

---

---

---

POCKET  
CRIMINAL  
CODE



---

---

---

1992

---

---

---

CARSWELL

---

---

# POCKET CRIMINAL CODE

*Incorporating R.S.C. 1985  
and subsequent amendments*

EDITOR

*Gary P. Rodrigues, B.A., LL.B.  
of the Ontario Bar*

INDEX EDITOR

*Jean Ouellet*

A CARSWELL PUBLICATION

---

---

Typesetting: Video Text Inc., Barrie, Ontario, Canada

© 1991 by Thomson Professional Publishing Canada  
A Division of Thomson Canada Limited

*A Carswell Publication*

ISBN 0-459-36211-9

# PREFACE

The 1992 Pocket Criminal Code is the fourth edition to be based on the 1985 Revised Statutes of Canada and includes all subsequent amendments enacted up to the date of publication.

The 1992 Pocket Criminal Code includes the Criminal Code itself plus a number of basic statutes that form an important part of the criminal law of Canada:

- Canada Evidence Act
- Canadian Bill of Rights
- Canadian Charter of Rights and Freedoms
- Criminal Records Act
- Extradition Act
- Food and Drugs Act
- Identification of Criminals Act
- Interpretation Act
- Motor Vehicle Transport Act
- Narcotic Control Act
- Young Offenders Act

Amendments that have been enacted but not yet proclaimed appear in italics.

A Table of Concordance of old and new section numbers is provided for each statute that was renumbered by the 1985 Revised Statutes of Canada. A Table of Contents and a comprehensive Index provide full access to the entire work.

The Pocket Criminal Code is also published annually in French as "Code criminel de poche".

September 1991

Gary P. Rodrigues

TABLE OF CONCORDANCE

R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46	R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46
1	1	6(1.5)	7(3.3)
2	2	6(1.6)	7(3.4)
2 "court of criminal jurisdiction"	2 "court of criminal jurisdiction"	6(1.7)	7(3.5)
		6(1.8)	7(3.6)
		6(1.9)	7(3.7)
2 "magistrate"	2 "magistrate"	6(1.91)	7(3.71)
2 "motor vehicle"	2 "motor vehicle"	6(1.92)	7(3.72)
		6(1.93)	7(3.73)
2 "peace officer" (d.1)	2 "peace officer" (e)	6(1.94)	7(3.74)
(e)	(f)	6(1.95)	7(3.75)
(f)	(g)	6(1.96)	7(3.76)
		6(1.97)	7(3.77)
2 "railway equipment"	2 "railway equipment"	6(2)	7(4)
		6(3)	7(5)
2 "superior court of criminal jurisdiction" (c)	2 "superior court of criminal jurisdiction" (c)	6(3.1)	7(5.1)
(d)	(e)	6(4)	7(6)
(e)	(d)	6(5)	7(7)
(f)	(f)	6(6)	7(8)
(g)	(g)	6(7)	7(9)
		6(8)	7(10)
		6(9)	7(11)
2.1	3	7	8
		7(1)(a)	8(1)(b)
		7(1)(b)	8(1)(a)
Part I	Part I	8	9
3(1)	4	9	10
3(2)	4(1)	10	11
3(3)	4(2)	11	12
3(4)	4(3)	12	13
3(5)	4(4)	13	—
3(6)	4(5)	14	14
3(7)	4(6)	15	15
3(8)	4(7)	16	16
4	5	17	17
5	6	18	18
6	7	19	19
6(1.1)	7(2)	20	20
6(1.2)	7(3)	21	21
6(1.3)	7(3.1)	22	22
6(1.4)	7(3.2)	23	23

TABLE OF CONCORDANCE

R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46	R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46
23.1	23.1	63	62
24	24	64	63
25	25	65	64
26	26	66	65
27	27	67	66
28	28	68	67
29	29	69	68
30	30	70	69
31	31	71	70
32	32	72	71
33	33	73	72
34	34	74	73
35	35	75	74
36	36	76	75
37	37	76.1	76
38	38	76.2	77
39	39	76.3	78
40	40	77	79
41	41	78	80
42	42	79	81
43	43	80	82
44	44	81	83
45	45		
Part II	Part II	Part II.1	Part III
46	46	82	84
47	47	83	85
48	48	84	86
49	49	85	87
50	50	86	88
51	51	87	89
52	52	88	90
53	53	89	91
54	54	90	92
55	55	91	93
56	56	92	94
57	—	93	95
58	57	94	96
59	58	95	97
60	59	96	98
61	60	97	99
62	61	98	100
		98(11) "appeal"	100(11) "appeal"

