC-809 [809(3)]**
 - power of court to award, **CC-809 [809(1)]**
 - schedule of, **CC-840**
- Undertaking re proceeds of crime orders, **CC-462.32**

COSTS—Cont'd
 [462.32(6)], **CC-462.33**
 [462.33(7)]

COUNSEL

See also MENTAL DISORDER; RIGHT TO COUNSEL

Appointed
 court of appeal, by, **CC-684**
 cross-examine witness, to,
 CC-486.3

 see also WITNESSES
 Protecting witnesses;
 EXCLUSION OF
 THE PUBLIC

 Supreme Court of Canada,
 by, **CC-694.1**

 Closing address, **CC-651**

 Definition, **CC-2**

 Lawyer defined re seizure of
 documents, **CC-488.1**
 [488.1(1)]

 Opening address, **CC-651**
 [651(2)]

 Right to counsel
 see RIGHT TO COUNSEL
 Solicitor-client privilege,
 CC-488.1

 Stay of proceedings, counsel
 instructed for the purpose,
 CC-579

**COUNSELLING, AIDING
 SUICIDE, CC-241**

COUNSELLING OFFENCE

See also PARTIES TO
 OFFENCES

**COUNSELLING OFFENCE
 —Cont'd**

Act, by
 fixed platform or ship, on,
 CC-7 [7(2.1), (2.2)]
 outside Canada, **CC-7 [7(2)-**
 (3)]

Attorney General of Canada,
 counselling other than
 under Criminal Code,
 CC-2

Counselling includes procur-
 ing, **CC-22 [22(3)]**

Definition of counsel, **CC-22**
 [22(3)]

Liability although principal
 cannot be convicted,
 CC-23.1

Offence not committed, punish-
 ment where not provided,
 CC-464

Offences other than under
 Criminal Code, Attorney
 General of Canada, **CC-2**

Offence that is committed,
 CC-22

Parent or guardian procuring
 sexual activity, **CC-170**

Party to offences by counsel-
 ling, **CC-22**

Sexual touching or exposure,
 CC-152, § CC152:1 to
 § CC152:3

Suicide, **CC-241**

COUNTERFEITING

See also CURRENCY
 OFFENCES

Government mark, etc.,
 CC-376 [376(2), (3)]

INDEX

COUNTERFEITING—Cont'd

- Instruments for making or dealing in, **CC-458**
- Making counterfeit money, **CC-449**
- Possession, etc., of counterfeit money, **CC-450**
- Slugs or tokens, **CC-454**
- Stamps, **CC-376 [376(1), (3)]**
- Uttering, etc., counterfeit money, **CC-452**
- Uttering coin, **CC-453**

COUNTERFEIT MONEY

- See COUNTERFEITING;
CURRENCY OFFENCES

COUNTS

- See also INDICTMENTS AND INFORMATION
- Alternative counts, **CC-590**
- Amending, **CC-590 [590(2)], CC-601**
- Definition, **CC-2**
- High treason, **CC-582**
- Joinder, **CC-589, CC-591, CC-593**
 - see also INDICTMENTS AND INFORMATION Joinder and severance
- Murder, **CC-582, CC-589**
 - see also MURDER
- No mention to be made of previous conviction indictment, in, **CC-664**
- information, in, **CC-789 [789(2)]**

COUNTS—Cont'd

- Overt acts, when to be stated in indictment, **CC-55, CC-581 [581(4)]**
- Particulars, **CC-587**
- Severance, **CC-590**
 - ruling by case management judge, **CC-551.3**
- Sufficiency, **CC-581, CC-583, CC-586**

COURT OF APPEAL, CC-2

- See also APPEALS; COURTS

COURT OF CRIMINAL JURISDICTION, CC-2, CC-469, CC-470

- See also COURTS

COURT OF RECORD

- Common law contempt power, **CC-9**
- Trial by judge without jury, **CC-559**

COURT ORDER

- Disobeying, **CC-127**

COURTS

- See also ALBERTA; BRITISH COLUMBIA; CASE MANAGEMENT; EXCLUSION OF THE PUBLIC; JURISDICTION; MANITOBA; NEW BRUNSWICK; NEWFOUNDLAND; NORTHWEST TERRITORIES; NOVA SCOTIA; NUNAVUT; ONTARIO; PRINCE

COURTS—Cont'd

EDWARD ISLAND;
 QUEBEC;
 SASKATCHEWAN;
 YUKON TERRITORY
 Appeal court defined for
 firearms prohibition orders,
 CC-111
 summary conviction appeals,
 CC-812
 Chief justice defined for
 emergency authorizations for
 interception of private
 communications,
 CC-188 [188(4)]
 review of eligibility for
 parole applications,
 CC-745.6
 Court defined for
 seizure warrant for hate pro-
 paganda publications,
 CC-320 [320(8)]
 seizure warrant for obscene
 publications, **CC-164**
 [164(8)]
 Court of appeal
 appeal to, indictable offences
 see APPEALS; SUM-
 MARY CONVIC-
 TION APPEALS
 definition, **CC-2**
 mental disorder jurisdiction
 see MENTAL DISOR-
 DER Appeals
 power to make rules,
 CC-482
 Court of competent jurisdic-
 tion, **CH-24 [CH 24(1)]**

COURTS—Cont'd

Court of criminal jurisdiction
 definition, **CC-2**
 indictable offences, **CC-469**
 power to make rules,
 CC-482
 Court order, disobeying,
 CC-127
 Definitions
 dangerous offenders,
 CC-752
 sentencing, **CC-715.44,**
 § CC716:1
 Judge defined for
 emergency authorizations for
 interception of private
 communications,
 CC-188 [188(1)],
 CC-552
 Part XIX of Criminal Code,
 CC-552
 Part XVI of Criminal Code,
 CC-493
 Jurisdiction
 see JURISDICTION
 Mental disorder jurisdiction,
 CC-672.1
 see also MENTAL DISOR-
 DER
 Nunavut Court of Justice,
 CC-573
 Open court
 see also EXCLUSION OF
 THE PUBLIC
 all proceedings to be in open
 court, **CC-486 [486(1)]**
 complainant may testify
 outside courtroom or

INDEX

COURTS—Cont'd

- Open court—Cont'd
 - behind a screen, **CC-486.2**
 - exclusion of the public in certain cases, **CC-486**
 - in camera hearing re admissibility of other sexual activity of complainant application for accused, **CC-276.02**
 - application for prosecutor, **CC-276.06**
 - videotaped evidence of complainant under 18 years, **CC-715.1**
 - witness testifying outside court or behind a screen, **CC-486.2**
- Summary conviction proceedings, mental disorder see **MENTAL DISORDER**
- Summary conviction
- Superior court of criminal jurisdiction defined, **CC-2**

CREDIBILITY

- See **CHARACTER AND CREDIBILITY**

CREDIT

- See also **CREDIT CARD**
- Obtaining by false pretence or fraud, **CC-362 [362(1)(b), (3)]**

CREDIT CARD

- Definition, **CC-321**
- Instruments for forging or falsifying, **CC-342.01**

CREDIT CARD—Cont'd

- Theft, forgery, etc., **CC-342 [342(1)]**
- bringing into Canada, **CC-357**
- territorial jurisdiction, **CC-342 [342(2)]**
- when offence complete, **CC-358**

CREDITORS

- Disposal of property to defraud, **CC-392**

CRIME COMIC

- Definition, **CC-163 [163(7)]**

CRIMES AGAINST HUMANITY

- See also **WAR CRIMES**
- Authorization to intercept private communications may be obtained, **CC-183**
- Autrefois plea see also **RES JUDICATA**
- autrefois convict not available where previous trial in absentia, **CC-607 [607(6)]**
- Parole ineligibility for murder, **CC-745 [745(b.1)]**
- Superior court of criminal jurisdiction must try, **CC-468, CC-469**

CRIMINAL BREACH OF CONTRACT, CC-422

- Criminal breach of trust, **CC-336**
- Exception, **CC-422 [422(2)]**

**CRIMINAL BREACH OF
CONTRACT, CC-422**

—Cont'd

Institution of proceedings,
CC-422 [422(3)]

Trust by public officer, **CC-122**

CRIMINAL CODE

Application in Canada, **CC-8**
[8(1)]

Forms and schedules
see FORMS AND
SCHEDULES Criminal
Code Forms

Words in parenthesis, **CC-3**

**CRIMINAL HARASSMENT,
CC-264**

See also INTIMIDATION;
STALKING; WATCH
AND BESET

Accused not to cross-examine
victim, **CC-486.3**
[486.3(4)]

CRIMINAL INFORMATION

See also INDICTMENTS AND
INFORMATIONS

None to be laid or granted,
CC-576 [576(2)]

**CRIMINAL INTEREST RATE,
CC-347**

Non-publication of identity of
complainant or witness,
CC-486.4

Payday loan, when no offence,
CC-347.1

CRIMINAL NEGLIGENCE

Causing
bodily harm, **CC-221**

CRIMINAL NEGLIGENCE

—Cont'd

Causing—Cont'd
death, **CC-220, CC-222**
[222(5)(b)]

Definitions

bodily harm, **CC-2**
criminal negligence, **CC-219**
death, **CC-224, CC-228**

Firearm used, minimum four
years' imprisonment,
CC-220 [220(a)]

Homicide, **CC-222 [222(5)(b)],**
CC-234

Included offences; conviction
for dangerous operation of
aircraft, motor vehicle or
vessel, **CC-662 [662(5)]**

Killing by influence on the
mind, **CC-228**

Life imprisonment, **CC-220**

Manslaughter, **CC-234**

CRIMINAL ORGANIZATION

Committing, defined,
CC-467.1 [467.1(3)]

Committing offence for,
CC-467.12

Conditional sentence not avail-
able, **CC-742.1**

Criminal organization, defined,
CC-467.1

Criminal organization offence,
defined, **CC-2**

Facilitation, defined, **CC-467.1**
[467.1(2)]

Firearms, using, **CC-239,**
CC-244, CC-272,
CC-273, CC-279,

INDEX

CRIMINAL ORGANIZATION

—Cont'd

CC-279.1, CC-344

First degree murder where
death caused for benefit
of, **CC-81, CC-231**
[231(6.1)]

Forfeiture of offence-related
property
see **OFFENCE-RELATED
PROPERTY**

Instructing commission of
offence for, **CC-467.13**

Participation in activities, of,
CC-467.11

Possession of explosives for
benefit of, **CC-82 [82(2)],**
CC-82.1

Recognizance where fear of
offence, **CC-810.01**

Sentencing
deemed aggravating factor,
CC-718.2
[718.2(a)(iv)]

parole ineligibility,
CC-743.6

sentences to be served
consecutively,
CC-467.14

Serious offence, defined,
CC-467.1 [467.1(1)]

Victim of
publication ban, **CC-486.5**

Wiretap authorization, **CC-183**

Witnesses

procedure while testifying,
CC-486.1, CC-486.4
publication ban, **CC-486.5**

CRIMINAL RECORD

See **CONVICTIONS**

CRIMINAL

RESPONSIBILITY

See also **MENTAL DISOR-
DER**

Child under twelve, **CC-13**

One party cannot be convicted,
where, **CC-23.1**

CROSS-EXAMINATION

Accused not to cross-examine
witness, counsel
appointed, **CC-486.3**

Affidavits, **CC-4 [4(7)]**

see also **AFFIDAVITS**

Business documents, **CEA-30**
[CE 30(9)]

Convictions, **CC-666, CEA-12**

Declarations, **CC-4 [4(7)]**

Judicial interim release,
CC-518

Prior inconsistent statements,
CEA-10

adverse witnesses, **CEA-9**

proof of, where witness
denies, **CEA-11**

written, **CEA-9 [CE 9(2)],**
CEA-10

CROWN

See also **ATTORNEY
GENERAL/SOLICITOR
GENERAL; PROSECU-
TOR**

Appeal

see also **APPEALS**
extraordinary remedies,
CC-784

CROWN—Cont'd

Appeal—Cont'd

indictable proceedings,

CC-676, CC-693

summary conviction

proceedings, **CC-813,**

CC-830, CC-839

Privilege

confidence of the Queen's

Privy Council, **CEA-39**

disclosure of government

information, **CEA-37,**

CEA-37.3

international relations or

national defence or

security, **CEA-38,**

CEA-38.16

Public stores

corporate officers, offences

by, **CC-418 [418(2)]**

effect of conviction, **CC-750**

[750(3)-(6)]

governor in council prescrib-

ing distinguishing

marks for, **CC-416**

offences, **CC-417, CC-418**

presumptions, **CC-421**

CROWN ATTORNEY

See ATTORNEY GENERAL/

SOLICITOR GENERAL;

PROSECUTOR

CROWN PRACTICE

See ATTORNEY GENERAL/

SOLICITOR GENERAL;

DISCLOSURE AND

DISCOVERY;

PROSECUTOR

CRUEL AND UNUSUAL

TREATMENT OR

PUNISHMENT, CH-12

Generally, **BR-2, § BR2:1**

[B.R. 2(b)]

CRUELTY TO ANIMALS

See also ANIMALS

Abandonment, **CC-446**

[446(1)(b)]

Arena for fighting, **CC-447**

Causing unnecessary suffering,

CC-445.1

Injuring or endangering

animals, **CC-445**

Keeping cockpit, **CC-447**

Neglect while conveying,

CC-446 [446(1)(a)]

Offences, **CC-446**

Prohibition order, **CC-447.1**

[447.1(1)(a)]

Restitution for reasonable costs

of care, **CC-447.1**

[447.1(1)(b)]

CURRENCY OFFENCES

See also COUNTERFEITING

Bank note

exemptions, **CC-457**

[457(2), (4)]

printing anything in likeness

of, **CC-457 [457(1),**

(3)]

Bullion, conveying out of mint,

CC-459 [459(c)]

Certificate of examiner of

counterfeit, **CC-461**

[461(2), (3)]

INDEX

CURRENCY OFFENCES

—Cont'd

Coin

- clipping and uttering,
CC-455
- conveying out of mint,
CC-459 [459(c)]
- defacing and uttering,
CC-456
- uttering when not current,
CC-453 [453(a)]

Counterfeit money

- advertising and dealing in,
CC-460 [460(1)(a), (2)]
- definition, **CC-448**
- export, etc., **CC-452**
[452(b)]
- making, **CC-449**
- possession, etc., **CC-450**
- property of the Crown,
CC-462 [462(1)]
- seizure by peace officer,
CC-462 [462(2)]
- uttering, **CC-452 [452(a)]**
- when offence complete,
CC-461 [461(1)]

Counterfeit token of value

- dealing in, **CC-460**
[460(1)(b), (2)]
- definition, **CC-448**
- property of the Crown,
CC-462 [462(1)]
- seizure by peace officer,
CC-462 [462(2)]

Current, definition of, **CC-448**

Gold or silver clippings, bul- lion etc., unlawful posses- sion of, **CC-451**

CURRENCY OFFENCES

—Cont'd

Instruments for

- coining, conveying out of
mint, **CC-459**
- counterfeiting, **CC-458**

Slugs and tokens, manufacture/ possession of for fraudu- lent purpose, **CC-454**

Uttering

- clipped coin, **CC-455**
[455(b)]
- coin not current, **CC-453**
[453(a)]
- counterfeit money, **CC-452**
- definition, **CC-448**
- metal resembling coin,
CC-453 [453(b)]

CUSTODY

See ESCAPE FROM LAW-
FUL CUSTODY;
JUDICIAL INTERIM
RELEASE; RELEASE
FROM CUSTODY

CUSTODY ORDER

See also ABDUCTION

Abduction in contravention of,
CC-282

Consent of child no defence,
CC-286

Defence to protect from
imminent harm, **CC-285**

No belief in validity of,
CC-282 [282(2)]

Whether custody order or not,
CC-283 [283(1)]

CUSTOMS AND EXCISE

Officers as peace officers,
CC-2

**DAMAGES FOR ILLEGAL
WIRETAPPING, CC-194**

**DAMAGING DOCUMENTS,
CC-377**

See also DOCUMENTS

DANGEROUS ACTS

Administering surgical or
medical treatment,
CC-216

Duty of persons undertaking
acts dangerous to life,
CC-216

DANGEROUS DRIVING

See CONVEYANCES

DANGEROUS OFFENDERS

See also LONG-TERM
OFFENDERS

Appeal against
dismissal of application
powers of court of appeal,
CC-759 [759(4)]
procedure, **CC-759**
[759(1)]
right of Attorney General,
CC-759 [759(2)]
sentence imposed on
appeal
commencement,
CC-759 [759(6)]
effect, **CC-759 [759(4)]**
sentence
powers of court of appeal,
CC-759 [759(3)]

DANGEROUS OFFENDERS

—Cont'd

Appeal against—Cont'd
sentence—Cont'd
procedure, **CC-759**
[759(7)]
right of appeal, **CC-759**
[759(1)]
Application for finding of
dangerous offender
admissions by offender,
effect of, **CC-754**
[754(3)]
see also JUDICIAL
PROCEEDINGS
Reading in; STATE-
MENTS OF THE
ACCUSED
character evidence, **CC-757**
conditions for finding,
CC-753
court defined, **CC-752**
may be treated as long-term
offender application,
CC-753 [753(5)]
presence of offender at hear-
ing, **CC-758**
proof of consent of Attorney
General, **CC-754**
[754(4)]
Dangerous mentally disordered
accused
see MENTAL DISORDER
Finding by court
conditions for, **CC-753**
disclosure to Correctional
Service, **CC-760**
Sentence, **CC-753**
appeal from, **CC-759**

INDEX

DANGEROUS OFFENDERS —Cont'd

Sentence, **CC-753**—Cont'd
[**759(4)**, (**6**)]
review by Parole Board of
Canada, **CC-761**
Serious personal injury offence
defined, **CC-752**
Young person, **YC-74**

DANGEROUS OPERATION See CONVEYANCES

DATA

See also COMPUTERS
Definition, **CC-342.1**
[**342.1(2)**], **CC-430**
[**430(8)**]
Fraudulent obtaining,
CC-342.1 [**342.1(1)**]
Mischief in relation to, **CC-430**
[**430(1.1)**, (**5**), (**5.1**)]

DATE OF BIRTH

See AGE

DAY

Definition, **CC-2**

DEAD BODY

Interference with, **CC-182**
[**182(b)**]
Neglect re burial, **CC-182**
[**182(a)**]

DEATH

See also HOMICIDE;
INFANTICIDE; MAN-
SLAUGHTER; MURDER
Acceleration by bodily injury,
CC-226

DEATH—Cont'd

Caused by

act or omission, where
preventable by other
means, **CC-224**
criminal negligence,
CC-220, **CC-222**
[**222(5)(b)**]
dangerous injury, where
treatment the immediate
cause, **CC-225**
dangerous operation of
conveyance, **CC-320.13**
frightening, **CC-228**
homicide, **CC-222** [**222(1)**,
(**6**)]
impaired operation of
conveyance, **CC-320.14**
influence on the mind,
CC-228

Consent to death, effect of,
CC-14

Definition, **CC-224**, **CC-228**

Medical assistance, exemption
for, **CC-227**

Might have been prevented,
that, **CC-224**

Procuring conviction and death
by false evidence is not
homicide, **CC-222**
[**222(6)**]

Threatening death, **CC-264.1**

Treatment of dangerous injury,
from, **CC-225**

DECLARATIONS

See SOLEMN DECLARA-
TIONS

DEED

Fraudulent concealment,
CC-385 [385(1)(a)]

DE FACTO AUTHORITY

Obedience to, no defence for
war crimes and crimes
against humanity, **CC-7**
[7(3.74)]

Obedience to law, no offence,
CC-15

DEFAMATORY LIBEL

See also HATE PROPAGANDA

Answers to inquiries where
inquirer has interest,
CC-313

Belief in truth and public interest,
CC-309

Book seller, responsibility of,
CC-304

Costs to successful party,
CC-751, CC-751.1

Court proceedings, publishing
of, **CC-305**

Definition, **CC-298**

Extortion by, **CC-302**

Fair comment

public person, on, **CC-310**
[310(a)]

work of art, on, **CC-310**
[310(b)]

Fair reports

court proceedings, **CC-307**
parliamentary proceedings,
CC-307

public meetings, **CC-308**

DEFAMATORY LIBEL

—Cont'd

Freedom of the press and other
media, **CH-2 [CH 2(b)]**

Giving information to person
interested, **CC-314**

Newspaper
definition, **CC-297**

place of trial of person
charged, **CC-478**
[478(2)]

proprietor, responsibility,
CC-303 [303(2)]

seller, responsibility, **CC-303**
[303(3)]

Parliamentary papers defamatory
matter in, **CC-306**

Plea of justification, **CC-611,**
CC-612

effect where accused
convicted, **CC-612**
[612(3)]

required for inquiry into
truth of statements,
CC-612 [612(1)]

Proof of offence, innuendo not
necessary, **CC-584**

Proof that publication by order
of Parliament or
legislature, **CC-316**

Publication

good faith to redress wrong,
in, **CC-315**

invited by person affected,
CC-312 [312(a)]

necessary to refute other
libel, **CC-312 [312(b)]**

Publishing defined, **CC-299**

Punishment, **CC-300, CC-301**

INDEX

DEFAMATORY LIBEL

—Cont'd

Special verdict, **CC-317**
Truth as defence, **CC-311**
Verdicts available to jury,
CC-317
Wording of indictment,
CC-584

DEFENCE OF PROPERTY

See DEFENCES

DEFENCES

See also WAR CRIMES

Age

see Mistake of fact/law, *infra*

Artistic merit, child sexual
abuse and exploitation
material, **CC-163.1**,
§ **CC163.1:1** to
§ **CC163.1:3** [163.1(6)]

see also CHILD SEXUAL
ABUSE AND
EXPLOITATION
MATERIAL

Colour of right, **CC-429**
[429(2)]

arson, **CC-429** [429(2)]

boundaries, interference
with, **CC-429** [429(2)]

harbours, removing natural
bar, **CC-440**

mischief, **CC-429** [429(2)]

occupant injuring building,
CC-429 [429(2)]

theft, **CC-322** [322(1)]

Common law, preservation of
defences, **CC-8** [8(3)]

Compulsion by threats, **CC-17**

DEFENCES—Cont'd

Consent

abduction, **CC-286**

assault, **CC-265**

belief in consent is not a
defence re sexual
assault, **CC-273.2**

child, **CC-150.1** [150.1(2)]

death, **CC-14**

definition, **CC-265** [265(3)],
CC-273.1

drunkenness causing
mistaken belief in
consent, **CC-273.2**
[273.2(a)(i)]

failure to take reasonable
steps to ascertain
consent re sexual
assault, **CC-273.2**
[273.2(b)]

honest belief in consent,
CC-265 [265(4)]

mistake as to age, **CC-150.1**
[150.1(4)]

no consent obtained re
sexual assault, where,
CC-273.1 [273.1(2),
(3)]

person having lawful posses-
sion of person under 14,
CC-284

removal of consent defence
re sexual offence,
CC-150.1

sexual assault, **CC-265**
[265(3)], **CC-273.1**,
CC-273.2

sexual exploitation of dis-
abled, **CC-153.1**

DEFENCES—Cont'd

Consent—Cont'd
 [153.1(2)-(6)]
 victim under 14, of,
 CC-150.1 [150.1(1), (2)]
 wilful blindness causing
 mistaken belief in
 consent re sexual
 assault, **CC-273.2**
 [273.2(a)(ii)]
 Correction of child, use of
 force justified, **CC-43**
 Defence of another, **CC-34**
 Defence of property, **CC-35**
 Destruction of property
 partial interest, no defence,
 CC-429 [429(3)(a)]
 total interest no defence
 where intent to defraud,
 CC-429 [429(3)(b)]
 Drunkenness
 common law defences
 preserved, **CC-8 [8(3)]**
 consent, mistaken belief in
 consent re sexual
 assault, **CC-273.2**
 [273.2(a)(i)]
 self-induced intoxication,
 CC-33.1
 Duress, **CC-17**
 Duty not to arrest, **CC-495**
 [495(2)]
 Educational, scientific or medi-
 cal purpose, re child
 sexual abuse and exploita-
 tion material, **CC-163.1,**
 § **CC163.1:1 to**

DEFENCES—Cont'd

§ **CC163.1:3 [163.1(6)]**
 see also CHILD SEXUAL
 ABUSE AND
 EXPLOITATION
 MATERIAL
 Entrapment
 common law defences
 preserved, **CC-8 [8(3)]**
 Full answer and defence,
 CC-276 [276(3)(a)],
 CC-650 [650(3)], CC-802
 [802(1)]
 Good faith, sedition, **CC-60**
 Hostage taking, non-resistance,
 CC-279.1 [279.1(3)]
 Ignorance of law no defence,
 CC-19
 Insanity, **CC-16**
 see also MENTAL DISOR-
 DER Criminal
 responsibility
 Intoxication
 see Drunkenness, *supra*
 Justification
 committing criminal acts,
 CC-25.1, CC-25.4
 use of force to prevent
 offence, **CC-27**
 Lawful excuse
 see also Lawful justification
 or excuse; *in*fra
 break-in instruments, posses-
 sion of, **CC-351**
 [351(1)]
 entering or being in dwelling
 house, **CC-349 [349(2)]**
 harbours, removing natural
 bar, **CC-440**

INDEX

DEFENCES—Cont'd

Lawful justification or excuse
arson, **CC-429 [429(2)]**
boundaries, interference
with, **CC-429 [429(2)]**
common law defences
preserved, **CC-8 [8(3)]**
defamatory libel, plea of
justification, **CC-611,**
CC-612
occupant injuring building,
CC-441
Medical purpose, child sexual
abuse and exploitation
material, **CC-163.1,**
§ CC163.1:1 to
§ CC163.1:3 [163.1(6)]
see also CHILD SEXUAL
ABUSE AND
EXPLOITATION
MATERIAL
Mental disorder
see MENTAL DISORDER
Criminal responsibility
Mistake of fact/law
age
child sexual abuse and
exploitation material,
CC-163.1,
§ CC163.1:1 to
§ CC163.1:3
[163.1(5)]
sexual offences, **CC-150.1**
[150.1(4), (5)]
consent, sexual assault,
CC-273.1, CC-273.2,
CC-276
law, **CC-19**

DEFENCES—Cont'd

Motive
see MENS REA
Necessity
common law defences
preserved, **CC-8 [8(3)]**
Non-resistance to kidnapping,
hostage taking, **CC-279**
[279(3)], CC-279.1
[279.1(3)]
Obedience to de facto authority,
CC-15
Obscenity, defence of public
good, **CC-163 [163(3),**
(4)]
Prevent commission of offence,
CC-27
aircraft, on, **CC-27.1**
Property
defence of property, **CC-35**
destruction or damage
partial interest, no
defence, **CC-429**
[429(3)(a)]
total interest no defence
where intent to
defraud, **CC-429**
[429(3)(b)]
Protection of young person,
CC-285
Provocation, **CC-232**
Public good, serving
child sexual abuse and
exploitation material,
CC-163.1,
§ CC163.1:1 to
§ CC163.1:3 [163.1(6),
(7)]
see also CHILD SEXUAL
ABUSE AND

DEFENCES—Cont'd

Public good, serving—Cont'd
 child sexual abuse and
 exploitation material,
CC-163.1,
 § **CC163.1:1 to**
 § **CC163.1:3** [163.1(6),
 (7)]—Cont'd
 EXPLOITATION
 MATERIAL
 obscenity, **CC-163** [163(3)-
 (5)]
 see also OBSCENITY
 Public office
 see PUBLIC OFFICER
 Justification for com-
 mitting criminal acts or
 omissions
 Rights after committal for trial,
CC-603
 Scientific purpose, child sexual
 abuse and exploitation
 material, **CC-163.1**,
 § **CC163.1:1 to**
 § **CC163.1:3** [163.1(6)]
 see also CHILD SEXUAL
 ABUSE AND
 EXPLOITATION
 MATERIAL
 Self-defence, **CC-34**
 defence of another, **CC-34**
 excessive force, **CC-26**
 preventing assault, **CC-34**
 trespasser, **CC-35**
 Serving the public good
 see Public good, serving,
 supra

DEFENCES—Cont'd

Statement during criminal
 investigation, **CC-134**
 [134(2)]
 see also PERJURY
 Truth
 defamatory libel, **CC-311**
 wilfully promoting hatred,
CC-319 [319(3)]

DEFRAUDING CREDITORS

Destroying or altering books
 with intent, **CC-397**
 [397(2)]
 Offence, **CC-392**

DEPOSITIONS

See PRELIMINARY
 INQUIRY

DERIVATIVE EVIDENCE

Charter violation, **CH-24** [CH
 24(2)]
 see also CHARTER OF
 RIGHTS Exclusion of
 evidence

DESERTION

Canadian Forces, **CC-54**
 RCMP, **CC-56**

DESIGNATED COUNSEL,
CC-650.01

DESIGNATED OFFENCE

See DESIGNATED
 SUBSTANCE OFFENCE

DESIGNATED SUBSTANCE
OFFENCE

Definition, **CC-462.48**
 [462.48(1)], CD-2

INDEX

DESIGNATED SUBSTANCE OFFENCE—Cont'd

Disclosure of Income Tax Act
information concerning,
CC-462.48

Offence related property
definition, **CD-2**
seizure and forfeiture
see **PROCEEDS OF
CRIME** Drug
offences

Proceeds of crime
see **PROCEEDS OF CRIME**
Drug offences

DESTROYING DOCUMENTS OF TITLE, CC-340

DESTROYING IDENTITY OR TRAVELLING DOCUMENTS, CC-279.03

DESTROYING PROPERTY

See **ARSON; MISCHIEF;
PROPERTY**

DETENTION

Discharging air gun with intent
to prevent, **CC-244.1**

Discharging firearm with intent
to prevent, **CC-244**

Rights upon, **CH-10**
see also **RIGHT TO
COUNSEL**

DETENTION ORDER

See **JUDICIAL INTERIM
RELEASE; RELEASE
FROM CUSTODY**

DIAMOND

See **VALUABLE MINERAL**

DIRECT INDICTMENT, CC-577

See also **INDICTMENTS AND
INFORMATIONS** Prefer-
ring indictment

DISABILITY

Accommodating juror with
physical disability,
CC-627, CC-631 [631(4)]

Accommodating witness with
disability, **CC-486.1,
CC-486.2, CC-715.2,
CEA-6, CEA-6.1,
CEA-16**

Sexual exploitation of person
with mental or physical
disability, **CC-153.1**
consent defence, **CC-153.1**
[153.1(2)-(6)]

Videotaped evidence,
CC-715.2

DISARMING PEACE OFFICER, CC-270.1

DISCHARGES

See **SENTENCE**

DISCHARGING AIR GUN WITH INTENT, CC-244.1

DISCHARGING FIREARM WITH INTENT, CC-244

DISCIPLINE

Child, of, **CC-43**

DISCLOSURE AND DISCOVERY

See also CASE MANAGEMENT

After order to stand trial or at trial, **CC-603**

Alternative measures, records, **CC-715.6**, § **CC717.4:1** to § **CC717.4:3**, **CC-721**, § **CC721:1** to § **CC721:3** [717.4, 721(3)(c)]

Assessment reports, **CC-672.2** [672.2(4)]

see also MENTAL DISORDER Assessment orders

Breathalyzer

see BREATHALYZER

Business records, **CEA-30** [CE 30(5), (7)]

Case management judge may make order, **CC-551.3**

Discretion of trial judge, **CEA-10**, **CEA-30** [CE 30(5)]

Effect of orders made in case management, **CC-591** [591(4.2)]

Government information, **CEA-37**, **CEA-39**

see also PRIVILEGE Crown privilege

Interception of private communications, **CC-189** [189(5)], **CC-190**

Mental disorder disposition information, **CC-672.51**

see also MENTAL DISORDER Disposition information

DISCLOSURE AND DISCOVERY—Cont'd

Personal information records

appeal, determination
deemed question of law
for purposes of

in possession of accused, **CC-278.34**

in possession of prosecutor, **CC-278.28**

in possession of third party, **CC-278.19**

joint application, **CC-278.38**

application by accused for production

in possession of accused, **CC-278.3**

in possession of prosecutor, **CC-278.21**

in possession of third party, **CC-278.12**

conditions to be attached to production order

in possession of prosecutor, **CC-278.25**

in possession of third party, **CC-278.16**

disclosure obligation on prosecutor, **CC-278.2** [278.2(3)]

in camera hearing

determine production to accused, to

in possession of prosecutor, **CC-278.24**

in possession of third party, **CC-278.16**

INDEX

DISCLOSURE AND

DISCOVERY—Cont'd

Personal information records

—Cont'd

in camera hearing—Cont'd
determine production to

judge, to

in possession of

prosecutor,

CC-278.22

in possession of third

party, **CC-278.13**

no costs order against

person affected or

custodian of record

in possession of

prosecutor,

CC-278.22

in possession of third

party, **CC-278.13**

person affected and

custodian of record

not compellable

in possession of

accused,

CC-278.31

in possession of

prosecutor,

CC-278.22

judge may order production

accused, to

in possession of

prosecutor,

CC-278.25

in possession of third

party, **CC-278.16**

prosecutor, to

in possession of

accused, **CC-278.3**

DISCLOSURE AND

DISCOVERY—Cont'd

Personal information records

—Cont'd

judge may order production

—Cont'd

prosecutor, to—Cont'd

in possession of third

party, **CC-278.16**

no application for disclosure

at preliminary inquiry

in possession of prosecu-

tor, **CC-278.21**

in possession of third

party, **CC-278.12**

person affected may waive

application, **CC-278.2**

[**278.2(2)**]

prohibition on production at

trial of certain offences,

CC-278.2

publication of proceedings

prohibited

in possession of accused,

CC-278.32

in possession of prosecu-

tor, **CC-278.27**

in possession of third

party, **CC-278.18**

joint application,

CC-278.36

reasons to be given for order

in possession of accused,

CC-278.31

in possession of prosecu-

tor, **CC-278.26**

in possession of third

party, **CC-278.17**

DISCLOSURE AND

DISCOVERY—Cont'd

Personal information records
 —Cont'd
 reasons to be given for order
 —Cont'd
 joint application,
 CC-278.35
 record defined, **CC-278.1**
 record to be sealed if produc-
 tion refused
 in possession of prosecu-
 tor, **CC-278.25**
 in possession of third
 party, **CC-278.16**
 test to be applied to
 determine production,
 CC-278.5,
 § **CC278.5:1**
 in possession of accused,
 CC-278.29
 in possession of prosecu-
 tor, **CC-278.23**
 in possession of third
 party, **CC-278.14**
 Preliminary inquiry, **CC-603**
 Production
 preliminary inquiry, **CC-603**
 Protection of privacy, **CC-189**
 [189(5)], CC-190
 Release of exhibits for testing,
 CC-605
 Release of specimen for test-
 ing, **CC-320.28**
 [320.28(10)]
 Right of accused, **CC-603,**
 CC-605
 Right to full answer and
 defence, **CC-650, CC-802**

DISCLOSURE AND

DISCOVERY—Cont'd

Statement of accused, **CC-603**
 Statements, for cross-examina-
 tion, **CEA-10**
 Witnesses' statements, **CEA-10**

DISCRETION

Assessment orders
 see also MENTAL DISOR-
 DER
 extending term of,
 CC-672.15
 varying terms re release or
 detention, **CC-672.18**
 Sexual activity of complainant,
 admissibility on sexual
 offences, **CC-276 [276(3)]**
 Weapons prohibition, **CC-109,**
 CC-111

DISEASE OF THE MIND

See also MENTAL DISOR-
 DER
 Definition of mental disorder,
 CC-2

DISFIGURE

Discharging air gun with intent
 to, **CC-244.1**
 Discharging firearm with intent
 to, **CC-244**

DISGUISE WITH INTENT, **CC-351 [351(2)]**

DISGUSTING OBJECT

See also OBSCENITY
 Exhibiting disgusting object,
 CC-163 [163(2)(b)],
 CC-169

INDEX

DISOBEYING COURT ORDER, CC-127

DISOBEYING STATUTE, CC-126

DISORDERLY HOUSE

See also BETTING AND GAMING OFFENCES
Common betting house,
Common gaming house;
KEEPER; LOTTERIES;
PROCURING

Definition, **CC-197 [197(1)]**

Keeper defined, **CC-197 [197(1)]**

Search warrant, **CC-199 [199(1)]**

see also SEARCH AND SEIZURE

Seizure powers, **CC-199**

DISPOSAL OF PROPERTY TO DEFRAUD CREDITORS, CC-392

DISPOSITIONS

See MENTAL DISORDER; SENTENCE; YOUTH CRIMINAL JUSTICE ACT

DISTINGUISHING MARKS

Offences, **CC-417**

Presumptions, **CC-421**

Public stores owned by Crown, **CC-416**

DISTURBANCE, CC-175

See also CAUSE DISTURBANCE

DIVERSION

See ALTERNATIVE MEASURES; SENTENCE

DNA ANALYSIS

See also SEARCH AND SEIZURE

Collection of additional samples, **CC-487.091**

Definitions, **CC-487.04**

Destruction of bodily substances, **CC-487.09**

Disclosure of results where young person, **YC-119 [YC 119(6)]**

DNA data bank

appeal from decision requiring taking of samples, **CC-487.054**

authorization to take samples from persons serving sentence, **CC-487.055**

duty to inform offender, **CC-487.07**

further samples may be authorized, **CC-487.091**

limitation on use of bodily substances and analysis results, **CC-487.08 [487.08(1.1)]**

no order to be made where DNA profile in data bank, **CC-487.053**

order to take samples from convicted person, **CC-487.051**

peace officer to make report to court, **CC-487.057**

DNA ANALYSIS—Cont'd

- DNA data bank—Cont'd
 - protection from criminal and civil liability, **CC-487.058**
 - terms and conditions of authorization or order, **CC-487.06**
 - transmission of results to data bank, **CC-487.071**
 - when collection to take place, **CC-487.056**
- Execution of warrant, **CC-487.07**
- Information for warrant, **CC-487.05**
- Investigative procedures permitted, **CC-487.06**
- Limitations on use of bodily substances, **CC-487.08**
- Protection from criminal and civil liability, **CC-487.058**
- Terms and conditions of warrant, **CC-487.06**

DOCUMENTARY EVIDENCE

- Attesting witness, **CEA-34**
- Books and documents
 - admissibility, **CEA-25**
 - bank records, **CEA-29**
 - computer print-outs, **CEA-29 [CE 29(1)]**
 - copies of entries, **CEA-28**
 - Government of Canada, kept in office of, **CEA-26**
 - notice of production of, **CEA-28**
- Business records, **CEA-30**
 - admissibility rules and, **CEA-30 [CE 30(11)]**

DOCUMENTARY EVIDENCE—Cont'd

- Business records, **CEA-30**
 - Cont'd
 - affidavit evidence, **CEA-30 [CE 30(6)]**
 - copies, **CEA-30 [CE 30(3)]**
 - defined terms, **CEA-30 [CE 30(12)]**
 - inadmissible records, **CEA-30 [CE 30(10)]**
 - inference of non-occurrence, **CEA-30 [CE 30(2)]**
 - notice of production, **CEA-30 [CE 30(7)]**
 - ordinary course of business, made in, **CEA-30 [CE 30(1)]**
- Canada Gazette, copies of, **CEA-32 [CE 32(2)]**
- Certified copies, **CEA-24**
- Electronic documents
 - authentication of, **CEA-31.1**
 - best evidence rule and, **CEA-31.2**
 - definitions re, **CEA-31.8**
 - electronic signatures, presumptions re, **CEA-31.4**
 - presumption of integrity, **CEA-31.3**
 - proof by affidavit, **CEA-31.6**
 - rules of law applicable to, **CEA-31.7**
 - standard procedure or usage, evidence of, **CEA-31.5**
- Forged instrument, impounding of, **CEA-35**

INDEX

DOCUMENTARY EVIDENCE

—Cont'd

- Governor General's proclamations, etc., **CEA-21**
- Imperial proclamations, etc., **CEA-20**
- Judicial proceedings, evidence of, **CEA-23**
- Lieutenant governor's proclamations, etc., **CEA-22**
- Order signed by Secretary of State, **CEA-32 [CE 32(1)]**
- Photographic prints, **CEA-31**
- Proof of handwriting of certifying person, **CEA-33**
- Queen's Printer, copies by, **CEA-19**

DOCUMENTS

- See also AFFIDAVITS;
DOCUMENTARY EVIDENCE;
DOCUMENTS OF TITLE;
FALSE DOCUMENT;
SOLEMN DECLARATIONS
- Affidavits
see AFFIDAVITS
- Affirmation
see AFFIRMATION
- Age, date of birth, **CC-658, YC-148**
see also AGE
- Banking records, **CEA-29**
- Business records, **CEA-30**
- Canada Evidence Act not in derogation of proof of documents, **CEA-36**
see also CANADA EVIDENCE ACT

DOCUMENTS—Cont'd

- Canada Gazette, copies printed in, **CEA-32 [CE 32(2)]**
- government and public documents, **CEA-19, CEA-28, CEA-31 [CE 31(2)]**
- microfilm and photographic documents, **CEA-31**
- notice of, **CEA-28**
- pre-sentence report, copy to accused, **CC-721 [721(5)]**
- proceeds of crime, copies of documents, **CC-462.46**
- proof of handwriting, **CEA-33**
- public documents, **CEA-24**
- weapons authorization, licence or registration certificate, **CC-117.12 [117.12(2)]**
- Canadian officials certifying documents outside Canada, **CEA-52, CEA-54**
- Certificate of conviction, **CC-667**
see also CERTIFICATES;
CONVICTIONS
- Certificate of weapons analyst, **CC-117.13**
- Concealing identity or traveling documents, **CC-279.03**
- Copies
 - Acts of Parliament, **CEA-19**
 - banking records, **CEA-29 [CE 29(1)]**
 - business records, **CEA-30 [CE 30(3), (12)]**

DOCUMENTS—Cont'd

- Copies—Cont'd
 - by-laws, **CEA-24**
 - isee also CANADA EVIDENCE ACT
- Cross-examination, upon
 - affidavits, solemn declarations, **CC-4 [4(7)]**
 - see also AFFIDAVITS; CROSS-EXAMINATION; SOLEMN DECLARATIONS
- Crown privilege, **CEA-37, CEA-39**
 - see also PRIVILEGE
- Damaging election documents, **CC-377**
- Damaging register, **CC-378**
- Date of birth, **CC-658, YC-148**
- Declarations
 - see SOLEMN DECLARATIONS
- Definition, **CC-321**
- Destroying
 - documents of title, **CC-340**
 - identity or travelling documents, **CC-279.03**
- Drawing without authority, **CC-374**
- Election document
 - damage or alteration, **CC-377 [377(1)(c), (d)]**
 - definition, **CC-377 [377(2)]**
- Electronic, **CC-841, CC-847**
- Execution, use, etc., with intent to defraud, **CC-374**
- False, defined re offences against property rights, **CC-321**

DOCUMENTS—Cont'd

- Falsification, **CC-397**
- Fraudulent concealment of title documents, **CC-385**
- Government records, **CEA-24, CEA-26, CEA-28**
- Instruments
 - see INSTRUMENTS
- Judicial document, destruction, etc., **CC-340**
- Judicial proceedings, evidence of, **CEA-23, CEA-28**
 - see also JUDICIAL PROCEEDINGS
- Medical practitioner's evidence for assessment order, **CC-672.16 [672.16(1)(a), (2)]**
 - see also MENTAL DISORDER
- Microfilmed records, **CEA-31**
- Notarial act or instrument in Quebec, **CEA-27**
- Notice of government or public documents, **CEA-28**
- Order signed by Secretary of State of Canada, **CEA-32**
- Photographic documents, **CEA-31**
- Photographic evidence of property, **CC-491.2**
- Privilege
 - see also PRIVILEGE
 - Crown privilege, **CEA-37, CEA-39**
 - solicitor-client privilege claimed, **CC-488.1**
- Proof of handwriting of person certifying, **CEA-33**

INDEX

DOCUMENTS—Cont'd

- Public documents, **CEA-24, CEA-26, CEA-28**
- Records, alternative measures, **CC-715.56, § CC717.1:1 to CC-717.4, § CC717.4:1 to § CC717.4:3**
- Service, proof of, **CC-4 [4(6), (6.1), (7)]**
- Solemn affirmation
see **AFFIRMATION**
- Solemn declarations
see **SOLEMN DECLARATIONS**
- Solicitor-client privilege
claimed, **CC-488.1**
see also **PRIVILEGE**
- Testamentary instrument
see **TESTAMENTARY INSTRUMENT**
- Title
see **DOCUMENTS OF TITLE**
- Valuable security
see **VALUABLE SECURITY**
- Warrant of committal as evidence, **CC-570 [570(5), (6)], CC-806 [806(2), (3)], CC-FORM 21**
- Weapons analyst's certificate, **CC-117.13**
- Weapons authorization, licence, registration certificate as evidence of contents, **CC-117.12**
- Withholding identity or travelling documents, **CC-279.03**

DOCUMENTS OF TITLE

- See also **DOCUMENTS**
- Destruction, cancellation, etc., **CC-340**
- Fraudulent concealment, **CC-385**
- Goods, document of title to, defined, **CC-2**
- Lands, document of title to, defined, **CC-2**

DOLPHINS.

- Captivity of
see **CETACEAN**

DOUBLE DOCTORING, CD-4 [CD 4(2)]

- See also **DRUGS**

DOUBLE JEOPARDY

- See also **CHARTER OF RIGHTS; PLEAS; RES JUDICATA**
- Autrefois acquit/convict, **CC-607, CC-610**
- Charter of Rights, **CH-11 [CH 11(h)]**
- Offences under more than one Act, **CC-12**

DRAWING DOCUMENT WITHOUT AUTHORITY

- See **DOCUMENTS**

DRIFT TIMBER

- See **LUMBER**

DRILLING

- Unlawful, **CC-70**

DRIVING OFFENCES

See BREATHALYZER;
IMPAIRED DRIVING
AND OVER 80; MOTOR
VEHICLES; OVER 80

DRUGS

See also CONTROLLED
DRUGS AND SUB-
STANCES ACT;
PROCEEDS OF CRIME;
STUPEFYING DRUG

Abstinence during conditional
sentence, **CC-742.3**
[742.3(2)(a)]

Administering
drug to animal, **CC-445.1**
[445.1(1)(c)]
noxious thing to any person,
CC-245

Controlled substances
see CONTROLLED
DRUGS AND SUB-
STANCES ACT

Designated drug offence
see PROCEEDS OF CRIME
Drug offences

Double doctoring, **CD-4 [CD**
4(2)]

Impairment by drugs
demand to
perform coordination
tests, **CC-320.27**
[320.27(1)(a)]
provide blood, **CC-320.28**
operating conveyance while
impaired by drug,
CC-320.14
[320.14(1)(a)]

DRUGS—Cont'd

Impairment by drugs—Cont'd
prohibition order upon
conviction, **CC-320.24**
qualified
medical practitioner,
CC-320.11

technician, **CC-320.27**
refusal to comply with
demand, **CC-320.15**
samples of blood to be taken
by or at direction of
qualified medical practi-
tioner, **CC-320.28**

Importing and exporting con-
trolled drug or substance,
CD-6

Operating conveyance while
impaired by drugs,
CC-320.14

isee also MOTOR
VEHICLES

Possession of controlled drug
or substance, **CD-4**

Proceeds of crime
see PROCEEDS OF CRIME

Schedules I-VIII drugs
CD-SCH I, **CD-SCH IX**

Trafficking in controlled drug
or substance, **CD-5**

Warrants
see SEARCH AND
SEIZURE

DRUNKENNESS

Common law defences
preserved, **CC-8 [8(3)]**
Consent, mistaken belief in
consent re sexual assault,

INDEX

DRUNKENNESS—Cont'd
 CC-273.2 [273.2(a)(i)]
 Self-induced intoxication,
 CC-33.1

DUAL STATUS OFFENDERS
 See MENTAL DISORDER

DUE PROCESS, CH-7
 See also CHARTER OF
 RIGHTS Fundamental
 justice

DURESS, CC-17

**DUTY OF CARE RE
EXPLOSIVES**
 See EXPLOSIVES

DUTY OF PERSONS
 Directing work, **CC-217.1**
 Provide necessities, to,
 CC-215
 Undertaking
 dangerous acts, **CC-217**
 surgical or medical treat-
 ment, **CC-216**

**DUTY TO SAFEGUARD
OPENING IN ICE,**
 CC-263

DWELLING-HOUSE
 Breaking and entering, **CC-348**
 Defence of, against unlawful
 entry or trespasser, **CC-35**
 Definitions
 general, **CC-2**
 search for weapons,
 CC-117.02

DWELLING-HOUSE—Cont'd
 Entering or being unlawfully
 in, **CC-349**
 Home invasion, **CC-348.1**
 Occupant injuring building,
 CC-429 [429(2)], CC-441
 Right to enter if entitled to pos-
 session, **CC-35 [35(1)]**

**ELECTION AS TO MODE OF
TRIAL**
 See ELECTIONS AND RE-
 ELECTIONS

ELECTION DOCUMENT
 Damage or alteration, **CC-377**
 [377(1)(c), (d)]
 Definition, **CC-377 [377(2)]**

ELECTION FUND
 Contractor subscribing to,
 CC-121 [121(2), (3)],
 CC-750 [750(3)-(5)]

**ELECTIONS AND
RE-ELECTIONS**
 See also INDICTMENTS AND
 INFORMATIONS;
 NUNAVUT
 Absconding accused, election
 deemed to be waived,
 CC-598

 Absolute jurisdiction of
 provincial court judge,
 election during trial in
 certain cases, **CC-555**
 [555(2), (3)]
 After electing trial by judge
 and jury, **CC-561,**
 CC-562.1

ELECTIONS AND

RE-ELECTIONS—Cont'd

Appeals, election re new trial,
CC-686 [686(5), (5.01)]

Attorney General overriding,
CC-568, CC-569

Before

judge of Nunavut Court of
Justice, **CC-536,**
CC-555.1

justice, **CC-536 [536(2)-(4)],**
CC-566

provincial court judge,
CC-554, CC-555

Consent by Crown to re-election,
CC-561, CC-561.1

Deemed made in certain cases,
CC-565, CC-567.1,
CC-598

During trial, in certain cases,
CC-555 [555(2), (3)],
CC-555.1

Judge alone, **CC-536 [536(2)],**
CC-555 [555(3)], CC-566
[566(2)]

see also Re-election, *infra*

Jury election deemed waived
by absconding accused,
CC-598

Jury trial required by Attorney
General, **CC-568, CC-569**

Overriding of election by
Attorney General,
CC-568, CC-569

Preliminary inquiry
provincial court judge may
decide to hold, **CC-555**
[555(1)-(1.2)]

ELECTIONS AND

RE-ELECTIONS—Cont'd

Preliminary inquiry—Cont'd
re-election after completion
of, **CC-561 [561(1)],**
CC-562

re-election before comple-
tion of, **CC-561**
[561(1)(a), (b)],
CC-562

Provincial court judge, **CC-536**
[536(2), (3)], CC-554,
CC-555 [555(2)],
CC-561, CC-562,
CC-563

Re-election

consent of Crown required,
when, **CC-561,**
CC-561.1

electing trial by judge and
jury, after, **CC-561,**
CC-562.1

trial by provincial court
judge, for, **CC-561,**
CC-562, CC-563

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

Several accused making differ-
ent elections, **CC-567,**
CC-567.1

Testamentary instrument,
CC-555 [555(2), (3)]

Trial by

judge alone, form of indict-
ment, **CC-566 [566(2)],**
CC-566.1

judge alone, Superior Court,
on consent, **CC-473**

INDEX

ELECTIONS AND RE-ELECTIONS—Cont'd

- Trial by—Cont'd
 - provincial court judge,
CC-536 [536(2)],
CC-554, CC-561
- Trial without consent, no re-
election at, **CC-598**
- Writing, in, without attendance
of accused, **CC-536.2**
- Youth Criminal Justice Act,
YC-67
 - prosecutor seeking adult
sentence, where, **YC-67**
[YC 67(1)(b), (3)(b)]
 - young person charged with
murder, **YC-67 [YC**
67(1)(c), (3)(c)]
 - young person charged with
presumptive offence,
YC-67 [YC 67(1)(a),
(3)(a)]
 - young person's status uncer-
tain, **YC-67 [YC**
67(1)(d), (3)(d)]

ELECTRICITY

- Theft of, **CC-326**
- Theft of telecommunication
service, **CC-326**

ELECTRONIC DOCUMENTS, **CC-841, CC-847**

- See also CANADA EVI-
DENCE ACT Electronic
documents
- Electronically transmitted sum-
mons, warrant, subpoena,
CC-708.1

ELECTRONIC SURVEILLANCE

- See INTERCEPTION OF
PRIVATE COM-
MUNICATIONS;
SEARCH AND SEIZURE

EMBEZZLEMENT

- See THEFT

EMPLOYMENT

- Offences against employee re
joining union, **CC-425**
- Records, falsification, **CC-398**

ENDANGERING LIFE

- Abandoning child, **CC-218**
- Administering noxious thing
with intent, **CC-245**
- Discharging with intent
air gun, **CC-244.1**
firearm, **CC-244**
- Medical or surgical treatment,
duty re, **CC-216**
- Mischief, **CC-430 [430(2)]**
- Omission by duty to act,
CC-217, CC-217.1

ENEMY ALIEN

- Assisting to leave Canada,
CC-50 [50(1)]
- Evidence of overt acts, **CC-55**
- Indictment, overt acts to be
stated, **CC-581 [581(4)]**

ENGLISH CRIMINAL LAW

- Application, **CC-8 [8(2)]**
- Defences, **CC-8 [8(3)]**
- Juries, powers of court prior to
April 1, 1955, preserved,
CC-672

ENGLISH CRIMINAL LAW
—Cont'd

Offences not applicable, **CC-9**

ENTRAPMENT

Common law defences
preserved, **CC-8 [8(3)]**

**ESCAPE FROM LAWFUL
CUSTODY**

Assisting prisoner of war,
CC-148

Offence of, **CC-145 [145(1)]**

Permitting or assisting,
CC-146, CC-147

Prison breach, **CC-144**

Service of term for remnant,
CC-149

ESTREAT, CC-770, CC-771

See also **RECOGNIZANCE**
Forfeiture on default

EVERY ONE

Definition, **CC-2**

EVIDENCE

See also **CASE MANAGE-
MENT; DISABILITY;
YOUTH CRIMINAL
JUSTICE ACT**

Admissions

see **ADMISSIONS**

Adverse witnesses, **CEA-9**

see also **ADVERSE WIT-
NESSES; AGE; WIT-
NESSES; YOUTH
CRIMINAL JUSTICE
ACT**

Age, proof of, **CC-658,
YC-148**

EVIDENCE—Cont'd

Alternative measures, state-
ments not admissible,
**CC-715.51, § CC717:1 to
§ CC717:3 [717(3)]**

Appeals, **CC-683 [683(1)(d)]**

Banking records, **CEA-29**

Burden and onus of proof
see **BURDEN AND ONUS
OF PROOF**

Business records, **CEA-30**

Canada Evidence Act

see **CANADA EVIDENCE
ACT**

Canadian officials certifying
documents outside Can-
ada, **CEA-52, CEA-54**

Certificates

see **CERTIFICATES**

Character and credibility

see **CHARACTER AND
CREDIBILITY**

Charter of Rights

see **CHARTER OF RIGHTS**

Evidence, Exclusion of
evidence

Children, **CEA-16, CEA-16.1**

Children and young persons,
proof of age, **CC-658,
YC-148**

see also **YOUTH CRIMI-
NAL JUSTICE ACT**

Collateral facts rule

cross-examination upon
previous convictions,
CEA-12

exceptions

convictions, **CEA-12**

INDEX

EVIDENCE—Cont'd

- Collateral facts rule—Cont'd
 - exceptions—Cont'd
 - prior inconsistent statements, **CEA-9, CEA-11**
 - rebuttal evidence, **CC-666**
- Commission evidence
 - see COMMISSION EVIDENCE
- Competence and compellability
 - see COMPETENCE AND COMPELLABILITY
- Confessions
 - see ADMISSIONS; STATEMENTS OF THE ACCUSED; VOLUNTARINESS
- Confidential communications
 - see PRIVILEGE
- Contradictory evidence
 - see also PERJURY
 - giving, **CC-136**
 - proof of earlier trial, **CC-136 [136(2.1)]**
- Convictions
 - see CONVICTIONS; FINGERPRINTS
- Copies
 - see DOCUMENTS
- Corroboration
 - see CORROBORATION
- Cross-examination
 - see CROSS-EXAMINATION
- Definition, for offences against administration of justice, **CC-118**
 - see also GOVERNMENT

EVIDENCE—Cont'd

- Depositions
 - see PRELIMINARY INQUIRY
- Derivative evidence, **CH-24 [CH 24(2)]**
- Discretion
 - see DISCRETION
- Documents
 - see DOCUMENTS
- Evidence to the contrary
 - see PRESUMPTIONS AND INFERENCES
- Exclusion of evidence
 - see CHARTER OF RIGHTS; INTERCEPTION OF PRIVATE COMMUNICATIONS
 - Admissibility of communications
- Exhibits
 - release for scientific testing, **CC-605**
 - right of accused to see, **CC-603**
 - videotapes, **CC-715.1**
- Expert evidence
 - see EXPERT EVIDENCE
- Fabrication of, sufficiency of indictment for
 - see INDICTMENTS AND INFORMATIONS
- Fingerprints
 - see CONVICTIONS; FINGERPRINTS
- Firearm, obliterated serial number, **CC-108 [108(4)]**
 - see also WEAPONS Firearms

EVIDENCE—Cont'd

Fresh evidence, **CC-683 [683(1)(d)]**

Handwriting
 certification re Canada Evidence Act, **CEA-33**
 comparisons by witnesses, **CEA-8**

Hearsay
 see **HEARSAY EXCEPTIONS**

Identification of accused, **CEA-6.1**

Inferences
 see **PRESUMPTIONS AND INFERENCES**

Interception of private communications
 see **INTERCEPTION OF PRIVATE COMMUNICATIONS**

Judicial interim release, **CC-518**
 see also **JUDICIAL INTERIM RELEASE**

Judicial notice
 see **JUDICIAL NOTICE**

Judicial proceedings
 see **JUDICIAL PROCEEDINGS**

Knowledge presumed re obliterated serial number
 firearms, **CC-108 [108(4)]**
 vehicles, **CC-354 [354(2), (3)]**

Minerals, theft of, presumption, **CC-396 [396(2)]**

Mute person, manner of giving evidence, **CEA-6**

EVIDENCE—Cont'd

Oaths
 see **CANADA EVIDENCE ACT Competence and compellability; COMPETENCE AND COMPELLABILITY Oaths**

Opinion
 see **EXPERT EVIDENCE**

Ownership
 see **INDICTMENTS AND INFORMATION SUFFICIENCY; OWNERSHIP**

Photocopies
 see **DOCUMENTS**

Physical disability, **CEA-6**

Preliminary inquiry
 see **JUDICIAL PROCEEDINGS; PRELIMINARY INQUIRY**

Presumptions
 see **PRESUMPTION OF INNOCENCE; PRESUMPTIONS AND INFERENCES**

Previous statements, cross-examination upon
 see **ADVERSE WITNESSES; PRIOR INCONSISTENT STATEMENTS**

Prior inconsistent statements
 see **PRIOR INCONSISTENT STATEMENTS**

Private communications
 see **INTERCEPTION OF PRIVATE COMMUNICATIONS**

INDEX

EVIDENCE—Cont'd

- Privilege
 - see CANADA EVIDENCE ACT Privilege; PRIVILEGE
- Proceedings in courts out of Canada, **CEA-43, CEA-51**
- Protection of privacy
 - see INTERCEPTION OF PRIVATE COMMUNICATIONS
- Provincial laws of evidence, applicability, **CEA-40**
- Psychiatric evidence
 - see EXPERT EVIDENCE; MENTAL DISORDER Assessment orders
- Reading in evidence
 - commission evidence, **CC-711, CC-712 [712(2)]**
 - evidence from previous hearing, **CC-715, CC-822 [822(5)]**
 - trial de novo, reading in of trial evidence, **CC-822 [822(5)]**
- Reasons for rulings
 - see REASONS FOR DECISION
- Rebuttal evidence, **CC-666**
- Records, alternative measures, **CC-715.56, § CC717.1:1 to CC-715.6, § CC717.4:1 to § CC717.4:3**
 - see also CONVICTIONS; YOUTH CRIMINAL

EVIDENCE—Cont'd

- Records, alternative measures, **CC-715.56, § CC717.1:1 to CC-715.6, § CC717.4:1 to § CC717.4:3—Cont'd JUSTICE ACT**
- Reply evidence, **CC-666**
- Reputation evidence
 - see CHARACTER AND CREDIBILITY
- Right to silence
 - see SELF-INCRIMINATION
- Search and seizure
 - see SEARCH AND SEIZURE
- Sexual conduct, restriction on questioning
 - see CHARACTER AND CREDIBILITY
- Silence
 - see SELF-INCRIMINATION Right to silence
- Similar fact evidence
 - sexual activity of complainant with others, **CC-276**
 - young persons, violent patterns evidence, in continuation in custody hearings, **YC-98 [YC 98(4)]**
- Statements
 - see ADMISSIONS; STATEMENTS
- Statements of the accused
 - see ADMISSIONS; STATEMENTS OF THE ACCUSED

EVIDENCE—Cont'd

Statements of the accused at preliminary inquiry, use at trial, **CC-541 [541(3)], CC-657**

Statutory declarations
see SOLEMN DECLARATIONS; STATUTES

Stolen property proved by theft conviction, **CC-657.2 [657.2(1)]**

Sufficiency of evidence, preliminary inquiry, **CC-548 [548(1)(a)]**

Taking of evidence, **CC-540**

Vehicle
identification number obliterated, **CC-354 [354(2), (3)]**

Videotapes, **CC-715.1**
complainant testifying outside the courtroom, **CC-486.2**
complainant under 18, evidence of, **CC-715.1**
complainant with disability, evidence of, **CC-715.2**

Voir dire
see VOIR DIRE;
VOLUNTARINESS

Voluntariness
see STATEMENTS OF THE ACCUSED;
VOLUNTARINESS

Wiretap
see INTERCEPTION OF PRIVATE COMMUNICATIONS

EVIDENCE—Cont'd

Witnesses
see WITNESSES

EVIDENCE TO THE CONTRARY

See PRESUMPTIONS AND INFERENCES

EXCAVATION

Failure to safeguard, **CC-263 [263(2), (3)]**

EXCEPTION

No need to negative in information, **CC-794 [794(1)]**
Onus of proof re exception, exemption, excuse, **CC-794 [794(2)]**

EXCESSIVE FORCE

Criminal responsibility for, **CC-26**

EXCHEQUER BILL

Definition, **CC-321**
Exchequer bill paper, definition, **CC-321**

EXCISE OFFICER

Peace officer as, **CC-2**

EXCLUSION OF THE PUBLIC

See also COURTS; PUBLICATION BAN

All proceedings in open court, **CC-486 [486(1)]**

Complainant
sexual activity, admissibility on sexual offences, **CC-276**
application for accused, **CC-276.01**

INDEX

EXCLUSION OF THE PUBLIC—Cont'd

Complainant—Cont'd
sexual activity, admissibility
on sexual offences,
CC-276—Cont'd
application for prosecutor,
CC-276.06
testifying outside court room
or behind a screen,
CC-486.2

Exclusion of the public in
certain cases, **CC-486**

In camera hearing re admis-
sibility of other sexual
activity of complainant
application for accused,
CC-276.02
application for prosecutor,
CC-276.06

Protecting witnesses
see also WITNESSES
complainant, **CC-486**
support person for witness,
CC-486.1

witnesses under 18, **CC-486**
young person, **YC-132**

Videotaped evidence of
see also VIDEOTAPED
EVIDENCE
complainant under 18 years,
CC-715.1
disabled witness, **CC-715.2**
Witness testifying outside court
or behind a screen,
CC-486.2

Youth justice court, **YC-132**
see also YOUTH CRIMI-
NAL JUSTICE ACT

EXCUSE

See also DEFENCES
No need to negative infor-
mation, **CC-794 [794(1)]**
Onus of proof re exception,
exemption, excuse,
CC-794 [794(2)]
War crimes
see WAR CRIMES

EXEMPTION

No need to negative infor-
mation, **CC-794 [794(1)]**
Onus of proof re exception,
exemption, excuse,
CC-794 [794(2)]

EXHIBITS

Release for scientific testing,
CC-605
Right of accused to see,
CC-603
Videotapes, **CC-715.1**
see also VIDEOTAPED
EVIDENCE

EXPERT EVIDENCE

Business documents, **CEA-30**
[CE 30(6), (9)]
Case management judge may
make ruling, **CC-551.3**
Number of expert witnesses,
CEA-7
Psychiatric assessment
see MENTAL DISORDER
Report admissible, **CC-657.3**

EXPLOSIVES

Care and control, breach of
duty re, **CC-79, CC-80**

EXPLOSIVES—Cont'd

- Causing injury with intent,
CC-81
- Explosive substance defined,
CC-2, CC-431.2
[431.2(1)]
- First degree murder, **CC-81,**
CC-231 [231(6.1)]
- Prohibition orders, **CC-109**
- Public places, **CC-431.2**
- Seizure under warrant on
suspicion, **CC-492**
- Taking on aircraft, **CC-78**
- Transportation systems,
CC-431.2
- Unlawful possession, **CC-82**

**EXPOSURE, INDECENT
EXPOSURE, CC-173**
[173(2)]

See also **SEXUAL OFFENCES**

EXTENSION OF TIME

- Indictable appeals, **CC-678**
[678(2)]
- Summary conviction appeals,
CC-815 [815(2)], CC-838

EXTORTION

- Blackmail, **CC-346**
- Criminal interest rate, **CC-347**
- Defamatory libel, by, **CC-302**
- Definition, **CC-346 [346(1)]**
- Punishment, **CC-346**
[346(1.1)]
- Restriction on publication of
identity of complainant or
witness, **CC-486.4**

EXTORTION—Cont'd

- Threat to institute civil
proceedings, **CC-346**
[346(2)]

**EXTRA-JUDICIAL
PROCEEDING**

- False statement in, **CC-134**

**EXTRAORDINARY
REMEDIES**

- See also **CERTIORARI;**
HABEAS CORPUS;
MANDAMUS;
NUNAVUT; PROHIBI-
TION
- Application of Part XXVI,
CC-774

Certiorari

- appeal to court of appeal,
CC-784 [784(1)]
- certain irregularities not
rendering order invalid,
CC-777 [777(1)],
CC-778
- conviction or order not
reviewable, **CC-776**
- court required to take
judicial notice, **CC-781**
- defect in form not rendering
warrant of committal
void, **CC-782**
- effect of order dismissing
application, **CC-780**
- judge may correct illegal
sentence, **CC-777**
[777(2)]
- not required to review sum-
mary conviction,
CC-833

INDEX

EXTRAORDINARY

REMEDIES—Cont'd

Certiorari—Cont'd

privative clause, **CC-776**,
CC-777 [777(1)],
CC-782

procedendo not required,
CC-780

recognizance, defendant may
be required to enter
into, **CC-779**

remedial orders, **CC-777**

Habeas corpus

appeals

heard expeditiously, to be,
CC-784 [784(6)]

judgment on return of writ
of habeas corpus to
court of appeal and
Supreme Court of
Canada, from,
CC-784 [784(5)]

no appeal from granting of
writ of habeas
corpus, **CC-784**
[784(4)]

refusal of writ of habeas
corpus to court of
appeal and Supreme
Court of Canada,
from, **CC-784**
[784(3)]

defect in form not rendering
warrant of committal
void, **CC-782**

guarantee to, **CH-10 [CH**
10(c)]

multiple applications
prohibited, **CC-784**
[784(3)]

EXTRAORDINARY

REMEDIES—Cont'd

Habeas corpus—Cont'd

Nunavut, **CC-573.2**

Judge may make order for fur-
ther detention without
determining legality of
detention, **CC-775**

Mandamus

appeal from grant or refusal,
CC-784 [784(1), (2)]

rules of court re, **CC-482**
[482(3)(c)]

Nunavut, **CC-573.1**

Procedendo

not required upon dismissal
of application to quash,
CC-780

Prohibition

appeal from grant or refusal,
CC-784 [784(1), (2)]

application of Part XXVI,
CC-774

rules of court re, **CC-482**
[482(3)(c)]

Protection order for provincial
court judge or justice,
CC-783

Rules of court re, **CC-482**
[482(3)(c)]

EXTRATERRITORIALITY

See JURISDICTION Territorial

FABRICATING EVIDENCE, CC-137

See also INTERNATIONAL
CRIMINAL COURT

Definition and offence, **CC-137**

**FABRICATING EVIDENCE,
CC-137—Cont'd**

Indictment for, wording,
CC-585

Perjury
see PERJURY

FACTOR

Pledging goods, when not theft,
CC-325
see also THEFT

FAIL TO APPEAR

Certificate, proof of facts by,
**CC-145 [145(9), (10),
(11)]**

Court appearance, **CC-145
[145(2), (3), (4), (5), (6)]**

**FAIL TO COMPLY, CC-145
[145(3)-(10)]**

Certificate, proof of facts by,
**CC-145 [145(9), (10),
(11)]**

Condition in appearance notice
or promise to appear, with,
CC-145 [145(3)-(6)]

Condition in undertaking or
recognizance, with,
CC-145 [145(3)-(5)]

