

PROVINCIAL OFFENCES PROCEDURE ACT

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PROVINCIAL OFFENCES PROCEDURE FOR YOUNG PERSONS ACT:

A GUIDE

Law Reform Branch
Office of the Attorney General
Province of New Brunswick

February 1991

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gradually from practice under the Summary Convictions Act as, over the course of time, the advantages and disadvantages of various procedures become apparent.

INTRODUCTION

The Provincial Offences Procedure Act and the Provincial Offences Procedure for Young Persons Act provide the statutory framework for all prosecutions for offences created by the statutes of New Brunswick. The Provincial Offences Procedure Act (POPA) repeals and replaces the Summary Convictions Act. The Provincial Offences Procedure for Young Persons Act (POPYPA) provides additional provisions relating to the prosecution of young persons. This Guide gives a brief introduction to the two Acts.

The layout of the Guide follows the format of POPA. Each subject heading of POPA is dealt with in turn. As each one is discussed, the Guide also states whether POPYPA provides any special provisions in relation to young persons, and if so, what they are. Section references are added in brackets, to assist the reader in locating the full detail of the provisions summarized in this Guide.

The Guide concentrates on the innovations that POPA and POPYPA introduce. These are extensive, but many of them are optional procedures which may be used in place of existing practices rather than obligatory ones that must be. In many respects, practice under POPA will probably only change

"peace officer"/

"police officer"

POPA gives some powers to "peace officers" and some powers to "police officers". Those two terms, however, are defined in such a way that

(a) a police officer is always both a "police officer" and a "peace officer"; he/she always has all of the powers of both kinds of officer;

(b) a peace officer who is not a police officer (e.g. a game warden) only has the powers that POPA gives to peace officers, and can only exercise them for purposes of the specific statutes under which he/she has peace officer status.

"prescribed offence"

Certain procedures under POPA (e.g. ticketing, s.9) only apply to "prescribed offences," i.e. offences specifically designated by regulation. As with

INTERPRETATION AND APPLICATION

Interpretation

A. POPA

Some of the definitions in ~~s.1(1)~~ deserve comment.

"authorized person"

This is a person authorized by regulation to perform a specific function under POPA. Where, therefore, POPA speaks of a function being discharged by an "authorized person," you must check the regulations to see who can perform it. The regulations may make different people "authorized persons" for different purposes. For example, the fact that a person is an "authorized person" for the purposes of s.5(2), (service of appearance notices) does not make that person an authorized person for the purposes of s.114(1) (issuing certificates of conviction).

"authorized persons," offences can be "prescribed" for one purpose without being prescribed for another. For example, making an offence a "prescribed offence" for the purposes of ticketing (s.9) does not automatically make it a "prescribed offence" in relation to which a telewarrant may be sought (s.138(2)(b)).

B. POPYPA

"young person"

The definition is the same as in the federal Young Offenders Act: it covers people who are under 18 but are 12 or older (POPYPA, s.1). People under 12 at the time of an alleged offence cannot be convicted of the offence (POPYPA, s.3(3)). They will be dealt with under the Family Services Act, if at all.

"youth court"/

"youth court judge"

The youth court for provincial offences is to be the same court as the youth court under the Young Offenders Act. In practice, this means that the youth court will be the provincial court, and the youth court judge will be the provincial court judge.

Application

A. POPA

If another Act contains special provisions relating to the prosecution of an offence, the other Act prevails over POPA (POPA, s.1(2)). This Guide does not refer to many of those special provisions -- though some of them establish significant special rules and/or exceptions to the general rules described here (e.g. driver's licence revocation as the means of enforcing fines for Motor Vehicle Act offences). Bear in mind, therefore, that whatever is said here in relation to POPA may be subject to specific additions or exceptions in other Acts.

B. POPYPA

POPYPA consists in its entirety of special provisions relating to the prosecution of offences. The procedure for prosecuting young persons is therefore established by combining POPA and POPYPA, with POPYPA prevailing in case of conflict.

PART I - PROSECUTION

Proceedings by Way of Information;

Ticket Procedure

A. POPA

There are three potential routes by which a case may be brought to court under POPA:

1. by information
2. by appearance notice
3. by ticket.

These routes are alternatives; POPA does not require one to be chosen over another. However, the three options may not all be available in every case. The availability of the alternatives is as follows:

Route 1, information (followed by a summons or occasionally a warrant), is available to any person, for any offence (ss.2 and 3).

Route 2, appearance notice, is available to a police officer for any offence, and to an authorized person for a prescribed offence (s.5). Service of an appearance notice is followed by the laying of an information.

