

Criminal Code

R.S.C., 1985, c. C-46, in force since Jul 15, 2013

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(...)

Suppression of Riots

Use of force to suppress riot

- **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.
- *Person bound by military law*

(2) Every one who is bound by military law to obey the command of his superior officer is justified in obeying any command given by his superior officer for the suppression of a riot unless the order is manifestly unlawful.

- *Obeying order of peace officer*

(3) Every one is justified in obeying an order of a peace officer to use force to suppress a riot if

- (a) he acts in good faith; and
 - (b) the order is not manifestly unlawful.
- *Apprehension of serious mischief*

(4) Every one who, in good faith and on reasonable grounds, believes that serious mischief will result from a riot before it is possible to secure the attendance of a peace officer is justified in using as much force as he believes in good faith and on reasonable grounds,

- (a) is necessary to suppress the riot; and
 - (b) is not excessive, having regard to the danger to be apprehended from the continuance of the riot.
- *Question of law*

(5) For the purposes of this section, the question whether an order is manifestly unlawful or not is a question of law.

- R.S., c. C-34, s. 32.

(...)

Unlawful Assemblies and Riots

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.

- R.S., c. C-34, s. 64.

Riot

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

- R.S., c. C-34, s. 65.

Punishment of rioter

- **65.** (1) 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.
- *Concealment of identity*

(2) Every person who commits an offence under subsection (1) while wearing a mask or other disguise to conceal their identity without lawful excuse is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years.

- R.S., 1985, c. C-46, s. 65;
- 2013, c. 15, s. 2.

Punishment for unlawful assembly

- **66.** (1) Every one who is a member of an unlawful assembly is guilty of an offence punishable on summary conviction.
- *Concealment of identity*

(2) Every person who commits an offence under subsection (1) while wearing a mask or other disguise to conceal their identity without lawful excuse is guilty of

- (a) an indictable offence and liable to imprisonment for a term not exceeding five years; or
 - (b) an offence punishable on summary conviction.
- R.S., 1985, c. C-46, s. 66;
 - 2013, c. 15, s. 3.

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.

- R.S., 1985, c. C-46, s. 67;
- 1994, c. 44, s. 5.

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.
- R.S., c. C-34, s. 69.

Neglect by peace officer

69. A peace officer who receives notice that there is a riot within his jurisdiction and, without reasonable excuse, fails to take all reasonable steps to suppress the riot is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

- R.S., c. C-34, s. 70.

Unlawful Drilling

Orders by Governor in Council

- **70.** (1) The Governor in Council may, by proclamation, make orders
 - (a) to prohibit assemblies, without lawful authority, of persons for the purpose
 - (i) of training or drilling themselves,
 - (ii) of being trained or drilled to the use of arms, or
 - (iii) of practising military exercises; or
 - (b) to prohibit persons when assembled for any purpose from training or drilling themselves or from being trained or drilled.

- *General or special order*

(2) An order that is made under subsection (1) may be general or may be made applicable to particular places, districts or assemblies to be specified in the order.

- *Punishment*

(3) Every one who contravenes an order made under this section is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years.

- R.S., 1985, c. C-46, s. 70;
- 1992, c. 1, s. 60(F).