



DELEGATION TO FEDERAL PROSECUTORS AND PERSONS ACTING AS FEDERAL PROSECUTORS

DELEGATION OF THE DIRECTOR PURSUANT TO SUBSECTION 9(1) OF THE *DIRECTOR OF PUBLIC PROSECUTIONS ACT*

1. I authorize federal prosecutors, as referred to in subsection 7(1) of the Act, and persons acting as federal prosecutors, as referred to in subsection 7(2) of the Act, to act for or on my behalf in the exercise of any of the powers or the performance of any of the duties or functions in relation to prosecutions that the Director of Public Prosecutions is authorized to exercise or perform under paragraphs 3(3)(a), (b), (d), (e), (f), and (g) of the Act, subsections 3(8) and 3(9) of the Act, or under any other Act of Parliament.
2. I also authorize federal prosecutors holding the position of Chief Federal Prosecutor to act for or on my behalf in relation to subsection 3(7) of the Act, and in relation to the Attorney General of Canada's Assignment concerning the conduct of prosecutions pursuant to agreements with provincial Attorneys General and the conduct of prosecutions and related proceedings, including appeals, of charges falling under the exclusive prosecutorial authority of a province.¹

Authority to consent for initiating or taking a specified step in a prosecution

3. Notwithstanding paragraph 1, where a provision of the *Criminal Code* or of any other Act of Parliament requires the express consent of the Attorney General of Canada or the Director of Public Prosecutions in order to initiate a prosecution or to take a specified step in a prosecution:
 - (a) Only those federal prosecutors mentioned in paragraph 4 can consent, and only in respect of the provisions specifically listed;
 - (b) In respect of paragraph 715.32(1)(d) of the *Criminal Code* (remediation agreements), only the Director of Public Prosecutions can consent; and
 - (c) In respect of any other provision that is not listed in paragraph 4, only the Director of Public Prosecutions or a Deputy Director of Public Prosecutions can consent.

¹ Assignment of the Attorney General of Canada under paragraph 3(3)(g) of the *Director of Public Prosecutions Act*, February 21, 2007 (Assignment 2), available [on the PPSC website](#) and published in the Canada Gazette: Assignment (Attorney General of Canada), (2007) C Gaz I, 514.

4. The power to consent may only be exercised by:

- (a) A federal prosecutor as referred to in subsection 7(1) of the Act and holding the position of Chief Federal Prosecutor with respect to the following statutory provisions:

Criminal Code

s. 54	(Assisting deserter)
s. 136(3)	(Witness giving contradictory evidence)
s. 141(2)	(Exception of criminal liability for diversion agreements)
s. 174(3)	(Nudity)
s. 342(2)	(Theft, forgery, etc. of credit card outside province)
s. 347(7)	(Criminal interest rates)
s. 385(2)	(Fraudulent concealment of title documents)
s. 422(3)	(Criminal breach of contract)
s. 462.34	(Application for review of Special warrants and restraint orders)
s. 473	(Accused requesting trial by a superior court judge alone for offence listed at s. 469)
s. 477.2	(Offences committed by non-Canadians in territorial sea of Canada)
s. 477.3	(Arrest, search and seizure outside Canada on a ship registered outside Canada)
s. 478(3)	(Offences committed in another province)
s. 479	(Offence committed in another jurisdiction of the same province)
s. 672.81	(Review of dispositions for accused not criminally responsible on account of mental disorder or unfit to stand trial)
s. 672.86(1)(b) & (2)	(Interprovincial transfer of accused not criminally responsible on account of mental disorder or unfit to stand trial)
s. 672.88	(Interprovincial transfer of accused not criminally responsible on account of mental disorder or unfit to stand trial)
s. 672.89	(Interprovincial transfer of accused not criminally responsible on account of mental disorder or unfit to stand trial)
s. 720(2)	(Delay in sentencing to allow attendance in treatment program)
s. 725	(Consideration of outstanding charges for sentencing)
s. 733	(Transfer of probation orders)
s. 733.1	(Failure to comply with probation order of another province)
s. 742.5(1.1)	(Transfer of conditional sentence order)

s. 742.6(3.2)	(Breach of condition outside province)
s. 753.3(2)	(Breach of long-term supervision – other province)
s. 803(3)	(Failure to appear and Court proceeding in the absence of defendant – summary conviction proceedings)
s. 810.01	(Recognizance – Fear of certain offences)
s. 810.2	(Recognizance – Fear of serious personal injury)

