



Department of Justice  
Canada

Ministère de la Justice  
Canada

Deputy Minister of Justice and  
Deputy Attorney General of Canada

Sous-ministre de la Justice et  
sous-procureur général du Canada

Ottawa, Canada  
K1A 0H8

**JUN 29 2022**

Mr. Paul Cardegna  
Mr. Mark Palmer  
Ms. Miriam Burke  
Joint clerks  
Special Joint Committee on the Declaration of Emergency  
Sixth Floor, 131 Queen Street  
House of Commons  
Ottawa ON K1A 0A6

Dear Mr. Cardegna, Mr. Palmer, and Ms. Burke:

I write on behalf of the Honourable David Lametti, Minister of Justice and Attorney General of Canada, in response to the document production order issued May 31, 2022, by the Special Joint Committee on the Declaration of Emergency.

The Committee provided:

That an Order do issue for all security assessments and legal opinions which the government relied upon in determining that

- (a) the threshold of “threats to security of Canada”, as defined by section 2 of the *Canadian Security Intelligence Service Act*, required by section 16 of the *Emergencies Act*, had been met;
- (b) the thresholds required by paragraphs 3(a) or (b) of the *Emergencies Act*, concerning a “national emergency” had been met;
- (c) the situation could not “be effectively dealt with under any other law of Canada”, as required by section 3 of the *Emergencies Act*;
- (d) the *Emergency Measures Regulations* were compliant with the *Canadian Charter of Rights and Freedoms*, including the analysis relied

upon by the Minister of Justice in discharging his responsibilities under section 4.1 of the *Department of Justice Act*; and

(e) the Emergency Economic Measures Order was compliant with the *Canadian Charter of Rights and Freedoms*, including the analysis relied upon by the Minister of Justice in discharging his responsibilities under section 4.1 of the *Department of Justice Act*,

provided that

(f) these documents shall be deposited with the committee in both official languages, within one month of the adoption of this Order.

As requested, we are enclosing documents, identified further below, in response to your motion.

As I expressed to the Committee on June 7, 2022, the Department of Justice Canada is pleased to assist the Committee in its mandate and order to produce documents. Accordingly, the Department has engaged in a full review of its internal holdings to ensure a complete response to the Committee, within the bounds of the law and its obligations.

Part of our review was to confirm the chronology of events and Department of Justice involvement in relation to the blockades and consideration of the *Emergencies Act*. As the Committee is aware, convoys began their journey from various points in the country and arrived in Ottawa on January 28, 2022. My personal involvement and that of my Assistant Deputy Ministers began in early February. My senior officials and I attended numerous meetings in our capacity as legal advisers to the Government of Canada.

Counsel throughout the Department were also active in supporting the Government's consideration of the *Emergencies Act*. Accordingly, after receipt of the Committee's order, departmental units and sectors whose client departments were engaged in *Emergencies Act* matters were instructed to review their holdings. To ensure completeness, we set about identifying a broad range of records produced by our Department between January 23, 2022, and February 15, 2022. From this review, officials identified a range of materials produced in our capacity as legal advisers to the Government of Canada that could be responsive to the Committee's order, including legal opinions.

Upon full consideration, it is our Department's determination that all legal opinions in our holdings that would be responsive to the Committee's order are subject to solicitor-client privilege.

Solicitor-client privilege, as the Supreme Court of Canada has observed, “has been firmly entrenched for centuries” and “strengthened, reaffirmed and elevated in recent years”.<sup>1</sup> It recognizes that “the justice system depends for its vitality on full, free and frank communication between those who need legal advice and those who are best able to provide it.” This is fundamental to the relationship between legal advisers and their respective clients, and “the resulting confidential relationship between solicitor and client is a necessary and essential condition of the effective administration of justice”, which in turn is a cornerstone of the rule of law. “Solicitor-client privilege is part of and fundamental to the Canadian legal system. . . [.] The danger in eroding solicitor-client privilege is the potential to stifle communication between the lawyer and client. The need to protect the privilege determines its immunity to attack.”<sup>2</sup>

The Minister of Justice is described in the *Department of Justice Act* as the “official legal adviser” of the Government of Canada and “the legal member” of the Queen’s Privy Council for Canada, and is entrusted with ensuring that “the administration of public affairs is in accordance with law”.<sup>3</sup> However, the Minister does not act alone; the Minister is supported by the Department of Justice.

There is no doubt that the legal advisers of the Department of Justice, from legal services officers and departmental counsel, through the superintendence and oversight provided by directors, Assistant Deputy Ministers, and the Associate Deputy Minister, up to and including the Deputy Minister of Justice and Deputy Attorney General of Canada, provide a continuing chain of legal advice to the Minister and, on the Minister’s behalf, to other Ministers of the Crown and their deputy heads and departments. That legal advisory role is essential to the Crown and to the administration of government. The lawyers who perform that advisory role are, with respect to the legal advice they provide, in a clear relationship of solicitor and client with ministers and officials. As the Supreme Court quoted with approval in *R v. Campbell*:

Where legal advice of any kind is sought from a professional legal adviser in his capacity as such, the communications relating to that purpose, made in confidence by the client, are at his instance permanently protected from disclosure by himself or by the legal adviser, except the protection be waived.<sup>4</sup>

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<sup>1</sup> *Blank v. Canada (Minister of Justice)*, [2006] 2 S.C.R. 319, paras. 26, 61

<sup>2</sup> *R. v. McClure*, [2001], 1 S.C.R. 445, paras. 17, 33.

<sup>3</sup> R.S.C., 1985, c. J-2 at s. 4.

<sup>4</sup> *R v. Campbell*, [1999] 1 S.C.R. 565, para. 49 (citing *Whigmore on Evidence*).

As noted in Erskine May's authoritative *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 25<sup>th</sup> edition, at para. 21.27:

By longstanding convention, observed by successive Governments, the fact of, and substance of advice from, the law officers of the Crown, is not disclosed outside government [...] The purpose of this convention is to enable the Government to obtain frank and full legal advice in confidence. Therefore, the opinions of the law officers of the Crown, being confidential, are not usually laid before Parliament, cited in debate or provided in evidence before a select committee, and their production has frequently been refused; but if a Minister deems it expedient that such opinions should be made known for the information of the House, the Speaker has ruled that the rules of the House are no way involved. [Emphasis added.]

Although other countries may have occasionally departed from this rule, in Canada, it is solely within the discretion of the Government of Canada and its ministers to waive solicitor-client privilege in respect of legal advice provided to the Crown. For reasons of principle and practice, this rarely occurs and the general rule remains that such advice will normally be withheld from committees of Parliament, subject to such ministerial discretion and considerations of public policy.

Indeed, the almost invariable practice of successive Canadian governments has been to maintain the convention described above and not to disclose to parliamentary committees legal advice to the Crown which is protected by solicitor-client privilege.<sup>5</sup>

As Minister Lametti stated on April 26, 2022, and as I re-stated on June 7, 2022, I confirm that I am unable to produce legal opinions as sought in the Committee's order. However, the Department is able to share certain other materials that were prepared to explain the legal landscape in which the *Emergencies Act* was invoked. As discussed during my appearance on June 7, 2022, we have already provided a Charter Backgrounder. We are also able to provide the following documents:

- *Emergency Economic Measures Order* Clause-by-Clause Interpretation and Impacts
- *Emergency Measures Regulations* Clause-by-Clause Interpretation and Impacts

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<sup>5</sup> See, for example, the 1973 Guidelines tabled in the House of Commons by the President of the Privy Council, the Hon. Allan MacEachan, *Debates*, March 15 and 29, 1973, setting out certain categories of documents that should not be disclosed to the House or its committees, including Cabinet papers, legal opinions, internal departmental memoranda, papers detrimental to security or relations with other governments, papers regarding ongoing negotiations, and information excluded by statute; and see also "The Power to Order the Production of Documents", being the Government Response to the 22<sup>nd</sup> Report of the House of Commons Standing Committee on Public Accounts", March 31, 2010, tabled by the Honourable Rob Nicholson, Minister of Justice and Attorney General of Canada, and the Honourable Jay Hill, Leader of the Government in the House of Commons.

Copies of all these documents are enclosed.

We will continue to strive to be helpful, forthcoming, and candid in providing information requested by the Committee.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. François Daigle', with a large, stylized initial 'D'.

