

THE CRIMINAL CODE

Disturbing Worship

Section 176

A person is guilty of an indictable offence and up to two years imprisonment who:

- By threats or force, unlawfully obstructs or prevents, or attempts to obstruct or prevent a minister from celebrating divine service or performing any other function in connection with that calling.
- Or who assaults or offers any violence to a minister or arrests him or her on a civil process, knowing that the minister is about to perform, on the way to perform, or is returning from the performance of clerical duties.
- Or who disturbs or interrupts an assemblage of persons met for religious worship or for moral, social or benevolent purpose.
- Or who willfully does anything that disturbs the order or solemnity of religious worship which includes that following behaviour: indecency such as brawling in the church yard, shouting about idolatry during the prayer of consecration in holy Communion, shouting about hypocrisy when certain ministers of state attend divine worship, the loud singing of hymns throughout the service so as to make the officiating cleric's voice inaudible, exhorting participants to leave the service, creating a noise with a loud hailer outside the place of worship and wearing placards calculated to disturb congregants, refusing to sit in a pew indicated by the ushers and generally, shouting during the service.

Section 176 has been tested constitutionally both in respect to jurisdiction and freedom of expression.

Blasphemy

Section 296

The Criminal Code cites an indictable offence punishable by not more than two years imprisonment for publishing a blasphemous libel. Section 296 does not define blasphemous libel, but within Common Law the terms consisted of publication of contemptuous, reviling, scurrilous or ludicrous statements relating to God, Jesus Christ and the Bible which led to breaches of the peace. For the purposes of common law it did not matter whether the words were spoken or printed.

There is little case law in Canada related to Section 296. The Criminal Code does provide for the freedom from conviction of blasphemous libel for anyone expressing opinions in good faith and in decent language or for attempting to establish by argument used in good faith and conveyed in decent language, an opinion upon any religious subject.

