

# CRIMINAL CODE (*excerpts*)

## PART II Offences Against Public Order

### Treason and other Offences against the Queen's Authority and Person

**Marginal note: High treason**

- **46 (1)** Every one commits high treason who, in Canada,
  - **(a)** kills or attempts to kill Her Majesty, or does her any bodily harm tending to death or destruction, maims or wounds her, or imprisons or restrains her;
  - **(b)** levies war against Canada or does any act preparatory thereto; or
  - **(c)** assists an enemy at war with Canada, or any armed forces against whom Canadian Forces are engaged in hostilities, whether or not a state of war exists between Canada and the country whose forces they are.
- **Marginal note: Treason**
  - (2)** Every one commits treason who, in Canada,
    - **(a)** uses force or violence for the purpose of overthrowing the government of Canada or a province;
    - **(b)** without lawful authority, communicates or makes available to an agent of a state other than Canada, military or scientific information or any sketch, plan, model, article, note or document of a military or scientific character that he knows or ought to know may be used by that state for a purpose prejudicial to the safety or defence of Canada;
    - **(c)** conspires with any person to commit high treason or to do anything mentioned in paragraph (a);
    - **(d)** forms an intention to do anything that is high treason or that is mentioned in paragraph (a) and manifests that intention by an overt act; or
    - **(e)** conspires with any person to do anything mentioned in paragraph (b) or forms an intention to do anything mentioned in paragraph (b) and manifests that intention by an overt act.
- **Marginal note: Canadian citizen**
  - (3)** Notwithstanding subsection (1) or (2), a Canadian citizen or a person who owes allegiance to Her Majesty in right of Canada,

- **(a)** commits high treason if, while in or out of Canada, he does anything mentioned in subsection (1); or
- **(b)** commits treason if, while in or out of Canada, he does anything mentioned in subsection (2).
- **Marginal note:Overt act**

**(4)** Where it is treason to conspire with any person, the act of conspiring is an overt act of treason.

- R.S., c. C-34, s. 46
- 1974-75-76, c. 105, s. 2

#### **Marginal note:Punishment for high treason**

- **47 (1)** Every one who commits high treason is guilty of an indictable offence and shall be sentenced to imprisonment for life.

- **Marginal note:Punishment for treason**

**(2)** Every one who commits treason is guilty of an indictable offence and liable

- **(a)** to be sentenced to imprisonment for life if he is guilty of an offence under paragraph 46(2)(a), (c) or (d);
- **(b)** to be sentenced to imprisonment for life if he is guilty of an offence under paragraph 46(2)(b) or (e) committed while a state of war exists between Canada and another country; or
- **(c)** to be sentenced to imprisonment for a term not exceeding fourteen years if he is guilty of an offence under paragraph 46(2)(b) or (e) committed while no state of war exists between Canada and another country.

- **Marginal note:Corroboration**

**(3)** No person shall be convicted of high treason or treason on the evidence of only one witness, unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

- **Marginal note:Minimum punishment**

**(4)** For the purposes of Part XXIII, the sentence of imprisonment for life prescribed by subsection (1) is a minimum punishment.

- R.S., c. C-34, s. 47
- 1974-75-76, c. 105, s. 2

#### **Marginal note:Limitation**

- **48 (1)** No proceedings for an offence of treason as defined by paragraph 46(2)(a) shall be commenced more than three years after the time when the offence is alleged to have been committed.
- **Marginal note:Information for treasonable words**

**(2)** No proceedings shall be commenced under section 47 in respect of an overt act of treason expressed or declared by open and considered speech unless

- **(a)** an information setting out the overt act and the words by which it was expressed or declared is laid under oath before a justice within six days after the time when the words are alleged to have been spoken; and
- **(b)** a warrant for the arrest of the accused is issued within ten days after the time when the information is laid.

- R.S., c. C-34, s. 48
- 1974-75-76, c. 105, s. 29

## Prohibited Acts

**49** [Repealed, 2018, c. 29, s. 1]

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**Marginal note:Assisting alien enemy to leave Canada, or omitting to prevent treason**

- **50 (1)** Every one commits an offence who
  - **(a)** incites or wilfully assists a subject of
    - **(i)** a state that is at war with Canada, or
    - **(ii)** a state against whose forces Canadian Forces are engaged in hostilities, whether or not a state of war exists between Canada and the state whose forces they are,to leave Canada without the consent of the Crown, unless the accused establishes that assistance to the state referred to in subparagraph (i) or the forces of the state referred to in subparagraph (ii), as the case may be, was not intended thereby; or
  - **(b)** knowing that a person is about to commit high treason or treason does not, with all reasonable dispatch, inform a justice of the peace or other peace officer thereof or make other reasonable efforts to prevent that person from committing high treason or treason.
- **Marginal note:Punishment**

**(2)** Every one who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

- R.S., c. C-34, s. 50
- 1974-75-76, c. 105, s. 29

**Marginal note:Intimidating Parliament or legislature**

**51** Every one who does an act of violence in order to intimidate Parliament or the legislature of a province is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

- R.S., c. C-34, s. 51

**Marginal note: Sabotage**

- **52 (1)** Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years or is guilty of an offence punishable on summary conviction who does a prohibited act for a purpose prejudicial to
  - **(a)** the safety, security or defence of Canada, or
  - **(b)** the safety or security of the naval, army or air forces of any state other than Canada that are lawfully present in Canada.
- **Definition of *prohibited act***

**(2)** In this section, ***prohibited act*** means an act or omission that

  - **(a)** impairs the efficiency or impedes the working of any vessel, vehicle, aircraft, machinery, apparatus or other thing; or
  - **(b)** causes property, by whomever it may be owned, to be lost, damaged or destroyed.
- **Marginal note: Saving**

**(3)** No person does a prohibited act within the meaning of this section by reason only that

  - **(a)** he stops work as a result of the failure of his employer and himself to agree on any matter relating to his employment;
  - **(b)** he stops work as a result of the failure of his employer and a bargaining agent acting on his behalf to agree on any matter relating to his employment; or
  - **(c)** he stops work as a result of his taking part in a combination of workmen or employees for their own reasonable protection as workmen or employees.
- **Marginal note: Idem**

**(4)** No person does a prohibited act within the meaning of this section by reason only that he attends at or near or approaches a dwelling-house or place for the purpose only of obtaining or communicating information.
- R.S., 1985, c. C-46, s. 52
- 2019, c. 25, s. 6

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