

CRANKSHAW'S

CRIMINAL CODE

OF CANADA

R.S.C. 1985

GENERAL EDITOR

GARY P. RODRIGUES, B.A., LL.B.,
of the Ontario Bar

VOLUME 6

Canada Evidence Act

Young Offenders Act

Corrections and Conditional Release Act

Prisons and Reformatories Act

Identification of Criminals Act

Criminal Injuries Compensation Acts



CARSWELL
Thomson Professional Publishing

© 1993 Thomson Canada Limited

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the publisher.

This publication is designed to provide accurate and authoritative information. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting or other professional advice. If legal advice or other expert assistance is required, the services of a competent professional should be sought. The analysis contained herein should in no way be construed as being either official or unofficial policy of any governmental body.

CANADIAN CATALOGUING IN PUBLICATION DATA

Canada. Laws, statutes, etc.

[Criminal code]

Crankshaw's criminal code

Loose-leaf for updating.

Includes index.

ISBN 0-459-32500-0 (v. 1) ISBN 0-459-32590-6 (v. 2)

ISBN 0-459-32660-0 (v. 3) ISBN 0-459-34540-0 (v. 4)

ISBN 0-459-34550-8 (v. 5) ISBN 0-459-35070-1 (v. 6)

1. Criminal law — Canada. 2. Criminal procedure — Canada.

3. Evidence, Criminal — Canada.

I. Crankshaw, James, 1844-1921. II. Crankshaw, John E., 1898-1953.

III. Rodrigues, Gary P., 1946- IV. Title.

KE8804.C2 1979

345'.71

C79-094704-8



CARSWELL
Thomson Professional Publishing

One Corporate Plaza, 2075 Kennedy Road, Scarborough, Ontario M1T 3V4

Customer Service:

Toronto 1-416-609-3800

Elsewhere in Canada/U.S. 1-800-387-5164

Fax 1-416-298-5094

CRANKSHAW'S

CRIMINAL CODE

R.S.C. 1985, VOLUME 6

Publisher's Note

Total Access to the Criminal Law of Canada

Volume 6 contains the R.S.C. 1985 version and all subsequent amendments for the following Federal Statutes relevant to the Criminal Law of Canada. Special attention is drawn to the new **Corrections and Conditional Release Act**, S.C. 1992, c. 20, replacing the Parole Act and the Penitentiary Act, which came into force on November 1st, 1992. The following federal statutes are included in this work.

- **Canada Evidence Act**
- **Young Offenders Act**
- **Corrections and Conditional Release Act**
- **Prisons and Reformatories Act**
- **Identification of Criminals Act**

Also included in Volume 6 are the following provincial criminal injuries compensation statutes:

- **Alberta, Criminal Injuries Compensation Act**
- **British Columbia, Criminal Injury Compensation Act**
- **Manitoba, The Criminal Injuries Compensation Act**
- **New Brunswick, Compensation for Victims of Crime Act**
- **Newfoundland, The Criminal Injuries Compensation Act**
- **Northwest Territories, Criminal Injuries Compensation Act**
- **Nova Scotia, Victims' Rights and Services Act**
- **Ontario, Compensation for Victims of Crime Act**
- **Quebec, Crime Victims Compensation Act**
- **Saskatchewan, Victims of Crime Act**
- **Yukon Territory, Compensation for Victims of Crime Act**

The format utilized with the Criminal Code provisions has been applied to the related statutes. Accordingly, each of the acts in volume 6 has been annotated with cross-references, related sections and statutes, history, annotations and articles, and case law digests classified by section and topic. All statutory amendments and all case law updates to June 1993 have been incorporated into this volume.

Attention Subscribers

The CASE LAW and ANNOTATIONS AND ARTICLES in Volume 1 to 4 will be updated to April 1993 in **the first of Crankshaw's bound supplements** to be published by the end of August 1993. Looseleaf replacement pages will be utilized to update the statutory provisions including newly proclaimed sections. As a result researching Crankshaw's Criminal Code will require just two steps, referencing the volumes of the main work and the bound supplements.

CONTRIBUTORS

Rachel Francis, B.A., LL.B.
Andrew James, B.A., LL.B.
Shahana Kar, B.Comm., LL.B.
Leanne Andree, B.A., LL.B.
Laura Kell, B.A., LL.B.
Joan Burgwin, B.A., LL.B.
Stewart Melanson, B.A., LL.B.
Carolyn Amendola, B.A., LL.B.
Juliet Slemming, B.A.A., LL.B.
James Wilson, B.A., M.Phil., LL.B.

