

**PART IV**

# **Offences Against the Administration of Law and Justice (continued)**

## **Corruption and Disobedience (continued)**

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### **Influencing or negotiating appointments or dealing in offices**

**125** Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or is guilty of an offence punishable on summary conviction who

- (a)** receives, agrees to receive, gives or procures to be given, directly or indirectly, a reward, advantage or benefit of any kind as consideration for cooperation, assistance or exercise of influence to secure the appointment of any person to an office,
- (b)** solicits, recommends or negotiates in any manner with respect to an appointment to or resignation from an office, in expectation of a direct or indirect reward, advantage or benefit, or
- (c)** keeps without lawful authority a place for transacting or negotiating any business relating to
  - (i)** the filling of vacancies in offices,
  - (ii)** the sale or purchase of offices, or
  - (iii)** appointments to or resignations from offices.

R.S., 1985, c. C-46, s. 125; 2018, c. 29, s. 7; [2019, c. 25, s. 38](#).

### **Disobeying a statute**

**126 (1)** Every person who, without lawful excuse, contravenes an Act of Parliament by intentionally doing anything that it forbids or by intentionally omitting to do anything that it requires to be done is, unless a punishment is expressly provided by law, guilty of

- (a)** an indictable offence and liable to imprisonment for a term of not more than two years;  
or
- (b)** an offence punishable on summary conviction.

**Attorney General of Canada may act**

**(2)** Any proceedings in respect of a contravention of or conspiracy to contravene an Act mentioned in subsection (1), other than this Act, may be instituted at the instance of the Government of Canada and conducted by or on behalf of that Government.

R.S., 1985, c. C-46, s. 126; R.S., 1985, c. 27 (1st Supp.), s. 185(F); 2019, c. 25, s. 39.

### **Disobeying order of court**

**127 (1)** Every one who, without lawful excuse, disobeys a lawful order made by a court of justice or by a person or body of persons authorized by any Act to make or give the order, other than an order for the payment of money, is, unless a punishment or other mode of proceeding is expressly provided by law, guilty of

- (a)** an indictable offence and liable to imprisonment for a term not exceeding two years; or
- (b)** an offence punishable on summary conviction.

### **Attorney General of Canada may act**

**(2)** Where the order referred to in subsection (1) was made in proceedings instituted at the instance of the Government of Canada and conducted by or on behalf of that Government, any proceedings in respect of a contravention of or conspiracy to contravene that order may be instituted and conducted in like manner.

R.S., 1985, c. C-46, s. 127; R.S., 1985, c. 27 (1st Supp.), s. 185(F); 2005, c. 32, s. 1.

### **Misconduct of officers executing process**

**128** Every peace officer or coroner is guilty of an indictable offence and liable to imprisonment for a term of not more than two years or is guilty of an offence punishable on summary conviction who, being entrusted with the execution of a process, intentionally

- (a)** misconducts himself in the execution of the process, or
- (b)** makes a false return to the process.

R.S., 1985, c. C-46, s. 128; 2019, c. 25, s. 40.

### **Offences relating to public or peace officer**

**129** Every one who

- (a)** resists or wilfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid of such an officer,
- (b)** omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so, or
- (c)** resists or wilfully obstructs any person in the lawful execution of a process against lands or goods or in making a lawful distress or seizure,

is guilty of

**(d)** an indictable offence and is liable to imprisonment for a term not exceeding two years,  
or

**(e)** an offence punishable on summary conviction.

R.S., c. C-34, s. 118; 1972, c. 13, s. 7.

### **Personating peace officer**

**130 (1)** Everyone commits an offence who

**(a)** falsely represents himself to be a peace officer or a public officer; or

**(b)** not being a peace officer or public officer, uses a badge or article of uniform or equipment in a manner that is likely to cause persons to believe that he is a peace officer or a public officer, as the case may be.