**FAIL TO STOP VEHICLE,
VESSEL, AIRCRAFT**

See AIRCRAFT; CONVEY-
ANCES; MOTOR
VEHICLES

**FAILURE OR REFUSAL TO
PROVIDE BLOOD
SAMPLE, CC-320.15**

See also BLOOD SAMPLES

**FAILURE OR REFUSAL TO
PROVIDE BREATH
SAMPLE, CC-320.15**

See also BREATHALYZER

**FAILURE TO ATTEND
COURT**

See FAIL TO APPEAR

**FAILURE TO COMPLY WITH
PROBATION ORDER**

See also SENTENCE Proba-
tion

Certificate of analyst re drugs,
CC-729

Jurisdiction, **CC-733.1
[733.1(2)]**

Offence, **CC-733.1 [733.1(1)]**

**FAILURE TO COMPLY WITH
SEX OFFENDER
INFORMATION
REGISTRATION ACT
OBLIGATION OR
ORDER, CC-490.031**

**FAILURE TO PROVIDE
NECESSARIES, CC-215**

**FAIR TRIAL, CH-11 [CH
11(d)]**

See also CHARTER OF
RIGHTS Fair and public
hearing

FALSE ACCUSATION

Public mischief, **CC-140**

**FALSE AFFIDAVIT OR
DECLARATION, CC-134,
CC-138**

See also AFFIDAVITS;
PERJURY; SOLEMN

INDEX

FALSE AFFIDAVIT OR DECLARATION, CC-134, CC-138—Cont'd DECLARATIONS

FALSE DOCUMENT See FORGERY

FALSE EVIDENCE See FABRICATING EVIDENCE; FALSE STATEMENT; PERJURY

FALSE FIRE ALARM Colour of right defence, **CC-429** Offence, **CC-437**

FALSE MESSAGE Sending to injure or alarm, **CC-372 [372(1)]**

FALSE OATH See also COMPETENCE AND COMPELLABILITY Oath Indictment for making, wording, **CC-585**

FALSE PERSONATION See PERSONATION

FALSE PRETENCES See also FRAUD Cheque defined, **CC-362** **[362(5)]** Cheque dishonoured, presumption from, **CC-362** **[362(4)]** Definition, **CC-361**

FALSE PRETENCES—Cont'd Financial statement re false pretence making with intent, **CC-362** **[362(1)(c)]** obtaining with knowledge of, **CC-362 [362(1)(d)]** Indictment, sufficiency, **CC-586** Obtaining credit by, **CC-362** **[362(1)(b)]** goods by, **CC-362** **[362(1)(a)]** Presumption from dishonour of cheque, **CC-362 [362(4)]** Punishment, **CC-362 [362(2),** **(3)]** Value over/under \$5,000, **CC-362 [362(2)]**

FALSE PROSECUTION Conspiracy re, **CC-465** **[465(1)(b)]** Obstructing justice, **CC-139** Public mischief, **CC-140**

FALSE PROSPECTUS, CC-400 Deemed aggravating factor, **CC-380.1**

FALSE RETURN BY PUBLIC OFFICER, CC-399

FALSE STATEMENT See also FALSE PRETENCES; PERJURY Extra-judicial proceedings, **CC-134** Fabricating evidence, **CC-137**

FALSE STATEMENT—Cont'd

False affidavit, **CC-134**,
CC-138

Indictment for, wording,
CC-585

**FALSIFYING EMPLOYMENT
RECORD, CC-398**

See also **EMPLOYMENT**

FARES

See also **FRAUD**

Fraud in relation to, **CC-393**

FAULT

Proof of for organization,
CC-22.1, CC-22.2

**FEAR OF INJURY TO
PERSON OR PROPERTY,
CC-810, CC-811**

**FEAR OF SERIOUS
PERSONAL INJURY
OFFENCE, CC-810.2**

**FEAR OF SEXUAL OFFENCE
AGAINST CHILD**

Breach of recognizance,
offence, **CC-811**

Information laid, **CC-810.1**
[810.1(1)]

Parties caused to appear,
CC-810.1 [810.1(2)]

Procedure, **CC-810 [810(5)]**,
CC-810.1 [810.1(5)]

Recognizance
failure or refusal to enter
recognizance, **CC-810**
[810(4)], CC-810.1

**FEAR OF SEXUAL OFFENCE
AGAINST CHILD**

—Cont'd

Recognizance—Cont'd
[810.1(5)], CC-FORM
23

terms and conditions,
CC-810.1 [810.1(3)]

varying, **CC-810.1**
[810.1(4)]

FEEBLE-MINDED PERSON

See **MENTAL DISORDER**

FEEES AND ALLOWANCES

See **COSTS**

**FEIGNED MARRIAGE,
PROCURING, CC-292**

FIERI FACIAS

See **RECOGNIZANCE** Forfeiture on default

FINANCIAL STATEMENT

False pretence re, **CC-362**
[362(1)(c), (d), (3)]

FINES, CC-734, CC-737

See also **SENTENCE**

FINGERPRINTS

Certificates of examiner
CC-FORM 44, CC-FORM
45

Destruction of, **IDENT-4**,
IDENT-5 [IDENT. 4, 5]

Fail to appear, fail to comply,
Identification of Criminals
Act, as required by process to appear for

INDEX

FINGERPRINTS—Cont'd

- fingerprinting, **CC-145 [145(4)-(10)]**
- Identification of Criminals Act, **CC-145 [145(4)-(10)]**, **CC-501 [501(3)]**
- Proof of previous conviction, for, **CC-667**
- Warrant to obtain, **CC-487.092**
- Young persons, **YC-113**, **YC-115**

FIRE

- See **ARSON**

FIRE ALARM

- False alarm
 - defence of colour of right or lawful excuse, **CC-429 [429(2)]**
 - offence, **CC-437**

FIREARMS

- See **WEAPONS**

FIREARMS ACT

- Agreements with provinces, **FIR-95**
- Ammunition —
 - authorization to transfer to individual, **FIR-25**
 - firearm parts, **FIR-25.1**
 - prohibited, **FIR-24**
 - unauthorized possession of, **FIR-108**
- Appeals of refusals and revocations —
 - appeal to court of appeal, **FIR-80**

FIREARMS ACT—Cont'd

- Appeals of refusals and revocations —Cont'd
 - appeal to superior court —
 - Attorney General, by, **FIR-77 [FIR. 77(2)]**
 - burden of proof, **FIR-79 [FIR. 79(2)]**
 - disposition of appeal, **FIR-79 [FIR. 79(1)]**
 - licence holder, etc., by, **FIR-77 [FIR. 77(1)]**
 - procedure, **FIR-78**
 - Criminal Code, application of Part XXVII, **FIR-81**
 - referral to provincial court judge —
 - decision of judge, **FIR-76**
 - hearing procedure, **FIR-75**
 - jurisdiction, **FIR-74 [FIR. 74(1)]**
 - limitation period, **FIR-74 [FIR. 74(2)]**
- Application of —
 - Canadian Forces, to, **FIR-3 [FIR. 3(2)]**
 - Crown, to, **FIR-3 [FIR. 3(1)]**
 - exemptions by provincial minister, **FIR-97**
- Authorizations —
 - acquisitions, **FIR-64 [FIR. 64(1.2)]**
 - appeals. See Appeals of refusals and revocations, *supra*
 - carry/transport. See Authorization to carry or

FIREARMS ACT—Cont'd

Authorizations —Cont'd
 transport, *infra*
 conditional licence, **FIR-70.3**
 domestic violence, **FIR-70.1**
 export/import. See Authorized export/import, *infra*
 extension, **FIR-64 [FIR. 64(1.1), (1.3)]**
 form of, **FIR-61**
 geographical extent of, **FIR-63**
 issuance, **FIR-64 [FIR. 64(1.4)]**
 lending. See Authorized transfers and lending, *infra*
 non-transferability, **FIR-62**
 possession. See Authorized possession, *infra*
 protection order, **FIR-70.2**
 refusal to issue - chief firearms officer, **FIR-68, FIR-72**
 revocation of, **FIR-70, FIR-72**
 term of, **FIR-65**
 transfers and lending. See Authorized transfers and lending, *infra*
 transport. See Authorization to carry or transport, *infra*
 transportation of firearms. See Authorized transportation of firearms, *infra*

FIREARMS ACT—Cont'd

Authorizations —Cont'd
 use, **FIR-64 [FIR. 64(1.2)]**
 Authorizations to carry or transport. See also Authorized transportation of firearms, *infra*
 appeals. See Appeals of refusals and revocations, *supra*
 automatic, **FIR-61 [FIR. 61(3.1)]**
 chief firearms officer's responsibility for, **FIR-57**
 conditions - chief firearms officer, **FIR-58 [FIR. 58(1)], FIR-58.1**
 different registered owner, **FIR-59**
 exception, **FIR-58 [FIR. 58(1.1)]**
 licence, **FIR-58 [FIR. 58(1.1)]**
 referred to in paragraph 20(a), **FIR-57.1**
 refusal to issue/revocation, **FIR-70, FIR-72**
 renewal - chief firearms officer, **FIR-67**
 Authorized export/import —
 appeals. See Appeals of refusals and revocations, *supra*
 individuals —
 non-residents —
 temporary licence and registration certificate, **FIR-36**

INDEX

FIREARMS ACT—Cont'd

Authorized export/import —
—Cont'd
individuals ———Cont'd
non-residents ———Cont'd
without licence to
import, **FIR-35**
registrar's responsibility for
issuing, **FIR-60**
Authorized possession —
eligibility to hold licence —
businesses, **FIR-9**
court order prohibition,
FIR-6
criteria for, **FIR-5** [**FIR.**
5(2), (3)]
minors — protection
orders, **FIR-6.1**
consent of parent,
FIR-8 [**FIR. 8(5)**]
generally, **FIR-8** [**FIR.**
8(1)]
hunting for sport, **FIR-8**
[**FIR. 8(3)**]
hunting for sustenance,
FIR-8 [**FIR. 8(2)**]
prohibited/restricted
firearms, **FIR-8**
[**FIR. 8(4)**]
personal safety, **FIR-5**
[**FIR. 5(1)**]
safety courses, completion
of —
exceptions, **FIR-7**
[**FIR. 7(4), (5)**]
prohibition order and,
FIR-7 [**FIR. 7(3)**]
requirement re, **FIR-7**
[**FIR. 7(1)**]

FIREARMS ACT—Cont'd

Authorized possession —
—Cont'd
eligibility to hold licence —
—Cont'd
safety courses, completion
of ———Cont'd
restricted firearms
course, **FIR-7**
[**FIR. 7(2)**]
prohibited firearms, etc. —
businesses —
carriers, **FIR-11** [**FIR.**
11(3)]
generally, **FIR-11** [**FIR.**
11(1)]
prescribed purposes,
FIR-11 [**FIR.**
11(2)]
individuals, grandfathered
—
automatic firearms,
FIR-12 [**FIR.**
12(2)]
converted automatic
firearms, **FIR-12**
[**FIR. 12(3)**]
general prohibition,
FIR-12 [**FIR.**
12(1)]
handguns, **FIR-12**
[**FIR. 12(6), (7)**]
Prohibited Weapons
Order No. 12,
FIR-12 [**FIR.**
12(4)]
Prohibited Weapons
Order No. 13,
FIR-12 [**FIR.**
12(5)]

FIREARMS ACT—Cont'd

Authorized possession —
 —Cont'd
 prohibited firearms, etc. —
 —Cont'd
 individuals, grandfathered
 —Cont'd
 regulation, application
 of, **FIR-12 [FIR.
 12(8), 12(9)]**
 registration certificates —
 exempted firearms,
 FIR-15
 number of persons per
 certificate, **FIR-16**
 requirement, **FIR-13**
 serial number, **FIR-14**
 Authorized transfers and lend-
 ing —
 authorization to transfer —
 ammunition to individu-
 als, **FIR-25**
 Crown and police, to,
 FIR-26
 firearms neither prohibited
 nor restricted, **FIR-
 23, FIR-26**
 firearms parts, **FIR-25.1**
 importation of ammuni-
 tion or cartridge mag-
 azine-individuals,
 FIR-37
 importation of firearm
 parts-individuals,
 FIR-38
 prohibited ammunition,
 FIR-24
 prohibited firearms, **FIR-
 23.2, FIR-27**

FIREARMS ACT—Cont'd

Authorized transfers and lend-
 ing —Cont'd
 authorization to transfer —
 —Cont'd
 prohibited weapons, etc.,
 FIR-24
 restricted firearms, **FIR-
 23.2, FIR-27**
 duties of chief firearms
 officer, **FIR-27**
 gun collectors, **FIR-30**
 lending —
 Crown and police, to,
 FIR-34
 requirements, **FIR-33**
 mail-order transfers, **FIR-32**
 mental disorder prohibition,
 FIR-22
 permitted purposes of
 transfers, **FIR-28**
 police/Crown, transfer to,
 FIR-31 [FIR. 31(2)]
 registrar, duties of, **FIR-31**
 shooting clubs/ranges —
 approval requirement,
 **FIR-29 [FIR. 29(1),
 (2)]**
 delegation of approval
 power, **FIR-29 [FIR.
 29(4)]**
 non-disclosure of informa-
 tion, **FIR-29 [FIR.
 29(7)]**
 notice of refusal to
 approve, **FIR-29
 [FIR. 29(5), (6)]**
 revocation of approval,
 FIR-29 [FIR. 29(3)]

INDEX

FIREARMS ACT—Cont'd

Authorized transfers and lending —Cont'd
transfer defined, **FIR-21**

Authorized transportation of firearms. See also
Authorizations to carry or transport, *supra*

handguns, carrying, **FIR-20**

places prohibited/restricted firearms may be possessed, **FIR-17**

restricted firearms —

- automatic authorization to transport, **FIR-19** [**FIR. 19(2.1)** to **(2.3)**]
- carrying, **FIR-20**
- competition, **FIR-19** [**FIR. 19(1.1)**]
- exceptions, **FIR-19** [**FIR. 19(2.3)**]
- generally, **FIR-19** [**FIR. 19(1)**]
- handguns, exception re, **FIR-19.1**
- licence renewal, **FIR-19** [**FIR. 19(2.1)**]
- non-residents, **FIR-19** [**FIR. 19(3)**]
- target practice, **FIR-19** [**FIR. 19(1.1)**]
- transfer, **FIR-19** [**FIR. 19(2.2)**]
- transitional provisions.
See Transitional provisions, *infra*

FIREARMS ACT—Cont'd

Canadian Firearms Registration System —

- disclose, authorization to, **FIR-88.1**
- electronic filing, **FIR-91**, **FIR-92**
- records —

 - access to, right to, **FIR-90**
 - Canadian Firearms Registry, **FIR-83**
 - chief firearms officer, of, **FIR-87**
 - destruction of, **FIR-84**
 - other records, **FIR-85**
 - storage of, form of, **FIR-92**
 - transfer of, **FIR-86**

- registrar of firearms —

 - appointment of, **FIR-82**

- reporting —

 - loss/finding/theft/
destruction of firearms, of, **FIR-88**
 - prohibition orders, **FIR-89**

- reports —

 - commissioner, to, **FIR-94**
 - federal Minister, to, **FIR-93**

Carry or transport. See Authorization to carry or transport, *supra*

Defined terms, **FIR-2**

Delegation —

- chief firearms officer, to, **FIR-98**
- designated firearms officers, to, **FIR-99**

FIREARMS ACT—Cont'd

- Delegation —Cont'd
 - registrar's functions, of, **FIR-100**
- Export/import. See Authorized export/import, *supra*
- Gun collectors —
 - authorized transfer and lending, **FIR-30**
- Handguns —
 - authorized possession of prohibited, **FIR-12** [**FIR. 12(6)**, **(6.1)**, **(7)**], **FIR-12.2**
 - carrying, **FIR-20**
 - exceptions re, **FIR-19.1**, **FIR-97.1**
- Inspection —
 - authorization re, **FIR-102** [**FIR. 102(1)**]
 - business, defined, **FIR-102** [**FIR. 102(5)**]
 - data processing system, use of, **FIR-102** [**FIR. 102(2)**]
 - demand to produce firearm, **FIR-105**
 - duty to assist inspectors, **FIR-103**
 - dwelling house, of, **FIR-104**
 - inspector defined, **FIR-101**
 - prohibition against use of force, **FIR-102** [**FIR. 102(3)**]
 - receipt for things taken, **FIR-102** [**FIR. 102(4)**]
- Lending. See Authorized transfers and lending, *supra*

FIREARMS ACT—Cont'd

- Licences —
 - acquisition, **FIR-64** [**FIR. 64(1.2)**]
 - appeals. See Appeals of refusals and revocations, *supra*
 - application for —
 - information and investigation re, **FIR-55**
 - procedure, **FIR-54** [**FIR. 54**]
 - conditional licence, **FIR-70.3**
 - conditions - chief firearms officer, **FIR-58**, **FIR-58.1** [**FIR. 58(1)**]
 - contravention of conditions of, **FIR-110**
 - domestic violence, **FIR-70.1**
 - eligibility to hold. See Authorized possession, *supra*
 - exception re, **FIR-58** [**FIR. 58(1.1)**]
 - export/import. See Authorized export/import—individuals, *supra*
 - extension period, **FIR-64** [**FIR. 64(1.1)**]
 - form of, **FIR-61**
 - geographical extent of, **FIR-63**
 - issuance of, **FIR-56** [**FIR. 56**]
 - minors, issuance to, **FIR-58** [**FIR. 58(2)**]
 - non-transferability, **FIR-62**

INDEX

FIREARMS ACT—Cont'd

Licences —Cont'd

number of, **FIR-56 [FIR-56]**

protection order, **FIR-70.2**

refusal to issue - chief fire-
arms officer, **FIR-68,**
FIR-72

revocation of, **FIR-70, FIR-**
72, FIR-114

tampering with, **FIR-107**

term of, **FIR-64**

transitional provisions. See
Transitional provisions,
infra

use, **FIR-64 [FIR. 64(1.2)]**

Minors —

eligibility to hold licence.

See Authorized posses-
sion, supra

issuance of licence to,
FIR-58 [FIR. 58(2)]

transitional provision re,
FIR-121

Offences —

advertising, re, **FIR-112**

ammunition, unauthorized
possession of, **FIR-108**

contravention of conditions
of licences, etc., **FIR-**
110

demand to produce firearm,
non-compliance, **FIR-**
113

false statements, **FIR-106**

licences, etc., tampering
with, **FIR-107**

proceedings re, **FIR-116**

FIREARMS ACT—Cont'd

Offences —Cont'd

punishment, **FIR-109, FIR-**
111, FIR-115

revoked licence, etc., failure
to deliver up, **FIR-114**

Other Acts, obligations under,
FIR-96

Possession. See Authorized
possession, supra

Prohibited firearms —

authorization to transfer,
FIR-23.2, FIR-24

authorized possession of. See
Authorized possession,
supra

authorized transportation of,
FIR-17

eligibility of minor to hold
licence re, **FIR-8 [FIR.**
8(4)]

handguns, **FIR-12.2**

registration certificate, **FIR-**
12.1

Purpose of, **FIR-4**

Records. See Canadian Fire-
arms Registration System,
supra

Registration certificate. See
also Authorized posses-
sion, supra

appeals. See Appeals of
refusals and revoca-
tions, supra

application for —
procedure, **FIR-54**

form of, **FIR-61**

for prohibited or restricted
firearms only, **FIR-12.1**

FIREARMS ACT—Cont'd

Registration certificate. See also Authorized possession, *supra*—Cont'd geographical extent of, **FIR-63**
non-transferability, **FIR-62**
prohibition on use, acquisition and importation, **FIR-69.2**
refusal to issue, **FIR-69**, **FIR-72**
registrar's responsibility for issuing, **FIR-60**
renewal of - chief firearms officer, **FIR-67**
revocation of, **FIR-71**, **FIR-72**
suspension, **FIR-69.1**
temporary, **FIR-36**
term of, **FIR-66**
transitional provisions. See Transitional provisions, *infra*
Regulations under —
laying of proposed regulations —
exceptions, **FIR-119**
procedures, **FIR-118**
power to make, **FIR-117**
Restricted firearms —
eligibility of minor to hold licence re, **FIR-8** [**FIR. 8(4)**]
handguns, **FIR-12.2**
registration certificate, **FIR-12.1**
safety course re, **FIR-7** [**FIR. 7(2)**]

FIREARMS ACT—Cont'd

Restricted firearms —Cont'd
transportation of. See Authorized transportation of firearms, *supra*
Shooting club —
generally. See Authorized transfers and lending, *supra*
transitional provision approvals, **FIR-134**
Short title, **FIR-1**
Transfers. See Authorized transfers and lending, *supra*
Transitional provisions —
authorized transportation of firearms —
pending applications, **FIR-133**
permit to carry —
deeming provision, **FIR-129** [**FIR. 129(1)**]
expiration, **FIR-129** [**FIR. 129(3)**]
geographical extent, **FIR-129** [**FIR. 129(2)**]
permit to transport/convey, **FIR-131**, **FIR-132**
revocation, **FIR-135.1**
shooting club approvals, **FIR-134**
temporary permit, **FIR-130**, **FIR-132**
temporary storage permit, **FIR-135**

INDEX

FIREARMS ACT—Cont'd

Transitional provisions —
—Cont'd

licences —

deemed conditions, **FIR-126.1**

firearms acquisition certificates, **FIR-120**

industrial purpose designations, **FIR-125**

minors' permits, **FIR-121**

museum approvals, **FIR-122, FIR-124**

pending applications, **FIR-126**

permits to carry on business, **FIR-123, FIR-124**

registration certificates —

deeming provision, **FIR-127 [FIR. 127(1)]**

expiration, **FIR-127 [FIR. 127(2)]**

pending applications, **FIR-128**

Transportation. See Authorized transportation of firearms, *supra*

FIREARMS OFFICER

See also WEAPONS

Definition, **CC-84**

Reference to court by, **CC-111, CC-117.011 [117.011(1)]**

FIRST DEGREE MURDER

See MURDER

FISHERY GUARDIAN

See FISHERY OFFICER

FISHERY OFFICER

Fishery guardian as peace officer, **CC-2**

Peace officer as, **CC-2**

FITNESS TO STAND TRIAL

See MENTAL DISORDER

Fitness to stand trial

FIXED PLATFORMS

Definition, **CC-78.1 [78.1(5)]**

Endangering safety, **CC-78.1 [78.1(2)]**

Offences against, **CC-7 [7(2.1), (2.2)]**

Seizing control, **CC-78.1 [78.1(1)]**

Threats causing death or injury, **CC-78.1 [78.1(4)]**

FOLLOWING PERSON

See INTIMIDATION; STALKING

FORCE

Excessive, criminal responsibility for, **CC-26**

Justification of

correction of child, **CC-43**

defence of property, **CC-35**

law enforcement, **CC-25**

preventing offences, **CC-27**

aircraft, on, **CC-27.1**

self-defence, **CC-34**

FORCIBLE CONFINEMENT, CC-279 [279(2)]

Internationally protected person, outside Canada,

**FORCIBLE CONFINEMENT,
CC-279 [279(2)]—Cont'd
CC-7 [7(3), (5)-(7)]**

Non-resistance as defence,
CC-279 [279(3)]

**FORCIBLE DETAINER,
CC-72 [72(2), (3)], CC-73**

**FORCIBLE ENTRY, CC-72
[72(1), (1.1), (3)], CC-73**

See also BREAKING AND
ENTERING

**FORENSIC DNA ANALYSIS,
CC-487.04, CC-487.092,
YC-119 [YC 119(6)]**

See also DNA ANALYSIS

FORFEITURE

See also OFFENCE-RELATED
PROPERTY; PROCEEDS
OF CRIME

Ammunition, **CC-491**

Appeals, powers of appellate
courts

see also APPEALS

suspending fines, forfeitures,
restitutions and
surcharges, pending
appeal, **CC-462.45,**
CC-683 [683(5)],
CC-689

Carriage of prohibited goods
forfeiture order, **CC-401**
[401(2)]

Civil enforcement of forfeiture,
CC-734.6

Controlled Drugs and Sub-
stances Act, **CD-16,**
CD-22

FORFEITURE—Cont'd

Default on recognizance

committal of sureties when
not satisfied, **CC-773**

effect, **CC-771 [771(3),**
(3.1)]

execution by sheriff, **CC-772**

form of writ, **CC-FORM 34**

issue of writ, **CC-771**
[771(3.1)]

proceeds, to whom payable,
CC-491 [491(3)],
CC-734.4, CC-771
[771(4)]

warrant of committal on,
CC-FORM 27

Device to obtain computer ser-
vice, **CC-342.2 [342.2(2),**
(3)]

Explosive, upon conviction,
CC-492

Instrument for forging credit
card, **CC-342.01**
[342.01(2), (3)]

Obscene publications, **CC-164**
[164(4)-(7)]

Offence-related property
see OFFENCE-RELATED
PROPERTY

Proceeds

crime, of

see PROCEEDS OF
CRIME

payable, to whom, **CC-491**
[491(3)], CC-734.4

Property obtained by crime,
CC-462.37, CC-491.1

INDEX

FORFEITURE—Cont'd

- Recognizance
 - see Default on recognizance,
supra
- Recovery, procedure, **CC-734.6**
- Remission by Governor in
Council, **CC-748.1**
- Restitution order in addition to
forfeiture, priority,
CC-740
 - see also SENTENCE
 - Restitution orders
- Return of weapons or ammuni-
tion to lawful owner,
CC-491 [491(2)]
- Valuable minerals, **CC-394**
[394(6)], **CC-394.1**
[394.1(4)]
- Weapons, **CC-115**, **CC-117.03**
[117.03(3)], **CC-117.05**
[117.05(4)], **CC-491**
 - see also WEAPONS
- Young persons, **YC-42 [YC**
42(2)(j)]

FORGERY

- Altering election document,
CC-377 [377(1)(d)]
- Complete, when, **CC-366**
[366(3), (4)]
- Credit card, **CC-342**
- Definition, **CC-366 [366(1),**
(2)]
- Exchequer bill, etc., use or pos-
session, **CC-369 [369(a)]**
- False document, defined,
CC-57 [57(4)(b)],
CC-321

FORGERY—Cont'd

- Impounding forged instrument,
CEA-35
- Inserting false entry in register,
CC-377 [377(1)(b)]
- Instrument for forging credit
card, **CC-342.01**
- Making false copy of register,
record or document,
CC-378
- Making false document
defined, **CC-366 [366(2)]**
- Medical assistance in dying, in
relation to, **CC-241.4**
- Passports, **CC-57**
 - see also PASSPORT
 - OFFENCES
- Plates, dies, etc., making,
using, etc., for purpose of,
CC-369 [369(b)]
- Public seal of Canada or prov-
ince, **CC-369 [369(b)]**
- Punishment, **CC-367**
- Trade mark
 - definition, **CC-406**
 - offence, **CC-407**
 - possession of instruments
for, **CC-409**
 - punishment and forfeiture,
CC-412
- Uttering forged
document, **CC-368**
passport, **CC-57**

FORM OF MARRIAGE

- Definition, **CC-214**

FORMS AND SCHEDULES

- See also CERTIFICATES;
DOCUMENTS

FORMS AND SCHEDULES

—Cont'd

- Affidavits
see AFFIDAVITS
- Controlled Drugs and Sub-
stances Act
CD-SCH I, **CD-SCH VI**
- Criminal Code forms, **CC-849**
 - Form 44, **CC-667**
 - Form 45, **CC-667**
 - Form 1, Information to
obtain a search warrant,
CC-487
 - Form 2, Information,
CC-506, CC-788
 - Form 4, Heading of indict-
ment, **CC-566,**
CC-566.1, CC-580,
CC-591
 - Form 5, Warrant to search,
CC-487
 - Form 5.01, Information to
obtain a warrant to take
bodily substances for
forensic DNA analysis,
CC-487.05 [487.05(1)]
 - Form 5.001, Preservation
demand, **CC-487.012**
[487.012(1)]
 - Form 5.1, Warrant to search,
CC-487.1
 - Form 5.002, Information to
obtain a preservation
order, **CC-487.013**
[487.013(2)]
 - Form 5.2, Report to a justice,
CC-489.1
 - Form 5.02, Warrant authoriz-
ing the taking of bodily

FORMS AND SCHEDULES

—Cont'd

- Criminal Code forms, **CC-849**
 - Cont'd
 - substances for forensic
DNA analysis,
CC-487.05 [487.05(1)]
 - Form 5.03, Order authoriz-
ing the taking of bodily
substances for forensic
DNA analysis,
CC-487.051
[487.051(1),
487.051(2)]
 - Form 5.003, Preservation
order, **CC-487.013**
[487.013(4)]
 - Form 5.3, Report to a judge
of property seized,
CC-462.32
 - Form 5.004, Information to
obtain a production
order, **CC-487.014**
[487.014(2)],
CC-487.015
[487.015(2)],
CC-487.016
[487.016(2)],
CC-487.017
[487.017(2)],
CC-487.018
[487.018(3)]
 - Form 5.04, Order authoriz-
ing the taking of bodily
substances for forensic
DNA analysis,
CC-487.051
[487.051(3)]
 - Form 5.05, Application for
an authorization to take

INDEX

FORMS AND SCHEDULES

—Cont'd

Criminal Code forms, **CC-849**

—Cont'd

bodily substances for
forensic DNA analysis,
CC-487.055
[487.055(1)]

Form 5.005, Production
order for documents,
CC-487.014
[487.014(3)]

Form 5.06, Authorization to
take bodily substances
for forensic DNA analy-
sis, **CC-487.055**
[487.055(1)]

Form 5.006, Production
order to trace a com-
munication,
CC-487.015
[487.015(3)]

Form 5.007, Production
order for transmission
data or tracking data,
CC-487.016
[487.016(3)],
CC-487.017
[487.017(3)]

Form 5.07, Report to a
Provincial Court Judge
or the court,
CC-487.057
[487.057(1)]

Form 5.08, Application for
an authorization to take
additional samples of
bodily substances for
forensic DNA analysis,
CC-487.091

FORMS AND SCHEDULES

—Cont'd

Criminal Code forms, **CC-849**

—Cont'd

[487.091(1)]

Form 5.008, Production
order for financial data,
CC-487.018
[487.018(4)]

Form 5.09, Authorization to
take additional samples
of bodily substances for
forensic DNA analysis,
CC-487.091
[487.091(1)]

Form 5.009, Information to
obtain a non-disclosure
order, **CC-487.0191**
[487.0191(2)]

Form 5.041, Order to a
person to have bodily
substances taken for
forensic DNA analysis,
CC-487.051
[487.051(4)],
CC-487.055
[487.055(3.11)]

Form 5.061, Summons to a
person to have bodily
substances taken for
forensic DNA analysis,
CC-487.055
[487.055(4)],
CC-487.091
[487.091(3)]

Form 5.062, Warrant for
arrest, **CC-487.0551**
[487.0551(1)]

Form 5.0081, Information to
revoke or vary an order

FORMS AND SCHEDULES

—Cont'd

Criminal Code forms, **CC-849**

—Cont'd

made under any of sections 487.013 to 487.018 of the Criminal Code, **CC-487.019**
[**487.019(3)**]

Form 5.0091, Non-disclosure order, **CC-487.0191**
[**487.0191(3)**]

Form 6, Summons to a person charged with an offence, **CC-493**,
CC-508, **CC-512**

Form 7, Warrant for arrest, **CC-475**, **CC-493**,
CC-597, **CC-800**,
CC-803

Form 7.1, Warrant to enter dwelling house, **CC-529.1**

Form 8, Warrant for commitment, **CC-493**, **CC-515**

Form 9, Appearance notice issued by a peace officer to a person not yet charged with an offence, **CC-493**

Form 10, Promise to appear, **CC-493**

Form 11, Recognizance entered into before an officer in charge or other peace officer, **CC-493**

Form 11, Release Order, **CC-2**

FORMS AND SCHEDULES

—Cont'd

Criminal Code forms, **CC-849**

—Cont'd

Form 11.1, Undertaking given to a peace officer or an officer in charge, **CC-493**, **CC-499**,
CC-503

Form 12, Surety Declaration, **CC-515.1**

Form 12, Undertaking given to a justice or a judge, **CC-493**, **CC-679**

Form 13, Undertaking by appellant (defendant), **CC-816**, **CC-832**,
CC-834

Form 14, Undertaking by appellant (prosecutor), **CC-817**

Form 15, Warrant to convey accused before justice of another territorial division, **CC-543**

Form 16, Subpoena to a witness, **CC-699**

Form 16.1, Subpoena to a witness in the case of proceedings in respect of an offence referred to in subsection 278.11(1) of the Criminal Code, **CC-278.12**,
§ CC278.3:1, **CC-699**,
§ CC699:1 to
§ CC699:3 [278.3(5),
699(7)]

Form 17, Warrant for witness, **CC-698**, **CC-705**

INDEX

FORMS AND SCHEDULES

—Cont'd

Criminal Code forms, **CC-849**

—Cont'd

Form 18, Warrant to arrest an absconding witness, **CC-704**

Form 19, Warrant remanding a prisoner, **CC-516, CC-537**

Form 20, Warrant of committal of witness for refusing to be sworn or to give evidence, **CC-545**

Form 21, Warrant of committal on conviction, **CC-570, CC-806**

Form 22, Warrant of committal on an order for the payment of money, **CC-806**

Form 23, Warrant of committal for failure to furnish recognizance to keep the peace, **CC-810, CC-810.1**

Form 24, Warrant of committal of witness for failure to enter into recognizance, **CC-550**

Form 25, Warrant of committal for contempt, **CC-708**

Form 26, Warrant of committal in default of payment of costs of an appeal, **CC-827**

Form 27, Warrant of committal on forfeiture of a

FORMS AND SCHEDULES

—Cont'd

Criminal Code forms, **CC-849**

—Cont'd

recognizance, **CC-773**

Form 28, Endorsement of warrant, **CC-487, CC-528**

Form 29, Endorsement of warrant, **CC-507**

Form 30, Order for accused to be brought before justice prior to expiration of period of remand, **CC-537**

Form 31, Deposition of a witness, **CC-540**

Form 32, Recognizance, **CC-493, CC-550, CC-679, CC-706, CC-707, CC-810, CC-810.1, CC-817**

Form 33, Certificate of default to be endorsed on recognizance, **CC-770**

Form 34, Writ of fieri facias, **CC-771**

Form 34.1, Statement on restitution, **CC-737.1 [737.1(4)]**

Form 34.2, Victim impact statement, **CC-722 [722(4)]**

Form 34.3, Community impact statement, **CC-722.2 [722.2(2)]**

Form 35, Conviction, **CC-570, CC-806**

FORMS AND SCHEDULES

—Cont'd

Criminal Code forms, **CC-849**

—Cont'd

Form 36, Order against an offender, **CC-570, CC-806**

Form 37, Order acquitting accused, **CC-570**

Form 38, Conviction for contempt, **CC-708**

Form 39, Order for discharge of a person in custody, **CC-519, CC-550**

Form 40, Challenge to array, **CC-629**

Form 41, Challenge for cause, **CC-639**

Form 42, Certificate of non-payment of costs of appeal, **CC-827**

Form 43, Jailer's receipt to peace officer for prisoner, **CC-734**

Form 46, Probation order, **CC-732.1**

Form 47, Order to disclose income tax information, **CC-462.48**

Form 48, Assessment order of the court, **CC-672.13**

Form 48.1, Assessment order of the Review Board, **CC-672.13**

Form 48.2, Victim impact statement, **CC-672.5 [672.5(14)]**

Form 49, Warrant of committal, disposition of

FORMS AND SCHEDULES

—Cont'd

Criminal Code forms, **CC-849**

—Cont'd

detention, **CC-672.57**

Form 50, Warrant of committal, placement decision, **CC-672.7 [672.7(2)]**

Form 51, Notice of obligation to provide samples of bodily substance, **CC-732.1 [732.1(3)(c.2)], CC-742.3 [742.3(2)(a.2)], CC-810 [810(3.02)(c)], CC-810.01 [810.01(4.1)(g)], CC-810.011 [810.011(6)(f)], CC-810.1 [810.1(3.02)(i)], CC-810.2 [810.2(4.1)(g)]**

Form 52, Order to comply with Sex Offender Information Registration Act, **CC-490.012**

Form 53, Notice of obligation to comply with Sex Offender Information Registration Act, **CC-490.019, CC-490.032**

Form 54, Notice of obligation to comply with Sex Offender Information Registration Act, **CC-490.02901, CC-490.02903,**

INDEX

FORMS AND SCHEDULES

—Cont'd

Criminal Code forms, **CC-849**

—Cont'd

CC-490.02905,
CC-490.032

Deemed good and sufficient,
CC-849 [849(1)]

Drugs

Controlled Drugs and Sub-
stances Act

CD-SCH I, CD-SCH VI

Fingerprints, **CC-FORM 44,**
CC-FORM 45

Firearms

see **WEAPONS** Firearms
firearms acquisition
certificate

Justice not required to affix seal
to Form, **CC-849 [849(2)]**

Warrant of committal

see also **MENTAL DISOR-**
DER

disposition of detention, **CC-**
FORM 49

placement decision, **CC-**
FORM 50

Youth Criminal Justice Act,
YC-154, YC-155 [YC
155(a)]

FRAUD, CC-380

See also **FALSE PRETENCES**

Affecting market prices,
CC-380 [380(2)]

Arson for fraudulent purpose,
CC-435

Concealment of title docu-
ments, **CC-385**

FRAUD, CC-380—Cont'd

Disposal of

goods on which money
advanced, **CC-389**

property to defraud creditors,
CC-392

Falsification of books and
documents, **CC-397**

Fares, **CC-393**

Food, beverage or accommoda-
tion, **CC-364**

Forfeiture order re minerals,
CC-394 [394(2)]

Fraud offence, **CC-380**

Fraudulent concealment,
CC-341

Gaming in wares or
merchandise, **CC-383**

Government, fraud upon,
CC-121

Indictment sufficiency, **CC-586**

Mines, **CC-396**

Misleading receipt for property,
CC-388

Obtaining

credit by, **CC-362**
[362(1)(b), (3)]

execution of valuable secu-
rity, **CC-363**

food and lodging, **CC-364**

Offences in relation to officials,
CC-121, CC-123

Receipt under Bank Act, mak-
ing or disposing, **CC-390**

Registration of title to property,
CC-386

Sale of real property, **CC-387**

FRAUD, CC-380—Cont'd

Sentencing
deemed aggravating factors,
CC-380.1

Setting fire for fraudulent
purpose, **CC-435 [435(1)]**

Stocks, shares, etc., **CC-380**
[380(2)], **CC-382**,
CC-384

see also STOCKS, SHARES,
ETC.

Transportation fraud, **CC-393**

Use of mails, **CC-381**

Valuable minerals, **CC-394**

**FRAUD IN RELATION TO
MINERALS**

See also VALUABLE
MINERAL

Offences, **CC-394**, **CC-394.1**

Search and seizure, **CC-395**

**FRAUD IN RELATION TO
MINES**

See also VALUABLE
MINERAL

Offences, **CC-396 [396(1)]**

Proof of intent, **CC-396**
[396(2)]

Search and seizure, **CC-395**

**FRAUDULENT
CONCEALMENT**

Anything, **CC-341**

Identity or travelling docu-
ments, **CC-279.03**

Title documents, **CC-385**

**FRAUDULENT DISPOSAL OF
GOODS ON WHICH
MONEY ADVANCED,
CC-389**

**FRAUDULENT RECEIPTS
UNDER BANK ACT,
CC-390**

**FRAUDULENT
REGISTRATION OF
TITLE, CC-386**

See also DOCUMENTS OF
TITLE

**FRAUDULENT SALE OF
REAL PROPERTY,
CC-387**

FREEDOMS

See FUNDAMENTAL
FREEDOMS

**FULL ANSWER AND
DEFENCE**

See also CHARTER OF
RIGHTS Fair and public
hearing, Fundamental
justice

Interception of private com-
munications, opening of
sealed packet, **CC-187**
[187(1.4), (7)]

see also INTERCEPTION
OF PRIVATE COM-
MUNICATIONS

Right to make full answer and
defence, **CC-276**
[276(3)(a)], **CC-650**
[650(3)], **CC-802 [802(1)]**

INDEX

FULL ANSWER AND DEFENCE—Cont'd

Sexual activity of complainant,
admissibility on sexual
offences, **CC-276**

FUNDAMENTAL FREEDOMS, CH-2

See also CHARTER OF
RIGHTS

Freedom of —

assembly, **BR-1, § BR1:1**
[B.R. 1(e)]

Freedom of

assembly, **CH-2 [CH 2(c)]**

Freedom of —

association, **BR-1, § BR1:1**
[B.R. 1(e)]

Freedom of

association, **CH-2 [CH 2(d)]**

Freedom of —

conscience and religion,
BR-1, § BR1:1 [B.R.
1(c)]

Freedom of

conscience and religion,
CH-2 [CH 2(a)]

expression, **CH-2 [CH 2(b)]**

Freedom of —

press and other media, the,
BR-1, § BR1:1 [B.R.
1(f)]

Freedom of

press and other media, the,
CH-2 [CH 2(b)]

religion, **CH-2 [CH 2(a)]**

Freedom of —

speech, **BR-1, § BR1:1**
[B.R. 1(d)]

FUNDAMENTAL FREEDOMS, CH-2 —Cont'd

Freedom of

speech, **CH-2 [CH 2(b)]**

thought, belief, **CH-2 [CH**
2(b)]

Override provision, **CH-33**

FUNDAMENTAL JUSTICE, CH-7

See also CHARTER OF
RIGHTS

Commission evidence,
CC-713.1

see also COMMISSION
EVIDENCE

GAMBLING

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

GAME

See also BETTING AND
GAMING OFFENCES;
GAMING EQUIPMENT

Cheating at playing, **CC-209**

Common gaming house

defined, **CC-197 [197(1),**
(4)]

exemptions, **CC-204,**
CC-207.1

offences, **CC-201**

Defined, **CC-197 [197(1)]**

GAMING EQUIPMENT

See also BETTING AND
GAMING OFFENCES

GAMING EQUIPMENT
—Cont'd

Defined, **CC-197 [197(1)]**

GAMING HOUSE

See **BETTING AND GAMING OFFENCES**

GAMING OFFENCES

See **BETTING AND GAMING OFFENCES**

GAOL

See **SENTENCE Imprisonment**

GAZETTE

See **JUDICIAL NOTICE; STATUTES**

GENERAL WARRANT,
CC-487.01

See also **SEARCH AND SEIZURE Warrants**

GENOCIDE

See also **HATE PROPAGANDA; WAR CRIMES**

Advocating, **CC-318**

Committing, **WC-4, WC-6**

GOODS

Definition, **CC-379**

Obtaining by false pretence,
CC-362 [362(1)(a)]

Prohibited, obtaining carriage
by false representation,
CC-401

GOVERNMENT

Definition, **CC-118**

Evidence, definition, **CC-118**

Fraud upon, **CC-121**

GOVERNMENT—Cont'd

Government mark

counterfeiting, **CC-376**
[376(2)]

definition, **CC-376 [376(3)]**

New Brunswick, English and
French linguistic equality,
CH-16.1 [CH 16.1(2)]

Records, **CEA-24, CEA-26,**
CEA-28

GRAND JURY ABOLISHED,
CC-576 [576(2)]

GROSS INDECENCY

See **INDECENCY**

GUARDIAN

Abduction by, **CC-282,**
CC-286

Definitions

offences against person and
reputation, **CC-214**

sexual offences, **CC-150**

Duty to provide necessities,
CC-215

Procuring sexual activity,
CC-170

Sexual exploitation, **CC-153**

GUILTY PLEA

See also **PLEAS**

Called upon to plead, when,
CC-606 [606(1)]

Included or other offence,
CC-606 [606(4)]

Inquiry by judge, **CC-606**
[606(1.1)]

Judicial interim release,
CC-518 [518(2)]

INDEX

GUILTY PLEA—Cont'd

Other offences, **CC-606**
[606(4)]

Summary conviction proceedings, **CC-801**

Transfer of charges, **CC-478**,
CC-479

GUNS

See **WEAPONS**

HABEAS CORPUS

See also **EXTRAORDINARY**
REMEDIES

Appeals

hearing of, **CC-784 [784(6)]**

judgment issued on return of
writ, **CC-784 [784(5)]**

none from grant of writ,
CC-784 [784(4)]

refusal of application,
CC-784 [784(3)]

Guarantee to, **CH-10 [CH**
10(c)]

Multiple applications
prohibited, **CC-784**
[784(3)]

Nunavut, **CC-573.2**

Rules of court re, **CC-482**
[482(3)(c)]

Warrant of committal, quashing
not available, **CC-782**

HANDGUNS

See **WEAPONS**

HANDWRITING

Certifications re Canada Evi-
dence Act, **CEA-33**

HANDWRITING—Cont'd

Comparisons by witnesses,
CEA-8

HARASSMENT

See also **INTIMIDATION**;
STALKING; **WATCH**
AND BESET

Criminal, **CC-264**

Repeated telephone calls, by,
CC-372 [372(3)]

HARBOUR

Removing natural bar, **CC-440**

HATE LITERATURE

See **HATE PROPAGANDA**

HATE PROPAGANDA

Advocating genocide, **CC-318**

Communicating defined,
CC-319 [319(7)]

Definition, **CC-320 [320(8)]**

Deleting from computer
system, **CC-320.1**

Forfeiture of material, **CC-319**
[319(4)]

Genocide defined, **CC-318**
[318(2)]

Holocaust denial, **CC-319**
[319(2.1)]

Identifiable group defined,
CC-319 [319(7)]

Inciting hatred, **CC-319**
[319(1)]

Public incitement of hatred,
CC-319

Public place defined, **CC-319**
[319(7)]

HATE PROPAGANDA

—Cont'd

Search and seizure, exceptions,
CC-319 [319(5)]

Seizure of publications

see also SEARCH AND
SEIZURE Warrants

forfeiture proceedings,
CC-320 [320(2)-(7)]

return of material, **CC-320**
[320(5)]

warrant for, **CC-320 [320(1)]**

Sentence

motivation by hate aggravat-
ing factor, **CC-718.2**
[718.2(a)(i)]

Statements defined, **CC-319**
[319(7)]

HATRED

See also HATE PROPAGANDA

Aggravating factor on sentencing, **CC-718.2**
[718.2(a)(i)]

Inciting, **CC-319**

HEARINGS

Expert evidence

business documents,
CEA-30 [CE 30(6),
(9)]

number of expert witnesses,
CEA-7

Government records, **CEA-24,**
CEA-26, CEA-28

Prior inconsistent statements
adverse witnesses, **CEA-9**

HEARINGS—Cont'd

Prior inconsistent statements

—Cont'd

cross-examination upon
one's own witness,

CEA-9

opponent's witness,

CEA-10

proving statement, **CEA-11**

Public documents, **CEA-24,**
CEA-26, CEA-28

HEARSAY

See HEARSAY EXCEPTIONS

HEARSAY EXCEPTIONS

Admissions

see ADMISSIONS

Affidavits

see AFFIDAVITS

Age

see AGE

Banking records

see DOCUMENTS

Business records

see DOCUMENTS

Canada Evidence Act

see CANADA EVIDENCE
ACT

Certificates

see CERTIFICATES

Commission evidence

see COMMISSION EVIDENCE

Confessions

see STATEMENTS OF THE
ACCUSED;
VOLUNTARINESS;
YOUTH CRIMINAL

INDEX

HEARSAY EXCEPTIONS

—Cont'd

Confessions—Cont'd
JUSTICE ACT
Convictions
see CONVICTIONS
Date of birth
see AGE
Documents
see DOCUMENTS
Expert evidence
business documents,
CEA-30 [CE 30(6),
(9)]
number of expert witnesses,
CEA-7
psychiatric assessment
isee MENTAL DISOR-
DER
report admissible, CC-657.3
Government records, CEA-24,
CEA-26, CEA-28
Historical events
see JUDICIAL NOTICE
Interception of private com-
munications
see INTERCEPTION OF
PRIVATE COM-
MUNICATIONS
Judicial notice
see JUDICIAL NOTICE
Judicial proceedings
see JUDICIAL PROCEED-
INGS
Prior inconsistent statements
adverse witnesses, CEA-9
cross-examination upon
one's own witness,
CEA-9

HEARSAY EXCEPTIONS

—Cont'd

Prior inconsistent statements
—Cont'd
cross-examination upon
—Cont'd
opponent's witness,
CEA-10
proving statement, CEA-11
statement during youth court
assessment, YC-147
[YC 147(2)]
Prior testimony, CC-715,
CC-822 [822(5)]
Psychiatric evidence
see MENTAL DISORDER
Public documents, CEA-24,
CEA-26, CEA-28
Reading in evidence
commission evidence,
CC-711, CC-712
[712(2)]
see also COMMISSION
EVIDENCE
evidence from previous hear-
ing, CC-715, CC-822
[822(5)]
trial de novo, reading in of
trial evidence, CC-822
[822(5)]
Records
see DOCUMENTS
Sentencing hearing, CC-723
[723(5)], CC-724 [724(1)]
Solemn declarations
see SOLEMN DECLARA-
TIONS
Statements
see STATEMENTS; STATE-

HEARSAY EXCEPTIONS

—Cont'd

- Statements—Cont'd
 - MENTS OF THE ACCUSED; YOUTH CRIMINAL JUSTICE ACT
- Statements of the accused
 - see STATEMENTS OF THE ACCUSED; YOUTH CRIMINAL JUSTICE ACT
- Statutes
 - see STATUTES
- Young persons, inadmissible evidence admissible, **YC-150**

HER MAJESTY

- Acts intending
 - alarm, to, **CC-55**
 - bodily harm, **CC-55**
 - see also BODILY HARM

HER MAJESTY'S FORCES

- See also CANADIAN FORCES
- Definition, **CC-2**

HIDING TOOLS, ETC.

- Intimidate, to, **CC-423 [423(1)(d)]**

HIGH TREASON

- Conspiracy to commit as treason, **CC-46 [46(2)(c)]**
- Corroboration of single witness, **CC-47 [47(3)]**
- Definition, **CC-46 [46(1), (3)]**
- Evidence of overt acts, **CC-55**

HIGH TREASON—Cont'd

- Indictment
 - offence must be specifically charged, **CC-582**
 - overt acts to be stated, **CC-581 [581(4)]**
- Punishment, **CC-47 [47(1), (4)]**
- Sentence, **CC-745 [745(a)]**

HIGHWAY

- Blocking or obstructing to intimidate, **CC-423 [423(1)(g)]**
- Definition, **CC-2**

HIJACKING

- See also AIRCRAFT
- Aircraft, **CC-76**
- Consent to prosecution of non-citizen, **CC-7 [7(7)]**
- First degree murder, **CC-231 [231(5)]**
- Outside Canada, **CC-7**
- Use of force to prevent, **CC-27.1**

HOAX

- Terrorist offence, **CC-83.231**

HOLIDAY

- Acts done on, validity, **CC-20**
- Taking verdict on Sunday, **CC-654**

HOMICIDE

- See also DEATH;
INFANTICIDE; KILLING CHILD; MAN-SLAUGHTER; MURDER; PAROLE

INDEX

HOMICIDE—Cont'd

Acceleration of death by bodily injury, **CC-226**

Attempt murder, **CC-239**

Consent to death, effect of, **CC-14**

Culpable

definition, **CC-222 [222(4)]**

how committed, **CC-222 [222(5)]**

Dead body

interference with, **CC-182 [182(b)]**

neglect re burial, **CC-182 [182(a)]**

Death caused by

act or omission, where preventable by other means, **CC-224**

criminal negligence, **CC-220, CC-222 [222(5)(b)]**

dangerous injury, where treatment the immediate cause, **CC-225**

frightening, **CC-228**

homicide, **CC-222 [222(1), (6)]**

influence on the mind, **CC-228**

Definition, **CC-222**

death, of, **CC-224, CC-228**

Infanticide

definition, **CC-233**

punishment, **CC-237**

verdict of jury

concealing body proved, **CC-662 [662(4)]**

HOMICIDE—Cont'd

Infanticide—Cont'd

verdict of jury—Cont'd

killing proved, no acquittal unless not wilful, **CC-663**

Killing by influence on the mind, **CC-228**

Killing during birth, **CC-238**

Kinds of, **CC-222 [222(2)]**

Manslaughter

see also **MANSLAUGHTER**

definition, **CC-222, CC-234**

included offences, **CC-662 [662(5)]**

internationally protected person, outside Canada, **CC-7 [7(3), (5)-(7)]**

punishment, **CC-236**

Murder

see also **MURDER**

accessory after the fact to, **CC-240**

attempt murder, **CC-239**

causing death committing specified offences, **CC-231 [231(5)]**

classification of, **CC-231 [231(1)]**

compulsion by threats no defence, **CC-17**

constructive murder, **CC-229, CC-231**

definition, **CC-229**

first degree

causing death committing specified offences, **CC-231 [231(5)]**

HOMICIDE—Cont'd

Murder—Cont'd
 first degree—Cont'd
 contract killing, **CC-231 [231(5)]**
 indictment, offence must be specifically charged, **CC-582**
 killing peace officer or prison guard, **CC-231 [231(4)]**
 planned and deliberate, **CC-231 [231(2), (3)]**
 sentence, **CC-745 [745(a)]**
 terrorist offence, **CC-231 [231(6.01)]**
 verdict where second degree proved, **CC-662 [662(2)]**
 ineligibility for parole
 see PAROLE
 internationally protected person outside Canada, **CC-7 [7(3), (5)-(7)]**
 provocation reducing murder to manslaughter, **CC-232**
 punishment, **CC-235**
 see also PAROLE; SENTENCE
 second degree, **CC-231 [231(7)]**
 ineligibility for parole
 see PAROLE
 threat of, against internationally protected person,

HOMICIDE—Cont'd

Murder—Cont'd
 CC-424 [YC 42(2)(q), (7)]
 young person, **YC-42 [YC 42(2)(q), (7)], YC-67 [YC 67(1)(c), (3)(e)]**
 see also YOUTH CRIMINAL JUSTICE ACT
 Non-culpable not an offence, **CC-222 [222(3)]**
 Parole ineligibility
 see PAROLE Ineligibility for parole
 Procuring conviction and death by false evidence is not homicide, **CC-222 [222(6)]**
 Provocation reducing murder to manslaughter, **CC-232**

HOSTAGE TAKING

See also ABDUCTION; KIDNAPPING; TRAFFICKING IN PERSONS
 Causing death while committing, **CC-231 [231(5)(f)]**
 Compulsion by threats no defence, **CC-17**
 Defence, non-resistance, **CC-279.1 [279.1(3)]**
 Definition, **CC-279.1 [279.1(1)]**
 First degree murder, **CC-231 [231(5)(f)]**
 Offences outside of Canada, **CC-7 [7(3.1)]**
 Punishment, **CC-279.1 [279.1(2)]**

INDEX

HOSTAGE TAKING—Cont'd

Threat of, against internationally protected person, **CC-424**

HOUSE-BREAKING

See **BREAKING AND ENTERING**

HOUSEHOLDER OR OCCUPIER

PERMITTING SEXUAL ACTIVITY, CC-171

See also **SEXUAL OFFENCES**

HUMAN BEING

Child becomes, when, **CC-223 [223(1)]**
see also **INFANTICIDE**

HUMAN ORGANS

Trafficking in, **CC-240.1**

HUMAN TRAFFICKING

See **TRAFFICKING IN PERSONS**

HUSBAND AND WIFE

See also **MARRIAGE; SPOUSE**

Bigamy, **CC-290, CC-291**
see also **BIGAMY**

Compulsion by spouse, no presumption of, **CC-18**

Correcting child, **CC-43**

Duty to provide necessities of life, **CC-215**

Polygamy, **CC-293**

Spouse may be charged with sexual offences, **CC-278**
see also **SEXUAL OFFENCES**

ICE

Opening in, failure to safeguard, **CC-263 [263(1), (3)]**

IDENTIFICATION

See **FINGERPRINTS; HANDWRITING; WITNESSES**

IDENTIFICATION OF CRIMINALS ACT

Binding on Crown, **IDENT-1.1**

Destruction of fingerprints/photographs, **IDENT-4, IDENT-5**

Fingerprints, **IDENT-2 [IDENT. 2(1)], IDENT-4, IDENT-5**

No liability for acting under Act, **IDENT-3**

Photographs, **IDENT-2 [IDENT. 2(1)], IDENT-4, IDENT-5**

Publication, **IDENT-2 [IDENT. 2(3)]**

Short title, **IDENT-1**

Use of force, **IDENT-2 [IDENT. 2(2)]**

IDENTITY DOCUMENTS

Definition, **CC-56.1 [56.1(3)]**

Offences re, **CC-56.1 [56.1(1)]**
exceptions, **CC-56.1 [56.1(2)]**

Punishment, **CC-57 [57(4)]**

IDENTITY THEFT, CC-402.2

Identity fraud, **CC-403**

IDENTITY THEFT, CC-402.2

—Cont'd

Identity information defined,
CC-402.1

IGNORANCE OF LAW

No defence, **CC-19**
see also DEFENCES

ILLICIT DRUG USE

See CONTROLLED DRUGS
AND SUBSTANCES
ACT; DRUGS;
PROCEEDS OF CRIME

**IMMORAL THEATRICAL
PERFORMANCE,
CC-167, CC-169**

**IMPAIRED DRIVING AND
OVER 80**

See also BREATHALYZER;
MOTOR VEHICLES;
OVER 80

Coordination tests
demand to perform,
CC-320.27
[320.27(1)(a)]

refusal to comply with
demand, **CC-320.15**

Impaired operation, **CC-320.14**
[320.14(1)(a)]

Operate, definition, **CC-320.11**

Operation with excess blood
alcohol, **CC-320.14**
[320.14(1)(b)]

Prohibition order, **CC-320.24**

Punishment, **CC-320.19,**
CC-320.23

**IMPAIRED DRIVING AND
OVER 80—Cont'd**

Testing
demand for, **CC-320.27**
[320.27(1)(a)]
refusal to comply with
demand, **CC-320.15**

**IMPEDING ATTEMPT TO
SAVE LIFE, CC-262**

IMPERSONATION

Intent, with, **CC-403**
Peace officer, **CC-130**

IMPORTING

Controlled drug or substance,
CD-6

Counterfeit money, **CC-450**

Presumption goods were
produced in the country
from which shipped,
CC-414

Prohibited
goods, obtaining carriage by
false billing, **CC-401**
weapon, **CC-95**

Stolen goods, prohibited,
CC-355.3

Things obtained by theft, pos-
session, or a credit card
offence, **CC-357**

IMPRISONMENT

See PAROLE Ineligibility for
parole; SENTENCE

IN CAMERA

Hearing re
legal fees, **CC-462.34**
[462.34(5)]

INDEX

IN CAMERA—Cont'd

Hearing re—Cont'd
 other sexual conduct
 application for accused,
 CC-276.02
 application for prosecutor,
 CC-276.06
 personal information records
 in possession of accused,
 CC-278.31
 in possession of prosecutor,
 CC-278.22
 in possession of third
 party, **CC-278.13**
Trial, **CC-486**
 see also TRIAL
Youth Criminal Justice Act,
 YC-132

INCEST, CC-155

See also SEXUAL OFFENCES

INCHOATE CRIMES

See ATTEMPTS; CONSPIRACY;
COUNSELLING OFFENCE;
PARTIES TO OFFENCES
Counselling offence that is not committed

INCITING

See also COUNSELLING OFFENCE;
PARTIES TO OFFENCES

Hatred, **CC-319**
 see also HATE PROPAGANDA

INCLUDED OFFENCES, CC-662

See also TRIAL Verdicts

INCLUDED OFFENCES,

CC-662—Cont'd

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

INCOME TAX

See PROCEEDS OF CRIME

INDECENCY

See also SEXUAL OFFENCES
Act of, **CC-173 [173(1)]**
 exposing genitals to person under 16 years, **CC-173 [173(2)]**

INDECENCY—Cont'd

- Assault
 - see SEXUAL ASSAULT;
SEXUAL OFFENCES
- Exhibition, **CC-175**
[175(1)(b)]
- Exposure
 - person under 16 years, to,
CC-173 [173(2)]
 - prosecution of person 12 or
13 years, **CC-150.1**
[150.1(3)]
- Nudity, **CC-174**
- Show, indecent, **CC-163**
[163(2)(b)], **CC-169**
- Telephone calls, **CC-372**
[372(2)]
- Theatrical performance,
CC-167, CC-169

**INDEPENDENT AND
IMPARTIAL TRIBUNAL,
CH-11 [CH 11(d)]**

INDICTABLE OFFENCES

- See also INDICTMENTS AND
INFORMATIONS;
JURISDICTION;
NUNAVUT; TRIAL
- Accessory after the fact,
punishment, **CC-463**
[463(a), (b)]
- Accused
 - at large, procedure, **CC-597,**
CC-598
 - insane
 - see MENTAL DISOR-
DER Criminal
responsibility; Fit-
ness to stand trial

INDICTABLE OFFENCES

—Cont'd

- Accused—Cont'd
 - presence at trial, **CC-650**
[650(1)-(2)]
- Acquittal, form of order, **CC-**
FORM 37
- Adjournment
 - see ADJOURNMENTS
AND REMANDS;
TRIAL
- Admissions by accused,
CC-655
 - see also ADMISSIONS;
JUDICIAL PROCEED-
INGS Reading in;
STATEMENTS OF
THE ACCUSED
- Amendment
 - see INDICTMENTS AND
INFORMATIONS
- Appeal
 - see APPEALS
- Attempt to commit, punish-
ment, **CC-463** [463(a),
(b), (d)]
- Change of venue
 - see TRIAL Change of venue
- Compounding or concealing,
CC-141
- Consent to prosecute
 - see ATTORNEY
GENERAL/
SOLICITOR GEN-
ERAL
- Conspiracy to commit, **CC-465**
[465(1)(c)]
- Continuous proceeding,
CC-645 [645(1)]

INDEX

INDICTABLE OFFENCES

—Cont'd

- Counselling, offence not committed, punishment,
CC-464 [464(a)]
- Date of trial, **CC-560**
- Duty of accused to ascertain date of trial, **CC-560 [560(4)]**
- Election for trial by accused
see ELECTIONS AND RE-ELECTIONS
- Empanelling jury
see JURIES
- Fixing date of trial, **CC-560 [560(1), (2)]**
- Form of indictment for trial by judge alone, **CC-566 [566(2)], CC-FORM 4**
- Full answer and defence,
CC-650 [650(3)]
see also FULL ANSWER AND DEFENCE
- Included offences
see INCLUDED OFFENCES
- Intervention by Attorney General of Canada, **CC-579.1, CC-795**
- Jurisdiction
 - absolute jurisdiction of judge of Nunavut Court of Justice, **CC-553**
 - provincial court judge, **CC-553**
 - superior court, **CC-468, CC-469**
- accused electing provincial court judge, **CC-554**

INDICTABLE OFFENCES

—Cont'd

- Jurisdiction—Cont'd
 - adjournments, **CC-669.1**
see also ADJOURNMENTS AND REMANDS
 - before jurors called, **CC-645 [645(5)]**
 - continuation of proceedings, **CC-669.2**
 - court of criminal jurisdiction, **CC-469, CC-470**
 - over the person, **CC-470**
 - provincial court judge, **CC-553, CC-554**
 - superior court of criminal jurisdiction, **CC-468**
- Jury, empanelling
see JURIES
- Mentally ill accused, remand for observation
see MENTAL DISORDER
- Mode of trial
see ELECTIONS AND RE-ELECTIONS
- Murder
see INDICTMENTS AND INFORMATIONS; MURDER
- Notice to accused of date of trial, **CC-560 [560(3)(a)]**
- Nunavut
see NUNAVUT
- Organization
see also ORGANIZATIONS
- appearance and plea by counsel, **CC-620**

INDICTABLE OFFENCES

—Cont'd

Organization—Cont'd
 default of appearance, procedure, **CC-622**
 notice of indictment, **CC-621**
 trial and conviction, **CC-623**
 Pleas
 see PLEAS
 Preferring indictment for
 see INDICTMENTS AND INFORMATION
 Preferring indictment
 Preliminary inquiry
 see PRELIMINARY INQUIRY
 Presence of accused, **CC-650 [650(1)-(2)]**
 Pre-trial hearing, **CC-625.1**
 Previous conviction
 see CONVICTIONS
 Producing accused for trial, **CC-560 [560(3)(b)]**
 Provincial court judge
 see Trial by provincial court judge, *infra*;
 PROVINCIAL COURT JUDGE; TRIAL
 Provincial court judge
 Record of proceedings, **CC-624, CC-625**
 Remand for observation
 see MENTAL DISORDER
 Reservation of decision on questions raised, **CC-645 [645(4)]**
 Sentence
 see SENTENCE

INDICTABLE OFFENCES

—Cont'd

Speedy trial
 see Trial by judge alone, *infra*; TRIAL
 Stay of judgment, none for certain jury process irregularities, **CC-670**
 Stay of proceedings and recommencement, **CC-579 [579.1(2)], CC-795**
 Transfer of charges, **CC-478, CC-479**
 Trial by indictment
 see INDICTMENTS AND INFORMATION; TRIAL
 Trial by judge alone
 see also INDICTMENTS AND INFORMATION; TRIAL
 accused electing, **CC-558**
 see also ELECTIONS AND RE-ELECTIONS
 acquittal of accused, **CC-570 [570(2), (4)]**
 adjournments, **CC-571**
 compelling appearance of accused, **CC-527**
 see also JUDICIAL INTERIM RELEASE; RELEASE FROM CUSTODY
 conviction of accused, **CC-570 [570(1), (4), (5)]**

INDEX

INDICTABLE OFFENCES

—Cont'd

- Trial by judge alone—Cont'd
 - court of record, **CC-559**
[559(1)]
 - custody of records, **CC-559**
[559(2)]
 - date of trial, **CC-560**
 - discretion where several
accused making different
elections, **CC-567**
 - fixing date of trial, **CC-560**
 - judge defined, **CC-552**
 - preferring indictment,
CC-566 [566(2), (3)]
 - see also INDICTMENTS
AND INFORMATION
TIONS Preferring
indictment
 - procedure, application of
PARTS XVI, XVIII,
XX and XXIII, **CC-572**
 - punishment, **CC-572**
 - reading in evidence previously
taken, **CC-715**
 - see also JUDICIAL
PROCEEDINGS
 - Reading in
 - re-election by accused
 - see ELECTIONS AND
RE-ELECTIONS
 - reservation of decision on
questions raised,
CC-645 [645(4)]
 - superior court, on consent,
CC-473
- Trial by judge and jury
 - see also INDICTMENTS
AND INFORMATION

INDICTABLE OFFENCES

—Cont'd

- Trial by judge and jury
 - Cont'd
 - TIONS; TRIAL
 - compulsory, when, **CC-471**
 - election deemed made,
when, **CC-565**
 - jurisdiction before jurors
called, **CC-645 [645(5)]**
 - re-election by accused
 - see ELECTIONS AND
RE-ELECTIONS
- Trial by magistrate
 - see Trial by provincial court
judge, *infra*
- Trial by provincial court judge
 - see also NUNAVUT;
PROVINCIAL COURT
JUDGE; TRIAL
 - Provincial court judge
 - absolute jurisdiction,
CC-553
 - accused put to election during
trial, **CC-555**
[555(2), (3)]
 - acquittal of accused, **CC-570**
[570(2), (4)]
 - adjournments, **CC-571**
 - after re-election by accused,
CC-561, CC-562,
CC-563
 - compelling appearance of
accused, **CC-572**
 - continuance of trial as preliminary
inquiry,
CC-555 [555(1.2)]
 - continuation of proceedings,

INDICTABLE OFFENCES

—Cont'd

Trial by provincial court judge

—Cont'd

CC-669.2 [669.2(2), (3)]

conviction of accused,

CC-570 [570(1), (4), (5)]

corporate accused, appearance, **CC-556**

discretion where several accused making different elections, **CC-567**

election by accused during trial, **CC-555 [555(2), (3)]**

see also ELECTIONS AND RE-ELECTIONS

jurisdiction

adjournments, **CC-669.1 [669.1(2)]**

following plea, **CC-669.1 [669.1(1)]**

where accused elects, **CC-554 [554(1)]**

procedure, **CC-572**

provincial court judge defined, **CC-2**

punishment, etc., **CC-572**

reading in evidence previously taken, **CC-715**

see also JUDICIAL PROCEEDINGS

Reading in

re-election by accused, **CC-561, CC-563.1**

see also ELECTIONS

INDICTABLE OFFENCES

—Cont'd

Trial by provincial court judge

—Cont'd

re-election by accused,

CC-561, CC-563.1

—Cont'd

AND RE-ELECTIONS

taking of evidence, **CC-557**

transmission of record,

CC-570 [570(3)], CC-572

value of property shown over \$5,000, procedure, **CC-555 [555(2), (3)]**

Trial without jury

see Trial by judge alone, supra; Trial by provincial court judge, supra

Verdict

see TRIAL

Witnesses

see EVIDENCE; WITNESSES

INDICTMENTS AND INFORMATION

See also INDICTABLE OFFENCES; SUMMARY CONVICTION PROCEEDINGS; TRIAL

Accessory after the fact, **CC-592**

After

issue of appearance notice, **CC-FORM 2**

release from custody, **CC-FORM 2**

INDEX

INDICTMENTS AND INFORMATIONS

—Cont'd

Amendments

adjournment if accused misled or prejudiced,
CC-601 [601(5)]

any stage of the proceedings,
CC-601 [601(3)]

application for, **CC-601**
conform with the evidence,
CC-601 [601(2)]

considerations re discretion
to amend, **CC-601**
[601(4)]

court, definition, **CC-601**
[601(10)]

court of appeal, power to,
CC-683 [683(1)(g)]

defect on face, motion and
order for, **CC-601**
[601(1)]

endorsement of order,
CC-601 [601(7)]

limitation re overt acts as to
certain offences,
CC-601 [601(9)]

question of law, **CC-601**
[601(6)]

see also QUESTION OF
FACT/LAW

variance between indictment
and evidence not material,
CC-601 [601(4.1)]

Attorney General

see ATTORNEY
GENERAL/
SOLICITOR GENERAL

INDICTMENTS AND INFORMATIONS

—Cont'd

Charging acts or omissions in
the alternative, **CC-590**
[590(1)(a)]

Definitions

count, **CC-2**

indictment, **CC-2**

summary convictions, re,
CC-785

Direct indictment

see Preferring indictment,
infra

Duplicity, not ground for objection,
CC-590 [590(1)(b)]

Elections

see ELECTIONS AND RE-
ELECTIONS

Fear of sexual offence,
recognizance, **CC-810.1**

Form of, **CC-566 [566(1)]**,
CC-580, CC-FORM 4

Headings, mistakes not material,
CC-601 [601(8)]

High treason

specifically charged, to be,
CC-582

statement of offence,
CC-581 [581(4)]