Rae Blackburn, LL.B.
Jean Ouellet
Sharon Rodrigues
Laurie Acton
Victor Kaczkowski, B.A.
Mark Thomas, LL.B., M.B.A.
Rosemary Bocska, B.A., LL.B.
Joseph Garvey, B.A., LL.B.
Howard S. Rosenberg, M.B.A., LL.B.

PRODUCTION STAFF

Paul Gardner, B.A.
Emma Dobell
Cathy Leek, B.A.
Jackie McKeary, B.A.
Victor Giourgas, B.A.
Christian Walasek, B.A.

Kevin Bryson, B.A.
Mary Acimovic, B.A.
Jennifer Hashimoto, B.A.
Joe Howlett, B.A.
Stacey Overholt, B.A.
Christopher Luciano
Joan Burkeitt, B.A.

First edition	1894	James Crankshaw
Second edition	1902	James Crankshaw
Third edition	1910	James Crankshaw
Fourth edition	1915	James Crankshaw
Fifth edition	1924	John E. Crankshaw and Alexandre Chevalier
Sixth edition	1935	John E. Crankshaw
Seventh edition	1959	A.E. Popple
Eighth edition	1979	Gary P. Rodrigues

CRANKSHAW'S
CRIMINAL CODE
R.S.C. 1985, VOLUME 6

**Criminal Code Concordances
appear at the beginning of volume 8**

INSTRUCTIONS TO INSERT AND FILING RECORD

Volume 6 (8th edition) may now be discarded

Remove old pages

Insert new pages

VOLUME 6, R.S.C. 1985 (NEW)

-----	.....	Title page and copyright, Editors (white)	<input type="checkbox"/>
	<i>Table of Contents</i>		
-----	.....	New tab C-1 to C-19 (white)	<input type="checkbox"/>
	<i>Canada Evidence Act</i>		
-----	.....	New tab CEA-1 to CEA-242 (white)	<input type="checkbox"/>
	<i>Young Offenders Act</i>		
-----	.....	New tab YOA-1 to YOA-313 (white)	<input type="checkbox"/>
	<i>Corrections and Conditional Release Act</i>		
-----	.....	New tab CCRA-1 to CCRA-422 (white)	<input type="checkbox"/>
	<i>Prisons and Reformatories Act</i>		
-----	.....	New tab PRA-1 to PRA-18 (white)	<input type="checkbox"/>
	<i>Identification of Criminals Act</i>		
-----	.....	New tab ICA-1 to ICA-6 (white)	<input type="checkbox"/>
	<i>Criminal Injuries Compensation Acts</i>		
-----	.....	New tab CICA-1 to CICA-477 (white)	<input type="checkbox"/>

Remove old pages

Insert new pages

UNNUMBERED VOLUME

(Table of Contents/Table of Cases)

Table of Contents

6-1 to 6-21 (white)	6-1 to 6-19 (white)	<input type="checkbox"/>
Forward advertising pages to library committee or purchasing officer		<input type="checkbox"/>
Insert blue filing instructions and contents checklist in front of binder 1		<input type="checkbox"/>

CONTENTS CHECK LIST

The following list of pages in the work is issued so that you may check to see that your copy is up to date.

<i>Pages</i>	<i>Date</i>	<i>Pages</i>	<i>Date</i>
VOLUME 1		VOLUME 2	
Title page and copyright	R.S.C. 1985	Title page and copyright	R.S.C. 1985
Editors	Vol. 1	Editors	Vol. 2
<i>Table of Contents</i>		<i>Table of Contents</i>	
G-1 to C-16	R.S.C. 1985, Vol. 1	C-1 to C-13	R.S.C., 1985, Vol. 2
<i>Short Title/Interpretation, ss. 1-3</i>		<i>Part VIII, ss. 214-320</i>	
INT-1 to INT-28	R.S.C. 1985, Vol. 1	Contents, 8-i to 8-iii	R.S.C., 1985, Vol. 2
<i>Part I, ss. 4-45</i>		<i>Offences Against Person, ss. 214-248</i>	
1-1 to 1-332	R.S.C. 1985, Vol. 1	8-1 to 8-221	R.S.C., 1985, Vol. 2
<i>Part II, ss. 46-83</i>		<i>Motor Vehicles, ss. 249-264.1</i>	
2-1 to 2-85	R.S.C. 1985, Vol. 1	8-223 to 8-752	R.S.C., 1985, Vol. 2
<i>Part III, ss. 84-117</i>		<i>Assaults, ss. 265-278</i>	
3-1 to 3-174	R.S.C. 1985, Vol. 1	8-753 to 8-896	R.S.C., 1985, Vol. 2
<i>Part IV, ss. 118-149</i>		<i>Abduction, Abortion, Libel, ss. 279-320</i>	
4-1 to 4-163	R.S.C. 1985, Vol. 1	8-897 to 8-1002	R.S.C., 1985, Vol. 2
<i>Part V, ss. 150-182</i>		<i>Part IX, ss. 321-378</i>	
5-1 to 5-152	R.S.C. 1985, Vol. 1	Contents, 9-i and 9-ii	R.S.C., 1985, Vol. 2
<i>Part VI, ss. 183-196</i>		<i>Theft, ss. 321-342.1</i>	
6-1 to 6-103	R.S.C. 1985, Vol. 1	9-1 to 9-140	R.S.C., 1985, Vol. 2
<i>Part VII, ss. 197-213</i>		<i>Robbery and Forgery, ss. 343-378</i>	
7-1 to 7-158	R.S.C. 1985, Vol. 1	9-141 to 9-319	R.S.C., 1985, Vol. 2