Route 3, a ticket, is available to a police officer and to an authorized person, but only for a prescribed offence (s.9). The offences to be prescribed initially are under the Motor Vehicle Act, All-Terrain Vehicle Act, Highway Act, Motor Carrier Act, Transportation of Dangerous Goods Act and Liquor Control Act. The ticket procedure is similar in general (though not in all of its details) to the existing one under the Motor Vehicle Act: there is provision for voluntary payment of a fixed penalty (s.14), for automatic conviction of defendants who do not pay the fixed penalty but do not appear in court either (s.16), and for the case to proceed in the ordinary way if the defendant appears and pleads not guilty (s.13).

***Notes 1, 2, 3**

When a summons or an appearance notice is served, a plea of guilty form must normally be served with it. There are only two exceptions:

1. plea of guilty forms are not served for offences for which jail terms are mandatory (s.8)
2. plea of guilty forms are not served on young persons -- see below.

A defendant may use a plea of guilty form to plead guilty to an offence without having to appear in court. If a defendant has used a plea of guilty form but decides to change the plea, he/she may appear in court and plead not guilty to the offence: the form is only used in court if the defendant does not appear (s.27).

***Notes 4, 5, 6**

B. POPYPA

In all cases involving young persons, consideration should be given to taking no measures or to taking measures other than judicial proceedings (POPYPA, s.3(1)(d)). Appearances notices cannot be used (POPYPA, s.6(5)). This leaves tickets (for prescribed offences) and informations as the possible means of bringing proceedings.

***Note 7**

When a ticket or a summons is served on a young person, a notice must be given to the young person's parent (POPYPA, s.10). Notice must also be given if the young person pays the fixed penalty payable under a ticket (POPYPA, s.10).

If a summons is served on a young person, a plea of guilty form is not to be served with it (POPYPA, s.6(6)).

Note that the young person's right "to retain and instruct counsel without delay" (POPYPA, s.12(1)) applies at all stages of the proceedings, as well as before proceedings are formally commenced.

First Appearance and Plea;

Failure to Appear

A. POPA

What happens at the first appearance will depend upon whether or not the defendant appears in court.

If the defendant appears, the following will happen.

1. The judge will establish the defendant's choice of official language (s.17). Section 18 provides a formal procedure which the judge may use, but is not obliged to, for this purpose.
2. The judge will take the defendant's plea (s.21).

3. If the plea is "not guilty", the judge will set the time and place for trial; if the plea is "guilty", the judge can dispose of the case (ss.23-26).

***Notes 8, 9**

If the defendant does not appear, the following may happen:

1. if the proceedings were begun by ticket, the defendant will be deemed guilty and the fixed penalty will be imposed (s.16);
2. if the proceedings were not begun by ticket and the defendant has pleaded guilty using the plea of guilty form, the judge will proceed on the basis that a guilty plea has been entered (s.27).
3. if the proceedings were not begun by ticket, and no plea of guilty form has been received, the judge may decide
 - (a) to proceed in the defendant's absence (this may be done immediately if the prosecutor so moves); or
 - (b) to issue a further summons or a warrant to bring the defendant before the court (s.28).

These alternatives in the case of non-appearance depend upon the judge being satisfied that a proper summons, appearance notice or ticket was served on the defendant (ss.16(1) and 28(1)).

*Notes 10, 11

Any defendant convicted in his/her absence without having submitted a written plea of guilty can apply within 45 days to have the conviction set aside if the defendant's failure to appear was not his/her fault (s.117).

B. POPYPA

The procedure at first appearance is the same for young persons as for adults if the defendant appears. If the defendant does not appear, however, the procedure will depend on whether the young person was charged by ticket or by information. If a ticket was used, the procedure will be the same as for an adult. If an information was used, there can be no conviction in the absence of the accused (POPYPA, s.6(7)). The judge's only option, therefore, is to issue a further summons or a warrant.

Note also the special provisions reinforcing the young person's right to counsel (POPYPA, s.12).

Trial;

Attendance of Witnesses

A. POPA

POPA says very little about the conduct of the trial. Generally, the Act leaves the trial process to be handled by the judge in accordance with established practices (though a few specific issues that may come up during a trial are dealt with in Part III - General Provisions).

