

[excerpts]

## ***Criminal Code, Revised Statutes Canada 1985 c. C-46***

### **Suppression of Riots**

32. (1) Every peace officer is justified in using or in ordering the use of as much force as the peace officer believes, in good faith and on reasonable grounds,

(a) is necessary to suppress a riot; and

(b) is not excessive, having regard to the danger to be apprehended from the continuance of the riot.

### **Duty of officers if rioters do not disperse**

33. (1) Where the proclamation referred to in section 67 [above] has been made or an offence against paragraph 68(a) or (b) has been committed, it is the duty of a peace officer and of a person who is lawfully required by him to assist, to disperse or to arrest persons who do not comply with the proclamation.

## **Part II -- Offences Against Public Order**

### **Unlawful Assembly**

63 (1) An unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner or so conduct themselves when they are assembled as to cause persons in the neighbourhood of the assembly to fear, on reasonable grounds, that they

a) will disturb the peace tumultuously; or

b) will by that assembly needlessly and without reasonable cause provoke other persons to disturb the peace tumultuously.

### **Lawful assembly becoming unlawful**

(2) Persons who are lawfully assembled may become an unlawful assembly if they conduct themselves with a common purpose in a manner that would have made the assembly unlawful if they had assembled in that manner for that purpose.

### **Exception**

(3) Persons are not unlawfully assembled by reason only that they are assembled to protect the dwelling-house of any one of them against persons who are threatening to break and enter it for the purpose of committing an indictable offence therein.

### **Riot**

64. A riot is an unlawful assembly that has begun to disturb the peace tumultuously.

### **Punishment of rioter**

65. Every one who takes part in a riot is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

### **Punishment for unlawful assembly**

66. Every one who is a member of an unlawful assembly is guilty of an offence punishable on summary conviction

### **Reading proclamation**

67. A person who is

- a) a justice, mayor or sheriff, or the lawful deputy of a mayor or sheriff,
- b) a warden or deputy warden of a prison, or
- c) the institutional head of a penitentiary, as those expressions are defined in subsection 2(1) of the Corrections and Conditional Release Act, or that person's deputy,

who receives notice that, at any place within the jurisdiction of the person, twelve or more persons are unlawfully and riotously assembled together shall go to that place and, after approaching as near as is safe, if the person is satisfied that a riot is in progress, shall command silence and thereupon make or cause to be made in a loud voice a proclamation in the following words or to the like effect:

Her Majesty the Queen charges and commands all persons being assembled immediately to disperse and peaceably to depart to their habitations or to their lawful business on the pain of being guilty of an offence for which, on conviction, they may be sentenced to imprisonment for life. GOD SAVE THE QUEEN.

### **Offences related to proclamation**

68. Every one is guilty of an indictable offence and liable to imprisonment for life who

- a) opposes, hinders or assaults, wilfully and with force, a person who begins to make or is about to begin to make or is making the proclamation referred to in section 67 so that it is not made;
- b) does not peaceably disperse and depart from a place where the proclamation referred to in section 67 is made within thirty minutes after it is made; or
- c) does not depart from a place within thirty minutes when he has reasonable grounds to believe that the proclamation referred to in section 67 would have been made in that place if some person had not opposed, hindered or assaulted, wilfully and with force, a person who would have made it.