Information for indictable
offence, **CC-504, CC-**
FORM 2

Information for search warrant

see also SEARCH AND
SEIZURE

blood samples, impaired
operation

see BLOOD SAMPLES

**INDICTMENTS AND
INFORMATIONS**

—Cont'd

Information for search warrant

—Cont'd

child sexual abuse and
exploitation material,
**CC-164, § CC164:1 to
§ CC164:3**

DNA warrant, **CC-487.05**

Form of, **CC-FORM 1**

gaming offences, **CC-199**

general warrant, **CC-487.01**

hate propaganda, **CC-320**

motor vehicle offences,
blood samples,
CC-320.29

number recorder, **CC-492.2**

obscene publications,
CC-164

proceeds of crime,
CC-462.32

requirements for any
offence, **CC-487**

restriction on publication of
contents, **CC-487.2**

telephone number recorder,
CC-492.2

telewarrant, **CC-487.1**

tracking warrant, **CC-492.1**

valuable minerals, **CC-395**

Inspection of indictment by
accused, **CC-603**

Intervention by Attorney Gen-
eral of Canada, **CC-579.1,
CC-795**

see also ATTORNEY
GENERAL/

**INDICTMENTS AND
INFORMATIONS**

—Cont'd

Intervention by Attorney Gen-
eral of Canada, **CC-579.1,
CC-795**—Cont'd
SOLICITOR GEN-
ERAL

Joinder and severance

any number of counts for
any number of offences,
CC-591 [591(1)]

application and order for
severance, **CC-590
[590(2), (3)], CC-591
[591(3)-(6)]**

case management judge may
make order, **CC-551.3,
CC-591 [591(4.1)]**

consent of accused, **CC-473
[473(1.1)], CC-566
[566(3)], CC-574
[574(2)], CC-589
[589(b)]**

consent of Attorney General,
CC-473 [473(1.1)]

delayed effect of order,
**CC-591 [591(4.1),
(4.2)]**

each count may be treated as
a separate indictment,
CC-591 [591(2)]

joinder of counts, **CC-591
[591(1)]**

murder, **CC-589**

order for separate trials,
CC-591 [591(3)-(6)]

possession charges, **CC-593**

Justice receiving information,
CC-504, CC-810

INDEX

INDICTMENTS AND INFORMATIONS

—Cont'd

Laying information

alternative measures no bar
to proceedings unless
complied with,
**CC-715.52, § CC717:1
to § CC717:3 [717(4),
(5)]**

indictable offence, **CC-504,
CC-506, CC-FORM 2**

summary conviction offence,
CC-788, CC-FORM 2

see also SUMMARY
CONVICTION
PROCEEDINGS

Murder

see also MURDER

accused consent to adding
other counts, **CC-589
[589(b)]**

first degree to be specially
charged, **CC-582**

joinder with other offence,
CC-589

Negating exception, not
required, **CC-794 [794(1)]**

Notice of to organization,
CC-621

Nunavut, **CC-566.1**

Omissions not grounds for
objection, **CC-583**

Overt acts, when to be stated
in, **CC-55, CC-581
[581(4)]**

Ownership of property,
CC-588

see also OWNERSHIP

INDICTMENTS AND INFORMATIONS

—Cont'd

Particulars, order for, **CC-587**

Preferring indictment

accused's consent to adding
other charges, **CC-574
[574(2)], CC-589
[589(b)]**

charges consented to by
accused, **CC-574
[574(2)], CC-589
[589(b)]**

charges disclosed by the evi-
dence at the preliminary
inquiry, **CC-574
[574(1)]**

consent

judge, of, **CC-574
[574(3)]**

private prosecution,
CC-574 [574(3)]

required, when, **CC-574
[574(3)]**

direct indictment, **CC-577**

discharged at preliminary
inquiry, **CC-577**

inclusion of other charges,
CC-574 [574(2)]

no indictment to be preferred
except as provided,
CC-576 [576(1)]

no reference to previous
convictions, **CC-664**

preferred indictment,
CC-577

preliminary inquiry not held,
CC-577

**INDICTMENTS AND
INFORMATIONS**

—Cont'd

Preferring indictment—Cont'd
prosecutor, after committal
for trial, **CC-574**
[574(1)]

Private prosecuting, **CC-507.1**

Re-elections

see **ELECTIONS AND RE-
ELECTIONS**

Reference to section of statute,
CC-581 [581(5)]

Severance

see Joinder and severance,
supra

Single transaction only,
CC-581 [581(1)]

Statutes, reference to section,
etc., **CC-581 [581(5)]**

Stay of proceedings and recom-
mencement, **CC-579**,
CC-579.1 [579.1(2)],
CC-795

Sufficiency

alternative matters charged
in count not objection-
able, **CC-590 [590(1)]**

amendments

see Amendments, *supra*

details of circumstances,
CC-581 [581(3)],
CC-583

fabricating evidence,
CC-585

fraud and false pretences,
CC-586

headings, mistakes not mate-
rial, **CC-601 [601(8)]**

**INDICTMENTS AND
INFORMATIONS**

—Cont'd

Sufficiency—Cont'd

libel, **CC-584**

making a false oath or state-
ment, **CC-585**

see also **COMPETENCE
AND COMPEL-
LABILITY Oath**

negating exception, not
required, **CC-794**
[794(1)]

no reference to previous
convictions, **CC-664**

ownership, **CC-588**

oyster bed, description in
indictment, **CC-323**
[323(2)]

perjury, **CC-585**

procuring certain offences,
CC-585

selling obscene book,
CC-584

special property wordings,
CC-323 [323(1)],
CC-588

sufficient to inform the
accused, **CC-581**
[581(3)]

treason and related offences,
CC-581 [581(4)]

wording, **CC-581 [581(2)]**

words of the enactment,
CC-581 [581(2)(b)]

Summary conviction offence

see **SUMMARY CONVIC-
TION PROCEEDINGS**

INDEX

INDICTMENTS AND INFORMATIONS

—Cont'd

Sureties to keep the peace, re
threatening information,
CC-810

Threatening, **CC-810**

Treason and related offences
overt acts to be stated,
CC-581 [581(4)]

Wordings, **CC-581 [581(2)]**

INFANT

See CHILD; COMPETENCE
AND COMPELLABIL-
ITY Child;
INFANTICIDE; YOUTH
CRIMINAL JUSTICE
ACT

INFANTICIDE

See also HOMICIDE

Definition, **CC-233**

Punishment, **CC-237**

Verdict of jury
concealing body proved,
CC-662 [662(4)]
killing proved, no acquittal
unless not wilful,
CC-663

INFORMANT

See COMPLAINANT;
INDICTMENTS AND
INFORMATIONS

INFORMATION

See INDICTMENTS AND
INFORMATIONS

INFORMATION FOR SEARCH WARRANT

See also SEARCH AND
SEIZURE Warrants

Blood samples

see BLOOD SAMPLES

Child sexual abuse and
exploitation material,
**CC-164, § CC164:1 to
§ CC164:3**

DNA warrant, **CC-487.05**

Entry warrant for arrest,
CC-529, CC-529.1

Form of, **CC-FORM 1**

Gaming offences, **CC-199**

General warrant, **CC-487.01**

Hate propaganda, **CC-320**

Impression warrant,
CC-487.092 [487.092(1)]

Motor vehicle offences, blood
samples, **CC-320.29**

Number recorder, **CC-492.2**

Obscene publications, **CC-164**

Precious metals, **CC-395**

Proceeds of crime, **CC-462.32**

Requirements for any offence,
CC-487

Restriction on publication of
contents, **CC-487.2**

Telephone number recorder,
CC-492.2

Telewarrant, **CC-487.1**

Tracking warrant, **CC-492.1**

Valuable minerals, **CC-395**

INQUEST

See CORONERS

INSANITY

See also MENTAL DISORDER

Defence, **CC-16**

INSIDER TRADING, CC-382.1

Aggravating factors for sentencing, **CC-380.1**

INSTRUMENTS

Acknowledgment in false name, **CC-405**

Break-in instruments, **CC-351**

Burglar's tools, **CC-351**

Credit card, instrument to forge or falsify, **CC-342.01**

Unlawful use of computer, instrument to obtain, **CC-342.2**

INSURANCE

See also ARSON

Inference of intent against holder of, **CC-435** [435(2)]

Proofs, **CEA-42**

INTENT

See MENS REA

INTENTION IN COMMON, CC-21 [21(2)], CC-23.1

INTERCEPTION OF PRIVATE COMMUNICATIONS

Access to sealed packet, **CC-187**

see also Sealed packet, *infra*

INTERCEPTION OF PRIVATE COMMUNICATIONS —Cont'd

Admissibility of communications

emergency authorizations, **CC-188, CC-189**

interception to prevent bodily harm, **CC-184.1** [184.1(2)]

judicial interim release hearing, **CC-518** [518(1)(d.1)]

notice required, **CC-189** [189(5)]

privileged communications, **CC-189** [189(6)]

Affidavit in support of application for authorization

access to, **CC-187**

contents of, **CC-185** [185(1)]

contents to be kept secret, **CC-187**

editing, **CC-187** [187(4)-(7)]

Annual reports

Minister of Public Safety and Emergency Preparedness, **CC-195** [195(1)]

provincial Attorneys General, **CC-195** [195(5)]

Application for authorization

see also Authorization, *infra*; Interception, *infra*; Participant surveillance, *infra*

confidentiality of documents, **CC-187**

emergency, **CC-188**

INDEX

INTERCEPTION OF

PRIVATE COMMUNICATIONS

—Cont'd

- Application for authorization
 - Cont'd
 - procedure, **CC-185**
 - radio-based telephone communication, **CC-184.5** [184.5(2)], **CC-184.6**
 - sealed packet, conditions for opening, **CC-187**
 - specially appointed judges, **CC-188**
- Application to specially appointed judges, **CC-188**
- Authorization
 - application, **CC-185**
 - basket clause, **CC-186** [186(4)(c)]
 - carried out anywhere in Canada, **CC-188.1**
 - conditions for granting, **CC-184.2** [184.2(3)], **CC-184.3** [184.3(6)], **CC-186** [186(1)]
 - contents, **CC-184.2** [184.2(4)], **CC-186** [186(4)]
 - defined, **CC-183**, **CC-184.6**
 - emergency authorizations, **CC-188**, **CC-189**
 - execution in another province, **CC-188.1**
 - installation and removal of device, **CC-186** [186(5.1), (5.2)]
 - renewal, **CC-186** [186(6), (7)]

INTERCEPTION OF

PRIVATE COMMUNICATIONS

—Cont'd

- Authorization—Cont'd
 - time-limit in relation to criminal organizations, **CC-186.1**
- Cellular phone
 - see Radio-based telephone communication, *infra*
- Civil or criminal liability
 - negated, **CC-188.2**
 - punitive damages, **CC-194** [194(1)]
- Consent to interception
 - exception to interception offence, **CC-184** [184(2)(a)]
 - given by one of several, sufficiency, **CC-183.1**
 - interception with consent, **CC-184.2**
- Damages for unlawful interception, **CC-194**
- Definitions, **CC-183**
- Derivative evidence
 - see Admissibility of communications, *supra*
- Designation of persons to intercept, **CC-186** [186(5)]
- Disclosure of information
 - order for damages to person aggrieved, **CC-194**
 - without consent, **CC-193**
- Emergency authorizations, **CC-188**

**INTERCEPTION OF
PRIVATE
COMMUNICATIONS
—Cont'd**

Emergency interception
without authorization,
CC-184.4

Forfeiture of equipment for
interception, **CC-192**

Interception
admissibility, **CC-184.1**
[184.1(2)], **CC-188**,
CC-189
see also Admissibility of
communications,
supra

agent of the state, defined,
CC-184.1 [184.1(4)]

destruction of recordings and
transcripts, **CC-184.1**
[184.1(3)]

intercept, defined, **CC-183**

interception in exceptional
circumstances,
CC-184.4

interception to prevent
bodily harm, **CC-184.1**

interception with consent,
CC-184.2 [184.2(1)]

application by telecom-
munication,
CC-184.3

application for authoriza-
tion, **CC-184.2**
[184.2(2)]

content and limitation of
authorization,
CC-184.2 [184.2(4)]

judge to be satisfied,
CC-184.2 [184.2(3)]

**INTERCEPTION OF
PRIVATE
COMMUNICATIONS
—Cont'd**

Interception—Cont'd

offences
see Offences, *infra*

Notice to accused of intention
to adduce
further particulars ordered,
CC-190

requirement and content,
CC-189 [189(5)]

Notification of interception to
person affected
extension of period for
notification, **CC-196**
[196(2), (5)]

application to be
accompanied by affi-
davit, **CC-196**
[196(4)]

extension to be granted,
CC-196 [196(3)]

requirement, **CC-196**
[196(1)]

substitution of extended
period on initial
application, **CC-185**
[185(2)-(4)]

time for, **CC-196**

Number recorder
defined, **CC-492.2**
[492.2(4)]

telephone records, order for,
CC-492.2 [492.2(2)]

warrant for, **CC-492.2**
[492.2(3)]

INDEX

INTERCEPTION OF PRIVATE COMMUNICATIONS —Cont'd

Offences

- authorized interception
offence defined,
CC-183
- disclosure of information,
CC-193, CC-193.1
- interception offences
 - exemption from offence,
CC-184 [184(2)]
 - forfeiture of equipment,
CC-192
 - order for damages to
person aggrieved,
CC-194
 - private communications,
CC-184, CC-184.5
 - punishment, **CC-184**
 - radio-based telephone
communications,
CC-184.5
- possession of interception
devices, **CC-191**
- Participant surveillance
 - assistance order, **CC-487.02**
 - interception in exceptional
circumstances,
CC-184.4
 - interception to prevent
bodily harm, **CC-184.1**
 - interception with consent,
CC-184.2, CC-184.3
 - telecommunication applica-
tion, **CC-184.3**

INTERCEPTION OF PRIVATE COMMUNICATIONS —Cont'd

- Possession of device for sur-
reptitious interception,
CC-191
- Private communication,
defined, **CC-183**
- Privileged information
inadmissible, **CC-189**
[189(6)]
see also PRIVILEGE
- Public switched telephone
network, defined, **CC-183**
- Radio-based telephone com-
munication
 - application for authorization,
CC-184.5 [184.5(2)],
CC-184.6
 - defined, **CC-183**
 - disclosure of intercepted
radio-based telephone
communication,
CC-193.1
 - private communication,
included in definition,
CC-183
- Sealed packet
 - conditions for opening,
CC-184.3 [184.3(3)],
CC-187 [187(1.4), (7)]
 - destruction of contents,
CC-187 [187(1.5)]
 - editing of copies, **CC-187**
[187(4)-(7)]
 - full answer and defence,
CC-187 [187(1.4)(b),
(7)]

**INTERCEPTION OF
PRIVATE
COMMUNICATIONS**

—Cont'd

- Solicitor's office or residence,
CC-186 [186(2), (3)]
- Surreptitious entry, **CC-186**
[186(5.1), (5.2)]
- Surreptitious interception
defences, **CC-184 [184(2)]**
possession of device for,
CC-191
prohibition on, **CC-184**
[184(1)]
- Unlawful disclosure of infor-
mation, **CC-193**
- Unlawful possession of equip-
ment, **CC-191, CC-192**
- Wilful interception, **CC-184**
see also Offences, supra

INTEREST

- Criminal rate of, **CC-347**

INTERFERING

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

**INTERNATIONAL
CRIMINAL COURT**

- Bribery of judges and officials,
WC-18

**INTERNATIONAL
CRIMINAL COURT**

—Cont'd

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

**INTERNATIONALLY
PROTECTED PERSON**

- Attack on premises, etc., of,
CC-429 [429(2)], CC-431
- Definition, **CC-2, WC-24**
- Evidence of status, **CC-7**
[7(10)]
- Offences against, outside Can-
ada, **CC-7 [7(3)-(7)]**
- Outside Canada, **CC-7 [7(3)-**
(7)]
- Threat of attack, **CC-424**

**INTERNATIONAL
MARITIME
NAVIGATION**

- Offences against, **CC-7 [7(2.1),**
(2.2)]

INDEX

INTERNATIONAL TRANSFER OF OFFENDERS ACT

- Application to terminate Sex
Offender Information
Registration Act,
CC-490.02912,
CC-490.02914
- Notice of obligation to register,
CC-490.02915
- Offence to fail to comply,
CC-490.031

INTERNET

- Arranging to commit child
sexual offence by telecom-
munication, **CC-172.2**
- Child luring, **CC-172.1**
 - arranging to commit child
sexual offence by
telecommunication,
CC-172.2
 - making sexually explicit
material available to
child, **CC-171.1**
- Child sexual abuse and
exploitation material
closing Internet sites,
CC-164.1,
§ CC164.1:1,
§ CC164.1:2
- intent to profit deemed
aggravating sentencing
factor, **CC-163.1**
[163.1(4)]
- possession for purpose of
transmission, **CC-163.1**
[163.1(3)]
- prohibition on transmission
of identity in court

INTERNET—Cont'd

- Child sexual abuse and
exploitation material
—Cont'd
 - proceedings, **CC-486.3**
[486.3(4)]
 - prohibition on transmission
of identity in Review
Board proceedings,
CC-672.501
[672.501(2)]
 - transmission of, **CC-163.1**
[163.1(3)]
- Failure to comply with non-
transmission order,
CC-486.6
- Hate propaganda, deleting,
CC-320.1
- Transmission of voyeuristic
material, **CC-162 [162(4),**
(5)]
 - closing Internet sites,
CC-164.1
 - public good defence,
CC-162 [162(6), (7)]

INTERPRETATION

- Definitions, **CC-2**
- Words and expressions in other
Acts, **CC-4 [4(4)]**

INTERPRETATION ACT

- Amendment. See Repeal and
amendment, *infra*
- Application of, **INT-3**
- Citation of enactment, **INT-40**
- Civil law, **INT-8.1, INT-8.2**
- Clause of Acts, enacting, **INT-4**
- Commencement —
day fixed for, **INT-6**

INTERPRETATION ACT

—Cont'd

Commencement —Cont'd
 regulation prior to, **INT-7**
 Common law, **INT-8.1, INT-8.2**
 Common names, **INT-38**
 Construction. See Rules of construction, *infra*
 Corporations. See Rules of construction, *infra*
 Crown —
 demise of, **INT-46**
 not bound unless stated, **INT-17**
 Defined terms, **INT-2, INT-35, INT-37, INT SCH**
 Definitions, **INT-15 [INT. 15(1)], INT-33 [INT. 33(3)]**
 Dwelling house, authorization to enter, **INT-34.1**
 Evidence. See Rules of construction, *infra*
 Offences. See Rules of construction, *infra*
 Operation. See also Repeal and amendment, *infra*
 commencement/repeal, day fixed for, **INT-6**
 regulation prior to commencement, **INT-7**
 royal assent, **INT-5**
 territorial operation —
 amending enactment, **INT-8 [INT. 8(2)]**
 continental shelf of Canada, **INT-8 [INT. 8(2.2)]**

INTERPRETATION ACT

—Cont'd

Operation. See also Repeal and amendment, *infra*
 —Cont'd
 territorial operation —
 —Cont'd
 exclusive economic zone of Canada, **INT-8 [INT. 8(2.1)]**
 extra-territorial operation, **INT-8 [INT. 8(3)]**
 rule, re, **INT-8 [INT. 8(1)]**
 Public officers. See Rules of construction, *infra*
 References in enactment, **INT-41**
 Regulations —
 prior to commencement of statute, **INT-7**
 words in, **INT-16**
 Repeal and amendment. See also Operation, *supra*
 amendment not implying change in law, **INT-45 [INT. 45(2)]**
 amendment of part of enactment, **INT-42 [INT. 42(3)]**
 at same session, **INT-42 [INT. 42(2)]**
 day fixed for, **INT-6**
 effect of repeal, **INT-43**
 judicial construction not adopted, **INT-45 [INT. 45(4)]**
 no implication that enactment was in force, **INT-45 [INT. 45(1)]**

INDEX

INTERPRETATION ACT

—Cont'd

- Repeal and amendment. See also Operation, *supra*
 - Cont'd
 - power of reserved, **INT-42** [**INT. 42(1)**]
 - repeal and substitution, **INT-44**
 - repeal not declaring previous law, **INT-45** [**INT. 45(3)**]
- Resolutions, affirmative and negative, **INT-39**
- Rights of indigenous peoples, **INT-8.3**
- Royal assent, **INT-5**
- Rules of construction —
 - ancillary powers, **INT-31** [**INT. 31(2)**]
 - corporations —
 - banking business, **INT-21** [**INT. 21(3)**]
 - corporate name, **INT-21** [**INT. 21(2)**]
 - powers vested in, **INT-21** [**INT. 21(1)**]
 - Crown not bound unless stated, **INT-17**
 - definitions, application of, **INT-15** [**INT. 15(1)**], **INT-33** [**INT. 33(3)**]
 - duality of legal traditions, **INT-8.1**, **INT-8.2**
 - enactments deemed remedial, **INT-12**
 - evidence —
 - documentary evidence, **INT-25** [**INT. 25(1)**]

INTERPRETATION ACT

—Cont'd

- Rules of construction —
 - Cont'd
 - evidence —Cont'd
 - Queen's Printer, **INT-25** [**INT. 25(2)**]
 - forms, **INT-32**
 - gender, **INT-33** [**INT. 33(1)**]
 - historical references, **INT-14**
 - imperative and permissive construction, **INT-11**
 - interpretation provisions, **INT-15**
 - law always speaking, **INT-10**
 - majorities, **INT-22** [**INT. 22(1)**]
 - marginal notes, **INT-14**
 - number, **INT-33** [**INT. 33(2)**]
 - oaths, **INT-19**
 - offences —
 - Criminal Code, application of, **INT-34** [**INT. 34(2)**]
 - documents similarly construed, **INT-34** [**INT. 34(3)**]
 - indictable and summary conviction, **INT-34** [**INT. 34(1)**]
 - power to be exercised as required, **INT-31** [**INT. 31(3)**]
 - power to repeal, **INT-31** [**INT. 31(4)**]
 - preamble, **INT-13**
 - proclamations, **INT-18**

INTERPRETATION ACT

—Cont'd

Rules of construction —

—Cont'd

provisions in private acts,

INT-9

public officers —

appointment of, **INT-23**

[**INT. 23(1) to (3)**]

commencement of

appointment/

retirement, **INT-23**

[**INT. 23(5)**]

powers of —

holders of public office,

INT-24 [**INT.**

24(5)]

implied, **INT-24** [**INT.**

24(1)]

ministers, **INT-24** [**INT.**

24(2)]

restrictions re public

servants, **INT-24**

[**INT. 24(3)**]

successors, **INT-24**

[**INT. 24(4)**]

quorum, **INT-22** [**INT.**

22(2)]

reference to provincial court

judge, etc., **INT-31**

[**INT. 31(1)**]

regulations, words in,

INT-16

remuneration of, **INT-23**

[**INT. 23(4)**]

reports to Parliament,

INT-20

time —

age attainment, **INT-30**

INTERPRETATION ACT

—Cont'd

Rules of construction —

—Cont'd

time —Cont'd

calculation of period of

months, **INT-28**

clear days, **INT-27** [**INT.**

27(1), (2)]

holidays, **INT-26**

limits, **INT-26**

prescribed periods,

INT-27 [**INT. 27(3)**]

specified day, after,

INT-27 [**INT. 27(4)**],

INT-28

time of day, **INT-29**

within a time, **INT-27**

[**INT. 27(5)**]

Short title, **INT-1**

Telegraph, construction of,

INT-36

Territorial operation. See

Operation, *supra*

Time. See Rules of construc-

tion, *supra*

Year, construction of, **INT-37**

INTERPRETERS, CH-14

INTIMATE IMAGES

Forfeiture, **CC-164** [**164(4)**]

Non-consensual distribution,

CC-162.1

Prohibition order, **CC-162.2**

Search and seizure, **CC-164**

[**164(1)(b)**]

INTIMATE PARTNER

Definition, **CC-2**

INDEX

INTIMIDATION, CC-423 **[423(1)]**

See also HARASSMENT;
STALKING;
THREATENING;
THREATS

Coercion or control of intimate
partner, **CC-264.01**

Employee, by employer,
CC-425

Following, intimidation by,
CC-423 [423(1)(c), (e)]

Health professional, **CC-423.2**

Impede administration of
justice, to, **CC-423.1**

International Criminal Court,
WC-23

Journalist, **CC-423.1**

Justice system participant,
CC-423.1

Parliament or legislature,
CC-51

evidence of overt acts,
CC-55

indictment, overt acts to be
stated, **CC-581 [581(4)]**

Watch and beset, **CC-423**
[423(1)(f), (2)]

INTOXICATION

Common law defences
preserved, **CC-8 [8(3)]**

Consent, mistaken belief in
consent re sexual assault,
CC-273.2 [273.2(a)(i)]

Self-induced intoxication,
CC-33.1

INVASION OF PRIVACY

See INTERCEPTION OF
PRIVATE COM-

INVASION OF PRIVACY

—Cont'd
MUNICATIONS

INVITATION TO SEXUAL TOUCHING

See also SEXUAL OFFENCES

INVITATION TO SEXUAL TOUCHING OR EXPOSURE, CC-152, § CC152:1 to § CC152:3

JOINDER

See also INDICTMENTS AND
INFORMATIONS Joinder
and severance

Dividing count, **CC-590**

Joinder of accused charged
with possession, **CC-593**

Joinder of counts, **CC-591**

Joinder of counts where
accused and Attorney
General consent to trial by
judge alone, **CC-473**
[473(1.1)]

Murder, **CC-589**

Severance of counts, **CC-591**
[591(3)-(6)]

JOURNALIST

Disclosure of sources, **CEA-**
39.1

Intimidation of, **CC-423.1**

Search warrant in relation to,
CC-488.01, CC-488.02

JOY RIDING

Motor vehicle or vessel,
CC-335

JUDGES

See also CASE MANAGEMENT; JUSTICES

Adjudication

summary conviction proceedings, **CC-804**

see also SUMMARY CONVICTION PROCEEDINGS

Appointing counsel to cross-examine child witness, **CC-486.3**

see also EXCLUSION OF THE PUBLIC; WITNESSES Protecting witnesses

Bribery of, **CC-119**

Chief Justice

chief justice defined for emergency authorizations for interception of private communications, **CC-188 [188(4)]**

see also INTERCEPTION OF PRIVATE COMMUNICATIONS

parole, appropriate chief justice defined for applications to review eligibility for parole, **CC-745.6 [745.6(3)]**

see also PAROLE Ineligibility for parole

Definitions

proceeds of crime orders, **CC-462.3**

release from custody, **CC-493**

trial without jury, **CC-552**

JUDGES—Cont'd

Discretion

see DISCRETION

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

Duty to advise of right to counsel, **YC-25**

see also YOUTH CRIMINAL JUSTICE ACT

Joinder and severance

see INDICTMENTS AND INFORMATION

Judicial notice

see JUDICIAL NOTICE

Jurisdiction

see also JURISDICTION

adjournments, **CC-669.1**

appointment to another court, **CC-669.3**

continuation of proceedings, **CC-669.2**

jury defects, judgment not to be stayed, **CC-670**

powers of two justices, **CC-483**

preserving order in court, **CC-484**

procedural irregularities, jurisdiction not lost, **CC-485**

trial by judge alone

see ELECTIONS AND RE-ELECTIONS; INDICTABLE OFFENCES; TRIAL

Nunavut Court of Justice

see NUNAVUT

INDEX

JUDGES—Cont'd

- Reading the Riot Act, **CC-67**
 - see also RIOT
- Reasons for decision
 - see REASONS FOR DECISION
- Reserving final decision on questions raised at trial, **CC-645 [645(4)]**
- Rules made by judges
 - applications and hearings for reduction of ineligibility for parole, **CC-745.6**
- Sentencing
 - see also SENTENCE Procedure sentencing hearing
 - duty to consider all relevant information, **CC-726.1**
 - reasons for, **CC-726.2**

JUDGMENT

- See also REASONS FOR DECISION
- Acknowledging in false name, **CC-405**
- Appeal from
 - see APPEALS
- Dissenting judgment in court of appeal to specify grounds of dissent, **CC-677**
- Reserving, **CC-645 [645(4)]**

JUDICIAL DOCUMENT

- See DOCUMENTS

JUDICIAL INTERIM RELEASE

- Adjournment of proceedings and remand, **CC-516**

JUDICIAL INTERIM

RELEASE—Cont'd

- Alternative to physical presence, **CC-515 [515(2.2)]**
- Appeals
 - court of appeal, **CC-679 [679(1) to (7), (10)]**
 - review of decision, **CC-680**
 - summary conviction appeals, **CC-679 [679(8)], CC-816**
- Supreme Court of Canada, **CC-679 [679(1)(c), (3), (7), (8), (10)]**
- undertaking, **CC-FORM 12**
- Arrest of accused on release after release
 - superior court judge, by, **CC-524 [524(3) to (7)], CC-680**
 - trial delayed, when, **CC-525 [525(5) to (7)]**
- hearing by justice, **CC-524 [524(3)(b)]**
- issue of warrant by justice, **CC-524 [524(1)]**
- order for detention, **CC-524 [524(8)]**
- peace officer without warrant, by, **CC-524 [524(2)]**
- release of accused, **CC-524 [524(9)-(11)]**
- Assessment order bars interim release or detention order, **CC-672.17**
- see also MENTAL DISORDER

JUDICIAL INTERIM

RELEASE—Cont'd

Bail review
 see Review of detention,
 infra; Review of order,
 infra

Communication with witness
 prohibited, **CC-515**
 [515(4)(d), (4.2)]

Conditional sentence of
 imprisonment, breach of
 condition, **CC-742.6**
 see also SENTENCE

Conditions, failure to comply
 with
 cancellation, **CC-524**
 [524(3)]
 circumstances, **CC-523.1**
 [523.1(2)], **CC-524**
 [524(2)]
 detention, **CC-524 [524(4)]**,
 CC-525
 dismissal of charge,
 CC-523.1 [523.1(4)]
 generally, **CC-523.1**,
 CC-524
 hearing, **CC-524 [524(1)]**
 judicial referral hearing,
 CC-523.1 [523.1(1)]
 powers of judge/justice,
 CC-523.1 [523.1(3),
 (5)]
 reasons, **CC-524 [524(6)]**
 release, **CC-524 [524(7)]**
 release order, **CC-524**
 [524(5)]
 review, **CC-524 [524(9),**
 (10)], **CC-525**

JUDICIAL INTERIM

RELEASE—Cont'd

Conditions of release, **CC-515**
 [515(4)-(4.3)]

Defects in adjournment,
 remand, **CC-485**

Detention order
 assessment order bars deten-
 tion order or interim
 release, **CC-672.17**
 see also MENTAL DIS-
 ORDER

directions for expediting
 proceedings, **CC-526**

grounds for, **CC-515**
 [515(10)]

non-communication order,
 CC-515 [515(12)],
 CC-522 [522(2.1)]

prosecutor shows cause,
 when, **CC-515 [515(5),**
 (9)]

record of reasons, **CC-515**
 [515(9)]

reverse onus, **CC-515**
 [515(6)-(8)]

review of order, **CC-520**,
 CC-522 [522(4)],
 CC-525 [525(1) to (4)],
 CC-680

specific charges, on, **CC-515**
 [515(6), (9), (11)]

superior court judge,
 CC-522 [522(1)]

vacation of order, **CC-523**
 [523(2)]

warrant for committal,
 CC-519 [519(3)],
 CC-520 [520(9)]

INDEX

JUDICIAL INTERIM

RELEASE—Cont'd

Directions for expediting proceedings, **CC-526**

Evidence, **CC-518**

Expediting proceedings, **CC-525 [525(9)]**, **CC-526**

Firearms prohibition and surrender of documents, **CC-515 [515(4.1), (4.11), (4.12), (7), (8)]**, **CC-522 [522(3)]**

see also WEAPONS Firearms acquisition certificate

Guilty plea, **CC-518 [518(2)]**

see also GUILTY PLEA

Inciting to mutiny, **CC-522**

Inquiries by justice, **CC-518 [518(1)]**

Intimidating Parliament or legislature, **CC-522**

Judge defined for Part XVI, Compelling Appearance of Accused Before a Justice and Interim Release, **CC-493**

see also RELEASE FROM CUSTODY

Justice, by

see also Show cause hearing, *infra*

conditions may be ordered, **CC-515 [515(4)]**

release of accused, **CC-519 [519(1), (2)]**, **CC-FORM 39**

unconditional, **CC-515 [515(1)]**

JUDICIAL INTERIM

RELEASE—Cont'd

Justice, by—Cont'd undertaking or recognizance, on, **CC-515 [515(2), (3)]**

Mental disorder

see MENTAL DISORDER Enforcement of orders and regulations

Murder, **CC-522**

Ninety-day review, **CC-525**, **CC-526**

Order for non-publication, **CC-517**, **CC-520 [520(9)]**, **CC-521 [521(10)]**

Order for release, **CC-515 [515(2), (7), (8)]**, **CC-679**, **CC-680**

Pending appeal on summary conviction, **CC-816**

Piracy, **CC-522**

Piratical acts, **CC-522**

Plea of guilty, **CC-518 [518(2)]**

see also GUILTY PLEA

Presence by telecommunication device, **CC-515 [515(2.2)]**

Primary ground, **CC-515 [515(10)(a)]**, **CC-672.16 [672.16(1)(c)]**

Principles and consideration

Aboriginal accused, **CC-493.2**

generally, **CC-493.1**, **CC-493.2**

restraint, **CC-493.1**

vulnerable populations, **CC-493.2**

JUDICIAL INTERIM

RELEASE—Cont'd

Prisoner, procuring attendance of, **CC-527**
 Publication ban, **CC-517**, **CC-520 [520(9)]**, **CC-521 [521(10)]**
 see also PUBLICATION BAN
 Recognizance, **CC-493**, **CC-515**, **CC-520 [520(7), (8)]**, **CC-522 [522(3)]**, **CC-523**, **CC-524**, **CC-525**, **CC-763**
 see also RECOGNIZANCE
 Reverse onus, **CC-515 [515(6)]**, **CC-522 [522(2)]**, **CC-679**
 Review of detention
 see also Review of order, *infra*; Vacating order, *infra*
 90-day review re indictable offence, **CC-525**
 30-day review re summary conviction offence, **CC-525**
 detention order by superior court judge, **CC-522 [522(4)]**, **CC-680**
 Review of order, **CC-520**, **CC-521**, **CC-522 [522(4)]**, **CC-524 [524(6)]**, **CC-680**
 see also Review of detention, *supra*; Vacating order, *infra*
 adjournment of proceedings, **CC-520 [520(4)]**

JUDICIAL INTERIM

RELEASE—Cont'd

Review of order, **CC-520**, **CC-521**, **CC-522 [522(4)]**, **CC-524 [524(6)]**, **CC-680**
 —Cont'd
 application by accused, **CC-520**
 accused pleading guilty, release pending sentence, **CC-520 [520(9)]**
 adjournment of proceedings, **CC-520 [520(4)]**
 further application only with leave, **CC-520 [520(8)]**
 inquiries by judge and evidence, **CC-520 [520(9)]**
 notice to prosecutor, **CC-520 [520(2)]**
 order for non-publication, **CC-517**, **CC-520 [520(9)]**, **CC-521 [521(10)]**
 powers of judge, **CC-520 [520(7)]**
 presence of accused at hearing, **CC-520 [520(3), (5), (6)]**
 release of accused, **CC-520 [520(9)]**
 warrant for committal of accused, **CC-520 [520(9)]**

INDEX

JUDICIAL INTERIM

RELEASE—Cont'd

Review of order, **CC-520**,
CC-521, **CC-522**
[522(4)], **CC-524**
[524(6)], **CC-680**
—Cont'd
application by prosecutor,
CC-521
accused pleading guilty,
release pending
sentence, **CC-521**
[521(10)]
adjournment of proceed-
ings, **CC-521**
[521(4)]
further applications only
with leave, **CC-521**
[521(9)]
inquiries by judge and
evidence, **CC-521**
[521(10)]
notice to accused, **CC-521**
[521(2)]
order for non-publication,
CC-517, **CC-520**
[520(9)], **CC-521**
[521(10)]
powers of judge, **CC-521**
[521(8)]
presence of accused at
hearing, **CC-521**
[521(3), (5)]
release of accused,
CC-521 [521(10)]
warrant for committal of
accused, **CC-521**
[521(6), (7), (10)]
further application only with
leave, **CC-520 [520(8)]**

JUDICIAL INTERIM

RELEASE—Cont'd

Review of order, **CC-520**,
CC-521, **CC-522**
[522(4)], **CC-524**
[524(6)], **CC-680**
—Cont'd
inquiries by judge and evi-
dence, **CC-520 [520(9)]**
notice to prosecutor, **CC-520**
[520(2)]
order for non-publication,
CC-517, **CC-520**
[520(9)], **CC-521**
[521(10)]
powers of judge, **CC-520**
[520(7)]
presence of accused at hear-
ing, **CC-520 [520(3),**
(5), (6)]
release of accused, **CC-520**
[520(9)]
trial delayed, where, **CC-525**
Secondary ground, **CC-515**
[515(10)(b)], **CC-672.16**
[672.16(1)(c)]
Sedition offences, **CC-522**
Show cause hearing, **CC-515**
see also Justice, by, *supra*;
Detention order, *supra*;
Review of detention,
supra; Review of order,
supra
adjournment, **CC-516**
evidence at, **CC-518**
order for non-publication,
CC-517
presence by telecommunica-

JUDICIAL INTERIM

RELEASE—Cont'd

Show cause hearing, **CC-515**

—Cont'd
tion device, **CC-515**
[515(2.2)]

release of accused, **CC-519**

reverse onus, **CC-515**

[515(6)], **CC-522**

[522(2)], **CC-679**

Summary conviction appeal,
CC-816

Superior court judge only, by,
CC-522 [522(1), (6)]

see also Detention order,i
supra; Show cause hear-
ing, supra

detention order to be made,
CC-522 [522(2)]

release may be ordered,
when, **CC-515** [515(2),
(10)]

Sureties, naming of, **CC-515**
[515(2.1)]

Terms and conditions, **CC-515**
[515(4) to (4.3)]

Treason, **CC-522**

Undertakings, **CC-493**,
CC-499, **CC-515**,
CC-520 [520(7), (8)],
CC-522 [522(3)],
CC-523, **CC-524**,
CC-525

see also UNDERTAKINGS

Vacating order, **CC-523**
[523(2), (3)]

see also Review of detention,
supra; Review of order,
supra

JUDICIAL INTERIM

RELEASE—Cont'd

Verdict of not criminally
responsible on account of
mental disorder, relevance
to release on other
offences, **CC-672.35**
[672.35(b)]

see also MENTAL DISOR-
DER Criminal
responsibility

Warrants

see ARREST; WARRANTS

Young person

see YOUTH CRIMINAL
JUSTICE ACT Deten-
tion before sentence

JUDICIAL NOTICE

Acts of Imperial Parliament,
CEA-17

Acts of Parliament, **CEA-18**

By-laws, **CC-781** [781(2)]

Canada Gazette, **CEA-21**,
CEA-32 [CE 32(2)]

Copies of Acts, **CEA-19**

Handwriting of person certify-
ing, **CEA-33**

Ordinances, **CEA-7**

Proclamations, etc., **CC-781**
[781(2)]

Statutory instruments, **CC-781**
[781(2)], **CEA-17**,
CEA-18

JUDICIAL OFFICER

See JUDGES; JUSTICES

JUDICIAL PROCEEDINGS

Absconding accused deemed
present, **CC-715** [715(3)]

INDEX

JUDICIAL PROCEEDINGS

—Cont'd

Definition, **CC-118**

Perjury

see **PERJURY**

Proceedings in courts out of
Canada, **CEA-43**,
CEA-51

Reading in

commission evidence,

CC-711, CC-712

[712(2)]

see also **COMMISSION
EVIDENCE**

evidence from previous hear-
ing, **CC-715, CC-822**
[822(5)]

see also **STATEMENTS**

trial de novo, reading in of
trial evidence, **CC-822**
[822(5)]

see also **SUMMARY
CONVICTION
APPEALS**

JURIES

See also **ELECTIONS AND
RE-ELECTIONS;**

INDICTABLE

OFFENCES Trial by jury;

TRIAL Jury trial

Accommodation of juror with
disability, **CC-627**,

CC-631 [631(4)]

Accused absconding prior to
trial losing right to jury
trial, **CC-598**

Additional jurors

discharge of, **CC-652.1**

JURIES—Cont'd

Additional jurors—Cont'd
selection of, **CC-631**

[631(2.2)]

Addresses to, **CC-651**

Attorney General requiring jury
trial, **CC-568, CC-569**

Challenge for cause

see also **Stand by**, *infra*

denial of challenge, **CC-639**

[639(3)]

determination of, **CC-640**

[640(1)]

exclusion orders, **CC-640**

[640(2)]

form of challenge,

CC-FORM 41

grounds for, **CC-638**

order of challenges, **CC-635**

writing, in, when required,
**CC-639 [639(1)], CC-
FORM 41**

Challenge to the array,

**CC-629, CC-630, CC-
FORM 40**

Compulsory jury trial, **CC-471**,
CC-568, CC-569

Dangerous offender proceed-
ings, no jury, **CC-754**

[754(2)]

Defects in jury process, judg-
ment not to be stayed,

CC-670

see also **Jury panel**, *infra*

Directions by prosecutor to
stand aside

see **Stand by**, *infra*

Disability, accommodating
juror with, **CC-627**,

JURIES—Cont'd

CC-631 [631(4)]

Disagreement on verdict, powers of judge, **CC-653**

Discharge of juror during trial additional jurors, **CC-652.1**

power to discharge juror, **CC-644 [644(1)]**

replacement of juror, **CC-644 [644(1.1)]**

trial continues if ten jurors remain, **CC-644 [644(2)]**

Disclosure of jury deliberations, **CC-649**

Empanelling

additional jurors, **CC-631 [631(2.2)], CC-652.1**

alternate jurors, **CC-631 [631(2.1)], CC-642.1**

calling jurors standing by, **CC-641 [641(1)]**

challenge for cause
see Challenge for cause, *supra*

death of juror during trial, **CC-644 [644(2)]**

discharge of juror during trial, **CC-644 [644(2)]**

excusing jurors, **CC-631 [631(3)], CC-632**

failure to comply does not affect validity of proceedings, **CC-643 [643(3)]**

jurors' names not disclosed, **CC-631 [631(3.1)]**

jurors' names not published, **CC-631 [631(6)]**

JURIES—Cont'd

Empanelling—Cont'd

jurors' names on cards to be drawn, **CC-631**

[631(3)]

jurors' names to be kept apart until verdict or discharge, **CC-643 [643(1)]**

new jurors to be drawn before stand asides called again, if prosecutor requires, **CC-641 [641(2)]**

other jurors becoming available, **CC-641 [641(2)]**

same jury may try another issue on consent of prosecutor and accused, **CC-643 [643(2)]**

sheriff, by, before swearing, **CC-631**

stand asides to be sworn if no names remain to be called, **CC-641 [641(1)]**

stand by jurors because of personal hardship, **CC-633**

summoning additional jurors when panel exhausted, **CC-642**

Excusing jurors, **CC-632**

Given in charge to the jury

fitness to stand trial,

CC-672.26

see also MENTAL DISORDER

Hung jury, **CC-653**

INDEX

JURIES—Cont'd

Irregularities in process, no effect on verdict, **CC-670, CC-671**

Judge alone trial
see TRIAL

Jurisdiction before jurors called, **CC-645 [645(5)]**

Jury panel
adding names to panel, **CC-642 [642(3)]**
additional jurors, talesmen, **CC-642**
adjournment of court if no panel required, **CC-474 [474(1)]**
challenge to the array, **CC-629, CC-630**
excusing jurors, **CC-626 [626(2)], CC-632**
exhausted, procedure, **CC-642**
quashing conviction, errors in jury summoning and empanelling, **CC-670**

Jury selection
see Challenge for cause, supra; Challenge to the array, supra; Empanelling, supra; Jury panel, supra; Qualifications to serve, infra; Stand by, infra; Swearing jurors, infra

Jury trial
see TRIAL

Number of jurors, **CC-632, CC-643**

JURIES—Cont'd

Perverse verdict
see TRIAL Verdicts

Polling the jury
see TRIAL Verdicts

Powers of court preserved, **CC-672**

Preferring direct indictment, **CC-577**

see also INDICTMENTS AND INFORMATION Preferring indictment

Preserving of earlier powers of court re juries, **CC-672**

Pre-trial hearing required, **CC-625.1 [625.1(2)]**

Publication ban
see also PUBLICATION BAN
discharge of jury, **CC-647 [647(4)]**

portion of trial where jury not present, **CC-648**

Qualifications to serve, **CC-626**
see also Empanelling, supra

Refreshment for and lodging, **CC-647 [647(5)]**

Replacement of juror, **CC-644 [644(1.1)]**

Same jury may try another issue, by consent, **CC-643 [643(2), (3)]**

Saving powers of court before April 1, 1955, **CC-672**

Selecting jury
see Challenge for cause, supra; Challenge to the

JURIES—Cont'd

Selecting jury—Cont'd

array, *supra*; Empanel-
ling, *supra*; Jury panel,
supra, Qualifications to
serve, *supra*; Stand
asides, *infra*; Swearing
jurors, *infra*

Separation of jurors during
trial, **CC-647 [647(1)]**

Sequestration, **CC-647**

Stand by

see also Challenge for cause,
supra

calling jurors who have
stood by, **CC-641**
[641(1)]

judge may direct, **CC-633**

new jurors to be drawn
before stand asides
called again, if prosecu-
tor requires, **CC-641**
[641(2)]

personal hardship, **CC-633**
sworn if no names remain to
be called, **CC-641**
[641(1)]

Swearing jurors, **CC-631**
[631(4)]

see also Empanelling, *supra*

Talesmen, **CC-642**

Trial to continue after discharge
of juror, **CC-644 [644(2)]**

Trial with jury

see TRIAL Jury trial

Trial without jury, superior
court, on consent, **CC-473**

Validity

failure to comply with
empanelling procedure

JURIES—Cont'd

Validity—Cont'd

does not affect validity
of proceedings, **CC-643**
[643(3)]

trial continues if ten jurors
remain, **CC-644**
[644(2)]

Verdict

see TRIAL

View by jury, **CC-652**

JURISDICTION

See also COURTS; INDICT-
ABLE OFFENCES;
INDICTMENTS AND
INFORMATIONS;
INTERNATIONAL
CRIMINAL COURT;
JUDGES; JUSTICES;
NUNAVUT;
PROVINCIAL COURT
JUDGE; SUPERIOR
COURT OF CRIMINAL
JURISDICTION; SUM-
MARY CONVICTION
PROCEEDINGS; SUM-
MARY CONVICTION
APPEALS

Absolute

provincial court judge,
CC-553

superior court of criminal
jurisdiction, **CC-468**,
CC-469, **CC-471**,
CC-473

Acquittal

insufficient evidence to put
unfit accused on trial,
CC-672.33 [672.33(6)]

INDEX

JURISDICTION—Cont'd

Adjournments
dismissal for want of prosecution, **CC-485 [485(3)]**
indictable offences, **CC-669.1**
procedural irregularities in, **CC-485 [485(1)]**
recommencement following dismissal, **CC-485.1**
summons or warrant, **CC-485 [485(2)]**

Aircraft

see AIRCRAFT

Airport

see AIRPORT

Appointment of judge to another court, **CC-669.3**

Assessment orders, **CC-672.11, CC-672.16**

see also MENTAL DISORDER

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

Continuation of proceedings where judge unable to continue, **CC-669.2**

Court of criminal jurisdiction, **CC-2, CC-469, CC-470**

Courts

see also CHARTER OF RIGHTS Court of competent jurisdiction;
COURTS

JURISDICTION—Cont'd

Courts—Cont'd

appeal court defined for proceedings re firearms prohibition orders, **CC-111**

see also WEAPONS
Firearms

summary conviction appeals, **CC-812**

appropriate chief justice defined for applications to review eligibility for parole, **CC-745.6**

see also PAROLE Ineligibility for parole

chief justice defined for emergency authorizations for interception of private communications, **CC-188 [188(4)]**

see also INTERCEPTION OF PRIVATE COMMUNICATIONS

court defined for seizure of hate propaganda publications, **CC-320 [320(8)]**

see also HATE PROPAGANDA;
SEARCH AND SEIZURE

warrants of seizure of obscene publications, **CC-164 [164(8)]**

see also OBSCENITY;
SEARCH AND SEIZURE

court of appeal defined, **CC-2**

JURISDICTION—Cont'd

Courts—Cont'd

court of criminal jurisdiction,
CC-2, CC-469,
CC-470

judge defined for

emergency authorizations
for interception of
private communica-
tions, **CC-188**
[188(1)], CC-552

see also INTERCEP-
TION OF
PRIVATE COM-
MUNICATIONS

Part XIX, Indictable
Offences Trial
Without Jury,
CC-552

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

Part XVI, Compelling
Appearance of
Accused Before a
Justice and Interim
Release, **CC-493**

see also JUDICIAL
INTERIM
RELEASE;
RELEASE FROM
CUSTODY

JURISDICTION—Cont'd

Courts—Cont'd

jurisdiction not limited by
Criminal Code territo-
rial jurisdiction provi-
sions, **CC-477**

superior court of criminal
jurisdiction defined,
CC-2

Defamatory libel, **CC-478**
[478(2), (5)]

Defects in earlier proceedings
see Loss of jurisdiction, *infra*

Guilty plea, transfer of charges,
CC-478, CC-479

see also GUILTY PLEA

Jury defects

see also JURIES

failure to comply with
empanelling procedure
does not affect validity
of proceedings, **CC-643**
[643(3)]

judgments not to be stayed,
CC-670

Loss of jurisdiction

defects in earlier proceed-
ings, **CC-485, CC-670**

juries

see also JURIES

jury defects, judgment not
to be stayed, **CC-670**

jury empanelling does not
affect validity of
proceedings, **CC-643**
[643(3)]

no loss for breach of
adjournment or remand

INDEX

JURISDICTION—Cont'd

- Loss of jurisdiction—Cont'd
 - provisions, **CC-485 [485(1)]**
 - procedural irregularities, jurisdiction not lost, **CC-485**
- Mode of trial
 - see **ELECTIONS AND RE-ELECTIONS**
- Nunavut Court of Justice, **CC-573**
- Other Acts of Parliament not limited by Criminal Code territorial jurisdiction provisions, **CC-477**
- Over the person, **CC-470**
- Plea of guilty
 - see Guilty plea, *supra*;
GUILTY PLEA
- Procedural irregularities, jurisdiction not lost, **CC-485**
- Provincial court judge
 - absolute jurisdiction, **CC-553**
 - accused electing, **CC-536 [536(3)]**, **CC-554 [554(1)]**, **CC-555 [555(3)]**
 - deciding to hold preliminary inquiry instead of trial, **CC-555**
 - trial by, with consent of accused, **CC-554**
- Recommendation where dismissal for want of prosecution, **CC-485.1**
- Superior court of criminal jurisdiction, **CC-2**, **CC-468**, **CC-469**

JURISDICTION—Cont'd

- Territorial
 - arrest, search or seizure, and other powers, **CC-477.3**
 - breach of probation, **CC-733.1 [733.1(2)]**
 - see also **BREACH OF PROBATION**;
SENTENCE Probation
 - consent of Attorney General, **CC-477.2**, **CC-477.3 [477.3(3)]**
 - credit card offences, **CC-342 [342(2)]**
 - defamatory libel, **CC-478 [478(2), (5)]**
 - economic zone, **CC-477.1**
 - fixed platform, **CC-7 [7(2.1), (2.2)]**, **CC-477**, **CC-477.4**
 - offence
 - aircraft in flight, in, **CC-476 [476(d)]**
 - between territorial divisions, **CC-476 [476(a), (b)]**
 - continental shelf, in, above or beyond, **CC-477.1**
 - elsewhere in province, **CC-479**
 - mail being delivered, **CC-476 [476(e)]**
 - not in a province, **CC-481**
 - outside Canada, jurisdiction for commencing prosecution, **CC-477.4 [477.4(1)]**

JURISDICTION—Cont'd

Territorial—Cont'd
 offence—Cont'd
 unorganized territory, in,
 CC-480
 vehicle or vessel, in,
 CC-476 [476(c)]
 ships, **CC-477, CC-477.4**
 space station, **CC-7 [7(2.3)-(2.34)]**
 terrorism, **CC-7 [7(3.73)-(3.75)]**
 unorganized territory,
 CC-480
 warrant of arrest, **CC-703**
 see also **ARREST** War-
 rants
 Transfer of charges, **CC-478,**
CC-479
 War crimes, **WC-8**
 Young persons, exclusive juris-
 diction of youth justice
 court, **YC-14**

JURY

See **INDICTABLE**
OFFENCES Trial by
 judge and jury; **JURIES**;
TRIAL Jury trial

JURY TRIAL

See **INDICTABLE**
OFFENCES Trial by
 judge and jury; **JURIES**;
TRIAL Jury trial

JUSTICES

See also **JUDGES**; **JURISDIC-**
TION
 Definition of justice, **CC-2**

JUSTICES—Cont'd

Election by accused before,
CC-536 [536(2)-(4)]
 Issuing process, **CC-507**
 Jurisdiction
 see also **JURISDICTION**
 adjournments, **CC-669.1**
 [669.1(2)]
 continuation of proceedings,
 CC-669.2
 Notification of cancellation of
 appearance notice,
CC-508 [508(1)(c)]
 Peace officer as justice, **CC-2**
 Powers of
 may be exercised by judge of
 Nunavut Court of
 Justice, **CC-573**
 preliminary inquiry, at,
 CC-537
 see also **PRELIMINARY**
 INQUIRY
 summary conviction
 proceedings, **CC-788**
 [788(2)], CC-790
 [790(1)]
 see also **Summary convic-**
 tion proceedings,
 infra
 two justices
 manner of exercising
 power, **CC-790**
 [790(2)]
 may be exercised by judge
 or provincial court
 judge, **CC-483**
 Reading the Riot Act, **CC-67**
 see also **RIOT**

INDEX

JUSTICES—Cont'd

- Receiving information
 - appearance notice or release, after, **CC-508**
 - hearing informant and witnesses, **CC-508**
 - procedure after receiving, **CC-507**
 - receivable, when, **CC-504**
 - threatening, **CC-810**
- Subpoena, issuing, **CC-698**, **CC-699**
- Summary conviction proceedings
 - see also SUMMARY CONVICTION PROCEEDINGS
 - any justice may act before and after trial, **CC-790** [790(1)]
 - one may act before trial, **CC-788** [788(2)]
 - two or more having jurisdiction, **CC-790** [790(2)]
- Summons, issuing, **CC-507**, **CC-512**
- Two or more justices having jurisdiction, **CC-790** [790(2)]
- Warrant
 - accused evading service, where, **CC-512** [512(2)(c)]
 - attendance at new or continued trial, **CC-507** [507(8)]
 - authorization of release of accused, **CC-507** [507(6), (7)]

JUSTICES—Cont'd

- Warrant—Cont'd
 - despite previous release, **CC-512** [512(1)]
 - failure to appear, after, **CC-512** [512(2)(a), (b)]
 - general power, **CC-507** [507(1)(b), (2), (4)]
 - signing in blank prohibited, **CC-507** [507(5)]
- Youth Criminal Justice Act, **YC-20**

JUSTICE SYSTEM PARTICIPANT

- Ban on publication of identity, **CC-486.5**
- Definition, **CC-2**
- Exclusion of public from courtroom, **CC-486**
- Intimidation of, **CC-423.1**

JUSTIFICATION

- See also DEFENCES Lawful justification or excuse, Self-defence
- Defamatory libel, special plea, **CC-611**, **CC-612**
- Defence of, **CC-27**

JUVENILES

- See YOUTH CRIMINAL JUSTICE ACT

KEEPER

- See also BETTING AND GAMING OFFENCES; DISORDERLY HOUSE; PROCURING
- Arrest, **CC-199** [199(2)]

KEEPER—Cont'd

- Common betting house,
CC-201 [201(1)], CC-204 [204(1)]
- Common gaming house,
CC-201 [201(1)]
- Disorderly house, definition,
CC-197 [197(1)]
- Search and seizure, **CC-199**

**KEEPING COMMON
BETTING HOUSE,
CC-201**

- See also BETTING AND
GAMING OFFENCES;
DISORDERLY HOUSE;
KEEPER

**KEEPING COMMON
GAMING HOUSE,
CC-201**

- See also BETTING AND
GAMING OFFENCES;
DISORDERLY HOUSE;
KEEPER

**KIDNAPPING, CC-279 [279(1),
(1.1)]**

- See also ABDUCTION;
HOSTAGE TAKING;
TRAFFICKING IN
PERSONS
- Causing death while committing,
CC-231 [231(5)(e)]
- Hostage taking, **CC-279.1**
- Imprisonment, four-year minimum to life if firearm used,
CC-279 [279(1.1)]
- Internationally protected person, outside Canada,

**KIDNAPPING, CC-279 [279(1),
(1.1)]—Cont'd**

- CC-7 [7(3), (5)-(7)]**
- Non-resistance as defence,
CC-279 [279(3)]
- Threat of, against internationally protected person,
CC-424
- Trafficking in persons,
CC-279.01

KILLING CHILD

- See also HOMICIDE; MAN-SLAUGHTER; MURDER
- Causing injury before or during birth, resulting in death,
CC-223 [223(2)]
- Child becomes human being, when, **CC-223**
- Infanticide, **CC-233, CC-237**
- Newly born, by mother,
CC-233, CC-237
- Unborn, during birth, **CC-238**

KNOWLEDGE

- See MENS REA; POSSESSION

**LANGUAGE OF ACCUSED,
CC-530, CC-533**

- Accused fails to apply, **CC-530 [530(4)]**
- Accused not represented,
CC-530 [530(3)]
- Change of venue when language not spoken in jurisdiction, **CC-531**
- Duty of court
accused failing to apply,
CC-530 [530(4)]

INDEX

LANGUAGE OF ACCUSED, CC-530, CC-533—Cont'd

- Duty of court—Cont'd
 - accused's language
 - English or French,
CC-530 [530(1)]
 - neither English nor
French, CC-530
[530(2)]
 - advise accused, to, CC-530
[530(3)]
- Preliminary inquiry, CC-530.1
- Procedure on preliminary
inquiry or trial, CC-530.1
- Regulations, power of Lieuten-
ant Governor, CC-533
- Saving of rights under
provincial law, CC-532
- Translation of documents,
CC-530.01
- Variation of order where bilin-
gual trial preferable,
CC-530 [530(5)]

LANGUAGE OF TRIAL

- See LANGUAGE OF
ACCUSED

LAUNDERING PROCEEDS OF CRIME, CC-462.31

- See also PROCEEDS OF
CRIME

LAWFUL EXCUSE

- See DEFENCES

LAWYER, CC-488.1

LEGAL AID

- Appeals, CC-684 [684(2)]

LEGAL AID—Cont'd

- Right to counsel
 - see RIGHT TO COUNSEL
- Young persons, YC-25 [YC
25(3)-(6)]

LIBEL. See DEFAMATORY LIBEL; SEDITIOUS LIBEL

LIFE

- Endangering, CC-216, CC-218
- Imprisonment for life
 - see SENTENCE Imprison-
ment
- Necessaries of
 - see NECESSARIES OF
LIFE

LIFE IMPRISONMENT, CC-743.1, CC-745, CC-745.1

- See also SENTENCE
 - Imprisonment; PAROLE
 - Ineligibility for parole

LIMITATIONS

- Summary conviction, CC-786
[786(2)]
- Treason in certain cases,
CC-48

LOANSHARKING, CC-347

LOITERING

- Private property, CC-177
- Public place, CC-175
[175(1)(c)]

LONG-TERM OFFENDERS

- Appeal
 - Attorney General, by,
CC-759 [759(2)]

LONG-TERM OFFENDERS

—Cont'd

Appeal—Cont'd
 effect of judgment of court of appeal, **CC-759 [759(5), (6)]**
 offender, by, **CC-759 [759(1)]**
 powers of court of appeal, **CC-759 [759(3), (4)]**
 procedure, **CC-759 [759(7)]**
 Application for finding of long-term offender
 admissions by offender, effect of, **CC-754 [754(3)]**
 character evidence, **CC-757**
 conditions for finding, **CC-753.1**
 consent of Attorney General required, **CC-754 [754(1)]**
 court defined, **CC-752**
 hearing by judge alone, **CC-754 [754(2)]**
 notice to offender, **CC-754**
 presence of offender at hearing, **CC-758**
 proof of consent of Attorney General, **CC-754 [754(4)]**
 Breach of order, **CC-753.3**
 Commission of offence while under long-term supervision, **CC-753.4**
 Dangerous offender application treated as long-term offender application, **CC-753 [753(5), (6)]**

LONG-TERM OFFENDERS

—Cont'd

Disclosure to Correctional Service of Canada, **CC-760**
 Finding of court, **CC-753.1**
 Long-term supervision
 appeal from decision, **CC-759**
 breach of order, **CC-753.3**
 convicted of later serious personal injury offence, where, **CC-753.01**
 dangerous offender, where found to be, **CC-753 [753(4)(b)]**
 defined, **CC-752**
 interruption of, **CC-753.4**
 long-term offender, where found to be, **CC-753 [753(4)(b)]**
 not to be imposed where serving life sentence, **CC-755**
 supervision in community, **CC-753.2**
 No sentence of community supervision if serving life imprisonment, **CC-753.1 [753.1(5)]**
 Remand for assessment, **CC-752.1**
 Sentence if finding not made, **CC-753.1 [753.1(6)]**
 Sentence to be imposed including community supervision, **CC-753.1 [753.1(3), (3.1)]**
 Young person, **YC-74**

INDEX

LONG-TERM SUPERVISION

See DANGEROUS OFFENDERS; LONG-TERM SUPERVISION

LOTTERIES

See also BETTING AND GAMING OFFENCES

Exceptions, **CC-206 [206(8)], CC-207.1**

Exemptions re international cruise ship, **CC-207.1**

Foreign, printing advertising for, **CC-206 [206(7)]**

Licences for

power to issue, **CC-207 [207(1)(d), (f)]**

terms and conditions, **CC-207 [207(2)]**

Lottery scheme defined, **CC-207 [207(4)]**

Offences re, **CC-206 [206(1), (3), (4)], CC-207 [207(3)]**

Pari-mutuel betting, **CC-207 [207(5)]**

Permitted operation

agricultural fair, **CC-207 [207(1)(c)]**

charitable or religious organization, **CC-207 [207(1)(b)]**

government of province, **CC-207 [207(1)(a), (e)]**

provincial licence, under, **CC-207 [207(1)(d)]**

Printing cards, etc., when lawful, **CC-207 [207(1)(h)]**

Sale, etc., of property void, **CC-206 [206(5), (6)]**

LOTTERIES—Cont'd

Search warrants, **CC-199 [199(1)]**

LUMBER

Burden of proof re marked lumber and equipment, **CC-339 [339(5)]**

Coastal waters of Canada, defined, **CC-339 [339(6)]**

Definition, **CC-339 [339(6)]**

Drift lumber, taking possession, etc., **CC-339 [339(1)]**

Equipment with brand mark, **CC-339 [339(4)]**

Presumption from brand mark, **CC-339 [339(4)]**

Search by peace officer, **CC-339 [339(3)]**

Trading, etc., by second hand dealer, **CC-339 [339(2)]**

LURING CHILD, CC-172.1

MAGISTRATE

See PROVINCIAL COURT JUDGE

MAIL

Stopping with intent to rob or search, **CC-345**

Theft from, **CC-356**

Use of

defraud, to, **CC-381**

obscene material, for,

CC-168, CC-169

MAIM

Discharging

air gun with intent to, **CC-244.1**

MAIM—Cont'd

Discharging—Cont'd
firearm with intent to,
CC-244

MANDAMUS

See also EXTRAORDINARY
REMEDIES
Appeal from grant or refusal of,
CC-784 [784(1), (2)]
Rules of court re, **CC-482**
[482(3)(c)]

MANITOBA

Appeal court defined for
court of appeal, **CC-2**
place of hearing, **CC-814**
[814(1)]
proceedings re firearms pro-
hibition orders, **CC-111**
see also WEAPONS Fire-
arms
summary conviction appeals,
CC-812
Attorney General, **CC-2**
Chief justice defined for
emergency authorizations for
interception of private
communications,
CC-188 [188(4)]
see also INTERCEPTION
OF PRIVATE COM-
MUNICATIONS
judicial review of ineligibil-
ity for parole, **CC-745.6**
see also PAROLE Ineligi-
bility for parole
Court defined for
appeals, **CC-2**

MANITOBA—Cont'd

Court defined for—Cont'd
criminal jurisdiction, **CC-2**
seizure warrants for
hate propaganda publica-
tions, **CC-320**
[320(8)]
see also HATE PROPAGAN-
DA;
SEARCH AND
SEIZURE
obscene publications and
child sexual abuse
and exploitation
material, **CC-164**,
§ CC164:1 to
§ CC164:3
[164(8)(b)]
see also OBSCENITY;
SEARCH AND
SEIZURE
summary conviction appeal,
CC-814 [814(1)]
superior court of criminal
jurisdiction, **CC-2**
Court of appeal defined, **CC-2**
Court of criminal jurisdiction
defined, **CC-2**
Judge defined for
emergency authorizations for
interception of private
communications,
CC-188 [188(1)],
CC-552
see also INTERCEPTION
OF PRIVATE COM-
MUNICATIONS
Part XIX, Indictable
Offences Trial Without

INDEX

MANITOBA—Cont'd

Judge defined for—Cont'd

Jury, **CC-552**

see also **INDICTABLE
OFFENCES** Trial by
judge alone; **TRIAL**
Judge alone trial

Part XVI, Compelling
Appearance of Accused
Before a Justice and
Interim Release,
CC-493

see also **JUDICIAL
INTERIM
RELEASE;
RELEASE FROM
CUSTODY**

Language of accused, regula-
tions for Part XVII,
CC-533

Parole, application to reduce
ineligibility period,
CC-745.6

Summary conviction appeals
appeal court defined,
CC-812 [812(1)(d)]
place of hearing, **CC-814**
[814(1)]

Superior court of criminal juris-
diction defined, **CC-2**

MANSLAUGHTER

See also **CRIMINAL
NEGLIGENCE; DEATH;
HOMICIDE**

Culpable homicide is man-
slaughter, **CC-222**

Dangerous operation of
aircraft, motor vehicle or
vessel, **CC-662 [662(5)]**

MANSLAUGHTER—Cont'd

Definition, **CC-222, CC-234**

Failure to safeguard opening in
ice resulting in death,
CC-263 [263(3)(a)]

Included offences, **CC-662**
[662(5)]

Internationally protected
person, outside Canada,
CC-7 [7(3), (5)-(7)]

Minimum four years' imprison-
ment if firearm used,
CC-236 [236(a)]

Punishment, **CC-236**

MARINE SIGNAL

Interference with, **CC-429**
[429(2)], CC-439

MARRIAGE

See also **HUSBAND AND
WIFE; SPOUSE**

Bigamy, **CC-290, CC-291**

Form of, defined, **CC-214**

Peace bond where fear of
forced marriage,
CC-810.02

Polygamy, **CC-293**

Procuring feigned marriage,
CC-292

Solemnization
contrary to law, **CC-294**
pretence, **CC-293**

MARRIED PERSON

See **HUSBAND AND WIFE;**
MARRIAGE; SPOUSE

MASTER KEY

See **AUTOMOBILE MASTER
KEY**

MEDICAL ASSISTANCE IN DYING

- Definitions, **CC-241.1**
- Eligibility, **CC-241.2**
- Exemption from culpable homicide provisions, **CC-227**
- Failure to comply with safeguards, **CC-241.3**
- Forgery with relation to, **CC-241.4**

MEDICAL OBSERVATION

- See MENTAL DISORDER

MEDICAL TREATMENT

- Duty as to knowledge and skill, **CC-216**
- Protection of surgeon where operation reasonable, **CC-45**

MENS REA

- Arson, **CC-429, CC-433, CC-436.1**
 - see also ARSON
- Automatism
 - see MENTAL DISORDER
- Belief
 - see Knowledge, infra; DEFENCES Self-defence
- Drunkenness
 - see Knowledge, infra; DEFENCES
- Foreseeability
 - see also CRIMINAL NEGLIGENCE; MURDER

MENS REA—Cont'd

- Foreseeability—Cont'd
 - ought to have known
 - see Knowledge, infra
 - wilfulness, breach of probation, **CC-733.1 [733.1(1)]**
 - see also BREACH OF PROBATION; SENTENCE Probation

Intent

- accused putting mental capacity in issue, **CC-672.12 [672.12(3)]**
 - see also MENTAL DISORDER
- motive
 - see Motive
- self-induced intoxication, **CC-33.1**

Knowledge

- abduction, no belief in validity of custody order, **CC-282 [282(2)]**
 - see also ABDUCTION
- age of victim, **CC-150.1 [150.1(4), (5)]**
- foreseeability
 - see Foreseeability, supra
- mistake of fact
 - see DEFENCES Mistake of fact/law
- murder, first degree, **CC-231**
- ought to have known, murder, **CC-229 [229(c)]**
- self-defence, **CC-34, CC-35**

INDEX

MENS REA—Cont'd

Knowledge—Cont'd

wilful blindness

child sexual abuse and
exploitation material,
CC-163.1,
§ **CC163.1:1** to
§ **CC163.1:3**
[**163.1(5)**]

mistaken belief in consent
re sexual assault,
CC-273.2
[**273.2(a)(ii)**]

sexual assault, re consent,
CC-273.2 [**273.2(a)**]

Mistake of civil law

see DEFENCES Mistake of
fact/law

Mistake of fact/law

see DEFENCES Mistake of
fact/law

Motive

obscenity, motive irrelevant,
CC-163 [**163(5)**]

Murder, **CC-229**, **CC-231**

Negligence

arson, **CC-436**

criminal, **CC-219**

dangerous operation of
conveyance, **CC-320.13**

organization, **CC-22.1**

Organization, **CC-22.1**, **CC-22.2**

Possession of incendiary mate- rial, **CC-436.1**

see also ARSON

Recklessness

arson, **CC-429**, **CC-433**,
CC-436.1

MENS REA—Cont'd

Recklessness—Cont'd

careless handling of firearm,
CC-86 [**86(2)**]

see also WEAPONS Fire-
arms

criminal negligence, **CC-219**
[**219(1)**]

damage to property, **CC-429**,
CC-430

dangerous operation of
conveyance, **CC-320.13**

danger to life, mischief,
CC-430 [**430(2)**]

definition, **CC-429**

failure to take reasonable
steps to ascertain
consent re sexual
assault, **CC-273.2**
[**273.2(b)**]

murder, **CC-229** [**229(b)**]

sexual assault, **CC-273.2**
[**273.2(a)**]

