

# Repealed - Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19

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From: Transport Canada

Whereas the annexed *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19* is required to deal with a significant risk, direct or indirect, to aviation safety or the safety of the public;

Whereas the provisions of the annexed Order may be contained in a regulation made pursuant to sections 4.71<sup>a</sup> and 4.9<sup>b</sup>, paragraphs 7.6(1)(a)<sup>c</sup> and (b)<sup>d</sup> and section 7.7<sup>e</sup> of the *Aeronautics Act*<sup>f</sup>;

- <sup>a</sup>S.C. 2004, c. 15, s. 5
- <sup>b</sup>S.C. 2014, c. 39, s. 144
- <sup>c</sup>S.C. 2015, c. 20, s. 12
- <sup>d</sup>S.C. 2004, c. 15, s. 18
- <sup>e</sup>S.C. 2001, c. 29, s. 39
- <sup>f</sup>R.S., c. A-2

And whereas, pursuant to subsection 6.41(1.2)<sup>g</sup> of that Act, the Minister of Transport has consulted with the persons and organizations that that Minister considers appropriate in the circumstances before making the annexed Order;

- <sup>g</sup>S.C. 2004, c. 15, s. 11(1)

Therefore, the Minister of Transport, pursuant to subsection 6.41(1)<sup>9</sup> of the *Aeronautics Act*<sup>f</sup>, makes the annexed *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19*.

Ottawa, June 17, 2020

Le ministre des Transports,  
Marc Garneau  
Minister of Transport

## Interpretation

### Definitions

- **1 (1)** The following definitions apply in this Interim Order.

#### ***COVID-19***

*COVID-19* means the coronavirus disease 2019. (COVID-19)

#### ***face mask***

*face mask* means any non-medical mask or face covering that is made of at least two layers of tightly woven material such as cotton or linen, is large enough to completely cover a person's nose and mouth without gaping and can be secured to a person's head with ties or ear loops.  
(masque)

#### ***foreign national***

*foreign national* means a person who is not a Canadian citizen or a permanent resident and includes a stateless person. (étranger)

#### ***Regulations***

*Regulations* means the *Canadian Aviation Regulations*. (Règlement)

#### ***screening authority***

*screening authority* has the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*. (administration de contrôle)

***screening officer***

*screening officer* has the same meaning as in section 2 of the *Canadian Air Transport Security Authority Act*. (agent de contrôle)

- Interpretation

(2) Unless the context requires otherwise, all other words and expressions used in this Interim Order have the same meaning as in the Regulations.

- Conflict

(3) In the event of a conflict between this Interim Order and the Regulations or the *Canadian Aviation Security Regulations, 2012*, the Interim Order prevails.

## Application

### Private operators and air carriers

- **2** (1) Subject to subsection (2), this Interim Order applies to private operators that operate an aircraft under Subpart 4 of Part VI of the Regulations and air carriers that operate an aircraft under Subpart 1, 3, 4 or 5 of Part VII of the Regulations and their passengers, as follows:
  - (a) in the case of flights departing from Canada, sections 3 and 10 to 25;
  - (b) in the case of flights to Canada departing from any country other than the United States, sections 4, 5 and 10 to 25; and
  - (c) in the case of flights to Canada departing from the United States, sections 6 to 25.

- Exception

(2) Section 3 does not apply to air carriers that operate an aircraft under Subpart 1 of Part VII of the Regulations.

- Screening authority

(3) Sections 26 to 29 apply to the screening authority at an aerodrome set out in the schedule to the *CATSA Aerodrome Designation Regulations* or at any other place designated by the Minister under subsection 6(1.1) of the *Canadian Air Transport Security Authority Act*.

## Flights in Canada

### Notification

**3** A private operator or air carrier operating a flight between two points in Canada must notify every person that they may be subject to a measure to prevent the spread of COVID-19 taken by the provincial or territorial government with jurisdiction at the destination aerodrome for that flight.

## Flights to Canada Except Flights from the United States

### Prohibition

**4** A private operator or air carrier must not permit a foreign national to board an aircraft for a flight to Canada departing from any country other than the United States.

### Exception

**5** Section 4 does not apply to a foreign national who is permitted to enter Canada under the order made by the Governor General in Council, pursuant to the *Quarantine Act*, entitled *Minimizing the Risk of Exposure to*

*COVID-19 in Canada Order (Prohibition of Entry into Canada from any country other than the United States).*

## Flights to Canada from the United States

### Notification

**6** A private operator or air carrier operating a flight to Canada departing from the United States must notify every foreign national that they may be prohibited from entering Canada under the order made by the Governor General in Council, pursuant to the *Quarantine Act*, entitled *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Prohibition of Entry into Canada from the United States)*.