TABLE OF CONCORDANCE

R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46	R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46
	court"	court"	109
	(a)	(d)	110
	(b)	(b.1)	111
	(b.1)	(a)	112
	(c)	(b)	113
	(d)	(c)	114
	(e)	—	115
	(f)	(e)	116
99	101	117	128
100	102	118	129
101	103	119	130
102	104	120	131
103	105	121	132
104	106	122	133
104(1)	106(1)	122.1	134
104(2)	106(2)	123	135
—	106(3)	124	136
104(3)	106(4)	125	137
104(4)	106(5)	126	138
104(5)	106(6)	127	139
104(6)	106(7)	128	140
104(7)	106(8)	129	141
104(8)	106(9)	130	142
104(9)	106(10)	131	143
104(10)	106(11)	132	144
104(11)	106(12)	133	145
104(12)	106(13)	133(7)	145(7)
105	107	134	146
106	108	135	147
106.1	109	136	148
106.2	110	137	149
106.3	111		
106.4	112	Part IV	Part V
106.5	113	138	150
106.6	114	139	150.1
106.7	115	140	151
106.8	116	141	152
106.9	117	142-145	—
		146	153
Part III	Part IV	147	154
107	118	148-149	—
108	119	150	155

TABLE OF CONCORDANCE

R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46	R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46
151-153	156-158	Part IV.1	Part VI
154	159	178.1	183
155	160	178.1	183
156	—	“offence”	“offence”
157-158	161-162	178.11	184
159	163	178.12	185
160	164	178.12(1)(e.1)	185(1)(f)
160(8) “court”	164(8) “court”	178.12(1)(f)	185(1)(g)
(a)	(a)	178.12(1)(g)	185(1)(h)
(a.1)	(b)	178.13	186
(b)	(c)	178.13(1.1)	186(2)
(c)	(d)	178.13(1.2)	186(3)
161	165	178.13(2)	186(4)
162	166	178.13(2.1)	186(5)
163	167	178.13(3)	186(6)
164	168	178.13(4)	186(7)
165	169	178.14	187
166	170	178.15	188
167	171	178.15(4)(a)	188(4)(a)
168	172	178.15(4)(b)	188(4)(b)
168(2)	172(2)	178.15(4)(b.1)	188(4)(e.1)
169	173	178.15(4)(c)	188(4)(f.1)
169(1)	173(1)	178.15(4)(c.1)	188(4)(d)
169(2)	173(2)	178.15(4)(c.2)	—
170	174	178.15(4)(d)	188(4)(e)
171	175	178.15(4)(e)	188(4)(f)
172	176	178.15(4)(f)	188(4)(g)
173	177	178.15(4)(g)	188(4)(h)
174	178	178.16	189
175	179	178.16(3.1)	189(4)
175(1)(a)	—	178.16(4)	189(5)
175(1)(b)	—	178.16(5)	189(6)
175(1)(c)	—	178.17	190
175(1)(d)	179(1)(a)	178.18	191
175(1)(e)	179(1)(b)	178.19	192
175(2)	179(2)	178.2	193
175(3)	—	178.2(2)(e)	193(2)(e)
176	180	178.21	194
177	181	178.22	195
178	182	178.22(2)(g.1)	195(2)(h)
		178.22(2)(h)	195(2)(i)
		178.22(2)(i)	195(2)(j)