<i>Pages</i>	<i>Date</i>	<i>Pages</i>	<i>Date</i>
VOLUME 3		<i>Table of Contents</i>	
Title page and copyright Editors	R.S.C. 1985 Vol. 3	G-1 to G-13	R.S.C. 1985, Vol. 4
<i>Table of Contents</i>	R.S.C. 1985, Vol. 3	<i>Part XX, Ss. 574-672</i>	
C-1 to C-12		20-i to 20-iii	R.S.C. 1985, Vol. 4
<i>Part X</i>	R.S.C. 1985, Vol. 3	<i>Ss. 574—598, Indictment and Counts</i>	
10-1 to 10-160		20-1 to 20-187	R.S.C. 1985, Vol. 4
<i>Part XI</i>	R.S.C. 1985, Vol. 3	<i>Ss. 599—644, Pre-Trial</i>	
11-1 to 11-78		20-189 to 20-387	R.S.C. 1985, Vol. 4
<i>Part XII</i>	R.S.C. 1985, Vol. 3	<i>Ss. 645—672, Trial</i>	
12-1 to 12-41		20-389 to 20-798	R.S.C. 1985, Vol. 4
<i>Part XII.1</i>	R.S.C. 1985, Vol. 3	<i>Part XX.1, Ss. 672.1—672.95</i>	
12.1-1 to 12.1-3		20.1-i to 20.1-iii	R.S.C. 1985, Vol. 4
<i>Part XII.2</i>	R.S.C. 1985, Vol. 3	<i>Ss. 672.1—672.44, Assessments</i>	
12.2-1 to 12.2-44		20.1-1 to 20.1-63	R.S.C. 1985, Vol. 4
<i>Part XIII</i>	R.S.C. 1985, Vol. 3	<i>Ss. 672.45—672.95, Dispositions</i>	
13-1 to 13-50		20.1-65 to 20.1-135	R.S.C. 1985, Vol. 4
<i>Part XIV</i>	R.S.C. 1985, Vol. 3	<i>Part XXI, Ss. 673—696</i>	
14-1 to 14-72		21-1 to 21-355	R.S.C. 1985, Vol. 4
<i>Part XV</i>	R.S.C. 1985, Vol. 3	<i>Part XXII, Ss. 697—715.1</i>	
15-1 to 15-138		22-1 to 22-66	R.S.C. 1985, Vol. 4
<i>Part XVI</i>		VOLUME 5	
16-1 to 16-294	R.S.C. 1985, Vol. 3	Title page and copyright Editors	R.S.C. 1985 Vol. 5
<i>Part XVII</i>	R.S.C. 1985, Vol. 3	<i>Table of Contents</i>	
17-1 to 17-15		C-1 to C-9	R.S.C. 1985, Vol. 5
<i>Part XVIII</i>	R.S.C. 1985, Vol. 3	<i>Part XXIII, Ss. 716-751</i>	
18-1 to 18-138		23-1 to 23-209	R.S.C. 1985, Vol. 5
<i>Part XIX</i>	R.S.C. 1985, Vol. 3	<i>Part XXIV, Ss. 752-761</i>	
19-1 to 19-110		24-1 to 24-34	R.S.C. 1985, Vol. 5
VOLUME 4		<i>Part XXV, Ss. 762-773</i>	
Title page and copyright Editors	R.S.C. 1985 Vol. 4	25-1 to 25-41	R.S.C. 1985, Vol. 5

