Third Session, Thirty-seventh Parliament,
52-53 Elizabeth II, 2004

STATUTES OF CANADA 2004

CHAPTER 12

An Act to amend the Criminal Code and other Acts

BILL C-14

ASSENTED TO 22nd APRIL, 2004

Troisième session, trente-septième législature,
52-53 Elizabeth II, 2004

LOIS DU CANADA (2004)

CHAPITRE 12

Loi modifiant le Code criminel et d'autres lois

PROJET DE LOI C-14

SANCTIONNÉ LE 22 AVRIL 2004

LIST OF CLAUSES

CLAUSE	PROVISION	DISCRIPTION
1	7(8) Cr.C.	Definition of "flight" and in "flight"
2	27.1 Cr.C.	Use of force on board an aircraft
3	117.04(1) Cr.C.	Application for warrant to search and seize
4	184(2)(3) Cr.C.	Interception of communications
5	193(2)(d) Cr.C.	Disclosure of Information
6	247 Cr.C.	Traps likely to cause bodily harm
7	462.43(1)(c) Cr.C.	Disposal of Property Seized
8	462.47 Cr.C.	*Nullité des actions contre les informateurs*
9	536(4) Cr.C.	Request for preliminary inquiry
10	536.1(3)(4) Cr.C.	Request for preliminary inquiry -- Nunavut
11	729(1)(b) Cr.C.	Proof of certificate of analyst
12	732.2(1)(c) Cr.C.	Coming into force of order
13	741(1) Cr.C.	Enforcing restitution order
14	742.2(2) Cr.C.	Application of section 109 or 110
15	742.6(10)(12)(14) (16)(17) Cr.C.	warrant or arrest -- suspension of running of conditional sentence order
16	742.7(1)(4) Cr.C.	If person imprisoned for new offence
17	Form 46 Cr.C.	Probation order
18	37.21 C.E.A.	Special rules
19	38.131(8) to (10) C.E.A.	Application for review of certificate
20	161 F.A.A.	Management or protection of computer systems
21	8(1) S.I.A.	Special operational information
22	32(3)(c) Y.C.J.A.	Appearance before Justice
23	82 S.C. 2001, c.32	Interpretation of Bill C-24 coordinating amendments
24	82 S.C. 2001, c.32	Interpretation of Bill C-24 coordinating amendments
25	17	Coming into force

Clause 1

PRESENT SECTION:

Definition of "flight" and "in flight"

7 (8) For the purposes of this section, of the definition "peace officer" in section 2 and of sections 76 and 77, "flight" means the act of flying or moving through the air and an aircraft shall be deemed to be in flight from the time when all external doors are closed following embarkation until the later of

PROPOSED SECTION

Definition of "flight" and "in flight"

7 (8) For the purposes of this section, of the definition "peace officer" in section 2 and of sections 27.1, 76 and 77, "flight" means the act of flying or moving through the air and an aircraft is deemed to be in flight from the time when all external doors are closed following embarkation until the later of

SUBJECT AND EFFECT

The proposed amendment will extend the application of the definition of "flight" and "in flight" to the new section 27.1 proposed in clause 2 of this Bill. The effect of this amendment is to apply the existing definitions of "flight" and "in flight" to the new section 27.1.

REASON FOR CHANGE

This is a consequential amendment to the proposed amendment contained in Clause 2.

RELATED CLAUSES

Clause 2.

PRESENT SECTION:

New

PROPOSED SECTION

Use of force on board an aircraft

27.1 (1) Every person on an aircraft in flight is justified in using as much force as is reasonably necessary to prevent the commission of an offence against this Act or another Act of Parliament that the person believes on reasonable grounds, if it were committed, would be likely to cause immediate and serious injury to the aircraft or to any person or property therein.

Application of this section

(2) This section applies in respect of any aircraft in flight in Canadian airspace and in respect of any aircraft registered in Canada in accordance with the regulations made under the Aeronautics Act in flight outside Canadian airspace.

SUBJECT AND EFFECT

Article 6 of the *Tokyo Convention On Offences And Certain Other Acts Committed On Board Aircraft* of 1963 (signed by Canada on November 4, 1964, and ratified on November 7, 1969) recognizes that the crew or passengers of an aircraft in flight may take reasonable preventive measures to restrain an individual where there are reasonable grounds to believe that these are necessary in order to prevent the commission of an offence that would endanger the safety of the aircraft in flight or persons or property on board. Specifically, the amendment provides an explicit "justification defence" for the use of reasonable force by passengers and crewmembers that use reasonable force to restrain an individual who appeared about to cause immediate and serious injury to the aircraft or persons or property on board.

The proposed amendment will make it clear, under Canadian law, that the justification set out in Article 6 of the *Tokyo Convention* applies to preventive actions taken on board a Canadian aircraft in flight anywhere in the world and any aircraft in flight in Canadian airspace.

The extra-territorial extension of the justification contained in the proposed amendment is for the purposes of Canadian law. It would not create or alter the domestic law of another state.

REASON FOR CHANGE

In the course of the review of Canada's anti-terrorism legislation, it was found that although jurisdiction to prosecute certain offences has been extended beyond Canadian territory, the application of other provisions of the *Criminal Code* that operate to justify the use of force to prevent the commission of those offences on board an aircraft in flight was not as evident. While the *Tokyo Convention* provides a justification under international law, some uncertainty existed, in Canadian law, in terms of the extent to which Canada has implemented the applicable sections of the Convention.

It is, therefore, preferable to provide an explicit justification under Canadian law for the circumstances set out in the *Tokyo Convention*.

RELATED CLAUSES

Clause 1.

PRESENT SECTION:

Application for warrant to search and seize

117.04 (1) Where, pursuant to an application made by a peace officer with respect to any person, a justice is satisfied that there are reasonable grounds to believe that it is not desirable in the interests of the safety of the person, or of any other person, for the person to possess any weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, the justice may issue a warrant authorizing a peace officer to search for and seize any such thing, and any authorization, licence or registration certificate relating to any such thing, that is held by or in the possession of the person.

PROPOSED SECTION

Application for warrant to search and seize

117.04 (1) Where, pursuant to an application made by a peace officer with respect to any person, a justice is satisfied by information on oath that there are reasonable grounds to believe that the person possesses a weapon, a prohibited device, ammunition, prohibited ammunition or an explosive substance in a building, receptacle or place and that it is not desirable in the interests of the safety of the person, or of any other person, for the person to possess the weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, the justice may issue a warrant authorizing a peace officer to search the building, receptacle or place and seize any such thing, and any authorization, licence or registration certificate relating to any such thing, that is held by or in the possession of the person.