### Confirmation

**7** Before boarding an aircraft for a flight departing from the United States, a foreign national must confirm that they have read the order referred to in section 6 and that, to the best of their knowledge, they are not prohibited from entering Canada under that order.

### Prohibition

**8** A private operator or air carrier must not permit a foreign national to board an aircraft for a flight to Canada departing from the United States if the foreign national is a competent adult and does not provide, or refuses to provide, the confirmation referred to in section 7.

### False declaration

**9** A foreign national must not provide a confirmation under section 7 that they know to be false or misleading.

## Health Check

## Non-application

**10** Sections 11 to 14 do not apply to each of the following persons:

- (a) a crew member;
- (b) a person who provides a medical certificate certifying that any symptoms referred to in subsection 12(1) that they are exhibiting are not related to COVID-19.

## Health check — private operator or air carrier

**11** A private operator or air carrier must conduct a health check of every person boarding an aircraft for a flight that the private operator or air carrier operates.

## Health check

- **12 (1)** A private operator or air carrier conducting a health check must ask questions of every person to verify whether they exhibit any of the following symptoms:
  - (a) a fever;
  - (b) a cough;
  - (c) breathing difficulties.

- Additional questions

(2) In addition to the health check, the private operator or air carrier must ask

- (a) every person whether they have been refused boarding in the past 14 days due to a medical reason related to COVID-19; and
- (b) every person boarding an aircraft for a flight departing in Canada whether they are the subject of a mandatory quarantine order as a result of recent travel or as a result of an order issued by a provincial or local public health authority.

- False declaration — obligation of private operator or air carrier

(3) The private operator or air carrier must advise every person not to provide answers that they know to be false or misleading with respect to the health check and the additional questions.

- False declaration — obligation of person

(4) A person who, under subsections (1) and (2), is subjected to a health check and is asked the additional questions must

- (a) answer all questions; and
- (b) not provide answers that they know to be false or misleading.

- Observations — private operator or air carrier

(5) During the boarding process for a flight that the private operator or air carrier operates, the private operator or air carrier must observe whether any person boarding the aircraft is exhibiting any symptoms referred to in subsection (1).

## Prohibition

**13** A private operator or air carrier must not permit a person to board an aircraft for a flight that the private operator or air carrier operates if

- (a) the person's answers to the health check questions indicate that they exhibit
  - (i) a fever and cough, or
  - (ii) a fever and breathing difficulties;
- (b) the private operator or air carrier observes that, as they are boarding, the person exhibits
  - (i) a fever and cough, or
  - (ii) a fever and breathing difficulties;

- (c) the person's answer to any of the additional questions asked of them under subsection 12(2) is in the affirmative; or
- (d) the person is a competent adult and refuses to answer any of the questions asked of them under subsection 12(1) or (2).

Waiting period of 14 days

**14** A person who is not permitted to board an aircraft under section 13 is not permitted to board another aircraft for the purpose of being transported for a period of 14 days after the refusal, unless they provide a medical certificate certifying that any symptoms referred to in subsection 12(1) that they are exhibiting are not related to COVID-19.

## Face Masks

Non-application

**15** Sections 16 to 21 do not apply to each of the following persons:

- (a) an infant;
- (b) a person who has breathing difficulties unrelated to COVID-19;
- (c) a person who is unconscious;
- (d) a person who is unable to remove their face mask without assistance;
- (e) a crew member.

Notification

**16** A private operator or air carrier must notify every person who intends to board an aircraft for a flight that the private operator or air carrier operates that

- (a) the person must be in possession of a face mask prior to boarding;

- (b) the person must wear the face mask at all times during the boarding process, during the flight and from the moment the doors of the aircraft are opened until the person enters the air terminal building when they are 2 m or less from another person, unless both persons are occupants of the same dwelling-house or other place that serves that purpose; and
- (c) the person must comply with any instructions given by a gate agent or a crew member with respect to wearing a face mask.

## Obligation to possess face mask

**17** Every person must be in possession of a face mask prior to boarding an aircraft for a flight.

## Wearing of face mask — persons

- **18** (1) Subject to subsections (2) and (3), a private operator or air carrier must require a person to wear a face mask at all times during the boarding process and during a flight that the private operator or air carrier operates when the person is 2 m or less from another person.
- Exceptions — person

### (2) Subsection (1) does not apply

- (a) when the only other persons who are 2 m or less from the person are occupants of the person's dwelling-house or other place that serves that purpose;
- (b) when the safety of the person could be endangered by wearing a face mask;
- (c) when the person is drinking, eating or taking oral medications;
- (d) when a gate agent or a crew member authorizes the removal of the face mask to address the person's special needs or unforeseen circumstances; or