MENTAL DISORDER

Accused, defined to include

accused in summary convic-
tion proceedings,
CC-672.1

see also Summary convic-
tion proceedings,
infra

accused not criminally
responsible, verdict of,
CC-672.1

see also Criminal
responsibility, infra

assessment orders, accused
convicted, detained in a

MENTAL DISORDER—Cont'd

Accused, defined to include
 —Cont'd
 treatment facility,
 CC-672.11
 see also Protected state-
 ments, *infra*
 credibility, protected state-
 ments, **CC-672.21**
 [672.21(3)(f)]
 see also Protected state-
 ments, *infra*;
 CHARACTER AND
 CREDIBILITY;
 PRIVILEGE
 high-risk, **CC-672.1**
 party re mental disorder
 proceedings, **CC-672.1**
 perjury, protected statements,
 CC-672.21
 [672.21(3)(g)]
 see also Protected state-
 ments, *infra*; PRIVI-
 LEGE
 protected statements not
 admissible without
 accused's consent,
 CC-672.21 [672.21(2)]
 see also Protected state-
 ments, *infra*
 Appeals
 acquittal instead of verdict of
 unfitness, **CC-686**
 [686(7)]
 allowing appeal against dis-
 position or placement
 decision, **CC-672.78**
 [672.78(1)]
 appeal not to be dismissed
 for failure of others to

MENTAL DISORDER—Cont'd

Appeals—Cont'd
 comply with section,
 CC-672.74 [672.74(5)]
 appeal under s. 830 means
 rights of appeal under s.
 813 abandoned,
 CC-836
 applications to suspend or
 carry out dispositions or
 placement decisions,
 CC-672.76
 Attorney General may
 appeal verdict of unfit-
 ness on question of law,
 CC-676 [676(3)]
 certiorari not required in
 order to remove any
 verdict, **CC-833**
 court of appeal re disposition
 or placement decision,
 CC-672.72 [672.72(1)]
 dismissing appeal against
 disposition, **CC-672.78**
 [672.78(2)]
 disposition suspended pend-
 ing appeal, **CC-672.75**
 finding appellant unfit to
 stand trial or not
 criminally responsible,
 CC-686 [686(1)],
 CC-830 [830(1)]
 hearing of appeal as soon as
 practicable, **CC-672.72**
 [672.72(3)]
 material to be kept by clerk
 of court of appeal,
 CC-672.74 [672.74(3)]
 new trial where appeal
 against unfitness verdict

INDEX

MENTAL DISORDER—Cont'd

Appeals—Cont'd
 allowed, **CC-686**
 [**686(6)**]
 notice of appeal period,
 CC-672.72 [**672.72(2)**]
 notification of appeal to
 court or review board,
 CC-672.74 [**672.74(1)**]
 other evidence based upon
 powers of court of
 appeal, **CC-672.73**
 [**672.73(2)**]
 powers of court of appeal if
 appeal allowed,
 CC-672.78 [**672.78(3)**]
 prior disposition or release or
 detention in effect dur-
 ing suspension of dispo-
 sition or placement
 decision appealed from,
 CC-672.77
 stay of proceedings from,
 CC-672.852
 summary conviction appeals
 fitness and criminal
 responsibility,
 CC-813, **CC-830**
 [**830(1)**]
 powers of appeal court,
 CC-834 [**834(1)**]
 verdicts, **CC-822** [**822(1)**],
 CC-830 [**830(1)**]
Supreme Court of Canada
 verdict of not criminally
 responsible, **CC-692**
 [**692(1)**]
 verdict of unfitness,
 CC-692 [**692(2)**]

MENTAL DISORDER—Cont'd

Appeals—Cont'd
 transcript
 based plus other evidence,
 CC-672.73
 [**672.73(1)**]
 provided by appellant, to
 be, **CC-672.74**
 [**672.74(4)**]
 transmission of decision,
 exhibits and other mate-
 rial to court of appeal,
 CC-672.74 [**672.74(2)**]
 verdict of
 not criminally responsible
 on account of mental
 disorder, **CC-675**
 [**675(3)**], **CC-686**
 [**686(4)**]
 unfit to stand trial,
 CC-675 [**675(3)**],
 CC-686 [**686(4)**]
Arrest for contravention of
 assessment order or dispo-
 sition, **CC-672.91**
Assessment orders
 accused convicted, detained
 in a treatment facility,
 CC-672.11
 application for, **CC-672.11**,
 CC-672.121
 arrest for contravention of,
 CC-672.91
 assessment defined,
 CC-672.1
 assessment reports,
 CC-672.2
 consent to longer term of
 order, **CC-672.14**
 [**672.14(2)**]

MENTAL DISORDER—Cont'd

Assessment orders—Cont'd
 contents of order, **CC-672.13**
 criminal responsibility,
 CC-672.11
 see also Criminal
 responsibility, *infra*
 custody, **CC-672.16**
 detention in custody,
 CC-672.13
 [672.13(1)(b)]
 detention under order,
 CC-672.16
 disposition other than crimi-
 nal responsibility or
 unfitness, **CC-672.11**
 see also Dispositions, *infra*
 extended order not to exceed
 60 days, **CC-672.15**
 [672.15(2)]
 extending order, **CC-672.15**
 [672.15(1)]
 female charged with death of
 newly born child,
 CC-672.11
 fitness to stand trial,
 CC-672.11, CC-672.14
 [672.14(2)]
 see also Fitness to stand
 trial, *infra*
 form of order, **CC-672.13**
 [672.13(2)],
 CC-FORM 48
 high-risk accused,
 CC-672.11
 [672.11(d.1)],
 CC-672.21,
 CC-672.121
 judicial interim release
 barred during assess-

MENTAL DISORDER—Cont'd

Assessment orders—Cont'd
 ment order, **CC-672.17**
 jurisdiction to order assess-
 ment, **CC-672.11**
 medical practitioner defined,
 CC-672.1
 medical practitioner's evi-
 dence, **CC-672.16**
 [672.16(1)(a), (1.1)(b),
 (2)]
 protected statements,
 CC-672.21
 see also Protected state-
 ments, *infra*; PRIVI-
 LEGE
 reverse onus re custody,
 CC-672.16 [672.16(3)]
 Review Board may order,
 CC-672.121
 sixty-day order for compel-
 ling circumstances,
 CC-672.14 [672.14(3)]
 term of order, **CC-672.14,**
 CC-672.15
 thirty-day limit, **CC-672.14**
 [672.14(1)]
 treatment not to be part of
 order, **CC-672.19**
 unfit to stand trial,
 CC-672.14 [672.14(2)]
 varying terms re interim
 release or detention,
 CC-672.18
 young person, **YC-34**
 Burden of proof
 criminal responsibility,
 CC-16 [16(3)]

INDEX

MENTAL DISORDER—Cont'd

- Burden of proof—Cont'd
 - presumption against mental disorder, **CC-16 [16(2)]**
- Competency of witness with, **CEA-16**
- Counsel
 - see also COUNSEL
 - fitness to stand trial, **CC-2**
 - see also Fitness to stand trial
 - order that accused be represented, **CC-672.24**
 - see also Fitness to stand trial, *infra*; RIGHT TO COUNSEL
- Court defined, **CC-672.1**
 - see also COURTS
- Court of appeal
 - see Appeals, *supra*
- Criminal responsibility
 - accused putting mental capacity re intent in issue, **CC-672.12 [672.12(3)]**
 - appeals
 - see Appeals, *supra*
 - assessment orders, **CC-672.11**
 - see also Assessment orders, *supra*
 - burden of proof, **CC-16 [16(3)]**
 - defined, **CC-672.34**
 - exemption from, **CC-16**
 - federal employment application not to contain question re verdict of not

MENTAL DISORDER—Cont'd

- Criminal responsibility
 - Cont'd
 - criminally responsible, **CC-672.37**
 - iautrefois acquit, **CC-672.35 [672.35(a)]**
 - see also RES JUDICATA
 - incapable of
 - appreciating the nature and quality of the act or omission, **CC-16 [16(1)]**
 - knowing that act was wrong, **CC-16 [16(1)]**
 - judicial interim release for other offences, **CC-672.35**
 - not criminally responsible, **CC-672.1, CC-672.34**
 - Parole Board of Canada taking verdict into account re other offences, **CC-672.35**
 - presumption against mental disorder, **CC-16 [16(2)]**
 - protected statements, **CC-672.21 [672.21(3)(e)]**
 - see also Protected statements, *infra*; PRIVILEGE
 - review boards to review verdicts of not criminally responsible by reason of mental disorder, **CC-672.38**
 - see also Review boards, *infra*

MENTAL DISORDER—Cont'd

Criminal responsibility
—Cont'd
sentence or disposition for
other offences,
CC-672.35
verdict of not criminally
responsible on account
of mental disorder
defined, **CC-672.1**
relevance to other
offences, **CC-672.35**
trial, at, **CC-672.34**
Dangerous mentally disordered
accused
protected statements,
CC-672.21
[672.21(3)(c)]
see also Protected state-
ments, *infra*; PRIVI-
LEGE
Definition, **CC-2**
Disease of the mind in defini-
tion of mental disorder,
CC-2
Disposition hearings
see also Dispositions, *infra*;
High-risk accused,
infra; Review boards,
infra
accused
removed from hearing,
CC-672.5
[672.5(10)]
right to be present,
CC-672.5 [672.5(9)]
right to be represented by
counsel, **CC-672.5**
[672.5(7)]

MENTAL DISORDER—Cont'd

Disposition hearings—Cont'd
accused—Cont'd
sent back to court if fit and
court to try fitness
issue, **CC-672.48**
[672.48(2)]
appeals
see Appeals, *supra*
Attorney General can be
designated a party,
CC-672.5 [672.5(3)]
chairperson of review board
can order accused be
sent back to court for
trial of fitness issue,
CC-672.48 [672.48(3)]
copy of disposition to court
and Attorney General,
CC-672.49 [672.49(2)]
court
can extend time for hear-
ing to 90 days after
verdict in exceptional
circumstances,
CC-672.47
[672.47(2)]
hold hearing, to,
CC-672.45
[672.45(1)]
make disposition, to,
CC-672.45
[672.45(2)]
making disposition to send
transcript, exhibits
and documents filed
to review board,
CC-672.52
[672.52(2)]

INDEX

MENTAL DISORDER—Cont'd

Disposition hearings—Cont'd
court or review board to
assign counsel if
accused not
represented, **CC-672.5**
[672.5(8)]
court's powers not otherwise
limited, **CC-672.51**
[672.51(12)]
disclosure of record to
persons having valid
interest or on accused's
consent, **CC-672.51**
[672.51(9)]
disposition information
see Disposition informa-
tion, *infra*
evidence adduced by party,
CC-672.5 [672.5(11)]
interim release
continues until review
board makes a dispo-
sition, **CC-672.46**
[672.46(1)]
order can be vacated and
substituted,
CC-672.46
[672.46(2)]
notice of hearing, **CC-672.5**
[672.5(5)]
party's scope of participation
at hearing, **CC-672.5**
[672.5(10)]
person having a substantial
interest in accused can
be designated a party,
CC-672.5 [672.5(4)]
procedural irregularity does
not affect validity of

MENTAL DISORDER—Cont'd

Disposition hearings—Cont'd
hearing, **CC-672.53**
procedure for conducting
hearing, **CC-672.5**
public can be excluded from
hearing by court or
review board, **CC-672.5**
[672.5(6)]
reason for disposition to be
stated and given to par-
ties, **CC-672.52**
[672.52(3)]
record of proceedings where
accused excluded not to
be disclosed to accused
or non-party,
CC-672.51 [672.51(8)]
record to be kept and to
include any assessment
report submitted,
CC-672.52 [672.52(1)]
review board or chairperson
can continue detention
until court tries fitness
issue, **CC-672.49**
[672.49(1)]
review board to
determine if accused fit to
stand trial,
CC-672.48
hold hearing with 90 days
of disposition or day
disposition ceases,
CC-672.47
[672.47(3)]
hold hearing within 45
days after verdict if
court does not make a

MENTAL DISORDER—Cont'd

Disposition hearings—Cont'd
 review board to—Cont'd
 disposition,
 CC-672.47
 [672.47(1)]
 witnesses compelled by
 court or chairperson,
 CC-672.5 [672.5(12)]
 Disposition information
 see also Disposition hearing,
 supra; Dispositions,
 infra; Review boards,
 infra
 accused or party excluded
 from hearing during
 withheld dispositional
 information, **CC-672.51**
 [672.51(6)]
 copy to be made available to
 parties and accused's
 counsel, **CC-672.51**
 [672.51(2)]
 court's powers not otherwise
 limited, **CC-672.51**
 [672.51(12)]
 definition, **CC-672.51**
 [672.51(1)]
 disclosure of information
 see also withholding infor-
 mation, infra
 accused, to, **CC-672.51**
 [672.51(4)]
 no disclosure to non-par-
 ties, **CC-672.51**
 [672.51(7)]
 persons having valid inter-
 est, to, or on
 accused's consent,

MENTAL DISORDER—Cont'd

Disposition information
 —Cont'd
 disclosure of information
 —Cont'd
 CC-672.51
 [672.51(9)]
 research or statistical
 purposes, for,
 CC-672.51
 [672.51(10)]
 publication ban of certain
 information and
 proceedings,
 CC-672.51
 [672.51(11)]
 withholding information
 see also disclosure of
 information, supra
 endangering another or
 treatment or recovery
 of accused,
 CC-672.51
 [672.51(3)]
 from a party, **CC-672.51**
 [672.51(5)]
 Dispositions
 see also Disposition hear-
 ings, supra, High-risk
 accused, infra; Review
 boards, infra
 accused may challenge
 application for treat-
 ment order by evidence,
 CC-672.6 [672.6(2)]
 assessment orders, disposi-
 tions other than crimi-
 nal responsibility or
 unfitness, **CC-672.11**
 see also Assessment

INDEX

MENTAL DISORDER—Cont'd

Dispositions—Cont'd
assessment orders, dispositions other than criminal responsibility or unfitness, **CC-672.11**
—Cont'd
orders, *supra*
beginning and expiration of disposition, **CC-672.62** [672.62(2)]
condition re victim, **CC-672.542**
court can direct treatment of accused without accused's consent, **CC-672.62** [672.62(2)]
definition, **CC-672.1**
discharges or detention, **CC-672.54**
electro-convulsive therapy defined, **CC-672.61** [672.61(2)]
hearings
see Disposition hearings, *supra*
hospital orders, **CC-672.54** [672.54(c)]
increased restrictions on accused's liberty require record and notice, **CC-672.56** [672.56(2)]
notice to accused of application for treatment order, **CC-672.6** [672.6(1)]
placement decisions
see Dual status offenders, *infra*

MENTAL DISORDER—Cont'd

Dispositions—Cont'd
protected statements, **CC-672.21** [672.21(3)(b)]
see also Protected statements, *infra*; PRIVILEGE
psychiatric or other treatment not to be directed, **CC-672.55** [672.55(1)]
psychosurgery defined, **CC-672.61** [672.61(2)]
review board can delegate authority over liberty of accused in hospital, **CC-672.56** [672.56(1)]
review of dispositions
see Review of dispositions, *infra*
significant threat defined, **CC-672.5401**
testimony specifically required for treatment order, **CC-672.59** [672.59(2)]
treatment order
court not to exceed 60 days, by, **CC-672.58**
fitness requires testimony of medical practitioner for specific treatment, re, **CC-672.59** [672.59(1)]
not to include prohibited treatments, **CC-672.61** [672.61(1)]

MENTAL DISORDER—Cont'd

Dispositions—Cont'd
treatment order—Cont'd
requires consent of
hospital or person in
charge of treatment,
CC-672.62
[672.62(1)]
warrant of committal for
detention in hospital,
CC-672.57
young person, intensive
rehabilitative custody
and supervision order,
YC-42 [YC 42(2), (4),
(7)(b)]
Dual status offenders
access to, by Minister and
review board,
CC-672.69 [672.69(1)]
appeals
see Appeals, *supra*
custodial disposition takes
precedence over prior
sentence of imprison-
ment, **CC-672.67**
[672.67(2)]
definition, **CC-672.1**
discharge from custody,
notice of, **CC-672.7**
[672.7(1)]
factors to be considered in
placement decision,
CC-672.68 [672.68(3)]
imprisonment takes prece-
dence over
prior custodial disposition,
CC-672.67
[672.67(1)]

MENTAL DISORDER—Cont'd

Dual status offenders—Cont'd
imprisonment takes prece-
dence over—Cont'd
probation, **CC-672.71**
[672.71(2)]
Minister defined, **CC-672.68**
[672.68(1)]
placement term served is
also serving imprison-
ment, **CC-672.71**
[672.71(1)]
see also SENTENCE
Imprisonment
place of custody inappropri-
ate, **CC-672.68**
[672.68(2)]
prisoner under supervision of
Minister, **CC-672.68**
[672.68(5)]
review board to decide place
of custody, **CC-672.68**
[672.68(2)]
review of placement deci-
sion, **CC-672.69**
time-limit for placement
decision, **CC-672.68**
[672.68(4)]
warrant of committal by
review board, **CC-672.7**
[672.7(2)]
Enforcement of orders and
regulations
accused to be taken before
justice as soon as
practicable if justice not
available within 24
hours, **CC-672.92**
[672.92(2)]

INDEX

MENTAL DISORDER—Cont'd

Enforcement of orders and regulations—Cont'd
accused to be taken before justice without unreasonable delay and within 24 hours, **CC-672.92 [672.92(1)]**
arrest without warrant on reasonable and probable grounds re fail to comply with disposition, **CC-672.91**
Governor in Council may make regulations, **CC-672.95**
justice to release accused unless reasonable grounds re fail to comply with disposition, **CC-672.93 [672.93(1)]**
notice to review board of justice's order, **CC-672.93 [672.93(1.1)]**
order of justice pending review board hearing, **CC-672.93 [672.93(2)]**
powers of review board on receiving notice of justice's order, **CC-672.94**
prescribed by regulations, defined, **CC-672.1**
warrant or process re assessment or disposition can be executed throughout Canada, **CC-672.9**

MENTAL DISORDER—Cont'd

Evidence, burden of proof, **CC-16**
Federal employment
application not to contain question re verdict of not criminally responsible, **CC-672.37**
Female charged with death of newly born crchild
assessment orders, **CC-672.11**
see also Assessment orders, *supra*
protected statements, **CC-672.21 [672.21(3)(d)]**
see also Protected statements, *infra*; PRIVILEGE
Fitness to stand trial
accused
can be removed from court, **CC-650 [650(2)(c)]**
raising issue, **CC-672.12 [672.12(2)]**
sent back to court if fit and court to try fitness issue, **CC-672.48 [672.48(2)]**
acquittal
discharge, or, means postponed fitness issue shall not be tried, **CC-672.3**
insufficient evidence to put accused on trial, if, **CC-672.33**

MENTAL DISORDER—Cont'd

Fitness to stand trial—Cont'd
 acquittal—Cont'd
 [672.33(6)]
 appeals
 see Appeals, *supra*
 assessment orders,
 CC-672.11, CC-672.14
 [672.14(2)]
 see also Assessment
 orders, *supra*
 burden of proof
 accused has subsequently
 become fit, that,
 CC-672.32
 [672.32(2)]
 applicant, on, for trial of
 fitness issue,
 CC-672.23
 [672.23(2)]
 prosecution, on, as to suf-
 ficiency of evidence
 to put accused on
 trial, **CC-672.33**
 [672.33(3)]
 chairperson of review board
 can order accused be
 sent back to court for
 trial of fitness issue,
 CC-672.48 [672.48(3)]
 communicate with counsel,
 CC-2
 counsel, order that accused
 be represented,
 CC-672.24
 see also RIGHT TO
 COUNSEL
 court to hold inquiry every
 two years re sufficiency

MENTAL DISORDER—Cont'd

Fitness to stand trial—Cont'd
 of evidence, **CC-672.33**
 [672.33(1)]
 definition, **CC-2**
 documentary evidence re
 sufficiency of evidence
 to put accused on trial,
 CC-672.33 [672.33(4)]
 judge alone trial, **CC-672.25,**
 CC-672.27, CC-672.31
 see also TRIAL
 jury trial, **CC-672.25**
 see also TRIAL
 postponing trial of fitness
 issue, **CC-672.25**
 preliminary inquiry,
 CC-672.3, CC-672.25,
 CC-672.27
 see also PRELIMINARY
 INQUIRY
 presumption of fitness,
 CC-672.22
 procedure of preliminary
 inquiry may be used to
 determine sufficiency of
 evidence to put accused
 on trial, **CC-672.33**
 [672.33(5)]
 protected statements,
 CC-672.21
 [672.21(3)(a)]
 see also Protected state-
 ments, *infra*; PRIVI-
 LEGE
 raising issue, **CC-672.23**
 [672.23(1)]
 review board
 determine if accused fit to
 stand trial, to,

INDEX

MENTAL DISORDER—Cont'd

Fitness to stand trial—Cont'd
review board—Cont'd
 CC-672.48
 recommend stay of
 proceedings, to,
 CC-672.851
review verdicts, to,
 CC-672.38
 see also Review Boards,
 infra
stay of proceedings,
 CC-672.851
 appeal from, **CC-672.852**
treatment order by court not
to exceed 60 days,
 CC-672.58
trial when accused becomes
fit, **CC-672.32**
 [672.32(1)]
understand the nature or
object of the proceed-
ings, **CC-2**
understand the possible con-
sequences of the
proceedings, **CC-2**
unfit accused's application re
existence of *prima facie*
case, **CC-672.33**
 [672.33(2)]
unfit to stand trial, **CC-2**
verdict of fitness
detention order to
continue, **CC-672.29**
proceedings continue,
 CC-672.28
High-risk accused
application by prosecutor,
 CC-672.64

MENTAL DISORDER—Cont'd

High-risk accused—Cont'd
assessment, **CC-672.11**
 [672.11(d.1)],
 CC-672.121
 [672.121(c)],
 CC-672.21 [672.21(3)]
defined, **CC-672.1**
delay in holding subsequent
hearing, **CC-672.81**
 [672.81(1.31), (1.32),
 (1.4), (1.5)]
disposition, **CC-672.64**
 [672.64(3)]
reference for review of find-
ing, **CC-672.84**
timing of application,
 CC-672.47
timing of hearing,
 CC-672.81
Hospital, definition, **CC-672.1**
Insanity
 see Criminal responsibility,
 supra
Interprovincial transfers
agreement allowing review
board of
 receiving province to
 exercise powers,
 CC-672.89
 [672.89(2)]
 sending province to
 exercise powers,
 CC-672.88
 [672.88(2)]
review board
 recommends and Attorney
 General consents,
 CC-672.86

MENTAL DISORDER—Cont'd

Interprovincial transfers
—Cont'd
review board—Cont'd
 [672.86(1)]
 retains exclusive jurisdiction if accused transferred otherwise,
 CC-672.89
 [672.89(1)]
review board of receiving province
 direct custody or attendance of accused, to,
 CC-672.86
 [672.86(3)]
 exclusive jurisdiction,
 CC-672.88
 [672.88(1)]
warrant
 authority to convey and detain accused in custody, **CC-672.87**
 specifying place to be transferred to,
 CC-672.86
 [672.86(2)]
Medical practitioner
 custody under assessment order, **CC-672.16**
 [672.16(1)(a), (1.1)(b), (2)]
 definition, **CC-672.1**
Not criminally responsible on account of mental disorder
 see Criminal responsibility, *supra*
Party, definition re mental disorder, **CC-672.1**
 see also PARTIES TO

MENTAL DISORDER—Cont'd

Party, definition re mental disorder, **CC-672.1**—Cont'd
OFFENCES
Placement decision, definition, **CC-672.1**
Prescribed by regulations, defined, **CC-672.1**
 see also Enforcement of orders and regulations, *supra*
Protected statements
 see also PRIVILEGE
 admissibility notwithstanding, **CC-672.21**
 [672.21(3)]
 definition, **CC-672.21**
 [672.21(1)]
 not admissible without accused's consent,
 CC-672.21 [672.21(2)]
Reverse onus, **CC-16** [16(2)]
 see also CHARTER OF RIGHTS; PRESUMPTIONS AND INFERENCE
Review boards
 see also Disposition hearings, *supra*; Dispositions, *supra*
 access to dual status offender, **CC-672.69**
 [672.69(1)]
appeals
 see Appeals, *supra*
assessment reports from courts, **CC-672.2**
 [672.2(3)]
 see also Assessment orders, *supra*

INDEX

MENTAL DISORDER—Cont'd

Review boards—Cont'd

chairperson

can send accused back to court for trial of fitness issue,
CC-672.48
[672.48(3)]

defined, **CC-672.1**

has powers under Inquiries Act, **CC-672.43**

to be a judge, **CC-672.4**

compelling appearance of accused, **CC-672.85**

decisions effected by majority of members present and voting, **CC-672.42**

definition, **CC-672.1**

discharge of dual status offender from custody,
CC-672.7 **[672.7(1)]**

discretionary review,
CC-672.82

disposition

see Dispositions, *supra*
place of custody for dual status offenders,
CC-672.68 **[672.68(2)-(4)]**

provincially established or designated, purpose of,
CC-672.38

psychiatrists or mental health workers required on board, **CC-672.41**

quorum, how constituted,
CC-672.39

regulations for uniform procedures, **CC-672.44**
[672.44(3)]

MENTAL DISORDER—Cont'd

Review boards—Cont'd

review of

dispositions, **CC-672.81**
see also Review of dispositions, *infra*
placement decision,
CC-672.69

rules

apply to any proceeding,
CC-672.44
[672.44(2)]

procedure, of, may be made by board,
CC-672.44
[672.44(1)]

published in Canada Gazette, to be,
CC-672.44
[672.44(2)]

warrant of committal re placement decision,
CC-672.7 **[672.7(2)]**

Review of dispositions

see also Review boards, *supra*

appeal against disposition deemed abandoned by request for review,
CC-672.82 **[672.82(2)]**

disposition altered by review board, **CC-672.83**

hearings

extension of time for holding, **CC-672.81**
[672.81(1.1)-(1.5)]

mandatory reviews,
CC-672.81

MENTAL DISORDER—Cont'd

Review of dispositions
 —Cont'd
 hearings—Cont'd
 may hold hearing at any
 time, **CC-672.82**
 [672.82(1)]
 high-risk accused,
 CC-672.84
 mandatory reviews,
 CC-672.81
 process for bringing accused
 before hearing,
 CC-672.85
 review board
 see Review boards, *supra*
 timing of reviews
 see hearings, *supra*
 young person, **YC-141**
 see also YOUTH CRIMI-
 NAL JUSTICE ACT
 Stay of proceedings against
 unfit accused, **CC-672.851**
 appeal, **CC-672.852**
 Summary conviction proceed-
 ings
 see also Appeals, *supra*
 appeal under s. 830 means
 rights of appeal under s.
 813 abandoned,
 CC-836
 summary conviction appeals
 fitness and criminal
 responsibility,
 CC-813, CC-830
 [830(1)]
 powers of appeal court,
 CC-834 [834(1)]

MENTAL DISORDER—Cont'd

Summary conviction proceed-
 ings—Cont'd
 summary conviction appeals
 —Cont'd
 verdicts, **CC-822 [822(1)],**
 CC-830 [830(1)]
 Testimony outside courtroom
 or behind screen,
 CC-486.2
 Unfit to stand trial, definition,
 CC-2
 stay of proceedings,
 CC-672.851,
 CC-672.852
 Verdict of not criminally
 responsible on account of
 mental disorder, defined,
 CC-672.1, CC-672.34
 see also Criminal
 responsibility
 Victim
 communication with,
 CC-672.542
 defined, **CC-672.5**
 [672.5(16)]
 presentation of statement,
 CC-672.5 [672.5(15.1)
 to (15.3)]
 restricting publication,
 CC-672.501
 right to notice, **CC-672.5**
 [672.5(5.1), (5.2),
 (13.2), (13.3)]
 statement, **CC-672.541**
 Witness with, **CEA-16**

MENTAL ILLNESS

See MENTAL DISORDER

INDEX

MERCY

See PARDON; ROYAL PRE-
ROGATIVE OF MERCY

MILITARY

See also CANADIAN
FORCES; WAR CRIMES
Certificates, unlawful use,
CC-419 [419(c), (d)]
Definition, CC-2
Law, definition, CC-2
Presumption re enlistment,
CC-421 [421(1)]
Stores, unlawful purchase, etc.,
CC-420
Uniforms, unlawful use,
CC-419 [419(a), (b)]

MILITARY COMMANDER

See WAR CRIMES

MINERALS

See VALUABLE MINERAL

MINISTER OF JUSTICE

See also ATTORNEY
GENERAL/SOLICITOR
GENERAL
Duties in Canadian Bill of
Rights, BR-3, § BR3:1
[B.R. 3]
Miscarriage of justice review,
CC-696.1, CC-696.6

MINORITY LANGUAGE EDUCATIONAL RIGHTS, CH-23

MISCARRIAGE OF JUSTICE

Appeal based on, CC-686
[686(1)(a)(iii)]

MISCARRIAGE OF JUSTICE

—Cont'd

Ministerial review, CC-696.1,
CC-696.6

MISCARRIAGE OF JUSTICE REVIEW COMMISSION, CC-696.7 to CC-696.87

MISCHIEF

Computers
data, CC-430 [430(1.1), (5),
(5.1), (8)]
definitions, CC-342.1
Cultural property, CC-430
[430(4.2)]
Data, mischief re, CC-430
[430(1.1), (5), (5.1), (8)]
Defence of colour of right or
lawful excuse, CC-429
[429(2)]
Definition, CC-430 [430(1)]
Demolishing building to preju-
dice of mortgage or
owner, CC-441
Endangering life, CC-430
[430(2)]
Exceptions
approaching dwelling house,
CC-430 [430(7)]
stopping work, CC-430
[430(6)]
False accusation as public
mischief, CC-140
Motivated by bias, etc.,
CC-430 [430(4.1),
(4.101)]
Private property, CC-430
[430(4), (5.1)]

MISCHIEF—Cont'd

Public mischief, **CC-140**
Public property, **CC-430**
[**430(3)**, (**5.1**)]

MISLEADING JUSTICE

See also **PERJURY**
Contradictory evidence,
CC-136
Obstructing justice, **CC-139**
Public mischief, **CC-140**

MISLEADING RECEIPT

Giving, **CC-388 [388(a)]**
Using, **CC-388 [388(b)]**

MISTAKE

Arrest of wrong person, **CC-28**
Fact, of
age
child sexual abuse and
exploitation material,
CC-163.1,
§ CC163.1:1 to
§ CC163.1:3
[163.1(5)]
sexual offences, **CC-150.1**
consent
assault, **CC-265**
sexual offences, **CC-153.1**
[153.1(2) to (6)],
CC-273.1,
CC-273.2, **CC-276**
Ignorance of law, no defence,
CC-19

MISTRIAL, CC-653, CC-669.2

See also **TRIAL**
Rulings binding at new trial,
CC-653.1

MOBILITY RIGHTS, CH-6

MODE OF TRIAL

See **ELECTIONS AND RE-**
ELECTIONS; INDICT-
ABLE OFFENCES;
JURISDICTION; SUM-
MARY CONVICTION
PROCEEDINGS

MONEY LAUNDERING,
CC-462.31

See also **PROCEEDS OF**
CRIME

MOTIVE

See **MENS REA**

MOTOR VEHICLES

See also **BREATHALYZER;**
CONVEYANCES; CRIM-
INAL NEGLIGENCE;
IMPAIRED DRIVING
AND OVER 80; OVER
80
Approved screening device,
CC-320.27
Blood samples
see **BLOOD SAMPLES**
Breath test provisions,
CC-320.27, CC-320.28
see also **BREATHALYZER**
Dangerous operation of
conveyance, **CC-320.13**
included offence re charges
of criminal negligence,
CC-662 [662(5)]
Definition, **CC-2**
Demand for
bodily substances,
CC-320.27

INDEX

MOTOR VEHICLES—Cont'd

Demand for—Cont'd
 [320.27(1)(c)],
 CC-320.28 [320.28(4)]
breath sample, CC-320.27
 [320.27(1)(b), (2)],
 CC-320.28
 [320.28(1)(a)(i), (3)]
coordination tests,
 CC-320.27
 [320.27(1)(a)]
Driving while
 disqualified, CC-320.18
 impaired, CC-320.14
 [320.14(1)(a)]
 see also DRUGS;
 IMPAIRED DRIV-
 ING AND OVER 80
over 80, CC-320.14
 [320.14(1)(b)]
Failing to stop after accident,
 CC-320.16
Failure to comply with demand
for breath sample,
 CC-320.15
Flight from peace officer,
 CC-320.17
Ignition interlock, CC-320.18
 [320.18(2)], CC-320.24
 [320.24(10)]
Impaired driving, CC-320.14
 [320.14(1)(a)]
 see also IMPAIRED DRIV-
 ING AND OVER 80
prohibition order upon
conviction, CC-320.24
punishment, CC-320.19
Impairment by drugs
evaluating officer defined,
 CC-320.11

MOTOR VEHICLES—Cont'd

Impairment by drugs—Cont'd
operating conveyance while
impaired by drug,
 CC-320.14
 [320.14(1)(a)]
operating conveyance with
excess alcohol
combined with drug,
 CC-320.14
 [320.14(1)(d)]
operating conveyance with
excess blood drug
concentration,
 CC-320.14
 [320.14(1)(c), (4)]
prohibition order upon
conviction, CC-320.24
punishment, CC-320.19
refusal to comply with
demand, CC-320.15
Joy riding, CC-335
Over 80, CC-320.14
 [320.14(1)(b)]
Prohibited weapon in, CC-94
Prohibition from operating,
 CC-320.24
 stay of order pending appeal,
 CC-320.25, CC-680
Restricted weapon in, CC-94
Roadside screening
approved screening device,
defined, CC-320.11
demand for breath sample,
 CC-320.27
failure to comply with
demand, CC-320.15
Sabotage of, CC-52
evidence of overt acts,
 CC-55

MOTOR VEHICLES—Cont'd

Sabotage of, **CC-52**—Cont'd
indictment, overt acts to be
stated, **CC-581 [581(4)]**
Theft of, **CC-333.1**
Vehicle identification number
offence to obliterate,
CC-353.1
presumption re obliteration,
CC-354 [354(2)]

**MOVIE, UNAUTHORIZED
RECORDING**

Unauthorized recording,
CC-432
commercial purposes, for,
CC-432 [432(2)]
forfeiture of equipment,
CC-432 [432(3), (4)]

MUNICIPAL

Corporation, service of process
upon, **CC-703.2**
[703.2(a)]
see also ORGANIZATIONS
Corruption, **CC-123**
Municipality, defined, **CC-2**

MURDER

See also DEFENCES; HOMI-
CIDE; INFANTICIDE;
MANSLAUGHTER;
PAROLE; PARTIES TO
OFFENCES
Accessory after the fact to,
CC-240
Attempt murder, **CC-239**
imprisonment
five years' minimum first
offence where

MURDER—Cont'd

Attempt murder, **CC-239**
—Cont'd
imprisonment—Cont'd
firearm used, **CC-239**
[239(1)(a)(i)]
seven years' minimum
second or subsequent
offence where
firearm used, **CC-239**
[239(1)(a)(ii)]
Causing death committing
specified offences,
CC-231 [231(5)]
Classification of, **CC-231**
[231(1)]
Compulsion by threats no
defence, **CC-17**
Constructive murder, **CC-229,**
CC-231
Culpable homicide that is not
murder, **CC-234**
Definition, **CC-229**
First degree
benefit of criminal organiza-
tion, for, **CC-231**
[231(6.1)]
causing death committing
specified offences,
CC-231 [231(5)]
contract killing, **CC-231**
indictment, offence must be
specifically charged,
CC-582
killing peace officer or
prison guard, **CC-231**
[231(4)]
planned and deliberate,
CC-231 [231(2), (3)]

INDEX

MURDER—Cont'd

First degree—Cont'd
sentence, **CC-745 [745(a)]**
verdict where second degree
proved, **CC-662**
[662(2)]

Indictments

see also **INDICTMENTS**
AND INFORMATION

consent to adding other
counts, **CC-589**
[589(b)]

first degree murder must be
specifically charged,
CC-582

joinder with other count,
CC-589

Ineligibility for parole
see **PAROLE**

Internationally protected person
outside Canada, **CC-7**
[7(3), (5)-(7)]

Parole ineligibility

see also **PAROLE**
appeal, **CC-675 [675(2)]**,
CC-676 [676(4), (6)],
CC-745.62

first degree, **CC-745**
[745(a)]
person under 18 years of
age, **CC-745.1**

judge to set period for
adult, **CC-745.4**
youth, **CC-745.5**

judicial review, **CC-745.6**,
CC-745.64
appeals, **CC-745.62**

MURDER—Cont'd

Parole ineligibility—Cont'd
judicial review, **CC-745.6**,
CC-745.64—Cont'd
application for, **CC-745.6**
hearing application,
CC-745.63

rules, **CC-745.64**

screening, **CC-745.61**

jury recommendations,
CC-745.2

person under 16 years of
age, where,
CC-745.3

person under 18 years of
age, where,
CC-745.1

previous murder conviction,
where, **CC-745**
[745(b)]

multiple murders,
CC-745.51

parole prohibited, **CC-745.4**
question to jury, **CC-745.2**,
CC-745.3

sentence to be pronounced
on
adult, **CC-745**
youth, **CC-745.1**

statement at time of
sentence, **CC-745.01**

time spent in custody,
CC-746

Planned and deliberate,
CC-231 [231(2), (3)]

Provocation reducing murder to
manslaughter, **CC-232**

Punishment, **CC-235, CC-745**
see also **PAROLE**;

MURDER—Cont'd

Punishment, **CC-235, CC-745**

—Cont'd

SENTENCE

Second degree, **CC-231**
[231(7)]

ineligibility for parole
see **PAROLE**

Threat of, against
internationally protected
person, **CC-424**
united nations or associated
personnel, **CC-424.1**

Young person, **YC-42 [YC**
42(2)(q), (7)], YC-67 [YC
67(1)(c), (3)(c)]

see also **YOUTH CRIMI-**
NAL JUSTICE ACT

MUSEUM

Staff

see also **WEAPONS**

Restricted weapon

exceptions re weapons
offences, **CC-117.09**
[117.09(4), (5)]

public officer, as, **CC-117.07**
[117.07(2)]

MUTINY, INCITEMENT TO,
CC-53

Evidence of over acts, **CC-55**

Indictment, overt acts to be
stated, **CC-581 [581(4)]**

NATURAL JUSTICE

See **CHARTER OF RIGHTS**

Fair and public hearing;
FULL ANSWER AND
DEFENCE; TRIAL Full

NATURAL JUSTICE—Cont'd

answer and defence

NAVIGATION OF ANOTHER
STATE

Offences against, **CC-7 [7(2.2)]**

NECESSARIES OF LIFE

Duty to provide, **CC-215**
[215(1)]

Failure to provide, **CC-215**
[215(2) to (4)]

Presumptions, **CC-215**
[215(4)]

NECESSITY DEFENCE

Common law defences
preserved, **CC-8 [8(3)]**

NEGLIGENCE

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

NEW BRUNSWICK

Appeal court defined for &m;
court of appeal, **CC-2**
proceedings re firearms pro-
hibition orders, **CC-111**
see also **WEAPONS Fire-**
arms
summary conviction appeals,
CC-812

Attorney General, **CC-2**

Chief justice defined for
emergency authorizations for
interception of private
communications,

INDEX

NEW BRUNSWICK—Cont'd

Chief justice defined for

—Cont'd

CC-188 [188(4)]

see also INTERCEPTION
OF PRIVATE COM-
MUNICATIONS

judicial review of ineligibil-
ity for parole, **CC-745.6**

see also PAROLE Ineli-
gibility for parole

Court defined for

appeals, **CC-2**

criminal jurisdiction, **CC-2**

seizure warrants for

hate propaganda publica-
tions, **CC-320**

[320(8)]

see also HATE PROPAGAN-
DA;
SEARCH AND
SEIZURE

obscene publications and
child sexual abuse
and exploitation
material, **CC-164,**

§ CC164:1 to

§ CC164:3

[164(8)(b)]

see also OBSCENITY;
SEARCH AND
SEIZURE

superior court of criminal
jurisdiction, **CC-2**

Court of appeal defined, **CC-2**

Court of criminal jurisdiction
defined, **CC-2**

English and French linguistic
communities are equal,
CH-16.1

NEW BRUNSWICK—Cont'd

Judge defined for

emergency authorizations for
interception of private
communications,

CC-188 [188(1)],

CC-552

see also INTERCEPTION
OF PRIVATE COM-
MUNICATIONS

Part XIX, Indictable

Offences Trial Without

Jury, **CC-552**

see also INDICTABLE

OFFENCES Trial by

judge alone; TRIAL

Judge alone trial

Part XVI, Compelling

Appearance of Accused

Before a Justice and

Interim Release,

CC-493

see also JUDICIAL

INTERIM

RELEASE;

RELEASE FROM

CUSTODY

Language of accused, regula-
tions for Part XVII,

CC-533

Parole, application to reduce
ineligibility period,

CC-745.6

Summary conviction appeals
appeal court defined,

CC-812 [812(1)(d)]

Superior court of criminal juris-
diction defined, **CC-2**

NEWFOUNDLAND

Appeal court defined for
court of appeal, **CC-2**
proceedings re firearms pro-
hibition orders, **CC-111**
see also **WEAPONS** Fire-
arms
summary conviction appeals,
CC-812
Attorney General, **CC-2**
Chief justice defined for
emergency authorizations for
interception of private
communications,
CC-188 [188(4)]
see also **INTERCEPTION**
OF PRIVATE COM-
MUNICATIONS
judicial review of ineligibil-
ity for parole, **CC-745.6**
see also **PAROLE** Ineligi-
bility for parole
Court defined for
appeals, **CC-2**
criminal jurisdiction, **CC-2**
seizure warrants for
hate propaganda publica-
tions, **CC-320**
[320(8)]
see also **HATE PROPA-**
GANDA;
SEARCH AND
SEIZURE
obscene publications and
child sexual abuse
and exploitation
material, **CC-164,**
§ CC164:1 to
§ CC164:3

NEWFOUNDLAND—Cont'd

Court defined for—Cont'd
seizure warrants for—Cont'd
[164(8)(c)]
see also **OBSCENITY;**
SEARCH AND
SEIZURE
superior court of criminal
jurisdiction, **CC-2**
Court of appeal defined, **CC-2**
Court of criminal jurisdiction
defined, **CC-2**
Judge defined for
emergency authorizations for
interception of private
communications,
CC-188 [188(1)],
CC-552
see also **INTERCEPTION**
OF PRIVATE COM-
MUNICATIONS
Part XIX, Indictable
Offences Trial Without
Jury, **CC-552**
see also **INDICTABLE**
OFFENCES Trial by
judge alone; **TRIAL**
Judge alone trial
Part XVI, Compelling
Appearance of Accused
Before a Justice and
Interim Release,
CC-493
see also **JUDICIAL**
INTERIM
RELEASE;
RELEASE FROM
CUSTODY

INDEX

NEWFOUNDLAND—Cont'd

Language of accused, regulations for Part XVII,
CC-533

Parole, application to reduce ineligibility period,
CC-745.6

Summary conviction appeals
appeal court defined,
CC-812 [812(1)(d)]

Superior court of criminal jurisdiction defined, **CC-2**

NEWLY-BORN CHILD

See also **CHILDBIRTH**

Defined, **CC-2**

Killing by mother, infanticide,
CC-233, CC-237,
CC-662 [662(3)]

NEWS

Conveying false information
with intent, **CC-372**
[372(1)]

NEWSPAPER

See **DEFAMATORY LIBEL;**
PUBLICATION BAN

NIGHT

Definition, **CC-2**

Trespassing at night on private
property, **CC-177**

NON-PUBLICATION ORDER

See **PUBLICATION BAN**

NORTHWEST TERRITORIES

Appeal court defined for
court of appeal, **CC-2**

NORTHWEST TERRITORIES

—Cont'd

Appeal court defined for

—Cont'd

place of hearing, **CC-814**
[814(4)]

proceedings re firearms prohibition orders, **CC-111**
see also **WEAPONS Firearms**

summary conviction appeals,
CC-812

Application of Criminal Code,
CC-8 [8(1)]

Attorney General, **CC-2**

Chief justice defined for
emergency authorizations for
interception of private
communications,
CC-188 [188(4)]

see also **INTERCEPTION**
OF PRIVATE COMMUNICATIONS

judicial review of ineligibility for parole, **CC-745.6**

see also **PAROLE Ineligibility for parole**

Court defined for

appeals, **CC-2**

criminal jurisdiction, **CC-2**

seizure warrants for

hate propaganda publications, **CC-320**
[320(8)]

see also **HATE PROPAGANDA;**
SEARCH AND SEIZURE

NORTHWEST TERRITORIES

—Cont'd

Court defined for—Cont'd
seizure warrants for—Cont'd
obscene publications and
child sexual abuse
and exploitation
material, **CC-164**,
§ **CC164:1 to**
§ **CC164:3**
[164(8)(d)]

see also OBSCENITY;
SEARCH AND
SEIZURE

superior court of criminal
jurisdiction, **CC-2**

Court of appeal defined, **CC-2**

Court of criminal jurisdiction
defined, **CC-2**

Judge defined for
emergency authorizations for
interception of private
communications,
CC-188 [188(1)],
CC-552

see also INTERCEPTION
OF PRIVATE COM-
MUNICATIONS

parole, application to reduce
ineligibility period,
CC-745.64

Part XIX, Indictable
Offences Trial Without
Jury, **CC-552**

see also INDICTABLE
OFFENCES Trial by
judge alone; TRIAL
Judge alone trial

Part XVI, Compelling
Appearance of Accused

NORTHWEST TERRITORIES

—Cont'd

Judge defined for—Cont'd
Before a Justice and
Interim Release,
CC-493

see also JUDICIAL
INTERIM
RELEASE;
RELEASE FROM
CUSTODY

Language of accused, regula-
tions for Part XVII,
CC-533

Parole, application to reduce
ineligibility period,
CC-745.6

Summary conviction appeals
appeal court defined,
CC-812 [812(1)(h)]
place of hearing, **CC-814**
[814(4)]

Superior court of criminal juris-
diction defined, **CC-2**

NOTICE

Appeal

see APPEALS

Breathalyzer, certificate of
analysis, **CC-320.32**

Business records, **CEA-30 [CE**
30(7)]

Certificate of
conviction, **CC-667 [667(4)]**
drug analyst, **CC-729**
examiner of counterfeit,
CC-461 [461(2), (3)]

fingerprint examiner,
CC-667

INDEX

NOTICE—Cont'd

Conditional sentence of imprisonment, breach, report of supervisor, **CC-742.6 [742.6(5)]**

Controlled Drugs and Substances Act, **CD-52**

Expert report, **CC-657.3 [657.3(1)(b)]**

Government or public documents, **CEA-28**

Greater penalty, **CC-727**

Intention to produce certificate of analysis re blood-alcohol concentration, **CC-320.32**

Intention to seek greater penalty, **CC-727**
see also SENTENCE Greater punishment by reason of previous convictions

Mental disorder disposition hearing, **CC-672.5 [672.5(5)]**
see also MENTAL DISORDER Disposition hearings

Organization, indictment of, **CC-621**

Photographic evidence of property, **CC-491.2 [491.2(5)]**

Private communications as evidence, **CC-189**

Proceeds of crime, application for forfeiture, **CC-462.41**

Proof of, **CC-4 [4(6), (7)], CC-729**

Proof of service
see Service, *infra*

NOTICE—Cont'd

Recommencement of proceedings, **CC-579 [579(2)]**

Restitution, notice to interested persons, **CC-741.1**
see also SENTENCE Compensation and restitution, Restitution orders

Seeking greater penalty by reason of previous convictions, **CC-727 [727(1)]**

Service
conditional sentence of imprisonment, breach, report of supervisor, **CC-742.6 [742.6(6)]**
process on organization, **CC-703.2**
proof of service, **CC-4 [4(6), (7)]**

Sexual conduct, contents of application re questioning complainant
application for accused, **CC-276.01**
application for prosecutor, **CC-276.06**
joint application, **CC-276.1**

Young persons
see also YOUTH CRIMINAL JUSTICE ACT
annual review, **YC-94 [YC 94(13), (14)]**
parent or others, to, **YC-26**
prosecutor seeking adult sentence, **YC-64 [YC 64(2)]**

NOTICE—Cont'd

Young persons—Cont'd
prosecutor seeking to prove
serious violent offence,
YC-64 [YC 64(4)]
recommendation for release
from custody, **YC-96**
[YC 96(2)]

NOVA SCOTIA

Appeal court defined for
court of appeal, **CC-2**
proceedings re firearms pro-
hibition orders, **CC-111**
see also **WEAPONS Fire-**
arms
summary conviction appeals,
CC-812 [812(1)(c)]
Attorney General, **CC-2**
Chief justice defined for
emergency authorizations for
interception of private
communications,
CC-188 [188(4)]
see also **INTERCEPTION**
OF PRIVATE COM-
MUNICATIONS
judicial review of ineligibil-
ity for parole, **CC-745.6**
see also **PAROLE Ineligi-**
bility for parole
Court defined for
appeals, **CC-2**
criminal jurisdiction, **CC-2**
seizure warrants for
hate propaganda publica-
tions, **CC-320**
[320(8)]
see also **HATE PROPA-**
GANDA;

NOVA SCOTIA—Cont'd

Court defined for—Cont'd
seizure warrants for—Cont'd
hate propaganda publica-
tions, **CC-320**
[320(8)]—Cont'd
SEARCH AND
SEIZURE
obscene publications and
child sexual abuse
and exploitation
material, **CC-164,**
§ CC164:1 to
§ CC164:3
[164(8)(b)]
see also **OBSCENITY;**
SEARCH AND
SEIZURE
superior court of criminal
jurisdiction, **CC-2**
Court of appeal defined, **CC-2**
Court of criminal jurisdiction
defined, **CC-2**
Judge defined for
emergency authorizations for
interception of private
communications,
CC-188 [188(1)],
CC-552
see also **INTERCEPTION**
OF PRIVATE COM-
MUNICATIONS
Part XIX, Indictable
Offences Trial Without
Jury, **CC-552**
see also **INDICTABLE**
OFFENCES Trial by
judge alone; **TRIAL**
Judge alone trial

INDEX

NOVA SCOTIA—Cont'd

Judge defined for—Cont'd
Part XVI, Compelling
Appearance of Accused
Before a Justice and
Interim Release,
CC-493

see also JUDICIAL
INTERIM
RELEASE;
RELEASE FROM
CUSTODY

Language of accused, regula-
tions for Part XVII,
CC-533

Parole, application to reduce
ineligibility period,
CC-745.6

Summary conviction appeals
appeal court defined,
CC-812 [812(1)(c)]

Superior court of criminal juris-
diction defined, **CC-2**

NOXIOUS THING

Administering
domestic animal, **CC-445.1**
[445.1(1)(c)]
person, **CC-245**

NUCLEAR MATERIAL

Conspiracy, outside Canada,
CC-7 [7(3.3) to (3.5)]
Definition, **CC-7 [7(3.6)]**
Offences outside Canada, **CC-7**
[7(3.2) to (3.6)]

NUDITY, CC-174

See also SEXUAL OFFENCES

NUISANCE

Common nuisance, **CC-180**

NULLITY

See ATTORNEY GENERAL/
SOLICITOR GENERAL;
INDICTMENTS AND
INFORMATIONS;
JURISDICTION; TRIAL

NUMBER RECORDER

WARRANT, CC-492.2

NUNAVUT

Appeal court defined for
court of appeal, **CC-2**
place of hearing, **CC-814**
[814(4)]

proceedings re firearms pro-
hibition orders, **CC-111**

see also WEAPONS Fire-
arms

summary conviction appeals,
CC-812

Application of Criminal Code,
CC-8 [8(1)]

Attorney General, **CC-2**

Attorney General may require
jury trial, **CC-569**

Chief justice defined for
emergency authorizations for
interception of private
communications,
CC-188 [188(4)]

see also INTERCEPTION
OF PRIVATE COM-
MUNICATIONS

judicial review of ineligibil-
ity for parole, **CC-745.6**
[745.6(1)]

see also PAROLE Ineli-
gibility for parole

NUNAVUT—Cont'd

Court defined for
 appeals, **CC-2**
 criminal jurisdiction, **CC-2**
 seizure warrants for
 hate propaganda publica-
 tions, **CC-320**
[320(8)]
 see also HATE PROPAGA-
 GANDA;
 SEARCH AND
 SEIZURE
 obscene publications and
 child sexual abuse
 and exploitation
 material, **CC-164**,
§ CC164:1 to
§ CC164:3
[164(8)(d)]
 see also OBSCENITY;
 SEARCH AND
 SEIZURE
 superior court of criminal
 jurisdiction, **CC-2**
 Court of appeal defined, **CC-2**
 Court of criminal jurisdiction
 defined, **CC-2**
 Indictable offences procedure
 deemed election, **CC-565**
[565(1.1)]
 election of trial, **CC-536.1**
 indictment, **CC-566.1**
 judge may decide to hold
 preliminary inquiry,
CC-555.1
 judge may decline to record
 election, **CC-567.1**
 proceedings following re-
 election, **CC-562.1**,
CC-563.1

NUNAVUT—Cont'd

Indictable offences procedure
 —Cont'd
 proceedings on new trial,
CC-686 [686(5.01),
(5.2)]
 right to re-elect, **CC-561.1**
 trial of absolute jurisdiction
 offences, **CC-553**
 trial without jury and without
 preliminary inquiry,
CC-554 [554(2)]
 Judge defined for
 emergency authorizations for
 interception of private
 communications,
CC-188 [188(1)],
CC-552
 see also INTERCEPTION
 OF PRIVATE COM-
 MUNICATIONS
 parole, application to reduce
 ineligibility period,
CC-745.6, CC-745.64
 Part XIX, Indictable
 Offences Trial Without
 Jury, **CC-552**
 see also INDICTABLE
 OFFENCES Trial by
 judge alone; TRIAL
 Judge alone trial
 Part XVI, Compelling
 Appearance of Accused
 Before a Justice and
 Interim Release,
CC-493
 see also JUDICIAL
 INTERIM
 RELEASE;

INDEX

NUNAVUT—Cont'd

Judge defined for—Cont'd
Part XVI, Compelling
Appearance of Accused
Before a Justice and
Interim Release,
CC-493—Cont'd
RELEASE FROM
CUSTODY

Language of accused
application for trial, **CC-530**
regulations for Part XVII,
CC-533

Nunavut Court of Justice,
CC-573
habeas corpus, **CC-573.2**
jurisdiction of judge,
CC-573
review of decision of judge
by judge of Court of
Appeal, **CC-573.1**
certain decisions may be
reviewed, **CC-573.1**
[**573.1(1)**]
further appeal to court of
appeal, **CC-573.1**
[**573.1(7)**]
no review of certain deci-
sions of judge,
CC-573.1 [**573.1(2)**]
power of reviewing judge,
CC-573.1 [**573.1(4)**]
procedure on review,
CC-573.1 [**573.1(5),**
(6)]
reviewing judge may grant
relief, **CC-573.1**
[**573.1(3)**]

NUNAVUT—Cont'd

Parole, application to reduce
ineligibility period,
CC-745.6
Summary conviction appeals
appeal court defined,
CC-812 [**812(1)(h)**],
CC-829
appeal to court of appeal,
CC-839
place of hearing, **CC-814**
[**814(4)**]
Superior court of criminal juris-
diction defined, **CC-2**

NUNAVUT COURT OF JUSTICE

See NUNAVUT

OATHS

See AFFIDAVITS; AFFIRMA-
TION; COMPETENCE
AND COMPELLABIL-
ITY; PERJURY; SOL-
EMN DECLARATIONS

OBEDIENCE TO DE FACTO AUTHORITY

Defence of, **CC-15**

OBSCENITY, CC-163, CC-169

Advertising, **CC-163**
[**163(2)(c), (d)**], **CC-169**

Artistic merit re child sexual
abuse and exploitation
material, **CC-163.1**,
§ **CC163.1:1** to
§ **CC163.1:3** [**163.1(6)**]

Charges barred if forfeiture or
restoration order made,
CC-164 [**164(7)**]

OBSCENITY, CC-163, CC-169

—Cont'd

Child sexual abuse and
exploitation material
see CHILD SEXUAL
ABUSE AND
EXPLOITATION
MATERIAL

Corrupting morals, **CC-163,
CC-169**

Crime comic defined, **CC-163
[163(7)]**

Defence of public good,
CC-163 [163(3), (4)]

Exhibiting disgusting object,
**CC-163 [163(2)(b)],
CC-169**

Forfeiture of publications,
CC-164 [164(4), (6)]

Immoral theatrical perfor-
mance, **CC-167, CC-169**

Institution of proceedings after
forfeiture, **CC-164
[164(7)]**

Mailing obscene matter,
CC-168, CC-169

Making, printing, publishing,
etc., **CC-163 [163(1)],
CC-169**

Motive irrelevant, **CC-163
[163(5)]**

Possession for publication, etc.,
CC-163 [163(1)], CC-169

Public good, defence of serving
the public good, **CC-163
[163(3)-(5)], CC-163.1
[163.1(7)]**

Punishment, **CC-169**

OBSCENITY, CC-163, CC-169

—Cont'd

Seizure of publications,
representations, etc.,
CC-164
see also SEARCH AND
SEIZURE

appeal, **CC-164 [164(6)]**

charges barred if order made,
CC-164 [164(7)]

illicit material, defined,
**CC-164, § CC164:1 to
§ CC164:3 [164(8)]**

order of forfeiture, **CC-164
[164(4)]**

owner and maker may
appear, **CC-164
[164(3)]**

restoring to person seized
from, **CC-164 [164(5)]**

summons to occupier,
CC-164 [164(2)]

warrant of seizure, **CC-164
[164(1)]**

Selling or exposing to public
view, **CC-163 [163(2)(a)],
CC-169**
indictment, **CC-584**

Theatrical performance,
CC-167, CC-169

Undue exploitation of sex,
effect, **CC-163 [163(8)]**

Warrant of seizure, **CC-164**
see also Seizure of publica-
tions, representations,
etc., supra; SEARCH
AND SEIZURE

INDEX

OBSTRUCTING PEACE OFFICER, CC-129

OBSTRUCT JUSTICE, CC-139

See also **INTERNATIONAL
CRIMINAL COURT**

OBTAINING BY FALSE PRETENCES

Carriage by, **CC-401**
Credit by, **CC-362 [362(1)(b)]**
Goods by, **CC-362 [362(1)(a)]**
Transportation by, **CC-393
[393(3)]**

OBTAINING BY FRAUD

Credit by, **CC-362 [362(1)(b),
(3)]**
Execution of valuable security,
CC-363
Food and lodging, **CC-364**
Transportation by, **CC-393
[393(3)]**

OBTAINING CARRIAGE BY FALSE BILLING, CC-401

OCCUPANT INJURING BUILDING, CC-441

See also **MISCHIEF**

OFFENCE-RELATED PROPERTY

See also **TRAFFICKING IN
STOLEN GOODS**

Appeal

in rem order, from,
CC-490.6

order declaring interest,
from, **CC-490.5
[490.5(4)]**

OFFENCE-RELATED PROPERTY—Cont'd

Appeal—Cont'd

order upon conviction, from,
CC-490.1 [490.1(3)]
suspension of order pending,
CC-490.7

Declaration of interest,
CC-490.5

Defined, **CC-2**

Destruction order, **CC-490.81
[490.81(3) to (7)]**

Detention, **CC-489, CC-490,
CC-490.9**

Forfeiture through in rem
proceedings, **CC-490.2**

Forfeiture upon conviction of
indictable offence,
CC-490.1

Management order, **CC-490.81**

Notice to person with interest,
CC-490.4

Notice to residents of dwelling-
house, **CC-490.41**

Report to justice, **CC-489.1**

Restitution of things seized,
CC-489.1

Restraint order, **CC-490.8**

Voidable transfers, **CC-490.3**

OFFENCES

See also **CONVICTIONS;**

[and particular offences
listed in this index],

Child under 12, no conviction
of, **CC-13**

Commencement of proceedings
not in province, **CC-481**

OFFENCES—Cont'd

Commencement of proceedings
—Cont'd
unorganized territory,

CC-480

Conviction under laws of Canada only, **CC-9**

Obedience to *de facto* authority, no offence, **CC-15**

Offence, definition, interception of private communications, **CC-183**

Outside Canada

airports, **CC-7 [7(2)(d)]**

see also AIRPORT

conspiracy, **CC-465 [465(4), (5), (6), (7)]**

endangering safety of aircraft or airport, **CC-77**

fixed platforms, **CC-7 [7(2.1)]**

see also FIXED
PLATFORMS

international maritime navigation, **CC-7 [7(2.1), (2.2)]**

Punishment under more than one Act, **CC-12**

Summary conviction
see SUMMARY CONVICTION PROCEEDINGS

Transfer of charges, **CC-478, CC-479**

OFFENCES OUTSIDE CANADA

See OFFENCES

OFFENDER

See also ACCUSED; YOUTH CRIMINAL JUSTICE ACT

Definition, **CC-2**

OFFENSIVE WEAPON

See WEAPONS

OFFICE

See also CORRUPTION

Definition, **CC-118**

Exercise of influence to obtain, **CC-125**

Purchasing, **CC-124**

Selling, **CC-124**

OFFICER IN CHARGE

Release by

see also RELEASE FROM CUSTODY

arrest without warrant, **CC-498**

arrest with warrant, **CC-499**

deposit by non-resident, **CC-498**

OFFICIAL

See also PUBLIC OFFICER

Breach of trust by public officer, **CC-122**

Bribery of
judicial officers, etc.,

CC-119

officers, **CC-120**

Definition, **CC-118, CC-269.1 [269.1(2)]**

Frauds on the government, **CC-121**

INDEX

OFFICIAL—Cont'd

Misconduct of officers executing process, **CC-128**

Municipal corruption, **CC-123**

Selling or purchasing office, **CC-124**

OFFICIAL DOCUMENT

Destruction, cancellation, etc., **CC-340**

OFFICIAL LANGUAGES

See LANGUAGE OF ACCUSED

OFF-TRACK BETTING, **CC-203**

ONTARIO

Appeal court defined for court of appeal, **CC-2**

proceedings re firearms prohibition orders, **CC-111**

see also WEAPONS Firearms

summary conviction appeals, **CC-812**

Attorney General, defined, **CC-2**

Chief justice defined for emergency authorizations for interception of private communications, **CC-188 [188(4)], CC-189**

see also INTERCEPTION OF PRIVATE COMMUNICATIONS

judicial review of ineligibility for parole, **CC-745.6**

see also PAROLE Ineligibility for parole

ONTARIO—Cont'd

Court defined for appeals, **CC-2**

criminal jurisdiction, **CC-2**

seizure warrants for

hate propaganda publications, **CC-320 [320(8)]**

see also HATE PROPAGANDA;
SEARCH AND SEIZURE

obscene publications and child sexual abuse and exploitation material, **CC-164, § CC164:1 to § CC164:3 [164(8)(a.1)]**

see also OBSCENITY;
SEARCH AND SEIZURE

Court of appeal defined, **CC-2**

Court of criminal jurisdiction defined, **CC-2**

Judge defined for

emergency authorizations for interception of private communications, **CC-188 [188(1)], CC-552**

see also INTERCEPTION OF PRIVATE COMMUNICATIONS

Part XIX, Indictable

Offences Trial Without Jury, **CC-552**

see also INDICTABLE OFFENCES Trial by

ONTARIO—Cont'd

Judge defined for—Cont'd

Part XIX, Indictable

Offences Trial Without

Jury, **CC-552**—Cont'd

judge alone; TRIAL

Judge alone trial

Part XVI, Compelling

Appearance of Accused

Before a Justice and

Interim Release,

CC-493

see also JUDICIAL

INTERIM

RELEASE;

RELEASE FROM

CUSTODY

Language of accused, regula-

tions for Part XVII,

CC-533

Parole, application to reduce

ineligibility period,

CC-745.6

Summary conviction appeals

appeal court defined,

CC-812 [812(1)(a)]

Superior court of criminal juris-

diction defined, **CC-2**

ONUS OF PROOF

See BURDEN AND ONUS OF

PROOF; PRESUMP-

TIONS AND INFER-

ENCES

OPEN COURT, CC-486

[486(1)]

See also COURTS

OPERATING VEHICLE

See BREATHALYZER;

CONVEYANCES;

OPERATING VEHICLE

—Cont'd

IMPAIRED DRIVING

AND OVER 80; MOTOR

VEHICLES; OVER 80

OPERATION

Duty as to knowledge and skill

in performing, **CC-216**

Protection of surgeon where

reasonable, **CC-45**

OPINION EVIDENCE

See also EXPERT EVIDENCE

Identification evidence

see FINGERPRINTS;

HANDWRITING;

WITNESSES

Reputation

see CHARACTER AND

CREDIBILITY Good

character evidence

ORDER

Definition, **CC-462.371,**

CC-785

Disobeying court, **CC-127**

see also CONTEMPT OF

COURT

Not reviewable by certiorari,

CC-776

see also CERTIORARI

Prohibition

see also PROHIBITION

ORDERS

conveyances, **CC-320.24**

firearm, **CC-109, CC-110**

motor vehicles, **CC-320.24**

sex offenders, **CC-161**

INDEX

ORDER—Cont'd

Prohibition—Cont'd
weapons, **CC-109, CC-110,**
CC-117.04

ORE

See VALUABLE MINERAL

ORGANIZATIONS

Appearance

see also APPEARANCE

appearance and plea by
counsel or agent,
CC-620

counsel or agent, by, **CC-800**
[800(3)]

default of appearance, proce-
dure, **CC-622, CC-727**
[727(4)]

preliminary inquiry, at,
CC-538

summary conviction
proceedings, in,
CC-800 [800(3)]

trial by provincial court
judge, at, **CC-556**

Defined, **CC-2**

Employees selling defective
stores to Crown

effect of conviction, **CC-750**
[750(3) to (5)]

offence, **CC-418 [418(2)]**

presumption, **CC-421**
[421(1)]

False pretence, **CC-362**
[362(1)(c), (d)]

False prospectus, **CC-421**
[421(1)]

Fines, **CC-735**

ORGANIZATIONS—Cont'd

Greater punishment by reason
of previous conviction,
CC-727 [727(4)]

see also SENTENCE Greater
punishment by reason
of previous convictions

Negligence, **CC-22.1**

Notice of indictment, **CC-621,**
CC-703.2

Party to offence

negligence, of, **CC-22.1**
requiring fault, **CC-22.2**

Probation, **CC-732.1**
[732.1(3.1), (3.2)]

Procedure on indictment of,
CC-620

Representative defined, **CC-2**

Senior officer defined, **CC-2**

Sentence

enforcement of fine order,
CC-734.6, CC-735
[735(2)]

fine in lieu of imprisonment,
CC-735

see also SENTENCE

Fines, Imprisonment

greater punishment by rea-
son of previous convic-
tions, **CC-727 [727(4)]**

see also SENTENCE

Greater punishment
by reason of previous
convictions

principles, **CC-718.21**

probation, **CC-732.1**
[732.1(3.1), (3.2)]

Service of process on,
CC-703.2

ORGANIZATIONS—Cont'd

Theft by representative,
CC-328 [328(e)]
Trial and conviction, **CC-623**

OVER 80

See also BREATHALYZER;
IMPAIRED DRIVING
AND OVER 80; MOTOR
VEHICLES

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

**OVERCOMING RESISTANCE
TO COMMISSION OF
OFFENCE, CC-246**

OVERT ACTS, CC-55

See also CONSPIRACY
Actus reus, **CC-55, CC-581**
[581(4)]
Amendments, **CC-601 [601(9)]**

OVERT ACTS, CC-55—Cont'd

Conspiracy
overt act
treason, conspiracy as an
overt act, **CC-46**
[46(4)]
Evidence of overt acts to be in
indictment re certain
offences, **CC-55**
Indictments and informations
see also INDICTMENTS
AND INFORMA-
TIONS
amendments, limitation re
overt acts as to certain
offences, **CC-601**
[601(9)]
overt acts, when to be stated
in indictment, **CC-55,**
CC-581 [581(4)]
see also Conspiracy, supra
Treason
conspiracy as overt act,
CC-46 [46(4)]
see also Conspiracy, supra
evidence of, **CC-55**

OWNERSHIP

See also INDICTMENTS AND
INFORMATIONS;
PROPERTY; REAL
PROPERTY; SEARCH
AND SEIZURE
Arson, **CC-433, CC-436.1**
Definition of owner, **CC-2**
Indictment wording, **CC-588**
Possession
see POSSESSION
Proof of, **CC-657.1**

INDEX

OWNERSHIP—Cont'd

Property re Part XI, Wilful and Forbidden Acts in Respect of Certain Property, **CC-428**

OYSTERS

Oyster bed, description in indictment, **CC-323** [323(2)]

Special property, **CC-323** [323(1)]

PARDON

See also ROYAL PREROGATIVE OF MERCY

Free or conditional, **CC-748** [748(2), (3)]

Punishment for subsequent offence not affected, **CC-748** [748(4)]

Remission of fines, forfeitures, **CC-748.1**

Royal mercy to person imprisoned, **CC-748** [748(1)]

Royal prerogative of mercy not limited by Criminal Code, **CC-749**

Special plea of pardon, **CC-607** [607(1)(c)]

war crimes and crimes against humanity, **CC-7** [7(6)]

Verdict of not criminally responsible on account of mental disorder, pardon on other offences, **CC-672.35**

PARENT

Abandoning child under ten, **CC-218**

PARENT—Cont'd

Correction of child by force, **CC-43**

Duty to provide necessities of life, **CC-215**

Incest by, **CC-155**

Procuring sexual activity, **CC-170**

see also SEXUAL OFFENCES

Sexual exploitation, **CC-153**

see also SEXUAL OFFENCES

PARENTHESIS, WORDS IN, CC-3

PARENT OR GUARDIAN PROCURING SEXUAL ACTIVITY, CC-170

See also SEXUAL OFFENCES

PARLIAMENT

Conviction, cannot sit or vote in Parliament or legislatures, **CC-750** [750(2)]

see also CONVICTIONS

Intimidation by violence, **CC-51**

evidence of overt acts, **CC-55**

indictment, overt acts to be stated, **CC-581** [581(4)]