<i>Pages</i>	<i>Date</i>	<i>Pages</i>	<i>Date</i>
<i>Part XXVI, Ss. 774-784</i>		NCA-3 to NCA-14	Basework
26-1 to 26-56	R.S.C. 1985, Vol. 5	NCA-15 to NCA-16.1	Rel. 16, 1986
		NCA-17 to NCA-74	Basework
<i>Part XXVII, Ss. 785-840</i>		NCA-75 to NCA-78.1	Rel. 16, 1986
27-1 to 27-385	R.S.C. 1985, Vol. 5	NCA-79 to NCA-94	Basework
		NCA-95 to NCA-98	Rel. 16, 1986
<i>Part XXVIII</i>		NCA-99 to NCA-112	Basework
28-1 to 28-55	R.S.C. 1985, Vol. 5	NCA-113 and NCA-114	Rel. 15, 1985
		NCA-115 to NCA-120	Basework
		NCA-121 to NCA-123	Rel. 11, 1984
VOLUME 6			
Title page and copyright	R.S.C. 1985	<i>Food and Drugs Act</i>	
Editors	Vol. 6	Supplement, 1 to 12	Rel. 61, 1992
		FDA-1 and FDA-2	Rel. 16, 1986
<i>Table of Contents</i>		FDA-3 to FDA-10	Basework
C-1 to C-19	R.S.C. 1985, Vol. 6	FDA-11 to FDA-14.1	Rel. 16, 1986
		FDA-15 to FDA-18	Basework
<i>Canada Evidence Act</i>		FDA-19 to FDA-20.1	Rel. 16, 1986
CEA-1 to CEA-242	R.S.C. 1985, Vol. 6	FDA-21 and FDA-22	Basework
		FDA-23 to FDA-24.1	Rel. 16, 1986
<i>Young Offenders Act</i>		FDA-25 and FDA-26	Basework
YOA-1 to YOA-313	R.S.C. 1985, Vol. 6	FDA-27 to FDA-30	Rel. 16, 1986
		FDA-31 to FDA-56	Basework
		FDA-57	Rel. 11, 1984
<i>Corrections and Conditional Release Act</i>		<i>Extradition Act</i>	
CCRA-1 to CCRA-422	R.S.C. 1985, Vol. 6	Supplement, 1 to 37	Rel. 61, 1992
		EXA-1 to EXA-4	Basework
<i>Prisons and Reformatories Act</i>		EXA-5 and EXA-6	Rel. 16, 1986
PRA-1 to PRA-18	R.S.C. 1985, Vol. 6	EXA-7 to EXA-28	Basework
		EXA-29 and EXA-30	Rel. 16, 1986
<i>Identification of Criminals Act</i>		EXA-31 to EXA-64	Basework
ICA-1 to ICA-6	R.S.C. 1985, Vol. 6	EXA-65 and EXA-66	Rel. 8, 1983
		EXA-67 to EXA-68.1	Rel. 16, 1986
		EXA-69 and EXA-70	Rel. 8, 1983
<i>Criminal Injuries Compensation Acts</i>		<i>Fugitive Offenders Act</i>	
CICA-1 to CICA-477	R.S.C. 1985, Vol. 6	Supplement, 1 to 4	Rel. 61, 1992
		FOA-1 to FOA-14	Basework
VOLUME 7			
Title page and copyright	1982	<i>Transfer of Offenders Act</i>	
Editors	Basework	Supplement, 1	Rel. 54, 1992
		Supplement, 3	Rel. 61, 1992
<i>Table of Contents</i>		TOA-1 and TOA-2	Basework
N-1 to N-4	Rel. 16, 1986	TOA-3 and TOA-4	Rel. 16, 1986
N-5 and N-6	Basework	TOA-5 and TOA-6	Basework
N-7 to N-12	Rel. 8, 1983	TOA-7 and TOA-8	Rel. 12, 1985
N-13 and N-14	Rel. 12, 1985	TOA-9 and TOA-10	Rel. 16, 1986
N-15	Rel. 8, 1983		
<i>Narcotic Control Act</i>		<i>Constitution</i>	
Supplement, 1 to 115	Rel. 58, 1992	CO-1 to CO-65	Rel. 8, 1983
NCA-1 to NCA-2.1	Rel. 16, 1986	CO-67 and CO-68	Rel. 12, 1985