SUBJECT AND EFFECT

The proposed amendment would explicitly add the requirement for the peace officer seeking to obtain a warrant to search for and seize a weapon, explosive substance or ammunition to provide information under oath setting out the reasonable grounds to believe that the person possesses the weapons referred to in the provision at the place to be searched.

REASON FOR CHANGE

The section is being amended in accordance with the judgment of the Ontario Court of Appeal in *R. v. Hurrell*, which found the section unconstitutional. While the judgment is being appealed to the Supreme Court of Canada by the province of Ontario, the amendments suggested by the Court of Appeal can be made in order to ensure constitutionality and fairness.

RELATED CLAUSES

None.

Clause 4

PRESENT SECTION:

Saving Provision

New paragraph and subsection

PROPOSED SECTION

184 (2) Subsection (1) does not apply to

(...)
e) a person, or any person acting on their behalf, in possession or control of a computer system, as defined in subsection 342.1(2), who intercepts a private communication originating from, directed to or transmitting through that computer system, for the purpose of managing the computer system for quality of service or protecting the computer system against any act that would be an offence under subsection 342.1(1) or 430(1.1).

Use or retention

184(3) A private communication intercepted by a person referred to in paragraph (2)(*e*) can be used or retained only if

(*a*) it is essential to identify, isolate or prevent harm to the computer system; or

(*b*) it is to be disclosed in circumstances referred to in subsection 193(2).

SUBJECT AND EFFECT

Paragraph 184(2)(e) creates a new exemption for the offence of wilfully intercepting a private communication (subsection 184(1)) for persons employing information technology management practices, such as an intrusion detection system (IDS), that may intercept private communications in the course of protecting their computer systems. The effect of the provision is that persons who employ these technologies will not be criminally liable for intercepting a private communication if they comply with the conditions set out in paragraph (e).

Subsection 184(3) sets out the limits on use and retention of the private communications collected by the intrusion detection system. It will limit the use and retention of data to that which is essential to identify, isolate or prevent harm against a computer system. It also allows use and retention if the private communication is to be disclosed in circumstances referred to in subsection 193(2) of the *Criminal Code*.

REASON FOR CHANGE

The addition of paragraph (e) is necessary to clarify the legal uncertainty as to whether the use of information technology management practices, such as IDS, is a "wilful interception of private communications." This amendment states that when a person intercepts a private communication for the purpose of managing a computer system for quality of service or protecting the computer system against a computer-related offence s/he is not guilty of the offence of intercepting a private communication.

The addition of subsection (3) was seen as necessary to limit the use and retention of the private communication intercepted by the person who conducted the interception. They may only use and retain information that is essential to identify, isolate or prevent harm to a computer system or if the information is to be disclosed in circumstances referred to in ss. 193(2), which lists exceptions to the offence of disclosing a private communication. Although it was seen as important to limit the use and retention of any private communication intercepted by these means, the Government does not want to prevent itself from prosecuting a criminal offence should the use of information technology management practices, such as IDS, reveal evidence of another non-computer related crime. The reference to subsection 193(2) allows for the disclosure of an intercepted private communication, including in the course of or for the purpose of any criminal investigation if the private communication was lawfully intercepted.

RELATED CLAUSES

Clauses 5 and 20.

PRESENT SECTION:

Disclosure of Information

(2) Subsection (1) does not apply to a person who discloses a private communication or any part thereof or the substance, meaning or purport thereof or of any part thereof or who discloses the existence of a private communication

(d) in the course of the operation of

(i) a telephone, telegraph or other communication service to the public, or

(ii) a department or an agency of the Government of Canada,

PROPOSED SECTION

(i) a telephone, telegraph or other communication service to the public,

(ii) a department or an agency of the Government of Canada, or

(iii) services relating to the management or protection of a computer system, as defined in subsection 342.1(2),

if the disclosure is necessarily incidental to an interception described in paragraph 184(2)(*c*), (*d*) or (*e*).

SUBJECT AND EFFECT

Subparagraph (iii) is added to paragraph 193(2)(d), and reference to the new exemption is also added to that paragraph to allow for the disclosure of information collected by services relating to the management or protection of a computer system if the disclosure is necessarily incidental to the interception.

REASON FOR CHANGE

The changes to paragraph 193(2)(d) are consequential amendments for the purpose of being consistent with how other provisions of subsection 184(2) are handled in that paragraph.

RELATED CLAUSES

Clauses 4 and 20.

Offence-related place — bodily harm

(4) Every one who commits an offence under subsection (1), in a place kept or used for the purpose of committing another indictable offence, and thereby causes bodily harm to a person is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years.

Death

(5) Every one who commits an offence under subsection (1) and thereby causes the death of any other person is guilty of an indictable offence and liable to imprisonment for life.

PRESENT SECTION:

Traps likely to cause bodily harm

247. (1) Every one who, with intent to cause death or bodily harm to persons, whether ascertained or not, sets or places or causes to be set or placed a trap, device or other thing whatever that is likely to cause death or bodily harm to persons is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

Permitting traps on premises

(2) A person who, being in occupation or possession of a place where anything mentioned in subsection (1) has been set or placed, knowingly and wilfully permits it to remain at that place, shall be deemed, for the purposes of that subsection, to have set or placed it with the intent mentioned therein.

PROPOSED SECTION

Traps likely to cause bodily harm

247. (1) Every one is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years, who with intent to cause death or bodily harm to a person, whether ascertained or not,

(*a*) sets or places a trap, device or other thing that is likely to cause death or bodily harm to a person; or

(*b*) being in occupation or possession of a place, knowingly permits such a trap, device or other thing to remain in that place.

Bodily harm

(2) Every one who commits an offence under subsection (1) and thereby causes bodily harm to any other person is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

Offence-related place

(3) Every one who commits an offence under subsection (1), in a place kept or used for the purpose of committing another indictable offence, is guilty of an indictable offence and is liable to a term of imprisonment not exceeding ten years.

