



## Law & Order: Police and Criminal Investigation in the Boating and Small Vessel Sector

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"Apparently, anyone with a boat and a hat can be a captain regardless of his or her degree of training, expertise or other qualifications."<sup>2</sup>

### Introduction

Canada contains more fresh water than the rest of the world combined. The Province of Ontario alone contains over one-third of the world's fresh water.

There are 1 365 210 named lakes in Canada. About a quarter million are in Ontario.

A report from National Marine Manufacturers Association (NMMA) found Canada's *core* recreational boating industry contributed an estimated economic impact of \$5 billion, supports about 67,000 jobs, generating \$2.6 billion in annual salaries and wages. The core recreational boating industry generated approximately \$8.9 billion in total revenues, and contributed \$774 million in taxes and subsidies to Canada's economy in 2012. Included were manufacturers of boats and accessories, dealers, marinas, repair and maintenance shops, schools, boat clubs, and related companies. Industries such as fishing (sportsman activities and equipment), outfitters, and tourism were not included. When small commercial craft are added these numbers are even higher. They also estimated there are 4.3 million boats in Canada.

A Canadian Red Cross study covering 15 years of boating deaths in Canada (1991 to 2006) found that boating-related deaths have fallen to half what they were 20 years ago. In the five year period of 1991 to 1996 there were on average 873 boating fatalities per year. In the five year period from 2001 to 2005 this figure fell to 555 boating fatalities per year.

In prior years, available statistics are not readily available. In Ontario, for example, in 1980 there were approximately 123 boating fatalities, and in 1987 this number had dropped to 64. The

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<sup>2</sup> per Justice Grant, *Chester Sailing Society v. Flinn* (1981), 44 N.S.R. (2d) 105, at 121

following statistics, from the Royal Life Saving Society for Ontario fatalities give a better picture of the boat type and the fatality rates per year.

#### Ontario Boating Fatalities

Boat Type	1990	1991	1992	1993	1994	1995
Power	42	49	55	26		
Canoe	16	14	12	4		
Sail	7	3	2	2		
Other	9	3	3	5		
<b>Totals</b>	74	69	72	37	46	42

The U.S. keeps better accessible statistics regarding boating accidents:

#### U.S. Boating Accidents

2007 Boating Accident Statistics by Craft – Deaths and Injuries Per Year					
Canoes & Kayaks	Personal Watercraft	Open Motorboats	Cabin Motorboats	Pontoon Boats	
200	1,049	2,220	336	127	
Contributing Factors					
Alcohol	Excessive Speed	Passenger or Skier Behav.	Careless Operation	Operator inattention	Other
391	473	492	552	628	1160
Accidents by Area					
Water Body	Accidents Per Year	Deaths Per Year	Injuries Per Year		
Lakes, ponds, reservoirs, dams, pits	2,409	340	1,814		
Rivers, Streams, Creeks	1,088	153	845		
Bays, inlets, sounds and harbours	657	75	407		
Open Water	136	51	149		
Great Lakes	106	34	64		

### 1. Jurisdictional Overview

Canadian maritime law is uniform throughout Canada and applicable by all courts. Derived from English maritime law, Canadian maritime law is limited only by the division of powers set out in the *Constitution Act, 1867* (30 & 31 Vict.), c. 3, and continues to grow and expand.<sup>3</sup>

The *Constitution Act, 1867* (30 & 31 Vict.), c. 3 in distribution of powers in section 91 gives the Parliament of Canada exclusive jurisdiction over navigation and shipping. Therefore the bulk of legislation affecting pleasure craft is federal legislation.

<sup>3</sup> *ITO-International Terminal Operators v. Miida Electronics Inc.* [1986] 1 S.C.R. 752.

Municipal or Provincial legislation involving small craft is typically found to be *ultra vires* and invalid. For example, municipal by-laws prohibiting or regulating the use of motor boats on certain lakes were held to be *ultra vires* as intruding upon the federal power over navigation and shipping. Provincial ownership of land beneath the lakes did not give the province the right to legislate with respect to navigation on the lakes.<sup>4</sup> On the other hand, if the legislation has a federal source it will likely survive scrutiny. A Boating Restriction Regulation imposed on St. Mary's Lake at the request of the province (that no vessel other than one driven by a battery-powered electric propulsion motor could be operated on the lake) was held to be a valid regulation within the Parliament of Canada under "navigation and shipping" notwithstanding that it was enacted to accomplish an essentially provincial purpose, that of protecting the quality of drinking water.<sup>5</sup>

The investigation of criminal and quasi criminal behavior involving the boating and small vessel sector can be done by federal investigators such as the R.C.M.P., provincial investigators such as the Ontario Provincial Police, local police forces such as Toronto Police Marine Unit and other authorities such as Transport Canada, Canada Customs, the Department of National Defence, the Canadian Coast Guard and even foreign officers (such as U.S. peace officers).