TABLE OF CONCORDANCE

R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46	R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46
178.22(2)(j)	195(2)(k)	198	216
178.22(2)(k)	195(2)(l)	199	217
178.22(2)(l)	195(2)(m)	200	218
178.22(2)(m)	195(2)(n)	201	—
178.23	196	202	219
178.23(2)	—	203	220
178.23(3)	196(2)	204	221
178.23(4)	196(3)	205	222
178.23(5)	196(4)	206	223
		207	224
Part V	Part VII	208	225
179	197	209	226
180	198	210	227
181	199	211	228
182-183	—	212	229
184	200	213	230
185	201	214	231
186	202	214(6)	231(6)
187	203	215	232
188	204	216	233
188(6.1)	204(7)	217	234
188(6.2)	204(8)	218	235
188(6.3)	204(8.1)	219	236
188(7)	204(9)	220	237
188(7.1)	204(9.1)	221	238
188(8)	204(10)	222	239
188(9)	204(11)	223	240
188.1	205	224	241
189	206	225	—
190	207	226	242
191	208	227	243
192	209	228	244
193	210	229	245
194	211	230	246
195	212	231	247
195(2)-(4)	212	232	248
195.1	213	233	249
		233(1)(d)	249(1)(d)
Part VI	Part VIII	234	250
196	214	235	251
196 “operate”	214 “operate”	235(1)(c)	251(1)(c)
197	215	235(2)(c)	251(2)(c)

TABLE OF CONCORDANCE

---

R.S.C. 1970, c. C-34    R.S.C. 1985, c. C-46    R.S.C. 1970, c. C-34    R.S.C. 1985, c. C-46

235(3)	251(3)	249	280
236	252	250	281
237	253	250.1	282
238	254	250.2	283
238(2)	254(2)	250.3	284
238(6)	254(6)	250.4	285
239	255	250.5	286
240	256	251	287
240.1	257	251(6) "Minister	287(6) "Minister
241	258	of Health"	of Health"
241(1)(a)	258(1)(a)	(a)	(a)
242	259	(a.1)	(d)
242(1)	259(1)	(b)	(c)
242(2)	259(2)	(c)	(b)
242(4)	259(4)	(d)	(e)
242(5)(a)	259(5)(a)	252	288
243	260	253	289
243.1	261	254	290
243.2	262	255	291
243.3	263	256	292
—	264	257	293
243.4	264.1	258	294
244	265	259	295
245	266	260	296
245.1	267	261	297
245.2	268	262	298
245.3	269	263	299
245.4	269.1	264	300
246	270	265	301
246.1	271	266	302
246.1(2)	—	267	303
246.2	272	268	304
246.3	273	269	305
246.4	274	270	306
246.5	275	271	307
246.6	276	272	308
246.6(1)	276(1)	273	309
246.7	277	274	310
246.8	278	275	311
247	279	276	312
247.1	279.1	277	313
248	—	278	314

## TABLE OF CONCORDANCE

R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46	R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46
279	315	302	343
280	316	303	344
281	317	304	345
281.1	318	305	346
281.2	319	305.1	347
281.3	320	306	348
281.3(8) "court"	320(8) "court"	306(3)	—
(a)	(a)	306(4)	348(3)
(a.1)	(b)	307	349
(b)	(c)	308	350
(c)	(d)	309	351
281.3(8) "judge"	320(8) "judge"	310	352
		311	353
Part VII	Part IX	312	354
282	321	313	355
283	322	314	356
284	323	315	357
285	324	316	358
286	325	317	359
287	326	318	360
287.1	327	319	361
288	328	320	362
289	329	321	363
290	330	322	364
291	331	323	365
292	332	324	366
293	333	325	367
294	334	326	368
295	335	327	369
295(1)	335(1)	328	370
295(2)	335(2)	329	371
296	336	330	372
297	337	331	373
298	338	332	374
298(1.1)	338(2)	333	375
298(2)	338(3)	334	376
298(3)	338(4)	335	377
299	339	336	378
300	340		
301	341	Part VIII	Part X
301.1	342	337	379
301.2	342.1	338	380