A. François Daigle (he/him)  
Deputy Minister of Justice and  
Deputy Attorney General of Canada

Enclosures

## **Emergencies Act Measures - Clause by Clause Interpretation and Impacts Revocation**

### EMERGENCY ECONOMIC MEASURES ORDER

<b>Text</b>	<b>Texte</b>	<b>Interpretation</b>
<p><b>1 Definitions</b></p> <p>The following definitions apply to this Order:</p> <p><b>designated person</b> means any individual or entity that is engaged, directly or indirectly, in an activity prohibited by sections 2 to 5 of the <i>Emergency Measures Regulations</i>. (<i>personne désignée</i>)</p> <p><b>entity</b> includes a corporation, trust, partnership, fund, unincorporated association or organization or foreign state. (<i>entité</i>)</p>	<p><b>1 Définitions</b></p> <p>Les définitions qui suivent s'appliquent au présent décret :</p> <p><b>entité</b> S'entend notamment d'une personne morale, d'une fiducie, d'une société de personne, d'un fonds, d'une organisation ou d'une association dotée de la personnalité morale ou d'un État étranger. (<i>entity</i>)</p> <p><b>personne désignée</b> Toute personne physique ou entité qui participe, même indirectement, à l'une ou l'autre des activités interdites au titre des articles 2 à 5 du <i>Règlement sur les mesures d'urgence</i>. (<i>designated person</i>)</p>	<p><b>1 Definitions</b></p> <p>This clause sets out relevant definitions in the Order. It defines a “designated person” as any individual or entity that is engaged directly or indirectly, in an activity prohibited by sections 2 to 5 of the <i>Emergency Measures Regulations</i>. Prohibited activities include:</p> <ul style="list-style-type: none"> <li>• participating in a public assembly that may reasonably be expected to lead to a breach of the peace (prohibited assembly);</li> <li>• causing a minor to participate in or travel within 500 metres of such a prohibited assembly;</li> <li>• for certain foreign nationals, entering Canada with the intent to participate in or facilitate a prohibited assembly;</li> <li>• travelling to or within an area where a prohibited assembly is taking place;</li> <li>• using, collecting, providing, making available, or inviting a person to provide property to facilitate or participate in a prohibited assembly; or to benefit any person who is facilitating or participating in a prohibited assembly (directly or indirectly)</li> </ul> <p>The objective is to capture as a “designated individual” any person who directly or indirectly participates in, or financially supports, specific illegal activities described in sections 2-5 of the <i>Emergency Measures Regulation</i>.</p>
<p><b>2 (1) Duty to cease dealings</b></p>	<p><b>2 (1) Obligations de cesser les opérations</b></p>	<p><b>2(1) Duty to cease dealings</b></p>

Text	Texte	Interpretation
<p>Any entity set out in section 3 must, upon the coming into force of this Order, cease:</p> <ul style="list-style-type: none"> <li>• <b>(a)</b> dealing in any property, wherever situated, that is owned, held or controlled, directly or indirectly, by a designated person or by a person acting on behalf of or at the direction of that designated person;</li> <li>• <b>(b)</b> facilitating any transaction related to a dealing referred to in paragraph (a);</li> <li>• <b>(c)</b> making available any property, including funds or virtual currency, to or for the benefit of a designated person or to a person acting on behalf of or at the direction of a designated person; or</li> <li>• <b>(d)</b> providing any financial or related services to or for the benefit of any designated person or acquire any such services from or for the benefit of any such person or entity.</li> </ul>	<p>Dès l'entrée en vigueur du présent décret, les entités visées à l'article 3 doivent cesser:</p> <ul style="list-style-type: none"> <li>• <b>a)</b> toute opération portant sur un bien, où qu'il se trouve, appartenant à une personne désignée ou détenu ou contrôlé par elle ou pour son compte ou suivant ses instructions;</li> <li>• <b>b)</b> toute transaction liée à une opération visée à l'alinéa a) ou d'en faciliter la conclusion;</li> <li>• <b>c)</b> de rendre disponible des biens — notamment des fonds ou de la monnaie virtuelle — à une personne désignée ou à une personne agissant pour son compte ou suivant ses instructions, ou au profit de l'une ou l'autre de ces personnes;</li> <li>• <b>d)</b> de fournir des services financiers ou connexes à une personne désignée ou à son profit ou acquérir de tels services auprès d'elle ou à son profit.</li> </ul>	<p>This clause lists the activities that Canadian financial service providers (as defined in section 3) must stop engaging in. Those activities include:</p> <ul style="list-style-type: none"> <li>• dealing in, or facilitating any transaction related to a dealing in, any property that belongs to a designated person or to a person acting on behalf of a designated person;</li> <li>• making available any property to a designated person or to a person acting on behalf of a designated person; or</li> <li>• providing any financial or related services to or for the benefit of any designated person or <u>acquire any such services from</u> or for the benefit of <u>any such person or entity</u></li> </ul> <p>The objective is to create a mandatory requirement for Canadian financial service providers to stop providing any financial services to or for the benefit of a designated person.</p>
<p><b>2 Insurance policy</b></p> <p>Paragraph 2(1)(d) does not apply in respect of any insurance policy which was valid prior to the coming in force of this Order other than an insurance policy for any vehicle being used in a public assembly referred to in subsection 2(1) of the <i>Emergency Measures Regulations</i>.</p>	<p><b>2 Police d'assurance</b></p> <p>Toutefois, l'alinéa 2(1)(d) ne s'applique pas à l'égard d'une police d'assurance effective — au moment de l'entrée en vigueur du présent décret — portant sur un véhicule autre que celui utilisé lors d'une assemblée publique visée au paragraphe 2(1) du <i>Règlement sur les mesures d'urgence</i>.</p>	<p>This clause stipulates that the general rule in 2(1)(d) – prohibiting Canadian financial service providers from providing financial services to designated persons – does not apply in respect of any insurance policy other than an insurance policy for any vehicle being used in a prohibited assembly.</p> <p>The objective is to ensure that insurance policies, other than for a vehicle being used in a prohibited assembly, are not suspended.</p> <p><u>Upon Revocation</u></p>

Text	Texte	Interpretation
		<p>Upon revocation, financial service providers (FSPs) would no longer be required to ‘cease dealings’ with individuals who are engaged in activities that are prohibited by the Emergency Measures Regulations. This would mean there is no longer any obligation to “freeze” accounts or suspend insurance. Accounts that were frozen under the Order could be reactivated in accordance with the agreements between the financial service provider and the accountholders.</p> <p>If the Order is revoked, insurance companies would no longer be required to suspend coverage. Policies could again provide coverage to designated individuals in accordance with the agreements between the insurer and the policyholder.</p>
<p><b>3 Duty to determine</b></p> <p>The following entities must determine on a continuing basis whether they are in possession or control of property that is owned, held or controlled by or on behalf of a designated person:</p> <ul style="list-style-type: none"> <li>• <b>(a)</b> authorized foreign banks, as defined in section 2 of the Bank Act, in respect of their business in Canada, and banks regulated by that Act;</li> <li>• <b>(b)</b> cooperative credit societies, savings and credit unions and caisses populaires regulated by a provincial Act and associations regulated by the Cooperative Credit Associations Act;</li> <li>• <b>(c)</b> foreign companies, as defined in subsection 2(1) of the Insurance Companies Act, in respect of their insurance business in Canada;</li> </ul>	<p><b>3 Vérification</b></p> <p>Il incombe aux entités mentionnées ci-après de vérifier de façon continue si des biens qui sont en leur possession ou sous leur contrôle appartiennent à une personne désignée ou sont détenus ou contrôlés par elle ou pour son compte:</p> <ul style="list-style-type: none"> <li>• <b>(a)</b> les banques étrangères autorisées, au sens de l’article 2 de la <i>Loi sur les banques</i>, dans le cadre de leurs activités au Canada, et les banques régies par cette loi;</li> <li>• <b>(b)</b> les coopératives de crédit, caisses d’épargne et de crédit et caisses populaires régies par une loi provinciale et les associations régies par la <i>Loi sur les associations coopératives de crédit</i>;</li> <li>• <b>(c)</b> les sociétés étrangères, au sens du paragraphe 2(1) de la <i>Loi sur les sociétés d’assurances</i>, dans le cadre de leurs activités d’assurance au Canada;</li> </ul>	<p><b>3 Duty to determine</b></p> <p>This clause provides a list of entities (Canadian financial service providers) that are required to determine on a continuing basis whether they are in possession or control of property that is owned, held or controlled by or on behalf of a designated person.</p> <p>The objective of the list is to cover financial service providers in Canada, including federally and provincially regulated financial institutions, money transfer service providers, payment service providers, virtual currency exchanges, securities dealers, and crowdfunding platforms. The objective of the requirement is to ensure that Canadian financial service providers determine whether they conduct business with designated person. By doing so on an ongoing basis, a financial service provider would not only be able to determine whether there are new designated persons with whom the provider should cease dealing with, but also those persons who have stopped participating in the unlawful activities and who are able resume their dealings with the provider.</p>