SUBJECT AND EFFECT

There are three main changes to section 247. First, subsection 247(2) currently states that when an occupier of a place knowingly permits a trap to remain, then it is deemed that he set or placed the trap with the intent to cause death or bodily harm to another person. This is problematic because there is no requirement to prove that the accused actually set the trap, or that he did so with the intent to cause death or bodily harm. For clarification purposes, the new section includes two offences: setting the trap; or being in occupation of a place, knowingly permitting a trap to remain in that place. Both offences have the same intent requirement to cause death or bodily harm to a person. The fact that the wording has been recast without including the terms "causes to be set or placed" found in the current provision does not suggest that a person who counsels another to set a trap could not be found criminally liable; the *Criminal Code* principles respecting parties and liability apply (all the same) to the new section 247.

Second, the new provision streamlines the offence by including the penalty for the offence in one provision, instead of cross-referencing sections 220 and 221 for the penalties for death or bodily harm caused by criminal negligence. The maximum penalty for setting a trap, or as an occupier of a place, knowingly permitting a trap to remain, is still five years. As well, when the trap causes bodily harm to other person, the penalty is a maximum of ten years imprisonment, which is consistent with the penalty for causing bodily harm by criminal negligence under s. 221 of the *Criminal Code*. The penalty for a death caused by a trap in any place whatsoever is a maximum of life imprisonment, as is provided for in section 220 of the *Criminal Code*.

The third change is to raise the penalties for when a trap is set in a place that is used or kept for the purposes of committing another indictable offence. In this case, the penalty for setting the trap in such a place, or allowing it to remain in a place that the accused occupies, is raised from five years to ten years. If another person is injured by a trap in a place used for the commission of another indictable offence, the penalty is raised from ten years to fourteen years.

REASON FOR CHANGE

The existing subsection 247(2) poses constitutional problems in terms of the deemed intent provision. The proposed amendments would remedy this problem. Also, the existing 5-year maximum penalty is not sufficient to address the increased use of deadly traps in places used or kept by criminals to conduct their unlawful activities, such as drug production operations. The setting of traps in such locations has become a serious problem associated with criminal activities, mainly activities involving organized crime. The use of deadly traps to protect criminal enterprises poses an increased and unacceptable threat to first responders, such as fire fighters, and any other member of the public. The proposed penalty scheme would better reflect the gravity of the offence of setting traps, in providing sufficient penalties in cases where traps actually cause bodily harm or death to a person, and when they are set to protect other illegal activities.

RELATED CLAUSES

None.

Clause 7

PRESENT SECTION:

Residual disposal of property seized or dealt with pursuant to special warrants or restraint orders

462.43 (1)

(c) in the case of property seized under a warrant issued pursuant to section 462.32 or property under the control of a person appointed pursuant to subparagraph 462.33(3)(b)(i),

PROPOSED SECTION

(c) in the case of property seized under a warrant issued pursuant to section 462.32 or property under the control of a person appointed pursuant to paragraph 462.331(1)(a),

SUBJECT AND EFFECT

The proposed amendment would refer to paragraph 462.331(1)(a) and not subparagraph 462.33(3)(b)(i) as is currently the case.

REASON FOR CHANGE

Subparagraph 462.33(3)(b)(i) is not the provision in the *Criminal Code* under which a person is appointed by a judge to manage proceeds of crime but rather paragraph 462.331(1)(a). The amendment is needed to ensure the correct reference is made in the Act.

RELATED CLAUSES

None.

PRESENT SECTION:

Nullité des actions contre les informateurs

462.47 Il est entendu que, sous réserve de l'article 241 de la Loi de l'impôt sur le revenu, aucune action ne peut être intentée contre une personne pour le motif qu'elle aurait révélé à un agent de la paix ou au procureur général des faits sur lesquels elle se fonde pour avoir des motifs raisonnables de soupçonner que des biens sont des produits de la criminalité ou pour croire qu'une autre personne a commis une infraction de criminalité organisée ou une infraction désignée ou s'apprête à le faire.

PROPOSED SECTION

Nullité des actions contre les informateurs

462.47 Il est entendu que, sous réserve de l'article 241 de la *Loi de l'impôt sur le revenu*, aucune action ne peut être intentée contre une personne pour le motif qu'elle aurait révélé à un agent de la paix ou au procureur général des faits sur lesquels elle se fonde pour avoir des motifs raisonnables de soupçonner que des biens sont des produits de la criminalité ou qu'une autre personne a commis une infraction désignée ou s'apprête à le faire.

SUBJECT AND EFFECT

The amendment will correct an inconsistency between the English and French version of section 462.47, which is a provision dealing with the disclosure of information to a police officer about proceeds of crime. The English version uses the expression "reasonably suspects" in relation to property that may be proceeds of crime or that any person may have committed or is about to commit a designated offence. The French version uses "motifs raisonnables de soupçonner" in relation to property that may be proceeds of crime, but then the expression "croire" with respect to the belief that a person may have committed or is about to commit a designated offence. The expression "motifs raisonnables de soupçonner" should qualify both the proceeds of crime and the commission of an offence in both language versions of the *Criminal Code*.

REASON FOR CHANGE

The amendment will make the French and English versions consistent.

RELATED CLAUSES

None.

Clause 9

PRESENT SECTION:

Request for preliminary inquiry

536 (4) If an accused elects to be tried by a judge without a jury or by a court composed of a judge and jury or does not elect when put to the election or is deemed under paragraph 565(1)(*b*) to have elected to be tried by a court composed of a judge and jury, the justice shall, subject to section 577, on the request of the accused or the prosecutor made at that time or within the period fixed by rules of court made under section 482 or 482.1 or, if there are no such rules, by the justice, hold a preliminary inquiry into the charge.

Procedure if accused elects trial by judge alone or by judge and jury or deemed election

(4.1) If an accused elects to be tried by a judge without a jury or by a court composed of a judge and jury or does not elect when put to the election or is deemed under paragraph 565(1)(*b*) to have elected to be tried by a court composed of a judge and jury, the justice shall endorse on the information and, if the accused is in custody, on the warrant of remand, a statement showing

PROPOSED SECTION

Request for preliminary inquiry

(4) If an accused elects to be tried by a judge without a jury or by a court composed of a judge and jury or does not elect when put to the election or is deemed under paragraph 565(1)(*b*) to have elected to be tried by a court composed of a judge and jury or is charged with an offence listed in section 469, the justice shall, subject to section 577, on the request of the accused or the prosecutor made at that time or within the period fixed by rules of court made under section 482 or 482.1 or, if there are no such rules, by the justice, hold a preliminary inquiry into the charge.