For the purposes of this paper and the seminar only small vessels will be examined. These are pleasure craft and non-pleasure craft vessels of fifteen tons or less and carrying 0-12 passengers.

## 2. Sources of Law

There are a number of statutes that provide the source for investigation and the laying of criminal or quasi-criminal charges for small vessels.

### **Canada Marine Act**

The Act deals with Canadian ports providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport

The Act has a number of Regulations that impose penalties on violations. Many of these penalties result in tickets which are implemented and managed by the Contraventions Regulations under the Contraventions Act and Regulations.

**Contraventions Act** –The purpose of the act is to provide a procedure for the prosecution of contraventions that reflects the distinction between criminal offences and regulatory offences and that is in addition to the procedures set out in the *Criminal Code* for the prosecution of contraventions and other offences. The *Contraventions Regulations* set out the penalties for various violations of various acts and regulations.

Canada Marine Act

Government Wharves Regulations

- i.e. mooring a vessel at a ferry landing or obstructing a ferry track - \$100

<sup>4</sup> *St. Denis de Brompton (Municipality) v. Filteau* (1986), 59 D.L.R. (4<sup>th</sup>) 84, 9 Q.A.C. 1.

<sup>5</sup> *Saltspring Island Water Preservation Society v. Rockliffe*, 1993, CanLII 1313 (B.C.C.A.)

- Public Harbours Regulations
  - i.e. abandoning a vessel in a public harbor - \$500
- Seaway Property Regulations
  - i.e. permit anything that obstructs the Seaway - \$500
- Canada Shipping Act, 2001
  - i.e. failing to report running down, movement, damaging or destruction of aid to navigation - \$500
- Vessel Operation Restriction Regulations
  - i.e. operating a vessel where prohibited - \$250
- Small Vessel Regulations
  - i.e. operating a vessel with safety equipment not in good working order - \$500
- Competency of Operators of Pleasure Craft Regulations
  - i.e. operate a pleasure craft without prescribed competency - \$250
- Navigable Waters Protection Act
  - i.e. failure by owner of a vessel to remove it to a place indicated by Minister - \$500
- Transportation of Dangerous Goods Act, 1992
  - i.e. handling dangerous goods without complying with regulations - \$700

### ***Canada Shipping Act, 2001***

- Small Vessel Regulations – Deals with licensing of pleasure craft, the safety equipment and the construction requirements of small craft.
- Collision Regulations - Set out the Rules of the Road. Violations may be prosecuted as an administrative monetary penalty, as per below.
- Vessel Operation Restriction Regulations – formerly the Boating Restriction Regulations, it sets out the restrictions on boating for listed lakes and water areas, such as speed, size of motors etc.
- Competency of Operators of Pleasure Craft Regulations - require all operators of pleasure craft fitted with any type of motor and used for recreational purposes to carry proof of competency on board

### **- Administrative Monetary Penalties and Notices (CSA 2001) Regulations<sup>6</sup>**

Transport Canada may lay charges against anyone who does not comply with the CSA 2001 or its regulations. The CSA 2001 gives the Transport Canada the right to issue Administrative Monetary Penalties for contraventions of the CSA 2001 or its regulations. These are authorized to proceed as violations by sections 229 to 242 of the CSA 2001.

The Administrative Monetary Penalties Regulations are new to the marine sector. They set up a penalty system that will apply to all vessel types except pleasure craft. (Note: A pleasure craft can be penalized with an Administrative Monetary Penalty [AMP] for environmental violation.) Administrative monetary penalties provide a way, outside the courts, to enforce the law. The

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<sup>6</sup> See Appendix A – List of Canada Shipping Act, 2001 sections and AMP Penalty

regulations came into force on April 3, 2008. Transport Canada use “Notices of Violation” that deem a mariner guilty of a contravention, without the use of the court system, unless the mariner appeals the notice within 30 days.<sup>7</sup> While many contraventions of the *CSA 2001* and its regulations result in verbal or written warnings, repeat offenders and more serious contraventions can be issued Notices of Violation with penalties from \$250 to \$25,000 for each contravention. In some cases, Transport Canada will allow the mariner to enter into an *Assurance of Compliance*, which amounts to written promise to correct a contravention, without a Notice of Violation being issued and without paying a penalty. However, in doing so the mariner admits to committing the contravention, and if the mariner does not follow through and comply with the Assurance of Compliance, the penalty that was earlier avoided can be doubled. In 2009 the most common violation (25 cases across Canada) was failing to ensure the vessel was inspected for the purposes of having appropriate marine safety certificates. The next most common violation (20 cases) was failing to operate a vessel with sufficient or competent crew. Discharging a pollutant, and failing to ensure the vessel and its machinery meet safety requirements were the next most common violations.<sup>8</sup> Some of the more common and significant penalties for violations under the *Collision Regulations*, will be<sup>9</sup>:

- \$6,000 to \$25,000 for failing to maintain a proper lookout by all available appropriate means;
- \$6,000 to \$25,000 for failing to maintain a safe speed;
- \$600 to \$12,000 for a sailing or fishing vessel impeding passage of another vessel within a narrow channel; and
- \$250 to \$5,000 for using the inshore traffic zone when the appropriate traffic separation scheme lane can safely be used (and when not returning to or leaving port).

An AMP can be disputed within 30 days of receiving a Notice of Violation by filing a Notice of Dispute with the Transportation Appeal Tribunal of Canada. Decisions are subject to judicial review by the Federal Court Trial Division in a similar manner as other administrative tribunals are subject to review.

***Criminal Code of Canada*** -The *Criminal Code of Canada* enables law enforcement authorities to charge boat operators for criminal offences.

### 3. Vessel Registration, Documentation and Equipment Offences

#### Canada Shipping Act, 2001

There are a number of offences under the Canada Shipping Act, 2001 where the person charged can be liable on summary conviction to a fine of up to \$100,000 or to imprisonment for a term of up to one year.

Examples:

CSA Section	Offence	Punishment
37	destruction of documents,	Up to \$1,000,000 or 18

<sup>7</sup> See Appendix B for Transport Canada Marine Safety Flowchart on AMP Decisions

<sup>8</sup> Williams, Darren article *Marine Administrative Monetary Penalties: 2010 - 2011 in Review*, April 2012

<sup>9</sup> For a complete list of Collision Rule violations and AMP's see Appendix A.

	fraud, obstruction, false or misleading information or statement to inspectors or classification society, movement of detained vessel	months in prison or both
78	defacing, altering, concealing or removing markings on a vessel	Up to \$100,000 or 1 year in prison or both
79	a) failure to register a non pleasure craft	Up to \$10,000 per day
79	i) operating a vessel without a certificate on board	Up to \$10,000 per day
121	failure to ensure vessel, equipment and machinery meets regulation requirements	Up to \$1,000,000 or 18 months in prison or both
208	ensure a pleasure craft is constructed in accordance with regulations	Up to \$100,000 or 1 year in prison or both
209	licensing, marking and ensuring pleasure craft meets requirements of regs	Up to \$10,000
254	Due Diligence Defence	

#### 4. Operational Offences

CSA Section	Offence	Punishment
101	operating a vessel without sufficient and competent crew	Up to \$1,000,000 or 18 months in prison or both
101	crew who willfully obstructs the operation of a vessel	Up to \$1,000,000 or 18 months in prison or both
123	passenger who fails to obey directions	Up to \$100,000 or 1 year in prison
137	failure to assist a person in distress	Up to \$1,000,000 or 18 months in prison or both
152	failure to give particulars after a collision	Up to \$10,000
164	offences relating to wrecks	Up to \$100,000 or 1 year in prison
191	discharge of a pollutant	Up to \$1,000,000 or 18 months in prison or both (and fine for each day)
253	reckless damage to environment or risk of death or harm to person	indictment fine and/or prison up to 5 years
253	criminal negligence in	per Criminal Code 220, 221

	operation of a vessel	
254	Due Diligence Defence	

Criminal Code	Offence	Punishment
249	dangerous operations of a vessel	summary conviction or prison up to 5 years
249	dangerous operations of a vessel causing bodily harm	indictable up to 10 years in prison
249	dangerous operations of a vessel causing death	indictable up to 14 years in prison
251	sends to sea or operates an unseaworthy vessel	indictable up to 5 years in prison
252	stop after an accident or fail to offer assistance	summary conviction or prison up to 5 years (or life if death results)
253	operation of vessel while intoxicated	summary or indictable. First offence- minimum \$1000 2 <sup>nd</sup> offence – imprisonment 30 days 3 <sup>rd</sup> offence – imprisonment 120 days plus prison up to 5 years