Parliamentary papers, defamatory matter in, defence, **CC-306**

PAROLE

See also MURDER Parole ineligibility

PAROLE—Cont'd

Dangerous offenders, **CC-761**
 Ineligibility for parole
 appeals against period of,
 CC-675 [675(2)],
 CC-676 [676(4), (6)]
 appeals from decision on
 judicial screening,
 CC-745.62
 application for judicial
 review, **CC-745.6**
 [745.6(1)]
 application for reduction of
 period, **CC-745.6**
 appropriate Chief Justice re
 applications for reduc-
 tion of period,
 CC-745.6 [745.6(3)]
 calculation of period of
 imprisonment, **CC-746**
 Corrections and Conditional
 Release Act, **CC-743.5**
 [743.5(3)], **CC-743.6**,
 CC-761
 court's power to delay
 parole, **CC-743.6**
 dangerous offenders,
 review of parole,
 CC-761
 indeterminate period in
 penitentiary, **CC-761**
 Schedule I and II offences,
 CC-743.6
 young person, **CC-743.5**
 [743.5(3)]
 court's power to delay
 parole, **CC-743.6**
 day parole limited,
 CC-746.1 [746.1(2)]

PAROLE—Cont'd

Ineligibility for parole—Cont'd
 definition, **CC-745.4**
 designating judge to empanel
 jury, **CC-745.61**
 [745.61(5)]
 rules, **CC-745.63**
 determination of period by
 jury, **CC-745.6**
 high treason, **CC-745.6**
 judicial hearing, **CC-745.6**
 [745.6(2)]
 judicial screening of review
 application, **CC-745.61**
 jury recommendation,
 CC-745.2, CC-745.3
 jury to hear application to
 reduce ineligibility
 period
 empanelling, **CC-745.61**
 [745.61(5)]
 ordering reduction or
 termination of ineli-
 gibility for parole,
 CC-745.63
 [745.63(3)]
 setting time for renewal of
 application for reduc-
 tion of ineligibility,
 CC-745.61
 [745.61(3)]
 life imprisonment for
 offences other than
 murder or high treason,
 CC-745 [745(d)]
 mental disorder, **CC-672.35**
 murder
 first degree murder,
 CC-745 [745(a)],

INDEX

PAROLE—Cont'd

Ineligibility for parole—Cont'd
murder—Cont'd
 CC-745.1,
 CC-745.3, CC-745.5
 second degree murder,
 CC-745 [745(b),
 (b.1), (c)], CC-745.1,
 CC-745.2,
 CC-745.3, CC-745.5
 young persons, **CC-745.1,**
 CC-745.3, CC-745.5
parole prohibited during
 period, **CC-746.1**
persons under 16, **CC-745.3,**
 CC-745.5
persons under 18, **CC-745.1,**
 CC-745.3, CC-745.5,
 CC-746.1 [746.1(3)]
power of court
 delay parole until half
 sentence served, to,
 CC-743.6
 sentencing judge,
 CC-743.6,
 CC-745.4, CC-745.5
recommendation of jury,
 CC-745.2, CC-745.3
reduction or termination of
 ineligibility period by
 jury, **CC-745.63**
 [745.63(1)]
rules of court, application for
 reduction of period,
 CC-745.63
sentence for murder
 see murder, *supra*
temporary absence limited,
 CC-746.1 [746.1(2),
 (3)]

PAROLE—Cont'd

Ineligibility for parole—Cont'd
Territories, **CC-745.64**
young persons
 jury recommendation,
 CC-745.3
 sentencing, **CC-745.1,**
 CC-745.5
Verdict of not criminally
 responsible on account of
 mental disorder, parole or
 pardon re other offences,
 CC-672.35
Young person, **YC-77, YC-78**
 reintegration leave, **CC-91**

PARTICULARS

See also INDICTMENTS AND
 INFORMATIONS
Indictments and informations,
 CC-587
Notice of private communica-
 tions, **CC-190**

PARTIES

See PARTIES TO OFFENCES

PARTIES TO OFFENCES

Acceleration of death, **CC-226**
Accessory after the fact
 isee ACCESSORY AFTER
 THE FACT
Accessory before the fact,
 CC-21 [21(2)], CC-23.1
 see also Aiding or abetting,
 infra
Actually commits the offence,
 CC-21 [21(1)(a)]
Aiding or abetting
 abetting, **CC-21 [21(1)(c)]**

PARTIES TO OFFENCES

—Cont'd

- Aiding or abetting—Cont'd
 - aiding, **CC-21 [21(1)(b)]**
 - betting, **CC-202 [202(1)(j)]**
 - cruelty to animals, **CC-446**
 - desertion, **CC-54**
 - enemy alien, **CC-50**
 - escape, **CC-146**
 - liability although principal cannot be convicted, **CC-23.1**
 - prize fight, **CC-83 [83(1)]**
 - procuring feigned marriage, **CC-292**
 - suicide, **CC-241 [241(1)(b)]**
 - treason, **CC-46, CC-50**
- Common intention for unlawful purpose, **CC-21 [21(2)], CC-23.1**
- Counselling by act
 - fixed platform or ship, on, **CC-7 [7(2.1), (2.2)]**
 - isee also COUNSELLING OFFENCE
 - offence that is committed, **CC-22**
 - offence that is not committed, **CC-464**
 - outside Canada, **CC-7 [7(2)(e)]**
- Definition of parties to offences, **CC-21**
- Intention in common, **CC-21 [21(2)], CC-23.1**
- Joint venture, **CC-21 [21(2)], CC-23.1**

PARTIES TO OFFENCES

—Cont'd

- Organization
 - proof of fault, **CC-22.2**
 - proof of negligence, **CC-22.1**
- Principal cannot be convicted, **CC-23.1**
- Procuring
 - see Counselling by act, *supra*
- Sexual assault, **CC-272 [272(1)(d)]**
 - see also SEXUAL ASSAULT

PARTNER

- Theft by, **CC-328**

PARTNERSHIP

- See ORGANIZATIONS

PASSING OFF

- Offence, **CC-408**
- Punishment and forfeiture, **CC-412**

PASSPORT OFFENCES, CC-57

- Commencement of proceedings, offence outside Canada, **CC-57 [57(6), (7)]**
- False document, defined, **CC-57 [57(4)(b)], CC-321**
- False statement to procure passport, **CC-57 [57(2)]**
- Forging or uttering, **CC-57 [57(1)]**
- Possession of forged or falsely procured passport, **CC-57 [57(3)]**

INDEX

PAYDAY LOAN, CC-347.1

PEACE BOND

Appeal from granting or refusal
see SUMMARY CONVIC-
TION APPEALS

Information may be laid where
fear of

criminal organization
offence, **CC-810.01**

forced marriage, **CC-810.02**

injury to person or property,
CC-810

serious personal injury
offence, **CC-810.2**

sexual offence in relation to
children, **CC-810.1**

suspicion recognizance
required to prevent ter-
rorist activity, **CC-83.3**
terrorism offence, **CC-83.3**,
CC-810.011

Punishment for breach of
recognizance, **CC-811**

PEACE OFFICER

Appearance notice, issuing
arrest without warrant, after,
CC-497

not arrested, where, **CC-496**

person not yet charged with
an offence, **CC-FORM**
9

Arrest
see **ARREST**

Assault of, **CC-270**

Breach of peace
power to arrest for, **CC-31**
[31(1)]

PEACE OFFICER—Cont'd

Breach of peace—Cont'd
power to receive in charge
for, **CC-31 [31(2)]**

Bribery of, **CC-120**

Definition, **CC-2**

Disarming, **CC-270.1**

Failure to assist, **CC-129**

Fishery officer, guardian, **CC-2**

Misconduct in executing pro-
cess, **CC-128**

Obstructing or failing to assist,
CC-129

Personation of, **CC-130**

Pilot as peace officer, **CC-2**

Prisoner, assisting peace
officer, **CC-527 [527(7) to**
(9)]

Protection for reasonable acts,
CC-25

Release from custody by
see **RELEASE FROM**
CUSTODY

Suppression of riot by, **CC-32**
[32(1)], CC-33

PENALTY

See **SENTENCE**

PENITENTIARY

See also **SENTENCE**

Imprisonment

Definition, **CC-743.1**
[743.1(6)]

Reading the Riot Act, **CC-67**
see also **RIOT**

PERJURY

See also **INTERNATIONAL**
CRIMINAL COURT

PERJURY—Cont'd

Contradictory, giving contradictory evidence, **CC-136**

Corroboration of single witness, **CC-133**

see also **CORROBORATION**

Defences

compulsion, **CC-17**

statement made during criminal investigation, **CC-134 [134(2)]**

statement not required by law, **CC-131 [131(3)]**, **CC-134 [134(1)]**

Definition, **CC-131 [131(1)]**, **CC-134 [134(1)]**

Indictment for, wording, **CC-585**

Judicial proceeding not necessary, **CC-131 [131(2)]**

Punishment, **CC-132**

PERPETUATED EVIDENCE

See **JUDICIAL PROCEEDINGS** Reading in

PERSONAL INFORMATION RECORDS

See **DISCLOSURE AND DISCOVERY**

PERSONAL PROPERTY

Ownership for purposes of indictment wording, **CC-588**

PERSONATION

Identity

fraud, **CC-403**

PERSONATION—Cont'd

Identity—Cont'd
theft, **CC-402.2**

Intent, with, **CC-403**

Peace officer, **CC-130**

PHOTOCOPIES

See **DOCUMENTS** Copies;
PHOTOGRAPHIC EVIDENCE

PHOTOGRAPHIC EVIDENCE

Documents photographed, **CEA-31**

Identification of criminals, **IDENT-2**, § **IDENT2:1**, **IDENT-4**, **IDENT-5** [**IDENT. 2(1)**, **4**, **5**]

Microfilmed records, **CEA-31**

Property photographed, **CC-491.2**

notice of, **CC-491.2** [**491.2(5)**]

PILOT OF AIRCRAFT

Pilot as peace officer, **CC-2**

PIRACY, CC-74

Compulsion by threats no defence, **CC-17**

Piratical acts, **CC-75**

PLACE

Common gaming house, **CC-197 [197(2)**, **(3)]**

Definition

break and enter, **CC-348** [**348(3)**]

disorderly houses, **CC-197** [**197(1)**]

INDEX

PLACE—Cont'd

Public place
see PUBLIC PLACE

PLEADINGS

See APPEALS; INDICT-
MENTS AND INFOR-
MATIONS

PLEA OF GUILTY

See GUILTY PLEA

PLEAS

See also GUILTY PLEA; RES
JUDICATA; TRIAL
Arraignment and plea

Arraignment
see TRIAL Arraignment and
plea

Autrefois acquit/convict,
CC-607, CC-610
see also RES JUDICATA

Defamatory libel, plea of
justification, **CC-611,**
CC-612

Further time to plead, **CC-606**
[606(3)]

Guilty, **CC-606**
see also GUILTY PLEA

Included or other offence, plea
of guilty, **CC-606 [606(4)]**

Not guilty, covers all defences
outside special pleas,
CC-606 [606(1)], CC-613

Offences arising out of the
same transaction, **CC-606**
[606(4)]

Pleas permitted, **CC-606**

Refusal to plead, **CC-606**
[606(2)]

PLEAS—Cont'd

Special pleas, **CC-606**
[606(1)], CC-607

autrefois acquit/convict,
CC-607, CC-610
see also RES JUDICATA
disposal before further plea
taken, **CC-607 [607(3),**
(4)]

justification, defamatory
libel, **CC-611**

pardon, **CC-607 [607(1)(c)]**
see also PARDON

POINTING FIREARM, CC-87

See also WEAPONS

POISON

See NOXIOUS THING

POLICE

See also ARREST;
INTERCEPTION OF
PRIVATE COM-
MUNICATIONS; PEACE
OFFICER; SEARCH
AND SEIZURE

Arrest

see ARREST; CHARTER
OF RIGHTS

Assault of, **CC-270**

Breach of peace
power to arrest for, **CC-31**
[31(1)]

power to receive in charge
for, **CC-31 [31(2)]**

Bribery of, **CC-120**

Definition as peace officer,
CC-2

POLICE—Cont'd

Duty to advise of right to
counsel, **CH-10 [CH
10(b)], YC-25 [YC 25(2)]**

see also **RIGHT TO
COUNSEL**

Exemption for possession of
automobile master key,
CC-353 [353(1.1)]

Failure to assist, **CC-129**

Misconduct in executing pro-
cess, **CC-128**

Obstructing or failing to assist,
CC-129

Peace officer, as, **CC-2**

Personation of, **CC-130**

Prisoner, assisting peace
officer, **CC-527 [527(7) to
(9)]**

Protection for reasonable acts,
CC-25

Release from custody by
see **RELEASE FROM
CUSTODY**

Suppression of riot by, **CC-32
[32(1)], CC-33**

POLYGAMY, CC-293

POOL-SELLING

See also **BETTING AND
GAMING OFFENCES**

Exemptions, **CC-204 [204(1)]**

Offences, re, **CC-202 [202(1)]**

Punishment, **CC-202 [202(2)]**

Search warrant, re, **CC-199
[199(1)]**

PORNOGRAPHY

See **CHILD SEXUAL ABUSE
AND EXPLOITATION**

PORNOGRAPHY—Cont'd

**MATERIAL; OBSCEN-
ITY**

POSSESSION

See also **TRAFFICKING IN
STOLEN GOODS**

Actual and deemed, **CC-4
[4(3)]**

Break-in instruments, **CC-351
[351(1)]**

Constructive, **CC-4 [4(3)]**

Controlled Drugs and Sub-
stances Act, **CD-4**

Convictions as evidence
see **Evidence of, infra**

Credit card, **CC-342, CC-358**

Deemed ownership for indict-
ment purposes, **CC-588**

Definition, **CC-354 [354(1)]**

Evidence of
conviction of thief,
CC-657.2 [657.2(1)]

Identity documents, **CC-56.1**

Instruments, break-in, **CC-351
[351(1)]**

see also **POSSESSION OF
INSTRUMENTS**

Knowledge, **CC-354 [354(1)]**

Mail, stolen, **CC-356
[356(1)(b)], CC-358**

Motor vehicle identification
obliterated, presumption,
CC-354 [354(2), (3)]

see also **MOTOR
VEHICLES**

Offence complete, when,
CC-358

INDEX

POSSESSION—Cont'd

Presumption re valuable minerals, **CC-656**

Property

deemed ownership for indictment purposes, **CC-588**

stolen from the mail, **CC-356 [356(1)(b)], CC-358**

Punishment, **CC-355**

Valuable mineral, **CC-394.1**

POSSESSION OF CONTROLLED DRUGS AND SUBSTANCE, CD-4

See also CONTROLLED DRUGS AND SUBSTANCES ACT; DRUGS

POSSESSION OF DRUGS, CD-4

See also CONTROLLED DRUGS AND SUBSTANCES ACT; DRUGS

POSSESSION OF FIREARMS

See WEAPONS

POSSESSION OF INCENDIARY MATERIAL, CC-436.1

See also ARSON

POSSESSION OF INSTRUMENTS

Breaking coin-operated or currency exchange device, for, **CC-352**

Break-in instruments, **CC-351**

POSSESSION OF PROPERTY OBTAINED BY CRIME

See also PROCEEDS OF CRIME; TRAFFICKING IN STOLEN GOODS

Bringing into Canada, **CC-357**

Credit card obtained by crime, **CC-342 [342(1)(c)]**

Importing and exporting, **CC-355.3**

Obliterated vehicle identification number, presumption re, **CC-354 [354(2), (3)]**

Offence, **CC-354 [354(1)]**

Possession complete, when, **CC-358**

Possession defined, **CC-4 [4(3)], CC-358**

Possession for purpose of trafficking, **CC-355.1, CC-355.4, CC-355.5**

Proof property stolen, from conviction for theft, **CC-657.2 [657.2(1)]**

Punishment, **CC-355**

Stolen mail, **CC-356 [356(1)(b)]**

Trafficking in, **CC-355.1, CC-355.2, CC-355.5**

Valuable mineral, presumption re, **CC-656**

POSSESSION OF STOLEN GOODS

See POSSESSION OF PROPERTY OBTAINED BY CRIME

POSSESSION OF WEAPONS

See WEAPONS

POSTAGE STAMP

See **STAMP**

POSTAL CARD

Chattel, deemed value, **CC-4**
[4(1)]

POWER OF ATTORNEY

Theft by holder, **CC-331**,
CC-332

PRECIOUS METALS

See **VALUABLE MINERAL**

PREFERRING INDICTMENT

See **INDICTMENTS AND**
INFORMATIONS

PRE-HEARING

CONFERENCE, CC-625.1

See also **TRIAL**

Conference mandatory for jury
trials, **CC-625.1**
[625.1(2)]

Conference may be held,
CC-625.1 [625.1(1)]

Rules of court, re, **CC-482**
[482(3)(c)]

PRELIMINARY INQUIRY

Absconding accused, **CC-544**

Accused may be absent,
CC-537 [537(1)(j.1)]

Accused's evidence, **CC-541**

Address to accused re giving
evidence, **CC-541**

Adjournments

accused elects trial by
provincial court judge,
CC-536 [536(3)]

accused misled, **CC-547**

PRELIMINARY INQUIRY

—Cont'd

Adjournments—Cont'd
general power, **CC-537**
[537(1)(a)]

video remand, **CC-537**
[537(1)(j)]

witness refusing to testify,
CC-545

Agreement to limit scope,
CC-536.5

Caution, **CC-541**

Closed circuit television,
CC-537 [537(1)(j)]

Commencement of inquiry,
CC-535

Committal for trial, **CC-548**
consent, on, **CC-549**

endorsing charge on infor-
mation, **CC-548**
[548(2)]

fixing date of appearance,
CC-548 [548(2.1)]

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

quashing, **CC-782**

scope of inquiry limited,
where, **CC-549**
[549(1.1)]

transmission of record after
committal, **CC-551**

Converting trial into prelimi-
nary inquiry, **CC-555**,
CC-561 [561(2)]

Corporate accused, appearance
by, **CC-538**

Depositions

form of, **CC-FORM 31**

INDEX

PRELIMINARY INQUIRY

—Cont'd

Depositions—Cont'd

reading to witness, **CC-540**
[540(2)]

signing by
justice, **CC-540**
[540(2)(c), (3)]

witness, **CC-540**
[540(2)(a), (b)]

Discharge of accused, **CC-548**
[548(1)(b)]

Elections

see **ELECTIONS AND RE-
ELECTIONS**

Evidence

see also Witnesses, *infra*
accused's evidence, **CC-541**,
CC-657

confession, **CC-542**
see also **ADMISSIONS;**
STATEMENTS OF
THE ACCUSED;
VOLUNTARINESS

credible or trustworthy,
admissible, **CC-540**
[540(7), (8)]

cross-examination, **CC-540**
[540(1)(a)], CC-541
[541(5)]

limit examination or cross-
examination, **CC-537**
[537(1.1)]

non-publication of, **CC-539**,
CC-542 [542(2)]

reading in at trial, **CC-715**
sound-recorded, transcript
of, **CC-540 [540(6)]**

PRELIMINARY INQUIRY

—Cont'd

Evidence—Cont'd

sufficiency, **CC-548**
[548(1)(b)]

taking and recording,
CC-540 [540(1)]

variance between charge and
evidence, adjournment
if accused misled,
CC-547

Exclusion of public, **CC-537**
[537(1)(h)]

Fitness to stand trial,
CC-672.25, CC-672.33

see also **MENTAL DISOR-
DER**

discharge means postponed
fitness issue shall not be
tried, **CC-672.3**

sufficiency of evidence to
put accused on trial,
CC-672.33 [672.33(5)]

Inability of justice to continue,
CC-547.1

Irregularity or variance
adjournment if accused mis-
led by defect, **CC-547**
not to affect validity,
CC-546

Jurisdiction

inquiry by justice, **CC-535**
offence committed in another
jurisdiction, **CC-543**
remand by justice to
provincial court judge
in certain cases,
CC-535

PRELIMINARY INQUIRY

—Cont'd

Jurisdiction—Cont'd
 trial converted to preliminary inquiry, **CC-555**
 Language of accused, **CC-530, CC-530.1**
 see also LANGUAGE OF ACCUSED
 Non-publication, order of, **CC-539**
 Ordered to stand trial
 see Committal for trial, *supra*
 Order for pre-inquiry hearing, **CC-536.4**
 Organization, appearance by, **CC-538**
 Powers of justice
 adjourn proceedings, **CC-537 [537(1)(a)], CC-547**
 direct trial of issue re fitness to stand trial
 see MENTAL DISORDER
 exclude members of public, **CC-537 [537(1)(h)]**
 limit examination or cross-examination, **CC-537 [537(1.1)]**
 order restricting publication of evidence, **CC-539**
 order to bring up accused before expiration of remand, **CC-FORM 30**
 permit accused to be absent, **CC-537 [537(1)(j.1)]**
 remand accused to custody, **CC-537 [537(1)(b)]**

PRELIMINARY INQUIRY

—Cont'd

Powers of justice—Cont'd
 remand for trial by judge of Nunavut Court of Justice, **CC-536.1**
 remand for trial by provincial court judge, **CC-536 [536(1)]**
 require attendance of declarant, **CC-540 [540(9)]**
 Prisoner, procuring attendance of, **CC-527**
 Provincial Court Judge deciding to hold preliminary inquiry, **CC-555 [555(1) to (1.2)]**
 Publication ban, **CC-539**
 Reading in evidence from, **CC-715**
 Recognizance, for
 committal for failure to comply, **CC-550 [550(4)]**
 witness to testify at trial, **CC-550**
 Re-election for trial during or after preliminary inquiry, **CC-561, CC-563.1**
 see also ELECTIONS AND RE-ELECTIONS
 Request for preliminary inquiry, **CC-536 [536(2), (4)-(4.2)], CC-536.1 [536.1(2), (4), (4.1)]**
 no request made, where, **CC-536 [536(4.2)], CC-536.1 [536.1(4.2)]**

INDEX

PRELIMINARY INQUIRY

—Cont'd

- Statement of
 - see also STATEMENTS OF THE ACCUSED
 - accused, use at trial, **CC-541 [541(3)], CC-657**
 - issues and witnesses, **CC-536.3**
- Stenographer, oath and affidavit, **CC-540 [540(4), (5)]**
 - see also COMPETENCE AND COMPELLABILITY Oath
- Sufficiency of evidence, **CC-548 [548(1)(a)]**
- Transmission of
 - record, after committal, **CC-551**
 - restraint order re property re committal for enterprise offence, **CC-462.36**
- Video appearance, **CC-537 [537(1)(j), (k)]**
- Waiver, **CC-549**
- Witnesses
 - see also Evidence, supra; WITNESSES
 - accused, **CC-541 [541(3)], CC-657**
 - accused's witnesses, **CC-541 [541(4), (5)], CC-544 [544(5)]**
 - committing witness to prison for refusing to be examined, **CC-545 [545(1)]**
 - cross-examination, **CC-540 [540(1)(a)], CC-541 [541(5)]**

PRELIMINARY INQUIRY

—Cont'd

- Witnesses—Cont'd
 - depositions, **CC-540 [540(2), (3)]**
 - discharging witness committed to prison, **CC-550 [550(4)]**
 - procuring attendance of, **CC-697**
 - procuring attendance of prisoner, **CC-527**
 - recognizance to testify at trial, **CC-550, CC-FORM 32**
 - refusing to testify, **CC-545**
- Youth Criminal Justice Act, **YC-67 [YC 67(6) to (8)]**

PREROGATIVE

- Grant to person imprisoned, **CC-748 [748(1)]**
- Not affected by Criminal Code, **CC-749**

PREROGATIVE REMEDIES

- See EXTRAORDINARY REMEDIES

PRESENCE OF ACCUSED AT TRIAL

- See also ACCUSED
- Indictable proceedings, **CC-650**
- Summary conviction proceedings may proceed in absence of defendant, **CC-803 [803(2) to (4)]**

**PRESERVATION OF
COMPUTER DATA**

Demand

contravention of, offence,
CC-487.0197

destruction of preserved data
after expiry of demand,
CC-487.0194
[487.0194(1)]

making of, **CC-487.012**
not required for request for
voluntary preservation,
CC-487.0195

order prohibiting disclosure
of, **CC-487.0191**

Order for

application for, **CC-487.013**
contravention of, offence,
CC-487.0198

destruction of preserved data
after expiry of order,
CC-487.0194
[487.0194(2)]

order prohibiting disclosure
of, **CC-487.0191**

PRESERVATION OF LIFE

See **ENDANGERING LIFE;**
NECESSARIES OF LIFE

**PRESERVING ORDER IN
COURT, CC-484**

See also **CONTEMPT OF
COURT**

**PRESUMPTION OF
INNOCENCE, CH-11 [CH
11(d)]**

See also **CHARTER OF
RIGHTS**

**PRESUMPTION OF
INNOCENCE, CH-11 [CH
11(d)]—Cont'd**

Deemed not to be guilty until
convicted or discharged,
CC-6 [6(1)]

Not to be convicted or
discharged of offence
committed outside Can-
ada, **CC-6 [6(2)]**

see also **JURISDICTION**
Territorial

**PRESUMPTIONS AND
INFERENCES**

Age, **CC-658 [658(5)]**

Arson for fraudulent purpose,
fire insurance, **CC-435**
[435(2)]

see also **ARSON**

Being unlawfully in dwelling-
house, **CC-349 [349(2)]**

Blood sample, blood-alcohol
concentration, **CC-320.31**
[320.31(4)]

Branding, **CC-338 [338(3)]**

Brand mark on lumber or
equipment, **CC-339**
[339(4)]

Breaking in/out, **CC-348**
[348(2)]

Care or control of motor vehi-
cle

see **BREATHALYZER;**
IMPAIRED DRIVING
AND OVER 80;
MOTOR VEHICLES

INDEX

PRESUMPTIONS AND

INFERENCES—Cont'd

- Cattle theft, presumption from branding, **CC-338 [338(3)]**
 - see also **ANIMALS** Cattle
- Causing disturbance, **CC-175 [175(2)]**
- Cheque dishonoured, presumption re false pretence, **CC-362 [362(4), (5)]**
- Common betting house
 - see **BETTING AND GAMING OFFENCES**
- Compulsion of spouse, no presumption, **CC-18**
- Cruelty to animals, **CC-445.1 [445.1(3), (4)]**
- Dealer in stores to the Crown, **CC-421**
- Deemed wilfully to cause event to occur, re damage to property, **CC-429 [429(1)]**
- Duty to provide necessities of life, **CC-215 [215(4)]**
- Dwelling-house, entering or being in, **CC-349 [349(2)]**
- Enlistment, re unlawful use of military certificates, **CC-421 [421(1)]**
- Entering or being in dwelling-house, **CC-349 [349(2)]**
- Evidence to the contrary
 - blood samples, presumption re blood-alcohol content, **CC-320.31 [320.31(4)]**
 - see also **BLOOD SAMPLES**

PRESUMPTIONS AND

INFERENCES—Cont'd

- Evidence to the contrary
 - Cont'd
 - breaking in/out, **CC-348 [348(2)]**
 - breath samples, presumption re blood-alcohol content, **CC-320.31 [320.31(4)]**
 - see also **BREATHALYZER**
 - certificate of analyst re drugs re breach of probation or conditional sentence, **CC-729**
 - dealer in stores, **CC-421**
 - deprivation of property, **CC-657.1**
 - entering or being in dwelling house, **CC-349 [349(2)]**
 - lumber, presumption from brand mark, **CC-339 [339(4)]**
 - motor vehicle identification number obliterated, **CC-354 [354(2), (3)]**
 - ownership of property, **CC-657.1**
 - sanity, **CC-16 [16(2)]**
 - serial number obliterated, presumption of knowledge
 - firearm, **CC-108 [108(4)]**
 - vehicle, **CC-354 [354(2), (3)]**
 - value of property, **CC-657.1**
- Failing to stop after accident, conveyance, **CC-320.16**

**PRESUMPTIONS AND
INFERENCES—Cont'd**

Firearms, presumption of
knowledge of altered,
defaced or removed serial
number, **CC-108 [108(4)]**
see also WEAPONS Fire-
arms

Food, beverage or accommoda-
tion, presumption from
obtaining, **CC-364**
[364(2), (3)]

Fraud
importation of goods,
presumption from,
CC-414
mines, presumption re
offences, **CC-396**
[396(2)]
obtaining food and lodging,
presumption of fraud,
CC-364 [364(2)]

Goods, presumption produced
in the country from which
shipped, **CC-414**

Identification number obliterated,
motor vehicles,
CC-354 [354(2), (3)]

Importation of goods, presumption
of fraud, **CC-414**

Inference re proceeds of crime,
CC-462.39

Innocence, resumption of,
CH-11 [CH 11(d)]

Insanity, presumption of not
suffering from mental disorder
so as to be exempt
from criminal responsibil-

**PRESUMPTIONS AND
INFERENCES—Cont'd**

ity, **CC-16 [16(2)]**
see also MENTAL DISORDER

Lumber, presumption from
brand mark, **CC-339**
[339(4)]

Mental disorder, presumption
of not suffering from
mental disorder so as to be
exempt from criminal
responsibility, **CC-16**
[16(2)]
see also MENTAL DISORDER

Mines, presumption re
offences, **CC-396 [396(2)]**

Motor vehicle identification
obliterated, **CC-354**
[354(2), (3)]

Necessaries of life, presump-
tions re, **CC-215 [215(4)]**

Obtaining food, beverage or
accommodation by fraud,
CC-364 [364(2), (3)]

Offences against animals,
CC-445.1 [445.1(3), (4)]

Possession of valuable mineral,
CC-656

Possession of vehicle with
identification number
obliterated, **CC-354**
[354(2), (3)]

Presumption
against
see Presumption against,
infra
arson, re violation of fire
prevention laws,

INDEX

PRESUMPTIONS AND INFERENCES—Cont'd

Presumption—Cont'd
 CC-436 [436(2)]
 goods were produced in the
 country from which
 shipped, **CC-414**
 innocence, presumption of
 innocence, **CH-11 [CH
11(d)]**
 necessaries of life, presump-
 tions re, **CC-215
[215(4)]**
 sanity
 see **MENTAL DISOR-
DER**
 serial number obliterated,
 knowledge presumed
 firearm, **CC-108 [108(4)]**
 vehicle, **CC-354 [354(2),
(3)]**
 status from cohabitation,
 CC-215 [215(4)(a)]
Presumption against
 holder of firearm, vehicle,
 having obliterated serial
 number, **CC-108
[108(4)], CC-354
[354(2), (3)]**
 holder or beneficiary of
 insurance re arson,
 CC-435
 mental disorder, **CC-16
[16(2)]**
 see also **MENTAL DIS-
ORDER Criminal
responsibility**
 summary conviction appeal
 unless contrary shown,

PRESUMPTIONS AND INFERENCES—Cont'd

Presumption against—Cont'd
 CC-820 [820(2)]
Proceeds of crime, **CC-462.39**
 see also **PROCEEDS OF
CRIME**
Property obtained by an
 enterprise crime, inference
 thereof, **CC-462.39**
 see also **PROCEEDS OF
CRIME**
Sanity
 see **MENTAL DISORDER**
Selling defective stores to
 Crown, **CC-421 [421(1)]**
Serial number obliterated,
 knowledge presumed
 firearm, **CC-108 [108(4)]**
 vehicle, **CC-354 [354(2),
(3)]**
Theft of valuable minerals,
 CC-656
Unlawfully in dwelling-house,
 CC-349 [349(2)]
Valuable mineral, **CC-394
[394(4)], CC-656**
Wilfully causing event to occur,
 re damage to property,
 CC-429 [429(1)]

PRESUMPTIVE OFFENCE

See **YOUTH CRIMINAL
JUSTICE ACT**

PRE-TRIAL MOTIONS, CC-645 [645(5)]

See also **CASE MANAGE-
MENT; TRIAL**

PREVIOUS CONVICTIONS

See **CONVICTIONS**;
SENTENCE Greater
 punishment by reason of
 previous convictions

PRINCE EDWARD ISLAND

Appeal court defined for
 court of appeal, **CC-2**
 proceedings re firearms pro-
 hibition orders, **CC-111**
 see also **WEAPONS** Fire-
 arms
 summary conviction appeals,
CC-812

Attorney General, defined,
CC-2

Chief justice defined for
 emergency authorizations for
 interception of private
 communications,
CC-188 [188(4)]

see also **INTERCEPTION**
OF PRIVATE COM-
MUNICATIONS

judicial review of ineligibil-
 ity for parole, **CC-745.6**

see also **PAROLE** Ineligi-
 bility for parole

Court defined for
 appeals, **CC-2**
 criminal jurisdiction, **CC-2**
 seizure warrants for

hate propaganda publica-
 tions, **CC-320**
[320(8)]

see also **HATE PROPAGA-**
GANDA;
SEARCH AND

PRINCE EDWARD ISLAND

—Cont'd

Court defined for—Cont'd
 seizure warrants for—Cont'd
 hate propaganda publica-
 tions, **CC-320**

[320(8)]—Cont'd
SEIZURE

obscene publications,
CC-164 [164(8)]

see also **OBSCENITY**;
SEARCH AND
SEIZURE

superior court of criminal
 jurisdiction, **CC-2**

Court of appeal defined, **CC-2**

Court of criminal jurisdiction
 defined, **CC-2**

Judge defined for
 emergency authorizations for
 interception of private
 communications,
CC-188 [188(1)],
CC-552

see also **INTERCEPTION**
OF PRIVATE COM-
MUNICATIONS

Part XIX, Indictable
 Offences Trial Without
 Jury, **CC-552**

see also **INDICTABLE**
OFFENCES Trial by
 judge alone; **TRIAL**
 Judge alone trial

Part XVI, Compelling
 Appearance of Accused
 Before a Justice and
 Interim Release,
CC-493

see also **JUDICIAL**

INDEX

PRINCE EDWARD ISLAND

—Cont'd

- Judge defined for—Cont'd
 - Part XVI, Compelling Appearance of Accused Before a Justice and Interim Release, **CC-493**—Cont'd
 - INTERIM RELEASE;
 - RELEASE FROM CUSTODY
- Language of accused, regulations for Part XVII, **CC-533**
- Parole, application to reduce ineligibility period, **CC-745.6**
- Summary conviction appeals
 - appeal court defined, **CC-812 [812(1)(f)]**
- Superior court of criminal jurisdiction defined, **CC-2**

PRIOR CONSISTENT STATEMENTS

- Recent complaint rules abrogated, **CC-275**

PRIOR INCONSISTENT STATEMENTS

- Adverse witnesses, **CEA-9**
- Cross-examination upon
 - one's own witness, **CEA-9**
 - opponent's witness, **CEA-10**
- Proving statement, **CEA-11**
- Statement during youth court assessment, **YC-147 [YC 147(2)]**
 - see also YOUTH CRIMINAL JUSTICE ACT

PRISON

- See also PENITENTIARY; SENTENCE Imprisonment
- Definition, **CC-2**
- Officers and employees as peace officers, **CC-2**
- Reading the Riot Act, **CC-67**
 - see also RIOT

PRISON BREACH, CC-144

PRISONER

- Insane or mentally ill
 - see MENTAL DISORDER
- Procuring attendance at court, **CC-527**
- Receipt for, by keeper of prison, **CC-FORM 43**
- Transfer of prisoner, **CC-527 [527(7) to (9)]**

PRISONER OF WAR

- Assisting escape of, **CC-148**

PRISONER'S RIGHTS

- See CHARTER OF RIGHTS
 - Cruel and unusual treatment or punishment;
 - PAROLE; SENTENCE

PRIVACY, PROTECTION OF

- See INTERCEPTION OF PRIVATE COMMUNICATIONS

PRIVATE PROSECUTIONS

- Appeals
 - see SUMMARY CONVICTION APPEALS

PRIVATE PROSECUTIONS

—Cont'd

- Consent to prosecute
see ATTORNEY
GENERAL/
SOLICITOR GEN-
ERAL Consent to pros-
ecute
- Direct indictment, **CC-577**
- Fear of sexual offence against
child, **CC-810.1, CC-811**
see also FEAR OF SEXUAL
OFFENCE AGAINST
CHILD
- Intervention by Attorney Gen-
eral, **CC-579**
Canada, of, **CC-579.1**
not staying proceedings,
CC-579.01
- Issuing process, **CC-507.1**
- Preferring indictment, **CC-566,**
CC-574 [574(3)], CC-577
see also INDICTMENTS
AND INFORMA-
TIONS Preferring
indictment
- Prosecutor, defined, **CC-2,**
CC-785
- Remission of penalty by
Governor in Council, costs
not to include those of
private prosecutor,
CC-748.1 [748.1(2)]
- Stay of proceedings
see also ATTORNEY
GENERAL/
SOLICITOR GEN-
ERAL; INDICT-
MENTS AND

PRIVATE PROSECUTIONS

—Cont'd

- Stay of proceedings—Cont'd
INFORMATION
Attorney General, by,
CC-579, CC-579.1
- Sureties to keep the peace,
CC-810, CC-811
see also THREATENING
Youth Criminal Justice Act
proceedings, **YC-24**

PRIVILEGE

- Alternative measures
records, **CC-715.56,**
§ CC717.1:1,
CC-715.6,
§ CC717.4:1 to
§ CC717.4:3 [717.1,
717.4(4), (5)]
- statements accepting
responsibility not
admissible, **CC-715.51,**
§ CC717:1 to
§ CC717:3 [717(3)]
- Assessment orders and
protected statements,
CC-672.21
see also Protected state-
ments, *infra*; MENTAL
DISORDER Assess-
ment orders
- Cabinet, **CEA-39**
- Confidential communications,
CC-189 [189(6)]
- Crown privilege
see also CANADA EVI-
DENCE ACT Privilege
confidence of the Queen's
Privy Council, **CEA-39**

INDEX

PRIVILEGE—Cont'd

Crown privilege—Cont'd
disclosure of government
information, **CEA-37**
international relations or
national defence or
security, **CEA-38**
Incriminating questions,
CEA-5, CH-13
see also SELF- INCRIMI-
NATION
International relations
see National security, *infra*
Marital communications,
CEA-4 [CE 4(3)]
National defence
see National security, *infra*
National security, **CEA-38,**
CEA-SCH
see also Crown privilege,
supra
appeal to Federal Court of
Appeal, **CEA-38.09**
appeal to Supreme Court of
Canada, **CEA-38.1**
application to Federal Court,
CEA-38.04
Attorney General may apply
to Federal Court
respecting disclosure,
CEA-38.04
Attorney General may autho-
rize disclosure, **CEA-**
38.03
Attorney General may be
required to give notice,
CEA-38.07
Attorney General may enter
into disclosure agree-

PRIVILEGE—Cont'd

National security, **CEA-38,**
CEA-SCH—Cont'd
ment, **CEA-38.031**
Attorney General may issue
fiat to assume prosecu-
tion, **CEA-38.15**
Attorney General may issue
prohibition certificate,
CEA-38.13
definitions, **CEA-38**
designated entities, **CEA**
SCH
disclosure prohibited, **CEA-**
38.02
ex parte representations,
CEA-38.11 [CE
38.11(2)]
hearing to be in private,
CEA-38.11 [CE
38.11(1)]
judge may order disclosure,
CEA-38.06
military proceedings, **CEA-**
38.01 [CE 38.01(5)],
CEA-38.13 [CE
38.13(2)], CEA-38.131
[CE 38.131(3)]
notice to Attorney General of
Canada, **CEA-38.01**
notice to Minister of
National Defence,
CEA-38.01 [CE
38.01(6)]
prohibition certificate, **CEA-**
38.13
protection of right to fair
trial, **CEA-38.14**
protective order, **CEA-38.12**

PRIVILEGE—Cont'd

National security, **CEA-38**,
CEA-SCH—Cont'd
reference to Federal Court of
Appeal, **CEA-38.08**
regulations, **CEA-38.16**
report to presiding officer,
CEA-38.05
review of prohibition certi-
ficate, **CEA-38.131**
Private communications,
CC-189 [189(6)]
see also INTERCEPTION
OF PRIVATE COM-
MUNICATIONS
Privy Council, **CEA-39**
Production, privilege against,
CEA-30 [CE
30(10)(a)(iii), (10)(b)]
Protected statements
admissibility notwithstand-
ing, **CC-672.21**
[672.21(3)]
see also MENTAL DIS-
ORDER Assessment
orders
definition, **CC-672.21**
[672.21(1)]
not admissible without
accused's consent,
CC-672.21 [672.21(2)]
young persons, **YC-147**
Protection of privacy, **CC-189**
[189(6)]
Public interest privilege
see CANADA EVIDENCE
ACT Privilege
Public policy, **CEA-30 [CE**
30(10)(b)]

PRIVILEGE—Cont'd

Search and seizure, solicitor-
client privilege claimed
see also SEARCH AND
SEIZURE
application to judge re
disclosure, **CC-488.1**
[488.1(3), (4)]
copies, re making of,
CC-488.1 [488.1(2),
(8), (9)]
custody of sealed package,
CC-488.1 [488.1(2)]
definitions, **CC-488.1**
[488.1(1)]
order to custodian to deliver,
CC-488.1 [488.1(6)]
Self-incrimination
see SELF-INCRIMINA-
TION
Solicitor-client privilege,
CC-488.1, CEA-30 [CE
30(10)(a)(ii)]
Specified public interest,
CEA-37
appeal to court of appeal,
CEA-37.1
appeal to Supreme Court of
Canada, **CEA-37.2**
protection of right to fair
trial, **CEA-37.3**

PRIZE FIGHTS, CC-83

PROBATION

See BREACH OF PROBA-
TION; SENTENCE

PROCEDURE

See also CASE MANAGE-
MENT

INDEX

PROCEDURE—Cont'd

- Indictable offences
 - see APPEALS; INDICTABLE OFFENCES; INDICTMENTS AND INFORMATIONS
- Irregularities in, not causing loss of jurisdiction, **CC-485**
- Proceedings, defined for summary conviction proceedings, **CC-785**
- Recommencement of proceedings after dismissal for want of prosecution, **CC-485.1**
- Summary conviction proceedings
 - see SUMMARY CONVICTION APPEALS; SUMMARY CONVICTION PROCEEDINGS
- Transfer of charges
 - see TRANSFER OF CHARGES

PROCEEDINGS

- See also APPEALS; JURISDICTION; PRELIMINARY INQUIRY; TRIAL
- Absent accused, **CC-475**, **CC-598**, **CC-650** [650(2)], **CC-803** [803(2)]
- Defined for summary conviction proceedings, **CC-785**
- Irregularities in, not causing loss of jurisdiction, **CC-485**
- Recommenced, **CC-485.1**, **CC-579** [579(2)]

PROCEEDINGS—Cont'd

- Want of prosecution, **CC-485** [485(3)]

PROCEEDINGS IN FOREIGN COURTS

- Application of Act, **CEA-43**
- Construction of Act, **CEA-45**
- Defined terms, **CEA-44**
- Order for examination of witness in Canada
 - administering oath, **CEA-49**
 - enforcement of order, **CEA-47**
 - expenses and conduct money, **CEA-48**
 - letters rogatory, enforcement of, **CEA-46**, **CEA-51** [CE 51(2)]
 - procedure, **CEA-46**
 - refusal to answer/produce document, **CEA-50**
 - rules of court, **CEA-51** [CE 51(1)]
 - video links, **CEA-46**

PROCEEDS OF CRIME

- See also OFFENCE-RELATED PROPERTY; TRAFFICKING IN STOLEN GOODS
- Appeal
 - forfeiture order included in definition of sentence, **CC-673**
 - in rem proceedings, **CC-462.44**
 - restraint order, **CC-462.44**, **CC-462.45**

PROCEEDS OF CRIME

—Cont'd

Appeal—Cont'd
 review of search warrant to
 seize property,
 CC-462.34
 suspension of order pending
 appeal, **CC-683**
 [683(5)]
 Application for forfeiture upon
 in rem proceedings,
 CC-462.38
 Attorney General
 appeal, **CC-462.44**
 application for disclosure of
 income tax information,
 CC-462.48
 application for in rem forfei-
 ture hearing,
 CC-462.38
 application for restraint
 order, **CC-462.33**
 copies may be made by
 Attorney General before
 return, **CC-462.46**
 forfeiture of property on
 conviction, **CC-462.37**
 regulations may be made by
 Attorney General for
 forfeited property,
 CC-462.5
 residual disposal of property
 seized or dealt with
 pursuant to special war-
 rants or restrain orders,
 CC-462.43
 search warrant application,
 CC-462.32
 undertakings by Attorney

PROCEEDS OF CRIME

—Cont'd

Attorney General—Cont'd
 General, **CC-462.33**
 [462.33(6)]
 Copies of documents returned
 or forfeited, **CC-462.46**
 Definitions, **CC-462.3**
 Designated offence, defined,
 CC-462.3
 Destruction order, **CC-462.331**
 [462.331(3) to (7)]
 Disclosure of information,
 CC-462.47
 application for income tax
 information, **CC-462.48**
 Drug offences
 Controlled Drugs and Sub-
 stances Act provisions,
 CD-14
 possession of property
 obtained by
 controlled drugs and sub-
 stances offences,
 CD-4
 trafficking in controlled
 drugs and substances,
 CD-5
 Fine in lieu of forfeiture,
 CC-462.37 [462.37(3),
 (4)]
 Forfeiture of proceeds of crime
 copies may be made by
 Attorney General before
 return, **CC-462.46**
 fine in lieu of, **CC-462.37**
 [462.37(3), (4)]
 inference that property
 proceeds of crime,
 CC-462.39

INDEX

PROCEEDS OF CRIME

—Cont'd

Forfeiture of proceeds of crime
—Cont'd
in rem proceedings,
 CC-462.38,
 CC-462.44, CC-462.46
notice, **CC-462.41**
other provisions unaffected,
 CC-462.49
property obtained by crime,
 CC-491.1
relief from order by innocent
part, **CC-462.41**
 [462.41(3)], CC-462.42
upon conviction, **CC-462.37**
 [462.37(1), (2)]
Laundering proceeds of crime,
 CC-462.31
Legal fees
 exemption from restraint
 order or seizure,
 CC-462.34 [462.34(4),
 (5), (5.1)]
 taxing, **CC-462.34**
 [462.34(5.2)]
Living expenses, exemption
from restraint order or
seizure, **CC-462.34**
 [462.34(4)]
Management order,
 CC-462.331
Money laundering, **CC-462.31**
Privilege
 see **PRIVILEGE**
Recognizance
 cancelling of, **CC-462.43**
 in lieu of restraint order,
 CC-462.34

PROCEEDS OF CRIME

—Cont'd

Regulations, **CC-462.5**
Restitution of property
obtained by crime,
 CC-491.1
 see also **SENTENCE**
 Compensation and
 restitution, Restitution
 orders
Restraint order
 appeal, **CC-462.44,**
 CC-462.45
 application for, **CC-462.33**
 duration of, **CC-462.33**
 [462.33(10)],
 CC-462.35
 exemption for living
 expenses and legal fees,
 CC-462.34 [462.34(4),
 (5)]
 expiry of, **CC-462.35**
 interlocutory sale,
 CC-462.331
 [462.331(3)(a)]
Minister of Public Works and
Government Services
taking control of prop-
erty, **CC-462.331**
 [462.331(2)]
notice to persons interested
in property, **CC-462.32**
 [462.32(5)]
perishable property,
 CC-462.331
 [462.331(3)(a)]
recognizance in lieu of,
 CC-462.34 [462.34(4)]
registration of, against
affected property,

PROCEEDS OF CRIME

—Cont'd

Restraint order—Cont'd
CC-462.33 [462.33(9)]
 review of, **CC-462.34**
 revocation of, **CC-462.43**
 undertakings by Attorney General, **CC-462.33 [462.33(7)]**
 Search warrant to seize property subject to forfeiture
 see also SEARCH AND SEIZURE
 application for, **CC-462.32 [462.32(1), (2)]**
 copies may be made before return of seized property, **CC-462.46**
 digital assets and virtual currency, **CC-462.321**
 execution of, **CC-462.32 [462.32(4)]**
 exemption for living expenses and legal fees, **CC-462.34 [462.34(4), (5)]**
 expiry of detention order, **CC-462.35**
 notice to persons interested in property, **CC-462.32 [462.32(5)]**
 recognizance in lieu of, **CC-462.34 [462.34(4)]**
 report following execution, **CC-462.32 [462.32(4)(b)], CC-462.36**
 return of seized property, **CC-462.43**

PROCEEDS OF CRIME

—Cont'd

Search warrant to seize property subject to forfeiture
 —Cont'd
 review of, **CC-462.34**
 seizure of property not specified in warrant, **CC-489**
 undertakings by Attorney General, **CC-462.32 [462.32(6)]**
 Special search warrant
 see Search warrant to seize property subject to forfeiture, *supra*
 Trafficking in, **CC-355.1**
 Voidable transfers, setting aside, **CC-462.4**

PROCESS

See also APPEARANCE
 NOTICE; SUMMONS;
 WARRANTS
 Forms, justice not required to affix seal, **CC-849 [849(2)]**
 Issue on holiday, validity, **CC-20**
 Service on corporation, **CC-703.2**

PROCLAMATION

Judicial notice of, **CC-781 [781(2)]**
 Riot, reading Riot Act
 offences related to proclamations, **CC-68**
 reading proclamation, **CC-67**

INDEX

PROCURING

- Corroboration not required, **CC-274**
- Counselling
 - includes procuring, **CC-22 [22(3)]**
 - offence that is not committed, **CC-464**
- Parent or guardian procuring sexual activity, **CC-170**
 - see also **SEXUAL OFFENCES**
- Party to offence by procuring person, **CC-22**

PROCURING CONVICTION AND DEATH

- False evidence, by, not homicide, **CC-222 [222(6)]**

PROCURING FEIGNED MARRIAGE, **CC-292**

PRODUCTION ORDER

- Conditions in, **CC-487.019**
- Contravention of, offence, **CC-487.0198**
- Destruction of preserved data, **CC-487.0194 [487.0194(3), (4)]**
- Financial data, in respect of, **CC-487.018**
- General production order, **CC-487.014**
- Order prohibiting disclosure of, **CC-487.0191**
- Power to vary or revoke, **CC-487.019 [487.019(3)]**
- Review of, **CC-487.0193**

PRODUCTION ORDER

—Cont'd

- Self-incrimination not excusing compliance, **CC-487.0196**
- Tracing of specified communication, **CC-487.015**
- Tracking data, in respect of, **CC-487.017**
- Transmission data, in respect of, **CC-487.016**

PROHIBITED GOODS

- Obtaining carriage by false representation, **CC-401**

PROHIBITED WEAPON

- See **WEAPONS**

PROHIBITION

- Appeal from grant or refusal, **CC-784 [784(1)]**
- Application of Part XXVI of Criminal Code, **CC-774**
- Rules of court re, **CC-482 [482(3)(c)]**

PROHIBITION ORDERS

- See also **MOTOR VEHICLES; WEAPONS**
- Conveyances, **CC-320.24**
- Custody of animal or bird, **CC-447.1**
- Firearm, ammunition, explosives, **CC-109**
 - see also **WEAPONS Firearms**
- Importing and exporting stolen goods, **CC-355.3**
- Motor vehicles, **CC-320.24**

PROHIBITION ORDERS

—Cont'd

Prohibited locations re sex offenders, **CC-161**
 no order re young person, **YC-42 [YC 42(2)(j)]**
 offence, **CC-161 [161(4)]**
 Weapons, **CC-109, CC-110, CC-117.05 [117.05(4) to (9)]**
 appeals, **CC-111 [111(8), (9)]**
 application for prohibition order, **CC-111**
 authorizations revoked or amended, **CC-116**
 discretionary order, **CC-110**
 firearms prohibition, **CC-109, CC-110, CC-810 [810(3.1), (5)], CC-810.2 [810.2(5)]**
 forfeiture, **CC-115**
 lifting order for sustenance or employment, **CC-113**
 mandatory, **CC-109**
 order limiting access, **CC-117.011**
 possession contrary to order, **CC-117.01**
 return to owner, **CC-117**
 revocation of order, **CC-112, CC-117.012**
 surrender requirement, **CC-114**
 young person, **YC-51**
 Young person, **YC-42 [YC 42(2)(j)], YC-51**

PROMISE TO APPEAR

See also **RELEASE FROM CUSTODY**
 Conditional release, **CC-503**
 Contents, **CC-501 [501(1)-(3)]**
 Continuation pending granting of discharge, **CC-730 [730(2)]**
 see also **SENTENCE**
 Discharges
 Failure to appear, effect, **CC-145 [145(5), (6), (8) to (11)], CC-502**
 Form of, **CC-FORM 10**
 Issue on holiday, valid, **CC-20**
 Period in force, **CC-523 [523(1)]**
 Signing by accused, **CC-501 [501(4)]**

PROMOTING HATRED, CC-319 [319(1)]

PROMOTING ILLICIT DRUG USE

See **DRUGS**

PROPERTY

See also **REAL PROPERTY**
 Arson
 see **ARSON**
 Compensation for loss or damage
 enforcement, **CC-741 [741(1)]**
 order for payment, **CC-738 [738(1)]**
 payment from money found on accused, **CC-741 [741(2)]**

INDEX

PROPERTY—Cont'd

- Compensation to bona fide purchaser enforcement, **CC-741 [741(1)]**
 - order for payment, **CC-739**
 - payment from money found on accused, **CC-741 [741(2)]**
- Defence of colour of right or lawful excuse, **CC-429 [429(2)]**
- Defence of property, **CC-35**
 - see also DEFENCES
- Definition
 - arson, re, **CC-428, CC-433, CC-436.1**
 - see also ARSON
 - general, **CC-2, CC-4 [4(1)]**
 - offences against certain property, re, **CC-428**
 - ownership of property, for purposes of indictment, **CC-588**
- Destruction
 - partial interest, no defence, **CC-429 [429(3)(a)]**
 - total interest no defence where intent to defraud, **CC-429 [429(3)(b)]**
- Mischief to property, **CC-430 [430(3), (4), (4.1), (4.2), (5.1)]**
- Obtained by crime
 - see POSSESSION
- Ownership
 - arson, **CC-433, CC-436.1**
 - proof by affidavit or solemn declaration, **CC-657.1**

PROPERTY—Cont'd

- Ownership—Cont'd
 - purposes of indictment, for, **CC-588**
- Photographed property admissible, **CC-491.2**
 - see also PHOTOGRAPHIC EVIDENCE
- Proof of ownership or value by affidavit or solemn declaration, **CC-657.1**
- Proof that stolen, **CC-657.2**
- Restitution to owner, **CC-462.43, CC-491.1**
 - see also SENTENCE
 - Compensation and restitution
- Stamps, value, **CC-4 [4(1)]**
- Wilful damage
 - see MISCHIEF

PROSECUTOR

- See also ATTORNEY
 - GENERAL/SOLICITOR GENERAL; PRIVATE PROSECUTIONS; SUMMARY CONVICTION APPEALS; SUMMARY CONVICTION PROCEEDINGS
- Assessment orders, application for, **CC-672.12**
 - see also MENTAL DISORDER
- Definitions
 - general, **CC-2**
 - summary conviction proceedings, **CC-785**
- Jury selection
 - see JURIES Empanelling

PROSECUTOR—Cont'd

Preferring indictment, **CC-574, CC-577**

see also **INDICTMENTS AND INFORMATIONS** Preferring indictment

Private prosecutor

see **PRIVATE PROSECUTIONS**

PROSPECTUS

False, making, circulating, etc., **CC-400**

PROTECTION OF PERSONS ENFORCING THE LAW

Arrest without warrant, **CC-28**

Carrying out sentence, **CC-25 [25(2)]**

Excessive force, criminal responsibility, **CC-26**

Execution of process, **CC-25 [25(2)]**

General protection provision, **CC-25 [25(1)]**

Peace officer and person assisting using force re arrest, **CC-25 [25(4)]**

Persons using force intended or likely to cause death or grievous bodily harm, **CC-25 [25(3)]**

see also **BODILY HARM; DEATH**

Preventing breach of the peace, **CC-30**

Preventing commission of offence, **CC-27**
aircraft, on, **CC-27.1**

PROTECTION OF PERSONS ENFORCING THE LAW

—Cont'd

Preventing escape of inmate from penitentiary, **CC-25 [25(5)]**

PROTECTION OF PERSONS IN LOCO PARENTIS

Correction of child using reasonable force, **CC-43**

PROTECTION OF PRIVACY

See **INTERCEPTION OF PRIVATE COMMUNICATIONS**

PROTECTION OF PROPERTY

See **DEFENCES**

PROVINCIAL COURT JUDGE

See also **PRELIMINARY INQUIRY**

Definitions

general, **CC-2**

judge defined for firearms prohibition orders, **CC-111**

see also **WEAPONS** Firearms

Election by accused before, **CC-554, CC-555**

Firearms prohibition order, **CC-111**

see also **WEAPONS** Firearms

Indictable offences

see also **ELECTIONS AND RE-ELECTIONS;**

INDEX

PROVINCIAL COURT

JUDGE—Cont'd

Indictable offences—Cont'd

INDICTABLE OFFENCES

absolute, **CC-553**

accused elects, **CC-536**
[536(3)], **CC-554**,
CC-555 [555(3)]

deciding to hold preliminary
inquiry instead of trial,
CC-485 [485(1)]

Issue of process to witness,
CC-698, **CC-699**

Powers may be exercised by
judge of Nunavut Court of
Justice, **CC-573**

Powers of two justices,
CC-483

Power to preserve order in
court, **CC-484**

Preliminary inquiries
see ELECTIONS AND RE-
ELECTIONS; PRE-
LIMINARY INQUIRY

Remand by justice to, re
absolute jurisdiction and
electable offences,
CC-536

Trial of indictable offences
see ELECTIONS AND RE-
ELECTIONS; INDICT-
ABLE OFFENCES

PROVINCIAL LEGISLATURE

Intimidation by violence,
CC-51

evidence of overt acts,
CC-55

PROVINCIAL LEGISLATURE

—Cont'd

Intimidation by violence,
CC-51—Cont'd
indictment, overt acts to be
stated, **CC-581** [581(4)]

PROVINCIAL RULES OF EVIDENCE

Applicability to criminal,
federal proceedings,
CEA-40

PROVISO

See EXCUSE

PROVOCATION

See also MANSLAUGHTER;
MURDER

Reducing murder to man-
slaughter, **CC-232**

PROWLING BY NIGHT

Private property, on, **CC-177**

PSYCHIATRIC ASSESSMENT

See MENTAL DISORDER

PUBLICATION BAN

See also EXCLUSION OF
THE PUBLIC

Admission or confession,
publishing, broadcasting
or transmitting, **CC-542**
[542(2)]

see also ADMISSIONS;
STATEMENTS OF
THE ACCUSED

Application to vary or revoke,
CC-486.51

PUBLICATION BAN—Cont'd

Bail hearing proceedings,
CC-517

Complainant
identity, **CC-486.4**
sexual activity
application and hearing re
admissibility not to
be published
application for accused,
CC-276.03
application for prosecu-
tor, **CC-276.07**
joint application,
CC-276.11
offence to violate publica-
tion ban
application for accused,
CC-276.03
application for prosecu-
tor, **CC-276.07**
joint application,
CC-276.11

Disposition information,
CC-672.51 [672.51(11)]

Hate propaganda publications,
CC-320
see also HATE PROPA-
GANDA

Identity of
complainant, **CC-486.4**
juror, **CC-631 [631(6)]**
justice system participant,
CC-486.5 [486.5(2)]
witness, **CC-486.4,**
CC-486.5

Judicial interim release,
CC-517, CC-520

PUBLICATION BAN—Cont'd

[520(9)], CC-521
[521(10)]

Juries
discharge of jury re breach of
ban, **CC-647 [647(4)]**
portion of trial where jury
not present, **CC-648**

Obscene publications, **CC-164**

Personal information records,
application re
in possession of accused,
CC-278.32
in possession of prosecutor,
CC-278.27
in possession of third party,
CC-278.18
joint application, **CC-278.36**

Preliminary inquiry
confession not to be
published, **CC-542**
[542(2)]
see also ADMISSIONS;
STATEMENTS OF
THE ACCUSED
evidence taken not to be
published, **CC-539**

Release from custody, **CC-517,**
CC-520 [520(9)], CC-521
[521(10)]

Review Board proceedings,
CC-672.501

Search and seizure, warrants
and telewarrants,
CC-487.2
see also SEARCH AND
SEIZURE

INDEX

PUBLICATION BAN—Cont'd

Sexual activity of complainant
with other than the
accused, **CC-276**
see also COMPLAINANT;
SEXUAL OFFENCES
Telewarrants, **CC-487.2**
Trial, portion where jury not
present, **CC-648 [648(1)]**
Warrants, **CC-164, CC-320,**
CC-487.2
Young person
appeal of order, **YC-37 [YC**
37(4)]
identity not to be published,
YC-110

PUBLIC DEPARTMENT

Definition, **CC-2**

PUBLIC INCITEMENT OF HATRED, CC-319

PUBLICITY

See PUBLICATION BAN

PUBLIC MISCHIEF, CC-140

PUBLIC OFFICER

See also PEACE OFFICER
Assault on, **CC-270**
Breach of trust by, **CC-122**
Bribery of, **CC-120**
Conviction of
banned from holding office,
when, **CC-750 [750(2),**
(6)]
office vacated, when,
CC-750 [750(1), (6)]
Definition, **CC-2, CC-117.07**
[117.07(2)]

PUBLIC OFFICER—Cont'd

Exempted persons re weapons
offences, **CC-117.07**
False return by, **CC-399**
Justification for committing
criminal acts or omissions,
CC-25.1
annual report to be filed,
CC-25.3
competent authority may
designate public
officers, **CC-25.1**
[25.1(3), (4)]
competent authority may
designate senior
officials, **CC-25.1**
[25.1(5)]
conditions under which
officer may commit
what would otherwise
be offence, **CC-25.1**
[25.1(8), (9), (11), (13),
(14)]
justification for persons
acting on direction of
public officer,
CC-25.1 [25.1(10)]
definitions
competent authority,
CC-25.1 [25.1(1)]
public officer, **CC-25.1**
[25.1(1)]
senior official, **CC-25.1**
[25.1(1)]
designation
conditions, **CC-25.1**
[25.1(7)]
effect of designation,
CC-25.1 [25.1(8)]

PUBLIC OFFICER—Cont'd

Justification for committing criminal acts or omissions, **CC-25.1—Cont'd**
 designation—Cont'd
 limitation of designation, **CC-25.1 [25.1(9), (11), (13), (14)]**
 notification of affected persons, **CC-25.4**
 other protections unaffected, **CC-25.1 [25.1(12)]**
 regulations under Controlled Drugs and Substances Act, **CD-55 [CD 55(2), (2.1)]**
 report to be filed, **CC-25.2**
 senior official may designate public officer, **CC-25.1 [25.1(6)]**
 statement of policy, **CC-25.1 [25.1(2)]**
 Misconduct of officers executing process, **CC-128**
 Obstructing, **CC-129**
 Protection of, re acting under lawful authority, **CC-25**
 Refusal to aid, **CC-129**
 Search warrants, **CC-487, CC-492.1, CC-492.2**

PUBLIC PEACE

See also CHARTER OF RIGHTS Freedom of assembly, Freedom of association; UNLAWFUL ASSEMBLY
 Disturbing, **CC-175**
 Weapons, possession of, dangerous to, **CC-88**

PUBLIC PLACE

Being nude in, **CC-174 [174(1)(a)]**
 Causing disturbance in, **CC-175 [175(1)(a)]**
 Definitions
 disorderly house, etc., **CC-197 [197(1)]**
 hate propaganda, **CC-319 [319(7)]**
 sexual offences, etc., **CC-150**
 see also SEXUAL OFFENCES
 Indecent
 see also INDECENCY
 act in public place, **CC-173 [173(1)]**
 exhibition in, **CC-175 [175(1)(b)]**
 Loitering in, **CC-175 [175(1)(c)]**

PUBLIC PROPERTY

Government, fraud upon, **CC-121**
 Mischief, **CC-430 [430(3) to (5.1)]**

PUBLIC SEAL

Forgery of, **CC-369 [369(b)]**

PUBLIC SERVICE EMPLOYEES

Offences outside Canada, **CC-7 [7(4) to (7)]**

PUBLIC STORES

Crown property, distinguishing marks for, **CC-416**

INDEX

PUBLIC STORES—Cont'd

Definition, **CC-2**
Offences re, **CC-417**
Presumptions, **CC-421**

PUBLISHING

See also PUBLICATION BAN
Admission or confession,
publishing or broadcast-
ing, **CC-542 [542(2)]**
see also ADMISSIONS;
STATEMENTS OF
THE ACCUSED
Hate propaganda, **CC-320**
Obscene material, **CC-164**

PUNISHMENT

See PAROLE; SENTENCE

PYRAMID SELLING

See LOTTERIES

QUALIFICATION

See EXCUSE

QUEBEC

Appeal court defined for
court of appeal, **CC-2**
proceedings re firearms pro-
hibition orders, **CC-111**
see also WEAPONS Fire-
arms
summary conviction appeals,
CC-812
Attorney General, defined,
CC-2
Chief justice defined for
emergency authorizations for
interception of private
communications,

QUEBEC—Cont'd

Chief justice defined for
—Cont'd
CC-188 [188(4)]
see also INTERCEPTION
OF PRIVATE COM-
MUNICATIONS
judicial review of ineligibil-
ity for parole, **CC-745.6**
see also PAROLE Ineligi-
bility for parole
Court defined for
appeals, **CC-2**
criminal jurisdiction, **CC-2**
seizure warrants for
hate propaganda publica-
tions, **CC-320**
[320(8)]
see also HATE PROPAGAN-
DA;
SEARCH AND
SEIZURE
obscene publications and
child sexual abuse
and exploitation
material, **CC-164**,
§ CC164:1 to
§ CC164:3
[164(8)(a)]
see also OBSCENITY;
SEARCH AND
SEIZURE
Court of appeal defined, **CC-2**
Court of criminal jurisdiction
defined, **CC-2**
Judge defined for
emergency authorizations for
interception of private
communications,

QUEBEC—Cont'd

Judge defined for—Cont'd
CC-188 [188(1)],
CC-552

see also INTERCEPTION
 OF PRIVATE COMMUNICATIONS

Part XIX, Indictable
 Offences Trial Without
 Jury, **CC-552**

see also INDICTABLE
 OFFENCES Trial by
 judge alone; TRIAL
 Judge alone trial

Part XVI, Compelling
 Appearance of Accused
 Before a Justice and
 Interim Release,
CC-493

see also JUDICIAL
 INTERIM
 RELEASE;
 RELEASE FROM
 CUSTODY

Language of accused, regula-
 tions for Part XVII,
CC-533

Parole, application to reduce
 ineligibility period,
CC-745.6 [745.6(1)]

Summary conviction appeals
 appeal court defined,
CC-812 [812(1)(b)]

Superior court of criminal juris-
 diction defined, **CC-2**

QUEEN, THE

Acts intended to alarm Her
 Majesty, **CC-55**

QUEEN, THE—Cont'd

Intending bodily harm to,
CC-55

QUESTION OF FACT/LAW

See also APPEALS Questions
 of law

Amendment of indictment,
CC-601 [601(6)]

Appeals, **CC-830 [830(1)],**
CC-839

Attempts, mere preparation,
CC-24 [24(2)]

Complainant's sexual activity,
 admissibility

application for accused,
CC-276.05

application for prosecutor,
CC-276.09

joint application, **CC-276.13**

Hate propaganda publications,
 forfeiture, return of mate-
 rial, warrants, **CC-320**
[320(6)]

Public good defence re obscen-
 ity, **CC-163 [163(4)]**

RACE MEETINGS

Offences, **CC-204 [204(10)]**

Special provisions re, **CC-204**
[204(2) to (9.1)]

RACIAL HATRED

See HATE PROPAGANDA

RAILWAY EQUIPMENT

Blood samples

see BLOOD SAMPLES

Breaking and entering, **CC-348**

INDEX

RAILWAY EQUIPMENT —Cont'd

- Breath test provisions
see BREATHALYZER
- Definition, **CC-2**
- Fraud
 - obtaining carriage by fraud,
CC-401
 - transportation fraud, **CC-393**
- Operate
 - blood-alcohol over 80, with,
CC-320.14
[320.14(1)(b)]
 - disqualified, while,
CC-320.18
 - impaired, while, **CC-320.14**
[320.14(1)(a)]
 - prohibition from operating,
CC-320.18

RAPE

- See SEXUAL ASSAULT;
SEXUAL OFFENCES

READING IN EVIDENCE

- See JUDICIAL PROCEED-
INGS

READING THE RIOT ACT, CC-67, CC-68

REAL PROPERTY

- See also PROPERTY
- Defence against trespasser,
CC-35
- Defence of, **CC-35**
- Document of title, fraudulent
concealment, **CC-385**
- Fraudulent
 - registration of title, **CC-386**

REAL PROPERTY—Cont'd

- Fraudulent—Cont'd
 - sale, **CC-387**
- Ownership, for purposes of
indictment, **CC-588**
see also OWNERSHIP
- Right to enter if entitled to pos-
session, **CC-35 [35(1)]**

REASONS FOR DECISION

- Bail, **CC-515 [515(4.12), (9)]**
- Court may reserve decision in
non-jury trial, **CC-645**
[645(4)]
- Dissenting in court of appeal,
CC-677
- Exclusion of the public in
certain cases, reasons for
refusal, **CC-486 [486(2)]**
see also EXCLUSION OF
THE PUBLIC
- Fines
 - default, reasons for commit-
tal, **CC-734.7**
[734.7(2)], CC-737
[737(6)]
 - victim fine surcharge,
reasons for not making
order, **CC-737 [737(5),**
737(6)]
- No order re seized weapon,
CC-117.05 [117.05(5)]
see also WEAPONS Search
and seizure
- Not adding weapons prohibi-
tion to order for
recognizance for sureties
to keep the peace, **CC-810**
[810(3.12)]

REASONS FOR DECISION

—Cont'd

Not making weapons prohibition order, **CC-110 [110(3)]**, **CC-111 [111(6)]** as bail condition, **CC-515 [515(4.12)]**
Sentence, **CC-726.2**
see also Fines, *supra*
Sex Offender Information Registration Act termination order, **CC-490.016 [490.016(2)]**, **CC-490.027 [490.027(2)]**
Youth Criminal Justice Act continuation of custody, **YC-100**, **YC-104 [YC 104(5)]**
sentence, **YC-48**

