



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**Tab 3**

## **Paralegal Standing Committee**

---

### **Bill C-75 Response**

September 11, 2019

#### **Committee Members:**

Robert Burd (Chair)  
Megan Shortreed (Vice-Chair)  
Joseph Chiumminto  
Cathy Corsetti  
Seymour Epstein  
Sam Goldstein  
Shelina Lalji  
Marian Lippa  
Nancy Lockhart  
Michelle Lomazzo  
Geneviève Painchaud  
Geoff Pollock  
Chi-Kun Shi

#### **Authored By:**

Will Morrison  
wmorrison@lso.ca



## Table of Contents

<b>Motion .....</b>	<b>2</b>
<b>Executive Summary .....</b>	<b>2</b>
<b>Background .....</b>	<b>3</b>
A. Current Landscape of Agent Representation.....	3
B. Background to Bill C-75.....	6
C. Background to Bill C-46.....	7
D. Law Society Response Efforts and Considerations .....	8
<b>Analysis .....</b>	<b>10</b>
A. Response Options .....	10
B. Immediate “Status Quo” Scope .....	10
C. Review of Paralegal Scope.....	14
<b>Implementation and Next Steps .....</b>	<b>15</b>

## Motion

First, that Convocation approve, in order to preserve as closely as possible the range of services currently provided by regulated agents, in response to the enactment of Bill C-75:

- a) with respect to paralegal scope of activities, the following two-stage approach:
  - i. amending By-Law 4, in principle, to establish a scope for criminal matters comprised of the following:
    - 1) all offences that were punishable by a maximum penalty of six months' imprisonment when proceeding by summary conviction at the time that Bill C-75 was enacted; and
    - 2) four offences that had been within agent scope since the onset of regulation but were amended by Bill C-46, and as a result of which were no longer within scope as of December 17, 2018: specifically, sections 320.13(1), 320.16(1), 320.17, 320.18(1) of the *Criminal Code*; and
  - ii. continuing to review and develop the scope of activities for paralegals in criminal law matters, taking into account education and training standards and competency development in this field.
- b) with respect to lawyer licensing candidates and law students, amending the Law Society's Rights of Appearance documents, in principle, to permit appearances on all offences described in part (a)(i) above.

Second, provided Convocation approves the above approach, that Convocation implement that approach with respect to part (a)(i) above by adopting the amendments to By-Law 4 set out, in English and French, at **Tab 3.1**.

## Executive Summary

This report provides information about the federal government's enactment of Bill C-75, its impacts on representation by agents (including licensed paralegals, lawyer licensing candidates, and law students), and the Law Society's response efforts. The report also provides context for the Paralegal Standing Committee's recommendation of the motion described above.

Regulated agents in Ontario have long represented clients on summary conviction criminal offences punishable by a maximum of six months' imprisonment. Bill C-75, enacted in June 2019, virtually eliminated scope for agents to act on these offences, absent provincial action that would approve a program authorizing agents to represent clients.

In response to this legislation, the Ontario government has issued an Order in Council that designates the Law Society's regulation of licensees, licensing candidates, and students under the *Law Society Act* as an approved program for the purposes of the *Criminal Code*. It is now incumbent on the Law Society to take steps to establish a defensible scope of services that regulated agents will be permitted to provide in light of the new summary convictions landscape, which will be in force on September 19, 2019.

The recommended approach with respect to regulated agents involves two stages. First, the Law Society will amend By-Law 4 to preserve a scope of practice for criminal matters that approximates the "status quo" as closely as possible, comprised of summary conviction offences for which regulated agents already provide services. Second, the Law Society will continue to review and develop the scope of activities for paralegals in criminal law matters, recognizing the education, training, and competency standards in place that continue to support paralegals providing these services, and exploring further opportunities to ensure that the scope of permitted activities in this area continues to provide a clear and viable option for members of the public seeking representation, while facilitating access to justice and protecting the public.

This two-stage approach would provide continuity for Ontario's regulated agents and the clients they serve, while also providing an opportunity for the Law Society to engage in a more comprehensive review of activities. Although the precise "status quo" cannot be precisely preserved as a result of Bill C-75, this is the most defensible approach in terms of balancing access to justice considerations, regulatory factors, and the practical capacity to achieve a solution on a very challenging timeline.

The Attorney General of Ontario has indicated his support for a two-stage approach along these lines.

## Background

### A. Current Landscape of Agent Representation

#### *Section 802.1 of the Criminal Code:*

The *Criminal Code* permits an accused person to appear before a court on a summary conviction offence either personally, by counsel, or by agent. "Counsel" is defined in the *Criminal Code* as a "barrister or solicitor". "Agent" is not a defined term; it refers to any person other than counsel who appears on someone else's behalf. In light of this, Ontario paralegals, lawyer licensing candidates, and law students are all considered "agents" for the purposes of the *Criminal Code*.

Since the onset of paralegal regulation in 2008 (as well as before that time), paralegals in this province have appeared as agents in criminal courts, representing clients on summary conviction offences punishable by a maximum of six months' imprisonment. Lawyer licensing candidates (including those working in an articling placement or a Law Practice Program work placement) and students enrolled in Canadian law schools have also had longstanding abilities to appear as agents in criminal courts on similar offences, while under the direct supervision of a lawyer.

Section 802.1 of the *Criminal Code* restricts agents from appearing on behalf of individual defendants in criminal court if the defendant is liable to imprisonment for a term of more than six months, except in limited circumstances. Many summary conviction offences currently carry maximum penalties of six months' imprisonment, while other summary conviction offences (as well as all indictable offences) carry lengthier maximum terms of imprisonment. Per s. 802.1, agents can represent defendants charged with the former group of offences, but not the latter group.

*Current Paralegal Scope:*

Paralegals are currently permitted to appear on summary conviction offences punishable by a maximum of six months' imprisonment, including hybrid offences (which allow the Crown to elect to proceed either by indictment or by summary conviction) when they are prosecuted summarily.

This scope is established by reference to both the Law Society's by-laws and the *Criminal Code*. Section 6(2)(2)(iii) of By-Law 4 permits paralegals to represent a party before a summary conviction court, and does not specify any limitations based on maximum sentence.<sup>1</sup> However, s. 802.1 of the *Criminal Code*, which effectively limits paralegal scope to only those offences with a maximum punishment of six months' imprisonment, predates the Law Society's by-laws on this subject. Paralegal scope was developed with reference to s. 802.1, and was intended to be limited accordingly.

*Current Lawyer Licensing Candidate and Law Student Scope:*

Lawyer licensing candidates and law students are also currently permitted, while working under the supervision of licensees, to represent defendants on summary conviction offences punishable by a maximum of six months' imprisonment. This scope is set out in

---

<sup>1</sup> By-Law 4 is available online: <https://lawsocietyontario.azureedge.net/media/lso/media/legacy/pdf/b/by-law-4.pdf> . Section 6(2)(2)(iii) states: "Subject to any terms, conditions, limitations or restrictions imposed on the class of licence or on the licensee and subject to any order made under the Act, a licensee who holds a Class P1 licence is authorized to do any of the following: ... Represent a party before, ... in the case of a proceeding under the Criminal Code, before a summary conviction court."



the Law Society's Rights of Appearance documents, published online.<sup>2</sup> Similar to paralegals, this scope must be read in conjunction with s. 802.1 of the *Criminal Code*.

*Representation Landscape:*

Many paralegals in Ontario represent clients on summary conviction offences. In the 2017 Paralegal Annual Report, 452 paralegals reported that they had provided legal services in relation to eligible summary conviction criminal offences over the preceding year. 100 of those paralegals indicated that this area made up at least 25% of their work, and 71 of those reported devoting at least 50% of their work to this area. According to our research, in any given year in Ontario, thousands of people use the services of a licensed paralegal for these matters.

Paralegals provide these summary conviction services in a wide variety of ways: most work across multiple areas of law (most often combining their summary convictions criminal work with quasi-criminal provincial offences work), but many others focus exclusively on criminal law, either on their own or within firms alongside other criminal lawyers and/or paralegals. Many of these paralegals take carriage of their own summary conviction files, while others primarily perform agent work for other lawyers'/paralegals' files or assist lawyer colleagues on more serious criminal offences. Some paralegals combine these types of work.

According to our research, the most common offences on which paralegals represent clients are assault,<sup>3</sup> criminal harassment, mischief, theft under five thousand dollars, fraud, and breaches of court orders. Certain driving offences, which were within paralegal scope from the onset of regulation in 2008 until December 2018, were also among the most common offences involving paralegal representation. A chart setting out these driving offences is attached at **Tab 3.2**.

Lawyer licensing candidates and law students in Ontario also regularly appear in summary conviction court. Many candidates and students attend court to speak to routine matters, such as "set dates". They also conduct plea hearings and trials.