## 5. Use of Evidence from Criminal Proceedings in Civil Matters

The common law rule about the admissibility of criminal convictions in subsequent civil actions was originally established by a 1943 decision of the English Court of Appeal in *Hollington v. F. Hewthorn & Co.*<sup>10</sup> The rule in *Hollington* held that a criminal conviction could not be admitted into evidence in a subsequent civil proceeding as proof of the facts of the conviction. The rule has been inapplicable in Canada since *Demeter v. British Pacific Life Insurance Company*<sup>11</sup>, when Osler, J. held that *Hollington v. Hewthorn* was not binding upon a trial court in Ontario;

In Canada, the treatment afforded to criminal convictions in civil cases has evolved since *Hollington*. Despite the differences between the criminal and civil forums, courts have increasingly recognized that the final decision of a competent, expert, criminal court should be an important, and in some cases a decisive factor in subsequent civil proceedings. Previous criminal convictions are generally admissible in subsequent civil proceedings and are considered prima facie proof of the material facts underlying the conviction. However, the prima facie weight afforded to criminal convictions is still subject to a right to rebuttal.

In Canada, there remains little question that criminal convictions are admissible in subsequent civil proceedings. All provinces and territories (save Quebec) have amended their legislation to codify the admissibility of criminal convictions in civil matters.<sup>12</sup> The admissibility has also been

<sup>10</sup> [1943] 1 K.B. 587

<sup>11</sup> (1983), 150 D.L.R. (3d) 249

<sup>12</sup> British Columbia Evidence Act, R.S.B.C. 1996, c. 124, s.15; Alberta Evidence Act, R.S.A. 2000, c. A-18, s.24; Saskatchewan Evidence Act, R.S.S. 1978, c.S-16, s.18; Manitoba Evidence Act, R.S.M. 1987, c.E 150, s.22; New

codified federally.<sup>13</sup> In Ontario, the Evidence Act<sup>14</sup>, section 22.1, reads:

22.1(1) Proof that a person has been convicted or discharged anywhere in Canada is proof, in the absence of evidence to the contrary, that the crime has been committed by the person, if,

- (a) no appeal of the conviction or discharge was taken and the time for an appeal has expired; or
- (b) an appeal of the conviction or discharge was taken but was dismissed or abandoned and no further appeal is available.

(2) Subsection (1) applies whether or not the convicted or discharged person is a party to the proceeding.

None of the provincial, territory or federal evidence Acts specify the weight that a prior criminal conviction is afforded in a subsequent civil proceeding. Nor do the respective evidence Acts specify the evidentiary effect of the conviction where the convicted party seeks to challenge the facts underlying the criminal offence in the subsequent civil proceeding. If the defendant concedes that the conviction is admissible against her in the civil action but submits that the conviction is only "some" evidence and that her denial of the allegations against her give rise to a genuine issue for trial – how is the weight of the conviction determined? It will depend on the charge and whether evidence actually was introduced. Fairness could dictate that a conviction based on a guilty plea be afforded less weight than a conviction where there was a full consideration of the issue on the merits. There may be alternate reasons to plea that have nothing to do with guilt – these include the cost of a criminal trial and the financial ability of the accused to respond; the convenience of a guilty plea as opposed to a trial, especially when a criminal conviction is not particularly important to the accused; and the avoidance of risk that a plea affords vs. the effect of a more serious criminal conviction, especially when a criminal conviction would be very important to the accused. Fairness would dictate that the administration of justice would be better served by permitting a full and robust hearing rather than insisting that finality should prevail.

In some circumstances, prior criminal convictions are not only admissible in subsequent civil actions, the material facts upon which the conviction was based are not subject to challenge. In Canada, the abuse of process doctrine was adopted and applied in *Demeter v. British Pacific Life Insurance Company* to prevent a previously convicted plaintiff from re-litigating an issue previously determined by the criminal court.

The doctrine of abuse of process has been expanded to apply to not only criminal offences but also to provincial regulatory offences. In *Andreadis et al. v. Pinto et al.*<sup>15</sup>, Justice D. Brown of the Ontario Superior Court of Justice held that the provincial evidence legislation which permits the admissibility of criminal convictions in civil matters also applies to permit the admissibility of offences under provincial regulatory legislation.