Note, however, that if a defendant does not appear at the time set for trial (as opposed to first appearance) and the prosecutor moves for the trial to proceed in the defendant's absence, it will (s.29(1)). Note also the following three ways by which evidence and/or witnesses may be brought before the court.

a) Witness Statements (ss.35-37)

A witness statement is a written statement in which a person states what he/she knows of the facts relating to a particular case. The statement must be signed and the signature witnessed. The content of a witness statement is admissible in evidence in certain circumstances, namely:

(a) where the defendant does not appear in response to a summons or appearance notice and the judge proceeds, immediately or later, in the defendant's absence;

(b) where the statement has been served on the other party, and the other party has not given notice that the attendance of the witness will be required (s.35(1) and (2)).

***Note 12, 13**

b) Commission Evidence (s.38)

If a witness is out of the Province or is likely to be unable to attend trial for some good reason, application may be made for the evidence to be taken by a commissioner. Whoever applies for the commission evidence pays the commissioner's costs.

***Note 14**

c) Attendance of witnesses (ss.43-44)

The attendance of a witness who has material evidence to give may be compelled under POPA either by summons or by warrant. However, the circumstances under which a warrant can be used are limited.

B. POPYPA

The procedure at trial is the same for young persons as for adults. Again, however, note the special provisions relating to the young person's right to counsel (POPYPA, s.12) and the restriction on proceeding in a young person's absence (POPYPA, s.6(7)). There are also provisions for compelling the attendance of a parent at the proceedings (POPYPA, s.11), as well as special provisions relating to the admissibility of statements made by young persons (POPYPA, s.28).

PART II - SENTENCE

Disposition - General

A. POPA

At the end of the trial, the judge determines whether the defendant is guilty or not guilty. If the defendant is found guilty, the judge will convict him/her and impose sentence (s.46). Both parties may make submissions as to sentence (s.49).

***Note 15**

The sentencing options are set partly by POPA and partly by the Act that creates the offence. POPA creates a sentence called a "release without penalty", which may be imposed in specified circumstances for any offence except one which carries a mandatory jail term (s.55). POPA also states that a probation order may be imposed for any offence, but only in addition to some additional sentence other than a release without penalty (s.51(d)). Other Acts may also create special penalties or orders that a judge may impose (ss.1(2), 51(c)), but in most cases those other Acts will simply "categorize" the offences they create, and will thus bring them into the tariff of penalties set out in ss.56-70 of POPA. An example of the kind of wording one might find in that other Act would be this:

31(1) Any person who violates section 6, 7 or 9 commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category B offence.

In other cases the section numbers are listed in schedules, with the wording in the body of the Act being as follows:

148(2) A person who violates or fails to comply with a provision of this Act that is listed in Column I of Schedule A commits an offence.

148(3) For the purposes of Part II of the Provincial Offences Procedure Act, each offence listed in Column I of Schedule A is punishable as an offence of the category listed beside it in Column II of Schedule A.

Note that a sentence of imprisonment and a probation order can not be imposed when the defendant is not in court (ss.62 and 73). If the judge is considering such a sentence, an adjournment may be necessary so that the defendant may be brought before the court.

When the sentence imposed is or includes a fine, the judge must (s.46)

1. calculate the surcharge applicable under the Victims Services Act,

2. determine the means by which the fine will be enforced if the defendant defaults (see p. 23 for the alternatives), and
3. unless the defendant is a corporation, calculate the applicable default time (s.53(2) - and see s.91(3) for the calculation).

All the determinations referred to above may be recorded in a "record of disposition." If the defendant is not in court, a copy of the record of disposition must be served on him/her.

***Note 16**

B. POPYPA

The sentencing process is essentially the same for young persons as for adults, although greater attention is paid to the content of a pre-sentence report (POPYPA, s.13). There are also special rules in relation to the substance of the sentence that may be imposed. Where special rules apply they will be dealt with under the next four headings.

Release Without Penalty

A. POPA

A release without penalty is only available in certain circumstances (s.55). Though it is comparable in some ways to an absolute discharge under the Criminal Code, note that it is a sentence imposed following a conviction.

B. POPYPA

No special rules apply.

Fines

A. POPA

The main feature of POPA in relation to fines is the categorization scheme. Under this scheme, offences are grouped together for sentencing purposes in categories. Section 56 sets out the ordinary minimum and maximum fines for an offence of each category, while ss.57 and 58 provide for cases in which the maximum under s.56 is raised. Under s.57 (which deals with repetition of an offence) a higher maximum replaces the maximum under s.56. Under s.58 (which deals with people who offend for gain) the maximum under s.56 is removed without a higher maximum fine being imposed; instead the Act permits the judge to impose such fine as is appropriate in the circumstances.

Section 58 only applies to categorized offences and can only be invoked by a prosecutor who has given the defendant notice of his or her intention to do so. It does not apply where a ticket has been served.