Text	Texte	Interpretation
<ul style="list-style-type: none"> <li>• <b>(d)</b> companies, provincial companies and societies, as those terms are defined in subsection 2(1) of the Insurance Companies Act;</li> <li>• <b>(e)</b> fraternal benefit societies regulated by a provincial Act in respect of their insurance activities and insurance companies and other entities regulated by a provincial Act that are engaged in the business of insuring risks;</li> <li>• <b>(f)</b> companies regulated by the Trust and Loan Companies Act;</li> <li>• <b>(g)</b> trust companies regulated by a provincial Act;</li> <li>• <b>(h)</b> loan companies regulated by a provincial Act;</li> <li>• <b>(i)</b> entities that engage in any activity described in paragraphs 5(h) and (h.1) of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act;</li> <li>• <b>(j)</b> entities authorized under provincial legislation to engage in the business of dealing in securities or to provide portfolio management or investment counselling services;</li> <li>• <b>(k)</b> entities that provide a platform to raise funds or virtual currency through donations; and</li> <li>• <b>(l)</b> entities that perform any of the following payment functions: <ul style="list-style-type: none"> <li>○ <b>(i)</b> the provision or maintenance of an account that, in relation to an</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <b>(d)</b> les sociétés, les sociétés de secours et les sociétés provinciales, au sens du paragraphe 2(1) de la <i>Loi sur les sociétés d'assurances</i>;</li> <li>• <b>(e)</b> les sociétés de secours mutuel régies par une loi provinciale, dans le cadre de leurs activités d'assurance, et les sociétés d'assurances et autres entités régies par une loi provinciale qui exercent le commerce de l'assurance;</li> <li>• <b>(f)</b> les sociétés régies par la <i>Loi sur les sociétés de fiducie et de prêt</i>;</li> <li>• <b>(g)</b> les sociétés de fiducie régies par une loi provinciale;</li> <li>• <b>(h)</b> les sociétés de prêt régies par une loi provinciale;</li> <li>• <b>(i)</b> les entités qui se livrent à une activité visée aux alinéas 5h) et h.1) de la <i>Loi sur le recyclage des produits de la criminalité et le financement des activités terroristes</i>;</li> <li>• <b>(j)</b> les entités autorisées en vertu de la législation provinciale à se livrer au commerce des valeurs mobilières ou à fournir des services de gestion de portefeuille ou des conseils en placement;</li> <li>• <b>(k)</b> les plateformes collaboratives et celles de monnaie virtuelle qui sollicitent des dons;</li> <li>• <b>(l)</b> toute entité qui exécute l'une ou l'autre de fonctions suivantes : <ul style="list-style-type: none"> <li>○ <b>(i)</b> la fourniture ou la tenue d'un compte détenu au nom d'un ou de</li> </ul> </li> </ul>	

Text	Texte	Interpretation
<p>electronic funds transfer, is held on behalf of one or more end users,</p> <ul style="list-style-type: none"> <li>○ <b>(ii)</b> the holding of funds on behalf of an end user until they are withdrawn by the end user or transferred to another individual or entity,</li> <li>○ <b>(iii)</b> the initiation of an electronic funds transfer at the request of an end user,</li> <li>○ <b>(iv)</b> the authorization of an electronic funds transfer or the transmission, reception or facilitation of an instruction in relation to an electronic funds transfer, or</li> <li>○ <b>(v)</b> the provision of clearing or settlement services.</li> </ul>	<p>plusieurs utilisateurs finaux en vue d'un transfert électronique de fonds,</p> <ul style="list-style-type: none"> <li>○ <b>(ii)</b> la détention de fonds au nom d'un utilisateur final jusqu'à ce qu'ils soient retirés par celui-ci ou transférés à une personne physique ou à une entité,</li> <li>○ <b>(iii)</b> l'initiation d'un transfert électronique de fonds à la demande d'un utilisateur final,</li> <li>○ <b>(iv)</b> l'autorisation de transfert électronique de fonds ou la transmission, la réception ou la facilitation d'une instruction en vue d'un transfert électronique de fonds,</li> <li>○ <b>(v)</b> la prestation de services de compensation ou de règlement.</li> </ul>	
<p><b>4(1) Registration requirement – Financial Transactions and Reports Analysis Centre of Canada (FINTRAC)</b></p> <p>The entities referred to in paragraphs 3(k) and (l) must register with the Financial Transactions and Reports Analysis Centre of Canada established by section 41 of the <i>Proceeds of Crime (Money Laundering) and Terrorist Financing Act</i> if they are in possession or control of property that is owned, held or controlled by or on behalf of a designated person.</p>	<p><b>4 (1) Inscription obligatoire — Centre d'analyse des opérations et déclarations financières du Canada (FINTRAC)</b></p> <p>Les entités visées aux alinéas 3k) et l) doivent s'inscrire auprès du Centre d'analyse des opérations et déclarations financières du Canada constitué par l'article 41 de la <i>Loi sur le recyclage des produits de la criminalité et le financement des activités terroristes</i> s'ils ont en leur possession un bien appartenant à une personne désignée ou détenu ou contrôlé par elle ou pour son compte ou suivant ses instructions.</p>	<p><b>4(1) Registration requirement – Financial Transactions and Reports Analysis Centre of Canada (FINTRAC)</b></p> <p>This clause requires crowdfunding platforms and payment service providers to register with the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) if they are in possession of funds that are owned by a designated person.</p> <p>The objective is to extend existing registration requirements under the <i>Proceeds of Crime (Money Laundering) and Terrorist Financing Act</i> to crowdfunding platforms and payment service providers that are in possession of funds owned by a designated person.</p>

Text	Texte	Interpretation
		<p><u>Upon Revocation</u>  Upon revocation, the new registration requirement on crowdfunding platforms and payment processors that are in possession or control of property belonging to entities or individuals engaged in prohibited activities. FINTRAC would stop the pre-registration process which has started under the Order. FINTRAC would continue to receive financial transaction reports from all of its reporting entities who have an existing obligation to report pursuant to the Proceeds of Crime Money Laundering and Terrorist Financing Act. It would not, however receive reports from crowdfunding platforms or payment service providers who do not offer other financial services covered by the PCMLTFA and its regulations until a permanent change to the regulations is made.</p>
<p><b>4(2) and 4(3) Reporting obligation — suspicious transactions</b></p> <p>(2) Those entities must also report to the Centre every financial transaction that occurs or that is attempted in the course of their activities and in respect of which there are reasonable grounds to suspect that</p> <ul style="list-style-type: none"> <li>• (a) the transaction is related to the commission or the attempted commission of a money laundering offence by a designated person; or</li> <li>• (b) the transaction is related to the commission or the attempted commission of a terrorist activity financing offence by a designated person.</li> </ul> <p><b>Reporting obligation — other transactions</b></p> <p>(3) Those entities must also report to the Centre the transactions and information set out in</p>	<p><b>4(2) et 4(3) Opérations douteuses</b></p> <p>(2) Elles doivent également déclarer au Centre toute opération financière effectuée ou tentée dans le cours de ses activités et à l'égard de laquelle il y a des motifs raisonnables de soupçonner qu'elle est liée à la perpétration — réelle ou tentée — par à une personne désignée :</p> <ul style="list-style-type: none"> <li>• (a) soit d'une infraction de recyclage des produits de la criminalité;</li> <li>• (b) soit d'une infraction de financement des activités terroristes.</li> </ul> <p><b>(3) Autres opérations</b></p> <p>Elles doivent également déclarer au Centre les opérations visées aux paragraphes 30(1) ou 33(1)</p>	<p><b>4(2) and 4(3) Reporting obligation</b></p> <p>These clauses require crowdfunding platforms and payment service providers that are in possession of funds owned by a designated person to report to FINTRAC every suspicious transaction (where there are reasonable grounds to suspect that the transaction is related to the commission or, attempted commission, of a money laundering or terrorist activity financing offence) and large value transaction (\$10,000 or more).</p> <p>The objective is to increase the quality or quantity of financial transaction information received and disclosed by FINTRAC and the ability of law enforcement agencies to identify and take action against designated persons.</p> <p><u>Upon Revocation</u>  Upon revocation, cryptocurrency exchanges and custodial wallet service providers would continue to be subject to registration and reporting requirements under the Proceeds of Crime (Money Laundering) and Terrorist Financing Act. However, these requirements, in addition to other requirements under the Order, would no longer apply to crowdfunding platforms that use cryptocurrency.</p>

