

Criminal Code

Paragraph 204 of the regulations lays down the conditions that must be complied with before an aircraft can be registered under these regulations. It provides in the main that it cannot be registered unless it is a state aircraft or is owned exclusively by a person qualified to be the registered owner of a Canadian aircraft; that there is in force a certificate of airworthiness, and various other provisions as to the conditions that must be complied with before registration can be effected.

To answer my hon. friend's question, I think the operative words are that no person shall fly an aircraft in Canada unless it is registered under this part or under the laws of a contracting state which is a party to an agreement with Canada.

Mr. Chevrier: I understand that it is not an easy matter to bring in legislation of this kind and be familiar with all of the regulations under the Aeronautics Act. I am not going to press the minister unduly but I wonder whether he can tell me whether aircraft, the property of the government of France or of the government of the United Kingdom, flying into Dorval and thence to other places in Canada, if they have the right under an air agreement, are required to be registered in Canada under these regulations from which the minister has just read.

Mr. Fulton: The answer, I think, is that it is not necessary under those circumstances for the aircraft to be registered in Canada, because under the provisions of subparagraph (b) of paragraph 200 of the regulations it is not required to be registered here if it is registered under the laws of a contracting state or a state that is a party to an agreement entered into with Canada. Therefore if the government of France and the government of Canada have an agreement giving Air France flying rights in Canada and the aircraft of Air France are registered in France, they would not have to be registered in Canada under the appropriate provisions of the regulations.

Mr. MacLean (Winnipeg North Centre): I have one point on which I should like some information from the minister. It has to do with the definition of "in flight" in clause 3. As the minister is probably well aware, Scandinavian Air lines has the privilege of landing at the Winnipeg airport only for the purpose of refueling. It has no privileges with respect to embarking or disembarking passengers. Aircraft from Sweden land at Winnipeg for refueling only and their terminal point is Los Angeles.

Two or three years ago we had a case involving a Canadian citizen who got off the

aircraft in Winnipeg and refused to get back on in order to proceed to Los Angeles and then come back to Winnipeg. The police were called and the fact of the matter is that the passenger did go back on the airplane and complete the flight.

At that time it was a matter of interest to the members of the Manitoba bar as to what legal right the police or anyone else had to compel a Canadian citizen on Canadian soil to go back on the aircraft. As a matter of fact it was the opinion of many legal men in Manitoba at that time that there was no provision under the Criminal Code or anywhere else that could be utilized to compel a Canadian citizen to leave Canadian soil. What I am wondering is whether or not—

The Acting Chairman (Mr. McCleave): I would ask the hon. member how he relates—would the hon. member take his seat—that particular matter to this clause which deals with offences committed in flight. As I understand the Winnipeg case to which he has referred, it was a matter of the man being off the aircraft, and as far as the Chair knows there was no question of an offence being committed in flight.

Mr. MacLean (Winnipeg North Centre): That is just the point, and I would ask you to bear with me for a moment. The clause defining "in flight" states that an aircraft shall be deemed to be in flight from the moment it first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of its flight, and when it so comes to rest that flight shall be deemed to have terminated. If the fact that the aircraft only lands at Winnipeg for refueling means that its flight is not so terminated and does not terminate until the aircraft lands in Los Angeles, then clauses 2 and 3 are applicable to the rights of the pilot of the aircraft, and clause 3 would apply to anything a person might do while the aircraft was at the city of Winnipeg.

I should like the minister's opinion with regard to what the word "terminate" means and where the end of the flight of this aircraft would be. If the termination point is Los Angeles and the end of the flight is Los Angeles then clauses 2 and 3 might cover the case I have just cited, and may I say that I think a similar case will come up again within the next few years.

Mr. Fulton: I think the hon. member is using the word "flight" where he should be using the word "schedule". Los Angeles is the termination of the schedule, but it is my view that the wording of this clause makes it sufficiently clear that if the aircraft