Immigration and Refugee Protection Act

s. 117(4)	(Human smuggling)
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Migratory Birds Convention Act

s. 18.3(6)	(Offences deemed committed in Canada)
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National Defence Act

s. 226(3)(a)& (b)	(Transfer of offenders)
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Youth Criminal Justice Act

s. 58(3)	(Waiver of jurisdiction)
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- (b) A federal prosecutor as referred to in subsection 7(1) of the Act and holding the position of Deputy Chief Federal Prosecutor with respect to the following statutory provisions of the *Criminal Code*:

s. 141(2)	(Exception of criminal liability for diversion agreements)
s. 462.34	(Application for review of Special warrants and restraint orders)
s. 477.2	(Offences committed by non-Canadians in territorial sea of Canada)
s. 477.3	(Arrest, search and seizure outside Canada on ship registered outside Canada)
s. 478(3)	(Offences committed in another province)
s. 479	(Offence committed in another jurisdiction of the same province)
s. 672.81	(Review of dispositions for accused not criminally responsible on account of mental disorder or unfit to stand trial)
s. 672.88	(Interprovincial transfer of accused not criminally responsible on account of mental disorder or unfit to stand trial)
s. 672.89	(Interprovincial transfer of accused not criminally responsible on account of mental disorder or unfit to stand trial)
s. 720(2)	(Delay in sentencing to allow attendance in treatment)

	program)
s. 725	(Consideration of outstanding charges for sentencing)
s. 733	(Transfer of probation orders)
s. 733.1	(Failure to comply with probation order of another province)
s. 742.5(1.1)	(Transfer of conditional sentence order)

- (c) A federal prosecutor as referred to in subsection 7(1) of the Act and holding the position of Team Leader with respect to the following statutory provisions of the *Criminal Code*:

s. 141(2)	(Exception of criminal liability for diversion agreements)
s. 462.34	(Application for review of Special warrants and restraint orders)
s. 478(3)	(Offences committed in another province)
s. 479	(Offence committed in another jurisdiction of the same province)
s. 672.81	(Review of dispositions for accused not criminally responsible on account of mental disorder or unfit to stand trial)
s. 720(2)	(Delay in sentencing to allow attendance in treatment program)
s. 725	(Consideration of outstanding charges for sentencing)
s. 733	(Transfer of probation orders)
s. 742.5(1.1)	(Transfer of conditional sentence order)

- (d) A federal prosecutor as referred to in subsection 7(1) of the Act with respect to sections to the following statutory provisions of the *Criminal Code*:

s. 141(2)	(Exception of criminal liability for diversion agreements)
s. 462.34	(Application for review of Special warrants and restraint orders)
s. 479	(Offence committed in an other jurisdiction of the same province)
s. 672.81	(Review of dispositions for accused not criminally responsible on account of mental disorder or unfit to stand trial)
s. 720(2)	(Delay in sentencing to allow attendance in treatment program)
s. 725	(Consideration of outstanding charges for sentencing)

- (e) A person acting as a federal prosecutor as referred to in subsection 7(2) of the Act with respect to sections to the following statutory provisions of the *Criminal Code*:

s. 462.34	(Application for review of Special warrants and restraint orders)
s. 720(2)	(Delay in sentencing to allow attendance in treatment program)
s. 725	(Consideration of outstanding charges for sentencing)

Authority to Enter into Undertakings

5. Notwithstanding paragraph 1, the authority to enter into undertakings pursuant to subsections 462.32(6) and 462.33(7) of the *Criminal Code* (undertakings for special warrant or restraint orders) may only be exercised by a federal prosecutor holding the position of Chief Federal Prosecutor or Deputy Chief Federal Prosecutor.

General

6. When acting pursuant to this delegation, federal prosecutors and persons acting as federal prosecutors must comply with all applicable guidelines and directives.
7. This delegation takes effect immediately, for all persons who are currently appointed as federal prosecutor or retained to act as federal prosecutors, and takes effect on the day a person is appointed as a federal prosecutor or retained to act as a federal prosecutor, in all other cases.

Signed in Ottawa, in the Province of Ontario, this 25th day of March 2022.

