

# Repealed - Interim Order to Prevent Certain Persons from Boarding Flights to Canada due to COVID-19, No. 10

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From: Transport Canada

Whereas the annexed *Interim Order to Prevent Certain Persons from Boarding Flights to Canada due to COVID-19, No. 10* 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>;

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 the Minister considers appropriate in the circumstances before making the annexed Order;

Therefore, the Minister of Transport, pursuant to subsection 6.41(1) <sup>g</sup> of the *Aeronautics Act* <sup>f</sup>, makes the annexed *Interim Order to Prevent Certain Persons from Boarding Flights to Canada due to COVID-19, No. 10*.

Ottawa, June 4, 2020

Le ministre des Transports,

Marc Garneau

Minister of Transport

# Interim Order to Prevent Certain Persons from Boarding Flights to Canada due to COVID-19, No. 10

## Interpretation

### Definitions

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

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

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

**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, the Interim Order prevails.

## Application

**2** This Interim Order applies to the following private operators and air carriers operating flights to Canada and to their passengers:

- (a) a private operator that operates an aircraft under Subpart 4 of Part VI of the Regulations; and
- (b) an air carrier that operates an aircraft under Subpart 1, 3, 4 or 5 of Part VII of the Regulations.

## International Flights except Flights from the United States

### Prohibition

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

### Exceptions

**4** Section 3 does not apply to

- (a) a foreign national who is permitted to enter Canada under the emergency 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)*; or
- (b) a foreign national in transit through Canada to another country.

## Flights from the United States

### Notification

**5** 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 emergency 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**

**6** Before boarding a flight departing from the United States, a foreign national must confirm that they have read the emergency order referred to in section 5 and that, to the best of their knowledge, they are not prohibited from entering Canada under the order.

## **Prohibition**

**7** A private operator or air carrier must not permit a foreign national to board 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 6.

## **False declaration**

**8** A foreign national must not provide a confirmation under section 6 that they know to be false or misleading.

## **Health Check**

### **Health check – private operator or air carrier**

**9** Subject to section 11, a private operator or air carrier must conduct a health check of every person boarding a flight to Canada that the private operator or air carrier operates.

### **Health check**

**10 (1)** A private operator or air carrier conducting a health check must ask questions of every person to verify whether they exhibit the following symptoms:

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

### **Additional question**

**(2)** In addition to the health check, the private operator or air carrier must ask every person whether they have been refused boarding in the past 14 days due to a medical reason related to COVID-19.

### **False declaration – obligation of private operator or air carrier**

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

### **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 question 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 to Canada that the private operator or air carrier operates, the private operator or air carrier must observe whether any person boarding the flight is exhibiting any symptoms referred to in subsection (1).

## Exceptions

**11** The private operator or air carrier is not required to conduct a health check for the following persons:

- (a) a crew member; or
- (b) a person who provides a medical certificate certifying that any symptoms referred to in subsection 10(1) that they are exhibiting are not related to COVID-19.

## Prohibition

**12** A private operator or air carrier must not permit a person to board a flight to Canada 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, during the boarding process, that the person is exhibiting
  - (i) a fever and cough, or
  - (ii) a fever and breathing difficulties;
- (c) the person's answer to the additional question asked of them under subsection 10(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 10(1) or (2).

## Waiting period of 14 days

**13** A person who is not permitted to board under section 12 is not permitted to board another aircraft for the purpose of being transported for a period of 14 days after the day of the refusal, unless they provide a medical certificate certifying that any symptoms referred to in subsection 10(1) that they are exhibiting are not related to COVID-19.

## Face Masks

### Non-application

**14** Sections 15 to 20 do not apply to 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; or
- (e) a crew member.

### Notification

**15** A private operator or air carrier must notify every person who intends to board a flight to Canada that is operated by that private operator or air carrier 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 and during the flight 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 this 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**

**16** Every person must be in possession of a face mask prior to boarding a flight to Canada.

## **Wearing of face mask – persons**

**17 (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 to Canada 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 this purpose;

**(b)** when the safety of the person could be endangered by wearing a face mask;

**(c)** when the person is eating, drinking 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 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; or
- (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**

**18** 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**

**19** A private operator or air carrier must not permit a person to board a flight to Canada 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 in accordance with section 18.

## **Refusal to comply**

**20** If, during a flight to Canada 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**

**21 (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 to Canada 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 eating, drinking 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**

**22 (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 to Canada 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 eating, drinking or taking oral medications.

## **Designated Provisions**

### **Designation**

**23 (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.

## Repeal

**24** *The Interim Order to Prevent Certain Persons from Boarding Flights to Canada due to COVID-19, No. 9, made on May 26, 2020, is repealed.*

## Schedule

## (Subsections 23(1) and (2))

**Designated Provisions**

<b>Column 1</b>	<b>Column 2</b>	
<b>Designated Provision</b>	<b>Maximum Amount of Penalty (\$)</b>	
	<b>Individual</b>	<b>Corporation</b>
Section 3	5,000	25,000
Section 5	5,000	25,000
Section 6	5,000	
Section 7	5,000	25,000
Section 8	5,000	
Section 9	5,000	25,000
Subsection 10 (1)	5,000	25,000
Subsection 10 (2)	5,000	25,000
Subsection 10 (3)	5,000	25,000
Subsection 10 (4)	5,000	
Subsection 10 (5)	5,000	25,000
Section 12	5,000	25,000
Section 13	5,000	
Section 15	5,000	25,000
Section 16	5,000	
Subsection 17 (1)	5,000	25,000
Section 18	5,000	
Section 19	5,000	25,000
Section 20	5,000	25,000
Subsection 21 (1)	5,000	25,000
Subsection 22 (1)	5,000	25,000

# Footnotes

- a** S.C. 2004, c. 15, s. 5
- b** S.C. 2014, c. 39, s. 144
- c** S.C. 2015, c. 20, s. 12
- d** S.C. 2004, c. 15, s. 18
- e** S.C. 2001, c. 29, s. 39
- f** R.S., c. A-2
- g** S.C. 2004, c. 15, s. 11(1)
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## **📌 Did you find this information helpful?**

**📌** 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:**

2020-06-17