TABLE OF CONCORDANCE

R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46	R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46
339	381	381	423
340	382	381.1	424
341	383	382	425
342	384	383	426
343	385	384	427
344	386		
345	387	Part IX	Part XI
346	388	385	428
347	389	386	429
348	390	387	430
349	391	387.1	431
350	392	388	432
351	393	389	433
352	394	390	434
353	395	391	435
354	396	392	436
355	397	393	437
356	398	394	438
357	399	395	439
358	400	396	440
359	401	397	441
360	402	398	442
361	403	399	443
362	404	400	444
363	405	401	445
364	406	402	446
365	407	403	447
366	408	404-405	—
367	409		
368	410	Part X	Part XII
369	411	406	448
370	412	407	449
371	413	408	450
372	414	409	451
373	415	410	452
374	416	411	453
375	417	412	454
376	418	413	455
377	419	414	456
378	420	415	457
379	421	416	458
380	422	417	459

TABLE OF CONCORDANCE

R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46	R.S.C. 1970, c. C-34	R.S.C. 1985, c. C-46
418	460	Part XII	Part XIV
419	461	426	468
420	462	427	469
		428	470
Part X.1	Part XII.1	429	471
420.1	462.1	429.1	472
420.2	462.2	430	473
		431	474
Part X.1	Part XII.2	431.1	475
420.1	462.3	432	476
420.11	462.31	433	477
420.12	462.32	434	478
420.13	462.33	435	479
420.14	462.34	436	480
420.15	462.35	437	481
420.16	462.36	438	482
420.17	462.37	438(1.1)	482(2)
420.18	462.38	438(2)	482(3)
420.19	462.39	438(3)	—
420.2	462.4	438(4)	482(4)
420.21	462.41	438(5)	482(5)
420.22	462.42		
420.23	462.43	Part XIII	Part XV
420.24	462.44	439	483
420.25	462.45	440	484
420.26	462.46	440.1	485
420.27	462.47	440.2	485.1
420.28	462.48	441	—
420.29	462.49	442	486
420.3	462.5	442(2.1)	486(2.1)
		442(2.2)	486(2.2)
		442(3)	486(3)
Part XI	Part XIII	442(3.1)	486(4)
421	463	442(4)	486(5)
422	464	442(5)	—
423	465	443	487
423(1)(c)	—	443.1	487.1
423(1)(d)	465(1)(c)	443.2	487.2
423(1)(e)	465(1)(d)	444	488
423(2)	465(2)	444.1	488.1
424	466	445	489
425	467	445.1	489.1

TABLE OF CONCORDANCE

R.S.C. 1970, c. C-34    R.S.C. 1985, c. C-46    R.S.C. 1970, c. C-34    R.S.C. 1985, c. C-46

446	490	457(2.1)	515(2.1)
446.1	491	457(3)	515(3)
446.2	491.1	457(4)	515(4)
446.3	491.2	457(5)	515(5)
447	492	457(5.1)	515(6)
		457(5.2)	515(7)
Part XIV	Part XVI	457(5.3)	515(8)
448	493	457(6)	515(9)
448 "judge"	493 "judge"	457(7)	515(10)
(b)	(b)	457(8)	515(11)
(c)	(c)	457.1	516
(d)	(d)	457.2	517
(e)	(e)	457.3	518
449	494	457.4	519
450	495	457.5	520
451	496	457.6	521
452	497	457.7	522
453	498	457.7(2.1)	522(3)
453.1	499	457.7(2.2)	522(4)
453.2	500	457.7(3)	522(5)
453.3	501	457.7(4)	522(6)
453.4	502	457.8	523
454	503	458	524
454(1.1)	503(2)	458(4.1)	524(5)
454(2)	503(3)	458(4.2)	524(6)
454(2.1)	503(3.1)	458(4.3)	524(7)
454(3)	503(4)	458(5)	524(8)
454(4)	503(5)	458(5.1)	524(9)
455	504	458(6)	524(10)
455.1	505	458(7)	524(11)
455.2	506	458(8)	524(12)
455.3	507	458(9)	524(13)
455.4	508	459	525
455.5	509	459.1	526
455.6	510	460	527
456	511	461	528
456.1	512	462	529
456.2	513		
456.3	514	Part XIV.1	Part XVII
457	515	462.1	530
457(2)(c.1)	515(2)(d)		530.1
457(2)(d)	515(2)(e)	462.2	531