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Brunswick Evidence Act, R.S.N.B. 1973, c. E-11, s.20; Prince Edward Island Evidence Act, R.S.P.E.I. 1988, c.E-11, s.18; Nova Scotia Evidence Act R.S.N.S. 1989, c.154, s.58; Newfoundland Evidence Act, R.S.N. 1990, c.E-16, s.13; North West Territories Evidence Act, R.S.W.N.W.T. 1988, c. E-8, s.29; Yukon Evidence Act, R.S.Y. 2002, c.78, s.27, Ontario Evidence Act, R.S.O. 1990, c.E.23, s.22

<sup>13</sup> Canada Evidence Act, R.S.C. 1985, c.C-5, s.12

<sup>14</sup> Evidence Act, R.S.O. 1990, c.E.22, ss.22.1, as amended by S.O. 1995, c.6, s.6

<sup>15</sup> 98 O.R. (3d) 701



Canadian courts have considered how the conviction is going to be used when deciding the weight it will be given in the civil forum. If the conviction is used offensively by the plaintiff to establish the defendant's liability, the conviction is treated as prima facie proof, subject to rebuttal. However, if the conviction is raised defensively to resist a claim by a convicted party, the courts have invoked the abuse of process doctrine to prevent re-litigation, in the interest of justice.

A conviction for dangerous driving was found to constitute negligence in a civil proceedings. The judge in *Caci v. MacArthur*<sup>16</sup> directed a jury in a civil action to accept the facts (of the criminal hearing) about the way that defendant drove his car as the factual basis upon which the defendant was convicted for dangerous driving – i.e. . “as the factual basis upon which it was found that he drove in a manner that was a marked departure from the standard of care that a reasonable person would observe in that situation.”

## 6. Insurance Issues

Most marine policies on small craft in Canada (be they pleasure craft or commercial ventures) provide all risks coverage subject to the *Marine Insurance Act*.<sup>17</sup> Under such policies, once the insured brings himself or herself within the “all risks” coverage grant, the onus is on the insurer to demonstrate the cause of the damage or loss or liability to a third party is excluded in one of the exclusions. Marine policies vary on exclusions for criminal or quasi-criminal liability.

Under most policies in the market the exclusion ties in the “act” to the “loss” by words such as “caused by” or “resulting from”. This is often difficult to achieve. For example, a person may be using the vessel illegally i.e. illegal fishing but the insured cannot establish a causal connection between the illegal or criminal act the loss. Even more severe cases, such as a person being convicted of being impaired (with a blood alcohol level breaching the Criminal Code) it may be difficult to connect the breach to the accident. Some insurers have done away with this wording in favour of wording stating that there is no coverage when the loss “occurs” or “takes place”.

Some popular exclusions found in marine policies are:

- a) *We do not cover any loss, damage, claim or expense resulting directly or indirectly, in whole or in part from any criminal, willful, intentional or malicious act or omission by any insured person. We also do not cover any loss, damage, claim or expense arising from acts or omissions of any person which are intended to result in, or would be expected by a reasonable person to cause physical loss or damage, bodily injury or property damage.*
- b) *We do not insure loss, damage or expense caused by or resulting from an intentional or illegal act by an insured person.*
- c) *We will not cover loss, damage or claim arising directly or indirectly from, or occurring during or caused or connected to any activity involving a breach of a statute be it a Criminal Code or federal statute or regulation.*

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<sup>16</sup> 2007 CanLII 690 (ON SC)

<sup>17</sup> S.C. 1993, c. 22

Other insurance issues that must be considered when dealing with criminal or quasi-criminal behavior include:

1. disclosure of prior claims, convictions, violations
2. having appropriate operator competency
3. advising the insurer of material changes in the risk
4. prompt reporting of the claim to authorities (local police, Coast Guard, or Transport Canada).
5. prompt reporting to the insurer of all loss and any charges.
6. advising the insurer of any plea or criminal proceedings

Some insurers will work with the insured to assist in the defence of criminal proceedings as the result can affect the civil action. The assistance is not a covered peril and some insurers do not want to spend the money with criminal defence counsel. However, the costs of experts such as experts in accident reconstruction, or vessel construction or vessel operation and navigation etc. may be the contribution the insurer can make to the criminal defence proceeding if the expert information will be needed for the defence of a claim in a civil action.

## Appendix A – List of Canada Shipping Act, 2001 sections and AMP Penalty

(from section 2 of the Administrative Monetary Penalties and Notices (CSA 2001) Regulations)