---

<sup>2</sup> The Rights of Appearance documents are available online: <https://lso.ca/becoming-licensed/lawyer-licensing-process/articling-candidates/during-a-placement/rights-of-appearance> .

<sup>3</sup> For clarification, the offence of "assault" under s. 265(1) of the *Criminal Code* is subject to a maximum punishment of six months' imprisonment when prosecuted by summary conviction, and is therefore currently within scope for regulated agents. However, the separate offences of "assault with a weapon or causing bodily harm" (s. 267), "aggravated assault" (s. 268), and "sexual assault" (s. 271) are all currently subject to lengthier maximum penalties, and therefore excluded from regulated agent scope.

Each of Ontario's seven law schools operates a student legal clinic. Collectively, at any given time, these clinics report assisting approximately 400 clients with summary conviction criminal matters. Criminal matters typically represent at least 15-25% of a student legal clinic's case load.

According to our research and consultation, it is currently uncommon for regulated agents in any of these settings to assist clients with matters where a substantial prospect of incarceration is involved.

## **B. Background to Bill C-75**

In March 2018, the federal Minister of Justice introduced Bill C-75, *An Act to Amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*.<sup>4</sup> This legislation represented a significant overhaul of the *Criminal Code*, with the stated aim of improving the efficiency of the criminal justice system and reducing court delays. Key changes included restricting the availability of preliminary inquiries, reforming bail practices and the jury selection process, and streamlining the classification of offences and the maximum penalties that attach to them.

The Law Society and others in the justice sector immediately identified an issue that arose from streamlining the classifications and punishments of summary conviction offences.

Bill C-75 increased the default maximum penalty for summary conviction offences (set out in s. 787 of the *Criminal Code*) to two years less a day of imprisonment. That default maximum penalty applies to most summary conviction offences in the *Criminal Code*. The Bill also converted many formerly indictable offences into hybrid offences.

The effect of the increased maximum penalty for virtually all summary conviction offences, when read in conjunction with s. 802.1 of the *Criminal Code*, is that Bill C-75 eliminated the ability for regulated agents to appear before courts on summary conviction offences except to request adjournments, unless authorized under a provincial program.

Throughout the legislative process, the Law Society and other stakeholders raised concerns about the impacts of these amendments. In its engagements with committees of both the House of Commons and the Senate, the Law Society took the position that the current six-month maximum penalties should be retained, on the grounds that eliminating representation abilities for regulated agents would:

---

<sup>4</sup> The full text of Bill C-75 is available online: <https://www.parl.ca/DocumentViewer/en/42-1/bill/C-75/royal-assent> .



- i. undermine access to justice,
- ii. impair the efficient and effective functioning of the justice system, and
- iii. increase pressures on the underfunded legal aid system, by expanding the so-called “gap population” of people who do not qualify financially for legal aid but who also cannot afford to retain a lawyer.

In response, the federal government made minor amendments to s. 802.1, but did not alter the overall restriction on agent representation. The government suggested that the provinces and their law societies use the authorization provision under s. 802.1(c) to determine, on a province-by-province basis, who could appear on summary conviction matters and in what circumstances.

As amended by Bill C-75, s. 802.1 now provides:

#### **Limitation on the use of agents**

**802.1** Despite subsections 800(2) and 802(2), a defendant may not appear or examine or cross-examine witnesses by agent if he or she is liable, on summary conviction, to imprisonment for a term of more than six months, unless

- (a) the defendant is an organization;
- (b) the defendant is appearing to request an adjournment of the proceedings; or
- (c) the agent is authorized to do so under a program approved — or criteria established — by the lieutenant governor in council of the province.

As amended, Bill C-75 received royal assent in June 2019. The Bill's increases to default maximum penalties in the *Criminal Code* will come into force on September 19, 2019.

### **C. Background to Bill C-46**

Approximately one year prior to Bill C-75, in April 2017, the federal government introduced Bill C-46, *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*.<sup>5</sup> The government's primary purposes for Bill C-46 were to update drug- and alcohol-impaired driving laws (related in part to the legalization of cannabis) and to strengthen the penalties for impaired driving offences. In June 2018, this legislation received royal assent.

---

<sup>5</sup> The full text of Bill C-46 is available online: <https://www.parl.ca/DocumentViewer/en/42-1/bill/C-46/royal-assent>.



Enactment of Bill C-46 affected all driving offences in Canada. These include not only offences related to impairment, but also dangerous operation of a “conveyance” (a term which encompasses motor vehicles and a variety of other vehicles), operation while prohibited, failure to stop after an accident, and flight from a peace officer. All offences related to conveyances were repealed and replaced within a new Part VIII.1 of the *Criminal Code*.

Whereas some of these driving offences previously carried maximum penalties of six months' imprisonment when prosecuted by summary conviction, Bill C-46 increased the maximum penalties for all of these offences to imprisonment for a term of two years less a day on summary conviction. The changes to these driving offences came into force in December 2018.

As a result, four driving offences that had been within scope for regulated agents until December 2018 are currently excluded from that scope. Those four offences are: dangerous operation (now s. 320.13(1)), failure to stop after accident (s. 320.16(1)), flight from a peace officer (s. 320.17), and operation while prohibited (s. 320.18(1)).<sup>6</sup>

A chart depicting both the old and new versions of these offences is attached at **Tab 3.2**.

None of these four offences are related to drug- or alcohol-impaired driving. Impairment offences have been outside the scope of regulated agents due to their maximum penalties since 2008, and continue to be.

#### **D. Law Society Response Efforts and Considerations**

As enacted, Bill C-75 would eliminate virtually all opportunities for individuals to be represented by regulated agents in summary conviction matters. Based on direction approved by the Priority Planning Committee and by Convocation in 2018, the Law Society has engaged with both levels of government to pursue options that would maintain agent representation abilities at as close to the “status quo” as possible.

Following Bill C-75's enactment, the Attorney General of Ontario, Hon. Doug Downey, wrote to the Treasurer to express his intention to approve a program in accordance with s. 802.1. A copy of this letter is attached at **Tab 3.3**.

---

<sup>6</sup> Two other driving offences that were previously punishable by maximum penalties of six months' imprisonment, “dangerous operation of motor vehicle while street racing” (former s. 249.4(1)) and “failure to keep watch on person towed” (former s. 250(1)), were removed from the *Criminal Code* and not replaced. The government's background notes to Bill C-46 explain that it intends for such conduct to now be prosecuted under the offence of dangerous operation (s. 320.13(1)).

In the view of the Attorney General (shared by the Law Society), the regulation of persons authorized to practice law or provide legal services by the Law Society of Ontario under the *Law Society Act* should constitute the approved program. This delegation acknowledges that the Law Society is most appropriately positioned to determine the scope of legal services to be provided by licensees and other categories of persons.

On August 15, 2019, the Lieutenant Governor of Ontario issued an Order in Council (“OIC”), which provides that, for the purposes of section 802.1 of the *Criminal Code*, the regulation of persons authorized to practice law or provide legal services by the Law Society under the *Law Society Act*, including its determination of who may appear or examine or cross examine witnesses as an agent on summary conviction offences, is an approved program. The effect of the OIC is that the Law Society’s regulatory framework will continue to determine the scope of services that paralegals, lawyer licensing candidates, and law students can provide. The OIC will come into force on September 19, 2019, the same date that the newly streamlined summary conviction sentencing regime in the *Criminal Code* comes into force. Copies of this OIC and the corresponding press release issued by the provincial government are attached at **Tabs 3.4** and **3.5**.

As discussed above, s. 6(2)(2)(iii) of By-Law 4 currently permits paralegals to represent a party before a summary conviction court, and does not specify any limitations based on maximum sentence or other circumstances. With an OIC in place as of September 19, 2019, unless any by-law amendments are approved by Convocation paralegals would be permitted under s. 6(2)(2)(iii) to appear on all summary conviction offences. This would not only mean that paralegals could work on offences with increased maximum penalties, but also on many new offences (for example, sexual offences, forcible confinement, and assault causing bodily harm) that were not previously within scope and have not been incorporated into education curriculum, licensing assessments, or continuing professional development programming.

The Attorney General, as indicated in his letter, expects the Law Society to ensure that paralegals, lawyer licensing candidates, and law students can continue to appear on the same offences that currently carry maximum penalties of six months’ imprisonment, in order to preserve and bridge the “status quo” as closely as possible as of September 19, 2019, while also continuing to review and develop the appropriate scope. By-Law 4 must be amended in order to establish this “status quo” scope.