<i>Pages</i>	<i>Date</i>	<i>Pages</i>	<i>Date</i>
CO-69 to CO-72	Rel. 8, 1983	History-iii to History-vii	Basework
CO-73 to CO-82.1	Rel. 12, 1985	<i>How to Use</i>	
CO-83 to CO-87	Rel. 8, 1983	History-ix	Basework
<i>Bill of Rights</i>		<i>Table of Concordance</i>	
BR-1 to BR-3	Basework	CONC-1 to CONC-125	Rel. 30, 1988
<i>Official Secrets Act</i>		<i>History of Offences</i>	
OSA-1 to OSA-4	Rel. 15, 1985	History-1 to History-715	Basework
OSA-5 to OSA-14	Basework		
OSA-15 and OSA-16	Rel. 15, 1985		
<i>Criminal Records Act</i>		UNNUMBERED VOLUME	
Supplement, 1	Rel. 54, 1992	Title page and copyright	Basework
Supplement, 3	Rel. 61, 1992		
CRA-1 to CRA-4	Basework	<i>Table of Contents, Volumes 1-8</i>	
CRA-5 and CRA-6	Rel. 15, 1985	Contents-i	Rel. 48, 1991
CRA-7	Basework	1-1 to 1-16	R.S.C. 1985, Vol. 1
<i>Appendix</i>		2-1 to 2-13	R.S.C. 1985, Vol. 2
APP-1	Rel. 7, 1983	3-1 to 3-12	R.S.C. 1985, Vol. 3
4-1 to 4-76	Basework	4-1 to 4-13	R.S.C. 1985, Vol. 4
6-303 to 6-336	Basework	5-1 to 5-9	R.S.C. 1985, Vol. 5
VOLUME 8		6-1 to 6-19	R.S.C. 1985, Vol. 6
Title page and copyright	1983	7-1 to 7-14	Rel. 48, 1991
Editors	Basework	8-1 to 8-5	Rel. 48, 1991
<i>Table of Contents</i>		<i>Table of Cases, Volumes 1-7</i>	
History-i and History-ii	Rel. 17, 1986	TC-i	Basework
		TC-1 to TC-539	Basework

August 1993

CUSTOMER & ORDER SERVICES HOTLINE

Toronto (416) 609-3800

Elsewhere in Canada and the U.S. 1-800-387-5164

FAX (416) 298-5094

TABLE OF CONTENTS**VOLUME 6
CANADA EVIDENCE ACT**

PAGE	
<i>Short Title</i>	
Short title, s. 1	CEA-1
 PART I	
<i>Application</i>	
Application, s. 2	CEA-2
§1 Jurisdiction – Coroners' inquest	CEA-5
§2 Burden of proof – Differences in civil and criminal proceedings	CEA-5
§3 Burden of proof – Criminal cases	CEA-5
<i>Witnesses</i>	
Interest or crime, s. 3	CEA-8
§1 Evidence of accomplices	CEA-9
Accused and spouse, s. 4	CEA-12
§1 General principles	CEA-23
§2 Accused right to testify	CEA-25
§3 Accused's right to remain silent	CEA-26
§4 Comment on accused's failure to testify	CEA-29
§5 Admissibility of confessions	CEA-36
§6 Cross-examination of accused	CEA-46
§7 Evidence of spouse or common law spouse	CEA-47
§8 Comment on spouse's failure to testify	CEA-52
Incriminating questions, s. 5	CEA-54
§1 General principles	CEA-57
§2 Effect of failure to invoke section	CEA-59
§3 Refusal to answer or participate	CEA-60
§4 Charter of Rights	CEA-61
§5 Federal and Provincial inquiries and inquests	CEA-61
§6 Examinations, interrogations and documents	CEA-63
Evidence of mute, s. 6	CEA-65
Expert witnesses, s. 7	CEA-66
§1 General principles	CEA-68
§2 Non-expert opinion evidence	CEA-69
§3 Expert evidence	CEA-70
§4 Psychiatric evidence	CEA-73
§5 Handwriting and polygraph evidence	CEA-74
Handwriting comparison, s. 8	CEA-76
§1 Handwriting comparison	CEA-77
Adverse witnesses, s. 9	CEA-79
§1 General principle	CEA-81
§2 Meaning of "adverse"	CEA-83
§3 Use of statements	CEA-84
§4 Procedure	CEA-85
§5 Charge to the jury	CEA-88
Cross-examination as to previous statements in writing, s. 10	CEA-91
§1 Use of statement or other evidence	CEA-94
§2 Previous statements of Crown witnesses	CEA-97
§3 Preliminary hearing	CEA-100
§4 Procedure	CEA-101
§5 Miscellaneous issues	CEA-102
Cross-examination as to previous oral statements, s. 11	CEA-104
§1 Use of statements	CEA-105
§2 Cross-examination of witnesses	CEA-106
§3 Cross-examination of accused	CEA-107
§4 Miscellaneous principles	CEA-108
Examination as to previous conviction, s. 12	CEA-110
§1 Previous convictions relevant to credibility	CEA-115
§2 Manner of proof of previous convictions	CEA-118
§3 Prejudicial evidence	CEA-118
§4 Previous convictions of witness	CEA-122
§5 Effect of Criminal Code, Young Offender's Act, Juvenile Delinquents Act	CEA-123
§6 Miscellaneous principles	CEA-123