### **Punishment**

**(2)** Everyone who commits an offence under subsection (1)

**(a)** is guilty of an indictable offence and liable to imprisonment for a term of not more than five years; or

**(b)** is guilty of an offence punishable on summary conviction.

R.S., 1985, c. C-46, s. 130; 2009, c. 28, s. 2.

### **Aggravating circumstance**

**130.1** If a person is convicted of an offence under section 130, the court imposing the sentence on the person shall consider as an aggravating circumstance the fact that the accused personated a peace officer or a public officer, as the case may be, for the purpose of facilitating the commission of another offence.

2014, c. 10, s. 1.

## **Misleading Justice**

### **Perjury**

**131 (1)** Subject to subsection (3), every one commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to be made before him a false statement under oath or solemn affirmation, by affidavit, solemn declaration or deposition or orally, knowing that the statement is false.

### **Video links, etc.**

**(1.1)** Subject to subsection (3), every person who gives evidence under subsection 46(2) of the *Canada Evidence Act*, or gives evidence or a statement pursuant to an order made under section 22.2 of the *Mutual Legal Assistance in Criminal Matters Act*, commits perjury who, with intent to mislead, makes a false statement knowing that it is false, whether or not the false statement was made under oath or solemn affirmation in accordance with subsection (1), so long as the false statement was made in accordance with any formalities required by the law of the place outside Canada in which the person is virtually present or heard.

#### **Idem**

**(2)** Subsection (1) applies, whether or not a statement referred to in that subsection is made in a judicial proceeding.

#### **Application**

**(3)** Subsections (1) and (1.1) do not apply to a statement referred to in either of those subsections that is made by a person who is not specially permitted, authorized or required by law to make that statement.

R.S., 1985, c. C-46, s. 131; R.S., 1985, c. 27 (1st Supp.), s. 17; 1999, c. 18, s. 92.

#### **Punishment**

**132** Every one who commits perjury is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

R.S., 1985, c. C-46, s. 132; R.S., 1985, c. 27 (1st Supp.), s. 17; 1998, c. 35, s. 119.

#### **Corroboration**

**133** No person shall be convicted of an offence under section 132 on the evidence of only one witness unless the evidence of that witness is corroborated in a material particular by evidence that implicates the accused.

R.S., 1985, c. C-46, s. 133; R.S., 1985, c. 27 (1st Supp.), s. 17.

#### **Idem**

**134 (1)** Subject to subsection (2), every one who, not being specially permitted, authorized or required by law to make a statement under oath or solemn affirmation, makes such a statement, by affidavit, solemn declaration or deposition or orally before a person who is authorized by law to permit it to be made before him, knowing that the statement is false, is guilty of an offence punishable on summary conviction.

#### **Application**

**(2)** Subsection (1) does not apply to a statement referred to in that subsection that is made in the course of a criminal investigation.

R.S., 1985, c. C-46, s. 134; R.S., 1985, c. 27 (1st Supp.), s. 17.

135 [Repealed, R.S., 1985, c. 27 (1st Supp.), s. 17]

### **Witness giving contradictory evidence**

**136 (1)** Every one who, being a witness in a judicial proceeding, gives evidence with respect to any matter of fact or knowledge and who subsequently, in a judicial proceeding, gives evidence that is contrary to his previous evidence is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years, whether or not the prior or later evidence or either is true, but no person shall be convicted under this section unless the court, judge or provincial court judge, as the case may be, is satisfied beyond a reasonable doubt that the accused, in giving evidence in either of the judicial proceedings, intended to mislead.

### **Evidence in specific cases**

**(1.1)** Evidence given under section 714.1, 714.2 or 714.3 or under subsection 46(2) of the *Canada Evidence Act* or evidence or a statement given under an order made under section 22.2 of the *Mutual Legal Assistance in Criminal Matters Act* is deemed to be evidence given by a witness in a judicial proceeding for the purposes of subsection (1).

### **Definition of evidence**

**(2)** Notwithstanding the definition **evidence** in section 118, **evidence**, for the purposes of this section, does not include evidence that is not material.