Procedure if accused elects trial by judge alone or by judge and jury or deemed election

(4.1) If an accused elects to be tried by a judge without a jury or by a court composed of a judge and jury or does not elect when put to the election or is deemed under paragraph 565(1)(*b*) to have elected to be tried by a court composed of a judge and jury or is accused of an offence listed in section 469, the justice shall endorse on the information and, if the accused is in custody, on the warrant of remand, a statement showing.

SUBJECT AND EFFECT

This amendment would ensure that the new requirement that a preliminary inquiry will only be held if one is requested by either the accused or the prosecutor applies to offences for which the superior court of criminal jurisdiction has absolute jurisdiction pursuant to section 469 of the *Criminal Code*.

REASON FOR CHANGE

When the new requirement was passed in Bill C-15 A, section 469 offences (many of which are very serious, the most notable being murder) were erroneously excluded from the new scheme as a result of a drafting oversight. The amendment is needed to clarify that section 469 offences were intended to be captured in the new scheme. Without this amendment, confusion would exist in the criminal justice system such that the courts could interpret that a preliminary inquiry is either no longer available for section 469 offences, is always automatically available or is only available on request. The amendment would ensure that the latter applies to section 469 offences.

RELATED CLAUSES

Clauses 10 and 22.

Clause 10

PRESENT SECTION:

Request for preliminary inquiry – Nunavut

536.1 (3) If an accused elects to be tried by a judge without a jury or by a court composed of a judge and jury or does not elect when put to the election or is deemed under paragraph 565(1)(*b*) to have elected to be tried by a court composed of a judge and jury, the justice or judge shall, subject to section 577, on the request of the accused or the prosecutor made at that time or within the period fixed by rules of court made under section 482 or 482.1 or, if there are no such rules, by the judge or justice, hold a preliminary inquiry into the charge.

Procedure if accused elects trial by judge alone or by judge and jury or deemed election

536.1 (4) If an accused elects to be tried by a judge without a jury or by a court composed of a judge and jury or does not elect when put to the election or is deemed under paragraph 565(1)(*b*) to have elected to be tried by a court composed of a judge and jury, the justice or judge shall endorse on the information and, if the accused is in custody, on the warrant of remand, a statement showing

PROPOSED SECTION

Request for preliminary inquiry – Nunavut

(3) If an accused elects to be tried by a judge without a jury or by a court composed of a judge and jury or does not elect when put to the election or is deemed under paragraph 565(1)(*b*) to have elected to be tried by a court composed of a judge and jury or is charged with an offence listed in section 469, the justice or judge shall, subject to section 577, on the request of the accused or the prosecutor made at that time or within the period fixed by rules of court made under section 482 or 482.1 or, if there are no such rules, by the judge or justice, hold a preliminary inquiry into the charge.

Procedure if accused elects trial by judge alone or by judge and jury or deemed election

(4) If an accused elects to be tried by a judge without a jury or by a court composed of a judge and jury or does not elect when put to the election or is deemed under paragraph 565(1)(*b*) to have elected to be tried by a court composed of a judge and jury or is charged with an offence listed in section 469, the justice or judge shall endorse on the information and, if the accused is in custody, on the warrant of remand, a statement showing

SUBJECT AND EFFECT

This amendment would make Nunavut-specific changes to section 536.1 that are equivalent to the changes that clause 9 would make to section 536, recognizing that the criminal procedure in Nunavut is slightly different than the rest of the provinces and territories.

REASON FOR CHANGE

See explanations for clause 9.

RELATED CLAUSES

Clauses 9 and 22.

Clause 11

PRESENT SECTION:

Proof of certificate of analyst

729. (1) In

...

(b) a hearing to determine whether the offender breached a condition of a conditional sentence that the offender not have in possession or use drugs,

PROPOSED SECTION

(b) a hearing to determine whether the offender breached a condition of a conditional sentence order that the offender not have in possession or use drugs,

SUBJECT AND EFFECT

There is an inconsistency in the *Criminal Code* respecting the use of the words "conditional sentence" and "conditional sentence order". These changes will eliminate this inconsistency.

REASON FOR CHANGE

To ensure there is consistency throughout the *Criminal Code*.

RELATED CLAUSES

Clauses 12, 14, 15 and 16.

Clause 12

PRESENT SECTION:

Coming into force of order

732.2 (1) A probation order comes into force...

(c) where the offender is under a conditional sentence, at the expiration of the conditional sentence.

PROPOSED SECTION

(c) where the offender is under a conditional sentence order, at the expiration of the conditional sentence order.

SUBJECT AND EFFECT

There is an inconsistency in the *Criminal Code* respecting the use of the words "conditional sentence" and "conditional sentence order". These changes will eliminate this inconsistency.

REASON FOR CHANGE

To ensure there is consistency throughout the *Criminal Code*.

RELATED CLAUSES

Clauses 11, 14, 15 and 16.

Clause 13

PRESENT SECTION:

Enforcing restitution order

741. (1) Where an amount that is ordered to be paid under section 738 or 739 is not paid forthwith, the person to whom the amount was ordered to be paid may, by filing the order, enter as a judgment the amount ordered to be paid in any civil court in Canada that has jurisdiction to enter a judgment for that amount, and that judgment is enforceable against the offender in the same manner as if it were a judgment rendered against the offender in that court in civil proceedings.

PROPOSED SECTION

Enforcing restitution order

741. (1) Where an amount that is ordered to be paid under section 732.1, 738, 739 or 742.3, is not paid without delay, the person to whom the amount was ordered to be paid may, by filing the order, enter as a judgment the amount ordered to be paid in any civil court in Canada that has jurisdiction to enter a judgment for that amount, and that judgment is enforceable against the offender in the same manner as if it were a judgment rendered against the offender in that court in civil proceedings.

SUBJECT AND EFFECT

At present, there is an anomaly between restitution that is ordered as a condition of a probation order or conditional sentence order, and restitution that originates in a "stand alone" restitution order. In the latter, if the restitution is not paid, the person to whom the amount was ordered to be paid can file the order as a judgment in civil court and enforce it accordingly. No such recourse exists where the restitution is part of a probation order or conditional sentence order, and the order comes to an end. The amendment would allow for filing the probation order or conditional sentence order as a civil debt in the case of the probation order and conditional sentence order.