CRANKSHAW'S CRIMINAL CODE

<i>Oaths and Solemn Affirmations</i>	
Who may administer oaths, s. 13	CEA-127
§1 Administration of oaths	CEA-127
Solemn affirmation by witness instead of oath, s. 14	CEA-129
§1 Circumstances for affirmation	CEA-130
Solemn affirmation by deponent, s. 15	CEA-132
§1 Affirmation by deponent	CEA-133
Witness whose capacity is in question, s. 16	CEA-134
§1 Necessity of inquiry into child's capacity as a witness	CEA-137
§2 Understanding the nature of an oath	CEA-143
§3 Presumption of competence	CEA-145
§4 Charge to the jury	CEA-146
§5 Extent of corroboration necessary	CEA-148
§6 Corroboration from other children	CEA-150
<i>Judicial Notice</i>	
Imperial Acts, etc., s. 17	CEA-153
§1 Circumstances for taking judicial notice	CEA-154
Acts of Canada, s. 18	CEA-156
§1 Judicial notice of federal statutes	CEA-156
<i>Documentary Evidence</i>	
Copies by Queen's Printer, s. 19	CEA-158
§1 Queen's Printer's version as evidence	CEA-159
Imperial proclamations, etc., s. 20	CEA-160
Proclamations, etc. of Governor General, s. 21	CEA-161
§1 Evidence of federal proclamations, etc.	CEA-163
Proclamations, etc. of lieutenant governor, s. 22	CEA-165
§1 Evidence of provincial proclamations, etc.	CEA-167
Evidence of judicial proceedings, etc., s. 23	CEA-169
§1 Evidence of court proceedings	CEA-170
Certified copies, s. 24	CEA-172
§1 Use of certified copies	CEA-173
§2 Documents admissible without certification	CEA-173
Books and documents, s. 25	CEA-174
§1 Copies of public documents	CEA-174
Books kept in offices under Government of Canada, s. 26	CEA-175
§1 Federal government records	CEA-178
Notarial acts in Quebec, s. 27	CEA-179
Notice of production of book or document, s. 28	CEA-180
§1 Notice of production	CEA-181
Copies of entries, s. 29	CEA-183
§1 Banking records	CEA-188
Business records to be admitted in evidence, s. 30	CEA-190
§1 General requirements for admissibility	CEA-196
§2 Computer printouts and disks	CEA-197
§3 Hospital records	CEA-197
§4 Summaries of evidence	CEA-198
§5 Copy of records	CEA-198
§6 Notice of intention	CEA-199
§7 Inadmissible evidence	CEA-199
Definitions, s. 31	CEA-201
§1 "Government"	CEA-201
Order signed by Secretary of State, s. 32	CEA-205
Proof of handwriting of person certifying, s. 33	CEA-207
Attesting witness, s. 34	CEA-208
Impounding of forged instrument, s. 35	CEA-209
§1 Custody of forged instruments	CEA-209
Construction, s. 36	CEA-210
§1 Powers of proof enlarged	CEA-210
<i>Disclosure of Government Information</i>	
Objection to disclosure of information, s. 37	CEA-211
§1 Objection to disclosure of information	CEA-213
§2 Considerations preventing or permitting disclosure	CEA-213
Objection relating to international relations or national defence or security, s. 38	CEA-214
§1 Objection to disclosure	CEA-215
Objection relating to a confidence of the Queen's Privy Council, s. 39	CEA-217
§1 Procedure for claim of privilege	CEA-218

TABLE OF CONTENTS — VOLUME 6

<i>Provincial Laws of Evidence</i>	
How applicable, s. 40	CEA-220
§1 Application of provincial laws of evidence	CEA-221
<i>Statutory Declarations</i>	
Solemn declaration, s. 41	CEA-223
§1 Manner of making solemn declaration	CEA-224
<i>Insurance Proofs</i>	
Affidavits, etc., s. 42	CEA-225
PART II	
<i>Application</i>	
Foreign courts, s. 43	CEA-226
<i>Interpretation</i>	
Definitions, s. 44	CEA-227
Construction, s. 45	CEA-229
<i>Procedure</i>	
Order for examination of witness in Canada, s. 46	CEA-230
PART III	
<i>Application</i>	
Application of this Part, s. 52	CEA-239
<i>Oaths and Solemn Affirmations</i>	
Oaths taken abroad, s. 53	CEA-241
<i>Documentary Evidence</i>	
Documents to be admitted in evidence, s. 54	CEA-242