### **Proof of former trial**

**(2.1)** Where a person is charged with an offence under this section, a certificate specifying with reasonable particularity the proceeding in which that person is alleged to have given the evidence in respect of which the offence is charged, is evidence that it was given in a judicial proceeding, without proof of the signature or official character of the person by whom the certificate purports to be signed if it purports to be signed by the clerk of the court or other official having the custody of the record of that proceeding or by his lawful deputy.

### **Consent required**

**(3)** No proceedings shall be instituted under this section without the consent of the Attorney General.

R.S., 1985, c. C-46, s. 136; R.S., 1985, c. 27 (1st Supp.), ss. 18, 203; 1999, c. 18, s. 93; [2019, c. 25, s. 41](#).

### **Fabricating evidence**

**137** Every one who, with intent to mislead, fabricates anything with intent that it shall be used as evidence in a judicial proceeding, existing or proposed, by any means other than perjury or incitement to perjury is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

R.S., c. C-34, s. 125.

### **Offences relating to affidavits**

**138** Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than two years or is guilty of an offence punishable on summary conviction who

- (a) signs a writing that purports to be an affidavit or statutory declaration and to have been sworn or declared before him when the writing was not so sworn or declared or when he knows that he has no authority to administer the oath or declaration,
- (b) uses or offers for use any writing purporting to be an affidavit or statutory declaration that he knows was not sworn or declared, as the case may be, by the affiant or declarant or before a person authorized in that behalf, or
- (c) signs as affiant or declarant a writing that purports to be an affidavit or statutory declaration and to have been sworn or declared by him, as the case may be, when the writing was not so sworn or declared.

R.S., 1985, c. C-46, s. 138; 2019, c. 25, s. 42.

### **Obstructing justice**

**139 (1)** Every one who wilfully attempts in any manner to obstruct, pervert or defeat the course of justice in a judicial proceeding,

- (a) by indemnifying or agreeing to indemnify a surety, in any way and either in whole or in part, or
- (b) where he is a surety, by accepting or agreeing to accept a fee or any form of indemnity whether in whole or in part from or in respect of a person who is released or is to be released from custody,

is guilty of

- (c) an indictable offence and is liable to imprisonment for a term not exceeding two years, or
- (d) an offence punishable on summary conviction.

### **Idem**

**(2)** Every person who intentionally attempts in any manner other than a manner described in subsection (1) to obstruct, pervert or defeat the course of justice is guilty of

- (a) an indictable offence and liable to imprisonment for a term of not more than 10 years; or
- (b) an offence punishable on summary conviction.

### **Idem**

**(3)** Without restricting the generality of subsection (2), every one shall be deemed wilfully to attempt to obstruct, pervert or defeat the course of justice who in a judicial proceeding, existing or proposed,

**(a)** dissuades or attempts to dissuade a person by threats, bribes or other corrupt means from giving evidence;

**(b)** influences or attempts to influence by threats, bribes or other corrupt means a person in his conduct as a juror; or

**(c)** accepts or obtains, agrees to accept or attempts to obtain a bribe or other corrupt consideration to abstain from giving evidence, or to do or to refrain from doing anything as a juror.

R.S., 1985, c. C-46, s. 139; 2019, c. 25, s. 43.

### **Public mischief**

**140 (1)** Every one commits public mischief who, with intent to mislead, causes a peace officer to enter on or continue an investigation by

**(a)** making a false statement that accuses some other person of having committed an offence;

**(b)** doing anything intended to cause some other person to be suspected of having committed an offence that the other person has not committed, or to divert suspicion from himself;

**(c)** reporting that an offence has been committed when it has not been committed; or

**(d)** reporting or in any other way making it known or causing it to be made known that he or some other person has died when he or that other person has not died.

### **Punishment**

**(2)** Every one who commits public mischief

**(a)** is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

**(b)** is guilty of an offence punishable on summary conviction.

R.S., 1985, c. C-46, s. 140; R.S., 1985, c. 27 (1st Supp.), s. 19.

### **Date modified:**

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