### PART 1

#### VIOLATIONS OF THE CANADA SHIPPING ACT, 2001

Item	Column 1 Provision of the Act	Column 2 Range of Penalties (\$)	Column 3 Separate Violation for Each Day
1.	Subsection 16(3)	600 to 2,400	
2.	Subsection 17(2)	600 to 12,000	
3.	Section 18	250 to 5,000	
4.	Subsection 20(2)	600 to 10,000	
5.	Paragraph 23(a)	1,250 to 25,000	
6.	Paragraph 23(b)	1,250 to 25,000	
7.	Paragraph 23(c)	1,250 to 25,000	
8.	Paragraph 23(d)	1,250 to 25,000	
9.	Paragraph 23(e)	1,250 to 25,000	
10.	Subsection 28(7)	1,250 to 25,000	
11.	Subsection 46(2)	1,250 to 10,000	X
12.	Subsection 57(1)	600 to 10,000	X
13.	Subsection 57(3)	600 to 10,000	
14.	Subsection 57(4)	600 to 12,000	
15.	Subsection 58(1)	250 to 5,000	
16.	Subsection 58(2)	1,250 to 10,000	
17.	Subsection 58(3)	250 to 5,000	
18.	Subsection 58(4)	250 to 5,000	
19.	Subsection 63(1)	250 to 5,000	
20.	Subsection 63(2)	250 to 5,000	
21.	Subsection 63(3)	600 to 10,000	
22.	Subsection 64(2)	250 to 1,000	
23.	Subsection 82(1)	250 to 1,000	
24.	Subsection 82(2)	1,250 to 25,000	X
25.	Subsection 82(3)	1,250 to 5,000	X
26.	Section 87	1,250 to 5,000	
27.	Subsection 90(1)	1,250 to 5,000	
28.	Subsection 90(2)	600 to 2,400	
29.	Paragraph 91(1)(a)	250 to 5,000	
30.	Paragraph 91(1)(b)	250 to 5,000	
31.	Section 92	250 to 5,000	
32.	Subsection 93(1)	250 to 5,000	
33.	Subsection 93(2)	250 to 5,000	
34.	Subsection 94(1)	600 to 12,000	
35.	Subsection 97(1)	250 to 1,000	
36.	Subsection 97(2)	250 to 1,000	

37.	Subsection 97(3)	250 to 1,000	
38.	Subsection 97(4)	250 to 1,000	
39.	Paragraph 98(a)	250 to 5,000	
40.	Paragraph 98(b)	250 to 5,000	
41.	Paragraph 98(c)	250 to 5,000	
42.	Paragraph 98(d)	250 to 5,000	
43.	Paragraph 98(e)	600 to 12,000	
44.	Paragraph 106(1)(a)	1,250 to 25,000	
45.	Paragraph 106(1)(b)	1,250 to 25,000	
46.	Paragraph 106(1)(c)	1,250 to 25,000	
47.	Paragraph 106(2)(a)	1,250 to 25,000	
48.	Paragraph 106(2)(b)	1,250 to 25,000	
49.	Section 107	1,250 to 25,000	
50.	Subsection 109(1)	1,250 to 25,000	
51.	Subsection 109(2)	1,250 to 25,000	
52.	Subsection 110(1)	1,250 to 25,000	
53.	Subsection 110(2)	1,250 to 25,000	
54.	Section 111	1,250 to 25,000	
55.	Section 112	600 to 12,000	
56.	Paragraph 113(a)	1,250 to 5,000	
57.	Paragraph 113(b)	1,250 to 5,000	
58.	Paragraph 113(c)	1,250 to 5,000	
59.	Paragraph 113(d)	1,250 to 5,000	
60.	Section 114	1,250 to 5,000	
61.	Subsection 115(1)	600 to 2,400	
62.	Subsection 115(2)	250 to 1,000	
63.	Paragraph 116(a)	600 to 2,400	
64.	Paragraph 116(b)	600 to 2,400	
65.	Section 117	1,250 to 25,000	
66.	Section 118	1,250 to 25,000	
67.	Section 119	1,250 to 25,000	
68.	Paragraph 148(b)	250 to 5,000	
69.	Section 187	1,250 to 25,000	X
70.	Section 188	6,000 to 25,000	
71.	Section 213	6,000 to 25,000	
72.	Section 215	1,250 to 25,000	
73.	Subsection 218(1)	1,250 to 25,000	
74.	Subsection 222(9)	1,250 to 25,000	
75.	Subsection 222(10)	1,250 to 25,000	
76.	Section 223	1,250 to 25,000	