REBUTTAL EVIDENCE

Convictions in reply to good character evidence, **CC-666**

RECEIVING STOLEN GOODS

See **POSSESSION; TRAFFICKING IN STOLEN GOODS**

RECENT COMPLAINT, RULES ABROGATED, CC-275

RECKLESSNESS

Arson, **CC-429**, **CC-433**, **CC-436.1**
Careless handling of firearm, **CC-86 [86(2)]**
see also **WEAPONS** Firearms

RECKLESSNESS—Cont'd

Criminal negligence, **CC-219 [219(1)]**
Damage to property, **CC-429**, **CC-430**
Dangerous operation of conveyance, **CC-320.13**
Danger to life, mischief, **CC-430 [430(2)]**
Definition, **CC-429**
Failure to take reasonable steps to ascertain consent re sexual assault, **CC-273.2 [273.2(b)]**
Murder, **CC-229 [229(b)]**
Sexual assault, **CC-273.2 [273.2(a)]**

RECOGNIZANCE

See also **JUDICIAL INTERIM RELEASE; RELEASE FROM CUSTODY**
Acknowledging in false name, **CC-405**
Application for forfeiture, proper court, **CC-762**
Arraignment or conviction does not discharge, **CC-764**
see also **TRIAL** Arraignment and plea
Arrest of accused, render by sureties, **CC-766**
see also **ARREST**
Binding effect, adjournment of proceedings, **CC-763**
Breach of recognizance, **CC-811**
Certificate of default, **CC-770 [770(2), (3)]**, **CC-FORM 33**

INDEX

RECOGNIZANCE—Cont'd

Continuation of recognizance
pending grant of discharge, **CC-730 [730(2)]**

see also SENTENCE

Discharges

Default, **CC-770, CC-773**

application for forfeiture,
CC-771 [771(1)]

endorsement of, **CC-770**
[770(1)], CC-FORM
33

forfeiture on default

see Forfeiture on default,
infra

powers of court, **CC-771**
[771(2)]

proceedings following,
CC-771 [771(1)]

transmission of
deposit, **CC-770 [770(4)]**
recognizance, **CC-770**
[770(2)]

Defendant-appellant on interim
release, **CC-816 [816(2)],**
CC-831, CC-FORM 32

Definition, **CC-2**

Endorsement

default, of, on recognizance,
CC-770 [770(1)]

recognizance, on, re arrest,
CC-766 [766(3), (4)]

Entered before judge or justice,
CC-FORM 32

Entered before officer in
charge, **CC-498, CC-499,**
CC-501, CC-503

contents, **CC-501 [501(1) to**
(3)]

RECOGNIZANCE—Cont'd

Entered before officer in
charge, **CC-498, CC-499,**
CC-501, CC-503

—Cont'd

failure to appear, effect,
CC-502

form of, **CC-FORM 11**

signing by accused, **CC-501**
[501(4)]

Entered on holiday, valid,
CC-20

Evidence of default, certificate
as evidence, **CC-770**
[770(3)]

Failure to attend court, **CC-145**
[145(2), (8) to (11)]

Failure to comply with condi-
tion, **CC-145 [145(3), (8)**
to (11)]

Fear of

criminal organization
offence, **CC-810.01**

personal injury or damage to
property, **CC-810**

serious personal injury
offence, **CC-810.2**

sexual offence, **CC-810.1**

see also FEAR OF
SEXUAL OFFENCE
AGAINST CHILD;
SEXUAL
OFFENCES

Forfeiture on default

effect, **CC-771 [771(3),**
(3.1)]

levy under writ of fieri
facias, **CC-771**
[771(3.1)], CC-772,

RECOGNIZANCE—Cont'd

Forfeiture on default—Cont'd

CC-773, CC-FORM 34

proceeds, to whom payable, **CC-734.4**

transfer of deposit, **CC-771 [771(4)]**

warrant of committal on forfeiture, **CC-FORM 27**

Form of recognizance, **CC-FORM 32**

Holiday, recognizance valid, **CC-20**

Keep the peace, **CC-810 [810(3)]**

breach of, **CC-811**

firearms prohibition, **CC-810 [810(3.1)]**

form, **CC-FORM 32**

Naming sureties, **CC-515 [515(2.1)]**

see also Sureties, *infra*

Period in force, **CC-523 [523(1)]**

Proceeds of crime provisions
see also PROCEEDS OF CRIME

recognizance in lieu of restraint order, **CC-462.34 [462.34(4)]**

return of items seized under search warrant, **CC-462.34 [462.34(4)]**

Prosecutor-appellant in summary conviction appeal, **CC-817, CC-831, CC-FORM 32**

RECOGNIZANCE—Cont'd

Right to counsel statement to be included in appearance processes for young offenders, **YC-25 [YC 25(9)]**

see also RIGHT TO COUNSEL; YOUTH CRIMINAL JUSTICE ACT

Sentence, discharges, process remains in force until disposition, **CC-730 [730(2)]**

Sexual offence, fear of, **CC-810.1**

Subsequent arrest does not discharge recognizance, **CC-765**

Sureties

application to be relieved, **CC-766 [766(1)]**

bound until discharge or sentence of accused, **CC-764 [764(1)]**

see also SENTENCE Discharges

committal when writ of fieri facias not satisfied, **CC-773**

discharge on arrest of accused, **CC-766 [766(4)]**

discharge on committal of accused, **CC-764 [764(3)], CC-765**

liability on forfeiture, **CC-772, CC-773**

naming of sureties, **CC-515 [515(2.1)]**

INDEX

RECOGNIZANCE—Cont'd

- Sureties—Cont'd
 - render of accused court, in, **CC-767**
 - custody, into, **CC-768, CC-769**
 - substitution of surety, **CC-767.1**
 - warrant of committal on failure to furnish recognizance to keep the peace, **CC-FORM 23**
- Transmission of certificate of default to clerk of court, **CC-770 [770(2)]**
- Weapons prohibition, **CC-810 [810(3.1)]**
- Witness at preliminary inquiry, **CC-550**

RECORDS

- See DOCUMENTS

REFUSAL TO BE SWORN OR TESTIFY AT PRELIMINARY INQUIRY, CC-545

REGISTERS

- Births, marriages, etc., damaging or altering, **CC-377 [377(1)(a), (b)]**
- Offences re, **CC-378**

REGISTRATION OF WEAPONS

- See WEAPONS

REGULATIONS

- Judicial notice of, **CC-781 [781(2)]**

REGULATIONS—Cont'd

- Proceeds of crime, **CC-462.5**
- Weapons, **CC-117.15**
 - see also WEAPONS

RELEASE FROM CUSTODY

- See also JUDICIAL INTERIM RELEASE

- Accused subject to disposition order, **CC-672.92, CC-672.93**

- Adjournment of proceedings and remand, **CC-516**

Appeals

- court of appeal
 - against conviction, conditions for order, **CC-679 [679(3)]**
 - against sentence, **CC-679 [679(4)]**
 - application for leave, notice of, **CC-679 [679(2)]**
 - conditions, **CC-679 [679(1), (3), (4)]**
 - order for, **CC-679 [679(5), (6)]**
 - order refused, direction to expedite hearing, **CC-679 [679(10)]**
 - review of decision, **CC-680**
 - undertaking, **CC-FORM 12**
- summary conviction, **CC-816**
- Supreme Court of Canada, **CC-679 [679(8)]**
 - conditions, **CC-679 [679(1)(c), (3)]**

RELEASE FROM CUSTODY

—Cont'd

- Appeals—Cont'd
 - Supreme Court of Canada, **CC-679 [679(8)]**
 - Cont'd
 - order for new trial, **CC-679 [679(7)]**
 - order refused, direction to expedite hearing, **CC-679 [679(10)]**
 - summary conviction, **CC-679 [679(8)]**
- Appearance
 - see APPEARANCE
- Appearance notice
 - see APPEARANCE NOTICE
- Arrest without warrant, offence outside province, remand and interim release, **CC-503 [503(3)(b), (3.1)]**
- Authorization for endorsement on warrant, **CC-507 [507(6)], CC-FORM 29**
- Bail review
 - see JUDICIAL INTERIM RELEASE Review of detention, Review of order
- Detention order
 - directions for expediting proceedings, **CC-526 [515(10)]**
 - grounds for, **CC-515 [515(6) to (11)]**
 - reverse onus re show cause, **CC-515 [515(6) to (11)]**

RELEASE FROM CUSTODY

—Cont'd

- Detention order—Cont'd
 - review
 - see JUDICIAL INTERIM RELEASE
 - show cause hearing, **CC-515**
 - superior court judge, **CC-522 [522(1)]**
 - vacation of order, **CC-523 [523(2)]**
 - warrant of committal, **CC-519 [519(3)], CC-520 [520(9)]**
 - when prosecutor shows cause, **CC-515 [515(5), (9)]**
- Discharges
 - see SENTENCE Discharges
- Endorsement of warrant, **CC-428**
- Evidence, **CC-518**
- Failure of accused to appear, effect, **CC-502, CC-515 [515(6)]**
- Form of discharge of person in custody, **CC-FORM 39**
- Inquiries by justice and evidence, **CC-518, CC-520 [520(9)]**
- Judge defined for Part XVI, Compelling Appearance of Accused Before a Justice and Interim Release, **CC-493**
 - see also JUDICIAL INTERIM RELEASE
- Judicial interim release
 - see JUDICIAL INTERIM RELEASE

INDEX

RELEASE FROM CUSTODY

—Cont'd

- Ninety-day review, **CC-525, CC-526**
- Officer in charge releasing
 - arrest without warrant, **CC-498**
 - arrest with warrant, **CC-499**
 - deposit by non-resident, **CC-498**
- Order defined, **CC-2**
- Peace officer releasing after arrest without warrant, **CC-497**
- Pending appeal
 - see APPEALS
- Pending sentence, after guilty plea, **CC-518 [518(2)]**
 - see also GUILTY PLEA
- Person about to commit offence, arrested, **CC-503 [503(4), (5)]**
- Promise to appear
 - conditional release, **CC-503**
 - contents, **CC-501 [501(1)-(3)]**
 - continuation pending granting of discharge, **CC-730 [730(2)]**
 - see also SENTENCE
 - Discharges
 - failure to appear, effect, **CC-145 [145(5), (6), (8) to (11)], CC-502**
 - form of, **CC-FORM 10**
 - issue on holiday, valid, **CC-20**
 - period in force, **CC-523 [523(1)]**

RELEASE FROM CUSTODY

—Cont'd

- Promise to appear—Cont'd
 - right to counsel statement to be included in appearance processes for young person, **YC-25 [YC 25(9)]**
 - see also RIGHT TO COUNSEL; YOUTH CRIMINAL JUSTICE ACT
 - signing by accused, **CC-501 [501(4)]**
- Recognizance, **CC-493, CC-515, CC-520 [520(7), (8)], CC-522 [522(3)], CC-523, CC-524, CC-525, CC-763**
 - see also RECOGNIZANCE
- Record of reasons, **CC-515 [515(9)]**
- Review of detention
 - see JUDICIAL INTERIM RELEASE
- Review of order
 - see JUDICIAL INTERIM RELEASE
- Right to counsel, statement of right in appearance process re young person, **YC-25 [YC 25(9)]**
 - see also YOUTH CRIMINAL JUSTICE ACT
- Sentence, after guilty plea, **CC-518 [518(2)]**
 - see also GUILTY PLEA
- Sentence, discharges, process remains in force until dis-

RELEASE FROM CUSTODY

—Cont'd

position, **CC-730 [730(2)]**

Show cause hearing, **CC-515, CC-519**

see also JUDICIAL
INTERIM RELEASE

Undertaking, officer in charge,
CC-499, CC-503

see also JUDICIAL
INTERIM RELEASE;
UNDERTAKINGS

Vacating of order, **CC-523**
[523(2), (3)]

Verdict of not criminally
responsible on account of
mental disorder, relevance
to release on other
offences, **CC-672.35**
[672.35(b)]

see also MENTAL DISOR-
DER Criminal
responsibility

Warrants

see ARREST; WARRANTS

Young person

see YOUTH CRIMINAL
JUSTICE ACT Deten-
tion before sentence

RELEVANCE

Sexual activity of complainant,
admissibility on sexual
offences, **CC-276**
[276(3)(a), (h)]

RELIGIOUS WORSHIP

Mischief to religious property,
CC-430 [430(4.1)]

RELIGIOUS WORSHIP

—Cont'd

Obstruction or disturbance,
CC-176

REMANDS

See ADJOURNMENTS AND
REMANDS; MENTAL
DISORDER

REMEDIES

See CHARTER OF RIGHTS;
EXTRAORDINARY
REMEDIES

REMISSION OF PENALTIES

See also PARDON
Governor in Council, by,
CC-748.1

REMOTE ATTENDANCE

Accused in custody — no evi-
dence taken, **CC-715.241**

Communication with counsel,
CC-715.243

Considerations re audioconfer-
ence or videoconference,
CC-715.23, CC-715.24,
CC-715.242

Judge, **CC-715.26**

Participants, **CC-715.25**

Preliminary inquiry,
CC-715.231

Principles, **CC-715.21,**
CC-715.22

Prospective jurors, **CC-715.27**

Sentencing, **CC-715.235**

Trial — indictable,
CC-715.233

INDEX

REMOTE ATTENDANCE

—Cont'd

Trial — summary conviction,
CC-715.232

REMOVAL OF CHILD FROM CANADA FOR A SEXUAL PURPOSE, CC-273.3

See also SEXUAL OFFENCES

REPUTATION EVIDENCE, CC-277

RESCUE FROM LAWFUL CUSTODY, CC-147

RESISTING ARREST

See also ARREST; DETEN-
TION; POLICE

Assault with intent, **CC-270**
[270(2)]

Peace officer, by, **CC-129**

RESISTING PEACE OFFICER, CC-129

RES JUDICATA

See also PLEAS

Autrefois acquit/convict

acquittal of conviction for
one form of homicide,
effect, **CC-610 [610(2)**
to (4)]

after discharge, **CC-730**
[730(3)(b)]

see also SENTENCE
Discharges

aggravating circumstances in
second charge, effect,
CC-610 [610(1)]

RES JUDICATA—Cont'd

Autrefois acquit/convict

—Cont'd

attempt charged, full offence
proved, **CC-661**
[661(2)]

availability, **CC-607 [607(1)]**

determining identity of
charges, **CC-608,**
CC-609

disposal before further plea
taken, **CC-607 [607(3),**
(4)]

form of statement for making
plea, **CC-607 [607(5)]**

previously tried
in absentia, **CC-607**
[607(6)]

outside Canada, **CC-7**
[7(6)], **CC-607**
[607(6)]

punishment not in accor-
dance with sentence,
CC-607 [607(6)]

sentencing, other offences
taken into account,
CC-725 [725(2)]

see also SENTENCE Pro-
cedure

verdict of not criminally
responsible on account
of mental disorder,
CC-672.35

see also MENTAL DIS-
ORDER Criminal
responsibility

Charter of Rights, **CH-11 [CH**
11(h)]

Dismissal in summary convic-
tion proceedings, **CC-808**

RES JUDICATA—Cont'd

Offence punishable under more than one Act, **CC-12**

Plea of not guilty where no special plea provided, **CC-613**

Special pleas, **CC-606**
[**606(1)**], **CC-607**
see also PLEAS

RESTITUTION

See SEARCH AND SEIZURE;
SENTENCE Compensation and restitution,
Restitution orders

RESTRICTED WEAPON

See WEAPONS

REVENUE PAPER

Definition, **CC-321**

REVERSE ONUS

See also PRESUMPTIONS
AND INFERENCES

Bail hearing, **CC-515** [**515(6)**],
CC-522 [**522(2)**], **CC-679**

see also JUDICIAL
INTERIM RELEASE

Charter of Rights
see CHARTER OF RIGHTS

Criminal responsibility re
mental disorder, **CC-16**
[**16(2)**]

see also MENTAL DISOR-
DER Criminal
responsibility

Presumption against mental
disorder, **CC-16** [**16(2)**]

see also MENTAL DISOR-
DER Criminal

REVERSE ONUS—Cont'd

Presumption against mental
disorder, **CC-16** [**16(2)**]

—Cont'd
responsibility

REVIEW BOARD

See MENTAL DISORDER
Review Board

**REVIEW OF
DETENTION/RELEASE**

See JUDICIAL INTERIM
RELEASE

RIGHTS

See CHARTER OF RIGHTS

RIGHT TO COUNSEL

See also CHARTER OF
RIGHTS; COUNSEL;
MENTAL DISORDER

Absconding accused, counsel
not deprived of authority,
CC-475 [**475(4)**]

Alternative measures,
CC-715.49, § **CC717:1** to
§ **CC717:3** [**717(1)(d)**]

Appointed by the court
see Counsel appointed, *infra*
Corporation, **CC-620**

Counsel appointed
court of appeal, by, **CC-684**
cross-examine witness, to,
CC-486.3

Supreme Court of Canada,
by, **CC-694.1**

Full answer and defence by
counsel, **CC-650** [**650(3)**]

INDEX

RIGHT TO COUNSEL

—Cont'd

Guarantee to, **CH-10 [CH 10(b)]**

Informing of right, **CH-10 [CH 10(b)]**

Mental disorder disposition hearing, **CC-672.5 [672.5(7), (8)]**

see also MENTAL DISORDER Disposition hearings

Opportunity to exercise right, **CH-10 [CH 10(b)]**

Order that accused be represented, **CC-672.24**
see also MENTAL DISORDER Fitness to stand trial

Reasonable opportunity, **CH-10 [CH 10(b)]**

Solicitor-client privilege, **CC-488.1**

see also PRIVILEGE

Young person, **YC-25, YC-107, YC-146**

application, **YC-25 [YC 25(11)]**

counsel independent of parents, **YC-25 [YC 25(8)]**

duty to advise of right, **YC-25 [YC 25(2), (3), (9)]**

legal aid, **YC-25 [YC 25(3) to (6)]**

questioning by police, **YC-146**

RIGHT TO COUNSEL

—Cont'd

Young person, **YC-25, YC-107, YC-146**—Cont'd
recovery of costs, **YC-25 [YC 25(10)]**

statement of right to counsel to be included in process compelling appearance, **YC-25 [YC 25(9)]**

RIOT

Definition, **CC-64**

Neglect of peace officer to suppress, **CC-69**

Proclamation
offences related to, **CC-68**
reading of, **CC-67**

Punishment, **CC-65**

Reading the Riot Act
offences related to proclamations, **CC-68**
reading proclamation, **CC-67**

Suppression of, **CC-32, CC-33, CC-69**

RIOT ACT

Offences related to proclamation, **CC-68**

Reading proclamation, **CC-67**

ROAD-SIDE SCREENING, **CC-320.27**

See also BREATHALYZER; CONVEYANCES; MOTOR VEHICLES

ROBBERY

Compulsion by threats, no defence, **CC-17**

ROBBERY—Cont'd

Definition, **CC-343**

Extortion, **CC-346**

Punishment, **CC-344**

**ROYAL CANADIAN
MOUNTED POLICE**

See also **PEACE OFFICER**

Deserter, counsel or assisting,
CC-56

**ROYAL PREROGATIVE OF
MERCY**

See also **PARDON**

Grant to person imprisoned,
CC-748 [748(1)]

Not affected by Criminal Code,
CC-749

RULES OF COURT

Case management rules,
CC-482.1

Ineligibility for parole, applica-
tion for reduction of
period re, **CC-745.64**

see also **PAROLE**

Powers to make, **CC-482,**
CC-482.1

publication of, **CC-482**
[482(4)]

uniformity, **CC-482 [482(5)]**

SABOTAGE, CC-52

Attorney General's consent,
CC-52.3

Device, **CC-52.2**

Essential infrastructure,
CC-52.1

Evidence of overt acts, **CC-55**

Exceptions, **CC-52 [52(3), (4)]**

SABOTAGE, CC-52—Cont'd

Indictment, overt acts to be
stated, **CC-581 [581(4)]**

SAFE-BREAKING

Possession of instruments for,
CC-351

SANITY

See also **MENTAL DISOR-
DER**

Presumption of, **CC-16 [16(2)]**

SASKATCHEWAN

Appeal court defined for

court of appeal, **CC-2**

place of hearing, **CC-814**
[814(2)]

proceedings re firearms pro-
hibition orders, **CC-111**

see also **WEAPONS Fire-
arms**

summary conviction appeals,
CC-812

Attorney General, defined,
CC-2

Chief justice defined for
emergency authorizations for
interception of private
communications,
CC-188 [188(4)]

see also **INTERCEPTION
OF PRIVATE COM-
MUNICATIONS**

parole, judicial review of
ineligibility for parole,
CC-745.6

see also **PAROLE Ineli-
gibility for parole**

INDEX

SASKATCHEWAN—Cont'd

Court defined for
appeals, **CC-2**
criminal jurisdiction, **CC-2**
seizure warrants for
hate propaganda publica-
tions, **CC-320**
[**320(8)**]
see also HATE PROPAGA-
NDA;
SEARCH AND
SEIZURE
obscene publications and
child sexual abuse
and exploitation
material, **CC-164**,
§ **CC164:1** to
§ **CC164:3**
[**164(8)(b)**]
see also OBSCENITY;
SEARCH AND
SEIZURE
superior court of criminal
jurisdiction, **CC-2**
Court of appeal defined, **CC-2**
Court of criminal jurisdiction
defined, **CC-2**
Judge defined for
emergency authorizations for
interception of private
communications,
CC-188 [**188(1)**],
CC-552
see also INTERCEPTION
OF PRIVATE COM-
MUNICATIONS
Part XIX, Indictable
Offences Trial Without
Jury, **CC-552**
see also INDICTABLE

SASKATCHEWAN—Cont'd

Judge defined for—Cont'd
Part XIX, Indictable
Offences Trial Without
Jury, **CC-552**—Cont'd
OFFENCES Trial by
judge alone; TRIAL
Judge alone trial
Part XVI, Compelling
Appearance of Accused
Before a Justice and
Interim Release,
CC-493
see also JUDICIAL
INTERIM
RELEASE;
RELEASE FROM
CUSTODY
Language of accused, regula-
tions for Part XVII,
CC-533
Parole, application to reduce
ineligibility period,
CC-745.6
Summary conviction appeals
appeal court defined,
CC-812 [**812(1)(d)**]
place of hearing, **CC-814**
[**814(2)**]
Superior court of criminal juris-
diction defined, **CC-2**
SAVING LIFE
Impeding attempt, **CC-262**
SCHOOL TEACHER
Correction of child by force,
CC-43
SEARCH AND SEIZURE
Arrest
see **ARREST**

SEARCH AND SEIZURE

—Cont'd

Assistance and use of force,
CD-12
 Assistance order, **CC-487.02**
 Blood samples
 see BLOOD SAMPLES
 Child sexual abuse and
 exploitation material,
 CC-164, § CC164:1 to
 § CC164:3, CC-164.1,
 § CC164.1:1,
 § CC164.1:2
 see also CHILD SEXUAL
 ABUSE AND
 EXPLOITATION
 MATERIAL
 Common gaming house,
 CC-199
 Controlled substances, **CD-11**
 Copies of documents returned
 or forfeited, **CC-462**
 Counterfeit, **CC-462 [462(2)]**
 Data, **CC-487 [487(2.1), (2.2)]**
 Detention of things seized,
 CC-490, CD-11
 see also Forfeiture, *infra*;
 Restitution of property
 or report by peace
 officer, *infra*; Return of
 things seized, *infra*
 Devices and investigative
 techniques, warrant for,
 CC-487.01 [487.01(1)]
 Dial number recorder,
 CC-492.2
 see also INTERCEPTION
 OF PRIVATE COM-
 MUNICATIONS

SEARCH AND SEIZURE

—Cont'd

Dial number recorder,
 CC-492.2—Cont'd
 Number recorder
 DNA analysis, **CC-487.04,**
 CC-487.092
 Document, solicitor-client priv-
 ilege claimed
 application to judge re
 disclosure, **CC-488.1**
 [488.1(3), (4)]
 copies, re making of,
 CC-488.1 [488.1(2),
 (8), (9)]
 custody of sealed package,
 CC-488.1 [488.1(2)]
 definitions, **CC-488.1**
 [488.1(1)]
 order to custodian to deliver,
 CC-488.1 [488.1(6)]
 Exclusion of evidence, **CH-24**
 [CH 24(2)]
 Explosives, seizure under war-
 rant on suspicion, **CC-492**
 Firearms, **CC-117.02,**
 CC-117.04
 see also Weapon used in
 offence, *infra*
 Forfeiture, **CC-164.2, CC-394**
 [394(6)], CC-394.1
 [394.1(4)], CC-490
 [490(9)], CC-491,
 CC-491.1, CD-16, CD-22
 see also Return of things
 seized, *infra*; Restitu-
 tion of property or
 report by peace officer,
 infra

INDEX

SEARCH AND SEIZURE

—Cont'd

General warrant, **CC-487.01**
Hate propaganda, seizure of
publications
forfeiture proceedings,
CC-320 [320(2), (7)]
return of material, **CC-320**
[320(5)]
warrant for, **CC-320 [320(1)]**
Hot pursuit, **CC-477.3**
see also JURISDICTION
Territorial
Informations for warrants
see Warrants, *infra*
Intimate images, **CC-164**
[164(1)(b)]
Jurisdiction
territorial, **CC-477.3**
see also JURISDICTION
Territorial
Lotteries, **CC-199 [199(1)]**
Lumber, lumbering equipment,
CC-339 [339(3)]
Number recorder, warrant for,
CC-492.2
see also INTERCEPTION
OF PRIVATE COM-
MUNICATIONS
Obscene publications, **CC-164**
see also Warrants, *infra*;
OBSCENITY
Overseizure
see Return of things seized,
infra
Participant surveillance
see INTERCEPTION OF
PRIVATE COM-

SEARCH AND SEIZURE

—Cont'd

Participant surveillance
—Cont'd
MUNICATIONS
Personal search
interference with bodily
integrity limitations,
CC-487.01 [487.01(2)]
Photostatic copies
see Return of things seized,
infra
Privilege claimed re docu-
ments, **CC-488.1**
Proceeds of crime, **CC-462.32,**
CD-14, CD-22
see also PROCEEDS OF
CRIME
Reasonable search and seizure,
warrant for, **CC-487.01**
[487.01(3)], CH-8
Restitution of property
obtained by crime,
CC-491.1
Restitution of property or
report by peace officer
form of report, **CC-FORM**
5.2
peace officer, by, **CC-489.1**
Return of things seized,
CC-489.1, CC-491.1
see also Forfeiture, *supra*;
Detention of things
seized, *supra*
Seizure of things not specified
in warrant, **CC-489**
Ships registered outside Can-
ada, consent of Attorney

SEARCH AND SEIZURE

—Cont'd

- General, **CC-477.3**
[477.3(3)]
see also ARREST; JURIS-
DICTION Territorial;
SHIPS
- Suspicion re explosives,
CC-492
- Telewarrants
 - administration of oath,
CC-487.1 [487.1(3)]
see also COMPETENCE
AND COMPEL-
LABILITY Oath
 - affixing facsimile within
premises, **CC-487.1**
[487.1(8)]
 - alternative to oath, **CC-487.1**
[487.1(3.1)]
 - contents of information,
CC-487.1 [487.1(4)]
 - duplicate or facsimile of
information or warrant,
CC-487.1 [487.1(12)]
 - formalities re warrant,
CC-487.1 [487.1(6)]
 - form of, **CC-FORM 5.1**
 - information, record of, filed
with court, **CC-487.1**
[487.1(2), (2.1)]
 - information by telephone,
telecommunication,
CC-487.1 [487.1(1),
(2)]
 - issue by justice, indictable
offence, **CC-487.1**
[487.1(5)]
 - justice issuing warrant,

SEARCH AND SEIZURE

—Cont'd

- Telewarrants—Cont'd
 - CC-487.1 [487.1(6),**
(6.1)]
 - proof of authorization,
CC-487.1 [487.1(11)]
 - providing facsimile to person
present, **CC-487.1**
[487.1(7)]
 - report of peace officer
brought before justice
and filed, **CC-487.1**
[487.1(9), (10)]
 - telecommunication that pro-
duces a writing,
CC-487.1 [487.1(2.1),
(3.1)]
- Things not specified, seizure of,
CC-489
- Tracking device, warrant for,
CC-492.1
- Unreasonable search and
seizure, **CH-8**
reasonable search and
seizure, warrant for,
CC-487.01 [487.01(3)]
- Valuable mineral, **CC-395**
- Video surveillance
see Warrants, *infra*
- Warrantless
 - controlled drugs and sub-
stances, **CD-11**
 - counterfeit, **CC-462 [462(2)]**
 - exigent circumstances,
CC-487.11
 - exigent circumstances re
weapons, **CC-101**
[101(1)]

INDEX

SEARCH AND SEIZURE

—Cont'd

Warrantless—Cont'd

participant surveillance
see INTERCEPTION OF
PRIVATE COMMUNICATIONS
restitution of property or
report by peace officers,
CC-489.1

Warrants

see also Telewarrants, *supra*
assistance order, **CC-487.02**
banking records, **CEA-29**
[**CE 29(7)**]
betting offences, **CC-199**
see also BETTING AND
GAMING
OFFENCES
blood samples, **CC-320.29**
common bawdy house,
CC-199 [199(1)]
computer records, **CC-487**
[**487(2.1), (2.2)**]
data, **CC-487 [487(2.1),**
(2.2)]
detention of things seized,
CC-490, CD-11
devices and investigative
techniques used,
CC-487.01 [487.01(1)]
interference with bodily
integrity limitation,
CC-487.01
[**487.01(2)**]
seizure of things not speci-
fied, **CC-489**
disorderly house, **CC-199**
[**199(1)**]

SEARCH AND SEIZURE

—Cont'd

Warrants—Cont'd

DNA analysis, **CC-487.04,**
CC-487.092
execution by day unless
otherwise authorized,
CC-488
execution in another territo-
rial division, endorse-
ment for, **CC-FORM**
29
execution in Canada,
CC-395 [395(1.1)],
CC-487 [487(2)]
explosives, **CC-492**
forfeiture, **CC-FORM 5,**
CC-FORM 5.1
see also Forfeiture, *supra*
gaming offences, **CC-199**
[**199(1)**]
see also BETTING AND
GAMING
OFFENCES
general provision for,
CC-487
general warrant, **CC-487.01**
hate propaganda, **CC-320**
[**320(1)**]
informations for, **CC-164,**
CC-199, CC-320,
CC-395 [395(1)],
CC-462.32, CC-487,
CC-487.01, CC-487.1,
CC-492.1, CC-FORM
1, CD-11
issue by justice on informa-
tion, **CC-487 [487(1)]**
journalists, in relation to,
CC-488.01, CC-488.02

SEARCH AND SEIZURE

—Cont'd

Warrants—Cont'd

jurisdiction, **CC-477.3**

obscene publications,
CC-164

see also OBSCENITY
overseizure

see Return of things
seized, *supra*

proceeds of crime,
CC-462.32, CD-14,
CD-22

see also PROCEEDS OF
CRIME

reasonable search and
seizure, **CC-487.01**
[487.01(3)], CH-8

report by peace officer
see Restitution of property
or report by peace
officer, *supra*

restrictions on publicity,
CC-487.2

return of things seized,
CC-489.1, CC-491.1

seizure of things not speci-
fied, **CC-489**

telewarrants, **CC-487.1**

see also Telewarrants,
supra

terrorist propaganda,
CC-83.222

tracking device, **CC-492.1**

transmission data recorder,
CC-492.2

unreasonable, **CC-487.01**
[487.01(3)], CH-8

SEARCH WARRANT

See SEARCH AND SEIZURE
Warrants

SECOND DEGREE MURDER, CC-231 [231(7)]

SECRET COMMISSIONS, CC-426

SECURITIES

See STOCKS, SHARES, ETC.

SEDITION

See also SEDITIOUS CON-
SPIRACY; SEDITIOUS
LIBEL

Defence re good faith intention,
CC-60

Definition, **CC-59**

Punishment, **CC-61**

Seditious intention, **CC-59**
[59(4)], CC-60

SEDITIONOUS CONSPIRACY

Definition, **CC-59 [59(3)]**

Punishment, **CC-61**

SEDITIONOUS LIBEL

Definition, **CC-59 [59(2)]**

Indictment for, wording,
CC-584

Punishment, **CC-61**

SELF-DEFENCE, CC-34

See also DEFENCES

Against assault, **CC-34**

Excessive force, **CC-26**

Preventing assault, **CC-34**

Trespasser, **CC-35**

INDEX

SELF-INCRIMINATION

- Alternative measures, statements accepting responsibility not admissible, **CC-715.52, § CC717:1 to § CC717:3, YC-10, § YC10:1 [717(3), YC 10(4)]**
- Bail, testimony at show cause hearing, not to be questioned re offence, **CC-518 [518(1)(b)]**
- Compellable witness in relation to prosecution, **CEA-4, CH-11 [CH 11(c)]**
- Cross-examination on previous convictions, **CEA-12**
- Evidence for courts out of Canada, **CEA-50**
- Incriminating questions, **CEA-5, CEA-50, CH-13**
- Judicial interim release, testimony at show cause hearing, not to be questioned re offence, **CC-518 [518(1)(b)]**
- Marital communications, **CEA-4 [CE 4(3)]**
- Not to be compelled to be a witness against oneself, **CH-11 [CH 11(c)], CH-13**
- Right to silence, **CEA-4, CEA-5, CH-11 [CH 11(c)], CH-13, YC-146**
- Silence
see Right to silence, *supra*

SELLING AUTOMOBILE MASTER KEY, CC-353

SENTENCE

- See also LONG-TERM OFFENDERS; PAROLE
- Aboriginal offenders, **CC-718.2 [718.2(e)]**
- Absolute discharge
see Discharges, *infra*
- Accused
 - absconding accused, sentence in absentia, **CC-475 [475(1)(b)(i)]**
 - defined, **CC-716**
 - may speak to sentence, **CC-726**
- After conviction for escape, **CC-149**
- Aggravating factors
see Mitigating and aggravating factors, *infra*
- Allocutus
see Submissions, *infra*
- Alternative measures
 - availability, **CC-715.49, § CC717:1 to § CC717:3**
 - definition, **CC-715.44, § CC716:1**
 - no bar to proceedings unless conditions performed, **CC-715.52, § CC717:1 to § CC717:3 [717(4), (5)]**
 - records, **CC-715.56 to CC-715.6, § CC717.1:1 to CC-717.4,**

SENTENCE—Cont'd

Alternative measures—Cont'd

§ **CC717.4:1 to**

§ **CC717.4:3**

statement accepting

responsibility not

admissible, **CC-715.51,**

§ **CC717:1 to**

§ **CC717:3 [717(3)]**

young persons, **YC-4,**

YC-12

Analyst's certificate admissible, **CC-729**

Appeals

see also **APPEALS** Sentence

application for leave to

appeal is an appeal,

CC-719 [719(6)]

definition of sentence,

CC-673, CC-785

impose sentence in absence

of appellant, **CC-688**

[688(4)]

imprisonment commences,

CC-719 [719(4)]

Arson, **CC-433, CC-436.1**

see also **ARSON**

Attempts

indictable offence where

punishment not

provided, **CC-463**

[463(a), (b), (d)]

summary conviction offence,

CC-463 [463(c), (d)]

Benefit of lesser punishment,

CH-11 [CH 11(i)]

see also **CHARTER OF**

RIGHTS

SENTENCE—Cont'd

Breach of probation

see **Probation, infra;**

BREACH OF PROBATION

TION

Breach of trust, **CC-718.2**

[718.2(a)(iii)]

Commencement of sentence,

CC-719

Compensation and restitution

application, **CC-738,**

CC-741

civil remedy not affected,

CC-741.2

enforcement of orders of

restitution, **CC-741,**

CC-741.2

fine, forfeiture in addition,

priority, **CC-740**

moneys found on offender,

CC-741 [741(2)]

notice to interested persons

re restitution, **CC-741.1**

persons acting in good faith,

CC-739

priority to restitution,

CC-740

Concurrent and consecutive

sentences

consecutive sentences not to

be unduly long or harsh,

CC-718.2 [718.2(c)]

cumulative punishments,

consecutive sentences,

CC-718.3 [718.3(4)]

explosive substance for

criminal organization,

CC-82.1

firearms, **CC-85 [85(4)]**

INDEX

SENTENCE—Cont'd

- Concurrent and consecutive sentences—Cont'd
- terrorist offences, **CC-83.26**
- Young Offenders Act and Youth Criminal Justice Act dispositions and sentence under other Act, **CC-743.5 [743.5(2), (3)]**
- Conditional discharges
 - see Discharges, *infra*
- Conditional sentence of imprisonment, **CC-742, CC-742.7**
 - see also Imprisonment, *infra*;
 - Principles of sentencing, *infra*
 - compulsory conditions, **CC-742.3**
 - consecutive sentences, **CC-718.3 [718.3(4)]**
 - court unable to act, **CC-742.5 [742.5(2)]**
 - definitions, **CC-742**
 - firearms prohibition, **CC-742.2**
 - imposing of conditional sentence, **CC-742.1**
 - imprisonment for offence while on conditional sentence, **CC-742.7**
 - optional conditions, **CC-742.3 [742.3(2)]**
 - changes to conditions, **CC-742.4**
 - procedure, **CC-742.3 [742.3(3)]**
 - breach of condition, **CC-742.6**

SENTENCE—Cont'd

- Conditional sentence of imprisonment, **CC-742, CC-742.7—Cont'd**
 - purpose, **CC-742.1**
 - transfer of order, **CC-742.5 [742.5(1)]**
- Controlled Drugs and Substances Act, **CD-10**
- Conviction on more than one count, sentence good if justified on one, **CC-728**
- Convictions
 - see Greater punishment by reason of previous convictions, *infra*;
 - Previous convictions, *infra*
- Court defined, **CC-716**
- Cumulative, for more than one offence, **CC-718.3 [718.3(4)]**
- Cumulative punishments, consecutive sentences, **CC-718.3 [718.3(4)]**
- Dangerous offenders, **CC-753**
 - see also DANGEROUS OFFENDERS
- Defamatory libel, **CC-612 [612(3)]**
- Definitions
 - appeals, indictable offences, **CC-673**
 - court, **CC-716**
 - sentence, **CC-673, CC-785**
 - summary conviction proceedings, **CC-719 [719(3)]**

SENTENCE—Cont'd

- Degrees of punishment,
CC-718.3
- Disabilities arising from
convictions
see CONVICTIONS
- Disability
see Mental or physical dis-
ability, *infra*
- Discharges
 - absolute and conditional
discharges, **CC-730**
 - appeal from, **CC-730**
[730(3), (4)]
 - conditions for granting
conditional or absolute
discharge, **CC-730**
[730(1)]
 - continuation of appearance
notice, etc., pending
discharge, **CC-730**
[730(2)]
 - convicted while under proba-
tion order, **CC-730**
[730(4)]
 - effect of, **CC-730** [730(3)]
 - making of probation order,
CC-731 [731(2)]
 - offence following discharge,
effect of, **CC-730**
[730(4)]
 - preliminary inquiry
see PRELIMINARY
INQUIRY
 - probation order, **CC-731**
[731(2)]
 - process remains in force
until disposition,
CC-730 [730(2)]

SENTENCE—Cont'd

- Discretion re punishment,
CC-718.3
- Drugs, **CD-10**
- Dual status offenders
see MENTAL DISORDER
- Escape conviction, **CC-149**
- Evidence
 - see also Procedure, *infra*
 - alternative measures state-
ments not admissible,
CC-715.51, § **CC717:1**
to § **CC717:3** [717(3)]
 - burden of proof, disputed
facts, **CC-724**
[724(3)(d), (e)]
 - certificate of analyst re drugs
re breach of probation
or conditional sentence,
CC-729
 - cross-examination of analyst
re drugs, **CC-729**
[729(6)]
 - disputed facts, **CC-724**
[724(3)(d), (e)]
 - records not admissible,
CC-715.6,
§ **CC717.4:1** to
§ **CC717.4:3** [717.4(4),
(5)]
 - sentencing hearing, evi-
dence, **CC-723** [723(2),
(3), (4), (5)]
- Fine option program
see Fines, *infra*
- Fines
 - ability to pay, **CC-734**
[734(2)], **CC-737**
[737(3)]

INDEX

SENTENCE—Cont'd

Fines—Cont'd

- changes to fine order,
CC-734.3
- civil enforcement,
CC-734.6, CC-735
[735(2)]
- corporate accused
enforcement of order,
CC-735 [735(2)]
- in lieu of imprisonment
specified, **CC-735**
see also Imprisonment,
infra
- default of payment
civil enforcement,
CC-734.6, CC-735
[735(2)]
- definition of default,
CC-734 [734(3)],
CC-737 [737(6)]
- effect of imprisonment,
CC-734.7 [734.7(4)],
CC-737 [737(6)]
- forfeiture proceedings,
CC-462.37
[462.37(4)]
- imprisonment for default,
CC-718.3 [718.3(3)],
CC-734 [734(4), (5)],
CC-734.7 [734.7(4)],
CC-734.8 [734.8(2)],
CC-737 [737(6)]
- licences and permits may
be refused, **CC-734.5**
- provincial regulations,
CC-734 [734(7)]
- reasons for committal,
CC-734.7 [734.7(2)],

SENTENCE—Cont'd

Fines—Cont'd

- default of payment—Cont'd
CC-737 [737(6)]
- reduction of term on part
payment, **CC-734.8**
[734.8(2)]
- warrant of committal for,
CC-734.7, CC-737
[737(6)]
- directions for payment
allowance of time,
CC-734 [734(6)]
- extension of time,
CC-734.3
- minimum time, **CC-734.1**
[734.1(b)]
- payment forthwith, condi-
tions for, **CC-734.1**
[734.1(d)]
- powers of court, **CC-734**
[734(4)], CC-737
[737(6)]
- fine option program, **CC-736**
- imprisonment in default of
payment, **CC-718.3**
[718.3(3)], CC-734
[734(4), (5)]
- in addition to other punish-
ment, **CC-734 [734(1),**
(2)], CC-737 [737(6)]
- in lieu of forfeiture order,
CC-462.37 [462.37(3),
(4)]
- in lieu of imprisonment,
CC-734 [734(1), (2)],
CC-735, CC-737
[737(6)]
- see also Imprisonment,
infra

SENTENCE—Cont'd

Fines—Cont'd

moneys found in possession
on arrest, **CC-734**

[734(6)]

part payment, **CC-734.8**
[734.8(2)]

power to impose fine,
CC-734 [734(1)]

procedure of making fine
order, **CC-734.2**

proceeds, to whom payable,
CC-734.4

recovery, procedure,
CC-734.6

remission by Governor in
Council, **CC-748.1**

restitution order in addition,
priority, **CC-740**

suspending payment pending
appeal, **CC-683**
[683(5), (6)]

terms of order imposing fine,
CC-734.1

victim fine surcharge,
CC-737

Fundamental principles of
sentencing, proportional-
ity, **CC-718.1**

Fundamental purpose of
sentencing, **CC-718**

Gravity of offence, **CC-718.1**

Greater punishment by reason
of previous convictions
corporation not appearing,
CC-727 [727(4)]

ex parte proceedings,
CC-727 [727(3), (4)]

SENTENCE—Cont'd

Greater punishment by reason
of previous convictions

—Cont'd

murder, parole eligibility,
CC-727 [727(5)],
CC-745 [745(b)]

notice of intention to seek
greater penalty, **CC-727**
[727(1)]

procedure for proof of,
CC-667, CC-727

verdict of not criminally
responsible on account
of mental disorder is not
a previous conviction,
CC-672.36

see also MENTAL DIS-
ORDER Criminal
responsibility

Health of accused, **CC-718.2**
[718.2(a)(i)]

House confinement

see Conditional sentence of
imprisonment, *supra*;
Probation, *infra*

Imprisonment, **CH-9, CH-12**
see also PAROLE; PRISON
alternative sanctions to be
considered, **CC-718.2**
[718.2(e)]

commencement, **CC-719**
[719(3)-(5)]

conditional sentence
see Conditional sentence
of imprisonment,
supra

consecutive terms
available, when,
CC-718.3 [718.3(4)]

INDEX

SENTENCE—Cont'd

Imprisonment, **CH-9, CH-12**
—Cont'd
consecutive terms—Cont'd
subject to young offender
disposition, where,
CC-743.5 [743.5(2)]
totality principle,
**CC-718.2 [718.2(b),
(c)]**
curative treatment instead
see Discharges, supra
default in payment of fine,
etc.
effect of imprisonment,
**CC-734.7 [734.7(4)],
CC-737 [737(6)]**
fine imposed in lieu of
imprisonment, where,
**CC-734 [734(3)],
CC-737 [737(6)],
CC-787 [787(2)]**
imprisonment for default,
**CC-734 [734(4), (5)],
CC-734.7 [734.7(4)],
CC-734.8 [734.8(2)],
CC-737 [737(6)]**
penalty defined, **CC-734.8**
reduction of term on part
payment, **CC-734,
CC-734.8 [734(5)]**
summary conviction gen-
eral power, **CC-787
[787(2)]**
term where not specified,
CC-718.3 [718.3(3)]
time prior to committal
does not count,
CC-719 [719(5)]

SENTENCE—Cont'd

Imprisonment, **CH-9, CH-12**
—Cont'd
delivery of accused to
keeper, **CC-744, CC-
FORM 43**
dual status offenders
see MENTAL DISOR-
DER
indeterminate term
dangerous offender,
CC-753
intermittent sentence of
imprisonment, **CC-732**
last resort principle re
imprisonment,
CC-718.2 [718.2(e)]
legality, detention on inquiry
to determine legality of
imprisonment, **CC-775**
life imprisonment
first degree murder,
**CC-745 [745(a)],
CC-745.1 [745.1]**
general, **CC-745 [745(c)]**
high treason, **CC-745
[745(a)]**
parole
see PAROLE
penitentiary, **CC-743.1**
second degree murder,
**CC-745 [745(b), (c)],
CC-745.1**
murder, young persons,
**CC-745.1, CC-745.3,
CC-745.5**
pardon by royal mercy,
CC-748 [748(1)]

SENTENCE—Cont'd

Imprisonment, **CH-9, CH-12**

—Cont'd

parole

see **PAROLE**

penitentiary

definition, **CC-743.1**
[743.1(6)]

escape prison, **CC-149**

life imprisonment,
CC-743.1

report by court to Cor-
rectional Service,
CC-743.2

term to be served in,
CC-743.1

transfer to, **CC-743.1**
[743.1(5)]

period where unlawfully at
large not to count,
CC-719 [719(2)]

place where term to be
served

less than two years,
CC-743.1 [743.1(3)]

life or more than two
years, **CC-743.1**
[743.1(1)]

subsequent sentence to
penitentiary,
CC-743.1 [743.1(4)]

transfer to penitentiary,
CC-743.1 [743.1(5)]

pre-trial custody, **CC-719**
[719(3)]

proportionality principle,
CC-718.1

provincial prison
term to be served in,

SENTENCE—Cont'd

Imprisonment, **CH-9, CH-12**

—Cont'd

provincial prison—Cont'd
CC-743.1 [743.1(3)]

transfer to penitentiary
from, **CC-743.1**
[743.1(5)]

recognizance, default upon,
imprisonment of surety,
CC-773, CC-FORM
27

reduction for part payment of
fine, **CC-734.8**

service of term in accordance
with prison rules,
CC-743.3

surety, imprisonment for
default on
recognizance, **CC-773**
[773(3), (4)],
CC-FORM 27

time unlawfully at large
excluded from term of
imprisonment, **CC-719**
[719(2)]

warrant of committal
see **WARRANTS**

where no punishment
provided, **CC-743**

Young Offenders Act and
Youth Criminal Justice
Act dispositions and
sentence under other
Act, **CC-743.5**

Ineligibility for parole,
CC-745.4

see **PAROLE** Ineligibility for
parole

INDEX

SENTENCE—Cont'd

Intermittent sentence, **CC-732**
Intimate partner, **CC-718.3**
 [718.3(8)]
Last resort principle, imprisonment, **CC-718.2**
 [718.2(e)]
Least restrictive sanction required, **CC-718.2**
 [718.2(d)]
Lesser punishment, benefit of, **CH-11 [CH 11(i)]**
Life imprisonment
 see Imprisonment, *supra*
Long-term offender
 see LONG-TERM OFFENDERS
Long-term supervision
 see DANGEROUS OFFENDERS; LONG-TERM OFFENDERS
Mandatory prohibition order
 see Prohibition orders, *infra*
Mental or physical disability, **CC-718.2 [718.2(a)(i)]**
Minimum, none unless so declared, **CC-718.3**
 [718.3(2)]
Mitigating and aggravating factors
 abuse of spouse, **CC-718.2**
 [718.2(a)(ii)]
 age, bias motive, **CC-718.2**
 [718.2(a)(i)]
 child abuse, **CC-718.01, CC-718.2**
 [718.2(a)(ii.1)]
 criminal harassment, **CC-264 [264(4), (5)]**

SENTENCE—Cont'd

Mitigating and aggravating factors—Cont'd
 drugs, **CD-10 [CD 10(2), (3)]**
 ethnic or national origin, **CC-718.2 [718.2(a)(i)]**
 false prospectus, **CC-380.1**
 fraud, **CC-380.1**
 home invasion, **CC-348.1**
 insider trading, **CC-380.1**
 interference with health services, **CC-718.2**
 [718.2(a)(iii.2), (vii)]
 mental or physical disability, **CC-718.2 [718.2(a)(i)]**
 nationality, motive, **CC-718.2 [718.2(a)(i)]**
 other similar factors, **CC-718.2 [718.2(a)(i)]**
 profit, intent to make from child sexual abuse and exploitation material, **CC-163.1, § CC163.1:1 to § CC163.1:3 [163.1(4.3)]**
 race, bias motive, **CC-718.2**
 [718.2(a)(i)]
 sex, bias motive, **CC-718.2**
 [718.2(a)(i)]
 sexual orientation, **CC-718.2**
 [718.2(a)(i)]
 stock manipulation, **CC-380.1**
 terrorism, **CC-718.2**
 [718.2(a)(v)]
 vulnerability of victim, increased, **CC-718.201**

SENTENCE—Cont'd

Mitigating and aggravating factors—Cont'd
vulnerable person, offence against, **CC-718.04, CC-718.201**

National or ethnic origin, bias, motive, **CC-718.2 [718.2(a)(i)]**

Objectives of sentencing
see Principles of sentencing, *infra*

Offences outside Canada, **CC-6 [6(2)]**

Offences under more than one Act, **CC-12**

Other offences to be taken into account, **CC-725**

Other statutory principles of sentencing, **CC-718.2**

Pardon
see PARDON

Parole
see PAROLE

Peace bond, **CC-810**

Plea affecting sentence re defamatory libel, **CC-612 [612(3)]**

Possession of incendiary material, **CC-436.1**
see also ARSON

Pre-sentence report
see also Probation, *infra*
content, **CC-721 [721(3), (4)]**
copies to be provided by clerk, **CC-722.1**
court may order, **CC-721 [721(1)]**

SENTENCE—Cont'd

Pre-sentence report—Cont'd
dispute as to facts, **CC-724 [724(3)(b)]**
provincial regulations, **CC-721 [721(2)]**
report by probation officer, **CC-721**

Pre-trial custody, **CC-719 [719(3)]**

Preventive detention
see DANGEROUS OFFENDERS; LONG-TERM OFFENDERS

Previous convictions
see also Greater punishment by reason of previous convictions, *supra*
convictions may be proved if not admitted, **CC-727 [727(2)]**
corporation, **CC-727 [727(4)]**
ex parte trial, **CC-727 [727(3)]**
increased punishment, notice required, **CC-727 [727(1)]**
mandatory punishment for second murder conviction, **CC-745 [745(b)]**
proof of previous convictions, **CC-667**

Principles of sentencing, **CC-718, CC-718.21**
aboriginal offenders, **CC-718.2 [718.2(e)]**
aggravating and mitigating

INDEX

SENTENCE—Cont'd

Principles of sentencing,
CC-718, CC-718.21
—Cont'd
factors affecting
see Mitigating and
aggravating factors,
supra
consecutive sentences not to
be unduly long or harsh,
CC-718.2 [718.2(c)]
disparity, **CC-718.2**
[718.2(b)]
fundamental principle of
sentencing, **CC-718.1**
fundamental purpose of
sentencing, **CC-718**
last resort principle re
imprisonment,
CC-718.2 [718.2(e)]
less restrictive sanctions to
be used if appropriate,
CC-718.2 [718.2(d)]
objectives of sentencing
denunciation, **CC-718**
[718(a)]
deterrence, **CC-718**
[718(b)]
promote sense of
responsibility,
CC-718 [718(f)]
rehabilitation, **CC-718**
[718(d)]
reparations, **CC-718**
[718(e)]
separation of offenders,
CC-718 [718(c)]
organization, **CC-718.21**

SENTENCE—Cont'd

Principles of sentencing,
CC-718, CC-718.21
—Cont'd
proportionality principle,
CC-718.1
restraint principle, **CC-718.2**
[718.2(d)]
sentence justified by any
count, **CC-728**
similar sentences for similar
offenders and offences,
CC-718.2 [718.2(b)]
statutory objectives of
sentencing, **CC-718**
statutory principles of
sentencing, **CC-718,**
CC-718.2
totality, **CC-718.2 [718.2(c)]**
Probation
breach of order of probation,
CC-733.1
discharge, after, **CC-730**
[730(4)]
see also Discharges,
supra
proof of certificate of
analyst re drugs,
CC-729
compulsory conditions of
probation order,
CC-732.1 [732.1(2)]
court, defined, **CC-716**
definitions, **CC-732.1**
[732.1(1)]
firearms prohibition,
CC-731.1
intermittent sentence, proba-
tion order required,
CC-732

SENTENCE—Cont'd

Probation—Cont'd

making of probation order,
CC-731
modification of probation
order
compelling appearance of
accused for,
CC-732.2 [732.2(6)]
conviction for offence,
after, **CC-732.2**
[732.2(5)]
offence committed during
probation
compelling appearance of
person bound by
probation, **CC-732.2**
[732.2(6)]
discharge may be revoked,
CC-730 [730(4)]
see also Discharges,
supra
revoking probation and
imposing sentence,
CC-732.2 [732.2(5)]
optional conditions of proba-
tion order, **CC-732.1**
[732.1(3), (3.1), (3.2)]
order of probation, **CC-731**
breach of, **CC-733.1**
changes to probation
order, **CC-732.2**
[732.2(3), (4)]
coming into force,
CC-732.2
compulsory conditions,
CC-732.1 [732.1(2)]
conditions of, **CC-732.1**
[732.1(2), (3)]

SENTENCE—Cont'd

Probation—Cont'd

order of probation, **CC-731**
—Cont'd
continuation following
conviction of offence,
CC-732.2 [732.2(2)]
court unable to act, proce-
dure, **CC-733**
[733(2)]
duration of order,
CC-732.2
form and period of order,
CC-732.1 [732.1(4)],
CC-FORM 46
judge may act in chambers
re changes to order,
CC-732.2 [732.2(4)]
maximum duration, three
years after coming
into force, **CC-732.2**
[732.2(2)(b)]
optional conditions,
CC-732.1 [732.1(3),
(3.1), (3.2)]
procedure on making
order, **CC-732.1**
[732.1(5)]
required with intermittent
sentence, **CC-732**
sentence not exceeding
two years, after,
CC-731 [731(1)(b)]
suspending sentence, after,
CC-731 [731(1)(a)]
transfer to other territorial
division, **CC-733**
organization, **CC-732.1**
[732.1(3.1), (3.2)]

INDEX

SENTENCE—Cont'd

Probation—Cont'd

- pre-sentence report by
probation officer,
CC-721 [721(1)]
- probation officer, report by,
CC-721 [721(1)]
- release following suspended
sentence, **CC-731**
[731(1)(a)]
- young persons
see also YOUTH CRIMI-
NAL JUSTICE ACT
- probation, **YC-42 [YC**
42(2)(k)], YC-55
- remaining portion of dis-
position ordered
transferred when
sentenced, **CC-743.5**
[743.5(1)]

Procedure

- reasons for sentence,
CC-726.2
- sentencing hearing
 - analyst's certificate admis-
sible, **CC-729**
 - begin as soon as
practicable, **CC-720**
 - compelling appearance,
CC-723 [723(4)]
 - disputed facts, **CC-724**
[724(3)]
 - duty to consider all rele-
vant information,
CC-726.1
 - evidence, **CC-723**
[723(2)-(5)], CC-724
 - facts proved during trial,
CC-724 [724(1), (2)]

SENTENCE—Cont'd

Procedure—Cont'd

- sentencing hearing—Cont'd
 - finer, procedure of making
fine order, **CC-734.2**
 - greater punishment by
reason of previous
convictions
 - see Greater punishment
by reason of previ-
ous convictions,
supra
 - hearsay evidence admis-
sible, **CC-723**
[723(5)]
 - information accepted,
CC-724 [724(1)]
 - jury trial, facts to be
accepted as proved,
CC-724 [724(2)]
 - offender may speak to
sentence, **CC-726**
 - other offences to be taken
into account, **CC-725**
 - probation, proceedings on
making order,
CC-732.1 [732.1(5)]
 - sentencing proceedings to
begin as soon as
practicable, **CC-720**
 - submissions, **CC-723,**
CC-726, CC-726.1
 - victim impact statement,
CC-722, CC-722.1
- Prohibition orders
 - see also PROHIBITION
ORDERS
 - contact with children,
CC-161, CC-810.1
[810.1(3)]

SENTENCE—Cont'd

Prohibition orders—Cont'd
 custody of animal or bird, **CC-446**
 driving prohibition, **CC-320.24**
 firearms prohibition, **CC-100, CC-810 [810(3.1)], CC-810.01 [810.01(5)], CC-810.2 [810.2(5)]**
 prohibited locations re sex offenders, **CC-161**
 offence, **CC-161 [161(4)]**
 supplementary conditions, **CC-810 [810(3.2)]**
 young person, firearms prohibition order, **YC-51, YC-52**
 Prohibition re prohibited locations re sex offenders
 see Prohibition orders, *supra*
 Proportionality principle, **CC-718.1**
 Punishment not specially provided, **CC-743**
 Punitive damages for interception offences, **CC-194**
 see also INTERCEPTION OF PRIVATE COMMUNICATIONS
 Purpose of sentencing, **CC-718**
 Race, bias motive, **CC-718.2 [718.2(a)(i)]**
 Reasons for sentence, **CC-264 [264(5)], CC-726.2, CD-10 [CD 10(3)]**
 Release pending sentence, guilty plea, **CC-518 [518(2)]**

SENTENCE—Cont'd

Remission of pecuniary penalty, fine, forfeiture by Governor in Council, **CC-748.1**
 Remnant to be served re term for escape, **CC-149**
 Responsibility of offender, **CC-718.1**
 Restitution orders
 application, **CC-738, CC-741**
 civil remedy not affected, **CC-741.2**
 enforcement of orders of restitution, **CC-741, CC-741.2**
 fine, forfeiture in addition, priority, **CC-740**
 moneys found on offender, **CC-734 [734(6)], CC-741 [741(2)]**
 notice of restitution orders to persons awarded, **CC-741.1**
 persons acting in good faith, **CC-739, CC-741**
 priority of restitution over fine, forfeiture, **CC-740**
 property obtained by crime, **CC-491.1**
 regulations power re precluding enforcement of restitution orders, **CC-738 [738(2)]**
 victims of offences, **CC-738**
 Restraint principle re less restrictive sanctions, **CC-718.2 [718.2(d)]**

INDEX

SENTENCE—Cont'd

Sentence
defined, **CC-673**
not specifically provided,
where, **CC-743**
proceedings to begin as soon
as practicable, **CC-720**
Sentence hearing
see Procedure, *supra*
Sentence justified by any count,
CC-728
Service of sentence in accor-
dance with prison rules,
CC-743.3
Sex offenders, prohibition re
prohibited locations,
CC-161
see also SEXUAL
OFFENCES
Similar sentences for similar
offenders and offences,
CC-718.2 [718.2(b)]
see also Principles of
sentencing, *supra*
Statutory objectives of sentenc-
ing, **CC-718**
Statutory principles of sentenc-
ing
see also Principles of
sentencing, *supra*
aggravating and mitigating
factors affecting
sentence, **CC-718.2**
[718.2(a)]
consecutive sentences not to
be unduly long or harsh,
CC-718.2 [718.2(c)]
fundamental principle of
sentencing, **CC-718.1**

SENTENCE—Cont'd

Statutory principles of sentenc-
ing—Cont'd
fundamental purpose of
sentencing, **CC-718**
last resort principle re
imprisonment,
CC-718.2 [718.2(e)]
less restrictive sanctions to
be used if appropriate,
CC-718.2 [718.2(d)]
other sentencing principles,
CC-718.2
proportionality principle,
CC-718.1
restraint principle, **CC-718.2**
[718.2(d)]
similar offences for similar
offenders and offences,
CC-718.2 [718.2(b)]
Submissions, speaking to
sentence, **CC-723**,
CC-726, CC-726.1
Suspended sentence, **CC-731**
[731(1)(a)]
see also Probation, *supra*
Taking other offences into
account, **CC-725**
outstanding charges, **CC-725**
[725(1)(b)]
Time in custody, **CC-719**
[719(3)]
Trial without jury, **CC-570**
Verdict of not criminally
responsible on account of
mental disorder, relevance
to dispositions on other
offences, **CC-672.35**
see also MENTAL DISOR-
DER Criminal

SENTENCE—Cont'd

Verdict of not criminally
responsible on account of
mental disorder, relevance
to dispositions on other
offences, **CC-672.35**
—Cont'd
responsibility

Victims

definition, **CC-722 [722(4)]**
fine surcharge, **CC-737**
other evidence concerning
victim, **CC-722.2,**
§ CC722:1 to
§ CC722:3 [722(3)]
restitution, **CC-738,**
CC-741.2
victim impact statement,
CC-722, CC-722.1
copies provided by clerk,
CC-722.1

War crimes, **WC-15**

Warrant of committal on
conviction, **CC-570**
[570(5), (6)], CC-806
[806(2), (3)]

warrant of committal, execu-
tion by peace officer,
CC-744

Where none specially provided,
CC-743

Young persons

see also **YOUTH CRIMI-
NAL JUSTICE ACT**
murder, **CC-745.1,**
CC-745.3, CC-745.5,
YC-42 [YC 42(2)(q)]

SEQUESTERING JURY,
CC-647

SERVICE

See **AFFIDAVITS; CERTIFI-
CATES; NOTICE; SOL-
EMN DECLARATIONS**

SETTING FIRE

See **ARSON**

SETTING TRAP

Cause bodily harm, to, **CC-247**

SEVERANCE OF COUNTS

See **CASE MANAGEMENT;
INDICTMENTS AND
INFORMATIONS Joinder**
and severance

**SEX OFFENDER
INFORMATION**

Appeal

exemption order,
CC-490.024,
CC-490.025,
CC-490.02906

exemption or variation order,
CC-490.06

obligation to comply with
Sex Offender Informa-
tion Registration Act,
CC-490.024

order to comply with Sex
Offender Information
Registration Act,
CC-490.014

termination order

obligation to comply with
Sex Offender Infor-
mation Registration

INDEX

SEX OFFENDER

INFORMATION—Cont'd

Appeal—Cont'd
 termination order—Cont'd
 Act, **CC-490.029**,
 CC-490.0291,
 CC-490.02914
 order to comply with Sex
 Offender Information
 Registration Act,
 CC-490.017
Application to young persons,
 CC-490.011 [**490.011(2)**]
Definitions, **CC-490.011**
 [**490.011(1)**]
Disclosure of information in
 database, **CC-490.03**
Failure to make order,
 CC-490.0132
International Transfer of
 Offenders Act
 failure to comply,
 CC-490.031
 notice to comply,
 CC-490.02915
 termination order
 appeal, **CC-490.02914**
 application,
 CC-490.02912
 order, **CC-490.02913**
Obligation to comply with Sex
 Offender Information
 Registration Act,
 CC-490.019
 appeal, **CC-490.024**
 date obligation begins,
 CC-490.022
 [**490.022(1)**]

SEX OFFENDER

INFORMATION—Cont'd

Obligation to comply with Sex
 Offender Information
 Registration Act,
 CC-490.019—Cont'd
 duration of obligation,
 CC-490.022
 [**490.022(2)-(3)**]
 exemption order,
 CC-490.023
 appeal, **CC-490.024**
 notice where exemption
 order not granted,
 CC-490.025
 failure to comply,
 CC-490.031
 persons who may be served,
 CC-490.02
 service of notice of,
 CC-490.021
 termination order,
 CC-490.027
 appeal, **CC-490.029**
 application for,
 CC-490.026
Obligation to comply with Sex
 Offender Information
 Registration Act: exemp-
 tion order, **CC-490.04**
Obligation to comply with Sex
 Offender Information
 Registration Act: variation
 order, **CC-490.05**
Offences, **CC-490.031**
Offences committed outside
 Canada, **CC-490.02901**
 appeal, **CC-490.02906**

**SEX OFFENDER
INFORMATION—Cont'd**

Offences committed outside
Canada, **CC-490.02901**
—Cont'd
date obligation begins,
CC-490.02904
[490.02904(1)]
duration of obligation,
CC-490.02904
[490.02904(2), (3)]
exemption order,
CC-490.02905,
CC-490.02906
failure to comply,
CC-490.031,
CC-490.0312
notice, **CC-490.02902,**
CC-490.02903,
CC-490.02907
obligation to advise police
service, **CC-490.02911**
termination order
appeal, **CC-490.0291**
application for,
CC-490.02908,
CC-490.02909
Order to comply with Sex
Offender Information
Registration Act,
CC-490.012
appeal, **CC-490.014**
date order begins,
CC-490.013
[490.013(1)]
duration of order,
CC-490.013
[490.013(2)-(6)]
failure to comply,
CC-490.031

**SEX OFFENDER
INFORMATION—Cont'd**

Order to comply with Sex
Offender Information
Registration Act,
CC-490.012—Cont'd
notice, **CC-490.018**
termination order,
CC-490.016
appeal, **CC-490.017**
application for,
CC-490.015
Regulations, **CC-490.032**

SEXUAL ACTIVITY

See also CHILD;
INDECENCY; SEXUAL
ASSAULT; SEXUAL
OFFENCES
Householder or occupier
permitting, **CC-170**
Limitation on evidence of
complainant's, **CC-276,**
§ CC276:1 to § CC276:3,
CC-278.93,
§ CC278.93:1 to
§ CC278.93:3 to
CC-276.13,
§ CC278.97:1
see also CHARACTER
AND CREDIBILITY
Complainant
Parent or guardian procuring,
CC-171

SEXUAL ASSAULT

See also ASSAULT; SEXUAL
OFFENCES
Aggravated, **CC-273**
Bodily harm defined, **CC-2**

INDEX

SEXUAL ASSAULT—Cont'd

Causing bodily harm, **CC-272**
[272(1)(c)]

Causing death while committing, **CC-231** **[231(5)(b)]**

Compulsion by threats, no defence, **CC-17**

Consent

belief in consent is not a defence, **CC-273.2**

definition, **CC-265** **[265(3)]**,
CC-273.1

disabled complainant, of,
CC-153.1 **[153.1(2)-(6)]**

drunkenness causing mistaken belief in consent, **CC-273.2**
[273.2(a)(i)]

failure to take reasonable steps to ascertain consent, **CC-273.2**
[273.2(b)]

honest belief in consent,
CC-265 **[265(4)]**

mistake as to age, **CC-150.1**
[150.1(4)]

no consent obtained, where,
CC-273.1 **[273.1(2), (3)]**

victim under 16, of,
CC-150.1 **[150.1(1), (2)]**

wilful blindness causing mistaken belief in consent, **CC-273.2**
[273.2(a)(ii)]

Corroboration not required,
CC-274

SEXUAL ASSAULT—Cont'd

Drunkenness, when no defence,
CC-33.1

Honest belief in consent,
CC-265 **[265(4)]**

Imprisonment, four-year minimum to 14 years or life, if firearm used, **CC-272**
[272(2)], **CC-273** **[273(2)]**

Internationally protected person outside Canada, **CC-7**
[7(3)]

Intoxication, when no defence,
CC-33.1

Parties to offence, **CC-272**
[272(1)(d)]

Prohibition re prohibited locations, **CC-161**
offence, **CC-161** **[161(4)]**

Publication ban
see PUBLICATION BAN

Punishment, **CC-271**
see also PAROLE;
SENTENCE

Recent complaint rules
abrogated, **CC-275**

Reputation evidence not admissible, **CC-277**

see also CHARACTER
AND CREDIBILITY;
COMPLAINANT

Self-induced intoxication,
when no defence,
CC-33.1

Serious personal injury offence,
CC-752 **[752(b)]**

Sexual conduct, restriction on questioning, **CC-276**
see also CHARACTER
AND CREDIBILITY;

SEXUAL ASSAULT—Cont'd

Sexual conduct, restriction on questioning, **CC-276**

—Cont'd
COMPLAINANT

Spouse may be charged, **CC-278**

see also SEXUAL OFFENCES

Threats to third person, with, **CC-272 [272(1)(b)]**

Trial

exclusion of public, **CC-486**

non-publication of complainant's name, **CC-486.4**

see also PUBLICATION BAN

Weapon, with, **CC-272 [272(1)(a)]**

SEXUAL EXPLOITATION, CC-153, CC-153.1

See also SEXUAL OFFENCES

SEXUAL INTERCOURSE, CC-4 [4(5)]

See also SEXUAL OFFENCES

Complete, when, **CC-4 [4(5)]**

Incest, **CC-155**

SEXUAL INTERFERENCE, CC-151

See also SEXUAL OFFENCES

No prosecution of child aged 12 or 13, **CC-150.1 [150.1(3)]**

Person under 16 years, **CC-151**

SEXUAL OFFENCES

See also SEX OFFENDER INFORMATION;
SEXUAL ASSAULT

Adultery, corrupting children, **CC-172**

Bestiality, **CC-160**

Brother, definition re incest, **CC-155 [155(4)]**

see also Incest, *infra*

Child cannot be tried for certain offences, **CC-150.1 [150.1(3)]**

Child pornography
see CHILD

PORNOGRAPHY

Children

see CHILD; YOUTH CRIMINAL JUSTICE ACT

Child sexual abuse and exploitation material

see CHILD SEXUAL ABUSE AND EXPLOITATION MATERIAL

Common bawdy house
see KEEPER

Complainant

see also CHARACTER AND CREDIBILITY;
COMPLAINANT

character re sexual offences, **CC-276, § CC276:1 to § CC276:3, CC-276.01 to CC-276.13**

complainant's other sexual activity, **CC-276, § CC276:1 to § CC276:3, CC-276.01**

INDEX

SEXUAL OFFENCES—Cont'd

Complainant—Cont'd
 to **CC-276.13**
 identity, protecting
 complainant's identity,
 CC-486.4
 not a compellable witness at
 voir dire re sexual activ-
 ity, **CC-276, § CC276:1**
 to **§ CC276:3**
 see also COMPETENCE
 AND COMPEL-
 LABILITY
 application for accused,
 CC-276.02
 application for prosecutor,
 CC-276.06
 sexual activity of complain-
 ant, **CC-276,**
 § CC276:1 to
 § CC276:3, CC-276.01
 to **CC-276.13,**
 § CC278.93:1 to
 § CC278.93:3 to
 CC-278.97,
 § CC278.97:1
 sexual reputation not admis-
 sible re complainant's
 credibility, **CC-276,**
 § CC276:1 to
 § CC276:3, CC-276.01
 to **CC-276.13,**
 § CC278.93:1 to
 § CC278.93:3 to
 CC-278.97,
 § CC278.97:1
 see also CHARACTER
 AND CRED-
 IBILITY;
 COMPLAINANT

SEXUAL OFFENCES—Cont'd

Complainant—Cont'd
 videotaped complainant
 under 18, **CC-715.1**
 see also COMPLAIN-
 ANT; VIDEOTAPED
 EVIDENCE
Consent
 belief in consent no defence,
 when, **CC-273.2**
 complainant disabled, where,
 CC-153.1 [153.1(2)-
 (6)]
 defence although complain-
 ant under 16 years,
 CC-150.1 [150.1(2)]
 definition for sexual
 offences, **CC-273.1**
 honest belief in consent,
 CC-153.1 [153.1(5),
 (6)], CC-265 [265(4)],
 CC-273.2
 no defence where complain-
 ant under 14 years,
 CC-150.1 [150.1(1)]
Corroboration not required,
 CC-274
 see also CORROBORA-
 TION
Corrupting children, **CC-172**
Corrupting morals, **CC-163,**
 CC-169
 see also OBSCENITY
Definitions
 guardian, **CC-150**
 see also GUARDIAN
 public place, **CC-150**
 see also PUBLIC PLACE

SEXUAL OFFENCES—Cont'd

Definitions—Cont'd
 sister, **CC-155 [155(4)]**
 see also Incest, *infra*
 Disorderly house
 see DISORDERLY HOUSE;
 KEEPER
 Evidence, **CC-150.1**
 Exclusion of the public from
 trial, **CC-486**
 Exposure of genitals to child,
CC-173 [173(2)]
 Fear of sexual offence against
 child, recognizance,
CC-810.1, CC-811
 Guardian, definition for sexual
 offences, **CC-150**
 see also GUARDIAN
 Historical offences, limitation
 on, **CC-156**
 Householder or occupier
 permitting sexual activity,
CC-170
 Immoral theatrical perfor-
 mance, **CC-167, CC-169**
 In camera hearing re admis-
 sibility of other sexual
 activity of complainant
 application for accused,
CC-276.02
 application for prosecutor,
CC-276.06
 Incest, **CC-155**
 complainant under compul-
 sion, **CC-155 [155(3)]**
 corroboration not required,
CC-274
 sister, brother, defined,
CC-155 [155(4)]

SEXUAL OFFENCES—Cont'd

Indecency
 see also INDECENCY
 act of, **CC-173 [173(1)]**
 assault
 see Sexual assault, *infra*
 exhibition, **CC-175**
[175(1)(b)]
 exposure, **CC-173 [173(2)]**
 telephone calls, **CC-372**
[372(2)]
 Invitation to sexual touching by
 person under 16, **CC-152**
 Luring child, **CC-172.1**
 arranging to commit child
 sexual offence by
 telecommunication,
CC-172.2
 making sexually explicit
 material available to
 child, **CC-171.1**
 Mailing obscene matter,
CC-168, CC-169
 Mistake as to age re consent,
CC-150.1 [150.1(4), (5)]
 Nudity, **CC-174**
 Obscenity, **CC-163, CC-164,**
CC-169
 see also OBSCENITY
 Parent or guardian procuring
 sexual activity, **CC-170**
 see also CHILD; PARENT
 Personal information records,
CC-278.1, § CC278.1:1,
§ CC278.1:2 to
CC-278.38
 see also DISCLOSURE
 AND DISCOVERY

INDEX

SEXUAL OFFENCES—Cont'd

- Person with disability,
CC-153.1
- Prohibition re prohibited locations re sex offenders,
CC-161
offence, **CC-161 [161(4)]**
- Publication ban
see also PUBLICATION BAN
- identity of the complainant, non-publication order,
CC-486.4
- publication of reports of judicial proceedings, offence, **CC-169**
- sexual activity of complainant
application for accused,
CC-276.03
application for prosecutor,
CC-276.07
joint application,
CC-276.11
- Public place, definition,
CC-150
see also PUBLIC PLACE
- Rape, **CC-271, CC-273**
see also SEXUAL ASSAULT
- Recent complaint rules
abrogated, **CC-275**
- Recognizance where sexual offence feared, **CC-810.1 [810.1(3)], CC-811, CC-FORM 32**
see also RECOGNIZANCE
- Recruitment, young person,
CC-169.1

SEXUAL OFFENCES—Cont'd

- Removal of child from Canada for sexual purpose,
CC-273.3
- Reputation evidence, re sexual offences, **CC-277**
see also CHARACTER AND CREDIBILITY; COMPLAINANT
- Sex offender information
see SEX OFFENDER INFORMATION
- Sexual activity
complainant, **CC-276**
see also Complainant, supra; COMPLAINANT
- householder or occupier permitting, **CC-171**
- parent or guardian procuring,
CC-170
- sexual reputation not admissible re complainant's credibility, **CC-276 [276(1)]**
see also Complainant, supra; CHARACTER AND CREDIBILITY; COMPLAINANT
- Sexual assault, **CC-271, CC-273**
see also SEXUAL ASSAULT
- Sexual conduct, contents of application re questioning complainant
see also CHARACTER AND CREDIBILITY;

SEXUAL OFFENCES—Cont'd

Sexual conduct, contents of
application re questioning
complainant—Cont'd
COMPLAINANT
application for accused,
CC-276.01
application for prosecutor,
CC-276.06
joint application, **CC-276.1**
Sexual exploitation, **CC-153**,
CC-153.1
Sexual intercourse
complete, when, **CC-4 [4(5)]**
incest, **CC-155**
Sexual interference
no prosecution of child aged
12 or 13, **CC-150.1**
[150.1(3)]
person under 16 years, re,
CC-151
Sexual touching
invitation to person under 16
years, **CC-152**
no prosecution of child aged
12 or 13, **CC-150.1**
[150.1(3)]
Sister, definition re incest,
CC-155 [155(4)]
see also Incest, supra
Spouse may be charged with
sexual offences, **CC-278**
see also HUSBAND AND
WIFE
Trust, sexual exploitation by
person in position of trust,
CC-153
see also TRUST

SEXUAL OFFENCES—Cont'd

Videotaped complainant under
18, **CC-715.1**
see also VIDEOTAPED
EVIDENCE

SEXUAL SERVICES

Advertising, **CC-286.4**
Immunities in relation to,
CC-286.5
Obtaining for consideration,
CC-286.1
Procuring a person to provide,
CC-286.3
Receiving material benefit
from, **CC-286.2**

**SEXUAL TOUCHING OR
EXPOSURE**

Invitation to person under 16
years, **CC-152**,
§ CC152:1 to § CC152:3
No prosecution of child aged
12 or 13, **CC-150.1**,
§ CC150.1:1 to
§ CC150.1:3 [150.1(3)]

SHARES

See STOCKS, SHARES, ETC.