Original signed by

Kathleen Roussel
Director of Public Prosecutions and
Deputy Attorney General of Canada

APPENDIX – SUMMARY OF DELEGATED AUTHORITIES

		Chief Federal Prosecutor	Deputy Chief Federal Prosecutor	Team Leader	Federal Prosecutor	Person Acting as Federal Prosecutor
Delegation						
3(3)(a) of the <i>DPP Act</i>	Initiate or conduct prosecutions	X	X	X	X	X
3(3)(b) of the <i>DPP Act</i>	Intervention	X	X	X	X	X
3(3)(d) of the <i>DPP Act</i>	Advise law enforcement or investigative bodies	X	X	X	X	X
3(3)(e) of the <i>DPP Act</i>	Communicate with the media or the public	X	X	X	X	X
3(3)(f) of the <i>DPP Act</i>	Private prosecutions	X	X	X	X	X
3(3)(g) of the <i>DPP Act</i>	Powers, duties or functions assigned to the DPP by the Attorney General	X	X	X	X	X
3(7) of the <i>DPP Act</i> , Assignment No. 2 (2007)	Agreements and arrangements with provinces	X				
3(8) of the <i>DPP Act</i>	Election-related matters	X	X	X	X	X
3(9) of the <i>DPP Act</i>	Powers, duties or functions of the Attorney General – Extradition and Mutual Legal Assistance	X	X	X	X	X
Any other power, duty, or function of the DPP under another Act of Parliament		X	X	X	X	X
Consent for initiating or taking a specified step in a prosecution						
<i>Criminal Code</i>						
54	Assisting deserter	X				
136(3)	Witness giving contradictory evidence	X				

		Chief Federal Prosecutor	Deputy Chief Federal Prosecutor	Team Leader	Federal Prosecutor	Person Acting as Federal Prosecutor
141(2)	Exception of criminal liability for diversion agreements	X	X	X	X	
174(3)	Nudity	X				
342(2)	Theft, forgery, etc. of credit card outside province	X				
347(7)	Criminal interest rates	X				
385(2)	Fraudulent concealment of title documents	X				
422(3)	Criminal breach of contract	X				
462.34	Application for review of Special warrants and restraint orders	X	X	X	X	X
473	Accused requesting trial by a superior court judge alone for offence listed at s. 469	X				
477.2	Offences committed by non-Canadians in territorial sea of Canada	X	X			
477.3	Arrest, search and seizure outside Canada on a ship registered outside Canada	X	X			
478(3)	Offences committed in another province	X	X	X		

		Chief Federal Prosecutor	Deputy Chief Federal Prosecutor	Team Leader	Federal Prosecutor	Person Acting as Federal Prosecutor
479	Offence committed in another jurisdiction of the same province	X	X	X	X	
672.81	Review of dispositions for accused not criminally responsible on account of mental disorder or unfit to stand trial	X	X	X	X	
672.86(1)(b) & (2)	Interprovincial transfer of accused not criminally responsible on account of mental disorder or unfit to stand trial	X				
672.88	Interprovincial transfer of accused not criminally responsible on account of mental disorder or unfit to stand trial	X	X			
672.89	Interprovincial transfer of accused not criminally responsible on account of mental disorder or unfit to stand trial	X	X			
720(2)	Delay in sentencing to allow attendance in treatment program	X	X	X	X	X

		Chief Federal Prosecutor	Deputy Chief Federal Prosecutor	Team Leader	Federal Prosecutor	Person Acting as Federal Prosecutor
725	Consideration of outstanding charges for sentencing	X	X	X	X	X
733	Transfer of probation orders	X	X	X		
733.1	Failure to comply with probation order of another province	X	X			
742.5(1.1)	Transfer of conditional sentence order	X	X	X		
742.6(3.2)	Breach of condition outside province	X				
753.3(2)	Breach of long-term supervision – other province	X				
803(3)	Failure to appear and Court proceeding in the absence of defendant – summary conviction proceedings	X				
810.01	Recognizance – Fear of certain offences	X				
810.2	Recognizance – Fear of serious personal injury	X				
<i>Immigration and Refugee Protection Act</i>						
117(4)	Human smuggling	X				
<i>Migratory Birds Convention Act</i>						
18.3(6)	Offences deemed committed in Canada	X				
<i>National Defence Act</i>						
226(3)(a) & (b)	Transfer of offenders	X				

		Chief Federal Prosecutor	Deputy Chief Federal Prosecutor	Team Leader	Federal Prosecutor	Person Acting as Federal Prosecutor
<i>Youth Criminal Justice Act</i>						
58(3)	Waiver of jurisdiction	X				
Enter into undertakings						
<i>Criminal Code</i>						
462.32(6)	Undertakings for special warrant or restraint orders	X	X			
462.33(7)	Undertakings for special warrant or restraint orders	X	X			