

The War Measures Act

(Proclamation of the War Measures Act, October 16, 1970)

Whereas the War Measures Act provides that the issue of a proclamation under the authority of the governor-in-council shall be conclusive evidence that insurrection, real or apprehended exists or has existed for any period of time therein stated and its continuance, until by the issue of a further proclamation it is declared that the insurrection no longer exists.

And whereas there is in contemporary Canadian society an element or group known as Le Front de Libération du Québec who advocate and resort to the use of force and the commission of criminal offences, including murder, threats of murder and kidnapping, as a means of or as an aid in accomplishing a governmental change within Canada and whose activities has given rise to a state of apprehended insurrection within the province of Quebec.

Therefore, His Excellency the Governor-General-in Council, on the recommendation of the prime minister, is pleased to direct that a proclamation be issued proclaiming that apprehended insurrection exists and has existed as and from the fifteenth day of October, one thousand nine hundred and seventy.

WAR MEASURES ACT

An act to confer certain powers upon the Governor in Council in the event of War, Invasion, or Insurrection.

SHORT TITLE

1. This Act may be cited as the War Measures Act.

EVIDENCE OF WAR

2. The issue of a proclamation by Her Majesty, or under the authority of the Governor in Council shall be conclusive evidence that war, invasion, or insurrection, real or apprehended exists and has existed for any period of time therein stated, and of its continuance, until by the issue of a further proclamation it is declared that the war, invasion or insurrection no longer exists.

POWERS OF THE GOVERNOR IN COUNCIL

3. (1) The Governor in Council may do and authorize such acts and things, and make from time to time such orders and regulations, as he may by reason of the existence of real or apprehended war, invasion or insurrection deem necessary or advisable for the security, defence, peace, order and welfare of Canada; and for greater certainty, but not so as to restrict the generality of the foregoing terms it is hereby declared that the powers of the Governor in Council shall extend to all matters coming within the classes of subjects hereinafter enumerated, that is to say:

- (a) censorship, and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication;
- (b) arrest, detention exclusion and deportation;
- (c) control of the harbours, ports and territorial waters of Canada and the movements of vessels;

(d) transportation by land, air, or water and the control of the transport of persons and things;

(e) trading, exportation, importation, production and manufacture;

(f) appropriation, control, forfeiture and disposition of property and of the use thereof.

(2) All orders and regulations made under this section shall have the force of law, and shall be enforced in such manner and by such courts, officers and authorities as the Governor in Council may prescribe, and may be varied, extended or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege obligation or liability acquired, accrued, accruing or incurred thereunder be affected by such variation extension or revocation.

4. The Governor in Council may prescribe the penalties that may be imposed for violations of orders and regulations made under this Act, and may also prescribe whether such penalties shall be imposed upon summary conviction or upon indictment, but no such penalty shall exceed a fine of five thousand dollars or imprisonment for any term not exceeding five years, or both fine and imprisonment.

5. No person who is held for deportation under this Act or under any regulation made thereunder, or is under arrest or detention as an alien enemy, or upon suspicion that he is an alien enemy, or to prevent his departure from Canada, shall be released upon bail or otherwise discharged or tried, without the consent of the Minister of Justice.

6. The provisions of the three sections last preceding shall only be in force during war, invasion or insurrection, real or apprehended.

PROCEDURE

7. Whenever any property or the use thereof has been appropriated by Her Majesty under the provisions of this Act, or any order or regulation made thereunder, and compensation is to be made therefor and has not been agreed upon the claim shall be referred by the Minister of Justice to the Exchequer Court, or to a superior or county court of the province within which the claim arises, or to a judge of any such court.

8. Any ship or vessel used or moved, or any goods, wares or merchandise dealt with, contrary to any order or regulation made under this Act, may be seized and detained and shall be liable to forfeiture, at the instance of the Minister of Justice, upon proceedings in the Exchequer Court of Canada or in any superior court.

9. Every court mentioned in the two sections last preceding may make rules governing the procedure upon any reference made to, or proceedings taken before, such court or a judge thereof under the said sections.