SHERIFF

Peace officer, as, **CC-2**
Reading the Riot Act, **CC-67**
see also RIOT

SHIPS

Arrest, search and seizure,
CC-477.3
see also JURISDICTION
Territorial
Definition, **CC-78.1 [78.1(5)]**

INDEX

SHIPS—Cont'd

- Endangering safety, **CC-78.1 [78.1(2)]**
- False communication
 - endangering navigation, **CC-78.1 [78.1(3)]**
- Piratical acts re, **CC-75**
- Seizing control, **CC-78.1 [78.1(1)]**
- Threats causing death or injury, **CC-78.1 [78.1(4)]**

SILENCE, CEA-4, CEA-5, CH-11 [CH 11(c)], CH-13

SIMILAR FACT EVIDENCE

- Sexual activity of complainant with others, **CC-276**
- Young persons, violent patterns evidence, in continuation in custody hearings, **YC-98 [YC 98(4)]**
 - see also YOUTH CRIMINAL JUSTICE ACT

SISTER

- Defined re incest, **CC-155 [155(4)]**

SLUGS AND TOKENS

- Manufacture, possession, etc. for fraudulent purpose, **CC-454**

SOLEMN AFFIRMATION

- See **AFFIRMATION**

SOLEMN DECLARATIONS

- See also **AFFIDAVITS**
- Administered abroad, **CEA-52, CEA-54**

SOLEMN DECLARATIONS

—Cont'd

- Cross-examination upon, **CC-4 [4(7)]**
- Deprivation of property, proof of, **CC-657.1**
- Documents to be admitted in evidence, **CEA-54**
- Form of, **CEA-41**
- Insurance, proof of loss, **CEA-42**
- Making solemn declaration, **CEA-41, CEA-42, CEA-53**
- Oaths taken abroad, **CEA-53**
- Ownership, proof of, **CC-657.1**
- Service, proof of, **CC-4 [4(6)]**
- Value of property, proof of, **CC-657.1**

SOLICITOR GENERAL

- See **ATTORNEY GENERAL/SOLICITOR GENERAL**

SOVEREIGN

- See **QUEEN, THE**

SPACE STATION

- Consent of Attorney General of Canada required, **CC-7 [7(2.33)]**
- Definitions, **CC-7 [7(2.34)]**
- Offence committed by Canadian crew member, **CC-7 [7(2.3)]**
- Offence committed by crew member of Partner State, **CC-7 [7(2.31)]**

SPECIAL PLEAS, CC-607, CC-612

- See also **PLEAS**

**SPECIAL PLEAS, CC-607,
CC-612—Cont'd**
War crimes, **WC-12 [WC
12(2)]**

SPEEDY TRIAL

See **ELECTIONS AND RE-
ELECTIONS; INDICT-
ABLE OFFENCES;
TRIAL**

SPOUSE

See also **HUSBAND AND
WIFE; MARRIAGE**

Abuse of, constituting
aggravating factor on
sentencing, **CC-718.2
[718.2(a)(ii)]**

Assisting escape, not accessory,
CC-23 [23(2)]

Competency and compellability
as witness, **CEA-4**

Compulsion by spouse, no
presumption, **CC-18**

Duty to provide necessities,
CC-215

May be charged with sexual
assault, **CC-278**
see also **THEFT**

STALKING

See also **INTIMIDATION**
Following person to intimidate,
CC-423 [423(1)(c), (e)]

Harassment, criminal, **CC-264**

Voyeurism, **CC-162**

Watch and beset, **CC-423
[423(1)(f), (2)]**

STAMP

Counterfeiting, **CC-376
[376(1)]**

STAMP—Cont'd

Deemed value as property,
CC-4 [4(1)]

Definition, **CC-376 [376(3)]**

Property includes, **CC-2**

STATEMENTS

See also **STATEMENTS OF
THE ACCUSED**

Admissions

see **ADMISSIONS**

Confessions

see **STATEMENTS OF THE
ACCUSED; YOUTH
CRIMINAL JUSTICE
ACT**

Definition re offences against
administration of law and
justice, **CC-118**

Prior inconsistent statements
see **PRIOR INCONSIS-
TENT STATEMENTS**

Reading in evidence previously
taken, **CC-715**

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

**STATEMENTS OF THE
ACCUSED**

See also **ADMISSIONS;
VOLUNTARINESS;
YOUTH CRIMINAL
JUSTICE ACT**

Admissible at preliminary
inquiry, **CC-542 [542(1)]**

Admissions at trial, **CC-655,
YC-149**
see also **ADMISSIONS;**

INDEX

STATEMENTS OF THE ACCUSED—Cont'd

- Admissions at trial, **CC-655**,
YC-149—Cont'd
 - JUDICIAL PROCEED-
INGS Reading in
- Alternative measures, state-
ments not admissible,
CC-715.52, § **CC717:1** to
§ **CC717:3**, **YC-10**,
§ **YC10:1** [717(3), **YC**
10(4)]
 - see also SENTENCE
 - Alternative measures
- Preliminary inquiry
 - statement after warning
administered, **CC-541**
[541(3)]
 - trial, use of statement,
CC-657
- Protected statements
 - see MENTAL DISORDER
- Publication ban
 - see also PUBLICATION
BAN; PUBLISHING
 - confession or admission of
accused given in evi-
dence at preliminary
inquiry, **CC-542**
[542(2)]
 - portion of trial jury not pre-
sent at, **CC-648**
- Publishing or broadcasting
admission or confession,
CC-542 **[542(2)]**
- Reading in evidence previously
taken
 - see JUDICIAL PROCEED-
INGS Reading in

STATEMENTS OF THE ACCUSED—Cont'd

- Ruling by case management
judge, **CC-551.3**
- Torture, statement inadmis-
sible, **CC-269.1** **[269.1(4)]**
- Trial, use of accused's state-
ment given at preliminary
inquiry, **CC-657**
- Voluntariness of young
person's statement,
YC-146
- Young persons
 - see also YOUTH CRIMI-
NAL JUSTICE ACT
 - statement made on assess-
ment inadmissible,
YC-147
 - statement of accused,
YC-146

STATUTES

- Canada Gazette
 - rules re Review Boards to be
published in Canada
Gazette, **CC-672.44**
[672.44(2)]
 - see also MENTAL DIS-
ORDER Review
Boards
- Disobeying statute, **CC-126**
 - conspiracy, prosecutorial
responsibility of
Government of Canada,
CC-126 **[126(2)]**
 - offence and punishment,
CC-126 **[126(1)]**
- Indictment, counts referring to
section, **CC-581** **[581(5)]**
 - see also INDICTMENTS

STATUTES—Cont'd

Indictment, counts referring to section, **CC-581 [581(5)]**

—Cont'd

AND INFORMATION SUFFICIENCY

Judicial notice of statutory instruments and bylaws, **CC-781 [781(2)]**

see also JUDICIAL NOTICE

Presumption from violation of fire prevention laws, **CC-436**

see also ARSON

Proceedings not to be quashed, dismissed or set aside for want of evidence of statutory instruments or bylaws, **CC-781 [781(1)]**

Proclamations, proof of, **CEA-20, CEA-22**

Regulations re Review Boards, **CC-672.44 [672.44(3)]**

see also MENTAL DISORDER Review Boards

Statutory declarations, **CC-4 [4(6), (7)], CEA-41, CEA-42, CEA-53, CEA-54**

see also SOLEMN DECLARATIONS

Statutory instruments, **CC-781 [781(2)]**

STATUTORY DECLARATION

Form of, **CEA-41**

STATUTORY INSTRUMENTS

See STATUTES

STAY OF PROCEEDINGS

See also INDICTMENTS AND INFORMATION SUFFICIENCY

Indictment, **CC-579, CC-579.1**

Recommencement of proceedings, **CC-579 [579(2)], CC-579.1, CC-795**

Summary conviction proceedings, **CC-579, CC-579.1, CC-795**

Unfit accused, **CC-672.851**

STAY PENDING APPEAL

See also APPEALS

Fine, **CC-683 [683(5)(a)]**

Forfeiture order, **CC-683 [683(5)(b)]**

Offence-related property forfeiture order, **CC-490.7**

Proceeds of crime forfeiture order, **CC-462.45**

Restitution order, **CC-683 [683(5)(c)]**

STEAL

See also ROBBERY; THEFT

Definition, **CC-2**

STOCKS, SHARES, ETC.

Fraudulent activities, re affecting market prices, **CC-380 [380(2)]**

broker selling on own account, **CC-384**

gaming, **CC-383 [383(1), (2)]**

manipulation of exchange transactions, **CC-382**

wash trading, **CC-382**

INDEX

STOCKS, SHARES, ETC.

—Cont'd

Printing likeness of obligation
or security, **CC-457**

Sentencing, **CC-380.1**

STOLEN GOODS

See POSSESSION; THEFT;
TRAFFICKING IN
STOLEN GOODS

STOPPING BREATH

Causing death in commission
of offence, **CC-246**

STRANGLING

Attempt, to aid commission of
offence, **CC-246**

STUPEFYING DRUG

Administering
aid, to, commission of
offence, **CC-246**

SUBPOENA

Contents of, **CC-700 [700(1)]**

Duty of witness when served,
CC-700 [700(2)]

Effectiveness, territorial extent,
CC-702

Electronically transmitted copy,
CC-708.1

Form, **CC-FORM 16, CC-
FORM 16.1**

Issuing, **CC-698 [698(1)],
CC-699**

Material witness warrant,
where witness will not
respond to, **CC-698
[698(2), (3)], CC-703,
CC-706, CC-707**

SUBPOENA—Cont'd

Personal information records,
**CC-278.12, § CC278.3:1
[278.3(5)]**

Personal service required for
witness out of province in
certain proceedings,
CC-701 [701(2)]

Proof of service, **CC-701
[701(3)]**

Service of, **CC-509 [509(2)],
CC-701**

Service of process on corpora-
tion, **CC-703.2**

Warrant where witness fails to
respond to, **CC-705,
CC-708**

SUFFICIENCY OF

**EVIDENCE, CC-548
[548(1)(a)]**

See also EVIDENCE; PRE-
LIMINARY INQUIRY

SUFFICIENCY OF INDICTMENT

See INDICTMENTS AND
INFORMATIONS Suffi-
ciency

SUFFOCATING

Attempt, to aid commission of
offence, **CC-246**

SUICIDE

Counselling, aiding or abetting,
CC-241

SUMMARY APPEAL

See SUMMARY CONVIC-
TION APPEALS

**SUMMARY CONVICTION
APPEALS**

See also SUMMARY
CONVICTION
PROCEEDINGS

Adjournments, **CC-601**
[**601(5)**], **CC-645** [**645(2)**,
(3)], **CC-795**, **CC-824**

Appeal court, defined, **CC-812**

Appeal to Court of Appeal
costs, **CC-839** [**839(3)**]
decision of appeal court,
from, **CC-839**
[**839(1)(a)**]
enforcement of decision,
CC-839 [**839(4)**]
leave to appeal, **CC-839**
[**839(1)**, **(1.1)**]
provisions for appeals on
indictment apply,
CC-839 [**839(2)**]
summary appeal on
transcript, from,
CC-839 [**839(1)(b)**]

Appeal to summary conviction
appeal court, **CC-812**,
CC-838
adjournments, **CC-824**
appeal by defendant,
informant or Attorney
General, **CC-813**
application to fix date for
hearing of appeal,
CC-819
costs, **CC-826**, **CC-827**
definition of appeal court,
CC-812
dismissal for failure to
appear or want of prose-

**SUMMARY CONVICTION
APPEALS—Cont'd**

Appeal to summary conviction
appeal court, **CC-812**,
CC-838—Cont'd
cution, **CC-825**
enforcement of conviction or
order by court of
appeal, **CC-828**
interim release of appellant,
CC-816
notice of appeal, **CC-815**
notification and transmission
of conviction, etc.,
CC-821
payment of fine, not a waiver
of appeal, **CC-820**
place of hearing, sittings of
courts in Territories and
western provinces,
CC-814
remand for observation
see MENTAL DISOR-
DER
sections of Criminal Code
applicable to appeals,
CC-822
summary appeal on
transcript or agreed
statement of facts,
CC-829, **CC-838**
see also Summary appeal
on transcript or
agreed statement of
fact, *infra*
undertaking or recognizance
of prosecutor, **CC-817**,
CC-818
Clerk of appeal court defined,
CC-785

INDEX

SUMMARY CONVICTION APPEALS—Cont'd

- Costs
 - certificate of non-payment,
CC-827 [827(2)], CC-
FORM 42
 - Court of Appeal, **CC-826**
 - default in payment, commit-
tal, **CC-827 [827(3)]**
 - payable to whom and when,
CC-827 [827(1)]
 - power to award, **CC-826**
- Criminal responsibility
 - see **MENTAL DISORDER**
Appeals
- Discharges, appeals from,
CC-730 [730(3)(a)]
 - see also **SENTENCE**
Discharges
- Dismissal of appeal
 - breach of recognizance or
undertaking, **CC-825**
[825(a)]
 - no dismissal for failure to
comply by other than
appellant, **CC-821**
[821(2)]
 - want of prosecution, **CC-825**
[825(b)]
- Enforcement for conviction or
order, **CC-828**
- Fitness to stand trial
 - see **MENTAL DISORDER**
Appeals
- Hearing of appeal
 - application to fix date for
person in custody,
CC-819 [819(1)]

SUMMARY CONVICTION APPEALS—Cont'd

- Hearing of appeal—Cont'd
 - order fixing date, **CC-819**
[819(2)]
- Insanity
 - see **MENTAL DISORDER**
Appeals
- Mental disorder
 - see **MENTAL DISORDER**
Appeals
- New trial ordered
 - release or detention of appel-
lant, order for, **CC-822**
[822(3)]
 - which court to hold new
trial, **CC-822 [822(2)]**
- Notice of appeal
 - according to rules of court,
CC-815 [815(1)]
 - extension of time for,
CC-815 [815(2)]
- Notification of appeal by clerk
to trial court, **CC-821**
[821(1)]
- Place of hearing
 - Alberta, **CC-814 [814(1)]**
 - British Columbia, **CC-814**
[814(3)]
 - Manitoba, **CC-814 [814(1)]**
 - Northwest Territories,
CC-814 [814(4)]
 - Nunavut, **CC-814 [814(4)]**
 - Saskatchewan, **CC-814**
[814(2)]
 - Yukon Territory, **CC-814**
[814(4)]
- Powers of the court, **CC-822**
[822(1)]

**SUMMARY CONVICTION
APPEALS—Cont'd**

Presumption against appeal
unless contrary shown,
CC-820 [820(2)]

Pre-trial hearing, **CC-625.1**

Recognizance by prosecutor
conditions of, **CC-817**
review of s. 817 order,
CC-818

Release from custody pending
appeal

arrest of accused, **CC-816**
[816(2)]

form of discharge,
CC-FORM 39

interim release, **CC-816**
[816(1)]

Supreme Court of Canada,
to, **CC-679 [679(8)]**

Remand for observation
see **MENTAL DISORDER**

Right of appeal

Attorney General or agent,
CC-813 [813(b)]

defendant, **CC-813 [813(a)]**

informant, **CC-813 [813(b)]**

payment of fine, not waiver
of right, **CC-820**
[820(1)]

Summary appeal on transcript
or agreed statement of fact
appeal, statute barred,
CC-837

appeal court defined,
CC-829

appeal to appeal court

**SUMMARY CONVICTION
APPEALS—Cont'd**

Summary appeal on transcript
or agreed statement of fact
—Cont'd

precluded by, **CC-836**

see also Appeal to Court
of Appeal, *supra*

dismissal, **CC-831**

enforcement, **CC-835**

expediting, appellant in
custody, **CC-831**

extension of time, **CC-838**

final order, **CC-834**

form of appeal, transcript or
agreed statement of
facts, **CC-830 [830(2)]**

grounds for appeal, **CC-830**
[830(1)]

no writ required to remove
judgment, etc., **CC-833**

only parties or Attorney Gen-
eral may appeal,
CC-830 [830(1)]

powers of appeal court,
CC-834

procedure, **CC-830 [830(3)],**
CC-831

recognizance by prosecutor,
CC-831

release from custody pend-
ing appeal, **CC-831**

right of appeal, **CC-830**
[830(1), (4)]

rules of court, **CC-830**
[830(3)]

undertaking or recognizance,
CC-832

INDEX

SUMMARY CONVICTION APPEALS—Cont'd

- Transcript of evidence, furnish-
ing to appeal court,
CC-821 [821(3)]
- Transmission of conviction,
order, etc., **CC-821**
[821(1)]
- Trial de novo
defect in
conviction or order,
CC-822 [822(7)(b)]
process, **CC-822**
[822(7)(a)]
order to hold trial de novo,
CC-822 [822(4)]
reading in of trial evidence,
CC-822 [822(5)]
sentence appeal, powers of
court, **CC-822 [822(6)]**
- Undertaking or recognizance
by prosecutor
Attorney General, **CC-832**
[832(2)]
conditions, **CC-817 [817(1)]**
review of s. 817 order,
CC-818

SUMMARY CONVICTION PROCEEDINGS

- See also INDICTMENTS AND
INFORMATIONS; SUM-
MARY CONVICTION
APPEALS; TRIAL
- Accessory after the fact to a
summary conviction
offence, punishment,
CC-463 [463(c), (d)]
- Adjournment of trial, **CC-601**
[601(5)], CC-645 [645(2),

SUMMARY CONVICTION PROCEEDINGS—Cont'd

- (3)], **CC-795, CC-803**
- Adjudication, **CC-804**
- Appeals
see SUMMARY CONVIC-
TION APPEALS
- Appearance
both parties, trial to proceed,
by, **CC-800 [800(1)]**
compelling personal appear-
ance, **CC-800 [800(2)]**
corporate defendant, by,
CC-800 [800(3)]
counsel or agent, by, **CC-800**
[800(1)]
ex parte procedure, **CC-803**
[803(2), (3)]
failure to appear, **CC-803**
[803(2)-(4)]
organization, by, **CC-800**
[800(3)]
prosecutor, failure to appear,
by, **CC-799, CC-803**
[803(4)]
- Arraignment and plea, **CC-801**
[801(1), (2)]
see also TRIAL Arraignment
and plea
- Attempt to commit summary
conviction offence,
punishment, **CC-463**
[463(c), (d)]
see also ATTEMPTS;
SENTENCE
- Attorney General
see ATTORNEY
GENERAL/

**SUMMARY CONVICTION
PROCEEDINGS—Cont'd**

Attorney General—Cont'd
SOLICITOR GENERAL

Burden of proof re exceptions,
CC-794 [794(2)]

Commencement of proceedings
information, by, **CC-788
[788(1)]**
limitation period, **CC-786
[786(2)]**

Conspiracy to commit summary conviction offence is
itself a summary conviction offence, **CC-465
[465(1)(d)]**

Conviction
see also CONVICTIONS
form of, **CC-FORM 35**
memorandum of, **CC-806
[806(1)]**
plea of guilty, after, **CC-801
[801(2)]**
warrant of committal upon,
**CC-806 [806(2), (3)],
CC-FORM 21**

Costs, **CC-809, CC-840**
see also COSTS

Counselling summary conviction offence that is not
committed, **CC-464
[464(b)]**

Dismissal of information, order
of
certified copy, bar to
subsequent proceedings,
CC-808 [808(2)]

**SUMMARY CONVICTION
PROCEEDINGS—Cont'd**

Dismissal of information, order
of—Cont'd
request of defendant, at,
CC-808 [808(1)]

Evidence
reading in evidence previously
taken, **CC-715**
see also JUDICIAL
PROCEEDINGS
Reading in
taking evidence, **CC-801
[801(3)]**

Ex parte procedure, **CC-803
[803(2)]**

Fees and allowances, **CC-840**

Fitness to stand trial
see MENTAL DISORDER

Information
see also INDICTMENTS
AND INFORMATION
amendment, **CC-601**
commencement of proceedings by,
CC-788 [788(1)]
defined, **CC-785**
dismissal of, **CC-808**
exceptions, proof of,
CC-794
form, **CC-FORM 2**
formalities, **CC-789 [789(1)]**
may charge several offences,
CC-789 [789(1)]
no reference to previous
convictions, **CC-789
[789(2)]**

INDEX

SUMMARY CONVICTION

PROCEEDINGS—Cont'd

Information—Cont'd

objection to defect on fact,
motion to quash,
CC-795

one justice, powers, **CC-788**
[788(2)]

Intervention by Attorney Gen-
eral of Canada, **CC-579.1**,
CC-795

see also ATTORNEY
GENERAL/
SOLICITOR GEN-
ERAL

Jurisdiction

see also JURISDICTION
territorial, **CC-477.3**
[477.3(2)]

trial jurisdiction, **CC-798**

Limitation period re institution
of proceedings, **CC-786**
[786(2)]

Memorandum of conviction or
order, **CC-806**

Mental disorder

see MENTAL DISORDER

Mentally ill accused, remand
for observation,
CC-672.11

see also MENTAL DISOR-
DER Criminal
responsibility; Disposi-
tion hearings; Fitness to
stand trial

No need to negative excep-
tions, **CC-794** [794(2)]

Order against defendant
form, **CC-FORM 36**

SUMMARY CONVICTION

PROCEEDINGS—Cont'd

Order against defendant

—Cont'd

memorandum of, **CC-806**
[806(1)]

plea of guilty, after, **CC-801**
[801(2)]

warrant of committal,
CC-806 [806(2)], **CC-**
FORM 22

Order defined, **CC-785**

Penalty

see Sentence, *infra*

Powers of justices

any justice may act before or
after trial, **CC-790**
[790(1)]

one may act before trial,
CC-788 [788(2)]

two or more having jurisdic-
tion, **CC-790** [790(2)]

Procedure

see Trial, *infra*

Proceedings, defined, **CC-785**

Prosecutor

see also PROSECUTOR

definition, **CC-785**

failing to appear, powers of
court, **CC-799**

Punishment

see Sentence, *infra*

Sentence

see also SENTENCE

accessory after the fact,
CC-463 [463(c), (d)]

attempt to commit, **CC-463**
[463(c), (d)]

**SUMMARY CONVICTION
PROCEEDINGS—Cont'd**

Sentence—Cont'd
 counselling offence that is
 not committed, **CC-464**
 [464(b)]
 general penalty, **CC-787**
 joint offenders, **CC-807**
 organization, **CC-732.1**
 [732.1(3.1), (3.2)],
 CC-735
 sentence defined, **CC-785**
Stay of proceedings and recom-
mencement, **CC-579**,
CC-579.1 [579.1(2)],
CC-795
Summary conviction court
definition, **CC-785**
jurisdiction, **CC-798**
power to award costs,
 CC-809 [809(1)]
 see also Costs, *supra*;
 COSTS
Summons
 see SUMMONS
Trial
 see also TRIAL
 adjournments, **CC-601**
 [601(5)], **CC-645**
 [645(2), (3)], **CC-795**,
 CC-803
 adjudication by court,
 CC-804
 appearance by
 see also non-appearance
 of, *infra*
 both parties, trial to
 proceed, **CC-800**
 [800(1)]

**SUMMARY CONVICTION
PROCEEDINGS—Cont'd**

Trial—Cont'd
 appearance by—Cont'd
 corporate defendant,
 CC-800 [800(3)]
 counsel or agent, **CC-800**
 [800(1)]
 prosecutor, **CC-799**,
 CC-803 [803(4)]
 arraignment and plea,
 CC-801
 see also TRIAL Arraign-
 ment and plea
 compelling personal appear-
 ance, **CC-800 [800(2)]**
 definition, **CC-785**
 evidence, taking of, **CC-801**
 [801(3)]
 examination of witnesses,
 CC-802 [802(2), (3)]
 ex parte procedure, **CC-803**
 [803(2), (3)]
 failure to appear, **CC-803**
 [803(2) to (4)]
 fitness to stand trial
 see MENTAL DISOR-
 DER
 full answer and defence,
 CC-802 [802(1)]
 see also FULL ANSWER
 AND DEFENCE
 jurisdiction of court, **CC-798**
 mentally ill accused
 see MENTAL DISOR-
 DER
 non-appearance of
 see also appearance by,
 supra

INDEX

SUMMARY CONVICTION PROCEEDINGS—Cont'd

Trial—Cont'd
non-appearance of—Cont'd
defendant, **CC-803**
[**803(2), (3)**]
prosecutor, **CC-799**,
CC-803 [**803(4)**]
remand for observation
see MENTAL DISOR-
DER

Warrant
see also ARREST; SEARCH
AND SEIZURE
warrant of committal on
conviction or order,
CC-806

Witnesses
see WITNESSES

SUMMONS

Contents, **CC-509** [**509(1), (4),**
(5)]

Continuation pending granting
of discharge, **CC-730**
[**730(2)**]

see also SENTENCE
Discharges

Definition, **CC-2**

Effectiveness throughout Can-
ada, **CC-703.1**

Electronically transmitted copy,
CC-708.1

Failure to appear, **CC-145**
[**145(4), (8) to (11)**],
CC-512.1, CC-803
[**803(2), (3)**]

Form of, **CC-FORM 6**

SUMMONS—Cont'd

For purposes of identification
of Criminals crAct,
CC-485.2

Issuing
indictment presented, after,
CC-578 [**578(1)(a), (2)**]
justice on information, by,
CC-507 [**507(1)(b), (2),**
(4)]

power of single justice,
CC-788 [**788(2)**]

valid on holiday, **CC-20**

Period in force, **CC-523**
[**523(1)**]

Right to counsel statement to
be included in appearance
process for young persons,
YC-25 [**YC 25(9)**]

see also RIGHT TO
COUNSEL

Service

corporation, on, **CC-703.2**

laws of province, in accor-
dance with, **CC-701.1**

peace officer, proof of, by,
CC-509 [**509(2), (3)**]

Signing in blank prohibited,
CC-507 [**507(5)**]

SUNDAY

Taking verdict on, **CC-654**

Validity of Acts on a holiday,
CC-20

SUPERIOR COURT OF CRIMINAL JURISDICTION

Definition, **CC-2**

**SUPERIOR COURT OF
CRIMINAL
JURISDICTION—Cont'd**

Exclusive jurisdiction for
certain offences, **CC-469**
Jurisdiction in indictable
offences, **CC-468**
Jurisdiction over person,
CC-470
Power to make rules, **CC-482**
[482(1), (3) to (5)]

SUPPORT PERSON, CC-486.1

**SUPREMACY CLAUSE,
CH-52**

See also CHARTER OF
RIGHTS

**SUPREME COURT OF
CANADA**

See also APPEALS
Appeals to, in habeas corpus
proceedings, **CC-784**
[784(3), (5)]
Appeals to, in indictable mat-
ters
abandonment, when deemed,
CC-695
appellant's right to attend,
CC-694.2
assignment of counsel,
CC-694.1
notice of appeal, **CC-694**
powers of court of appeal,
CC-695 [695(1)]
question of law, **CC-691**
right of appeal by accused,
where
acquittal of co-accused set
aside, **CC-691**

**SUPREME COURT OF
CANADA—Cont'd**

Appeals to, in indictable mat-
ters—Cont'd
right of appeal by accused,
where—Cont'd
[691(2)(b)]
acquittal set aside,
CC-691 [691(2)(a)]
conviction sustained,
CC-691 [691(1)]
verdict of not criminally
responsible on
account of mental
disorder affirmed,
CC-692 [692(1)]
see also MENTAL DIS-
ORDER
right of appeal by Crown,
CC-693
Release pending appeal to,
CC-679

SURCHARGE

Victim fine surcharge, **CC-737**
see also SENTENCE

SURETIES

See RECOGNIZANCE

**SURETIES TO KEEP THE
PEACE, CC-810**

See also PEACE BOND;
THREATENING
Breach of recognizance,
CC-811
Recognizance, **CC-810**
[810(3)]
see also RECOGNIZANCE

INDEX

SURETIES TO KEEP THE PEACE, CC-810—Cont'd

Supplementary conditions,
CC-810 [810(3.2)]

Weapons prohibition, **CC-810
[810(3.1)]**

SURGICAL TREATMENT

Duty as to knowledge and skill,
CC-216

Protection of surgeon where
operation reasonable,
CC-45

SUSPENDED SENTENCE, CC-731 [731(1)(a)]

See also SENTENCE Probation

TEACHER

Correction of child by force,
CC-43

TELECOMMUNICATION

Definition, **CC-326 [326(2)]**

Service or facility

forfeiture order, **CC-327
[327(2), (3)]**

possession, etc., of device to
obtain use of, **CC-327
[327(1)]**

Theft of, **CC-326 [326(1)]**

TELEPHONE CALLS

See also INTERCEPTION OF
PRIVATE COMMUNICATIONS

False messages, **CC-372
[372(1)]**

Harassing, **CC-372 [372(3)]**

Indecent, **CC-372 [372(2)]**

TELEPHONE CALLS

—Cont'd

Number recorder warrant,
CC-492.2

TELEWARRANTS

See SEARCH AND SEIZURE;
WARRANTS

TERRITORIAL DIVISION

See also JURISDICTION Ter-
ritorial

Definition, **CC-2**

TERRITORIAL JURISDICTION

See also JURISDICTION Ter-
ritorial

Arrest, search or seizure, and
other powers, **CC-477.3**

Breach of probation, **CC-733.1
[733.1(2)]**

see also BREACH OF
PROBATION;
SENTENCE Probation

Consent of Attorney General
for offences committed at
sea, **CC-477.2, CC-477.3
[477.3(2)]**

Credit card offences, **CC-342
[342(2)]**

Defamatory libel, **CC-478
[478(2), (5)]**

Fishing zones, **CC-477.1**

Offence, **continental shelf, in,
above or beyond**

aircraft in flight, in, **CC-476
[476(d)]**

between territorial divisions,
CC-476 [476(a), (b)]

TERRITORIAL

JURISDICTION—Cont'd

Offence, **continental shelf, in, above or beyond**

—Cont'd

committed entirely in province, **CC-478 [478(1)]**

continental shelf, in, above or beyond, **CC-477.1**

elsewhere in province, **CC-479**

mail being delivered, **CC-476 [476(e)]**

not in a province, **CC-481**

outside Canada, jurisdiction for commencing prosecution, **CC-477.4 [477.4(1)]**

unorganized territory, in, **CC-480**

vehicle or vessel, in, **CC-476 [476(c)]**

Ships, **CC-477, CC-477.4**

Space station, **CC-7 [7(2.3)-(2.34)]**

Terrorism, **CC-7 [7(3.73)-(3.75)]**

Transfer of charges, **CC-478, CC-479**

Unorganized territory, **CC-480**

Warrant of arrest, **CC-703**

see also **ARREST Warrants**

TERRITORIES

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

TERRORISM

Attorney General of Canada may conduct prosecution, **CC-83.25**

Authorization for otherwise illegal acts of support, **CC-83.032**

Bail hearing, special conditions, **CC-515 [515(4.1)-(4.3)]**

Consent of Attorney General prosecution of breach of freezing provisions, **CC-83.24**

prosecution of terrorism offences, **CC-83.24**

recognizance, **CC-83.3 [83.3(1)], CC-810.011 [810.011(1)]**

Consent of Attorney General of Canada

offence committed outside Canada by non-citizen, where, **CC-7 [7(7)]**

Definitions

Canadian, **CC-83.01 [83.01(1)]**

entity, **CC-83.01 [83.01(1)]**

listed entity, **CC-83.01 [83.01(1)], CC-83.05**

terrorism offence, **CC-2**

terrorist activity, **CC-83.01 [83.01(1)]**

saving for mere expression, **CC-83.01 [83.01(1.1)]**

terrorist group, **CC-83.01 [83.01(1)]**

INDEX

TERRORISM—Cont'd

Financing offences

Attorney General's consent
to prosecution required,
CC-83.24

providing property for carry-
ing out

intimidation of public etc.,
CC-83.02 [83.02(b)]

terrorist activity,
CC-83.02 [83.02(a)]

providing property for terror-
ist purposes, **CC-83.03**

using property for terrorist
purposes, **CC-83.04**

First degree murder, **CC-231**
[231(6.01)]

Forfeiture of property,
CC-83.14, CC-83.17

see also OFFENCE-RE-
LATED PROPERTY;
PROCEEDS OF
CRIME

Freezing property

see also OFFENCE-RE-
LATED PROPERTY;
PROCEEDS OF
CRIME

dealing in property of terror-
ist group prohibited,
CC-83.08, CC-83.12

disclosure of property of
terrorist group,
CC-83.1, CC-83.12

Solicitor General may
exempt person,
CC-83.09

Hoax, **CC-83.231**

TERRORISM—Cont'd

Interception of private com-
munications, **CC-183**
special provisions, **CC-185**
[185(1.1)], CC-186
[186(1.1)], CC-186.1,
CC-196

Investigative hearing

annual report, **CC-83.31**

sunset clause, **CC-83.32**

transition provision,
CC-83.33

Listed entities

application for removal from
list, **CC-83.05**
[83.05(2)-(8)]

admission of confidential
foreign information,
CC-83.06

certificate that not listed
entity, **CC-83.07**

defined, **CC-83.01**
[83.01(1)]

Governor in Council may
establish list, **CC-83.05**

Minister shall review list,
CC-83.05 [83.05(9)-
(10)]

Offence committed outside
Canada, **CC-7 [7(3.73)-**
(3.75)]

Placing explosives, **CC-431.2**

Prosecution by Attorney Gen-
eral of Canada, **CC-2**

Recognizance, **CC-83.3,**
CC-810.011

annual report, **CC-83.31**

consent of Attorney General,
CC-83.3 [83.3(1)],

TERRORISM—Cont'd

Recognizance, **CC-83.3**,
CC-810.011—Cont'd
CC-810.011
[810.011(1)]
sunset clause, **CC-83.32**
transition provision,
CC-83.33
Seizure of propaganda,
CC-83.222
deletion from computer
systems, **CC-83.223**
Seizure of property, **CC-83.13**,
CC-83.15, **CC-83.16**
Sentencing
deemed aggravated factor,
CC-718.2 [718.2(a)(v)]
increased punishment where
terrorist activity,
CC-83.27
sentences to be served
consecutively,
CC-83.26
Territorial jurisdiction, **CC-7**
[7(3.73) to (3.75)]
Terrorist offences
advocating terrorism
offences in general,
CC-83.221
Attorney General's consent
to prosecution required,
CC-83.24
committing offence for ter-
rorist group, **CC-83.2**
facilitating terrorist activity,
CC-83.19
harbouring terrorist,
CC-83.23

TERRORISM—Cont'd

Terrorist offences—Cont'd
instructing activity for terror-
ist group, **CC-83.21**
instructing terrorist activity,
CC-83.22
participation in activity of
terrorist group,
CC-83.18
providing property for terror-
ist purposes, **CC-83.03**
Terrorist propaganda,
CC-83.222, **CC-83.223**
Witnesses
ban on publication of
identity, **CC-486.5**
protection of, **CC-486.2**
testifying outside court
room, **CC-486.2**

**TESTAMENTARY
INSTRUMENT**

See also DOCUMENTS
Definition, **CC-2**
Destruction, cancellation, etc.,
CC-340
Obtaining by false pretence,
CC-362 [362(2)(a)]
Theft of, exception from
absolute jurisdiction of
provincial court judge,
CC-553 [553(a)]

THEATRE

Definition, **CC-150**
Obscene performance, **CC-167**,
CC-169

INDEX

THEFT, CC-322, CC-334

Automobile, **CC-333.1**,
§ **CC333.1:1**,
§ **CC333.1:2**
possession of device for
purpose of committing,
CC-333.2

By

bailee, things under lawful
seizure, **CC-324**
person having official prop-
erty, or from, **CC-328**
person holding power of
attorney, **CC-331**
person required to account,
CC-330
representative of organiza-
tion, **CC-328 [328(e)]**

Cattle, **CC-338 [338(2)-(4)]**

Conversion

constitutes theft, **CC-322**
[322(1), (3)]
theft by conversion, **CC-330**,
CC-332

trustee, by, **CC-336**

Credit card, **CC-321, CC-342**

Defences

see also **DEFENCES**
colour of right, **CC-322**
[322(1)]

Definition of theft, **CC-322**

Entry in accounts negating
theft, **CC-330 [330(2)]**

Identity, of, **CC-402.1**,
CC-402.2

Importing property obtained by
theft, **CC-357**

Mail, theft from, **CC-356**

THEFT, CC-322, CC-334

—Cont'd

Misappropriation of funds held
under direction, **CC-332**

Motor vehicle, **CC-333.1**

Ore specimen, when taking not
theft, **CC-333**

Ownership, for purposes of
indictment wordings,
CC-588

see also **INDICTMENTS**
AND INFORMATION
Sufficiency;
OWNERSHIP

Pledging by agent, when not
theft, **CC-325**

Possession of stolen goods
see **POSSESSION**

Presumption re valuable
mineral, **CC-656**

Punishment, **CC-334**

Steal, defined, **CC-2**

Telecommunication service,
CC-326

see also **TELECOM-**
MUNICATION

Theft by failure to account,
CC-330 [330(1)]

THREATENING

See also **THREATS**

Breach of recognizance
offence, **CC-811**

Fear of sexual offence against
child, **CC-810.1, CC-811**

see also **FEAR OF SEXUAL**
OFFENCE AGAINST
CHILD

THREATENING—Cont'd

Laying information, **CC-810 [810(1)]**

Orders that may be made, **CC-810 [810(2)]**

Parties to appear, **CC-810 [810(2)]**

Recognizance, **CC-810 [810(3)]**

Sureties to keep the peace, **CC-810 [810(3)]**

THREATS

See also **THREATENING**

Compulsion to commit offence, when a defence, **CC-17**

Extortion, **CC-346**

Internationally protected person, against, **CC-424**

Intimidation by, **CC-423 [423(1)(b)]**

Uttering threats, **CC-264.1**

THREE-CARD MONTE

Definition, **CC-206 [206(3)]**

Offences re, **CC-206 [206(1)(g)-(j)]**

TIMBER

See **LUMBER**

TIME CLOCK

Punching with intent to deceive, **CC-398**

TITLE

See also **DOCUMENTS; DOCUMENTS OF TITLE**

Document of, fraudulent concealment, **CC-385**

TITLE—Cont'd

Fraudulent registration, **CC-386**

TOBACCO

Unauthorized sale, **CC-121.1**

TORTURE

Act being ordered no defence, **CC-269.1 [269.1(3)]**

Definition, **CC-269.1 [269.1(1)]**

Punishment, **CC-269.1 [269.1(1)]**

Statements obtained by, inadmissible, **CC-269.1 [269.1(4)]**

TRACKING WARRANT, CC-492.1

See also **SEARCH AND SEIZURE**

TRADE MARK

Defacing mark, **CC-410 [410(a)]**

Forgery
see **FORGERY**

Punishment and forfeiture, **CC-412**

Sale or possession of used goods with another's mark, **CC-411**

Use of bottle with another's mark, **CC-410 [410(b)]**

TRADE UNION

See also **ORGANIZATIONS**
Joining, offences by employer re, **CC-425**

INDEX

TRADE UNION—Cont'd

Saving provision for criminal breach of contract,
CC-422 [422(2)]

TRAFFICKING IN HUMAN ORGANS

Offences, **CC-240.1 [240.1(1), (2)]**

Punishment, **CC-240.1 [240.1(3)]**

TRAFFICKING IN PERSONS

See also ABDUCTION;
HOSTAGE TAKING;
KIDNAPPING

Aggravated assault in course of trafficking, **CC-279.01 [279.01(1)(a)]**

Aggravated sexual assault in course of trafficking,
CC-279.01 [279.01(1)(a)]

Concealing identity or travelling documents,
CC-279.03

Concealing or harbouring persons for exploitation,
CC-279.01

Death in course of trafficking,
CC-279.01 [279.01(1)(a)]

Definition of exploitation,
CC-279.04

Destroying identity or travelling documents,
CC-279.03

Protection of witnesses,
CC-486, CC-486.4

Receiving financial or material benefit, **CC-279.02**

TRAFFICKING IN PERSONS —Cont'd

Recruiting, transporting persons for exploitation,
CC-279.01

Under age of 18 years,
CC-279.011

TRAFFICKING IN STOLEN GOODS

Definition, **CC-355.1**

Possession for purpose of trafficking, **CC-355.4**

Prohibition on importing and exporting, **CC-355.3**

Punishment, **CC-355.5**

Trafficking in property obtained by crime,
CC-355.2

TRANSFER OF CHARGES

Offence

committed outside province,
CC-478 [478(3)]

outstanding in other jurisdiction, **CC-479**

Youth justice court charges,
YC-133

TRANSPORTATION

Carriage of goods, obtaining by false representation,
CC-401

Facility, interference with to endanger safety, **CC-248**

Fares, fraud re collection,
CC-393 [393(1), (2)]

Obtaining by fraud, **CC-393 [393(3)]**

TRAP

Setting, to cause bodily harm,
CC-247

TREASON

See also **HIGH TREASON**

Compulsion by threats no
defence, **CC-17**

Conspiracy as overt act, **CC-46**
[46(4)]

Corroboration of single wit-
ness, **CC-47 [47(3)]**

Definition, **CC-46 [46(2), (3)]**

Evidence of overt acts, **CC-55**

Failure to inform to prevent,
CC-50 [50(2)]

Indictment, statement of
offence, **CC-581 [581(4)]**

Punishment, **CC-47 [47(2)]**

Treasonable words, information
and limitation, **CC-48**
[48(2)]

TRESPASS AT NIGHT, CC-177

TRIAL

See also **CASE MANAGE-
MENT; INDICTABLE
OFFENCES; INDICT-
MENTS AND INFOR-
MATIONS; JURIES;
SUMMARY CONVIC-
TION PROCEEDINGS**

Abatement

see **APPEALS; JURISDIC-
TION**

Absconding accused

see **ABSCONDING**

Accused to be present, exclu-
sion of the accused,

CC-650

see also **ACCUSED Pres-**

TRIAL—Cont'd

Accused to be present, exclu-
sion of the accused,

CC-650—Cont'd

ence in court;

CHARTER OF

RIGHTS Fair and pub-

lic hearing; **JURISDIC-**

TION Loss of jurisdic-
tion

Acquittal

see **JURISDICTION; RES**

JUDICATA Autrefois

acquit/convict

Addresses to jury, **CC-651**

[651(3), (4)]

Adjournment, **CC-601**

[601(5)], CC-645,

CC-650, CC-653,

CC-763

see also **ADJOURNMENTS**

AND REMANDS

Admissions, **CC-715**

see also **ADMISSIONS;**

JUDICIAL PROCEED-

INGS Reading in

Appearance

see **APPEARANCE**

Appearance at trial, act com-

mitted outside Canada,

CC-7 [7(5.1)]

Arraignment and plea

judge alone, **CC-562**

judge and jury, **CC-606**

pleas permitted on arraig-

ment, **CC-606**

special pleas, **CC-607**

summary conviction,

CC-801 [801(1), (2)]

INDEX

TRIAL—Cont'd

- Bilingual, **CC-530, CC-530.1**
 - see also LANGUAGE OF ACCUSED
- Change of venue
 - authority to remove prisoner, **CC-600**
 - defamatory libel, **CC-478 [478(2)]**
 - grounds for, **CC-599 [599(1)]**
 - language of trial, **CC-531**
 - see also LANGUAGE OF ACCUSED
 - order for, **CC-599**
- Charge to jury
 - complainant's sexual activity re sexual offences
 - application for accused, **CC-276.04**
 - application for prosecutor, **CC-276.08**
 - joint application, **CC-276.12**
- Consent to prosecute
 - see ATTORNEY GENERAL/
SOLICITOR GENERAL
- Continuation of proceedings,
judge unable to continue, **CC-669.2**
- Continuous proceedings, **CC-645 [645(1)]**
- Date, judge alone trial, **CC-560**
 - see also Judge alone trial, *infra*
- Defence
 - declaring whether evidence

TRIAL—Cont'd

- Defence—Cont'd
 - to be called, **CC-651 [651(1)]**
 - opening the case for the defence, **CC-651 [651(2)]**
- Disagreement by jury, powers of judge, **CC-653**
- Evidence
 - see also EVIDENCE
 - admissions by accused, **CC-655**
 - see also ADMISSIONS; JUDICIAL PROCEEDINGS
 - Reading in; STATEMENTS OF THE ACCUSED; VOLUNTARINESS
- age of children and young persons, **CC-658**
- complainant may testify outside courtroom or behind a screen, **CC-486.2**
- convictions
 - see CONVICTIONS
- corroboration warning re children's evidence abrogated, **CC-659**
- reading in evidence previously taken, **CC-715**
 - see also JUDICIAL PROCEEDINGS
- Reading in
- statement of accused at preliminary inquiry, **CC-657**

TRIAL—Cont'd

Evidence—Cont'd
 taking evidence, **CC-557**,
CC-646, **CC-801**
[801(3)]
 testimony outside courtroom,
 mental or physical dis-
 ability, **CC-486.2**
 Exclusion of
 accused, **CC-650 [650(2)]**
 public, **CC-486**
 Ex parte trial, **CC-475**,
CC-598, **CC-650**
[650(2)], **CC-803 [803(2)]**
 Fair trial
 see CHARTER OF RIGHTS
 Fair and public hearing
 Full answer and defence,
CC-276 [276(3)(a)],
CC-650 [650(3)], **CC-802**
[802(1)]
 see also CHARTER OF
 RIGHTS Fair and pub-
 lic hearing,
 Fundamental justice
 Fundamental justice
 see CHARTER OF RIGHTS
 Guilty plea to included or other
 offence, **CC-606 [606(4)]**,
CC-801
 see also GUILTY PLEA
 In camera, **CC-486**
 Included offences
 see Verdicts, *infra*;
INCLUDED
OFFENCES
 Indictable offences
 see Judge alone trial, *infra*;
 Jury trial, *infra*;

TRIAL—Cont'd

Indictable offences—Cont'd
 Provincial court judge,
infra; **INDICTABLE**
OFFENCES
 Judge alone trial
 see also **ELECTIONS AND**
RE-ELECTIONS;
INDICTABLE
OFFENCES Trial by
 judge alone
 accused electing, **CC-558**
 see also **ELECTIONS**
AND RE-ELEC-
TIONS
 acquittal means postponed
 fitness issue shall not be
 tried, **CC-672.3**
 see also **MENTAL DIS-**
ORDER Fitness to
 stand trial
 acquittal of accused, **CC-570**
[570(2), (4)]
 adjournments, **CC-571**
 compelling appearance of
 accused, **CC-572**
 continuation of proceedings
 where judge unable to
 continue, **CC-669.2**
 conviction of accused,
CC-570 [570(1), (4),
(5)]
 court of record, **CC-559**
[559(1)]
 custody of records, **CC-559**
[559(2)]
 date of trial, **CC-560**
 discretion where several
 accused making differ-

INDEX

TRIAL—Cont'd

Judge alone trial—Cont'd
 ent elections, **CC-567**
 fitness to stand trial,
 CC-672.25,
 CC-672.27, **CC-672.3**
 see also MENTAL DIS-
 ORDER
 fixing date of trial, **CC-560**
 judge defined for Part XIX,
 Indictable Offences
 Trial Without Jury,
 CC-552
 see also INDICTABLE
 OFFENCES Trial by
 judge alone
Nunavut
 see NUNAVUT
preferring indictment,
 CC-566 [566(2), (3)]
 see also INDICTMENTS
 AND INFORMA-
 TIONS Preferring
 indictment
procedure, application of
 PARTS XVI, XVIII,
 XX and XXIII, **CC-572**
provincial court judge
 absolute jurisdiction,
 CC-553
 trial with consent, **CC-554**
punishment, **CC-572**
reading in evidence previ-
 ously taken, **CC-715**
 see also JUDICIAL
 PROCEEDINGS
 Reading in
record of conviction or order,
 CC-570

TRIAL—Cont'd

Judge alone trial—Cont'd
 re-election by accused
 see ELECTIONS AND
 RE-ELECTIONS
 reservation of decision on
 questions raised,
 CC-645 [645(4)]
 superior court, on consent,
 CC-473
 verdict of unfit to stand trial
 requires plea to be set
 aside, **CC-672.31**
 see also MENTAL DIS-
 ORDER
Judge appointed to another
 court, jurisdiction
 continues, **CC-669.3**
Judge dies or unable to
 continue, **CC-669.2**
 see also Mistrial, *infra*
Jury trial
 see also JURIES
 acquittal means postponed
 fitness issue shall not be
 tried, **CC-672.3**
 see also MENTAL DIS-
 ORDER Fitness to
 stand trial
 addresses to jury, order of,
 CC-651 [651(3), (4)]
 adjournment, jury unable to
 agree, **CC-653**
 compulsory, **CC-471**,
 CC-473
 continuation of proceedings,
 CC-669.2
 fitness to stand trial,

TRIAL—Cont'd

Jury trial—Cont'd

CC-672.25, CC-672.3

see also MENTAL DIS-
ORDER

jurisdiction before jurors
called, **CC-645 [645(5)]**

re-election by accused
see ELECTIONS AND
RE-ELECTIONS

saving earlier powers of
court, **CC-672**

selecting jury

see JURIES

summing up, order of
addresses, **CC-651**

verdict of unfit to stand trial
requires plea to be set
aside, **CC-672.31**

see also MENTAL DIS-
ORDER

when election deemed made,
CC-565

Language to be used, **CC-530**

see also LANGUAGE OF
ACCUSED

Mistrial

disagreement of jury,
CC-653

judge dies, unable to
continue, **CC-669.2**
[669.2(3)]

rulings binding on new trial,
CC-653.1

Non-jury trial

see Judge alone trial, *supra*;
Provincial court judge,
infra

TRIAL—Cont'd

Nunavut

see NUNAVUT

Open court, **CC-486 [486(1)]**

Persons jointly having in pos-
session, **CC-593**

Plea

see Arraignment and plea,
supra

Plea of guilty to included or
other offence, **CC-606**
[606(4)]

see also GUILTY PLEA

Pre-hearing conference

see Pre-trial, *infra*

Presence of the accused at trial,
CC-650, CC-650.01

Pre-trial

conference, **CC-625.1**

motions, **CC-645 [645(5)]**

Prisoner, procuring attendance
of, **CC-527**

Provincial court judge

see also INDICTABLE
OFFENCES Trial by
provincial court judge;
PROVINCIAL COURT
JUDGE

absolute jurisdiction,
CC-553

accused put to election dur-
ing trial, **CC-555**
[555(2), (3)]

acquittal of accused, **CC-570**
[570(2), (4)]

adjournments, **CC-571**

compelling appearance of
accused, **CC-572**

INDEX

TRIAL—Cont'd

Provincial court judge—Cont'd
continuance of trial as preliminary inquiry, **CC-555 [555(1.2)]**
continuation of proceedings, where judge unable to continue, **CC-669.2**
conviction of accused, **CC-570 [570(1), (4), (5)]**
corporate accused, appearance, **CC-556**
discretion where several accused making different elections, **CC-567**
election by accused during trial, **CC-555 [555(2), (3)]**
see also ELECTIONS AND RE-ELECTIONS
jurisdiction
accused elects, where, **CC-554 [554(1)]**
adjournments, **CC-669.1 [669.1(2)]**
following plea, **CC-669.1 [669.1(1)]**
procedure, **CC-572**
provincial court judge defined, **CC-2**
punishment, etc., **CC-572**
reading in evidence previously taken, **CC-715**
see also JUDICIAL PROCEEDINGS
Reading in

TRIAL—Cont'd

Provincial court judge—Cont'd
re-election by accused, **CC-561, CC-563**
see also ELECTIONS AND RE-ELECTIONS
taking of evidence, **CC-557**
transmission of record, **CC-570 [570(3)], CC-572**
value of property shown over \$5,000, procedure, **CC-555 [555(2), (3)]**
Sexual offences
see also SEXUAL ASSAULT; SEXUAL OFFENCES
exclusion of the public, **CC-486**
identity of the complainant, non-publication order, **CC-486.4**
see also EXCLUSION OF THE PUBLIC; PUBLICATION BAN
questions re complainant's sexual conduct limited, **CC-276**
Statement of accused
see Evidence, supra; STATEMENTS OF THE ACCUSED
Summary conviction
see SUMMARY CONVICTION APPEALS; SUMMARY CONVICTION PROCEEDINGS
Summing up, order of addresses, **CC-651**

TRIAL—Cont'd

Taking evidence
 see Evidence, *supra*; EVIDENCE
 Trial within a reasonable time,
 CH-11 [CH 11(b)]
 Trial with jury
 see Jury trial, *supra*
 Trial without jury
 see Judge alone trial, *supra*
 Verdicts
 attempts, **CC-660, CC-662**
 dangerous operation of
 aircraft, motor vehicle
 or vessel, proved on
 charge of criminal
 negligence or man-
 slaughter, **CC-662**
 [662(5)]
 defamatory libel, special
 verdict, **CC-317**
 disagreement, powers of
 judge, **CC-653**
 first degree murder charged,
 second degree proved,
 CC-662 [662(2)]
 fitness to stand trial
 see also MENTAL DIS-
 ORDER Fitness to
 stand trial
 detention ordered to
 continue, **CC-672.29**
 proceedings continue,
 CC-672.28
 full offence proved but only
 attempt charged,
 CC-661
 included offence proved,
 CC-660, CC-662

TRIAL—Cont'd

Verdicts—Cont'd
 infanticide charged, included
 offences, **CC-662**
 [662(4)], CC-663
 insanity
 see MENTAL DISOR-
 DER Criminal
 responsibility; Fit-
 ness to stand trial
 murder
 charged, manslaughter or
 infanticide proved,
 CC-662 [662(3)]
 child, of, charged,
 concealing body
 proved, **CC-662**
 [662(4)]
 not criminally responsible on
 account of mental disor-
 der, **CC-672.1,**
 CC-672.34
 see also MENTAL DIS-
 ORDER Criminal
 responsibility
 plea of guilty to included or
 other offence, **CC-606**
 [606(4)]
 see also GUILTY PLEA
 special verdict, defamatory
 libel, **CC-317**
 taking verdict on a Sunday,
 CC-654
 Video appearance of accused,
 CC-650 [650(1.1), (1.2)]
 Viewing, by jury of place, thing
 or person, **CC-652**
 Without jury
 see Judge alone trial, *supra*

INDEX

TRIAL JUDGE'S REPORT, CC-682

TRUST

- Breach by public officer,
CC-122
- Criminal breach of, **CC-336**
- Sexual exploitation by person
in position of trust,
CC-153, CC-153.1

TRUSTEE

- Conversion by, **CC-336**
- Definition, **CC-2**

UNAUTHORIZED USE OF COMPUTER, CC-342.1 [342.1(1)]

- See also **COMPUTERS**

UNDERTAKINGS

- See also **JUDICIAL INTERIM
RELEASE; RELEASE
FROM CUSTODY**

By

- Attorney General re proceeds
of crime orders,
**CC-462.32 [462.32(6)],
CC-462.33 [462.33(7)]**
- defendant-appellant re sum-
mary conviction appeal,
CC-817, CC-831
- Contents, **CC-501**
- Continuation pending granting
of discharge, **CC-730
[730(2)]**
- Definition re release from
custody, **CC-2**
- Failure to appear, **CC-512.2**

UNDERTAKINGS—Cont'd

- Forms of, **CC-FORM 11.1,
CC-FORM 12**
- Forms of criminal jurisdiction
defined, **CC-2**
- Given on holiday, valid, **CC-20**
- Period in force, **CC-523
[523(1)]**
- Summary conviction appeals,
CC-817, CC-818
- Variation, **CC-502**

UNFIT TO STAND TRIAL

- See **MENTAL DISORDER**
- Fitness to stand trial

UNITED KINGDOM

- See **ENGLISH CRIMINAL
LAW**

UNITED NATIONS

- Associated personnel defined,
CC-2
- Attack on premises of, or of
associated personnel,
CC-431.1
- Attorney General of Canada's
consent
prosecution of non-citizen
for offence committed
outside Canada, for,
CC-7 [7(7)]
- Certificate of Minister of
Foreign Affairs proof of
status, **CC-7 [7(10)]**
- Offence against committed
outside Canada, **CC-7
[7(3.71)]**
- Operation defined, **CC-2**
- Personnel defined, **CC-2**

UNITED NATIONS—Cont'd

Threat against personnel, or
against associated person-
nel, **CC-424.1**

UNLAWFUL ASSEMBLY

Punishment, **CC-66**
Riot as, **CC-64**

**UNLAWFUL DRILLING,
CC-70**

UNLAWFULLY AT LARGE

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

**UNLAWFULLY CAUSING
BODILY HARM, CC-269**

See also ASSAULT; BODILY
HARM
Bodily harm defined, **CC-2**
Compulsion by threats no
defence, **CC-17**

**UNORGANIZED
TERRITORY**

Offence in, commencement of
proceedings, **CC-480**
see also JURISDICTION
Territorial

**UNREASONABLE DELAY,
CC-492.21 to CC-492.31**

UNSAFE AIRCRAFT

See CONVEYANCES

**UNSAFE RAILWAY
EQUIPMENT**

See CONVEYANCES

UNSEAWORTHY VESSEL

See CONVEYANCES

USE OF FORCE

See FORCE

UTTERING

See also CURRENCY
OFFENCES;
COUNTERFEITING
Counterfeit money, **CC-452**
Definition of utter, **CC-448**
Document drawn without
authority, **CC-374**
[**374(b)**]
Forged document, **CC-368**
Forged passport, **CC-57**
[**57(1)(b)**]

**UTTERING THREATS,
CC-264.1**

See also THREATENING;
THREATS

VALUABLE MINERAL

Defined, **CC-2**
Forfeiture upon conviction,
CC-394 [**394(6), (7)**],
CC-394.1 [**394.1(4), (5)**]
Fraud in relation to, **CC-394**
[**394(1)**]
Possession when stolen or
fraudulently obtained,
CC-394.1
Presumption of
lack of authority, **CC-394**
[**394(4)**]

INDEX

VALUABLE MINERAL

—Cont'd

Presumption of—Cont'd
theft or unlawful possession,

CC-656

Search for, **CC-395**

Specimen, taking for exploration or investigation not theft, **CC-333**

Unauthorized

purchase, **CC-394 [394(3)]**

sale, **CC-394 [394(2)]**

VALUABLE SECURITY

Defined, **CC-2, CC-4 [4(2)]**

Destruction, cancellation, etc.,
CC-340

Falsification, **CC-397**

Obtaining execution by fraud,
CC-363

Value, rules for determining,
CC-4 [4(2)]

VALUE

Establishing by affidavit,
CC-657.1

VAULT-BREAKING

Possession of instruments for,
CC-351

VEHICLE

See MOTOR VEHICLES

VENUE

See CHANGE OF VENUE;
TRIAL

VERDICTS

See TRIAL

VICTIM

Ban on publication of identity
court proceedings,

CC-486.4, CC-486.5

failure to comply with order,

CC-486.6, CC-672.51

[672.51(12)]

mental disorder proceedings,

CC-672.501

Defined, **CC-2**

Exclusion of public while

testifying, **CC-486**

Restitution to, **CC-738,**

CC-741.2

Support person while testify-

ing, **CC-486.1**

Surcharge, offender to pay,

CC-737

Testimony behind screen,

CC-486.2

Victim impact statement,

CC-722, CC-722.2

copy to be provided to

offender and prosecutor,

CC-722.1

court may consider other

evidence concerning

victim, **CC-722**

[722(3)]

court to inquire if victim

aware of rights,

CC-722.2

hearing to determine disposi-

tion of accused found

not criminally

responsible,

CC-672.541

mental disorder proceedings,

CC-672.5 [672.5(15.1)],

VICTIM—Cont'd

Victim impact statement,
CC-722, CC-722.2
 —Cont'd
(16)], CC-672.541
 parole ineligibility review,
CC-745.63
 sentence hearing, at,
CC-722, CC-722.1
 victim defined for purposes
 of, **CC-672.5**
[672.5(16)], CC-722
[722(4)]
 Video-recorded evidence,
CC-715.1, CC-715.2

VIDEOCONFERENCE

See also AUDIO LINKS;
 AUDIOCONFERENCE;
 VIDEO LINKS
 Definition, **CC-2**

VIDEO LINKS

See also AUDIO LINKS
 Accused may appear by
 appeal, at, **CC-683**
[683(2.1), (2.2)],
CC-688 [688(2.1)]
 making Sex Offender Infor-
 mation Registration Act
 order, **CC-490.012**
[490.012(4)(c)]
 preliminary inquiry, at
 accused confined to
 prison, where,
CC-537 [537(1)(k)]
 consent of parties, with,
CC-537 [537(1)(h)]
 trial, at
 accused confined to
 prison, where,

VIDEO LINKS—Cont'd

Accused may appear by
 —Cont'd
 trial, at—Cont'd
CC-650 [650(1.2)]
 consent of parties, with,
CC-650 [650(1.1)]
 Complainant's evidence in
 certain cases by closed
 circuit television,
CC-486.2
 Evidence
 deemed to be given in
 judicial proceeding,
CC-136 [136(1.1)]
 received on consent,
CC-714.8
 witnesses, of, **CC-486.2**
 Order to assist foreign court,
CEA-46 [CE 46(2)]
 application of law of
 contempt, **CEA-50 [CE**
50(1.2)]
 witness deemed to be outside
 Canada for some
 purposes, **CEA-50 [CE**
50(1.1)]
 Party calling witness to pay
 costs associated with
 technology, **CC-714.7**
 Witness inside Canada
 judge may make order,
CC-714.1
 subpoena may issue,
CC-700.1
 Witness outside Canada
 evidence may be received,
CC-714.2

INDEX

VIDEO LINKS—Cont'd

- Witness outside Canada
 - Cont'd
 - evidence to be given in Canada, **CC-714.6**
 - evidence to be given under oath, etc., **CC-714.5**

VIDEO RECORDING

- Voyeuristic material, **CC-162**

VIDEO REMAND, **CC-537**

- [537(1)(j)], **CC-650**
- [650(1.1)]

VIDEOTAPED EVIDENCE

- See also EXHIBITS
- Complainant testifying outside the courtroom, **CC-486.2** [486.2(1), (2)]
- Evidence of complainant under 18, **CC-715.1**
- Evidence of complainant with disability, **CC-715.2**

VIEW BY JURY, **CC-652**

- See also JURIES; TRIAL

VIOLENCE

- Use or threat, of, to intimidate, **CC-423** [423(1)(a)]

VOIDABLE TRANSFERS, **CC-462.32**

VOIR DIRE

- Business records, **CEA-30** [CE 30(6), (9)]
- see also DOCUMENTS
- Challenge for cause, **CC-640**

