

PART IX

## Offences Against Rights of Property (continued)

### False Pretences (continued)

---

**365** [Repealed, 2018, c. 29, s. 41]

## Forgery and Offences Resembling Forgery

### Forgery

**366 (1)** Every one commits forgery who makes a false document, knowing it to be false, with intent

(a) that it should in any way be used or acted on as genuine, to the prejudice of any one whether within Canada or not; or

(b) that a person should be induced, by the belief that it is genuine, to do or to refrain from doing anything, whether within Canada or not.

### Making false document

**(2)** Making a false document includes

(a) altering a genuine document in any material part;

(b) making a material addition to a genuine document or adding to it a false date, attestation, seal or other thing that is material; or

(c) making a material alteration in a genuine document by erasure, obliteration, removal or in any other way.

### When forgery complete

**(3)** Forgery is complete as soon as a document is made with the knowledge and intent referred to in subsection (1), notwithstanding that the person who makes it does not intend that any particular person should use or act on it as genuine or be induced, by the belief that it is genuine, to do or refrain from doing anything.

### Forgery complete though document incomplete

**(4)** Forgery is complete notwithstanding that the false document is incomplete or does not purport to be a document that is binding in law, if it is such as to indicate that it was intended to be acted on as genuine.

## **Exception**

**(5)** No person commits forgery by reason only that the person, in good faith, makes a false document at the request of a police force, the Canadian Forces or a department or agency of the federal government or of a provincial government.

R.S., 1985, c. C-46, s. 366; 2009, c. 28, s. 7.

## **Punishment for forgery**

**367** Every one who commits forgery

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

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

R.S., 1985, c. C-46, s. 367; 1994, c. 44, s. 24; 1997, c. 18, s. 24.

## **Use, trafficking or possession of forged document**

**368 (1)** Everyone commits an offence who, knowing or believing that a document is forged,

**(a)** uses, deals with or acts on it as if it were genuine;

**(b)** causes or attempts to cause any person to use, deal with or act on it as if it were genuine;

**(c)** transfers, sells or offers to sell it or makes it available, to any person, knowing that or being reckless as to whether an offence will be committed under paragraph (a) or (b); or

**(d)** possesses it with intent to commit an offence under any of paragraphs (a) to (c).

## **Punishment**

**(1.1)** 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 10 years; or

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

## **Wherever forged**

**(2)** For the purposes of proceedings under this section, the place where a document was forged is not material.

R.S., 1985, c. C-46, s. 368; 1992, c. 1, s. 60(F); 1997, c. 18, s. 25; 2009, c. 28, s. 8.

## **Forgery instruments**

**368.1** Everyone is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years, or is guilty of an offence punishable on summary conviction, who, without lawful authority or excuse, makes, repairs, buys, sells, exports from Canada, imports into

Canada or possesses any instrument, device, apparatus, material or thing that they know has been used or know is adapted or intended for use by any person to commit forgery.

2009, c. 28, s. 9.

### **Public officers acting in the course of their duties or employment**

**368.2** No public officer, as defined in subsection 25.1(1), is guilty of an offence under any of sections 366 to 368.1 if the acts alleged to constitute the offence were committed by the public officer for the sole purpose of establishing or maintaining a covert identity for use in the course of the public officer's duties or employment.

2009, c. 28, s. 9.

### **Exchequer bill paper, public seals, etc.**

**369** Everyone is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years who, without lawful authority or excuse,

(a) makes, uses or possesses

(i) any exchequer bill paper, revenue paper or paper that is used to make bank-notes,  
or

(ii) any paper that is intended to resemble paper mentioned in subparagraph (i); or

(b) makes, reproduces or uses a public seal of Canada or of a province, or the seal of a public body or authority in Canada or of a court of law.

R.S., 1985, c. C-46, s. 369; 2009, c. 28, s. 9.

**370** [Repealed, 2018, c. 29, s. 42]

**371** [Repealed, 2018, c. 29, s. 42]

### **False information**

**372 (1)** Everyone commits an offence who, with intent to injure or alarm a person, conveys information that they know is false, or causes such information to be conveyed by letter or any means of telecommunication.

### **Indecent communications**

**(2)** Everyone commits an offence who, with intent to alarm or annoy a person, makes an indecent communication to that person or to any other person by a means of telecommunication.

### **Harassing communications**

**(3)** Everyone commits an offence who, without lawful excuse and with intent to harass a person, repeatedly communicates, or causes repeated communications to be made, with them by a means of telecommunication.

## **Punishment**

**(4)** Everyone who commits an offence under this section is

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

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

R.S., 1985, c. C-46, s. 372; 2014, c. 31, s. 18.

**373** [Repealed, R.S., 1985, c. 27 (1st Supp.), s. 53]

### **Drawing document without authority, etc.**

**374** Every one who

**(a)** with intent to defraud and without lawful authority makes, executes, draws, signs, accepts or endorses a document in the name or on the account of another person by procuration or otherwise, or

**(b)** makes use of or utters a document knowing that it has been made, executed, signed, accepted or endorsed with intent to defraud and without lawful authority, in the name or on the account of another person, by procuration or otherwise,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

R.S., c. C-34, s. 332.