*Notes 17, 18, 19

B. POPYPA

The law relating to fines is generally the same as for adults, except that a maximum fine of \$1,000 is established (POPYPA, s.15(1)) and a judge can impose a fine of less than the minimum (POPYPA, s.15(2)). The maximum \$1,000 fine substantially limits the scope of ss.57 and 58 of POPA in relation to young persons. A judge imposing a fine on a young person must have regard to the present and future means of the young person to pay (POPYPA, s.15(3)).

Imprisonment

A. POPA

Sections 62 to 72 deal with imprisonment as a sentence. This must be distinguished from imprisonment as a consequence of failure to pay a fine. Imprisonment as a sentence is a discretionary penalty (or exceptionally a

mandatory one) and is available when a statute expressly says so. Imprisonment as a consequence of fine default is not a matter of sentencing discretion, but is part of a regimented process under POPA dealing with enforcement of fines.

In relation to categorized offences, imprisonment is available as a sentence of last resort for category E, F and G offences (s.63), and without precondition for category H, I and J offences (s.64). A sentence of imprisonment cannot be imposed in the defendant's absence (s.62).

B. POPYPA

Although imprisonment is theoretically available as a sentence for young persons, the circumstances under which it can be imposed are severely restricted (POPYPA, s.16(6)). In addition, a maximum term of six months is prescribed (POPYPA, s.16(3)). A judge cannot normally impose a sentence of imprisonment without considering a pre-sentence report (POPYPA, s.16(7) and (8), and see s.13), and in imposing a term of imprisonment, the judge must specify whether the sentence will be served in open or secure custody (POPYPA, s.17(1)). POPYPA contains no provision for review of a sentence of imprisonment. Appeals are available (see Part IV of POPA), and the Parole Act will provide a degree of flexibility in relation to the way in which a sentence of imprisonment is discharged.

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Probation Orders

A. POPA

Probation orders can be imposed for any offence, except where a defendant has been deemed guilty in his/her absence following service of a ticket (s.73(5)). A probation order cannot stand alone; it must be combined with some other penalty (s.51(d)). It cannot be imposed in the absence of the defendant (s.73(2)) nor when the basic sentence is a release without penalty (s.51(d)). Probation orders may be used for ordering compensation or restitution up to \$3,000 (s.74(3)(a) and (5)), and can be used for this purpose alone (s.74(7)).

Direct enforcement of a provision for compensation or restitution may be made by application for an order for seizure and sale or a payment order (s.75).

B. POPYPA

The same rules apply to young persons as to adults, but note that a judge who includes compensation or restitution as a condition of a probation order must have regard to the present and future means of the young person to pay (POPYPA, s.15(3)).

Enforcement of Fines

A. POPA

A fine is in default if it has not been paid in full by the time it is due (s.86). A fine is normally due 15 days after it is imposed, or, if the defendant is convicted in his/her absence, 45 days after it is imposed. However, the judge can vary these periods (s.81), and may in some cases demand immediate payment of the fine (s.84). The steps that can be taken when a fine is in default will be the ones determined by the judge when the sentence was imposed.

***Note 20**

The underlying rule of POPA (though note once more the major exception in the case of offences under the Motor Vehicle Act) is that fines are enforced against individuals by imprisonment and against corporations by seizure and sale. Other orders are, however, available if a Crown prosecutor applies for them at the time sentence is imposed. These orders are an order for seizure and sale against an individual (s.88), a payment order (s.89) and a suspension order (s.90). An order for seizure and sale requires the sheriff to execute as though for a civil debt. A payment order requires a third party to pay to the court a debt the third party owes to the defendant. A suspension order suspends a licence until a fine is paid.

If the judge grants an application that one of these orders should be used to enforce payment of a fine, the order applied for must be the first one used if the fine goes into default (s.54(3)). If that order does not produce full payment of the fine, the backup remedies of imprisonment (for individuals) or seizure and sale (for corporations) may be used.

***Notes 21, 22**

POPA provides for a fine-option program to be established by regulation (s.85). Under the fine-option program, a defendant who is unable to pay a fine may be permitted to discharge the fine through work rather than by payment of money. The program should normally be entered before the judge issues an enforcement order, but in some circumstances it may be possible to allow later entry. Admission into the program protects the defendant from enforcement action for as long as he/she is fulfilling the program's requirements.

***Note 23**

B. POPYPA

The process of enforcement of payment of fines is the same for young persons as for adults. The judge is required to determine, however, whether the default time should be served in open or in secure custody (POPYPA, s.23).