## Analysis

### A. Response Options

Benchers and staff have been engaged in considering response options since the introduction of Bill C-75 in March 2018. The option being recommended by this Committee is a two-stage approach involving:

- (a) amending By-Law 4 to create a “status quo” scope to be in place as of Bill C-75 coming into force, involving the same offences that were currently punishable by a maximum penalty of six months’ imprisonment when proceeding by summary conviction; and
- (b) continuing to review and develop the scope of activities for paralegals in criminal law matters, taking into account education and training standards and competency development in this field.

Two other response options have been considered and consistently rejected. The first would be to allow regulated agents to appear on all summary conviction offences by making no change to By-Law 4. The second would be to amend By-Law 4 to eliminate all scope for regulated agents in summary conviction offences. Neither of these options has been viewed as defensible or in the public interest in light of the history of regulated agent work in this area and the development of the regulatory frameworks for these agents.

The Law Society has conducted discussions with key stakeholders including the Attorney General, the judiciary, paralegals, Crown attorneys, and student legal clinic directors. The recommended two-stage approach has generally been accepted by stakeholders. The Law Society would engage in more extensive consultations with these stakeholders and others as part of the second-stage review process.

Each of the two stages involved in this approach is described in more detail below.

### B. Immediate “Status Quo” Scope

The first stage of the recommended approach is an immediate measure that would seek to maintain an approximation of the “status quo” for regulated agents as closely as possible. The impacts upon agent scope caused by Bill C-75 (and Bill C-46 closely preceding it) were incidental: the federal government made its amendments to maximum penalties for criminal justice policy reasons and not with a view to affecting agent representation in any way. On that basis, in the Committee’s view it is defensible and appropriate to craft a solution that would cause minimal interruptions for Ontario’s regulated agents and the

clients they serve. This bridging measure would approximately restore the existing representation abilities of regulated agents as of September 19, 2019.

The increased lengths of default maximum penalties complicates this matter. A true “status quo” that sees regulated agents work only on matters facing imprisonment for a maximum of six months is no longer available due to Bill C-75. This Committee has considered concerns that the prospect of lengthier jail sentences increases the risks involved in this area of practice.

This increased jeopardy could occur in two ways, using the charge of assault (which is a hybrid offence) as an example. First, a relatively less serious incident of assault, which the Crown would previously have prosecuted by summary conviction, will continue to be prosecuted in the same manner, but the Crown may now seek a term of imprisonment longer than six months as the penalty. Second, a more serious incident of assault, for which the Crown would have sought a penalty of 18 months’ imprisonment, would previously have required the Crown to prosecute by indictment in order to seek that length of sentence. This incident could now be prosecuted as a summary conviction offence. This charge would now fall within the scope of agents, and could result in a sentence of 18 months’ imprisonment.

The Committee acknowledges that the jeopardy for clients will increase as a result of Bill C-75, based on the potential for a lengthier period of incarceration. It also acknowledges that, for hybrid offences, the newly streamlined default maximum penalty will likely bring incidents that are of a different nature and level of severity down from being prosecuted by indictment to now be prosecuted summarily. It understands and shares the concern that, where hybrid offences are concerned, by incorporating such relatively more serious incidents within the immediate scope, the approximate “status quo” could result in regulated agents working on cases where the allegations are more complex or severe and where the defendant faces a greater prospect of jail time if convicted.

In this Committee’s view, however, increased potential jeopardy for a client must be carefully distinguished from the risk that a regulated agent is not competent to serve that client. For the reasons set out below, the Committee considers the increased jeopardy within the recommended approach to be acceptable, as compared to the other immediately available response options; namely, prohibiting regulated agents from appearing on any summary conviction offences altogether, which will have immediate impacts on access to justice, or allowing them to appear on all summary conviction offences which would be a significant increase in current scope.

First, the only change to these offences is the potential penalty length. In Bill C-75, there are no changes to the elements of the affected offences or to the relevant procedural or



evidentiary rules. With respect to the four driving offences impacted by Bill C-46, the primary changes are to the maximum penalties, and although the text of these offences has also been amended in other ways, they do not significantly change the nature of these offences or the manner in which they are prosecuted. In either case, there is nothing in the well-established education, training, competencies and licensure assessments that would need to be changed in order for regulated agents to continue to do this work according to the same standards that they have already been required to meet, notwithstanding the lengthier potential penalty.

Second, the Law Society's professional conduct rules require representatives to take on only those matters for which they are competent to provide the necessary services. To the extent that the increased complexity or jeopardy of any summary conviction matter is beyond a regulated agent's competence, the agent is obliged to decline that matter. Subrule 3.01(2) of the *Paralegal Rules of Conduct* requires: "A paralegal is required to recognize a task for which the paralegal lacks competence and the disservice that would be done to the client by undertaking that task. A paralegal shall not undertake a matter without being competent to handle it or being able to become competent without undue delay or expense to the client." Analogous rules are present in the *Rules of Professional Conduct*, which applies directly to lawyer licensing candidates and indirectly to law students through their supervising lawyers. The rule requiring direct supervision also obliges a lawyer to assign work that a non-lawyer is competent to perform.

Third, various quasi-criminal provincial offences, which are within regulated agent scope and are not affected by Bill C-75, already carry maximum penalties of imprisonment for terms longer than six months.<sup>7</sup> Our annual reporting requirements and supplementary research demonstrate that this is one of the most common areas in which regulated agents provide services.

Fourth, the Law Society intends to address any increased risk through measures to maintain and enhance competence, such as targeted CPD programming and the forthcoming review of paralegal scope, which is described in greater detail below.

An immediate scope that seeks to approximate the "status quo" would also be consistent with the position the Law Society has previously taken with the House of Commons and

---

<sup>7</sup> For example, s. 130(3) of the *Highway Traffic Act* (the offence of "careless driving causing bodily harm or death") carries a maximum penalty of two years' imprisonment. Under the *Environmental Protection Act*, numerous offences, including discharging a contaminant into the natural environment if the discharge causes or may cause an adverse effect (s. 14), carry maximum penalties for individuals of imprisonment for a term of not more than five years less one day (s. 187(5)).

the Senate, as well as in dialogue with the Attorney General. The Attorney General has also expressed his support for this approach.

Moreover, this proposed scope would provide certainty and continuity to members of the public who these regulated agents serve, including existing clients whose matters will not be resolved prior to September 19.

Balancing the above considerations, an immediate scope that seeks to approximate the “status quo” by preserving the existing offences for which regulated agents have been providing services is viewed as the most defensible option to be in place as of September 19.

A list of *Criminal Code* offences that would be permitted within regulated agent scope as of September 19, 2019, is attached at Tab **3.6**.

*Inclusion of Driving Offences Impacted by Bill C-46:*

This Committee also recommends the inclusion of four driving offences that were permitted for regulated agents until December 2018 within the approximate “status quo” scope. Specifically, these are sections 320.13(1) (“dangerous operation”), 320.16(1) (“failure to stop after accident”), 320.17 (“flight from a peace officer”), and 320.18(1) (“operation while prohibited”) of the *Criminal Code*.

In the Committee’s view, the impacts of Bill C-46 should be considered in conjunction with those of Bill C-75, and both should be remedied on the same basis. The federal government introduced both bills during the same legislative session. The government’s stated primary objectives for Bill C-46 all related to impaired driving offences, which remain outside agent scope. The changes to the four driving offences that were within agent scope primarily related to increasing their maximum penalty from six months’ imprisonment to two years less a day. Had these maximum penalty changes been deferred until Bill C-75 one year later, they would have been included within the “status quo”.

Regulated agents had been permitted to represent clients on these driving offences for more than a decade, and have received education and training in this area. Some paralegals have developed focused expertise in this field. It is only within the last nine months that regulated agents have no longer been permitted to represent clients on these offences. In this Committee’s view, their inclusion within the scope as of September 19 would therefore merely preserve the approximate “status quo”, rather than expand it.

These impacted offences also have analogous quasi-criminal provincial offences under the *Highway Traffic Act*, which are similar in terms of offence elements. These analogous



provincial offences were not affected by Bill C-46, remain within regulated agent scope, and are in fact a common practice area for paralegals. Often, when a paralegal is representing a client facing these criminal driving charges, there have also been *Highway Traffic Act* charges laid for the same incident, and the paralegal works toward one resolution of all of those charges.

Continued agent involvement in this area will enhance access to justice by providing additional representation options for defendants facing these charges. Notwithstanding the technical distinctions between these four driving offences and the other summary conviction offences which were affected by Bill C-75, this Committee recommends that they equally be preserved within the immediate scope for regulated agents.

### **C. Review of Paralegal Scope**

The second stage of the recommended approach is to continue to review and develop the scope of activities for paralegals in criminal law matters. This review would take into account education and training standards, competency development in this field, and the summary conviction offences landscape as altered by Bill C-75.