YOUNG OFFENDERS ACT

SHORT TITLE	
Short title, s. 1	YOA-1
INTERPRETATION	
Definitions, s. 2	YOA-2
§1 "Young person"	YOA-9
§2 "Youth court"	YOA-9
§3 "Youth court judge"	YOA-9
§4 Charter of Rights	YOA-9
Powers, duties and functions of provincial directors, s. 2.1	YOA-10
DECLARATION OF PRINCIPLE	
Policy for Canada with respect to young offenders, s. 3	YOA-11
§1 General principles	YOA-13
§2 Trial within a reasonable time	YOA-13
§3 Right to be presumed innocent	YOA-15
§4 Equality rights	YOA-16
ALTERNATIVE MEASURES	
Alternative measures, s. 4	YOA-17
§1 Effect of alternative measures on sentencing for subsequent offences	YOA-19
§2 Right to alternative measures	YOA-19
§3 Constitutionality	YOA-20
§4 Charter of Rights	YOA-20
JURISDICTION	
Exclusive jurisdiction of youth court, s. 5	YOA-21
§1 General principles	YOA-24
§2 Constitutionality	YOA-25
§3 Proof of age	YOA-25
§4 Transitional jurisdiction	YOA-26
§5 "Court of Record"	YOA-27
§6 Charter of Rights	YOA-27
Certain proceedings may be taken before justices, s. 6	YOA-29
DETENTION PRIOR TO DISPOSITION	
Designated place of temporary detention, s. 7	YOA-30

CRANKSHAW'S CRIMINAL CODE

§1 Jurisdiction	YOA-33	APPLICATION OF PART XX.I OF THE CRIMINAL CODE (MENTAL DISORDER)
§2 Detention separate from adults — Exceptions under the Juvenile Delinquents Act	YOA-33	Sections of Criminal Code Applicable, s. 13.2
§3 Detention with adults	YOA-34	YOA-66
§4 Detention pending sentence	YOA-34	
§5 Detention in excess of period permitted by Act	YOA-34	
§6 Charter of Rights	YOA-34	
Placement of young person in care of responsible person, s. 7.1	YOA-35	
§1 General principles	YOA-37	
Offence and punishment, s. 7.2	YOA-38	
Application to youth court, s. 8	YOA-40	
NOTICES TO PARENTS		
Notice to parent in case of arrest, s. 9	YOA-43	
§1 When notice is required	YOA-46	
§2 Sufficiency of notice	YOA-47	
§3 Cases under Juvenile Delinquents Act	YOA-47	
Order requiring attendance of parent, s. 10	YOA-48	
RIGHT TO COUNSEL		
Right to retain counsel, s. 11	YOA-50	
§1 Ability of young person to retain and instruct counsel	YOA-53	
§2 Right to retain and instruct counsel	YOA-53	
§3 Court directing appointment of counsel	YOA-54	
APPEARANCE		
Where young person appears, s. 12	YOA-55	
§1 Satisfied that young person understands charge — Cases under the Juvenile Delinquents Act	YOA-56	
§2 Failure to read information to young offender	YOA-56	
MEDICAL AND PSYCHOLOGICAL REPORT		
Medical or psychological examination, s. 13	YOA-57	
§1 General principles	YOA-62	
§2 Withholding psychologically harmful information	YOA-62	
§3 Charter of Rights	YOA-62	
§4 Defence of insanity — Cases under the Juvenile Delinquents Act	YOA-63	
Statements not admissible against young person, s. 13.1	YOA-64	
APPLICATION OF PART XX.I OF THE CRIMINAL CODE (MENTAL DISORDER)		
Sections of Criminal Code Applicable, s. 13.2	YOA-66	
PRE-DISPOSITION REPORT		
Pre-disposition report, s. 14	YOA-71	
§1 Adequacy and content	YOA-75	
§2 When report necessary	YOA-75	
DISQUALIFICATION OF JUDGE		
Disqualification of judge, s. 15	YOA-78	
TRANSFER TO ORDINARY COURT		
Transfer to ordinary court, s. 16	YOA-79	
§1 General principles	YOA-84	
§2 Jurisdiction on transfer hearing — Cases under the Young Offenders Act	YOA-85	
§3 Jurisdiction on transfer hearing — Cases under the Juvenile Delinquents Act	YOA-86	
§4 Evidence	YOA-86	
§5 Grounds for transfer — Cases under the Young Offenders Act	YOA-87	
§6 Grounds for transfer — Cases under the Juvenile Delinquents Act	YOA-97	
§7 Principles of sentencing after transfer to adult court — Cases under the Juvenile Delinquents Act	YOA-97	
§8 Appeal or review of transfer decision — Cases under the Young Offenders Act	YOA-97	
§9 Appeal or review of transfer decision — Cases under the Juvenile Delinquents Act	YOA-98	
§10 Charter of Rights	YOA-98	
Detention pending trial, s. 16.1	YOA-100	
Placement on conviction by ordinary court, s. 16.2	YOA-103	
Order restricting publication of information presented at transfer hearing, s. 17	YOA-106	
§1 Application of section — Cases under the Juvenile Delinquents Act	YOA-107	
TRANSFER OF JURISDICTION		
Transfer of jurisdiction, s. 18	YOA-108	
ADJUDICATION		
Where young person pleads guilty, s. 19	YOA-110	
§1 Court to be satisfied that charge supports offence	YOA-111	
§2 Effect of failure to make inquiry	YOA-111	