Injunctions

A. POPA

POPA provides for applications to be made to The Court of Queen's Bench for an injunction prohibiting the commission of, or the continuation of the commission of, an offence (s.93). An application cannot be made unless the person to be enjoined has been at least charged with the offence, but may also be made following a conviction.

B. POPYPA

Nothing in POPYPA prevents an injunction being applied for against a young person. Note, however, the various provisions of the Rules of Court concerning civil proceedings against minors.

PART III - GENERAL PROVISIONS

A. POPA

The subjects dealt with in this Part of POPA are listed in the chapter outline in the Appendix. The following are the most worthy of attention.

a) Parties to an offence (s.94). This section reformulates some existing principles of liability and establishes others. Its general aim is to ensure that whoever is substantially responsible for the commission of an offence should be liable to prosecution for it. Where children less than 12 years old are involved in the commission of an offence, the section will allow any adults responsible for the offence to be prosecuted even though the child or young person who actually commits the offence cannot be convicted (s.94(3)(b), and see POPYPA, s.3(3) and 4(5)).

***Note 24**

b) Extension of time limits (s.100). This section is broad, allowing extension of most time limits, even after the limit has passed.

c) Service of Documents (s.101). Except for a ticket and an appearance notice, which must be served personally, any document may be served under POPA either personally or by mail, and may be served either inside or outside the Province. Proof of service may be made by a certificate of service, but this does not prevent viva voce evidence of service being given, a witness statement being used, or some other method being adopted which satisfies the judge that service occurred (s.101(10)). In the case of service by certified mail, POPA expressly stipulates that a post office receipt may be evidence that a person received a document that was mailed. As for service by ordinary mail, no particular form of evidence is specified.

***Note 25**

d) Defects in proceedings; Defects in Documents (ss.105, 106, 107). These sections are an attempt at a fresh start in relation to jurisdictional and technical details. They reflect the idea that substance, not form, should dictate the judge's capacity to bring matters to a conclusion. Thus s.105 states that defects in the proceedings do not deprive the judge of jurisdiction, while s.106 establishes, for defects in documents, the basic rule that defects

should be cured. The one exception in s.106 is that a defect in a document will not be cured if the defect misled the defendant and the curing of the defect would cause the defendant substantial injustice that cannot be rectified by granting an adjournment.

B. POPYPA

The ordinary provisions apply. There are also special provisions protecting the privacy and reputation of young persons (POPYPA, s.26) and dealing with the admissibility of their statements (POPYPA, s.28).

PART IV - APPEALS AND SETTING ASIDE

Appeals and Setting Aside

A. POPA

POPA adopts the summary convictions appeals provisions of the Criminal Code, and adds a limited provision for direct appeal to the Court of Appeal on points of law (s.116). It also provides a procedure for setting aside, in specified circumstances, convictions entered in the defendant's absence (s.117).

*Note 26

B. POPYPA

The provisions are the same for young persons as for adults.

PART V - ARREST, BAIL, AND SEARCH AND SEIZURE

Arrest

A. POPA

POPA contains general powers of arrest, which are given to all "peace officers" and apply to all offences. Peace officers are given powers to arrest both with a warrant (s.118) and, in certain circumstances, without a warrant (s.119). POPA does not give powers of arrest to ordinary citizens. Citizens can, however, assist a peace officer in making an arrest in cases of hot pursuit (s.120).

If an arrest is made without a warrant, the person arrested is to be released as soon as the statutory reasons for arrest do not apply (s.123). If not released by the arresting officer, the person arrested is to be delivered to the "officer in charge," who must likewise release the person unless the statutory reason for detention continues to exist (s.124(3)). The officer in charge may take security as a condition of the defendant's release (s.124(5)). If the person arrested is not released as described above, or if the arrest takes place under an arrest warrant, the peace officer must bring the person arrested before a judge within 24 hours or as soon thereafter as practicable (s.125).

B. POPYPA

The same provisions apply to young persons as to adults, except that a parent must be notified of the arrest of his/her child if the child is detained (POPYPA, s.10(1)). Note also the requirement that young persons be held in custody separate and apart from adults (POPYPA, s.7(2)).

***Notes 27, 28**

Bail

A. POPA

A person who is arrested and detained must be brought before a judge as soon as practicable for a bail hearing (s.125). If the arrest takes place before the defendant's first appearance in court on a charge, this hearing will count as the defendant's first appearance, and the judge will first go through the ordinary procedure on first appearance (s.126(1), and see ss.17-27). If the defendant pleads guilty, the judge may be able to dispose of the matter then and there.