This component is critical in order to ensure that the Law Society's full response to the impacts of Bills C-75 and C-46 defensibly balances the protection of the public and access to justice considerations. Such a review is also consistent with a modern approach to professional regulation that adopts a competency framework.

As regulated licensees, paralegals have been providing services on summary conviction criminal matters for over a decade. The education, training, and competency standards that have been established over that decade support paralegals continuing to provide these services. This Committee views it as important to continue to examine and further develop those standards – harnessing existing skills and competencies and seeking out areas where skills can further be developed – in order to meet the objectives of facilitating access to justice, protecting the public, and ensuring that the scope of permitted activities in this area continues to provide a clear and viable option for members of the public seeking representation.

The increased potential jeopardy for clients, and the potential for new kinds of incidents to be prosecuted summarily as a result of Bill C-75, also provide an important impetus to review representation activities and ensure that these activities are appropriately supported by a competency framework that is responsive to the altered prosecutions landscape.

Recognizing that there are competing views about what kinds of summary conviction offences should be permitted within paralegal scope, those positions cannot be fully

explored and adequately addressed within the very short timeline between the enactment of Bill C-75 in June 2019 and the relevant provisions coming into force in September 2019. This continuing scope review will instead provide the opportunity to carefully and comprehensively establish long-term policy.

Operating in this manner will also allow the supporting regulatory framework that is necessary for successful implementation of the resulting scope to be developed in tandem with the ongoing review. Supports may include developing curriculum requirements and continuing professional development programming, as well as working with key stakeholders such as the Ontario Court of Justice and Crown attorneys to ensure that they understand the long-term direction and are well-prepared for it.

Staff are currently developing a plan for this review stage, including potential timetable and costs. It is anticipated that the review will involve the retention of subject matter experts and psychometricians to map activities and competencies within the summary conviction offences practice area.

Although this review may involve some of the same steps as the current development process for the Family Legal Services Licence, it is unlikely that it will require the same amounts of time or resources to complete. Unlike family law, summary conviction offences are an existing practice area for paralegals, so there is already evidence and experience to draw on. It is also a field that is more limited in terms of the types of tasks potentially involved (exclusively litigation-related activities).

Nevertheless, the review would require resources, and the long-term scope would remain unresolved until it could be completed. The Law Society would make efforts to prioritize a timely completion of this review.

Stakeholders, including the Attorney General and staff within his Ministry, have expressed support for the Law Society conducting this second-stage review.

## Implementation and Next Steps

For continuity and the avoidance of significant regulatory gaps and confusion among the professions and the public, it is imperative that the Law Society's approach to scope be determined in advance of September 19, the date that the new default maximum penalties for summary conviction offences come into force in the *Criminal Code*. If the Law Society fails to adopt a response plan by that date, it would incur a variety of regulatory risks and reputational harms.

If the recommended approach and By-Law 4 amendment motions are adopted by Convocation, staff will then ensure that the amendments to the Rights of Appearance documents and related changes are accomplished by September 19. These documents, including the list of *Criminal Code* summary conviction offences permitted within regulated agent scope, will be available on the Law Society's website. Staff are also taking the following steps:

- preparing advisory communications to the professions and to other key stakeholders (for example, student legal clinics) that would provide important information about the Law Society's response and the regulatory framework and interim scope in place as of September 19;
- developing informational resources for distribution to the judiciary and Crown attorneys that will provide background information about the paralegal licence, the education, training, and competencies involved, and specifically about paralegal abilities to provide services on summary conviction matters;
- developing a CPD program aimed at paralegals working in this area, to better inform them about the new landscape resulting from the enactment of Bill C-75; and
- developing and communicating any additional resources that may assist lawyers, paralegals, licensing candidates and law students in understanding the changes resulting from Bill C-75.

LAW SOCIETY OF ONTARIO  
BY-LAWS MADE UNDER  
SUBSECTIONS 62 (0.1) AND (1) OF THE LAW SOCIETY ACT

BY-LAW 4  
[LICENSING]

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON SEPTEMBER 11, 2019

MOVED BY

SECONDED BY

THAT By-Law 4 [Licensing], in force immediately before this motion is moved, be amended as follows (English):

**1. Subsection 6 (1) of the English version of the By-Law is amended by adding the following definition:**

“amendment day” means the day sections 316 and 317.1 of *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts* come into force;

**2. Subsection 6 (1) of the English version of the By-Law is further amended by deleting clause (c) of the definition of “proceeding” and substituting the following:**

- (c) in a summary conviction court under the *Criminal Code* (Canada),
  - (i) in respect of an offence where under the *Criminal Code* (Canada) immediately before the amendment day an accused was permitted to appear or examine or cross-examine witnesses by agent, or
  - (ii) in respect of an offence under subsection 320.13 (1), subsection 320.16 (1), section 320.17 or subsection 320.18 (1) of the *Criminal Code* (Canada),

THAT By-Law 4 [Licensing], in force immediately before this motion is moved, be amended as follows (French):

**1. Subsection 6 (1) of the French version of the By-Law is amended by adding the following definition:**

« jour de la modification » désigne le jour où les articles 316 et 317.1 de la *Loi modifiant le Code criminel, la Loi sur le système de justice pénale pour les adolescents et d'autres lois et apportant des modifications corrélatives à certaines lois* entrent en vigueur ; (« amendment day »)

**2. Subsection 6 (1) of the French version of the By-Law is further amended by deleting clause (c) of the definition of “instance” and substituting the following:**

- c) devant un tribunal des poursuites sommaires en vertu du *Code criminel* (Canada),
  - (i) à l'égard d'une infraction lorsque, en vertu du *Code criminel* (Canada), immédiatement avant le jour de la modification, un accusé était autorisé à comparaître ou à faire interroger ou contrinterroger des témoins par un mandataire,
  - (ii) à l'égard d'une infraction en vertu du paragraphe 320.13 (1), du paragraphe 320.16 (1), de l'article 320.17 ou du paragraphe 320.18 (1) du *Code criminel* (Canada),

## SUMMARY CONVICTION OFFENCES IMPACTED BY BILL C-46

CRIMINAL CODE AS OF DECEMBER 2017 (PRE BILL C-46)	CRIMINAL CODE AS OF AUGUST 2019 (POST BILL C-46)	HIGHWAY TRAFFIC ACT
<p>249(1), <b>Dangerous operation of a motor vehicle.</b> (1)(a) a motor vehicle in a manner that is dangerous to the public, having regard to all the circumstances, including the nature, condition and use of the place at which the motor vehicle is being operated and the amount of traffic that at the time is or might reasonably be expected to be at that place.</p>	<p>320.13(1), <b>Dangerous operation.</b> Everyone commits an offence who operates a conveyance in a manner that, having regard to all of the circumstances, is dangerous to the public.</p>	<p>130(1), <b>Careless driving.</b> Every person is guilty of the offence of driving carelessly who drives a vehicle or street car on a highway without due care and attention or without reasonable consideration for other persons using the highway.</p> <p><b>Careless driving causing bodily harm or death.</b> (3) Every person is guilty of the offence of driving carelessly who drives a vehicle or street car on a highway without due care and attention or without reasonable consideration for other persons using the highway and who thereby causes bodily harm or death to any person.</p>
<p>252(1) <b>Failure to stop at scene of accident.</b> Every person commits an offence who has the care, charge or control of a vehicle, vessel or aircraft that is involved in an accident with</p> <ul style="list-style-type: none"> <li>○ (a) another person,</li> <li>○ (b) a vehicle, vessel or aircraft, or</li> <li>○ (c) in the case of a vehicle, cattle in the charge of another person,</li> </ul> <p>and with intent to escape civil or criminal liability fails to stop the vehicle, vessel or, if possible, the aircraft, give his or her name and</p>	<p>320.16(1) <b>Failure to stop after accident.</b> Everyone commits an offence who operates a conveyance and who at the time of operating the conveyance knows that, or is reckless as to whether, the conveyance has been involved in an accident with a person or another conveyance and who fails, without reasonable excuse, to stop the conveyance, give their name and address and, if any person has been injured or appears to require assistance, offer assistance.</p>	<p>199(1), <b>Duty to report accident.</b> Every person in charge of a motor vehicle or street car who is directly or indirectly involved in an accident shall, if the accident results in personal injuries or in damage to property apparently exceeding an amount prescribed by regulation, report the accident forthwith to the nearest police officer and furnish him or her with the information concerning the accident as may be required by the officer under subsection.</p> <p>200(1), <b>Duty of person in charge of vehicle in case of</b></p>