- (e) when a gate agent authorizes the removal of the face mask to verify the person's identity.
- Exceptions — flight deck

(3) Subsection (1) does not apply to each of the following persons when they are on the flight deck:

- (a) a Department of Transport air carrier inspector;
- (b) an inspector of the civil aviation authority of the state where the aircraft is registered;
- (c) an employee of the private operator or air carrier who is not a crew member performing their duties;
- (d) a pilot, flight engineer or flight attendant employed by a wholly owned subsidiary or a code share partner of the private operator or air carrier;
- (e) a person who has expertise related to the aircraft, its equipment or its crew members and who is required to be on the flight deck to provide a service to the private operator or air carrier.

## Compliance

**19** A person must comply with any instructions given by a gate agent or a crew member with respect to wearing a face mask.

## Prohibition — private operator or air carrier

**20** A private operator or air carrier must not permit a person to board an aircraft for a flight that the private operator or air carrier operates if

- (a) the person is not in possession of a face mask; or
- (b) the person refuses to comply with an instruction given by a gate agent or a crew member with respect to wearing a face mask.

## Refusal to comply

**21** If, during a flight that a private operator or air carrier operates, a person refuses to comply with an instruction given by a crew member with respect to wearing a face mask, the private operator or air carrier must

- (a) keep a record of
  - (i) the date and flight number,
  - (ii) the person's name and contact information,
  - (iii) the person's seat number, and
  - (iv) the circumstances related to the refusal to comply; and
- (b) inform the Minister as soon as feasible of any record created under paragraph (a).

#### Wearing of face mask — crew members

- **22** (1) Subject to subsections (2) and (3), a private operator or air carrier must require a crew member to wear a face mask at all times during the boarding process and during a flight that the private operator or air carrier operates when the crew member is 2 m or less from another person.

- Exceptions – crew member

#### (2) Subsection (1) does not apply

- (a) when the safety of the crew member could be endangered by wearing a face mask;
- (b) when the wearing of a face mask by the crew member could interfere with operational requirements or the safety of the flight; or
- (c) when the crew member is drinking, eating or taking oral medications.

- Exception — flight deck

#### (3) Subsection (1) does not apply to a crew member who is a flight crew member when they are on the flight deck.

## Wearing of face mask — gate agents

- **23** (1) Subject to subsection (2), a private operator or air carrier must require a gate agent to wear a face mask during the boarding process for a flight that the private operator or air carrier operates when the gate agent is 2 m or less from another person.
- Exceptions

### (2) Subsection (1) does not apply

- (a) when the safety of the gate agent could be endangered by wearing a face mask; or
- (b) when the gate agent is drinking, eating or taking oral medications.

## Deplaning

### Non-application

**24** Section 25 does not apply to each of the following persons:

- (a) an infant;
- (b) a person who has breathing difficulties unrelated to COVID-19;
- (c) a person who is unconscious;
- (d) a person who is unable to remove their face mask without assistance;
- (e) a person who is on a flight that originates in Canada and is destined to another country.

## Wearing of face mask — person

**25** A person who is on board an aircraft must wear a face mask at all times from the moment the doors of the aircraft are opened until the person enters the air terminal building by a passenger loading bridge or otherwise

when the person is 2 m or less from another person, unless both persons are occupants of the same dwelling-house or other place that serves that purpose.

## Screening Authority

### Non-application

- **26** (1) Sections 27 to 29 do not apply to each of the following persons:
  - (a) an infant;
  - (b) a person who has breathing difficulties unrelated to COVID-19;
  - (c) a person who is unconscious;
  - (d) a person who is unable to remove their face mask without assistance;
  - (e) emergency response provider personnel who are responding to an emergency;
  - (f) a peace officer who is responding to a call.

- Definitions — *Canadian Aviation Security Regulations, 2012*

(2) In this section and sections 27 to 29, *non-passenger screening checkpoint*, *passenger screening checkpoint*, *peace officer*, *restricted area* and *sterile area* have the same meaning as in section 3 of the *Canadian Aviation Security Regulations, 2012*.

### Requirement — passenger screening checkpoint

- **27** (1) A screening authority must notify a person who is subject to screening at a passenger screening checkpoint that they must wear a face mask at all times during screening.
- Wearing of face mask — person

(2) Subject to subsection (3), a person who is the subject of screening referred to in subsection (1) must wear a face mask at all times during screening.

- Requirement to remove face mask

(3) A person who is required by a screening officer to remove their face mask during screening must do so.

- Wearing of face mask — screening officer

(4) A screening officer must wear a face mask at a passenger screening checkpoint when conducting the screening of a person if, during the screening, the screening officer is 2 m or less from the person being screened.