If the defendant pleads not guilty, the judge must decide whether the defendant should be released or should be detained in custody (s.128). The presumption is in favour of

release on an undertaking to appear (s.128(1)). The undertaking may be backed up by a recognizance, with or without sureties, or by a deposit of money or other satisfactory security with the judge (s.128(3)). If the defendant is detained in custody, the trial date must be no more than 8 days from the date that detention is ordered (s.129). Adjournments of the trial under s.109 may be possible, though.

A bail hearing may be adjourned for not more than three clear working days (s.128(7)).

*Notes 29, 30

B. POPYPA

The same provisions apply to young persons as to adults. Note, again, though, that young persons are to be detained separate and apart from adults (POPYPA, s.7).

Search and Seizure

A. POPA

POPA deals both with search of a person and search of a place, container or vehicle. The former is permissible on arrest or with consent (s.133). As to the latter, the basic

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rule (unless there is consent) is that a search of land always has to be authorized by a search warrant (s.134(2)). A search of a vehicle or a container will normally require a warrant (s.134(2)), but may take place without a warrant if a peace officer has reasonable and probable grounds to believe that the search will reveal evidence of an offence but that it is impracticable in the circumstances to obtain a search warrant (s.135).

A peace officer may seize any item of evidence found during a lawful search, as well as any item of evidence found in plain view in a place where the peace officer lawfully is (s.136). On a search of a person, weapons and implements of escape may also be seized.

***Notes 31, 32**

An application for a search warrant may be made in person, or, where the offence is a prescribed offence and it is impracticable to make an application in person, by telephone or other means of telecommunication (s.138(2)).

***Note 33**

A report on the execution or non-execution of a search warrant must always be made to a judge (s.142). A report must also be made when items have been seized on a search without warrant or when found in plain view (s.142.1). The report, in

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either case, must be accompanied by the items seized, or must state how these items are being dealt with. The judge will then determine what is to be done with the items pending trial (s.143), and provision exists for the person from whom they were seized, among others, to try to get them back (s.143). Things seized cannot be detained for more than three months unless proceedings are commenced or a judge extends the period.

Section 144 contains special provisions relating to the seizure of items protected by solicitor/client privilege. Section 145 restricts publication of certain information concerning search warrants and searches.

***Notes 34, 35, 36**

B. POPYPA

No special provision is made relating to young persons.

PART VI - REGULATIONS

A. POPA

The main things to be dealt with by the regulations are

1. aspects of the ticketing scheme, in particular
 - (a) the offences to which it will apply, and
 - (b) the words to be used in charging the defendant.
2. The fine option scheme.
3. Identifying which licences are subject to suspension as a method of fine enforcement.

B. POPYPA

No significant regulations are planned.

PART VII - COMMENCEMENT AND TRANSITION

A. POPA

POPA will come into force on April 1st, 1991, but proceedings commenced before that date are to be completed as though the Summary Convictions Act were still in force (s.148). This includes cases in which a traffic ticket was served before April 1st, even though the Information part is not filed with the Court until after that date.

Where an offence was committed before April 1st, 1991, but proceedings do not commence until later, POPA will apply. Note, though, that if fine levels for an offence change on proclamation of POPA, the defendant has the right under s.11(h) of the Canadian Charter of Rights and Freedoms to "the benefit of the lesser punishment".

B. POPYPA

The transitional provisions of POPYPA are to the same effect.

NOTES

1. Choice of route

The following suggestions are made as to how to choose between the available courses:

1. For an offence for which it can be used, a ticket will normally be the most convenient method. However, it should only be used if you are sure that you have enough evidence to support a prosecution. Remember, also, that the fixed penalty that the defendant is entitled to pay when served with a ticket is equivalent to the minimum fine for the offence. In cases in which a minimum fine seems too low (e.g. repeat offenders; serious offences of their kind), using an appearance notice or an information to bring the defendant to court may be appropriate.

2. Serving an appearance notice will normally be preferable to laying an information and serving a summons, but again, only if you are sure that you have enough evidence to support a prosecution. An appearance notice should not be used while the merits of a case still need to be discussed with a prosecutor, or require further investigation, before a decision to prosecute is taken.

If an appearance notice is served, a Prosecutor's Information Sheet should be prepared, and should be delivered to the Crown Prosecutor as soon as possible. The information which is to be laid after service of an appearance notice should not be laid until it has been approved by the Crown Prosecutor.