REASON FOR CHANGE

To eliminate the anomaly that exists between restitution ordered as a condition in a probation order or conditional sentence order and restitution ordered in a restitution "stand-alone" order.

RELATED CLAUSES

None.

Clause 14

PRESENT SECTION:

Application of section 109 or 110

742.2 (2) For greater certainty, a condition of a conditional sentence referred to in paragraph 742.3(2)(b) does not affect the operation of section 109 or 110.

PROPOSED SECTION

Application of section 109 or 110

742.2 (2) For greater certainty, a condition of a conditional sentence order referred to in paragraph 742.3(2)(b) does not affect the operation of section 109 or 110.

SUBJECT AND EFFECT

There is an inconsistency in the *Criminal Code* respecting the use of the words "conditional sentence" and "conditional sentence order". These changes will eliminate this inconsistency.

REASON FOR CHANGE

To ensure there is consistency throughout the *Criminal Code*.

RELATED CLAUSES

Clauses 11, 12, 15 and 16.

PROPOSED SECTION

Warrant or arrest - suspension of running of conditional sentence

(10) The running of a conditional sentence order imposed on an offender is suspended during the period that ends with the determination of whether a breach of condition had occurred and begins with the earliest of

Detention under s. 515(6)

(12) A conditional sentence order referred to in subsection (10) starts running again on the making of an order to detain the offender in custody under subsection 515(6) and, unless section 742.7 applies, continues running while the offender is detained under the order.

Unreasonable delay in execution

(14) Despite subsection (10), if there was unreasonable delay in the execution of a warrant, the court may, at any time, order that any period between the issuance and execution of the warrant that it considers appropriate in the interests of justice is deemed to be time served under the conditional sentence order unless the period has been so deemed under subsection (15).

Allegation dismissed or reasonable excuse

(15) If the allegation is withdrawn or dismissed or the offender is found to have had a reasonable excuse for the breach, the sum of the following periods is deemed to be time served under the conditional sentence order:

(a) any period for which the running of the conditional sentence order was suspended; and

(b) if subsection (12) applies, a period equal to one half of the period that the conditional sentence order runs while the offender is detained under an order referred to in that subsection.

Powers of court

(16) If a court is satisfied, on a balance of probabilities, that the offender has without reasonable excuse, the proof of which lies on the offender, breached a condition of the conditional sentence order, the court may, in exceptional cases and in the interests of justice, order that some or all of the period of suspension referred to in subsection (10) is deemed to be time served under the conditional sentence order.

Considerations

(17)(c) the period for which the offender was subject to conditions while the running of the conditional sentence order was suspended and whether the offender complied with those conditions during that period.

Clause 15

PRESENT SECTION:

Warrant or arrest - suspension of running of conditional sentence

742.6 (10) The running of a conditional sentence imposed on an offender is suspended during the period that ends with the determination of whether a breach of condition had occurred and begins with the earliest of

Detention under s. 515(6)

(12) A conditional sentence referred to in subsection (10) starts running again on the making of an order to detain the offender in custody under subsection 515(6) and, unless section 742.7 applies, continues running while the offender is detained under the order.

Unreasonable delay in execution

(14) Despite subsection (10), if there was unreasonable delay in the execution of a warrant, the court may, at any time, order that any period between the issuance and execution of the warrant that it considers appropriate in the interests of justice is deemed to be time served under the conditional sentence unless the period has been so deemed under subsection (15).

Allegation dismissed or reasonable excuse

(15) If the allegation is withdrawn or dismissed or the offender is found to have had a reasonable excuse for the breach, the sum of the following periods is deemed to be time served under the conditional sentence:

(a) any period for which the running of the conditional sentence was suspended; and

(b) if subsection (12) applies, a period equal to one half of the period that the conditional sentence runs while the offender is detained under an order referred to in that subsection.

Powers of court

(16) If a court is satisfied, on a balance of probabilities, that the offender has without reasonable excuse, the proof of which lies on the offender, breached a condition of the conditional sentence order, the court may, in exceptional cases and in the interests of justice, order that some or all of the period of suspension referred to in subsection (10) is deemed to be time served under the conditional sentence.

Considerations

(17) In exercising its discretion under subsection (16), a court shall consider…

(c) the period for which the offender was subject to conditions while the running of the conditional sentence was suspended and whether the offender complied with those conditions during that period.

SUBJECT AND EFFECT

There is an inconsistency in the *Criminal Code* respecting the use of the words "conditional sentence" and "conditional sentence order". These changes will eliminate this inconsistency.

REASON FOR CHANGE

To ensure there is consistency throughout the *Criminal Code*.

RELATED CLAUSES

Clauses 11, 12, 14 and 16.

Clause 16

PRESENT SECTION:

If person imprisoned for new offence

742.7 (1) If an offender who is subject to a conditional sentence is imprisoned as a result of a sentence imposed for another offence, whenever committed, the running of the conditional sentence is suspended during the period of imprisonment for that other offence.

Conditional sentence resumes

(4) The running of any period of the conditional sentence that is to be served in the community resumes upon the release of the offender from prison on parole, on statutory release, on earned remission, or at the expiration of the sentence.

PROPOSED SECTION

If person imprisoned for new offence

(1) If an offender who is subject to a conditional sentence order is imprisoned as a result of a sentence imposed for another offence, whenever committed, the running of the conditional sentence order is suspended during the period of imprisonment for that other offence.

Conditional sentence resumes

(4) The running of any period of the conditional sentence order that is to be served in the community resumes upon the release of the offender from prison on parole, on statutory release, on earned remission, or at the expiration of the sentence.

SUBJECT AND EFFECT

There is an inconsistency in the *Criminal Code* respecting the use of the words "conditional sentence" and "conditional sentence order". These changes will eliminate this inconsistency.

REASON FOR CHANGE

To ensure there is consistency throughout the *Criminal Code*.

RELATED CLAUSES

Clauses 11, 12, 14 and 15.

(g) when the offender is ordered to serve the sentence of imprisonment intermittently, that the said offender comply with the following conditions when not in confinement:

Now therefore the said offender shall, for the period of ..... from the date of this order *(or, where paragraph (d), (e) or (f) is applicable*, the date of expiration of the offender's sentence of imprisonment or conditional sentence order) comply with the following conditions, namely, that the said offender shall keep the peace and be of good behaviour, appear before the court when required to do so by the court and notify the court or probation officer in advance of any change of name or address and promptly notify the court or probation officer of any change of employment or occupation, and, in addition,

(*here state any additional conditions prescribed pursuant to subsection 732.1(3) of the Criminal Code*).