Text	Texte	Interpretation
subsections 30(1) and 33(1) of the <i>Proceeds of Crime (Money Laundering) and Terrorist Financing Regulations</i> .	du <i>Règlement sur le recyclage des produits de la criminalité et le financement des activités terroristes</i> .	
<p><b>5 Duty to disclose — RCMP or CSIS</b></p> <p>Every entity set out in section 3 must disclose without delay to the Commissioner of the Royal Canadian Mounted Police or to the Director of the Canadian Security Intelligence Service</p> <ul style="list-style-type: none"> <li>• (a) the existence of property in their possession or control that they have reason to believe is owned, held or controlled by or on behalf of a designated person; and</li> <li>• (b) any information about a transaction or proposed transaction in respect of property referred to in paragraph (a).</li> </ul>	<p><b>5 Obligation de communication à la GRC et au SCRC</b></p> <p>Toute entité visée à l'article 3 est tenue de communiquer, sans délai, au commissaire de la Gendarmerie royale du Canada ou au directeur du Service canadien du renseignement de sécurité:</p> <ul style="list-style-type: none"> <li>• (a) le fait qu'elle croit que des biens qui sont en sa possession ou sous son contrôle appartiennent à une personne désignée ou sont détenus ou contrôlés par elle ou pour son compte;</li> <li>• (b) tout renseignement portant sur une transaction, réelle ou projetée, mettant en cause des biens visés à l'alinéa a).</li> </ul>	<p><b>5 Duty to disclose – RCMP or CSIS</b></p> <p>This clause requires Canadian financial service providers to disclose to the Royal Canadian Mounted Police or to the Canadian Security Intelligence Service whenever they determine that they are in possession or control of, or have any information about a transaction pertaining to, property that is owned, held or controlled by or on behalf of a designated person.</p> <p>It is expected that under this provision financial services providers will disclose information about a property or transaction where they have reason to believe the property or transaction is related to activities that are prohibited by the Emergency Measures Regulations. The purpose of the provision is to assist in ensuring that the objectives of the Order are achieved.</p> <p><u>Upon Revocation</u></p> <p>It is anticipated that information disclosed under this provision would be only what is needed to identify the property or transaction.</p> <p>If information is provided to the RCMP under s. 5 of the EEMO while it was in force, it can be used by the RCMP after the Order has ended. The usual authorities applicable to RCMP in relation to the use, retention, disclosure and/or destruction of information continue to apply to this information, including obligations under the Privacy Act and the Charter. While neither the Emergencies Act nor the EMR/EEMO prohibit the use of the information provided to the RCMP by the banks for other investigations, its use for investigations not associated with the Emergency Measures Regulations will need to be carefully considered for consistency with section 8 of the Charter. Decisions regarding potential</p>

Text	Texte	Interpretation
		<p>prosecutions would be made by prosecution services in the exercise of their functions based on the evidence and law in each case.</p> <p>If information is disclosed to CSIS under this provision, it is disclosed for the purpose of dealing with the emergency (Proclamation) and in the context of the Emergency Economic Measures Order (EEMO) “with respect to property”. EEMO is effectively an exceptional collection power for the Service. Upon receipt, CSIS would have to assess the information it has received and determine if, within its mandate, it could investigate pursuant to s. 12 of the CSIS Act. The usual authorities applicable to CSIS in relation to the use, retention, disclosure and/or destruction of information are found in the CSIS Act and in the Privacy Act, and subject to the Charter. Section 12 of the CSIS Act restricts CSIS’ collection and retention of information to only that which is strictly necessary to investigate a threat to the security of Canada.</p> <p>CSIS would retain the strictly necessary information to carry out its mandate under the CSIS Act in accordance with its authorities under the CSIS Act and in compliance with s. 8 of the Charter, and would destroy the non-threat-related information unless otherwise required by law to retain it.</p>
<p><b>6 Disclosure of information</b></p> <p>A Government of Canada, provincial or territorial institution may disclose information to any entity set out in section 3, if the disclosing institution is satisfied that the disclosure will contribute to the application of this Order.</p>	<p><b>6 Communication</b></p> <p>Toute institution fédérale, provinciale ou territoriale peut communiquer des renseignements au responsable d’une entité visée à l’article 3, si elle est convaincue que les renseignements aideront à l’application du présent décret.</p>	<p><b>6 Disclosure of information</b></p> <p>This clause is a discretionary power that authorizes federal, provincial, and territorial government institutions to disclose information to any Canadian financial service provider if the government institution is satisfied that the disclosure will contribute to the application of this Order. The information shared could include identifying information of persons and entities that are participating in the prohibited activities. It is understood that the government institutions will comply with the Charter and other legal requirements when determining whether or not to disclose information.</p> <p>The objective is to ensure that government institutions, including law enforcement agencies at any level, can provide information (e.g., the identity of designated</p>

Text	Texte	Interpretation
		<p>persons) to Canadian financial service providers for the purpose of enforcing the Order.</p> <p><u>Upon Revocation</u> Information disclosures by government institutions pursuant to the Order would no longer be authorized. Information that had been received by a financial service provider under the Order while the Order was in effect could not be used for other purposes and would have to be treated in accordance with applicable privacy laws. The type of information expected to be disclosed under this provision is information needed to identify the designated persons with whom the financial institutions are required to cease dealings under the Order.</p>
<p><b>7 Immunity</b></p> <p>No proceedings under the <i>Emergencies Act</i> and no civil proceedings lie against an entity for complying with this Order.</p>	<p><b>7 Immunité</b></p> <p>Aucune poursuite en vertu de la <i>Loi sur les mesures d'urgence</i> ni aucune procédure civile ne peuvent être intentées contre une entité qui se conforme au présent décret.</p>	<p><b>7 Immunity</b></p> <p>This clause provides immunity from legal proceedings under the <i>Emergencies Act</i> or from a civil action to any entity, including a Canadian financial service provider, due to actions taken to comply with the Order.</p> <p>The objective is to protect Canadian financial service providers who act in good faith in seeking to comply with the Order.</p> <p><u>Upon Revocation</u> Financial Service Providers that complied with the order would continue to benefit from the immunity from liability provided for in section 47 of the <i>Emergencies Act</i></p>
<p><b>8 Coming into force</b></p> <p>This Order comes into force on the day on which it is registered.</p>	<p><b>8 Entrée en vigueur</b></p> <p>Le présent décret entre en vigueur à la date de son enregistrement.</p>	<p><b>8 Coming into force</b></p> <p>This clause provides that the Order comes into force on the day it is registered, which is February 15, 2022.</p>