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## PART 3

## VIOLATIONS OF THE COLLISION REGULATIONS

Item	Column 1 Provision of the <i>Collision Regulations</i>	Column 2 Range of Penalties (\$)	Column 3 Separate Violation for Each Day
1.	Section 4 and subsection 5(1)	600 to 3,000	
2.	Section 4 and subsection 5(2)	250 to 1,000	
3.	Section 4 and subsection 5(3)	250 to 1,000	
4.	Section 4 and subsection 6(1)	600 to 3,000	
5.	Section 4 and Rule 5 of Schedule 1	6,000 to 25,000	
6.	Section 4 and Rule 6 of Schedule 1	6,000 to 25,000	
7.	Section 4 and Rule 6(c) of Schedule 1	6,000 to 25,000	
8.	Section 4 and Rule 9(b) of Schedule 1	600 to 12,000	
9.	Section 4 and Rule 9(c) of Schedule 1	600 to 12,000	
10.	Section 4 and Rule 9(d) of Schedule 1	600 to 12,000	
11.	Section 4 and Rule 9(e)(i) of Schedule 1	600 to 12,000	
12.	Section 4 and Rule 9(f) of Schedule 1	600 to 12,000	
13.	Section 4 and Rule 9(h) of Schedule 1	600 to 12,000	
14.	Section 4 and Rule 9(i) of Schedule 1	600 to 12,000	
15.	Section 4 and Rule 9(j) of Schedule 1	600 to 12,000	
16.	Section 4 and Rule 9(k)(i) of Schedule 1	600 to 12,000	
17.	Section 4 and Rule 9(k)(ii) of Schedule 1	600 to 12,000	
18.	Section 4 and Rule 9(k)(iii) of Schedule 1	600 to 12,000	
19.	Section 4 and Rule 10(b) of Schedule 1	600 to 12,000	
20.	Section 4 and Rule 10(d)(i) of Schedule 1	250 to 5,000	
21.	Section 4 and Rule 10(i) of Schedule 1	600 to 12,000	
22.	Section 4 and Rule 10(j) of Schedule 1	600 to 12,000	
23.	Section 4 and Rule 10(n) of Schedule 1	600 to 12,000	
24.	Section 4 and Rule 10(o) of Schedule 1	600 to 12,000	
25.	Section 4 and Rule 12(a) of Schedule 1	600 to 12,000	
26.	Section 4 and Rule 13(a) of Schedule 1	600 to 12,000	
27.	Section 4 and Rule 14(a) of Schedule 1	600 to 12,000	
28.	Section 4 and Rule 15(a) of Schedule 1	600 to 12,000	
29.	Section 4 and Rule 15(b) of Schedule 1	600 to 12,000	
30.	Section 4 and Rule 17(a)(i) of Schedule 1	600 to 12,000	
31.	Section 4 and Rule 18(a) of Schedule 1	600 to 12,000	
32.	Section 4 and Rule 18(b) of Schedule 1	600 to 12,000	
33.	Section 4 and Rule 18(c) of Schedule 1	600 to 12,000	
34.	Section 4 and Rule 18(d)(i) of Schedule 1	600 to 12,000	

35.	Section 4 and Rule 18(e) of Schedule 1	600 to 12,000
36.	Section 4 and Rule 18(f)(i) of Schedule 1	600 to 12,000
37.	Section 4 and Rule 18(f)(ii) of Schedule 1	600 to 12,000
38.	Section 4 and Rule 19(b) of Schedule 1	600 to 12,000
39.	Section 4 and Rule 19(e) of Schedule 1	600 to 12,000
40.	Section 4 and Rule 20(b) of Schedule 1	600 to 12,000
41.	Section 4 and Rule 20(c) of Schedule 1	600 to 12,000
42.	Section 4 and Rule 20(d) of Schedule 1	600 to 12,000
43.	Section 4 and Rule 20(e) of Schedule 1	600 to 12,000
44.	Section 4 and Rule 22 of Schedule 1	600 to 12,000
45.	Section 4 and Rule 23(a) of Schedule 1	600 to 12,000
46.	Section 4 and Rule 23(b) of Schedule 1	600 to 12,000
47.	Section 4 and Rule 23(c) of Schedule 1	600 to 12,000
48.	Section 4 and Rule 24(a) of Schedule 1	600 to 12,000
49.	Section 4 and Rule 24(b) of Schedule 1	600 to 12,000
50.	Section 4 and Rule 24(c) of Schedule 1	600 to 12,000
51.	Section 4 and Rule 24(d) of Schedule 1	600 to 12,000
52.	Section 4 and Rule 24(e) of Schedule 1	600 to 12,000
53.	Section 4 and Rule 24(g) of Schedule 1	600 to 12,000
54.	Section 4 and Rule 24(i) of Schedule 1	600 to 12,000
55.	Section 4 and Rule 24(j)(ii) of Schedule 1	600 to 12,000
56.	Section 4 and Rule 24(k) of Schedule 1	600 to 12,000
57.	Section 4 and Rule 24(l) of Schedule 1	600 to 12,000
58.	Section 4 and Rule 24(m) of Schedule 1	600 to 12,000
59.	Section 4 and Rule 25(a) of Schedule 1	600 to 12,000
60.	Section 4 and Rule 25(c) of Schedule 1	600 to 12,000
61.	Section 4 and Rule 25(d)(ii) of Schedule 1	600 to 12,000
62.	Section 4 and Rule 25(e) of Schedule 1	600 to 12,000
63.	Section 4 and Rule 26(a) of Schedule 1	600 to 12,000
64.	Section 4 and Rule 26(b) of Schedule 1	600 to 12,000
65.	Section 4 and Rule 26(c) of Schedule 1	600 to 12,000
66.	Section 4 and Rule 26(d) of Schedule 1	600 to 12,000
67.	Section 4 and Rule 26(e) of Schedule 1	250 to 5,000
68.	Section 4 and Rule 27(a) of Schedule 1	600 to 12,000
69.	Section 4 and Rule 27(b) of Schedule 1	600 to 12,000
70.	Section 4 and Rule 27(c) of Schedule 1	600 to 12,000
71.	Section 4 and Rule 27(d) of Schedule 1	600 to 12,000
72.	Section 4 and Rule 27(e)(i) of Schedule 1	600 to 12,000
73.	Section 4 and Rule 27(e)(ii) of Schedule 1	600 to 12,000
74.	Section 4 and Rule 27(f) of Schedule 1	600 to 12,000
75.	Section 4 and Rule 28(b) of Schedule 1	600 to 12,000
76.	Section 4 and Rule 29(a) of Schedule 1	600 to 12,000
77.	Section 4 and Rule 30(a) of Schedule 1	600 to 12,000
78.	Section 4 and Rule 30(c) of Schedule 1	600 to 12,000
79.	Section 4 and Rule 30(d) of Schedule 1	600 to 12,000
80.	Section 4 and Rule 33(a) of Schedule 1	600 to 12,000
81.	Section 4 and Rule 34(a) of Schedule 1	600 to 12,000
82.	Section 4 and Rule 34(d) of Schedule 1	600 to 12,000