Dated this ..... day of ..... A.D. ....., at ..... .

.....

Clerk of the Court, Justice

or Provincial Court Judge

Dated this ..... day of ..... A.D. ....., at ..... .

..... Clerk of the Court, Justice or
Provincial Court Judge

PROPOSED FORM

FORM 46

(Section 732.1)

PROBATION ORDER

Canada,
Province of .....,
(*territorial division*).

Whereas on the ..... day of ..... at ....., A.B., hereinafter called the offender, (pleaded guilty to *or* was tried under (*here insert Part XIX, XX or XXVII, as the case may be*) of the *Criminal Code* and was (*here insert convicted or found guilty, as the case may be*) on the charge that (*here state the offence to which the offender pleaded guilty or for which the offender was convicted or found guilty, as the case may be*);

And whereas on the ..... day of ..... the court adjudged*

**Use whichever of the following forms of disposition is applicable:*

(*a*) that the offender be discharged on the following conditions:

(*b*) that the passing of sentence on the offender be suspended and that the said offender be released on the following conditions:

(*c*) that the offender forfeit and pay the sum of ..... dollars to be applied according to law and in default of payment of the said sum without delay (*or within a time fixed, if any*), be imprisoned in the (*prison*) at ..... for the term of ..... unless the said sum and charges of the committal and of conveying the said offender to the said prison are sooner paid, and in addition thereto, that the said offender comply with the following conditions:

(*d*) that the offender be imprisoned in the (*prison*) at ..... for the term of ..... and, in addition thereto, that the said offender comply with the following conditions:

(*e*) that following the expiration of the offender's conditional sentence order related to this or another offence, that the said offender comply with the following conditions:

(*f*) that following the expiration of the offender's sentence of imprisonment related to another offence, that the said offender comply with the following conditions:

Clause 17

PRESENT FORM:

FORM 46
(Section 732.1)
PROBATION ORDER

Canada,
Province of .....,
(territorial division).

Whereas on the ..... day of ..... at ....., A.B., hereinafter called the accused, (pleaded guilty to or was tried under (here insert Part XIX, XX or XXVII, as the case may be) of the Criminal Code and was (here insert convicted or found guilty, as the case may be) on the charge that (here state the offence to which the accused pleaded guilty or for which the accused was convicted or found guilty, as the case may be));

And whereas on the ..... day of ..... the court adjudged*

*Use whichever of the following forms of disposition is applicable:

(a) that the accused be discharged on the conditions hereinafter prescribed:

(b) that the passing of sentence on the accused be suspended and that the said accused be released on the conditions hereinafter prescribed:

(c) that the accused forfeit and pay the sum of ..... dollars to be applied according to law and in default of payment of the said sum forthwith (or within a time fixed, if any), be imprisoned in the (prison) at ..... for the term of ..... unless the said sum and charges of the committal and of conveying the said accused to the said prison are sooner paid, and in addition thereto, that the said accused comply with the conditions hereinafter prescribed:

(d) that the accused be imprisoned in the (prison) at ..... for the term of ..... and, in addition thereto, that the said accused comply with the conditions hereinafter prescribed:

Now therefore the said accused shall, for the period of ..... from the date of this order (or, where paragraph (d) is applicable the date of expiration of his sentence of imprisonment) comply with the following conditions, namely, that the said accused shall keep the peace and be of good behaviour and appear before the court when required to do so by the court, and, in addition,

(here state any additional conditions prescribed pursuant to subsection 732.1(3) of the Criminal Code).

SUBJECT AND EFFECT

The current wording of Form 46 (Probation Order) makes no provision for the following possible situations: where the offender is serving a custodial sentence at the time of being sentenced to probation on a new charge or while not in confinement and serving an intermittent sentence of imprisonment and where probation is ordered to follow a conditional sentence. The amendment would provide for these possible scenarios. The form is also being updated to use the term "offender" and not "accused", consistent with the related provisions in the *Criminal Code*.

REASON FOR CHANGE

To make Form 46 (Probation Order) consistent with recent amendments to the *Criminal Code*.

RELATED CLAUSES

None.

PRESENT SECTION:

Canada Evidence Act

Special rules

37.21 (1) A hearing under subsection 37(2) or (3) or an appeal of an order made under any of subsections 37(4.1) to (6) shall be heard in private.

Representations

(2) The court conducting a hearing under subsection 37(2) or (3) or the court hearing an appeal of an order made under any of subsections 37(4.1) to (6) may give

(a) any person an opportunity to make representations; and

(b) any person who makes representations under paragraph (a) the opportunity to make representations ex parte.

PROPOSED SECTION

Repeal of section 37.21 of the *Canada Evidence Act*.

SUBJECT AND EFFECT

This clause would repeal section 37.21 of the *Canada Evidence Act*, so that it would no longer exist.

REASON FOR CHANGE

It is proposed that the current provision, which requires that a hearing under subsection 37(2) or (3) or an appeal of an order made under any of subsections 37(4.1) to (6) of the Act, respecting specified public interests (e.g. identity of a police agent or police informer), shall be heard in private (i.e. *in camera*), ought to be repealed.

There had been no requirement of this sort in the *Canada Evidence Act* prior to Bill C-36, and it is proposed that such a requirement is unnecessary. Should the need for an *in camera* proceeding arise during an application, the Court could exercise its inherent jurisdiction to provide for such a proceeding.

The judgment of the Supreme Court of Canada in *R. v. Ruby* [2002] S.C.J. No. 73 would lend support to this proposal. In that case, the Court examined the constitutionality of a procedural section of the *Privacy Act*, which made it mandatory, where a government institution has claimed the "foreign confidences" or "national security" exemption, for a reviewing court to hold the entire hearing of a judicial review application *in camera* (s. 51(2)(a)) and to accept *ex parte* submissions at the request of the government institution refusing disclosure (s. 51(3)). The Court, in a 9-0 judgment (per Arbour, J.), observed that, as a general principle, court proceedings are open and public unless there is a particular ground urged by a party that is deemed to warrant exceptional proceedings *in camera* or *ex parte*. Further, it was regarded as contrary to a longstanding tradition of our judicial system for the Court to direct that the hearing be held fully *in camera*. The Court determined that the *in camera* provision (s. 51(2)(a)) violated s. 2(b) of the *Charter* and could not be saved by s. 1 of the *Charter*, for failing to meet the proportionality test. While the interests at stake were believed to warrant *in camera* hearings to reduce the risk of inadvertent disclosure of sensitive information, it failed on the question of minimal impairment. The provision did not limit the *in camera* requirement only to those parts of a hearing that involved the merits of the exemption. Thus, it was not seen to be necessary for the entire proceedings to be held *in camera* to ensure such protection and, given that the provision could be construed that way, it was read down accordingly.