## *Emergencies Act Measures*

### Clause by Clause Interpretation and Impacts Revocation

#### EMERGENCY MEASURES REGULATIONS

Text	Texte	Interpretation
<p><b>Interpretation</b></p> <p><b>1</b> The following definitions apply to these Regulations</p> <p><b>Act</b> means the <i>Emergencies Act</i></p> <p><b>critical infrastructure</b> means the following places, including any land on which they are located:</p> <p>(a) airports, aerodromes, heliports, harbours, ports, piers, lighthouses, canals, railway stations, railways, tramway lines, bus stations, bus depots and truck depots;</p> <p>(b) infrastructure for the supply of utilities such as water, gas, sanitation and telecommunications;</p> <p>(c) international and interprovincial bridges and crossings;</p> <p>(d) power generation and transmission facilities;</p> <p>(e) hospitals and locations where COVID-19 vaccines are administered;</p>	<p><b>Définitions</b></p> <p>1 Les définitions qui suivent s’appliquent au présent règlement.</p> <p><b>agent de la paix</b> Tout officier de police ou agent de police employé à la préservation et au maintien de la paix publique.</p> <p><b>étranger</b> S’entend au sens du paragraphe 2(1) de la <i>Loi sur l’immigration et la protection des réfugiés</i>.</p> <p><b>infrastructures essentielles</b> Les lieux ci-après, y compris le terrain sur lequel ils sont situés :</p> <p>(a) les aéroports, aérodromes, héliports, havres, ports, gares maritimes, jetées, phares, canaux, gares ferroviaires et chemins de fer, terminus d’autobus et garages d’autobus ou de camions;</p> <p>(b) les infrastructures servant à la fourniture de services publics tels que l’eau, le gaz, l’assainissement et les télécommunications;</p> <p>(c) les ponts et les ouvrages de franchissement internationaux et interprovinciaux;</p>	<p>Section 1 defines certain terms for the purposes of the provisions of the <i>Emergencies Measures Regulations (EMR)</i>.</p> <p>The term “critical infrastructure” is defined by an enumerated list of categories of places. Any place falling within one of these categories is designated as protected under s.6(a) and thus may be preventatively protected and secured under that section in accordance with the EMR.</p> <p>The term “foreign national” is defined as having the same meaning as s.2 of the <i>Immigration and Refugee Protection Act</i>, which defines that term as “a person who is not a Canadian citizen or a permanent resident, and includes a stateless person.”</p> <p>The term “peace officer” as defined in the EMR is narrower than the definition of “peace officer” in the <i>Criminal Code</i>. Not all peace officers under the <i>Criminal Code</i> can enforce the EMR. The EMR definition includes only those peace officers who are employed for the preservation and maintenance of the public peace.</p> <p>The term “protected person” is defined as having the same meaning as s.95(2) of the <i>Immigration and Refugee Protection Act</i> which defines that term as “a person on whom refugee protection is conferred...., and whose claim or application has not subsequently been deemed to be rejected....”</p>

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<p>(f) trade corridors and international border crossings, including ports of entry, ferry terminals, customs offices, bonded warehouses, and sufferance warehouses.</p> <p><b>foreign national</b> has the same meaning as in subsection 2(1) of the <i>Immigration and Refugee Protection Act</i></p> <p><b>peace officer</b> means a police officer, police constable, constable, or other person employed for the preservation and maintenance of the public peace</p> <p><b>protected person</b> has the same meaning as in subsection 95(2) of the <i>Immigration and Refugee Protection Act</i></p>	<p>(d) les installations de production et de transmission d'énergie;</p> <p>(e) les hôpitaux et les endroits où sont administrés les vaccins contre la COVID-19;</p> <p>(f) les axes commerciaux et les postes frontaliers internationaux, y compris les points d'entrée, les bureaux de douanes, les entrepôts de stockage et les entrepôts d'attente.</p> <p><i>Loi</i> La <i>Loi sur les mesures d'urgence</i>.</p> <p><i>personne protégée</i> S'entend au sens du paragraphe 95(2) de la <i>Loi sur l'immigration et la protection des réfugiés</i>.</p>	
<p><b>Prohibition — public assembly</b></p> <p>2(1) A person must not participate in a public assembly that may reasonably be expected to lead to a breach of the peace by:</p> <p>(a) the serious disruption of the movement of persons or goods or the serious interference with trade;</p> <p>(b) the interference with the functioning of critical infrastructure; or</p> <p>(c) the support of the threat or use of acts of serious violence against persons or property.</p>	<p><b>Interdiction – assemblée publique</b></p> <p>2(1) Il est interdit de participer à une assemblée publique dont il est raisonnable de penser qu'elle aurait pour effet de troubler la paix par l'un des moyens suivants :</p> <p>a) en entravant gravement le commerce ou la circulation des personnes et des biens;</p> <p>b) en entravant le fonctionnement d'infrastructures essentielles;</p> <p>c) en favorisant l'usage de la violence grave ou de menaces de violence contre des personnes ou des biens.</p>	<p>Subsection 2(1) prohibits any person from participating in a public assembly that may be reasonably expected to lead to a breach of the peace by the effects set out in the three subordinate paragraphs (<i>i.e.</i>, “unlawful assembly”). Contravention of this prohibition is an offence under s.10(2) of the EMR.</p> <p>This provision sets out three prescribed factors by which a public assembly may be considered to breach the peace and become unlawful. The three factors that may be reasonably expected to lead to a breach of the peace are: (a) serious disruption of the movement of persons or goods or the serious interference with trade; (b) interference with the functioning of critical infrastructure; or (c) support of the threat or use of acts of serious violence against persons or property. Only one of those prescribed factors need be present for the public assembly to be considered unlawful.</p>



Text	Texte	Interpretation
		<p>This provision is not geographically limited to specific sites, and applies to unlawful public assemblies wherever they may manifest. This includes the protected places prescribed in section 6 of the EMR.</p> <p>This provision applies to both participation in public assemblies that have already lead to a breach of the peace and become unlawful and as well as to participation in public assemblies that may be “reasonably expected” to become unlawful in the future.</p> <p>Reasonably expected means that there is sufficient, objectively verifiable evidence that would lead a reasonable person to conclude that the public assembly would cause one of the effects set out in s.2(1)(a), (b), or (c) so as to breach the peace.</p> <p>Where sufficient evidence supports a reasonable expectation that a public assembly will breach the peace in one of the prescribed manners, participation in that public assembly, at whatever stage – from preparation to execution – would constitute an offence under subsection 10(2). Incipient unlawful assemblies may thus be dispersed before a breach of the peace manifests.</p> <p><u>Upon Revocation</u> Upon revocation there would no longer be a prohibition on this kind of offence, from the date of revocation; but any offences while the EMR was in force could continue to be investigated, charged, and prosecuted, subject to police discretion and to prosecution decisions as to whether there was a reasonable prospect of conviction and whether it was in the public interest to proceed.</p>
<p><b>Minor</b> 2(2) A person must not cause a person under the age of eighteen years to participate in an assembly referred to in subsection (1).</p>	<p><b>Mineur</b> 2(2) Il est interdit de faire participer une personne âgée de moins de dix-huit ans à une assemblée visée au paragraphe (1).</p>	<p>Subsection 2(2) prohibits anyone from causing a person under the age of 18 to participate in an assembly, as defined under s.2(1). Causing a person under 18 years of age to participate in a public assembly that has already in the present led to, or may be reasonably expected to lead to a breach of the peace in the future by</p>

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		<p>reason of any of the three subordinate paragraphs is unlawful and constitutes an offence under subsection 10(2).</p> <p><u>Upon Revocation</u>  Upon revocation there would no longer be a prohibition on this kind of offence, from the date of revocation; but any offences while the EMR was in force could continue to be investigated, charged, and prosecuted, subject to police discretion and to prosecution decisions as to whether there was a reasonable prospect of conviction and whether it was in the public interest to proceed</p>
<p><b>Prohibition — entry to Canada — foreign national</b></p> <p>3(1) A foreign national must not enter Canada with the intent to participate in or facilitate an assembly referred to in subsection 2(1).</p>	<p><b>Interdiction – entrée au Canada – étranger</b></p> <p>3(1) Il est interdit à l'étranger d'entrer au Canada avec l'intention de participer à une assemblée visée au paragraphe 2(1) ou de faciliter une telle assemblée.</p>	<p>Subsection 3(1) prohibits foreign nationals, as defined in s.1 of the EMR, from entering Canada where it is determined that they are seeking to enter Canada with the intent to participate in or facilitate an unlawful assembly as defined by s.2(1).</p> <p>For the purpose of determining whether the foreign national has an “intent to participate in” in an unlawful assembly, it may be considered whether there is evidence that the foreign national is:</p> <ul style="list-style-type: none"> <li>- Directly or indirectly contributing to the effects set out in any one of the three subordinate paragraph in s.2(1) by which an assembly may become unpeaceable and therefore unlawful</li> <li>- Providing or offering to provide a skill or expertise for the benefit of, at the direction of, or in association with persons engaged in an unlawful assembly;</li> <li>- Recruiting a person in order to facilitate or participate in an unlawful assembly;</li> <li>- Making oneself available to facilitate or participate in an unlawful assembly.</li> </ul> <p>For the purpose of determining whether the foreign national has an “intent to facilitate” an unlawful assembly, it may be considered whether there is evidence that the foreign national intends to enhance the ability (<i>i.e.</i>, to make it easier) of,</p>