## SUMMARY CONVICTION OFFENCES IMPACTED BY BILL C-46

CRIMINAL CODE AS OF DECEMBER 2017 (PRE BILL C-46)	CRIMINAL CODE AS OF AUGUST 2019 (POST BILL C-46)	HIGHWAY TRAFFIC ACT
address and, where any person has been injured or appears to require assistance, offer assistance.		<p><b>accident.</b> Where an accident occurs on a highway, every person in charge of a vehicle or street car that is directly or indirectly involved in the accident shall,</p> <ul style="list-style-type: none"> <li>(a) remain at or immediately return to the scene of the accident;</li> <li>(b) render all possible assistance; and</li> <li>(c) upon request, give in writing to anyone sustaining loss or injury or to any police officer or to any witness his or her name, address, driver's licence number and jurisdiction of issuance, motor vehicle liability insurance policy insurer and policy number, name and address of the registered owner of the vehicle and the vehicle permit number.</li> </ul>
249.1(1), <b>Flight.</b> Every one commits an offence who, operating a motor vehicle while being pursued by a peace officer operating a motor vehicle, fails, without reasonable excuse and in order to evade the peace officer, to stop the vehicle as soon as is reasonable in the circumstances.	320.17, <b>Flight from a peace officer.</b> Everyone commits an offence who operates a motor vehicle or vessel while being pursued by a peace officer and who fails, without reasonable excuse, to stop the motor vehicle or vessel as soon as is reasonable in the circumstances.	216(1), <b>Power of police officer to stop vehicles.</b> A police officer, in the lawful execution of his or her duties and responsibilities, may require the driver of a vehicle, other than a bicycle, to stop and the driver of a vehicle, when signalled or requested to stop by a police officer who is readily identifiable as such, shall

## SUMMARY CONVICTION OFFENCES IMPACTED BY BILL C-46

CRIMINAL CODE AS OF DECEMBER 2017 (PRE BILL C-46)	CRIMINAL CODE AS OF AUGUST 2019 (POST BILL C-46)	HIGHWAY TRAFFIC ACT
		<p>immediately come to a safe stop.</p> <p>(2) <b>Offence.</b> Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable, subject to subsection (3),</p> <p>(a) to a fine of not less than \$1,000 and not more than \$10,000;</p> <p>(b) to imprisonment for a term of not more than six months; or</p> <p>(c) to both a fine and imprisonment.</p> <p>(3) <b>Escape by flight.</b> If a person is convicted of an offence under subsection (2) and the court is satisfied on the evidence that the person wilfully continued to avoid police when a police officer gave pursuit.</p>
<p>259(4), <b>Operation while disqualified.</b> Every offender who operates a motor vehicle, vessel or aircraft or any railway equipment in Canada while disqualified from doing so, other than an offender who is registered in an alcohol ignition interlock device program established under the law of the province in which the offender resides and who complies with the conditions of the program,</p> <ul style="list-style-type: none"> <li>○ (a) is guilty of an indictable offence and liable to imprisonment</li> </ul>	<p>320.18 (1), <b>Operation while prohibited.</b> Everyone commits an offence who operates a conveyance while prohibited from doing so</p> <ul style="list-style-type: none"> <li>○ (a) by an order made under this Act; or</li> <li>○ (b) by any other form of legal restriction imposed under any other Act of Parliament or under provincial law in respect of a conviction under this</li> </ul>	<p>36, <b>Driving prohibited while license is suspended.</b> A person whose driver's licence or privilege to drive a motor vehicle in Ontario has been suspended shall not drive a motor vehicle or street car in Ontario under a driver's licence or permit issued by any other jurisdiction during the suspension.</p>

## SUMMARY CONVICTION OFFENCES IMPACTED BY BILL C-46

CRIMINAL CODE AS OF DECEMBER 2017 (PRE BILL C-46)	CRIMINAL CODE AS OF AUGUST 2019 (POST BILL C-46)	HIGHWAY TRAFFIC ACT
for a term not exceeding five years; or  ○ <b>(b)</b> is guilty of an offence punishable on summary conviction.	Act or a discharge under section 730.	

Attorney General  
McMurtry-Scott Building  
720 Bay Street  
11th Floor  
Toronto ON M7A 2S9  
Tel: 416-326-4000  
Fax: 416-326-4007

Procureur général  
Édifce McMurtry-Scott  
720, rue Bay  
11<sup>e</sup> étage  
Toronto ON M7A 2S9  
Tél.: 416-326-4000  
Télééc.: 416-326-4007



Our Reference #: M-2019-3885

**JUL 1 1 2019**

Malcolm Mercer  
Treasurer  
Law Society of Ontario  
Osgoode Hall  
130 Queen Street West  
Toronto, ON  
M5H 2N6

Dear Treasurer Mercer,

I would like to congratulate you on your recent re-election as Treasurer of the Law Society of Ontario. I look forward to working with you on issues affecting the justice system in Ontario.

One such issue is the recent passage of Bill C-75, "*An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*" (the "Bill"), which introduces significant reforms to the *Criminal Code* ("the Code"). In particular, the Bill amends section 802.1 of the Code, such that an agent may not appear in criminal court if the defendant is an individual and is liable to imprisonment for a term of more than six months, other than to request an adjournment, unless "the agent is authorized to do so under a program approved – or criteria established – by the lieutenant governor in council of the province." (s. 802.1 of the amended Code; s.317.1 of the Bill)

This amendment, when combined with the increase to the maximum penalty for summary conviction matters included in the Bill, means that agents (including law students, lawyer licensing candidates and paralegals) would no longer be able to represent defendants in criminal court except in very limited circumstances, unless permitted to do so by a provincial program.

The Ontario government believes that the Law Society is most appropriately positioned to determine the scope of legal services to be provided by its licensees and training candidates. As a result, we would propose that the Lieutenant Governor in Council of Ontario approve a program in accordance with section 802.1 (as amended), and that such program entail the regulation of persons authorized to practice law and provide legal services as determined by the Law Society of Ontario under the *Law Society Act*. This approach will allow the Law Society to continue to regulate the provision of legal services in the public interest and to make any desirable adjustments to the scope of practice on an ongoing basis.

Given that the changes affecting agents that are contained in the Bill will come into effect on September 19, 2019, we would like to suggest that the Law Society ensure that agents can continue to represent clients in respect of summary conviction offences (including hybrid offences proceeded with summarily) that, prior to the recent amendments, carried a maximum penalty of six months. This would most closely resemble the status quo, until such time as the Law Society can further determine the appropriate scope of practice for agents on summary conviction matters. As part of this process, we would encourage you to consult with appropriate stakeholders.

Because the new approach would not completely replicate the status quo (as the maximum penalties for these offences is increasing to two years less a day), we would recommend that the Law Society tailor the education, training and licensing standards of licensing candidates, law students and paralegals to their permitted scope of practice.

Sincerely,

A handwritten signature in black ink, appearing to read 'Doug Downey', with a stylized flourish extending from the end.

Doug Downey  
Attorney General



Ontario

**Executive Council of Ontario  
Order in Council**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

**Conseil exécutif de l'Ontario  
Décret**

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

1. For the purposes of section 802.1 of the *Criminal Code* (Canada), the regulation of persons authorized to practice law or provide legal services by the Law Society of Ontario under the *Law Society Act*, including its determination of who may appear or examine or cross examine witnesses as an agent on summary conviction offences, is an approved program.
2. This Order comes into force on the day section 317.1 of the *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts*, S.C. 2019, c.25 comes into force.

-----

1. Pour l'application de l'article 802.1 du Code criminel (Canada), la réglementation des personnes que le Barreau de l'Ontario autorise à pratiquer le droit ou à fournir des services juridiques en vertu de la Loi sur le Barreau, y compris la détermination par le Barreau de la personne pouvant comparaître ou interroger ou contre-interroger des témoins en qualité de représentant relativement à des infractions punissables sur déclaration sommaire de culpabilité, est un programme approuvé.

2. Le présent décret entre en vigueur le jour de l'entrée en vigueur de l'article 317.1 de la Loi modifiant le Code criminel, la Loi sur le système de justice pénale pour les adolescents et d'autres lois et apportant des modifications corrélatives à certaines lois, L.C. 2019, ch. 25.



Recommended: Attorney General  
Recommandé par : Le procureur général



Concurred: Chair of Cabinet  
Appuyé par : Le président | la présidente du Conseil des ministres

Approved and Ordered: AUG 15 2019  
Approuvé et décrété le :



Lieutenant Governor  
La lieutenant-gouverneure



**NEWS**

Ministry of the Attorney General

---

**Ontario Protecting Access to Affordable Legal Representation**  
*New Program to Allow Law Students, Lawyer Licensing Candidates and Paralegals to Continue to Appear in Court*  
August 16, 2019 1:20 P.M.