RELATED CLAUSES

None.

PRESENT SECTION:

Canada Evidence Act

Varying the certificate

38.131 (8) If the judge determines that some of the information subject to the certificate does not relate either to information obtained in confidence from, or in relation to, a foreign entity as defined in subsection 2(1) of the Security of Information Act, or to national defence or security, the judge shall make an order varying the certificate accordingly.

Cancelling the certificate

(9) If the judge determines that none of the information subject to the certificate relates to information obtained in confidence from, or in relation to, a foreign entity as defined in subsection 2(1) of the Security of Information Act, or to national defence or security, the judge shall make an order cancelling the certificate.

Confirming the certificate

(10) If the judge determines that all of the information subject to the certificate relates to information obtained in confidence from, or in relation to, a foreign entity as defined in subsection 2(1) of the Security of Information Act, or to national defence or security, the judge shall make an order confirming the certificate.

PROPOSED SECTION

Varying the certificate

38.131 (8) If the judge determines that some of the information subject to the certificate does not relate either to information obtained in confidence from, or in relation to, a foreign entity as defined in subsection 2(1) of the Security of Information Act, or to national defence or national security, the judge shall make an order varying the certificate accordingly.

Cancelling the certificate

(9) If the judge determines that none of the information subject to the certificate relates to information obtained in confidence from, or in relation to, a foreign entity as defined in subsection 2(1) of the Security of Information Act, or to national defence or national security, the judge shall make an order cancelling the certificate.

Confirming the certificate

(10) If the judge determines that all of the information subject to the certificate relates to information obtained in confidence from, or in relation to, a foreign entity as defined in subsection 2(1) of the Security of Information Act, or to national defence or national security, the judge shall make an order confirming the certificate.

SUBJECT AND EFFECT

These amendments would amend only the English language version of subsections 38.131(8) to (10) of the *Canada Evidence Act*. The word "national" would be added before the word "security" in each of these subsections. This would match the French language version and would accord with the use of the term "national security" in section 38 (in the definitions of "potentially injurious information" and "sensitive information") and in subsections 38.06(1) and (2) and 38.13(1) of the Act.

REASON FOR CHANGE

Whereas the English language version of Bill C-36 was amended in Committee to add the word "national" in front of the word "security" in various places [i.e. in section 38 (in the definitions of "potentially injurious information" and "sensitive information") and in subsections 38.06(1) and (2) and 38.13(1)] of the Act, similar amendments were not made to subsections 38.131(8) to (10).

These amendments are now proposed in an effort to accord with the French language version of these subsections as well as the current English language version of section 38 and subsections 38.06(1) and (2) and 38.13(1) of the Act.

RELATED CLAUSES

None.

PRESENT SECTION:

Financial Administration Act

New

PROPOSED SECTION

Management or protection of computer systems

161. (1) The appropriate Minister, any public servant employed in a department, any employee of a Crown corporation or any person acting on behalf of a department or Crown corporation who performs duties relating to the management or protection of computer systems of the department or the Crown corporation may take reasonable measures for such purposes, including the interception of private communications in circumstances specified in paragraph 184(2)(*e*) of the *Criminal Code*.

Privacy protection

(2) Subject to subsection (3), with respect to an interception referred to in subsection (1), the appropriate Minister shall take reasonable measures to ensure that only data that is essential to identify, isolate or prevent harm to the computer system will be used or retained.

Limitation

(3) Nothing in this section affects any other lawful authority to intercept, use, retain, access or disclose a private communication.

Definition of "computer system"

(4) For the purposes this section, "computer system" means a device that, or a group of interconnected or related devices one or more of which,

(*a*) contains computer programs or other data; and

(*b*) pursuant to computer programs,

(i) performs logic and control, and

(ii) may perform any other function.

SUBJECT AND EFFECT

The *Financial Administration Act* is amended by adding a new section 161. By this section, departments of the federal government and Crown corporations are given the express authority to take the steps necessary to manage or protect their computer systems by reasonable means which may include the interception of private communications.

The new section is needed to clarify that the appropriate Ministers have lawful authority to use such systems, including intrusion detection systems, in order to manage or protect their computers and networks and to ensure that such action complies with the *Canadian Charter of Rights and Freedoms.*

At the same time, the new section ensures that the authority of the federal government to use and retain data in those circumstances is constrained, in order to protect the privacy of citizens. Furthermore, this section clarifies that other laws with respect to the interception, use, retention, access or disclosure of private communications continue to apply. An example includes subsection 193(2) of the *Criminal* Code, which authorizes among other things the disclosure of information in the course of a criminal investigation.

REASON FOR CHANGE

Intrusion detection and other computer protection technologies are essential for information technology security, to protect computers and networks, and the data that they contain, by monitoring them for possible malicious traffic. When using technologies such as intrusion detection systems, it may be necessary for an authorized employee of the department or Crown corporation to open and analyze potentially malicious communications, which could be contained in an email. The risk, then, is that some private communications may be intercepted in the course of those defensive monitoring activities.

The federal government must demonstrate responsible practice, and discharge its duty to protect its critical information infrastructure. The proposed new section will ensure that federal government departments and Crown corporations have the lawful authority to take reasonable measures to manage or protect their computer systems, in compliance with the *Canadian Charter of Rights and Freedoms.*

RELATED CLAUSES

Clauses 4 and 5.