2. Service of Documents

Appearance notices (s.7(3)) and tickets (s.11(1)) must be served personally. Summonses, however, may be served either personally or by mail (s.101(1)). As to proof of service, POPA contains express provisions dealing with proof of service by certified mail (s.101(6)). If other forms of mail service are used (e.g. ordinary mail), thought may need to be given to methods of proving service. Possibilities that might be considered include:

- a) serving initially by ordinary mail, but recognizing that if the defendant does not appear, the summons may be considered not served, and a further summons will need to be served by some other method, and

- b) where evidence of some sort is available to support the fact that the summons has been served (e.g. a telephone conversation with the defendant before trial), putting this evidence in a witness statement and delivering it to the prosecutor. The witness statement can then be used as evidence of service if the defendant does not appear.

3. Ticket Procedure: Possible courses

There are four possible courses that the ticket procedure under POPA can take, depending upon whether the defendant pays the fixed penalty, and if so, where the payment is received. Three of these possibilities relate to different methods of making a voluntary payment. The fourth arises if no voluntary payment is made.

POPA establishes three possible procedures for making a voluntary payment of a fixed penalty:

- a) on the spot: the person serving the ticket may accept payment on the spot, but is not obliged to do so. Different enforcement agencies therefore have the flexibility to determine whether they will accept payment on the spot.
- b) at the place designated on the ticket: this place will normally be the office of the enforcement agency. The defendant has the right to pay at this place, and the last day for payment will be set out on the ticket. The last day is calculated by counting 2 days back from the date set for first appearance, excluding weekends and public holidays. The day before appearance day must be kept clear, and the last date for payment is the day before that. Thus if appearance day is a Tuesday, the clear day is the Monday, and the last date for payment (since Saturday and Sunday must be ignored) is the previous Friday.
- c) late payment to a peace officer: it is possible (but again not obligatory) for a peace officer to accept payment after the ordinary payment period has elapsed, but before the notice of prosecution has been filed with the judge. This will permit e.g. late payment at a police station or payment to a court constable at the courthouse before the case is called.

The fourth possibility is that the defendant may not make a voluntary payment of the fixed penalty. If this occurs the case will go to court on the date set by the ticket. If the defendant does not appear, he/she will be deemed guilty.

Note that POPA, unlike the MVA, expressly allows a person who has paid a fixed penalty to change his/her mind and contest the charge. A person who intends to do this must notify the enforcement agency and the court. Because of this possibility, **tickets on which a voluntary payment has been made should be retained by the enforcement agency until immediately after the date of first appearance.** The fixed penalty should also be retained until then.

4. Plea of Guilty Forms: Mandatory Jail Terms

The only offences in New Brunswick for which jail terms are mandatory are certain offences under the Fish and Wildlife Act. Refer to the Act for specifics.

5. Plea of Guilty Forms: Court Staff

When an information has been laid and a plea of guilty form is received, the plea of guilty should be placed with the information to which it relates, and the prosecutor should be informed immediately. The form should not be copied to the prosecutor, however, nor should any statement of facts accompanying it be forwarded to him/her.

It is suggested that the judge should not be notified of the receipt of a plea of guilty form unless and until the defendant fails to appear at the first appearance date. It is only if the defendant fails to appear that the form can be used as a guilty plea, and nothing is gained by showing it to the judge at an earlier stage.

When a plea of guilty form has been served with an appearance notice, it is possible that the plea of guilty form may be received before an information is laid. In such cases the prosecutor should not be advised of the guilty plea until the information is laid, and if no information is laid by the first appearance date the plea should be returned to the defendant.

6. Plea of Guilty Forms: Disposition and Sentence

The following sections complete the sequence of events if the defendant delivers a plea of guilty form and does not appear in court:

S.27: the judge proceeds as though the defendant had appeared in person and pleaded guilty.

S.49: in considering sentence in the ordinary way, the judge takes into account the defendant's written statement of facts, if any.

S.47: a record of disposition is sent to the defendant. (But not where the default notice procedure under the Motor Vehicle Act applies.)

SS.81-92: Fine payment or fine enforcement follows in the ordinary way.

7. Young Persons: Alternative Measures

If the offender is a young person and the suspected offence is not one for which a ticket can be served, the process used in deciding whether to prosecute or to divert should be the same as is now used under the Young Offenders Act. If tickets may be served, however, the enforcement officer should, before serving the ticket, consider whether non-judicial measures would be more appropriate than prosecution. If they would be, the ticket should not be served and the diversion process should be begun. Once the ticket is served, alternative measures are not available.

8. Translations

In some cases a translation of the information will be required. The Act makes provision for official translations to be made, but it is anticipated that in many cases an informal translation will be sufficient. S.19(3) protects this possibility.

Where an official translation is obtained, the translation is equally authentic and of equal weight as the original. See s.5 of the N.B. Reg 85-165 under the Official Languages of New Brunswick Act (Documents Regulation). Under s.5(2) of that Regulation, any objection to an official translation must be made at the first possible opportunity.