83.	Section 4 and Rule 34(f) of Schedule 1	250 to 5,000
84.	Section 4 and Rule 34(g)(i) of Schedule 1	600 to 12,000
85.	Section 4 and Rule 34(g)(ii) of Schedule 1	600 to 12,000
86.	Section 4 and Rule 34(k) of Schedule 1	600 to 12,000
87.	Section 4 and Rule 35(a) of Schedule 1	600 to 12,000
88.	Section 4 and Rule 35(b) of Schedule 1	600 to 12,000
89.	Section 4 and Rule 35(c) of Schedule 1	600 to 12,000
90.	Section 4 and Rule 35(d) of Schedule 1	600 to 12,000
91.	Section 4 and Rule 35(e) of Schedule 1	600 to 12,000
92.	Section 4 and Rule 35(f) of Schedule 1	600 to 12,000
93.	Section 4 and Rule 35(g) of Schedule 1	600 to 12,000
94.	Section 4 and Rule 35(h) of Schedule 1	600 to 12,000
95.	Section 4 and Rule 36 of Schedule 1	250 to 5,000
96.	Section 4 and Rule 37 of Schedule 1	600 to 12,000
97.	Section 4 and Rule 39(a) of Schedule 1	250 to 5,000
98.	Section 4 and Rule 39(b) of Schedule 1	250 to 5,000
99.	Section 4 and Rule 41(a) of Schedule 1	600 to 12,000
100.	Section 4 and Rule 42(a) of Schedule 1	250 to 5,000
101.	Section 4 and Rule 42(c) of Schedule 1	600 to 12,000
102.	Section 4 and Rule 42(d) of Schedule 1	600 to 12,000
103.	Section 4 and Rule 42(e) of Schedule 1	600 to 12,000
104.	Section 4 and Rule 42(f) of Schedule 1	600 to 12,000
105.	Section 4 and Rule 42(i) of Schedule 1	600 to 12,000
106.	Section 4 and Rule 43(c) of Schedule 1	600 to 12,000
107.	Section 4 and Rule 44(a) of Schedule 1	250 to 5,000
108.	Section 4 and Rule 44(b) of Schedule 1	250 to 5,000
109.	Section 4 and Rule 44(c) of Schedule 1	250 to 5,000
110.	Section 4 and Rule 44(d) of Schedule 1	250 to 5,000
111.	Section 4 and Rule 44(e) of Schedule 1	250 to 5,000
112.	Section 4 and Rule 46(c) of Schedule 1	600 to 12,000
113.	Section 4 and Rule 46(f) of Schedule 1	600 to 12,000
114.	Section 4 and Rule 46(h) of Schedule 1	600 to 12,000
115.	Section 7	6,000 to 25,000

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**Appendix B – AMP Flowchart for Transport Canada Marine Safety**

