

Whereas the annexed *Interim Order to Prevent Certain Persons from Boarding Flights to Canada due to COVID-19, No. 3* 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 the 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 to Canada due to COVID-19, No. 3*.

Ottawa, March 24, 2020

Original signed by  
Le ministre des Transports,

Marc Garneau  
Minister of Transport

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<sup>1</sup> S.C. 2004, c. 15, s. 5

<sup>2</sup> S.C. 2014, c. 39, s. 144

<sup>3</sup> S.C. 2015, c. 20, s. 12

<sup>4</sup> S.C. 2004, c. 15, s. 18

<sup>5</sup> S.C. 2001, c. 29, s. 39

<sup>6</sup> R.S., c. A-2

<sup>7</sup> S.C. 2004, c. 15, s. 11(1)

<sup>8</sup> S.C. 2004, c. 15, s. 11(1)

<sup>9</sup> R.S., c. A-2

**Interim Order to Prevent Certain Persons from Boarding Flights to Canada due to COVID-19,  
No. 3**

# Interpretation

## Definitions

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

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

**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

## Application — international flights other than flights from the United States

2 (1) Sections 3 and 4 of this Interim Order apply to air carriers operating flights to Canada from any country other than the United States and that operate an aircraft under Part VII of the Regulations, except an air carrier that operates an aircraft under Subpart 2 of Part VII of the Regulations.

## Application — flights from the United States

(2) Sections 5 to 8 of this Interim Order apply to air carriers operating flights to Canada from the United States and that operate an aircraft under Part VII of the Regulations, except an air carrier that operates an aircraft under Subpart 2 of Part VII of the Regulations, and to their passengers.

## Application — health check for all passengers to Canada

(3) Sections 9 to 13 of this Interim Order apply to the following air carriers operating flights to Canada and to their passengers:

- (a) an air carrier that operates an aircraft with a passenger seating configuration of 20 or more, excluding pilot seats, under Subpart 1 of Part VII of the Regulations; and
- (b) an air carrier that operates an aircraft under Subpart 5 of Part VII of the Regulations.

## International Flights except Flights from the United States

### Prohibition

3 An air carrier is prohibited from permitting a foreign national to board an aircraft for a flight to Canada departing from any country other than the United States.

### Non-application

4 (1) 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 An air carrier 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, 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 An air carrier is prohibited from permitting a foreign national to board an aircraft for a flight to Canada 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 of All Passengers to Canada

### Health check — air carriers

9 Subject to section 11, an air carrier must conduct, at the boarding gate, a health check of every person prior to their boarding an aircraft for a flight to Canada.

**Health check**

10 (1) An air carrier conducting the health check must ask questions of every person to verify if 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 air carrier must ask every person if they have been refused boarding in the past 14 days due to a medical reason related to COVID-19.

**False declaration — obligation for air carrier**

(3) The air carrier must advise every person not to provide answers to the health check or the additional question in a way they know to be false or misleading.

**Exceptions**

11 The air carrier is not required to conduct the health check for the following persons:

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

**Prohibition**

12 The air carrier is prohibited from allowing a person to board an aircraft if

- (a) the person's answers to the health check indicate that they exhibit
  - (i) a fever and cough, or
  - (ii) a fever and breathing difficulties;
- (b) the air carrier observes, during the health check, 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 to them under subsection 10(2) is in the affirmative; or

(d) the person is a competent adult and refuses to answer any questions asked of them under subsection 10(1) or (2).

#### **Wait period of 14 days**

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

## **Designated Provisions**

#### **Designation**

14 (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

**15** *The Interim Order to Prevent Certain Persons from Boarding Flights to Canada due to COVID-19, No. 2, made on March 20, 2020, is repealed.*

## Coming into Force

**March 24, 2020**

**16** (1) **Subject to subsection (2), this Interim Order comes into force at noon Eastern Daylight Time on March 24, 2020.**

**March 27, 2020**

**(2) Sections 6 to 8 comes into force at noon Eastern Daylight Time on March 27, 2020.**

## SCHEDULE

(Subsections 14(1) and (2))

## Designated Provisions

Column 1 Designated Provision	Column 2 Maximum Amount of Penalty (\$)	
	Individual	Corporation
Section 3		25,000
Section 5		25,000
Section 6	5,000	
Section 7		25,000
Section 8	5,000	
Section 9		25,000
Subsection 10(1)		25,000
Subsection 10(2)		25,000
Subsection 10(3)		25,000
Section 12		25,000
Section 13	5,000	