### **Obtaining, etc., by instrument based on forged document**

**375** Every one who demands, receives or obtains anything, or causes or procures anything to be delivered or paid to any person under, on or by virtue of any instrument issued under the authority of law, knowing that it is based on a forged document, is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

R.S., c. C-34, s. 333.

### **Counterfeiting stamp, etc.**

**376 (1)** Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years who

**(a)** fraudulently uses, mutilates, affixes, removes or counterfeits a stamp or part thereof,

**(b)** knowingly and without lawful excuse has in their possession

**(i)** a counterfeit stamp or a stamp that has been fraudulently mutilated, or

**(ii)** anything bearing a stamp of which a part has been fraudulently erased, removed or concealed, or

(c) without lawful excuse makes or knowingly has in their possession a die or instrument that is capable of making the impression of a stamp or part of a stamp.

### **Counterfeiting mark**

(2) Every one who, without lawful authority,

(a) makes a mark,

(b) sells, or exposes for sale, or has in his possession a counterfeit mark,

(c) affixes a mark to anything that is required by law to be marked, branded, sealed or wrapped other than the thing to which the mark was originally affixed or was intended to be affixed, or

(d) affixes a counterfeit mark to anything that is required by law to be marked, branded, sealed or wrapped,

is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

### **Definitions**

(3) In this section,

**mark** means a mark, brand, seal, wrapper or design used by or on behalf of

(a) the government of Canada or a province,

(b) the government of a state other than Canada, or

(c) any department, board, commission or agent established by a government mentioned in paragraph (a) or (b) in connection with the service or business of that government;  
(*marque*)

**stamp** means an impressed or adhesive stamp used for the purpose of revenue by the government of Canada or a province or by the government of a state other than Canada.  
(*timbre*)

R.S., 1985, c. C-46, s. 376; 2018, c. 29, s. 43.

### **Damaging documents**

**377 (1)** 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 unlawfully

(a) destroys, defaces or injures a register, or any part of a register, of births, baptisms, marriages, deaths or burials that is required or authorized by law to be kept in Canada, or a copy or any part of a copy of such a register that is required by law to be transmitted to a registrar or other officer,

(b) inserts or causes to be inserted in a register or copy referred to in paragraph (a) an entry, that he knows is false, of any matter relating to a birth, baptism, marriage, death or burial, or erases any material part from that register or copy,

(c) destroys, damages or obliterates an election document or causes an election document to be destroyed, damaged or obliterated, or

(d) makes or causes to be made an erasure, alteration or interlineation in or on an election document.

#### **Definition of *election document***

(2) In this section, ***election document*** means any document or writing issued under the authority of an Act of Parliament or the legislature of a province with respect to an election held pursuant to the authority of that Act.

R.S., 1985, c. C-46, s. 377; 2019, c. 25, s. 135.

#### **Offences in relation to registers**

**378** 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) being authorized or required by law to make or issue a certified copy of, extract from or certificate in respect of a register, record or document, knowingly makes or issues a false certified copy, extract or certificate,

(b) not being authorized or required by law to make or issue a certified copy of, extract from or certificate in respect of a register, record or document, fraudulently makes or issues a copy, extract or certificate that purports to be certified as authorized or required by law, or

(c) being authorized or required by law to make a certificate or declaration concerning any particular required for the purpose of making entries in a register, record or document, knowingly and falsely makes the certificate or declaration.

R.S., 1985, c. C-46, s. 378; 2019, c. 25, s. 136.

## **PART X**

# **Fraudulent Transactions Relating to Contracts and Trade**

## **Interpretation**

### **Definition of *goods***

**379** In this Part, ***goods*** means anything that is the subject of trade or commerce.

R.S., 1985, c. C-46, s. 379; 2018, c. 29, s. 43.1.

# Fraud

## Fraud

**380 (1)** Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the public or any person, whether ascertained or not, of any property, money or valuable security or any service,

(a) is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years, where the subject-matter of the offence is a testamentary instrument or the value of the subject-matter of the offence exceeds five thousand dollars; or

(b) is guilty

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

(ii) of an offence punishable on summary conviction,

where the value of the subject-matter of the offence does not exceed five thousand dollars.

## Minimum punishment

**(1.1)** When a person is prosecuted on indictment and convicted of one or more offences referred to in subsection (1), the court that imposes the sentence shall impose a minimum punishment of imprisonment for a term of two years if the total value of the subject-matter of the offences exceeds one million dollars.

## Affecting public market

**(2)** Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, with intent to defraud, affects the public market price of stocks, shares, merchandise or anything that is offered for sale to the public is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

R.S., 1985, c. C-46, s. 380; R.S., 1985, c. 27 (1st Supp.), s. 54; 1994, c. 44, s. 25; 1997, c. 18, s. 26; 2004, c. 3, s. 2; 2011, c. 6, s. 2.

## Date modified:

2025-09-25