

Whereas the annexed *Interim Order to Prevent Certain Persons from Boarding Flights in Canada 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 and 4.9, paragraphs 7.6(1)(a) and (b) and section 7.7 of the *Aeronautics Act*;

And whereas, pursuant to subsection 6.41(1.2) 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;

Therefore, the Minister of Transport, pursuant to subsection 6.41(1) of the *Aeronautics Act*, makes the annexed *Interim Order to Prevent Certain Persons from Boarding Flights in Canada due to COVID-19*.

Ottawa, March 27, 2020

Le ministre des Transports,

Original signed by
Marc Garneau
Minister of Transport

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- S.C. 2004, c. 15, s. 5
 - S.C. 2014, c. 39, s. 144
 - S.C. 2015, c. 20, s. 12
 - S.C. 2004, c. 15, s. 18
 - S.C. 2001, c. 29, s. 39
 - † R.S., c. A-2
 - S.C. 2004, c. 15, s. 11(1)
 - S.C. 2004, c. 15, s. 11(1)
 - † R.S., c. A-2

Interim Order to Prevent Certain Persons from Boarding Flights in Canada due to COVID-19

Interpretation

Definitions

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

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

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

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*, this Interim Order prevails.

Application

Flights departing an aerodrome in Canada

2 (1) Subject to subsection (2), this Interim Order applies to the following operators who operate a flight, other than a cargo flight without passengers, from an aerodrome in Canada and to their passengers:

- (a) the holder of a private operator registration document issued under Subpart 4 of Part VI of the Regulations in respect of flights operated using an aircraft with a passenger seating configuration of 10 or more, excluding pilot seats;
- (b) the holder of a certificate issued under Subpart 1 of Part VII of the Regulations in respect of flights operated using an aircraft with a passenger seating configuration of 10 or more, excluding pilot seats;
- (c) the holder of a certificate issued under Subpart 4 or 5 of Part VII of the Regulations.

Exception

(2) Section 3 does not apply to the holder of a certificate issued under Subpart 1 of Part VII of the Regulations.

Provincial and Territorial Measures

Notification

3 Beginning on March 30, 2020, at 12:00 p.m. Eastern Daylight Time, before boarding an aircraft for a domestic flight that an operator operates, the operator must notify its passengers 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.

Health Check Before Boarding

Health check — operator

4 Beginning on March 30, 2020, at 12:00 p.m. Eastern Daylight Time, subject to section 6, an operator must conduct, at the boarding gate, a health check of every passenger before the passenger boards an aircraft for a flight that the operator operates.

Health check

5 (1) An operator conducting a health check must ask questions of every passenger to verify whether they exhibit the following symptoms:

- (a) a fever;
- (b) a cough; and
- (c) breathing difficulties.

Additional questions

- (2) In addition to the health check, the operator must ask every passenger
- (a) whether they have been refused boarding in the past 14 days due to a medical reason related to COVID-19, and
 - (b) whether they are the subject of a provincial or local public health order.

False declaration — obligation of operator

(3) The operator must advise every passenger not to provide answers to the health check questions or the additional questions that they know to be false or misleading.

False declaration — obligation of passenger

(4) A passenger who is subjected to a health check or is asked the additional questions must not provide answers that are false or misleading.

Exceptions

- 6 The operator is not required to conduct a health check for the following persons:
- (a) a crew member; or
 - (b) a passenger who provides a medical certificate certifying that any symptoms referred to in subsection 5(1) that they are exhibiting are not related to COVID-19.

Prohibition

7 Beginning on March 30, 2020, at 12:00 p.m. Eastern Daylight Time, an operator is prohibited from allowing a passenger to board an aircraft for a flight that the operator operates if

- (a) the passenger'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 operator observes, during the health check, that the passenger is exhibiting
- (i) a fever and cough, or
 - (ii) a fever and breathing difficulties;
- (c) the passenger's answer to any of the additional questions asked of them under subsection 5(2) is in the affirmative; or
- (d) the passenger is a competent adult and refuses to answer any of the questions asked of them under subsection 5(1) or (2).

Waiting period of 14 days

8 A passenger who is prohibited from boarding an aircraft under section 7 is not permitted to board another aircraft for the purpose of being transported for a period of 14 days after the prohibition, unless they provide a medical certificate certifying that any symptoms referred to in subsection 5(1) that they are exhibiting are not related to COVID-19.

Designated Provisions

Designation

9 (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 in respect of that notice will be taken against the person on whom the notice 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 or fail to file a request for a review with the Tribunal within the prescribed period.

SCHEDULE

(Subsections 9(1) and (2))

Designated Provisions

Column 1 Designated Provision	Column 2 Maximum Amount of Penalty (\$)	
	Individual	Corporation
Section 3		25,000
Section 4		25,000
Subsection 5(1)		25,000
Subsection 5(2)		25,000
Subsection 5(3)		25,000
Subsection 5(4)	5,000	
Section 7		25,000
Section 8	5,000	