VOIR DIRE—Cont'd

- Complainant
 - not a compellable witness re admissibility of sexual activity
 - application for accused, **CC-276.02**
 - application for prosecutor, **CC-276.06**
 - sexual activity, admissibility on sexual offences
 - application for accused, **CC-276.02**
 - application for prosecutor, **CC-276.06**
- Sexual activity of complainant re sex offences
 - application for accused, **CC-276.02**
 - application for prosecutor, **CC-276.06**
- Voluntariness
 - young person, **YC-146**

VOLUNTARINESS

- See also ADMISSIONS; STATEMENTS OF THE ACCUSED; VOIR DIRE ; YOUTH CRIMINAL JUSTICE ACT
- Confession, preliminary inquiry, **CC-542**
- law relating to the admissibility of statements, **YC-146** [YC 146(1)]
- person in authority, statement to, **YC-146** [YC 146(2) to (9)]
- Young person, **YC-146**

VOYEURISM

- Ban on publication of identity of complainant or witness, **CC-486.4**
- Closing Internet sites, **CC-164.1**
- In rem proceedings, **CC-164**
- Offence to surreptitiously observe or record, **CC-162**
- Printing, distributing or record, **CC-162 [162(4)]**
- Public good defence, **CC-162 [162(6), (7)]**
- Seizure of recordings, **CC-164**
- Testimony outside courtroom, **CC-486.2**

WAR CRIMES

- Attorney General of Canada's consent required, **WC-9 [WC 9(3)]**
- Authorization to intercept private communications may be obtained, **CC-183**
- Conventional international law defined, **WC-2 [WC 2(1)]**
- Crime against humanity
 - defined, Schedule Rome Statute Article 7, **WC-4 [WC 4(3)], WC-6 [WC 6(3)]**
 - fund established, **WC-30, WC-31**
 - liability of military commander for, **WC-5, WC-7**
 - liability of superior for, **WC-5, WC-7**
 - offence in Canada, **WC-4**

WAR CRIMES—Cont'd

- Crime against humanity
 - Cont'd
 - offence outside Canada, **WC-6**
- Crown bound by Act, **WC-3**
- Defences
 - obedience to law no defence, **WC-13**
 - other defences preserved, **WC-11**
 - previously tried outside Canada, when, **WC-12**
 - superior orders, **WC-14**
- Evidence and procedure, **WC-10**
- Genocide
 - defined, Schedule Rome Statute Article 6, **WC-4 [WC 4(3)], WC-6 [WC 6(3)]**
 - liability of military commander for, **WC-5, WC-7**
 - liability of superior for, **WC-5, WC-7**
 - offence in Canada, **WC-4**
 - offence outside Canada, **WC-6**
- Jurisdiction
 - over person, **WC-8**
 - territorial jurisdiction, **WC-9**
- Military commander
 - defined, **WC-5 [WC 5(4)], WC-7 [WC 7(6)]**
 - offence by in Canada, **WC-5**
 - offence by outside Canada, **WC-7**

INDEX

WAR CRIMES—Cont'd

Parole ineligibility, **CC-745**
[745(b.1)]

Punishment, **WC-15**

Superior

defined, **WC-5 [WC 5(4)]**,
WC-7 [WC 7(6)]

offence by, in Canada, **WC-5**

offence by, outside Canada,
WC-7

Superior court of criminal juris-
diction must try, **CC-468**,
CC-469

War crime

defined, Schedule Rome
Statute Article 2, **WC-4**
[WC 4(3)], **WC-6 [WC**
6(3)]

liability of military com-
mander for, **WC-5**,
WC-7

liability of superior for,
WC-5, **WC-7**

offence in Canada, **WC-4**

offence outside Canada,
WC-6

WARD

See **GUARDIAN**

WARRANT OF COMMITTAL

See **WARRANTS**

WARRANTS

See also **ARREST; JUSTICES;**
SEARCH AND SEIZURE
Warrants

Arrest

see **ARREST**

WARRANTS—Cont'd

Committal upon

see Warrant of committal,
infra

Convey accused to another
jurisdiction, to,
CC-FORM 15

Electronically transmitted copy,
CC-708.1

Endorsement of warrant,
CC-528

Failure to appear
fingerprints, **CC-502**
summary conviction
proceedings, **CC-803**
[803(2), (3)]

Issue of, after indictment pre-
sented, **CC-578**
[578(1)(b), (2)]

Issue on holiday valid, **CC-20**

Proceeds of crime
see **PROCEEDS OF CRIME**

Remanding prisoner,
CC-FORM 19

Search warrant
see **SEARCH AND**
SEIZURE Warrants

Seizure of obscene publica-
tions, **CC-164**

Warrant of committal
committal for trial

see **PRELIMINARY**
INQUIRY

conviction, on, **CC-FORM**
21

conviction for contempt,
CC-708

see also **CONTEMPT OF**
COURT

WARRANTS—Cont'd

Warrant of committal—Cont'd

default of payment of costs
on appeal, **CC-FORM
26**

defects in, when not ground
for quashing, **CC-781**

execution of, **CC-744**

failure

furnish recognizance to
keep the peace, to,
CC-FORM 23

witness to enter into
recognizance, of,
CC-FORM 24

forfeiture of recognizance,
CC-FORM 27

general form, **CC-FORM 8**

order to pay money, on, **CC-
FORM 22**

quashing, when certiorari not
available, **CC-781**

Witness absconding, defaulting,
CC-704, CC-705

see also WITNESSES War-
rant of arrest for witness

WASH TRADING, CC-382

Sentencing, **CC-380.1**

WATCH AND BESET, CC-264

[264(2)(c)], **CC-423**

[423(1)(f), (2)]

See also INTIMIDATION;
HARASSMENT; STALK-
ING

WEAPON DANGEROUS

See also WEAPONS

WEAPON DANGEROUS

—Cont'd

Weapon for purpose

committing offence, of,
CC-87, CC-88

dangerous to the public
peace, **CC-87, CC-88**

WEAPONS

Airgun, discharging with intent,
CC-244.1

Ammunition

definition, **CC-84 [84(1)]**

firearm parts, **FIR-25.1**

possession while prohibited,
CC-114, CC-115,

CC-117.01, CC-117.04

prohibited ammunition

definition, **CC-84 [84(1)]**

export and import
offences, **CC-103,**
CC-104

possession

knowing possession
unauthorized,

CC-92 [92(1)]

unauthorized, **CC-91,**
CC-94

unauthorized place, at,
CC-93

weapon, of, obtained by
commission of
offence, **CC-96**

without licence, **CC-91**
[91(2)]

trafficking offences,

CC-99, CC-101

prohibition orders, **CC-109,**
CC-117.01

appeal, **CC-111,**

INDEX

WEAPONS—Cont'd

Ammunition—Cont'd
prohibition orders, **CC-109**,
CC-117.01—Cont'd
CC-117.04
conviction, after, **CC-109**,
CC-110
seizure, after, **CC-117.04**
search and seizure,
CC-117.02, **CC-117.06**
see also SEARCH AND
SEIZURE
order for disposition,
CC-117.05
return to provincial judge,
CC-117.04
[**117.04(3)**]
without warrant,
CC-117.02,
CC-117.04
[**117.04(2)**]
with warrant, **CC-117.04**
[**117.04(1)**]
trafficking offences, **CC-99**,
CC-101
wrongful delivery of, **CC-94**
Amnesty periods, **CC-117.14**
Application for search warrant,
CC-117.02, **CC-117.04**
Assault with weapon, **CC-267**
[**267(a)**]
Authorizations
definition, **CC-84** [**84(1)**]
offences re losing, finding,
false statements,
CC-105, **CC-107**
Begging while openly carrying
weapon, **CC-265**
[**265(1)(c)**]

WEAPONS—Cont'd

Business reports and rules re
weapons, **CC-105**
Carrying concealed weapon,
CC-90
Carrying weapon while attend-
ing public meeting, **CC-89**
Concealed weapon, **CC-90**
Controlled drugs and sub-
stances offences, **CD-10**
Cross-bow
definition, **CC-84** [**84(1)**]
Defences
amnesty period exception to
offences, **CC-117.14**
[**117.14(3)**, (**4**)]
exempted persons, **CC-92**,
CC-117.07, **CC-117.08**,
CC-117.1, **CC-117.14**
[**117.14(3)**]
proceedings a nullity re
amnesty period defence,
CC-117.14 [**117.14(3)**]
replaced firearm serial
number re tampering
offence, **CC-108**
[**108(3)**]
Definitions, **CC-2**, **CC-84**
ammunition, **CC-84** [**84(1)**]
amnesty period, **CC-117.14**
[**117.14(1)**, (**2**)]
antique firearm, **CC-84**
[**84(1)**, (**3**), (**3.1**)]
authorization, **CC-84** [**84(1)**]
automatic firearm, **CC-84**
[**84(1)**]
barrel length of firearm,
CC-84 [**84(2)**]

WEAPONS—Cont'd

Definitions, **CC-2, CC-84**

—Cont'd

chief firearms officer, **CC-84 [84(1)]**

chief provincial firearms officer, **CC-84 [84(1)]**

cross-bow, **CC-84 [84(1)]**

firearm, **CC-2**

firearms officer, **CC-84 [84(1)]**

genuine gun collector, **CC-84 [84(1)]**

holder of authorization, licence, registration certificate, **CC-84 [84(4)]**

imitation firearm, **CC-84 [84(1)]**

licence, **CC-84 [84(1)]**

prohibited ammunition, **CC-84 [84(1)]**

prohibited device, **CC-84 [84(1)]**

prohibited firearm, **CC-84 [84(1)]**

prohibited weapon, **CC-84 [84(1)]**

prohibition order, **CC-84 [84(1)]**

public officer, **CC-117.07 [117.07(2)]**

Registrar, **CC-84 [84(1)]**

registration certificate, **CC-84 [84(1)]**

replica firearm, **CC-84 [84(1)]**

report or statement, offence re false report or state-

WEAPONS—Cont'd

Definitions, **CC-2, CC-84**

—Cont'd

ment, **CC-107 [107(3)]**

restricted firearm, **CC-84 [84(1)]**

restricted weapon, **CC-84 [84(1)]**

superior court, **CC-84 [84(1)]**

weapon, **CC-2**

weapons deemed not to be firearms, **CC-84 [84(3)]**

Delivering or reporting found weapon to officer, offence re failing to, **CC-105 [105(1)(b), (2)]**

Destroyed weapon, offence re failing to report, **CC-106**

Discharging

airgun with intent, **CC-244.1**

firearm with intent, **CC-244**

Evidence

authorizations, licences, registration certificates as proof of contents, **CC-117.12 [117.12(1)]**

certificate of weapons analyst, **CC-117.13**

copies, certified, authorizations, licences, registration certificates, **CC-117.12 [117.12(2)]**

lawful excuse re altered, defaced or removed serial number, **CC-108**

onus on accused re proof of authorization, licence or

INDEX

WEAPONS—Cont'd

Evidence—Cont'd
 registration certificate,
 CC-117.11
 presumption re obliterated
 firearms serial number,
 CC-108 [108(4)]
Exempted persons, **CC-92,**
 CC-99, CC-117.07,
 CC-117.08, CC-117.09,
 CC-117.1, CC-117.14
 [117.14(3), (4)]
employees of business with
 licence, **CC-117.09**
 [117.09(1), (2)]
employees of carriers
 exempted from
 offences, **CC-117.09**
 [117.09(3)]
employees of museums
 exempted, **CC-92,**
 CC-117.09 [117.09(4),
 (5)]
employees with licence
 exempted from
 offences, **CC-117.09**
peace officer or person in
 public service of Can-
 ada or province,
 CC-117.07
persons acting for police
 force, Canadian Forces,
 visiting forces,
 CC-117.08
public officers, **CC-117.07**
violating prohibition order,
 authorization or licence,
 CC-117.1
amnesty period exception
 to offences,

WEAPONS—Cont'd

Exempted persons, **CC-92,**
 CC-99, CC-117.07,
 CC-117.08, CC-117.09,
 CC-117.1, CC-117.14
 [117.14(3), (4)]—Cont'd
violating prohibition order,
 authorization or licence,
 CC-117.1—Cont'd
 CC-117.14
 [117.14(3), (4)]
Export and import offences,
 CC-103, CC-104
importing or exporting
 knowing it is unautho-
 rized, **CC-103**
unauthorized importing or
 exporting, **CC-104**
False report or statement re
 loss, theft or destruction of
 weapon, offence re,
 CC-107
Firearms
 agreements with provinces re
 administration, **CC-111**
 altering cartridge magazine,
 CC-104.1
 altering firearm for
 automatic fire, **CC-102**
 antique firearm, definition,
 CC-84 [84(1), (3),
 (3.1)]
 armed forces exemption,
 CC-117.07
 assembling offence, **CC-102**
 authorization, definition,
 CC-84 [84(1)]
 automatic firearm, definition,
 CC-84 [84(1)]

WEAPONS—Cont'd

Firearms—Cont'd

- barrel length, **CC-84 [84(2)]**
- borrowed firearm for sustenance, **CC-92 [92(5)], CC-94 [94(5)]**
- business
 - see also Restricted weapon, *infra*
 - exemption, **CC-117.09**
- careless handling, use, **CC-86 [86(1)]**
- chief firearms officer, definition, **CC-84 [84(1)]**
- chief provincial firearms officer, **CC-84 [84(1)]**
- defence re replaced registration certificate, **CC-108 [108(3)]**
- definitions, **CC-2, CC-84, CC-107 [107(3)]**
- firearm, **CC-2**
- prohibited firearm, **CC-84 [84(1)]**
- report or statement,
 - offence re false report or statement, **CC-107 [107(3)]**
- restricted firearm, **CC-84 [84(1)]**
- weapon, **CC-2**
- discharging with intent, **CC-244**
- disposal of, **CC-115 [115(2)]**
- exempted persons,
 - CC-117.07, CC-117.08, CC-117.1, CC-117.14 [117.14(3), (4)]**

WEAPONS—Cont'd

Firearms—Cont'd

- export and import offences, **CC-103, CC-104**
- firearms acquisition certificate
 - see also Firearms acquisition certificate, *infra*
 - definition, **CC-84 [84(1)]**
- Firearms Act, **CC-84, CC-86, CC-90, CC-92 [92(6)], CC-93 [93(1)(c)], CC-99 [99(1)], CC-100 [100(1)], CC-101, CC-103, CC-104 [104(1)], CC-117.07, CC-117.08, CC-117.09**
- firearms officer, definition, **CC-84 [84(1)]**
- forfeiture, **CC-491**
 - see also Forfeiture of weapons and ammunition, *infra*
- found weapon offence, **CC-105**
- handling
 - contrary to regulation, **CC-86 [86(2)]**
 - restricted firearm contrary to regulation, **CC-86 [86(2)]**
- shipping, storing, transporting contrary to regulations, **CC-86 [86(2)]**
- holder re authorization, licence or registration certificate, **CC-84 [84(4)]**

INDEX

WEAPONS—Cont'd

Firearms—Cont'd

imitation firearm, definition,
CC-84 [84(1)]

use of, offence, **CC-85**
[85(2)]

importing without certificate,
CC-103, CC-104

judicial interim release, sur-
render of firearms
acquisition certificate,
CC-515 [515(4.11), (7),
(8)], CC-522 [522(3)]

see also JUDICIAL
INTERIM
RELEASE

licence

definition, **CC-84 [84(1)]**

unauthorized possession
of firearm, **CC-91,**
CC-92

making automatic firearm,
CC-102

museums

exemption, **CC-117.09**
[117.09(4), (5)]

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

officer, firearms, defined,
CC-84 [84(1)]

pointing, **CC-87 [87(1)]**

possession

computer data re 3D print-
ing, **CC-102.1**

firearm with altered,
defaced or removed

WEAPONS—Cont'd

Firearms—Cont'd

possession—Cont'd

serial number, of,
CC-108

knowing possession unau-
thorized, **CC-92**
[92(1)]

prohibited, while,
CC-117.01
[117.01(1)]

purpose of weapons traf-
ficking, for, **CC-100**

unauthorized, **CC-91,**
CC-94

unauthorized place, at,
CC-93

weapon obtained by com-
mission of offence,
of, **CC-96**

presumption re obliterated
serial number, **CC-108**
[108(4)]

previous conviction, evi-
dence of, **CC-92 [92(6)]**

prohibited firearm

definition, **CC-84 [84(1)]**

possession, with ammuni-
tion, **CC-95**

prohibited weapon

see Prohibited weapon,
infra

prohibition orders, **CC-109,**
CC-117.01, CC-117.1

appeal of, **CC-111**
[111(8)]

application by peace
officer, **CC-111**

WEAPONS—Cont'd

Firearms—Cont'd

prohibition orders, **CC-109, CC-117.01, CC-117.1**

—Cont'd

authorization, etc. revoked by order, **CC-116**

conviction, on, for offence involving violence, **CC-109, CC-110**

criteria, **CC-111 [111(1)]**

discretionary order prohibiting possession, **CC-110**

duration of order up to ten years, **CC-110 [110(2)]**

emergency prohibition order, **CC-110.1**

hearing of reference and disposition, **CC-111**

procedure for hearing, **CC-111 [111(2)-(6)]**

reasons why order not made, **CC-110 [110(3)], CC-111 [111(6)]**

time for surrendering lawfully owned weapon, **CC-114**

registrar, definition, **CC-84 [84(1)]**

registration certificate definition, **CC-84 [84(1)]**

unauthorized possession of firearm, **CC-91**

regulations

contravention of, **CC-86 [86(2)]**

WEAPONS—Cont'd

Firearms—Cont'd

regulations—Cont'd

powers re, **CC-116**

replica firearm

definition, **CC-84 [84(1)]**

unauthorized possession of prohibited device other than replica firearm, **CC-91 [91(2)]**

report of loss, destruction, theft, **CC-105 [105(2)]**

report or statement, definition re false report or statement, **CC-107 [107(3)]**

restricted firearm

definition, **CC-84 [84(1)]**

possession, with ammunition, **CC-95**

restricted weapon, **CC-84 [84(1)], CC-91**

search and seizure, **CC-117.02, CC-117.06**

see also Search and seizure, *infra*

serial number, altering, defacing, removing, offence, **CC-108**

storage, handling firearm contrary to regulation, **CC-86 [86(3)]**

tampering with serial number, offence, **CC-108**

trafficking offences, **CC-99, CC-101**

INDEX

WEAPONS—Cont'd

Firearms—Cont'd

transfer, etc., to unauthorized person, **CC-94, CC-99, CC-101**

transfer without authority, **CC-101**

unauthorized possession in motor vehicle, **CC-94**

unauthorized possession of firearm, **CC-91**

use during commission of offence, **CC-85, CC-220 [220(a)], CC-236 [236(a)], CC-239 [239(1)(a), (a.1)], CC-272 [272(2)(a), (a.1)], CC-273 [273(2)(a), (a.1)], CC-279 [279(1.1)(a), (a.1)], CC-279.1 [279.1(2)(a), (a.1)], CC-344 [344(1)(a), (a.1)], CC-346 [346(1.1)(a), (a.1)]**

weapon, **CC-2**

weapons deemed not to be firearms, **CC-84 [84(3)]**

Firearms acquisition certificate evidence of its contents, **CC-117.12**

failure to deliver up, **CC-117.01 [117.01(2)]**

judicial interim release, surrender of certificate, **CC-515 [515(4.11), (7), (8)], CC-522 [522(3)]**

see also JUDICIAL
INTERIM
RELEASE

WEAPONS—Cont'd

Firearms acquisition certificate —Cont'd

lost certificate offence, **CC-105**

onus of proof re holding of, **CC-117.11**

possession while prohibited by order, **CC-117.01 [117.01(1)]**

registration certificate, definition, **CC-84 [84(1)]**

removing, altering serial number on firearm, **CC-108**

revocation by prohibition order, **CC-116**

Forfeiture of weapons and ammunition, **CC-491 [491(1)]**

proceeds of sale, **CC-491 [491(3)]**

return to lawful owners, **CC-491 [491(2)]**

Found weapon offence, **CC-105**

Importing and exporting offences, **CC-103, CC-104**

Importing or exporting prohibited weapon, **CC-103, CC-104**

Judicial interim release, **CC-515 [515(4.11)]**

see also JUDICIAL
INTERIM RELEASE

Licence

definition, **CC-84 [84(1)]**

WEAPONS—Cont'd

- Licence—Cont'd
 - offences re losing, finding, false statements, **CC-105, CC-107**
- Lost, found, destroyed or defaced weapons and authorizations offences, **CC-105, CC-108**
- destroying, **CC-106**
- false statements, **CC-107**
- losing or finding, **CC-105**
- tampering with serial number, **CC-108**
- Offences
 - assembling offence, **CC-102**
 - failing to deliver up documents, **CC-117.01 [117.01(2)]**
 - making automatic firearm, **CC-102**
 - export and import offences, **CC-103, CC-104**
 - importing or exporting knowing it is unauthorized, **CC-103**
 - unauthorized importing or exporting, **CC-104**
 - lost, destroyed or defaced weapons, authorizations, etc., offences, **CC-105, CC-108**
 - destroying weapon, device, ammunition, without reporting, **CC-106**
 - false statements, **CC-107**
 - finding prohibited or restricted weapon,

WEAPONS—Cont'd

- Offences—Cont'd
 - lost, destroyed or defaced weapons, authorizations, etc., offences, **CC-105, CC-108**
 - Cont'd
 - firearm, without report or delivery, **CC-105 [105(1)(b)]**
 - losing or finding weapon, authorization, etc., without reporting or delivery, **CC-105 [105(1)(a)]**
 - losing restricted weapon without reporting, **CC-105**
 - possession of firearm with altered serial number, **CC-108**
 - tampering with serial number, **CC-108**
- possession offences, **CC-88, CC-98.1, CC-108**
- carrying concealed weapon, **CC-90**
- carrying weapon while attending public meeting, **CC-89**
- importing or exporting prohibited weapon, **CC-103, CC-104**
- making automatic firearm, **CC-102**
- possession
 - firearm, of, knowing its possession is unauthorized, **CC-92 [92(1)]**

INDEX

WEAPONS—Cont'd

Offences—Cont'd

possession offences, **CC-88, CC-98.1, CC-108**

—Cont'd

possession—Cont'd

firearm, of, with altered
serial number,
CC-108 [108(1)]

prohibited, restricted
weapon, device,
ammunition, of,
knowing possession unauthorized,
CC-92 [92(2)]

prohibited or restricted
firearm, of, with
ammunition,
CC-95

prohibited weapon, of,
CC-91

purpose of weapons
trafficking, for,
CC-100

unauthorized place, at,
CC-93 [93(1)]

unregistered restricted
firearm, of, **CC-91**

weapon, of, obtained by
commission of
offence, **CC-96**

weapon for dangerous
purpose, of,
CC-87, CC-88

unauthorized possession
automobile, in, **CC-94**

computer data re 3D
printing, of,
CC-102.1

WEAPONS—Cont'd

Offences—Cont'd

possession offences, **CC-88, CC-98.1, CC-108**

—Cont'd

unauthorized possession

—Cont'd

firearm, of, **CC-91**
[91(1)]

prohibited, restricted
weapon, etc., of,
CC-91 [91(2)]

weapons dangerous,
CC-87, CC-88

trafficking offences, **CC-99, CC-101**

possession for purpose of
weapons trafficking,
CC-100

transfer without authority,
CC-101

weapons trafficking,
CC-99

use offences

careless use of firearm,
weapon, etc., **CC-86**
[86(1)]

consecutive sentences for
using firearm, **CC-85**
[85(4)]

contravention of storage
regulations, **CC-86**
[86(2)]

pointing firearm, **CC-86, CC-87**

using imitation firearm in
commission of
offence, **CC-85**
[85(2)]

WEAPONS—Cont'd

Offences re lost, found,
destroyed and altered
weapons and authoriza-
tions, **CC-105, CC-108**

Permit for restricted weapon
see Restricted weapon, *infra*

Possession
attending meeting, **CC-89**
carrying concealed weapon,
CC-90
carrying weapon while
attending public meet-
ing, **CC-89**
dangerous purpose, for,
CC-88
exception re
business, **CC-117.09**
Canadian forces, peace
officers, etc.,
CC-117.07,
CC-117.08
museum staff, **CC-117.09**
[**117.09(4), (5)**]
exempted persons, **CC-92,**
CC-99, CC-117.07,
CC-117.08, CC-117.1,
CC-117.14 [117.14(3),
(4)]
firearm knowing its posses-
sion is unauthorized,
CC-92 [92(1)]
firearm with altered serial
number, **CC-108**
[**108(1)**]
prohibited
ammunition, **CC-88,**
CC-94, CC-96,
CC-100

WEAPONS—Cont'd

Possession—Cont'd
prohibited—Cont'd
device, **CC-88, CC-94,**
CC-96, CC-100
order, by, **CC-117.01**
[**117.01(1)**]
weapon, **CC-90, CC-91**
[**91(2)**], **CC-92**
[**92(2)**]
prohibited, restricted
weapon, device, ammu-
nition knowing posses-
sion unauthorized,
CC-92 [92(2)]
prohibited or restricted
firearm with ammuni-
tion, **CC-95**
purpose of committing
offence, for, **CC-88**
purpose of weapons traffick-
ing, for, **CC-100**
restricted weapon,
unregistered, **CC-92**
unauthorized place, at,
CC-93 [93(1)]
unauthorized possession
automobile, in, **CC-94**
firearm, of, **CC-91 [91(1)]**
prohibited, restricted
weapon, device, etc.,
of, **CC-91 [91(2)]**
unregistered restricted
weapon, **CC-91**
weapon dangerous, **CC-87,**
CC-88
weapon for dangerous
purpose, **CC-87, CC-88**

INDEX

WEAPONS—Cont'd

Possession—Cont'd

weapon obtained by commission of offence, **CC-96**

Prohibited device

definition, **CC-84 [84(1)]**

export and import offences, **CC-103, CC-104**

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

possession

knowing possession unauthorized, **CC-92 [92(1)]**

unauthorized, **CC-91, CC-94**

unauthorized place, **CC-93**

weapon, of, obtained by commission of offence, **CC-96**

without licence, **CC-91 [91(2)]**

trafficking offences, **CC-99, CC-101**

unauthorized possession, **CC-91 [91(2)]**

unauthorized possession in motor vehicle, **CC-94**

Prohibited firearm

see Firearms, *supra*

Prohibited weapon

armed forces exemption, **CC-117.07**

definition, **CC-84**

WEAPONS—Cont'd

Prohibited weapon—Cont'd

export and import offences, **CC-103, CC-104**

failure to deliver or report after finding, **CC-105**

failure to report after destroying, **CC-106**

forfeiture, **CC-491**

found weapon offence, **CC-104, CC-105**

importing, delivering, and exemptions, **CC-117.09**

importing or exporting knowing it is unauthorized, **CC-103**

lost, destroyed or defaced weapons, authorizations, etc., offences, **CC-105, CC-108**

occupant in vehicle, **CC-94**

possession

knowing possession unauthorized, **CC-92 [92(1)]**

offences, **CC-90, CC-91 [91(2)-(4)], CC-92 [92(2)-(6)], CC-93, CC-94**

purpose of weapons trafficking, for, **CC-100**

unauthorized, **CC-91, CC-94**

unauthorized place, at, **CC-93**

weapon obtained by commission of offence, of, **CC-96**

WEAPONS—Cont'd

Prohibited weapon—Cont'd
 possession—Cont'd
 without licence, **CC-91 [91(2)]**
 regulations, **CC-117.15**
 report of loss, destruction,
 theft, **CC-105**
 search and seizure
 see Search and seizure,
 infra; SEARCH AND
 SEIZURE
 trafficking offences, **CC-99,**
 CC-101
 unauthorized
 importing or exporting,
 CC-104
 possession, **CC-91 [91(2)]**
 possession in motor vehi-
 cle, **CC-94**
 Prohibition orders, **CC-100,**
 CC-109, CC-117.01,
 CC-117.011 [117.011(7)-
 (8)], CC-117.05
 [117.05(4), (7)-(8)],
 CC-117.1
 appeals, **CC-111 [111(8),**
 (9)], CC-117.011
 [117.011(7), (8)],
 CC-117.05 [117.05(7),
 (8)]
 application for prohibition
 order, **CC-111**
 authorizations, licences,
 registration certificates,
 revoked or amended by
 prohibition order,
 CC-116
 conditional sentence of

WEAPONS—Cont'd

Prohibition orders, **CC-100,**
 CC-109, CC-117.01,
 CC-117.011 [117.011(7)-
 (8)], CC-117.05
 [117.05(4), (7)-(8)],
 CC-117.1—Cont'd
 imprisonment,
 CC-742.2
 definition, **CC-84 [84(1)]**
 discretionary prohibition
 order, **CC-110**
 emergency prohibition order,
 CC-110.1
 failure to surrender authori-
 zation, licence, registra-
 tion certificate,
 CC-117.01 [117.01(2)]
 forfeiture, **CC-115**
 forfeiture and prohibition
 order on finding,
 CC-117.05 [117.05(4)]
 lifting of prohibition order
 for sustenance or
 employment, **CC-113**
 limitation on access order re
 person associated with
 prohibited person,
 CC-117.011
 making of
 discretionary prohibition
 order, **CC-110**
 mandatory prohibition
 order, **CC-109**
 order limiting access,
 CC-117.011
 possession contrary to order,
 CC-117.01 [117.01(1)]
 probation, **CC-731.1**

INDEX

WEAPONS—Cont'd

Prohibition orders, **CC-100**,
CC-109, **CC-117.01**,
CC-117.011 [**117.011(7)-(8)**], **CC-117.05**
[**117.05(4), (7)-(8)**],
CC-117.1—Cont'd
registration certificate may
not be denied where
sustenance order made,
CC-113 [**113(3)(a)**]
requirement to surrender
possession on making
of order, **CC-114**
return to owner, **CC-117**
revocation of prohibition
order, **CC-112**,
CC-117.012
seized things, prohibition,
CC-117.05
see also Search and
seizure, *infra*
surrender requirement,
CC-114
young persons, **YC-51**
Registration certificate
see also Restricted weapon,
infra
definition, **CC-84** [**84(1)**]
failure to deliver up,
CC-117.01
offences re losing, finding,
false statements,
CC-113, **CC-105**,
CC-107
onus on accused, **CC-117.11**
proof of, **CC-117.12**
Regulations, powers re,
CC-117.15

WEAPONS—Cont'd

Reporting destruction of
weapon, offence re failure
to report, **CC-106**
Reporting or delivering found
weapon, offence re failing
to, **CC-105**
Restricted firearm
see Firearms, *supra*
Restricted weapon
see also Firearms, *supra*
amnesty periods, **CC-117.14**
armed forces exemption,
CC-117.07, **CC-117.08**
definition, **CC-84** [**84(1)**]
export and import offences,
CC-103, **CC-104**
failure to deliver or report
after finding, **CC-105**
[**105(1)(b)**]
failure to report loss,
CC-105 [**105(1)(a)**]
false report or statement re
loss, theft or destruction
of weapons, offence,
CC-107
forfeiture, **CC-491**
found weapon offence,
CC-104, **CC-105**
handling restricted weapon
or firearm contrary to
regulation, **CC-86**
[**86(2)**]
importing or exporting
knowing it is unautho-
rized, **CC-103**
importing without permit,
CC-96 [**96(3)**]

WEAPONS—Cont'd

Restricted weapon—Cont'd

- lost, destroyed weapons,
false statements re,
offences, **CC-104,**
CC-105, CC-107
- museums exemption, **CC-92**
[92(2)]
- offences re lost, found,
destroyed or defaced
weapons, etc., **CC-105,**
CC-108
- permit for restricted weapon
evidence of contents, as,
CC-117.12
- failure to deliver up,
CC-117.01
- onus of proof re holding
of, **CC-117.11**
- possession offences, **CC-91**
[91(2)-(4)], CC-92
[92(2)-(4)], CC-93,
CC-94, CC-96
- exemptions, **CC-91**
[91(4)], CC-92
[92(4)], CC-93
[93(3)], CC-94
[94(3)-(5)], CC-95
[95(3)] CC-96
[96(3)]
- knowing possession unau-
thorized, **CC-92**
[92(2)]
- occupant in motor vehicle,
CC-91 [91(3), (5)],
CC-94
- trafficking offences,
CC-99, CC-101

WEAPONS—Cont'd

Restricted weapon—Cont'd

- possession offences, **CC-91**
[91(2)-(4)], CC-92
[92(2)-(4)], CC-93,
CC-94, CC-96
—Cont'd
- unauthorized
place at, **CC-91 [91(2)],**
CC-93
- possession, **CC-91,**
CC-94
- possession in motor
vehicle, **CC-94**
- unregistered restricted
weapon, **CC-91**
- weapon obtained by com-
mission of offence,
CC-96
- without licence, **CC-91**
[91(2)]
- without registration certif-
icate, **CC-91 [91(1)]**
- record of transactions,
CC-105
- regulations re, **CC-117.15**
- trafficking offences, **CC-99,**
CC-101
- transfer, etc., to unauthorized
person, **CC-100**
- unauthorized
importing or exporting,
CC-104
- possession, **CC-91 [91(2)]**
- possession in motor vehi-
cle, **CC-94**

INDEX

WEAPONS—Cont'd

Search and seizure, **CC-101, CC-103, CC-117.02, CC-117.06**
see also SEARCH AND SEIZURE
application for disposition and notice, **CC-111**
appeal of order or failure to make finding or order, **CC-111 [111(8), (9)]**
definitions, **CC-111 [111(11)]**
disposition of articles seized and prohibition re possession, revocation of authorization, etc., **CC-117, CC-117.01**
ex parte hearing, **CC-111 [111(4)]**
hearing of application, **CC-111 [111(3)]**
application for disposition of thing seized, **CC-117.05**
application for warrant, **CC-117.04**
authorization, licence, certificate, revoked on seizure, **CC-117.04 [117.04(4)]**
exigent circumstances, **CC-101 [101(1)]**
failure to produce authorization, seizure on, **CC-117.03**
forfeiture, **CC-117.03 [117.03(3)], CC-117.05**

WEAPONS—Cont'd

Search and seizure, **CC-101, CC-103, CC-117.02, CC-117.06—Cont'd**
[117.05(4)], CC-491 [491(1)]
peace officer, by, without warrant, **CC-103 [103(2)]**
prohibited weapon, **CC-117.02, CC-117.04**
prohibition order, **CC-117.05 [117.05(4)-(9)]**
see also Prohibition orders, *supra*
restricted weapon, **CC-117.02, CC-117.04**
return
justice, to, **CC-117.04 [117.04(3)]**
lawful owner, to, **CC-491 [491(2)]**
seized articles where no application or finding, of, **CC-117.06**
seized thing on production of authorization, of, **CC-117.03 [117.03(2)]**
seizure to justice, on, **CC-117.04 [117.04(3)]**
thing seized, of, **CC-117.06**
sale, disposition of proceeds, **CC-491 [491(3)]**
seizure on failure to produce authorization, **CC-117.03**

WEAPONS—Cont'd

Search and seizure, **CC-101**,
CC-103, **CC-117.02**,
CC-117.06—Cont'd
under search warrant,
CC-491
warrantless seizure,
CC-117.02, **CC-117.04**
[117.04(2)]
warrant to seize weapon,
authorization, certificate,
CC-117.04
Sexual assault with weapon,
CC-272 [272(1)(a)]
see also SEXUAL
ASSAULT
Superior court, definition,
CC-84 [84(1)]
Threatening use of weapon in
committing
assault, **CC-267 [267(a)]**
sexual assault, **CC-272**
[272(1)(a)]
see also SEXUAL
ASSAULT
Trafficking offences, **CC-99**,
CC-101
possession for the purpose of
weapons trafficking,
CC-100
transfer without authority,
CC-101
weapons trafficking, **CC-99**
Transfer, etc.
definition, **CC-84 [84(1)]**
transfer without authority,
CC-101
Using in
assault, **CC-267 [267(a)]**

WEAPONS—Cont'd

Using in—Cont'd
sexual assault, **CC-272**
[272(1)(a)]
see also SEXUAL
ASSAULT
Warrant for search and seizure,
CC-103
Weapon dangerous to public
peace, **CC-87**, **CC-88**
Weapons prohibition
see Prohibition orders, *supra*

WHALES

Captivity of
see CETACEAN

WILD ANIMAL

See ANIMALS

WILFUL DAMAGE

See MISCHIEF

WILFULLY

See also MENS REA
Definition, **CC-429 [429(1)]**

**WILFUL PROMOTION OF
HATRED**

See HATE PROPAGANDA

WILL

See TESTAMENTARY
INSTRUMENT

WIRETAPPING

See INTERCEPTION OF
PRIVATE COMMUNICATIONS

INDEX

WITNESSES

Absconding
see Arrest of, *infra*;
ABSCONDING
Adverse witnesses, **CEA-9**
see also ADVERSE WIT-
NESSES
cross-examination without
proof of adversity,
CEA-9 [CE 9(2)]
proof of statement of,
CEA-9 [CE 9(1)]
Affirming, **CEA-14, CEA-16.1**
Arrest of
absconding witness, **CC-704**
defaulting witness, **CC-705**
evading service, **CC-698**
[698(2)(b)]
if not expected to attend if
served, **CC-698**
[698(2)(a)]
order of court on arrest,
CC-706
Capacity in question, **CEA-16,**
CEA-16.1
Child, **CEA-16.1**
Competence and compellability
see COMPETENCE AND
COMPELLABILITY
Convictions, cross-examination
upon, **CEA-12**
Cross-examination on previous
statements, **CEA-9 [CE**
9(2)], CEA-10, CEA-11
Definition, **CC-118**
Deposition, **CEA-10 [CE**
10(2)]
preliminary inquiry, **CC-540**
[540(2), (3)],

WITNESSES—Cont'd

Deposition, **CEA-10 [CE**
10(2)]—Cont'd
CC-FORM 31
Detention in custody
application for review,
CC-707 [707(2)]
maximum period, **CC-707**
[707(1)]
review by judge, **CC-707**
[707(3)]
Disabled, **CC-486.1,**
CC-486.2, CC-715.2,
CEA-6, CEA-6.1
Evidence of other sexual
conduct, **CC-276,**
§ CC276:1 to § CC276:3,
CC-276.01,
§ CC278.93:1 to
§ CC278.93:3 to
CC-276.13,
§ CC278.97:1
see also COMPLAINANT
Evidence on commission
see COMMISSION EVI-
DENCE
Expert witnesses, calling of,
CEA-7
Failure to attend or remain to
give evidence, **CC-708**
[708(1)]
form of conviction,
CC-FORM 38
punishment, **CC-708**
[708(2)]
see also PAROLE;
SENTENCE
warrant of committal on
conviction, **CC-FORM**
25

WITNESSES—Cont'd

Handwriting comparison,
CEA-8

Identity, no publication,
CC-486.4, CC-486.5,
CC-672.501
see also COMPLAINANT

Incriminating questions
admissibility of answer,
CEA-5 [CE 5(2)]
obligation to answer, **CEA-5**
[CE 5(1)]

Judicial interim release order
preventing communication
with witness, **CC-515**
[515(4)(d), (4.2)]

Material witness warrants,
CC-698, CC-704,
CC-706

Mental disorder disposition
hearing, **CC-672.5**
[672.5(12)]
see also MENTAL DISOR-
DER Disposition hear-
ings

Mentally disordered witness,
CEA-16
see also COMPETENCE
AND COMPELLABIL-
ITY

Mental or physical disability,
testifying outside
courtroom, **CC-486.2**
see also COMPLAINANT

Mute person, manner of giving
evidence, **CEA-6**

Oaths, **CEA-13, CEA-16**
see also COMPETENCE
AND COMPELLABIL-
ITY

WITNESSES—Cont'd

Preliminary inquiry
see PRELIMINARY
INQUIRY Evidence,
Witnesses

Previous convictions, examina-
tion re, **CEA-12**

Previous statements of wit-
nesses
see Statements of witnesses,
infra

Prisoner
see Procuring attendance,
infra

Procuring attendance of
prisoner, **CC-527**
witness, **CC-697, CC-708**

Protecting witnesses
see also EXCLUSION OF
THE PUBLIC
accused not to cross-examine
witness, **CC-486.2**
no publication of identity,
CC-486.4, CC-486.5
order with respect to,
CC-486.7
support person for witness,
CC-486.1
witnesses under 18 re sexual
offences, **CC-486,**
CC-486.4

Recent complaint rules
abrogated, **CC-275**
see also COMPLAINANT

Refusal to be sworn or testify at
preliminary inquiry,
CC-545
warrant of committal, **CC-**
FORM 20

INDEX

WITNESSES—Cont'd

Reputation evidence concerning complainant, **CC-277**

see also CHARACTER AND CREDIBILITY; COMPLAINANT

Retaliation against

International Criminal Court witness, **WC-26**

Statements of witnesses, **CEA-9, CEA-11**

see also ADVERSE WITNESSES; CROSS-EXAMINATION; PRIOR INCONSISTENT STATEMENTS; STATEMENTS OF THE ACCUSED

Subpoena

isee SUBPOENA

Testifying

behind screen, complainant under 18, **CC-486.2**

outside court room, **CC-486.2**

Videotaped evidence,

CC-715.1, CC-715.2

Warrant of arrest for witness

absconding witness, **CC-704, CC-FORM 18**

defaulting witness, **CC-705, CC-FORM 17**

issuing, **CC-698 [698(2), (3)]**

territorial extent, **CC-703**

WOUNDING

Discharging air gun, **CC-244.1**

WOUNDING—Cont'd

Discharging firearm with intent, **CC-244**

see also WEAPONS Firearms

committing assault, **CC-268**

committing sexual assault, **CC-273**

see also SEXUAL ASSAULT

Minimum four years' imprisonment, **CC-244**

WRECK

Definition, **CC-2**

Interference with saving vessel, **CC-429 [429(2)], CC-438**

Offences re, **CC-415**

WRIT

Assault on person executing, **CC-270**

Fieri facias, levy under writ of, **CC-771 [771(3.1)], CC-773, CC-FORM 34**

see also RECOGNIZANCE
Forfeiture on default

WRITING

Definition, **CC-2**

WRONGFUL CONVICTION

See MISCARRIAGE OF JUSTICE

YOUNG OFFENDERS

See YOUTH CRIMINAL JUSTICE ACT

YOUNG OFFENDERS ACT

See YOUTH CRIMINAL JUSTICE ACT Young

YOUNG OFFENDERS ACT

—Cont'd

Offenders Act

YOUNG PERSONS

See CHILD; YOUTH CRIMINAL JUSTICE ACT

YOUTH CRIMINAL JUSTICE ACT

Adjudication on guilty plea,
YC-36

Adult sentence, **YC-64, YC-67, YC-71, YC-81**

see also Sentence, *infra*
appeal of placement, **YC-37 [YC 37(4)]**

defined, **YC-2**

Age

jurisdiction re age, **YC-14**

proof of, **YC-148**

Appeals, **YC-37**

no review while appeal
pending, **YC-94 [YC 94(7)]**

Application of Act, **YC-14, YC-16**

Application of Criminal Code,
YC-140, YC-142

Assessment, **YC-34**

court may vary terms of
order, **YC-34 [YC 34(6)]**

court may withhold report,
YC-34 [YC 34(8) to (10)]

order may be made, when,
YC-34 [YC 34(1)]

YOUTH CRIMINAL JUSTICE ACT—Cont'd

Assessment, **YC-34**—Cont'd
purpose for making order,

YC-34 [YC 34(2)]

qualified person

evidence of, may be
dispensed with on
consent, **YC-34 [YC 34(5)]**

may disclose information
to protect young
person or others,
YC-34 [YC 34(13)]

opinion that detention
required to make
assessment, **YC-34 [YC 34(4)]**

remand in custody for
purpose of assessment,
YC-34 [YC 34(3), (4)]

report, **YC-34 [YC 34(7) to (12)]**

statement made on assess-
ment inadmissible,
YC-147 [YC 147(1)]
exceptions, **YC-147 [YC 147(2)]**

Bail

see Detention before
sentence, *infra*

Clerk of the court, **YC-21**

Conditional supervision

bring detained young person
before provincial direc-
tor, **YC-105**

included in order, **YC-105 [YC 105(2)]**

may be included in order,
YC-105 [YC 105(3)]

INDEX

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Conditional supervision

—Cont'd

bring detained young person
before provincial direc-
tor, **YC-105**—Cont'd
set as soon as circum-
stances permit,
YC-105 [YC 105(5)]

order to bring young person
before court, **YC-105**
[YC 105(7)]

power to set conditions,
YC-105 [YC 105(1)]

procedural provisions
applicable, **YC-105**
[YC 105(7), (8)]

release or remand by
provincial director,
YC-107 [YC 107(5)]

report of provincial director,
YC-105 [YC 105(6)]

review by youth justice
court, **YC-109**

suspension, reports and
notices provisions
applicable, **YC-109**
[YC 109(3)]

suspension of conditional
supervision, **YC-106,**
YC-107 [YC 107(1)]

provincial director, by,
YC-106

youth court, by, **YC-109**

warrant, conditional supervi-
sion suspended,
YC-107 [YC 107(1)-
(3)]

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Conferences, **YC-19**

sentence recommendations,
YC-41

Contempt of court, **YC-15**
appeal, **YC-37 [YC 37(2),**
(3)]

Cost-sharing agreements with
provinces, **YC-156**

Custody

see also Detention before
sentence, *infra*;
Sentence, *infra*

continuation of custody,
YC-98, YC-101,
YC-104

designation of youth worker,
YC-90

determination by court,
YC-88

determination by provincial
director, **YC-87**

review, **YC-87**

young person 20 years old
or older, when,
YC-89

levels of custody, **YC-85**
penitentiary, **YC-89 [YC**
89(2)]

procedural safeguards,
YC-86

purpose and principles,
YC-83

reintegration leave, **YC-91**

release on recommendation
of provincial director,
YC-96

YOUTH CRIMINAL JUSTICE

ACT—Cont'd
 Custody—Cont'd
 review, **YC-94**
 no review while appeal
 pending, **YC-94 [YC**
 94(7)]
 orders subject to review,
 YC-95
 transfer to adult facility,
 YC-92, YC-93
 young person to be held
 apart, **YC-84**
 youth custody facility
 defined, **YC-2**
 Declaration of principle, **YC-3,**
 YC-4, YC-38, YC-83
 Definitions, **YC-2**
 Detention before sentence,
 YC-28, YC-31
 application for release or
 detention, **YC-33**
 application of Criminal
 Code, **YC-28**
 bail supervision program,
 YC-157 [YC 157(b)]
 conditions of, **YC-30**
 designation of place of
 temporary detention,
 YC-30 [YC 30(1)]
 detention in adult facility,
 YC-30 [YC 30(3)-(5)]
 forfeiture of recognizance,
 YC-134, YC-135
 placement with responsible
 person instead, **YC-31**
 breach of undertaking,
 YC-139

YOUTH CRIMINAL JUSTICE

ACT—Cont'd
 Detention before sentence,
 YC-28, YC-31—Cont'd
 presumption against, **YC-29**
 [YC 29(2)]
 release orders with condi-
 tions, **YC-29 [YC**
 29(1)]
 review by youth justice
 court, **YC-33**
 social measure, prohibited,
 as, **YC-29 [YC 29(1)]**
 transfer by provincial direc-
 tion, **YC-30 [YC 30(6)]**
 unlawful detention in adult
 facility, **YC-139**
 Diversion
 see Extrajudicial measures,
 infra
 DNA Analysis, **CC-487.07,**
 YC-119 [YC 119(6)]
 Election, **YC-67**
 see also Presumptive
 offence, *infra*; Sentence,
 infra
 prosecutor seeking adult
 sentence, where, **YC-67**
 [YC 67(1)(b), (3)(b)]
 young person charged with
 murder, **YC-67 [YC**
 67(2), (3)(c)]
 young person charged with
 presumptive offence,
 YC-67 [YC 67(1)(a),
 (3)(a)]
 young person's status uncer-
 tain, **YC-67 [YC**
 67(1)(d), (3)(d)]

INDEX

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Evidence

admissions, **YC-149**
child or young person, of,
YC-151
confession, **YC-146**
dispensing with strict rules
of evidence, **YC-150**
extrajudicial measures
inadmissible, **YC-9**,
YC-10 [YC 10(4)]
material evidence admis-
sible, **YC-150**
proof of age, **YC-148**
proof of service, **YC-152**
seal not required, **YC-153**
statement, **YC-146**
statements made on assess-
ment inadmissible,
YC-147

Exclusion of public, **YC-132**

Extrajudicial measures

access to records, **YC-119**
[YC 119(4)]
caution by police officer,
YC-6, YC-7
caution by prosecutor, **YC-8**
community based programs,
YC-157
conferences, **YC-19**
declaration of principles,
YC-4
deemed adequate, **YC-4.1**
evidence of inadmissible,
YC-9, YC-10 [YC
10(4)]

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Extrajudicial measures

—Cont'd

failure to consider not
invalidating proceed-
ings, **YC-6 [YC 6(2)]**
limitation period, **YC-14**
[YC 14(3)]
notice to parent, **YC-11**
objectives, **YC-5**
referral by police officer,
YC-6
sanctions, **YC-10**
victim's right to information,
YC-12
warning by police officer,
YC-6

First appearance, **YC-32**

Forfeiture of recognizances, **YC-134, YC-135**

Forms, **YC-154**

Guilty plea

adjudication, **YC-36**
young person unrepresented,
where, **YC-32 [YC**
32(3)]

Identity not to be published, **YC-110, YC-111**

In camera hearing, **YC-132**

Judge

disqualification, **YC-130**
substitution, **YC-131**
youth justice court judge
defined, **YC-2**

Justice of the peace, **YC-20**

Mental illness

assessment order, **YC-34**

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Mental illness—Cont'd
 intensive rehabilitative
 custody and supervision
 order, **YC-42** [**YC**
 42(2)(r), (7)(b)]
 Murder by young persons,
 CC-745.1, CC-745.3,
 YC-2, YC-42 [**YC**
 42(2)(q), (7)], **YC-67**
 [67(1), (3)]
 Notice
 annual review, **YC-94** [**YC**
 94(13), (14)]
 parent or others, to, **YC-26**
 contents, **YC-26** [**YC**
 26(7)]
 Contraventions Act,
 YC-26 [**YC 26(3),**
 (8)]
 effect of failure to give,
 YC-26 [**YC 26(9)-**
 (11)]
 extrajudicial measures,
 YC-11
 judge may give directions,
 YC-26 [**YC 26(5)**]
 notice to other adult,
 YC-26 [**YC 26(4)**]
 not required, **YC-26** [**YC**
 26(12)]
 officer in charge, by,
 YC-26 [**YC 26(1),**
 (2)]
 prosecutor seeking adult
 sentence, **YC-64** [**YC**
 64(2)]
 prosecutor seeking to prove
 serious violent offence,

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Notice—Cont'd
 YC-64 [**YC 64(4), 68**]
 recommendation for release
 from custody, **YC-96**
 [YC 96(2)]
 Nunavut
 election for mode of trial,
 YC-67 [**YC 67(3), (4),**
 (5), (7)(b)]
 preliminary inquiry, **YC-67**
 [YC 67(8)]
 Offences
 disclosure of identity or
 records, **YC-138**
 failure to comply with
 sentence, **YC-137**
 inducing young person,
 YC-136
 Parent
 judge may require atten-
 dance, **YC-27**
 notice to, **YC-11, YC-26**
 Parole, **YC-77, YC-78**
 see also Custody review,
 supra
 reintegration leave, **CC-91**
 Placement in care prior to
 sentence, **YC-31**
 Pre-charge screening, **YC-23**
 Preliminary hearing, **YC-67**
 [YC 67(6)-(8)]
 Pre-sentence report, **YC-40**
 Presumptive offence
 see also Sentence, *infra*
 defined, **YC-2**

INDEX

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Presumptive offence—Cont'd
imposition of adult sentence,

YC-72

included offences, **YC-69**

notice, **YC-64, YC-69**

sentencing, **YC-42 [YC
42(2)(o)]**

Principles, **YC-3, YC-4,
YC-38, YC-83**

Private prosecutions, **YC-24**

Procedure

application of Criminal
Code, **YC-140, YC-142**
counts in same information,
YC-143

Prosecutor

cautions, **YC-8**

pre-charge screening by,
YC-23

private prosecutors, **YC-24**

Provincial Director

breach of conditions by
young person, **YC-102**

conditional supervision,
YC-105, YC-108

continuation of custody,
YC-98

defined, **YC-2**

delegation of powers, **YC-22**

determination of level of
custody, **YC-85**

review of decision, **YC-86**
duty to inform parole board,
YC-77

pre-sentence report, **YC-40
[YC 40(2)(f), (9)]**

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Provincial Director—Cont'd
recommendation for release
of young person, **YC-96**

reintegration leave, **YC-91**

transfer of young person
among places of
temporary detention,
YC-30 [YC 30(6)]

Publication ban

see PUBLICATION BAN

Reasons for decision

continuation of custody,
**YC-100, YC-104 [YC
104(5)]**

sentence, **YC-48**

Recognizances

forfeiture, **YC-135**

proceedings on default,
YC-135

Records of offences and

offenders, **YC-110,
YC-129**

access to records, **YC-117,
YC-127**

court order, by, **YC-123**

young person, by, **YC-124**

adult sentence, **YC-117**

destruction of records,
YC-128

disclosure by court order,
YC-127

disclosure by peace officer,
YC-125

disclosure of records,
YC-117, YC-127

fingerprints, **YC-113**

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Records of offences and offenders, **YC-110**, **YC-129—Cont'd**
 government records, **YC-116**
 Identification of Criminals
 Act applies, **YC-113**
 police records, **YC-115**
 prohibition against disclosure, **YC-118**
 RCMP records, **YC-115** [**YC 115(3)**], **YC-120**
 records that may be kept, **YC-114**
 subsequent disclosure, **YC-129**
 unlawful disclosure, **YC-138**
 Referral
 child welfare agency, to, **YC-36**
 police officer, by, **YC-6**
 Regulations, **YC-155**
 Right to counsel
 see **RIGHT TO COUNSEL**
 Sentence
 adult sentence
 application
 Attorney General, by, **YC-64**, **YC-81**
 Criminal Code, of, **YC-74**
 young person, by, **YC-81**
 Attorney General not seeking, **YC-81**
 dangerous offender, **YC-74**

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Sentence—Cont'd
 adult sentence—Cont'd
 defined, **YC-2**
 election, **YC-67**
 hearing, **YC-71**
 imposition of, **YC-73** [**YC 73(1)**]
 long-term offender, **YC-74**
 notice of intent to seek, **YC-64** [**YC 64(2)**, **(4)**]
 notice that young person not opposing, **YC-64** [**YC 64(5)**]
 parole, **YC-77**, **YC-78**
 placement, **YC-76**, **YC-79**, **YC-81**
 test on application for, **YC-72**
 appeal, **YC-37**
 committal to custody when permitted, **YC-39**
 pre-sentence report, **YC-40**
 principles, **YC-38** [**YC 38(2)**, **(3)**], **YC-50**
 purpose, **YC-38** [**YC 38(1)**]
 review, **YC-59**, **YC-60**
 no appeal of, **YC-37** [**YC 37(11)**]
 victim assistance fund, **YC-53**
 weapons prohibition, **YC-51**
 youth sentence
 application for, **YC-64**, **YC-71**, **YC-72**

INDEX

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Sentence—Cont'd

- youth sentence—Cont'd
 - application of Criminal Code, **YC-50**
 - breach of conditions, **YC-102, YC-103**
 - community service, **YC-42 [YC 42(2)(i)]**
 - compensation, **YC-42 [YC 42(2)(e), (g), (h)], YC-54**
 - conditional supervision, **YC-105, YC-108**
 - consecutive sentence, **YC-42 [YC 42(13)]**
 - consent to treatment, **YC-42 [YC 42(8)]**
 - considerations, **YC-42 [YC 42(2)]**
 - custody and supervision order, **YC-42 [YC 42(2)(n), (o), (4)], YC-44, YC-45, YC-47, YC-97, YC-98, YC-102**
 - date in force, **YC-42 [YC 42(12), (17)]**
 - deferred custody and supervision, **YC-42 [YC 42(2)(p), (5), (6)]**
 - defined, **YC-2**
 - discharge, **YC-42 [YC 42(2)(b), (c), (11)], YC-82**
 - duration, **YC-42 [YC 42(14)-(16)], YC-43, YC-46**

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Sentence—Cont'd

- youth sentence—Cont'd
 - effect of termination, **YC-82**
 - fine, **YC-42 [YC 42(2)(d)], YC-54**
 - forfeiture order, **YC-42 [YC 42(2)(j)]**
 - intensive rehabilitative custody and supervision, **YC-42 [YC 42(2)(r), (7)]**
 - intensive support, **YC-42 [YC 42(2)(l), (3)], YC-55, YC-56**
 - intermittent custody, **YC-47**
 - interprovincial arrangements, **YC-58**
 - murder, **YC-42 [YC 42(2)(q)]**
 - non-residential program, **YC-42 [YC 42(2)(m), (3)]**
 - presumptive offence, **YC-42 [YC 42(2)(o)]**
 - probation, **YC-42 [YC 42(2)(k)], YC-55, YC-56**
 - prohibition order, **YC-42 [YC 42(2)(j)], YC-51, YC-52**
 - reasons, **YC-48**
 - recommendation of conference, **YC-41**
 - reprimand, **YC-42 [YC 42(2)(a)]**

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Sentence—Cont'd

- youth sentence—Cont'd
 - restitution, **YC-42** [**YC 42(2)(f)**], **YC-54**
 - review, **YC-59**, **YC-60**
 - sanctions, **YC-42** [**YC 42(2)-(17)**]
 - seizure order, **YC-42** [**YC 42(2)(j)**]
 - transfer of sentence, **YC-57**
 - warrant of committal, **YC-49**
 - weapon prohibition, **YC-51**

Serious violent offence

- appeal of determination, **YC-37** [**YC 37(4)**], **YC-42** [**42(10)**]

defined, **YC-2**

determination, **YC-42** [**YC 42(9)**]

notice, **YC-64** [**YC 64(4)**]

Sex Offender Information

Registration Act

application of, **CC-490.011** [**490.011(2)**]

Statement

- admissibility of, to person in authority, **YC-146**
- made on assessment, inadmissible, **YC-147** [**YC 147(1)**]
- exception, **YC-147** [**YC 147(2)**]
- pre-sentence report, in, inadmissible, **YC-40**

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

Statement—Cont'd

[**YC 40(10)**]

Subpoena, **YC-144**

Transfer of charges, **YC-133**

Transitional provisions, **YC-158**, **YC-165**

Victim

- identity not to be disclosed, **YC-111**
- notice of extrajudicial measures, **YC-12**
- victim assistance fund, **YC-53**
- victim-offender reconciliation, **YC-157**

Warrant, **YC-145**

Witness

- identity not to be disclosed, **YC-111**

Young Offenders Act

- effect of termination of disposition, **YC-82**
- failure to comply with disposition, **YC-137**
- level of custody, **YC-88**
- transitional provisions, **YC-158**, **YC-165**

Youth Justice Committees, **YC-18**

Youth justice court

- contempt of court, **YC-15**
- defined, **YC-2**
- designated, **YC-13**
- established, **YC-13**
- exclusive jurisdiction, **YC-14**

INDEX

YOUTH CRIMINAL JUSTICE

ACT—Cont'd

- Youth justice court—Cont'd
 - judge defined, **YC-2**
 - jurisdiction, **YC-14**
 - status of person uncertain, **YC-16**
 - rules, **YC-17, YC-155 [YC 155(b)]**
 - superior court judge retains jurisdiction, **YC-14 [YC 14(7)]**

YUKON TERRITORY

- Appeal court defined for
 - court of appeal, **CC-2**
 - place of hearing, **CC-814 [814(1)]**
 - proceedings re firearms prohibition orders, **CC-111**
 - see also **WEAPONS Fire-arms**
 - summary conviction appeals, **CC-812**
- Application of Criminal Code, **CC-8 [8(1)(a)]**
- Attorney General, defined, **CC-2**
- Chief justice defined for
 - emergency authorizations for interception of private communications, **CC-188 [188(4)]**
 - see also **INTERCEPTION OF PRIVATE COMMUNICATIONS**
 - judicial review of ineligibility for parole, **CC-745.6**

YUKON TERRITORY

—Cont'd

- Chief justice defined for
 - Cont'd
 - [745.6(3)(f)]**
 - see also **PAROLE Ineligibility for parole**
- Court defined for
 - appeals, **CC-2**
 - criminal jurisdiction, **CC-2**
 - seizure warrants for hate propaganda publications, **CC-320 [320(8)]**
 - see also **HATE PROPAGANDA; SEARCH AND SEIZURE**
 - obscene publications and child sexual abuse and exploitation material, **CC-164, § CC164:1 to § CC164:3 [164(8)]**
 - see also **OBSCENITY; SEARCH AND SEIZURE**
 - superior court of criminal jurisdiction, **CC-2**
- Court of appeal defined, **CC-2**
- Court of criminal jurisdiction defined, **CC-2**
- Empanelling jury in, **CC-632**
- Judge defined for
 - emergency authorizations for interception of private communications, **CC-188 [188(1)], CC-552**
 - see also **INTERCEPTION**

YUKON TERRITORY

—Cont'd

Judge defined for—Cont'd
emergency authorizations for
interception of private
communications,
CC-188 [188(1)],
CC-552—Cont'd
OF PRIVATE COM-
MUNICATIONS

Part XIX, Indictable
Offences Trial Without
Jury, **CC-552**

see also INDICTABLE
OFFENCES Trial by
judge alone; TRIAL
Judge alone trial

Part XVI, Compelling
Appearance of Accused
Before a Justice and
Interim Release,
CC-493

see also JUDICIAL
INTERIM
RELEASE;

YUKON TERRITORY

—Cont'd

Judge defined for—Cont'd
Part XVI, Compelling
Appearance of Accused
Before a Justice and
Interim Release,
CC-493—Cont'd
RELEASE FROM
CUSTODY

Language of accused, regula-
tions for Part XVII,
CC-533

Parole, application to reduce
ineligibility period,
CC-745.6

Summary conviction appeals
appeal court defined,
CC-812 [812(1)(h)]
place of hearing, **CC-814**
[814(4)]

Superior court of criminal juris-
diction defined, **CC-2**

Index to Forms for the Criminal Code

All references are to the following abbreviations:

BR Canadian Bill of Rights

CC Criminal Code

CD Controlled Drugs and Substances Act

CEA Canada Evidence Act

CH Canadian Charter of Rights and Freedoms

FIR Firearms Act

IDENT Identification of Criminals Act

INT Interpretation Act

WC Crimes Against Humanity and War Crimes Act

YC Youth Criminal Justice Act

**Appearance notice issued by a
peace officer to a person
not yet charged with an
offence (s. 493), CC-FORM
9**

**Application for an
authorization to take
additional samples of
bodily substances for
forensic DNA testing (s.
487.091(1)), CC-FORM
5.08**

**Application for an
authorization to take
bodily substances for
forensic DNA analysis (s.
487.055(1)), CC-FORM
5.05**

**Assessment order of the court
(s. 672.13), CC-FORM 48**

**Assessment order of the review
board (s. 672.13),
CC-FORM 48.1**

**Authorization to take additional
samples of bodily
substances for forensic
DNA analysis (s.
487.091(1)), CC-FORM
5.09**

**Authorization to take bodily
substances for forensic
DNA analysis (s.
487.055(1)), CC-FORM
5.06**

**Certificate of default to be
endorsed on recognizance
(s. 770), CC-FORM 33**

**Certificate of non-payment of
costs of appeal (s. 827),**

MARTIN'S POCKET CRIMINAL CODE

CC-FORM 42	Information to obtain a production order (ss. 487.014(2), 487.015(2), 487.016(2), 487.017(2) and 487.018(3)), CC-FORM 5.004
Challenge for cause (s. 639), CC-FORM 41	
Challenge to array (s. 629), CC-FORM 40	
Community impact statement (s. 722.2(2)), CC-FORM 34.3	Information to obtain a search warrant (s. 487), CC-FORM 1
Conviction (ss. 570 and 806), CC-FORM 35	Information to obtain a warrant to take bodily substances for forensic DNA analysis (s. 487.05(1)), CC-FORM 5.01
Conviction for contempt (s. 708), CC-FORM 38	
Deposition of a witness (s. 540), CC-FORM 31	Information to revoke or vary an order made under any of sections 487.013 to 487.018 of the Criminal Code (s. 487.019(3)), CC-FORM 5.0081
Endorsement of warrant (s. 507), CC-FORM 29	
Endorsement of warrant (ss. 487 and 528), CC-FORM 28	Jailer's receipt to peace officer for prisoner (s. 734), CC-FORM 43
Heading of Indictment (ss. 566, 566.1, 580 and 591), CC-FORM 4	Non-disclosure order (s. 487.0191(3)), CC-FORM 5.0091
Information (ss. 506 and 788), CC-FORM 2	
Information to obtain a non-disclosure order (s. 487.0191(2)), CC-FORM 5.009	Notice of obligation to comply with Sex Offender Information Registration Act (ss. 490.019 and 490.032), CC-FORM 53
Information to obtain a preservation order (s. 487.013(2)), CC-FORM 5.002	Notice of obligation to provide samples of bodily substance (ss. 732.1(3)(c.2), 742.3(2)(a.2), 810(3.02)(c),

INDEX

- 810.01(4.1)(g),
810.011(6)(f), 810.1(3.02)(i)
and 810.2(4.1)(g)),
CC-FORM 51
- Obligation to comply with Sex
Offender Information
Registration Act (ss.
490.02901 to 490.02903,
490.02905 and 490.032),
CC-FORM 54
- Order acquitting accused (s.
570), CC-FORM 37
- Order against an offender (ss.
570 and 806), CC-FORM
36
- Order authorizing the taking of
bodily substances for
forensic DNA analysis (s.
487.051(1) and (2)),
CC-FORM 5.03
- Order authorizing the taking of
bodily substances for
forensic DNA analysis (ss.
487.051(3)), CC-FORM
5.04
- Order for accused to be brought
before justice prior to
expiration of period of
remand (s. 537),
CC-FORM 30
- Order for discharge of a person
in custody (ss. 519 and
550), CC-FORM 39
- Order to a person to have
bodily substances taken for
forensic DNA analysis (ss.
487.051(4) and
487.055(3.11), CC-FORM
5.041
- Order to comply with Sex
Offender Information
Registration Act (s.
490.012), CC-FORM 52
- Order to disclose income tax
information (s. 462.48),
CC-FORM 47
- Preservation demand (s.
487.012(1)), CC-FORM
5.001
- Preservation order (s.
487.013(4)), CC-FORM
5.003
- Probation order (s. 732.1),
CC-FORM 46
- Production order for documents
(s. 487.014(3)), CC-FORM
5.005
- Production order for financial
data (s. 487.018(4)),
CC-FORM 5.008
- Production order for
transmission data or
tracking data (ss.
487.016(3) and 487.017(3)),
CC-FORM 5.007
- Production order to trace a
communication (s.
487.015(3)), CC-FORM
5.006

Promise to appear (s. 493), CC-FORM 10	(Subsection 487.05(1)), CC-FORM 5.01 and CC-FORM 5.02
Recognizance (ss. 493, 550, 679, 706, 707, 810, 810.1 and 817), CC-FORM 32	Summons to a person charged with an offence (ss. 493, 508 and 512), CC-FORM 6
Recognizance entered into before an officer in charge or other peace officer (s. 493), CC-FORM 11	Summons to a person to have bodily substances taken for forensic DNA analysis (ss. 487.055(4) and 487.091(3)), CC-FORM 5.061
Release order (s. 2), CC-FORM 11	Surety declaration (s. 515.1), CC-FORM 12
Report to a judge of property seized (s. 462.32), CC-FORM 5.3	Undertaking given to a justice or a judge (ss. 493 and 679), CC-FORM 12
Report to a justice (s. 489.1), CC-FORM 5.2	Undertaking given to a peace officer or an officer in charge (ss. 493, 499 and 503), CC-FORM 11.1
Report to a provincial court judge or the court (s. 487.057(1)), CC-FORM 5.07	Victim impact statement (s. 672.5(14), CC-FORM 48.2
(Section 667), CC-FORM 44, CC-FORM 45	Victim impact statement (s. 722(4)), CC-FORM 34.2
Statement on restitution (s. 737.1(4)), CC-FORM 34.1	Warrant authorizing the taking of bodily substances for forensic DNA analysis (s. 487.05(1), CC-FORM 5.02
Subpoena to a witness (s. 699), CC-FORM 16	Warrant for arrest (ss. 475, 493, 597, 800 and 803), CC-FORM 7
Subpoena to a witness in the case of proceedings in respect of an offence referred to in subsection 278.2(1) of the Criminal Code (ss. 278.3(5) and 699(7)), CC-FORM 16.1	Warrant for arrest (ss. 487.0551(1)), CC-FORM 5.062

INDEX

- Warrant for committal (ss. 493 and 515), CC-FORM 8**
- Warrant for witness (ss. 698 and 705), CC-FORM 17**
- Warrant of committal disposition of detention (s. 672.57), CC-FORM 49**
- Warrant of committal for contempt (s. 708), CC-FORM 25**
- Warrant of committal for failure to furnish recognizance to keep the peace (ss. 810 and 810.1), CC-FORM 23**
- Warrant of committal in default of payment of costs of an appeal (s. 827), CC-FORM 26**
- Warrant of committal of witness for failure to enter into recognizance (s. 550), CC-FORM 24**
- Warrant of committal of witness for refusing to be sworn or to give evidence (s. 545), CC-FORM 20**
- Warrant of committal on an order for the payment of money (s. 806), CC-FORM 22**
- Warrant of committal on conviction (ss. 570 and 806), CC-FORM 21**
- Warrant of committal on forfeiture of a recognizance (s. 773), CC-FORM 27**
- Warrant of committal placement decision (s. 672.7(2)), CC-FORM 50**
- Warrant remanding a prisoner (ss. 516 and 537), CC-FORM 19**
- Warrant to arrest an absconding witness (s. 704), CC-FORM 18**
- Warrant to convey accused before justice of another territorial division (s. 543), CC-FORM 15**
- Warrant to enter dwelling house (s. 529.1), CC-FORM 7.1**
- Warrant to search (s. 487), CC-FORM 5**
- Warrant to search (ss. 320.29 and 487.1), CC-FORM 5.1**
- Writ of fieri facias (s. 771), CC-FORM 34**