Text	Texte	Interpretation
		<p>persons engaged in unlawful assembly to unlawfully assemble. Assessed objectively, facilitation is conduct that a reasonable person would view as capable of materially enhancing the ability to assemble unlawfully.</p> <p><u>Upon Revocation</u> Upon revocation there would no longer be a prohibition on this kind of offence, from the date of revocation; but any offences committed while the EMR was in force could continue to be investigated, charged, and prosecuted, subject to police discretion and to prosecution decisions as to whether there was a reasonable prospect of conviction and whether it was in the public interest to proceed.</p> <p>However, any convictions would continue to trigger criminal inadmissibility under IRPA and foreign nationals would be subject to removal and would be barred from re-entry in accordance with existing IRPA provisions.</p>
<p><b>Exemption</b> 3(2) Subsection (1) does not apply to</p> <p>(a) a person registered as an Indian under the Indian Act;</p> <p>(b) a person who has been recognized as a Convention refugee or a person in similar circumstances to those of a Convention refugee within the meaning of subsection 146(1) of the <i>Immigration and Refugee Protection Regulations</i> who is issued a permanent resident visa under subsection 139(1) of those regulations;</p> <p>(c) a person who has been issued a temporary resident permit within the meaning of subsection 24(1) of the <i>Immigration and Refugee Protection Act</i> and who seeks to enter Canada as a protected</p>	<p><b>Exemption</b> 3(2) Le paragraphe (1) ne s'applique pas aux personnes suivantes :</p> <p>a) une personne inscrite à titre d'Indien sous le régime de la <i>Loi sur les Indiens</i>;</p> <p>b) la personne reconnue comme réfugié au sens de la Convention, ou la personne dans une situation semblable à celui-ci au sens du paragraphe 146(1) du <i>Règlement sur l'immigration et la protection des réfugiés</i>, qui est titulaire d'un visa de résident permanent délivré aux termes du paragraphe 139(1) de ce règlement;</p> <p>c) la personne qui est titulaire d'un permis de séjour temporaire au sens du paragraphe 24(1) de la <i>Loi sur l'immigration et la protection des</i></p>	<p>Subsection 3(2) enumerates classes of persons exempted from the prohibition on entry by foreign nationals under s.3(1) of the EMR. The classes of exempted persons includes:</p> <ul style="list-style-type: none"> <li>- persons registered under the <i>Indian Act</i>;</li> <li>- Convention refugees or a person in similar circumstances (as defined by the <i>Immigration and Refugee Protection Act</i> and the <i>Immigration and Refugee Protection Regulations</i>) who is issued a permanent resident visa;</li> <li>- Persons issued a Temporary Resident Permit under the <i>Immigration and Refugee Protection Act</i> and seeking entry as a protected temporary resident;</li> <li>- Persons who make a claim for refugee protection under the <i>Immigration and Refugee Protection Act</i>;</li> </ul>

Text	Texte	Interpretation
<p>temporary resident under subsection 151.1(2) of the <i>Immigration and Refugee Protection Regulations</i>;</p> <p>(d) a person who seeks to enter Canada for the purpose of making a claim for refugee protection;</p> <p>(e) a protected person;</p> <p>(f) a person or any person in a class of persons whose presence in Canada, as determined by the Minister of Citizenship and Immigration or the Minister of Public Safety and Emergency Preparedness, is in the national interest.</p>	<p><i>réfugiés</i> et qui cherche à entrer au Canada à titre de résident temporaire protégé aux termes du paragraphe 151.1(2) du <i>Règlement sur l'immigration et la protection des réfugiés</i>;</p> <p>d) la personne qui cherche à entrer au Canada afin de faire une demande d'asile;</p> <p>e) la personne protégée;</p> <p>f) sa présence au Canada est, individuellement ou au titre de son appartenance à une catégorie de personnes, selon ce que conclut le ministre de la Citoyenneté et de l'Immigration ou le ministre de la Sécurité publique et de la Protection civile, dans l'intérêt national.</p>	<ul style="list-style-type: none"> <li>- Protected persons as defined by s.95(2) of the <i>Immigration and Refugee Protection Act</i>; and</li> <li>- A person or class of persons whose presence in Canada, as determined by the Minister of Citizenship and Immigration or the Minister of Public Safety, is in the national interest.</li> </ul>
<p><b>Travel</b></p> <p>4(1) A person must not travel to or within an area where an assembly referred to in subsection 2(1) is taking place.</p>	<p><b>Déplacements</b></p> <p>4(1) Il est interdit de se déplacer à destination ou à l'intérieur d'une zone où se tient une assemblée visée au paragraphe 2(1).</p>	<p>Section 4(1) prohibits travel to or within any area where an unlawful assembly as defined by s.2(1) is taking place or is reasonably expected to take place. A contravention is an offence under subsection 10(2).</p> <p>Notably, this provision does not prohibit travel <i>from</i> such places, which allows for persons engaged in unlawful assembly to leave assembly sites, notwithstanding that their participation in the unlawful assembly constitutes an offence under subsection 10(2).</p> <p><u>Upon Revocation</u></p> <p>Upon revocation there would no longer be a prohibition on this kind of offence, from the date of revocation; but any offences committed while the EMR was in force could continue to be investigated, charged, and prosecuted, subject to police discretion and to prosecution decisions as to whether there was a reasonable prospect of conviction and whether it was in the public interest to proceed.</p>

Text	Texte	Interpretation
<p><b>Minor — travel near public assembly</b></p> <p>4(2) A person must not cause a person under the age of eighteen years to travel to or within 500 metres of an area where an assembly referred to in subsection 2(1) is taking place.</p>	<p><b>Déplacements à proximité d’une assemblée publique – mineur</b></p> <p>4(2) Il est interdit de faire déplacer une personne âgée de moins de dix-huit ans, à destination ou à moins de 500 mètres de la zone où se tient une assemblée visée au paragraphe 2(1).</p>	<p>Subsection 4(2) prohibits any person from causing a person under the age of 18 years to travel to any area where an unlawful assembly is taking place, is reasonably expected to take place, or within a 500 metre radius of any such area. A contravention is an offence under subsection 10(2).</p> <p>Notably, this provision does not prohibit causing a person under the age of 18 years to travel <i>from</i> such places, which allows for any person causing a minor to attend unlawful assemblies to leave assembly sites with the minor, notwithstanding that causing the minor to attend and participation in the unlawful assembly constitute offences under subsection 10(2).</p> <p><u>Upon Revocation</u></p> <p>Upon revocation there would no longer be a prohibition on this kind of offence, from the date of revocation; but any offences committed while the EMR was in force could continue to be investigated, charged, and prosecuted, subject to police discretion and to prosecution decisions as to whether there was a reasonable prospect of conviction and whether it was in the public interest to proceed.</p>
<p><b>Exemptions</b></p> <p>4(3) A person is not in contravention of subsections (1) and (2) if they are</p> <p>(a) a person who, within of the assembly area, resides, works or is moving through that area for reasons other than to participate in or facilitate the assembly;</p> <p>(b) a person who, within the assembly area, is acting with the permission of a peace officer or the Minister of Public Safety and Emergency Preparedness;</p> <p>(c) a peace officer; or</p>	<p><b>Exemptions</b></p> <p>4(3) Ne contrevient pas aux paragraphes (1) et (2) :</p> <p>a) la personne qui réside, travaille ou circule dans la zone de l’assemblée, pour des motifs autres que de prendre part à l’assemblée ou la faciliter;</p> <p>b) la personne qui, relativement à la zone d’assemblée, agit avec la permission d’un agent de la paix ou du ministre de la Sécurité publique et de la Protection civile;</p> <p>c) l’agent de la paix;</p>	<p>Subsection 4(3) enumerates classes of persons not subject to the prohibition on travel set out in s.4(1) of the EMR. The exemptions contemplate persons with legitimate, lawful purposes for travelling to or within areas where an unlawful assembly is taking place. The classes of exempted persons include:</p> <ul style="list-style-type: none"> <li>- Any person who lives in, works in, or is moving through the area for reasons other than to participate in or facilitate an unlawful assembly;</li> <li>- A person in the unlawful assembly area acting with the permission of a peace officer as defined by the EMR, or the Minister of Public Safety and Emergency Preparedness;</li> <li>- Peace officers as defined by the EMR; and</li> </ul>