Clause 21

PRESENT SECTION:

Security of Information Act

"special operational information"

8 (1)"special operational information" means information that the Government of Canada is taking measures to safeguard that reveals, or from which may be inferred,

(a) the identity of a person, agency, group, body or entity that is or is intended to be, has been approached to be, or has offered or agreed to be, a confidential source of information, intelligence or assistance to the Government of Canada;

PROPOSED SECTION

(a) the identity of a person, agency, group, body or entity that was or is intended to be, has been approached to be, or has offered or agreed to be, a confidential source of information, intelligence or assistance to the Government of Canada;

SUBJECT AND EFFECT

This amendment would expressly amend the English language version of paragraph 8(1)(a) of the *Security of Information Act* by adding in the word "was" to the paragraph. Arguably, it could be contended, at present, that the definition should be read as including the word "was", given the French language version, but, **for greater certainty**, it is proposed that the word "was" be included in the English language version of the definition of "special operational information".

REASON FOR CHANGE

This change is proposed to be made to the English language version of paragraph 8(1)(a) of the *Security of Information Act* so that, for greater certainty, it may expressly accord with the French language version of this paragraph.

RELATED CLAUSES

None.

Clause 22

PRESENT SECTION:

Youth Criminal Justice Act

Young person not represented by counsel

32 (3) When a young person is not represented by counsel, the youth justice court, before accepting a plea, shall…

(c) explain that the young person may plead guilty or not guilty to the charge or, if subsection 67(1) (election of court for trial - adult sentence) or (3) (election of court for trial in Nunavut - adult sentence) applies, explain that the young person may elect to be tried by a youth justice court judge without a jury and without having a preliminary inquiry, or to have a preliminary inquiry and be tried by a judge without a jury, or to have a preliminary inquiry and be tried by a court composed of a judge and jury.

PROPOSED SECTION

(c) explain that the young person may plead guilty or not guilty to the charge or, if subsection 67(1) (election of court for trial - adult sentence) or (3) (election of court for trial in Nunavut - adult sentence) applies or the young person is charged with an offence listed in section 469 of the *Criminal Code*, explain that the young person may elect to be tried by a youth justice court judge without a jury and without having a preliminary inquiry, or to have a preliminary inquiry and be tried by a judge without a jury, or to have a preliminary inquiry and be tried by a court composed of a judge and jury and, in either of the latter two cases, a preliminary inquiry will only be conducted if requested by the young person or the prosecutor.

SUBJECT AND EFFECT

This amendment would make changes to youth court preliminary inquiry procedure under the *Youth Criminal Justice Act* that are equivalent to the changes that clause 9 would make to section 536 of the *Criminal Code*.

REASON FOR CHANGE

See explanation for clause 9.

RELATED CLAUSES

Clauses 9 and 10.

Clause 23

PRESENT SECTION:

N/A

PROPOSED SECTION

For greater certainty, section 82 of *An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts* ("the Act"), chapter 32 of the Statutes of Canada, 2001, is to be read in accordance with the following as a result of the division on October 2, 2001, of Bill C-15, introduced in the 1st session of the 37th Parliament and entitled the *Criminal Law Amendment Act, 2001*:

(*a*) the reference in subsection 82(1) of the Act to "Bill C-15" refers, with respect to subsections 82(2) and (4) of the Act, to Bill C-15A, which resulted from the division of Bill C-15 and has the same title;

(*b*) the reference in subsection 82(2) of the Act to "section 25 of the other Act" refers to section 16 of Bill C-15A; and

(*c*) the reference in subsection 82(4) of the Act to "section 62 of the other Act" refers to section 52 of Bill C-15A.

SUBJECT AND EFFECT

To ensure certainty, the coordinating amendments in Bill C-24, the Organized Crime Bill, need to be re-introduced with the correct bill and section references.

REASON FOR CHANGE

C-15A was the bill in the last session of Parliament that was originally tabled as C-15, but was divided into C-15A and C-15B by the House of Commons in early October 2001. Splitting the bill affected the numbering of the sections. Bill C-24, the Organized Crime Bill, included coordinating amendments referencing sections of the original C-15 bill. The Organized Crime Bill received Royal Assent in December 2001 without amendments to correctly refer to the C-15A and C-15B section numbers.

RELATED CLAUSES

Clause 24.

Clause 24

PRESENT SECTION:

N/A

PROPOSED SECTION

For greater certainty, section 82 of *An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts* ("the Act"), chapter 32 of the Statutes of Canada, 2001, is to be read in accordance with the following as a result of the division on October 2, 2001, of Bill C-15, introduced in the 1st session of the 37th Parliament and entitled the *Criminal Law Amendment Act, 2001*, and the division in the Senate on December 3, 2002, of Bill C-10, introduced in the 2nd session of the 37th Parliament and entitled *An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act*:

(*a*) the reference in subsection 82(1) of the Act to "Bill C-15" refers, with respect to subsection 82(3) of the Act, to Bill C-10A, which resulted from the division of Bill C-10 and is entitled *An Act to amend the Criminal Code (firearms) and the Firearms Act*; and

(*b*) the reference in subsection 82(3) of the Act to "section 32 of the other Act" refers to section 8 of Bill C-10A.

SUBJECT AND EFFECT

To ensure certainty, the coordinating amendments in Bill C-24, the Organized Crime Bill, need to be re-introduced with the correct bill and section references.

REASON FOR CHANGE

C-15A was the bill in the last session of Parliament that was originally tabled as C-15, but was divided into C-15A and C-15B by the House of Commons in early October 2001. Splitting the bill affected the numbering of the sections. Bill C-24, the Organized Crime Bill, included coordinating amendments referencing sections of the original C-15 bill. The Organized Crime Bill received Royal Assent in December 2001 without amendments to correctly refer to the C-15A and C-15B section numbers.

RELATED CLAUSES

Clause 23.

Clause 25

PRESENT SECTION:

N/A

PROPOSED SECTION

Section 17 comes into force on a day to be fixed by order of the Governor in Council.

SUBJECT AND EFFECT

This clause provides that the proposed amendments will come into force on the same day as Royal Proclamation, save clause 17 which will come into force on a day to be fixed by Order in Council.

REASON FOR CHANGE

In the event provincial and territorial governments require some time to take notice of the changes to Form 46, "Probation Order", and perhaps to have new forms printed, section 17 will come into force at a date to be determined by the Governor in Council.

Nota Bene: Clauses 9 and 10 come into force on the date of Royal Proclamation, but as they amend provisions of C-15A not yet in force, their application is subject to the eventual coming into force of those provisions of C-15A which they amend and which are currently scheduled to come into force on July 23, 2003. Should the present Bill not receive Royal Assent before July 23, 2003, the coming into force of the preliminary inquiry provisions of C-15A may be further delayed.

RELATED CLAUSES

None.