TORONTO — The Ontario government is proactively working with the Law Society of Ontario to establish a program that will ensure the federal government's Bill C-75 does not restrict paralegals, lawyer licensing candidates or law students from providing legal representation to people charged with summary conviction offences.

The government has responded to the concerns expressed by Ontario's legal community that federal changes to aspects of the Criminal Code in Bill C-75 could restrict access to affordable legal representation provided by paralegals, lawyer licensing candidates (including articling students) and law students, all of whom are agents regulated by the Law Society of Ontario. This could limit opportunities for law students and lawyer licensing candidates to gain valuable professional experience, as they currently do.

"The stated intentions of Bill C-75 are to keep Canadians safe, and not to inadvertently prevent paralegals, lawyer licensing candidates and law students from continuing to provide legal representation as they do now," said Minister Downey. "We are working closely with the Law Society of Ontario to proactively address this situation in Ontario while ensuring these legal representation options remain accountable and subject to the current standards."

The Ontario government has issued an order-in-council to designate authority to the Law Society to determine who has the ability to appear in summary conviction court as a regulated agent.

"We are very pleased with the Ontario government's response on this issue," said Malcolm Mercer, Treasurer of the Law Society. "Convocation will consider a motion to preserve the abilities of these regulated agents to appear in summary conviction court, before Bill C-75 comes into force."

## QUICK FACTS

- The federal Bill C-75 increased the maximum penalty for some summary conviction offences up to two years less a day.
- Currently, paralegals, lawyer licensing candidates and law students can provide legal services on summary conviction offences that carry penalties of a maximum of six months in jail or less.
- Summary conviction offences are criminal offences that carry lower maximum penalties. These matters are heard in the Ontario Court of Justice.

---

**Jesse Robichaud** Minister's Office  
jesse.robichaud@ontario.ca  
**Brian Gray** Communications Branch  
MAG-Media@ontario.ca  
416-326-2210

[Available Online](#)  
[Disponible en Français](#)

**Permitted Criminal Code Summary Conviction Offences for Regulated Agents as of September 19, 2019**

***Summary Conviction Offences Carrying Maximum Penalties of Six Months' Imprisonment Prior to Bill C-75 Coming into Force on September 19, 2019:***

- s. 54 – Assisting deserter
- s. 56 – Offences in relation to members of RCMP
- s. 66(1) – Unlawful assembly
- s. 83(1) – Engaging in prize fight
- s. 89(2) – Carrying weapon while attending public meeting
- s. 134(1) – Perjury (where not required to make oath, etc)
- s. 159(1) – Anal intercourse
- s. 160(1)-(2) – Bestiality / Compelling commission of bestiality
- s. 174(1) – Nudity
- s. 175(1) – Causing disturbance, indecent exhibition, loitering, etc
- s. 176(2)-(3) – Disturbing religious worship or certain meetings
- s. 177 – Trespassing at night
- s. 179(2) – Vagrancy
- s. 201(2) – Person found in or owner permitting use (gaming or betting house)
- s. 206(4) – Offence (buying ticket for unlawful lottery or game of chance)
- s. 210(2) – Landlord, inmate, etc (common bawdy-house)
- s. 211 – Transporting person to bawdy-house
- s. 213(1)-(1.1) – Stopping or impeding traffic / Communication (relating to offering, providing or obtaining sexual services for consideration)
- s. 278.9(2) – Publication prohibited (in relation to production order)
- s. 278.95(2) – Publication prohibited (hearing to determine admissibility of evidence of complainant's sexual activity)
- s. 320.19(2) – Operation while impaired – low blood drug concentration
- s. 320.36(4) – Unauthorized use of bodily substance / Unauthorized use or disclosure of results
- s. 335(1) – Taking motor vehicle or vessel or found therein without consent
- s. 339(2) – Dealer in second-hand goods (lumbering equipment without owner's consent)
- s. 353(3)-(4) – Fail to keep record of transaction, sale of automobile master key
- s. 364(1) – Fraudulently obtaining food, beverage or accommodation
- s. 393(3) – Fraudulently obtaining transportation
- s. 398 – Falsifying employment record
- s. 401(1) – Obtaining carriage by false billing
- s. 419 – Unlawful use of military uniforms or certificates
- s. 425 – Offences by employers
- s. 438(2) – Interfering with saving of wreck
- s. 439(1) – Interfering with marine signal (making fast vessel or boat)
- s. 442 – Interfering with boundary lines
- s. 447.1(2) – Breach of order (cruelty to animals)
- s. 454 – Slugs and tokens
- s. 456 – Defacing current coins
- s. 457(3) – Likeness of bank-notes

- s. 463(c) – Attempts, accessories – summary offences
- s. 464(b) – Counselling offence that is not committed – summary offences
- s. 465(d) – Conspiracy – summary offences
- s. 486.6(1) – Offence (fail to comply with orders restricting publication: sexual offences, victims and witnesses)
- s. 487.0197 – Contravene preservation demand
- s. 487.0198 – Contravene preservation or production order
- s. 487.0199 – Destruction of preserved data
- s. 487.08(3) – Use of bodily substances
- s. 487.2 – Contravene restriction on publication (warrant)
- s. 490.0312 – Offence (obligation to advise police service, NCR outside of Canada)
- s. 517(2) – Failure to comply with order (Order directing matters not to be published for specified period)
- s. 539(3) – Failure to comply with order (Order restricting publication of evidence taken at preliminary inquiry)
- s. 542(2) – Restriction of publication of reports of preliminary inquiry (fail to comply re confession or admission of accused)
- s. 648(2) – Restriction on publication (fail to comply re portion of trial where jury absent)
- s. 649 – Disclosure of jury proceedings
- s. 672.37(3) – Authorizing application for federal employment requiring applicant to disclose an NCR verdict where applicant discharged absolutely or not subject to disposition
- s. 672.501(11) – Failure to comply (Order restricting publication – sexual offences, NCR)
- s. 732.11(4) – Prohibition on use of bodily substance (contravene, re probation)
- s. 742.31(4) – Prohibition on use of bodily substance (contravene, re conditional sentence)
- s. 810.4(4) – Prohibition on use of bodily substance (contravene, re recognizance)

***Hybrid Offences Carrying Maximum Penalties of Six Months' Imprisonment When Prosecuted By Summary Conviction Prior to Bill C-75 Coming into Force on September 19, 2019:***

- s. 56.1(4) – Identity Documents
- s. 57(2) – False statement in relation to passport
- s. 66(2) – Unlawful assembly with concealment of identity
- s. 73 – Forcible entry, forcible detainer
- s. 83.231(2) – Hoax – terrorist activity
- s. 86(3) – Careless use of firearm / Contravention of storage regulations
- s. 87(2) – Pointing a firearm
- s. 88(2) – Possession of weapon for dangerous purpose
- s. 90(2) – Carrying concealed weapon
- s. 91(3) – Unauthorized possession of firearm / prohibited weapon or restricted weapon
- s. 93(2) – Possession at unauthorized place (firearm /weapon)
- s. 94(2) – Unauthorized possession in motor vehicle (firearm /weapon)
- s. 101(2) – Transfer without authority (firearm / weapon)
- s. 104(2) – Unauthorized importing or exporting (firearm /weapon)
- s. 105(2) – Losing or finding without reporting (firearm / weapon)
- s. 106(2) – Destroying without reporting (firearm / weapon)

- s. 107(2) – Making false statements (in relation to ss. 105-6)
- s. 108(2) – Tampering with serial number (firearm / weapon)
- s. 117.01(3) – Possession contrary to order / Failure to surrender authorization (firearm / weapon)
- s. 121.1(4)(b) – Selling, etc, of tobacco products and raw leaf tobacco
- s. 127(1) – Disobeying order of court
- s. 129 – Offences relating to public or peace officer
- s. 130(2) – Personating peace officer
- s. 139(1) – Obstructing justice
- s. 140(2) – Public mischief
- s. 145(1)-(5.1) – Escape and being at large without excuse
- s. 162(5) – Voyeurism
- s. 162.1(1) – Publication, etc, of an intimate image without consent
- s. 169 – Obscene material / Immoral theatrical performance / Mailing obscene matter
- s. 173(1)-(2) – Indecent act / Exposure
- s. 204(10) – Contravention (regulatory offences related to horse racing / betting)
- s. 207(3) – Offence (permitted lotteries)
- s. 207.1(3) – Offence (permitted lotteries, international cruise ship)
- s. 241.31(4)-(5) – Offence, filing information / contravene regulations (medical practitioner / nurse practitioner / pharmacist in relation to medical assistance in dying)
- s. 263(3) – Duty to safeguard opening in ice / guard excavation on land
- s. 264(3) – Criminal harassment
- s. 264.1(3) – Uttering threats
- s. 266 – Assault
- s. 270(2) – Assaulting a peace officer
- s. 273.3(2) – Removal of child from Canada
- s. 282(1) – Abduction in contravention of custody order
- s. 283(1) – Abduction
- s. 319(1)-(2) – Public incitement of hatred / Wilful promotion of hatred
- s. 327(1) – Possession of device to obtain use of telecommunication facility or service
- s. 334 – Punishment for theft
- s. 342(1), (3) – Theft, forgery, etc of credit card / Unauthorized use of credit card data
- s. 342.01(1) - Instruments for copying credit card data or forging or falsifying credit cards
- s. 342.1(1) – Unauthorized use of computer
- s. 342.2(1) – Possession of device to obtain unauthorized use of computer system or to commit mischief
- s. 347(1) – Criminal interest rate
- s. 348(1)(e) – Breaking and entering with intent, committing offence or breaking out (place other than dwelling-house)
- s. 349(1) – Being unlawfully in dwelling-house
- s. 351(1) – Possession of break-in instrument
- s. 353.1(4) – Tampering with VIN
- s. 355(b) – Possession of property obtained by crime
- s. 355.5(b) – Trafficking in property obtained by crime
- s. 356(3) – Theft from mail
- s. 362(2)(b) – False pretence or false statement