Text	Texte	Interpretation
(d) (d) an employee or agent of the government of Canada or a province who is acting in the execution of their duties.	d) l'employé ou le mandataire du gouvernement du Canada ou d'une province qui agit dans l'exercice de ses fonctions.	- Employees or agents of a provincial or the federal government acting in the execution of their duties.
<p><b>Use of property — prohibited assembly</b></p> <p>5 A person must not, directly or indirectly, use, collect, provide make available or invite a person to provide property to facilitate or participate in any assembly referred to in subsection 2(1) or for the purpose of benefiting any person who is facilitating or participating in such an activity.</p>	<p><b>Utilisation de biens – assemblée interdite</b></p> <p>5 Il est interdit, directement ou non, d'utiliser, de réunir, de rendre disponibles ou de fournir des biens — ou d'inviter une autre personne à le faire — pour participer à toute assemblée visée au paragraphe 2(1) ou faciliter une telle assemblée ou pour en faire bénéficier une personne qui participe à une telle assemblée ou la facilite.</p>	<p>Section 5 prohibits directly or indirectly using, collecting, providing, making available, or inviting a person to provide any property (including real property and chattels) for prescribed purposes.</p> <p>The four prescribed purposes for which direct or indirect use, collection, provision, etc., of property is prohibited by this provision are:</p> <ul style="list-style-type: none"> <li>- Participation in an unlawful assembly;</li> <li>- Facilitation of an unlawful assembly;</li> <li>- Benefiting any person who is participating in an unlawful assembly; and</li> <li>- Benefiting any person who is facilitating an unlawful assembly.</li> </ul> <p>Each of these four purposes is separately prescribed. The presence of only one of these purpose is sufficient for the direct or indirect use, collection, provision, etc., of property to be prohibited by this provision.</p> <p>As noted, this provision prohibits direct or indirect use, collection provision, etc., of property for the purpose of benefiting persons participating in or facilitating an unlawful assembly.</p> <p>Thus, the benefactor need not be participating in or facilitating unlawful assembly; it is sufficient that the use, collection provision, etc., of property be intended to benefit a participant or facilitator of an unlawful assembly. Moreover, the benefit received need not materially contribute to an unlawful assembly; it is sufficient that a participant or facilitator of an unlawful assembly is the intended beneficiary of the property. A contravention is an offence under subsection 10(2).</p>

Text	Texte	Interpretation
		<p>A separate order under the <i>Emergencies Act</i> (separate from the <i>Emergency Measure Regulations</i>) entitled the <i>Emergency Economic Measures Order (EEMO)</i> is in place to deal specifically with financing and banking measures.</p> <p><u>Upon Revocation</u> Upon revocation there would no longer be a prohibition on this kind of offence, from the date of revocation; but any offences committed while the EMR was in force could continue to be investigated, charged, and prosecuted, subject to police discretion and to prosecution decisions as to whether there was a reasonable prospect of conviction and whether it was in the public interest to proceed.</p> <p>Any property seized pursuant to this provision, if required as evidence in an investigation or prosecution, could be retained by police in accordance with the usually applicable Criminal Code provisions.</p> <p>Property seized but not required as evidence could be returned, and claimants could make application for such property pursuant to Criminal Code provisions.</p>
<p><b>Designation of protected places</b></p> <p>6 The following places are designated as protected and may be secured:</p> <p>(a) critical infrastructures;</p> <p>(b) <i>Parliament Hill</i> and the <i>parliamentary precinct</i> as they are defined in section 79.51 of the <i>Parliament of Canada Act</i>;</p> <p>(c) official residences;</p> <p>(d) government buildings and defence buildings</p> <p>(e) any property that is a building, structure or part thereof that primarily serves as a monument to</p>	<p><b>Désignation de lieux protégés</b></p> <p>6 Les lieux suivants sont protégés et peuvent être aménagés:</p> <p>a) les infrastructures essentielles;</p> <p>b) la <i>cite parlementaire</i> et la <i>Colline parlementaire</i> au sens de l'article 79.51 de la <i>Loi sur le Parlement du Canada</i>;</p> <p>c) les résidences officielles;</p> <p>d) les immeubles gouvernementaux et les immeubles de la défense;</p>	<p>Section 6 designates as “protected places” various categories of place that may be secured from the effects of unlawful assembly as set out in subsection 2(1) of the EMR. (Note that the section 2 has broad application in its own right, and that the additional express authority in section 6 does not narrow the application of section 2).</p> <p>The designated places protected by section 6 and which may be secured include:</p> <ul style="list-style-type: none"> <li>- Critical infrastructure (as defined by section 1 of the EMR).</li> <li>- The “parliamentary precinct”, as defined in s.79.51 of the <i>Parliament of Canada Act</i> which defines the parliamentary precinct as “the premises or any part of the premises, other than the constituency offices of members of Parliament, that are used by the following entities or individuals or their</li> </ul>

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<p>honour persons who were killed or died as a consequence of a war, including a war memorial or cenotaph, or an object associated with honouring or remembering those persons that is located in or on the grounds of such a building or structure, or a cemetery;</p> <p>(f) (f) any other place as designated by the Minister of Public Safety and Emergency Preparedness.</p>	<p>e) tout ou partie d'un bâtiment ou d'une structure servant principalement de monument érigé en l'honneur des personnes tuées ou décédées en raison d'une guerre — notamment un monument commémoratif de guerre ou un cénotaphe —, d'un objet servant à honorer ces personnes ou à en rappeler le souvenir et se trouvant dans un tel bâtiment ou une telle structure ou sur le terrain où ceux-ci sont situés, ou d'un cimetière;</p> <p>f) tout autre lieu désigné par le ministre de la Sécurité publique et de la Protection civile.</p>	<p>officers or staff, and that are designated in writing by the Speaker of the Senate or the Speaker of the House of Commons: (a) the Senate, House of Commons, Library of Parliament or Parliamentary committees; (b) members of the Senate or the House of Commons who are carrying out their parliamentary functions; (c) the Senate Ethics Officer or the Conflict of Interest and Ethics Commissioner; (d) the [Parliamentary Protective] Service; or (d) the Parliamentary Budget Officer.</p> <ul style="list-style-type: none"> <li>- “Parliament Hill”, as defined in s.79.51 of the <i>Parliament of Canada Act</i> which defines Parliament Hill as, “the grounds in the City of Ottawa bounded by Wellington Street, the Rideau Canal, the Ottawa River and Kent Street.”</li> <li>- Official residences, which include Rideau Hall (Governor General), 24 Sussex Drive (Prime Minister), Harrington Lake (Prime Minister), Stornoway (Leader of the Opposition), 7 Rideau Gate (foreign dignitaries), and The Farm (Speaker of the House of Commons);</li> <li>- Government buildings and defence buildings; this includes municipal, provincial, territorial, and federal government buildings; and</li> <li>- Any building or structure or part thereof that primarily serves as a monument to honour persons who were killed or died as a consequence of a war, including war memorials or cenotaphs, or an object associated with honouring or remembering those persons that is located in or on the grounds of such a building or structure, or a cemetery;</li> </ul> <p>Paragraph 6(f) gives the Minister of Public Safety and Emergency Preparedness the authority to designate other places as protected places that may be secured. Such designation is for the purpose of eliminating or preventing, in the place so designated, one or more the effects of an unlawful assembly as set out in the three subordinate paragraphs in subsection 2(1) of the EMR.</p>



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		<p><u>Upon Revocation</u> Upon revocation this provision would no longer be available. Police and law enforcement authorities could continue to rely on previously existing common law and statutory authorities in specific circumstances as set out in those statutes and at common law.</p>
<p><b>Direction to render essential goods and services</b> 7(1) Any person must make available and render the essential goods and services requested by the Minister of Public Safety and Emergency Preparedness, the Commissioner of the Royal Canadian Mounted Police or a person acting on their behalf for the removal, towing and storage of any vehicle, equipment, structure or other object that is part of a blockade.</p>	<p><b>Ordre de fournir des biens et services essentiels</b> 7(1) Toute personne doit rendre disponibles et fournir les biens et services essentiels demandés par le ministre de la Sécurité publique et de la Protection civile, du commissaire de la Gendarmerie royale du Canada, ou la personne agissant en leur nom pour l'enlèvement, le remorquage et l'entreposage de véhicules, d'équipement, des structures ou de tout autre objet qui composent un blocage.</p>	<p>Subsection 7(1) authorizes the Minister of Public Safety and Emergency Preparedness, the Commissioner of the RCMP, or a person acting on their behalf to request a person to provide goods or render services that are essential for removal, towing, and storage of vehicles, equipment, structures or other obstructions that are part of a blockade. A person so requested is required to provide the requested service. Failure to provide the requested essential service is an offence under s.10(2) of the EMR.</p> <p>For the RCMP, the Commissioner must have a written assignment in place that authorizes a person to make a request on her behalf, which should be dated and signed by the Commissioner. The written request for services/goods should be a template form citing section 7 of the EMR, identifying the services requested, and stating that on completion of services or delivery of goods a payment will be made pursuant to section 9 of the EMRs at the local market rate.</p> <p><u>Upon Revocation</u> Upon revocation, this provision would no longer be available to compel third parties to make available the essential goods and services. Any compensation claims made under this provision would still need to be proceeded with.</p>
<p><b>Method of request</b> 7(2) Any request made under subsection (1) may be made in writing or given verbally by a person acting on their behalf.</p>	<p><b>Modalités</b> 7(2) La demande faite au titre du paragraphe (1) peut être faite par écrit ou communiquée verbalement ou la personne agissant en son nom.</p>	<p>Subsection 7(2) allow for such requests to be made in writing by the Minister of Public Safety and Emergency Preparedness, the Commissioner of the RCMP or a person acting on their behalf. Verbal requests may be made by a person acting on behalf of the Minister or Commissioner.</p>

