



Policy:

Consent of the Attorney General

Policy Code:

CON 1

Effective Date:

January 31, 2025

Cross-references:

Crown Counsel exercise the prosecution function as the Attorney General’s lawful agents. This agency relationship can be constrained by legislation, caselaw, and policy.

Various provisions of the *Criminal Code* and the *Youth Criminal Justice Act* require the consent or other action of the Attorney General. This authority of the Attorney General may be delegated, depending on the statutory language.

All consents should be confirmed in writing.

Crown Counsel can provide consent for all procedural provisions of the *Youth Criminal Justice Act*. Crown Counsel must obtain or may provide consent for *Criminal Code* provisions as follows:

Section	Criminal Code Provision	Consent Given By
7(4.3)	Extra-territorial prosecution of child sex offences	ADAG
52.3	Sabotage	CC
83.222(7)	Warrant of seizure or order of forfeiture of terrorist propaganda	ADAG
83.223(9)	Order re: terrorist propaganda	ADAG
83.24	Terrorism offences	ADAG
83.3(1)	Terrorism recognizance	ADAG
136(3)	Witness giving contradictory evidence	CC
164(7)	Prosecution under sections 162, 162.1, 163, 163.1, 286.4, or 320.103 if warrant of seizure or order of forfeiture issued under section 164	CC
164.1(8)	Prosecution under sections 162, 162.1, 163, 163.1, 286.4, or 320.103 if warrant of seizure or order of forfeiture issued under section 164.1	CC
172(4)	Corrupting children	CC
174(3)	Nudity	ADAG
185(1)	Designation of wiretap agents or video surveillance agents	DAG
185(2)	Application for extension of the 90-day notification period on wiretap or video surveillance	AG
283(2)	Abduction of children when there is no custody order	ACC

Section	Criminal Code Provision	Consent Given By
318(3)	Advocating genocide	ADAG
319(6)	Wilful promotion of hatred / antisemitism	ADAG
320(7)	Seizure or forfeiture of hate propaganda (publications)	ADAG
320.1(8)	Seizure or forfeiture of hate propaganda (computer system)	ADAG
342(2)	Extra-provincial prosecution of theft, forgery of credit card	CC
385(2)	Fraudulent concealment of title documents	CC
402.2(4)	Extra-provincial prosecution of identity theft	CC
422(3)	Criminal breach of contract	CC
462.32(4.1)	Return of items seized as proceeds of crime	CC
462.321(5)	Return of digital assets seized	CC
462.331(1)	Management order for proceeds of crime	CC
462.34(2)	Application for review of special warrants and restraint orders – waiver of notice	CC
473(1)	Trial without jury for section 469 offence (e.g., murder)	DRCC
473(2)	Withdrawal of consent for trial without jury for section 469 offence	ADAG
478(3)	Waiver to another province	CC
485.1	Recommencement when dismissal for want of prosecution	DAG
490.81(1)	Application for management order re: offence-related property	CC
568	Require trial by jury	DRCC
577	Direct Indictment	ADAG
672.86(1)	Extra-provincial transfer of NCR accused	RCC
725(1)	Sentencing on other offence	CC
733(1.1)	Transfer of probation order	CC
733.1(2)	Extra-provincial prosecution of failure to comply with probation order	CC
742.5(1.1)	Extra-provincial transfer of conditional sentence order (CSO)	CC
742.6(3.2)	Extra-provincial prosecution of breach of CSO	CC
753.3(2)	Extra-provincial prosecution of breach of long-term supervision order	CC
754(1)	Applications under Part XXIV	ADAG
803(3)	Prosecuting failure to appear after <i>ex parte</i> trial	CC
810.01(1)	Recognizance for criminal organization / intimidation offence	ADAG
810.011	Fear of terrorism offence	ADAG
810.2(1)	Recognizance re: person will commit a serious personal injury offence	ADAG
810.22(2)	Extra-provincial transfer of order	CC
<p>Key: AG – Attorney General; DAG – Deputy Attorney General; ADAG – Assistant Deputy Attorney General; RCC – Regional Crown Counsel or Director; DRCC – Deputy Regional Crown Counsel or Deputy Director; ACC – Administrative Crown Counsel; CC – Crown Counsel</p> <p>Note: Role indicated to provide consent is the minimum level necessary</p>		