- s. 367 – Punishment for forgery
- s. 368(1.1) - Use, trafficking or possession of forged document
- s. 368.1 – Forgery instruments
- s. 372(4) – False information / Indecent communications / Harassing communications
- s. 380(1)(b) – Fraud (less than five thousand dollars)
- s. 380.2(4) – Prohibition order (not comply, in relation to fraud)
- s. 382.1(2) – Tipping (insider trading)
- s. 402.2(5) – Identity theft / Trafficking in identity information
- s. 403(3) – Identity fraud
- s. 412(1) – Punishment: ss. 407, 408, 409, 410, 411 (Forgery of Trademarks and Trade descriptions)
- s. 415(g) – Offences in relation to wreck
- s. 417(2) – Unlawful transactions in public stores
- s. 420(1) – Military stores
- s. 422(1)(g) – Criminal breach of contract
- s. 423(1) – Intimidation
- s. 425.1(2) – Threats and retaliation against employees
- s. 430(3) – Mischief (testamentary instrument / property exceeding \$5000)
- s. 430(4) – Mischief (other property)
- s. 430(4.2) – Mischief in relation to cultural property
- s. 430(5) – Mischief in relation to computer data
- s. 430(5.1) – Commission or omission of act required by duty if likely to constitute mischief
- s. 432(1)-(2) – Unauthorized recording of a movie / Unauthorized recording for purpose of sale, etc
- s. 437 – False alarm of fire
- s. 446(2) – Causing damage or injury (captive animals conveyed or abandoned)
- s. 462.31(2) – Laundering proceeds of crime
- s. 462.33(11) – Restraint order (not comply)
- s. 463(d) – Attempts, accessories – hybrid offences
- s. 487.0552(1) – Failure to comply with order or summons
- s. 487.08(4) – Use of bodily substances
- s. 490.031(1) – Offence (fail to comply with order, *National Defence Act, International Transfer of Offenders Act*)
- s. 490.0311 – Offence (knowingly provide false information, *Sex Offender Information Registration Act*)
- s. 490.8(9) – Offence (contravene restraint order, offence related property)

***Hybrid Offences Carrying Maximum Penalties of Six Months' Imprisonment When Prosecuted By Summary Conviction Prior to Bill C-46 Coming into Force on December 21, 2018:***

- s. 320.13(1) – Dangerous operation
- s. 320.16(1) – Failure to stop after accident
- s. 320.17 – Flight from a peace officer
- s. 320.18(1) – Operation while prohibited

**Infractions punissables par procédure sommaire du Code criminel autorisées pour les mandataires règlementés à compter du 19 septembre 2019**

***Peines maximales d'emprisonnement de six mois pour les infractions punissables par procédure sommaire avant l'entrée en vigueur du projet de loi C-75 le 19 septembre 2019 :***

- art. 54** – Aider un déserteur
- art. 56** – Infractions relatives aux membres de la Gendarmerie royale du Canada
- art. 66 (1)** – Attroupement illégal
- art. 83 (1)** – Fait de se livrer à un combat concerté
- art. 89 (2)** – Port d'arme à une assemblée publique
- art. 134 (1)** – Parjure (lorsqu'il n'est pas tenu de prêter serment, etc.)
- art. 159 (1)** – Relations sexuelles anales
- art. 160 (1)-(2)** – Bestialité/Usage de la force
- art. 174 (1)** – Nudité
- art. 175 (1)** – Troubler la paix, etc.
- art. 176 (2)-(3)** – Troubler des offices religieux ou certaines réunions
- art. 177** – Intrusion de nuit
- art. 179 (2)** – Vagabondage
- art. 201 (2)** – Personne trouvée dans une maison de jeu ou qui tolère le jeu (maison de jeu ou une maison de pari)
- art. 206 (4)** – Infraction (achat d'un billet de loterie illégale ou jeu de hasard illégal)
- art. 210 (2)** – Propriétaire, habitant, etc. (maison de débauche)
- art. 211** – Transport de personnes à des maisons de débauche
- art. 213 (1)-(1.1)** – Interférence à la circulation/Communication (pour offrir, rendre ou obtenir des services sexuels moyennant rétribution)
- art. 278.9 (2)** – Publication interdite (concernant une ordonnance de communication)
- art. 278.95 (2)** – Publication interdite (audience pour déterminer l'admissibilité de la preuve du comportement sexuel du plaignant)
- art. 320.19 (2)** – Capacité de conduire affaiblie – Moindre concentration de drogue dans le sang
- art. 320.36 (4)** – Utilisation non autorisée des substances corporelles/Utilisation ou communication non autorisées des résultats
- art. 335 (1)** – Prise d'un véhicule à moteur ou d'un bateau sans consentement
- art. 339 (2)** – Fripiers et revendeurs (matériel d'exploitation forestière sans le consentement du propriétaire)
- art. 353 (3)-(4)** – Défaut de conserver un enregistrement de l'opération, vente d'un passe-partout d'automobile
- art. 364 (1)** – Obtention frauduleuse d'aliments et de logement
- art. 393 (3)** – Obtention frauduleuse de transport
- art. 398** – Falsifier un registre d'emploi
- art. 401 (1)** – Obtention de transport par faux connaissance
- art. 419** – Emploi illégitime d'uniformes ou certificats militaires
- art. 425** – Infractions à l'encontre de la liberté d'association
- art. 438 (2)** – Entrave au sauvetage d'une épave
- art. 439 (1)** – Dérangement des signaux de marine (amarrer un navire ou un bateau)
- art. 442** – Déplacer des lignes de démarcation
- art. 447.1 (2)** – Violation de l'ordonnance (cruauté envers les animaux)

- art. 454** – Piécettes  
**art. 456** – Dégrader une pièce de monnaie courante  
**art. 457 (3)** – Chose ressemblant à un billet de banque  
**art. 463 c)** – Punition de la tentative et de la complicité – infractions poursuivies par procédure sommaire  
**art. 464 b)** – Conseiller une infraction qui n’est pas commise – infractions poursuivies par procédure sommaire  
**art. 465 d)** – Complot – infractions poursuivies par procédure sommaire  
**art. 486.6 (1)** – Transgression de l’ordonnance (transgresser une ordonnance limitant la publication : infractions d’ordre sexuel, victimes et témoins)  
**art. 487.0197** – Contrevenir à un ordre de préservation  
**art. 487.0198** – Contrevenir à une ordonnance de préservation ou de communication  
**art. 487.0199** – Destruction de données préservées  
**art. 487.08 (3)** – Utilisation des substances  
**art. 487.2** – Contrevenir à une non-publication (mandat)  
**art. 490.0312** – Infraction (obligation de notifier un service de police, verdict de non-responsabilité à l’extérieur du Canada)  
**art. 517 (2)** – Omission de se conformer à l’ordonnance (ordonnance de non-publication)  
**art. 539 (3)** – Omission de se conformer à l’ordonnance (ordonnances restreignant la publication de la preuve recueillie lors d’une enquête préliminaire)  
**art. 542 (2)** – Restriction visant la publication de rapports sur l’enquête préliminaire (omission de se conformer dans le cas d’un aveu ou d’une confession de l’accusé)  
**art. 648 (2)** – Publication interdite (omission de se conformer dans le cas d’une partie du procès en l’absence du jury)  
**art. 649** – Divulgaration des délibérations d’un jury  
**art. 672.37 (3)** – Autorisation d’une demande d’emploi relevant d’une autorité fédérale exigeant que le demandeur divulgue un verdict de non-responsabilité où le demandeur a été libéré sans condition ou ne fait plus l’objet d’une décision à son égard  
**art. 672.501 (11)** – Omission de se conformer (ordonnance limitant la publication — infractions d’ordre sexuel, verdict de non-responsabilité)  
**art. 732.11 (4)** – Interdiction à l’égard de l’utilisation des substances corporelles (contrevenir – probation)  
**art. 742.31 (4)** – Interdiction à l’égard de l’utilisation des substances corporelles (contrevenir – sursis)  
**art. 810.4 (4)** – Interdiction à l’égard de l’utilisation des substances corporelles (contrevenir – engagement)

