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Criminal Code (R.S.C., 1985, c. C-46)
Full Document: [HTML](#) (Accessibility Buttons available) | [XML](#) [5194 KB] | [PDF](#) [7854 KB]
 Act current to 2023-12-15 and [last amended](#) on 2023-12-15. [Previous Versions](#)

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Assault

265 (1) A person commits an assault when

- (a)** without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- (b)** he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
- (c)** while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

Application

(2) This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.

Consent

(3) For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of

- (a)** the application of force to the complainant or to a person other than the complainant;
- (b)** threats or fear of the application of force to the complainant or to a person other than the complainant;
- (c)** fraud; or
- (d)** the exercise of authority.

Accused's belief as to consent

(4) Where an accused alleges that he believed that the complainant consented to the conduct that is the subject-matter of the charge, a judge, if satisfied that there is sufficient evidence and that, if believed by the jury, the evidence would constitute a defence, shall instruct the jury, when reviewing all the evidence relating to the determination of the honesty of the accused's belief, to consider the presence or absence of reasonable grounds for that belief.

R.S., c. C-34, s. 244; 1974-75-76, c. 93, s. 21; 1980-81-82-83, c. 125, s. 19.

Date modified: 2024-01-18

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