#### Requirement — non-passenger screening checkpoint

- **28** (1) A person who presents themselves at a non-passenger screening checkpoint to enter into a restricted area must wear a face mask at all times.
- Wearing of face mask — screening officer

(2) Subject to subsection (3), a screening officer must wear a face mask at all times at a non-passenger screening checkpoint.

- Exceptions

(3) Subsection (2) does not apply

- (a) when the safety of the screening officer could be endangered by wearing a face mask; or
- (b) when the screening officer is drinking, eating or taking oral medications.

#### Prohibition — passenger screening checkpoint

- **29** (1) A screening authority must not permit a person who has been notified to wear a face mask and refuses to do so to pass beyond a passenger screening checkpoint into a restricted area, including a sterile area.
- Prohibition — non-passenger screening checkpoint  
(2) A screening authority must not permit a person who refuses to wear a face mask to pass beyond a non-passenger screening checkpoint into a restricted area.

## Designated Provisions

### Designation

- **30** (1) The provisions of this Interim Order set out in column 1 of the schedule are designated as provisions the contravention of which may be dealt with under and in accordance with the procedure set out in sections 7.7 to 8.2 of the Act.
- Maximum amounts  
(2) The amounts set out in column 2 of the schedule are the maximum amounts of the penalty payable in respect of a contravention of the designated provisions set out in column 1.
- Notice  
(3) A notice referred to in subsection 7.7(1) of the Act must be in writing and must specify
  - (a) the particulars of the alleged contravention;
  - (b) that the person on whom the notice is served or to whom it is sent has the option of paying the amount specified in the notice or filing with the Tribunal a request for a review of the alleged contravention or the amount of the penalty;

- (c) that payment of the amount specified in the notice will be accepted by the Minister in satisfaction of the amount of the penalty for the alleged contravention and that no further proceedings under Part I of the Act will be taken against the person on whom the notice in respect of that contravention is served or to whom it is sent;
- (d) that the person on whom the notice is served or to whom it is sent will be provided with an opportunity consistent with procedural fairness and natural justice to present evidence before the Tribunal and make representations in relation to the alleged contravention if the person files a request for a review with the Tribunal; and
- (e) that the person on whom the notice is served or to whom it is sent will be considered to have committed the contravention set out in the notice if they fail to pay the amount specified in the notice and fail to file a request for a review with the Tribunal within the prescribed period.

## Repeals

**31 The following Interim Orders are repealed:**

- (a) the *Interim Order to Prevent Certain Persons from Boarding Flights in Canada due to COVID-19, No. 7*, made on June 4, 2020; and
- (b) the *Interim Order to Prevent Certain Persons from Boarding Flights to Canada due to COVID-19, No. 10*, made on June 4, 2020.

## Schedule(Subsections 30(1) and (2))Designated Provisions

Column 1	Column 2
Designated Provision	Maximum Amount of Penalty (\$)

Column 1	Column 2	
	Individual	Corporation
Designated Provision	Maximum Amount of Penalty (\$)	
	Individual	Corporation
Section 3	5,000	25,000
Section 4	5,000	25,000
Section 6	5,000	25,000
Section 7	5,000	
Section 8	5,000	25,000
Section 9	5,000	
Section 11	5,000	25,000
Subsection 12(1)	5,000	25,000
Subsection 12(2)	5,000	25,000
Subsection 12(3)	5,000	25,000
Subsection 12(4)	5,000	
Subsection 12(5)	5,000	25,000
Section 13	5,000	25,000
Section 14	5,000	
Section 16	5,000	25,000
Section 17	5,000	
Subsection 18(1)	5,000	25,000

Column 1	Column 2	
Designated Provision	Maximum Amount of Penalty (\$)	
	Individual	Corporation
Section 19	5,000	
Section 20	5,000	25,000
Section 21	5,000	25,000
Subsection 22(1)	5,000	25,000
Subsection 23(1)	5,000	25,000
Section 25	5,000	
Subsection 27(1)		25,000
Subsection 27(2)	5,000	
Subsection 27(3)	5,000	
Subsection 27(4)	5,000	
Subsection 28(1)	5,000	
Subsection 28(2)	5,000	
Subsection 29(1)		25,000
Subsection 29(2)		25,000

**i Did you find this information helpful?**

**i** Transport Canada is closely monitoring the COVID-19 situation. In response, we have issued some **transportation-related measures and guidance**. Please check if any of these measures apply to you.

You may experience longer than usual wait times or partial service interruptions. If you cannot get through, please **contact us by email**.

For information on COVID-19 updates, please visit **Canada.ca/coronavirus**.

**Date modified:**

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