TABLE OF CONTENTS — VOLUME 6

DISPOSITION

Dispositions that may be made, s. 20	..... YOA-113
§1 Powers of youth court judge	..... YOA-123
§2 Right to speak to sentence	..... YOA-123
§3 Pre-disposition reports	..... YOA-123
§4 Punishment limited to that applicable to adults	..... YOA-124
§5 Consecutive/Concurrent sentences	..... YOA-125
§6 Suspended sentences	..... YOA-126
§7 Discharges	..... YOA-126
§8 Duration of sentence	..... YOA-126
§9 Compensation/Restitution	..... YOA-128
§10 Community service	..... YOA-128
§11 Principles of sentencing – General	..... YOA-129
§1 Deterrence	..... YOA-131
§13 Rehabilitation	..... YOA-132
§14 Totality	..... YOA-136
§15 Disparity	..... YOA-137
§16 Multiple factors considered	..... YOA-138
§17 Breach of order	..... YOA-143
Where a fine or other payment is ordered, s. 21	..... YOA-144
§1 Information relevant to fine, compensation or community service order	..... YOA-147
Consent for treatment order, s. 22	..... YOA-148
Conditions that must appear in probation orders, s. 23	..... YOA-149
§1 General principles	..... YOA-152
§2 Ascertaining that conditions understood	..... YOA-153
§3 “Any other suitable person” – Cases under the Juvenile Delinquents Act	..... YOA-153
§4 “Other reasonable conditions” in probation order – Cases under the Juvenile Delinquents Act	..... YOA-153
Conditions of custody, s. 24	..... YOA-155
§1 General principles	..... YOA-157
§2 Pre-disposition report	..... YOA-157
Definitions, s. 24.1	..... YOA-158
§1 General principles	..... YOA-162
§2 Designation of places of “open custody”	..... YOA-162
Place of custody, s. 24.2	..... YOA-164
§1 Transfer	..... YOA-168
Consecutive dispositions of custody, s. 24.3	..... YOA-169
Committal to custody deemed continuous, s. 24.4	..... YOA-170
Transfer to adult facility, s. 24.5	..... YOA-173
§1 General principles	..... YOA-176
Transfer of disposition, s. 25	..... YOA-177
Interprovincial arrangements for treatment, probation or custody, s. 25.1	..... YOA-179
§1 Interprovincial transfer	..... YOA-181
Failure to comply with disposition, s. 26	..... YOA-182
§1 General principles	..... YOA-182
§2 Sentencing	..... YOA-183
Continuation of custody, s. 26.1	..... YOA-184
Conditional supervision, s. 26.2	..... YOA-189
Suspension of conditional supervision, s. 26.3	..... YOA-193
Apprehension, s. 26.4	..... YOA-194
Review by provincial director, s. 26.5	..... YOA-196
Review by youth court, s. 26.6	..... YOA-197
§1 General principles	..... YOA-198
APPEALS	
Appeals for indictable offences, s. 27	..... YOA-199
§1 General principles	..... YOA-202
§2 Jurisdiction of appellate court	..... YOA-202
§3 Right to appeal	..... YOA-202
§4 Adjournment of appeal	..... YOA-203
REVIEW OF DISPOSITIONS	
Automatic review of disposition involving custody, s. 28	..... YOA-204
§1 When review is permitted	..... YOA-208
§2 Change of venue	..... YOA-209
§3 Progress reports	..... YOA-209
Recommendation of provincial director for transfer to open custody or for probation, s. 29	..... YOA-210
Review board, s. 30	..... YOA-215
§1 Procedure of review board	..... YOA-217
Review by youth court, s. 31	..... YOA-218
§1 Jurisdiction to review	..... YOA-219
Review of dispositions not involving custody, s. 32	..... YOA-220
§1 Availability of certiorari	..... YOA-223
Section 33 [repealed]	..... YOA-223
Section 20 to 26 apply to dispositions on review, s. 34	..... YOA-224