***Infractions mixtes entraînant des peines maximales de six mois d’emprisonnement pour les infractions punissables par procédure sommaire avant l’entrée en vigueur du projet de loi C-75 le 19 septembre 2019 :***

- art. 56.1 (4)** – Pièces d’identité  
**art. 57 (2)** – Fausse déclaration relative à un passeport  
**art. 66 (2)** – Atroupement illégal avec dissimulation d’identité  
**art. 73** – Prise de possession par la force, détention par la force  
**art. 83.231 (2)** – Incitation à craindre des activités terroristes

- art. 86 (3)** – Usage négligent d’arme à feu/Contravention des règlements
- art. 87 (2)** – Braquer une arme à feu
- art. 88 (2)** – Port d’arme dans un dessein dangereux
- art. 90 (2)** – Port d’une arme dissimulée
- art. 91 (3)** – Possession non autorisée d’une arme à feu/armes prohibées ou à autorisation restreinte
- art. 93 (2)** – Possession dans un lieu non autorisé (arme à feu/arme)
- art. 94 (2)** – Possession non autorisée dans un véhicule automobile (arme à feu/arme)
- art. 101 (2)** – Cession illégale (arme à feu/arme)
- art. 104 (2)** – Importation ou exportation non autorisées (arme à feu/arme)
- art. 105 (2)** – Armes perdues, volées ou trouvées sans signaler (arme à feu/arme)
- art. 106 (2)** – Détruire sans signaler (arme à feu/arme)
- art. 107 (2)** – Faire de fausses déclarations (concernant les art. 105-6)
- art. 108 (2)** – Modification du numéro de série (arme à feu/arme)
- art. 117.01 (3)** – Contravention d’une ordonnance d’interdiction/Défaut de remettre les autorisations ou autres documents (arme à feu/arme)
- art. 121.1 (4) b)** – Interdiction — produits du tabac et tabac en feuilles
- art. 127 (1)** – Désobéissance à une ordonnance du tribunal
- art. 129** – Infractions relatives aux agents de la paix
- art. 130 (2)** – Prétendre faussement être un agent de la paix
- art. 139 (1)** – Entrave à la justice
- art. 140 (2)** – Méfait public
- art. 145 (1)-(5.1)** – Personne qui s’évade ou qui est en liberté sans excuse
- art. 162 (5)** – Voyeurisme
- art. 162.1 (1)** – Publication, etc. non consensuelle d’une image intime
- art. 169** – Matériel obscène/Représentation théâtrale immorale/Mise à la poste de choses obscènes
- art. 173 (1)-(2)** – Actions indécentes/Exhibitionnisme
- art. 204 (10)** – Infraction (infractions règlementaires reliées aux courses de chevaux/paris)
- art. 207 (3)** – Infraction (loteries autorisées)
- art. 207.1 (3)** – Infraction (loteries autorisées, navires de croisière internationale)
- art. 241.31 (4)-(5)** – Infraction, Renseignements à fournir/contrevenir aux règlements (médecin/infirmier praticien/pharmacien dans le cadre de la prestation de l’aide médicale à mourir)
- art. 263 (3)** – Obligation de protéger les ouvertures dans la glace/protéger les excavations
- art. 264 (3)** – Harcèlement criminel
- art. 264.1 (3)** – Proférer des menaces
- art. 266** – Voies de fait
- art. 270 (2)** – Voies de fait contre un agent de la paix
- art. 273.3 (2)** – Passage d’enfants à l’étranger
- art. 282 (1)** – Enlèvement en contravention avec une ordonnance de garde
- art. 283 (1)** – Enlèvement
- art. 319 (1)-(2)** – Incitation publique à la haine/Fomentier volontairement la haine
- art. 327 (1)** – Possession d’un dispositif pour l’utilisation d’installations de télécommunication ou l’obtention de services de télécommunication
- art. 334** – Puntion du vol

- art. 342 (1), (3)** – Vol, etc. de cartes de crédit/Utilisation non autorisée de données relatives à une carte de crédit
- art. 342.01 (1)** - Instruments — copie de données relatives à une carte de crédit, ou fabrication ou falsification de cartes de crédit
- art. 342.1 (1)** – Utilisation non autorisée d’ordinateur
- art. 342.2 (1)** – Possession d’un dispositif permettant l’utilisation non autorisée d’un ordinateur ou la commission d’un méfait
- art. 347 (1)** – Taux d’intérêt criminel
- art. 348 (1) e)** – Introduction par effraction dans un dessein criminel (endroit autre qu’une maison d’habitation)
- art. 349 (1)** – Présence illégale dans une maison d’habitation
- art. 351 (1)** – Possession d’outils de cambriolage
- art. 353.1 (4)** – Modification du numéro d’identification d’un véhicule
- art. 355 b)** – Possession de biens criminellement obtenus
- art. 355.5 b)** – Trafic de biens criminellement obtenus
- art. 356 (3)** – Vol de courrier
- art. 362 (2) b)** – Escroquerie : faux semblant ou fausse déclaration
- art. 367** – Peine
- art. 368 (1.1)** - Emploi, possession ou trafic d’un document contrefait
- art. 368.1** – Instruments pour commettre un faux
- art. 372 (4)** – Faux renseignements/Communications indécentes/Communications harcelantes
- art. 380 (1) b)** – Fraude (moins de cinq mille dollars)
- art. 380.2 (4)** – Ordonnance d’interdiction (ne pas se conformer, en relation à la fraude)
- art. 382.1 (2)** – Communication de renseignements confidentiels (délit d’initié)
- art. 402.2 (5)** – Vol d’identité/Trafic de renseignements identificateurs
- art. 403 (3)** – Fraude à l’identité
- art. 412 (1)** – Peine : art. 407, 408, 409, 410, 411 (Contrefaçon de marques de commerce et de désignations de fabrique)
- art. 415 g)** – Infractions relatives aux épaves
- art. 417 (2)** – Opérations illicites à l’égard d’approvisionnements publics
- art. 420 (1)** – Approvisionnements militaires
- art. 422 (1) g)** – Violation criminelle de contrat
- art. 423 (1)** – Intimidation
- art. 425.1 (2)** – Menaces et représailles
- art. 430 (3)** – Méfait (titre testamentaire/biens dont la valeur dépasse 5 000 \$)
- art. 430 (4)** – Méfait (autres biens)
- art. 430 (4.2)** – Méfait : bien culturel
- art. 430 (5)** – Méfait à l’égard de données informatiques
- art. 430 (5.1)** – Commission ou omission d’un acte requis si la commission ou l’omission de cet acte risque de constituer un méfait
- art. 432 (1)-(2)** – Enregistrement non autorisé d’un film/Enregistrement non autorisé en vue de la vente, etc.
- art. 437** – Fausse alerte
- art. 446 (2)** – Causer blessure ou lésion (animaux captifs transportés ou abandonnés)
- art. 462.31 (2)** – Recyclage des produits de la criminalité

- art. 462.33 (11)** – Ordonnance de blocage (non-respect)
- art. 463 d)** – Puntion de la tentative et de la complicité – infractions mixtes
- art. 487.0552 (1)** – Omission de se conformer à une ordonnance ou sommation
- art. 487.08 (4)** – Utilisation des substances
- art. 490.031 (1)** – Infractions (manquement à respecter une ordonnance, *Loi sur la défense nationale, Loi sur le transfèrement international des délinquants*)
- art. 490.0311** – Infraction (faire sciemment une déclaration fausse ou trompeuse, *Loi sur l'enregistrement de renseignements sur les délinquants sexuels*)
- art. 490.8 (9)** – Infraction (contrevenir à une ordonnance de blocage, biens infractionnels)

***Infractions mixtes entraînant des peines maximales de six mois d'emprisonnement pour les infractions punissables par procédure sommaire avant l'entrée en vigueur du projet de loi C-46 le 21 décembre 2018 :***

- art. 320.13 (1)** – Conduite dangereuse
- art. 320.16 (1)** – Omission de s'arrêter à la suite d'un accident
- art. 320.17** – Fuite
- art. 320.18 (1)** – Conduite durant l'interdiction