TABLE OF CONCORDANCE

R.S.C. 1970, c. C-34 R.S.C. 1985, c. C-46 R.S.C. 1970, c. C-34 R.S.C. 1985, c. C-46

462.3	532	(f)	(h)
462.4	533	(g)	(f)
—	534	(h)	(i)
		“magistrate”	“magistrate”
Part XV	Part XVIII	483	553
463	535	484	554
464	536	484(2)-(4)	—
465	537	485	555
465(1)(a)	—	486	556
465(1)(b)	537(1)(a)	487	557
465(1)(c)	537(1)(b)	488	558
465(1)(d)	537(1)(c)	489	559
465(1)(e)	537(1)(d)	490	560
465(1)(f)	537(1)(e)	490(5)	—
465(1)(g)	—	491	561
465(1)(h)	537(1)(f)	492	562
465(1)(i)	537(1)(g)	493	563
465(1)(j)	537(1)(h)	494	564
465(1)(k)	537(1)(i)	495	565
466	538	496	566
467	539	497	567
468	540	498	568
469	541	499	569
470	542	500	570
471	543	501	571
471.1	544	502	572
472	545	503	573
473	546		
474	547	Part XVII	Part XX
474.1	547.1	504	574
475	548	505	575
476	549	506	576
477	550	507	577
478	551	507.1	578
479-481	—	508	579
		509	580
Part XVI	Part XIX	510	581
482	552	511	582
482 “judge”	552 “judge”	512	583
(c.1)	(d)	513	584
(d)	(g)	514	585
(e)	(e)	515	586

TABLE OF CONCORDANCE

---

R.S.C. 1970, c. C-34   R.S.C. 1985, c. C-46   R.S.C. 1970, c. C-34   R.S.C. 1985, c. C-46

516	587	547	619
517	588	548	620
518	589	549	621
519	590	550	622
520	591	551	623
521	592	552	624
522	593	553	625
523-525	594-596		625.1
526	597	554	626
526.1	598	555	627
527	599	556	—
527(1.1)	599(2)	557	628
527(2)	599(3)	558	629
527(3)	599(4)	559	630
527(4)	599(5)	560	631
528	600	561	632
529	601	562	633
530	602	563	634
531	603	564	635
532	604	565	636
533	605	566	637
534	606	567	638
535	607	568	639
	607(6)	569	640
536	608	570	641
537	609	571	642
538	610	572	643
539	611	573	644
540	612	574	645
541	613	575	646
542	614	576	647
543	615	576.1	648
543(2.1)	615(3)	576.2	649
543(3)	615(4)	577	650
543(4)	615(5)	578	651
543(5)	615(6)	579	652
543(6)	615(7)	580	653
543(7)	615(8)	581	654
543(8)	615(9)	582	655
544	616	583	656
545	617	584	657
546	618	584.1	657.1



TABLE OF CONCORDANCE

R.S.C. 1970, c. C-34 R.S.C. 1985, c. C-46 R.S.C. 1970, c. C-34 R.S.C. 1985, c. C-46

585	658	612	685
586	659	613	686
587	660	614	687
588	661	615	688
589	662	616	689
590	663	616(1)	689(1)
591	664	617	690
592	665	618	691
593	666	618(1)(b)	691(1)(b)
594	667	619	—
594(3.1)	667(4)	620	692
594(4)	667(5)	620(3)(b)	692(3)(b)
595	668	621	693
596	669	621(1)	693(1)
597	669.1	622	694
597.1	669.2	622.1	694.1
598	670	622.2	694.2
599	671	623	695
600	672	624	696

Part XVIII	Part XXI	Part XIX	Part XXII
601	673	625	697
601 "sentence"	673	626	698
	"sentence"	627	699
602	674	628	700
603	675	629	701
603(1.1)	675(2)	630	702
603(2)	675(3)	631	703
603(3)	675(4)	631.1	703.1
604	—	631.2	703.2
605	676	632	704
606	677	633	705
607	678	634	706
607.1	678.1	635	707
608	679	636	708
608.1	680	637	709
608.2	681	638	710
609	682	639	711
610	683	640	712
610(5)	683(5)	640(3)	
611	684	641	713
		642	714