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<p><b>Verbal request</b></p> <p>7(3) Any verbal request must be confirmed in writing as soon as possible.</p>	<p><b>Demande verbale</b></p> <p>7(3) La demande verbale est confirmée par écrit dès que possible.</p>	<p>Subsection 7(3) requires that a verbal request must be confirmed in writing as soon as possible.</p>
<p><b>Period of request</b></p> <p>8 A person who, in accordance with these Regulations, is subject to a request under section 7 to render essential goods and services must comply immediately with that request until the earlier of any of the following:</p> <p>(a) the day referred to in the request;</p> <p>(b) the day on which the declaration of the public order emergency expires or is revoked; or</p> <p>(c) the day on which these Regulations are repealed.</p>	<p><b>Période de validité</b></p> <p>8 Quiconque fait l'objet d'une demande au titre de l'article 7 pour la fourniture de biens et de services essentiels est tenu de s'y conformer dans les plus brefs délais jusqu'à la première des dates suivantes :</p> <p>a) la date indiquée à la demande;</p> <p>b) la date de l'abrogation ou la cessation d'effet de la déclaration d'état d'urgence;</p> <p>c) la date de l'abrogation du présent règlement.</p>	<p>Subsection 8 creates an obligation for any person receiving a request under subsection 7(1) to provide the requested essential good or service immediately and to continue to provide that essential good or service until the earliest of the following:</p> <ul style="list-style-type: none"> <li>- A date specified in the written or verbal request;</li> <li>- Expiry or revocation of the declaration of the public order emergency; or</li> <li>- the day the <i>Emergency Measure Regulations</i> are repealed.</li> </ul> <p><u>Upon Revocation</u></p> <p>Upon revocation, an individual subject to such an order would no longer be compellable; however, if they had refused to comply during the term of the EMRs, they may still be investigated, charged and prosecuted for that refusal, subject to police discretion and the prosecutor's decision as to whether there was a reasonable prospect of conviction and whether it was in the public interest to proceed.</p>
<p><b>Compensation for essential goods and services</b></p> <p>9(1) Her Majesty in right of Canada is to provide reasonable compensation to a person for any goods or services that they have rendered at their request under section 7, which amount must be equal to the current market price for those goods or services of that same type, in the area in which the goods or services are rendered.</p>	<p><b>Indemnisation pour les biens et services essentiels</b></p> <p>9(1) Sa Majesté du chef du Canada accorde une indemnité raisonnable à la personne pour les biens fournis et les services rendus à sa demande aux termes de l'article 7 dont le montant équivaut au taux courant du marché pour les biens et services de même type, dans la région où les biens ont été fournis ou où les services ont été rendus.</p>	<p>Subsection 9(1) requires Canada to provide reasonable compensation to persons for goods and services rendered pursuant to a request under subsection 7(1) at local market rates.</p> <p>Persons who provide essential services in accordance with s.7(1) and 8 of the EMR will receive compensation via existing Government of Canada procurement mechanisms.</p>

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<p><b>Compensation</b></p> <p>9(2) Any person who suffers loss, injury or damage as a result of anything done or purported to be done under these Regulations may make an application for compensation in accordance with Part V of the <i>Emergencies Act</i> and any regulations made under that Part, as the case may be.</p>	<p><b>Indemnisation</b></p> <p>9(2) Toute personne qui subit des dommages corporels ou matériels entraînés par des actes accomplis, ou censés l'avoir été, en application du présent règlement peut, à cet égard, présenter une demande d'indemnisation conformément à la partie V de la <i>Loi sur les mesures d'urgence</i> et à ses règlements d'application, le cas échéant.</p>	<p>Subsection 9(2) provides for applications for compensation for loss, injury or damage as a result of anything done or purported to be done under these Regulations.</p> <p>Compensation is available in accordance with the Part V of the <i>Emergencies Act</i>. Subsection 48(1) of the Act provides that a designated minister shall award reasonable compensation to any person who suffers loss, injury or damage as a result of any thing done, or purported to be done under the EMR. Under s.48(2), compensation may only be paid if the person in receipt signs, in a form provided by the Minister, a release of any right of action that the person may have against the Crown as a result of any thing done, or purported to be done, under the EMR.</p> <p>Applications for compensation due to loss, injury or damage may be made in the manner prescribed by regulations made under s.49 of the <i>Emergencies Act</i>.</p>
<p><b>Compliance — peace officer</b></p> <p>10 (1) In the case of a failure to comply with these Regulations, any peace officer may take the necessary measures to ensure the compliance with these Regulations and with any provincial or municipal laws and allow for the prosecution for that failure to comply.</p>	<p><b>Application des lois</b></p> <p>10 (1) En cas de contravention au présent règlement, tout agent de la paix peut prendre les mesures nécessaires pour faire observer le présent règlement ou toutes lois provinciales ou municipales et permettre l'engagement de poursuites pour cette contravention.</p>	<p>Subsection 10(1) authorizes peace officers (as defined by section 1 of the EMR) to take necessary measures to ensure compliance with the prohibitions and obligations set out in the EMR, as well as with any provincial laws or municipal bylaws in force in that province.</p> <p>The term “peace officer” as defined in the EMR is narrower than the definition of “peace officer” as applied in the <i>Criminal Code</i>. Not all peace officers under the <i>Criminal Code</i> can enforce these Regulations. The EMR definition includes only those peace officers who are employed for the preservation and maintenance of the public peace.</p> <p>“Necessary measures” refers to measures that are reasonably necessary in the particular circumstances and proportionate to the nature of the non-compliance and to the objective of ensuring compliance.</p> <p>Notably, s.31(2) of the <i>Interpretation Act</i> also provides that where power is given to a person, officer or functionary to do or enforce the doing of any act or thing, all</p>

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		such powers as are necessary to enable the person, officer or functionary to do or enforce the doing of the act or thing are deemed to be also given.
<p><b>Contravention of Regulations</b></p> <p>10(2) In the case of a failure to comply with these Regulations, any peace officer may take the necessary measures to ensure the compliance and allow for the prosecution for that failure to comply</p> <p>(a) on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both; or</p> <p>(b) (b) on indictment, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years or to both.</p>	<p><b>Pénalités</b></p> <p>10(2) Quiconque contrevient au présent règlement est coupable d'une infraction passible, sur déclaration de culpabilité :</p> <p>a) par procédure sommaire, d'une amende maximale de 500 \$ et d'un d'emprisonnement maximal de six mois, ou de l'une de ces peines;</p> <p>b) par mise en accusation, d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de cinq ans, ou de l'une de ces peines.</p>	<p>Subsection 10(2) creates a “hybrid” or “dual procedure” offence for failure to comply with the prohibitions and regulations set out in the EMR.</p> <p>Under s.34(2) of the <i>Interpretation Act</i>, all the provisions of the <i>Criminal Code</i> relating to indictable and summary offences respectively apply to indictable and summary offences created by these Regulations. Accordingly, the provision provides for a prosecutorial election as to the mode of proceedings, <i>i.e.</i>, to proceed summarily or by indictment. Likewise, the <i>Criminal Code</i> warrantless arrest, release, and charging provisions and procedures apply for offences under the EMR.</p> <p>Importantly, arrests, detention, release, bail and other <i>Criminal Code</i> procedures undertaken for the purposes of these Regulations must be carried out in a manner that complies with the <i>Charter</i>.</p>
<p><b>Coming into force</b></p> <p>11 This Order comes into force on the day on which it is registered.</p>	<p><b>Entrée en vigueur</b></p> <p>11 Le présent règlement entre en vigueur à la date de son enregistrement.</p>	<p>Subsection 11 brings these Regulation into force upon registration. The EMR were registered and therefore came into force on February 15, 2022.</p>