9. Time of Trial

If either the prosecutor or the defendant is in possession of witness statements at the first appearance date, the judge is obliged to take into account, in fixing the time of trial, the 20-day period set by s.36 for service of the statement and response to it (s.26). The Act does not oblige the judge to fix a trial date later than that period: the period must be taken into account, but other circumstances may require an earlier trial date.

10. Failure to Appear

The most likely case for an immediate trial in the absence of the defendant under s.28(1)(a) is where the prosecutor attends court with witness statements. These may have already been served (e.g. enclosed with the summons), and they can also be used on non-appearance even without service on the defendant (s.35(1)(a)). Alternately, if the judge orders trial at a later date in the absence of the defendant (s.28(1)(b)), witness statements may again be used without service on the defendant. In this latter case witness statements could be prepared after the date of first appearance.

11. Failure to Appear -- Service not proved

POPA does not expressly state what happens when a defendant does not appear and service is not proved. The existing position (not expressly stated in the Summary Convictions Act either) is that a further summons can be issued and served. POPA is intended to continue this position.

12. Witness Statements -- General

The witness statement procedure makes it possible for a witness to give evidence in writing rather than in person. The purpose of the procedure is to avoid the inconvenience and expense of having witnesses attend court when their personal attendance is not really necessary.

Witness statements will probably be of greatest value in cases in which an information is laid (including cases in which an appearance notice has been served before the information is laid). One of their advantages in these cases is that they may be used as evidence on an ex parte trial if the defendant does not appear. Where tickets are served, however, this advantage does not apply, since a defendant who does not appear is deemed guilty automatically.

Enforcement agencies which routinely require their officers to prepare a written report of an incident out of which a charge may arise may well find it beneficial to have the report prepared on a POPA witness statement form. Duplication of effort will be saved if the prosecutor decides that the witness statement form is suitable for use in the prosecution that follows.

13. Witness Statements -- Suggested Procedure

A suggested procedure for the use of witness statements is as follows:

A. Where tickets are served

It is up to individual enforcement agencies to decide whether witness statements should be prepared. Although there are advantages in having written documentation of cases available, and in preparing that documentation in witness statement form, enforcement agencies may decide that other practical considerations outweigh these advantages. If witness statements have not been taken by the first appearance date in a case begun by ticket, the prosecutor will advise if he/she will require them thereafter.

B. Where an information is laid

It is suggested that, if it is practicable to do so, witness statements should be taken. These should then be attached to the Prosecutions Information Sheet sent to the Prosecutor. Where this is done, it should normally be possible to complete the "Particulars of Offence" section fairly briefly. "See attached" or "See attached statements of Mr. X and Mr. Y, who found the defendant with a loaded rifle in his truck" may be sufficient.

If witness statements have not been taken before the Prosecutions Information Sheet is completed, the prosecutor will advise whether efforts to take them should be made, and if so, when.

C. In all cases

Witnesses who give witness statements should be advised that they should be prepared to give evidence in court. Witnesses will only be released from attendance if both the defendant and the prosecutor are prepared to proceed on the basis of the written witness statements. At the time the statement is given, it will not be known whether this will occur.

D. In all cases

Witness statements should normally be served (with the prosecutor's approval) at the earliest opportunity. Though in some circumstances they can be used without being served (e.g. on non-appearance), and though in theory they can be served after first appearance, the best practice will be to get them to the defendant sooner rather than later.

14. Commission Evidence

If a witness cannot attend trial, it will normally be more convenient to use a witness statement than to go through the commission evidence procedure. It is therefore suggested that in general, the witness statement procedure should be the first line of approach adopted if a witness cannot attend the trial. If the defendant does not accept the witness statement, an application for commission evidence should be considered.

15. Suspension of Sentence

POPA makes no provision for the imposition of sentence to be suspended. POPA's equivalent to a discharge under the Criminal Code is the "release without penalty," which is a sentence imposed after a defendant is convicted.

16. Record of Disposition

A record of disposition may be prepared in any case which goes to court, but only needs to be prepared if the defendant is convicted in his/her absence.

A record of disposition is not required in cases to which the default notice procedure under the Motor Vehicle Act applies.

17. Categorization of Offences

Although s.56 creates ten categories, A to J, the initial intention is to use only seven of these: categories B and C for minor offences, categories E and F for offences of medium severity, and categories H, I and J for serious offences. Categories A, D and G are to be left vacant initially to allow for future flexibility in the system.

18. Increased Fines under ss.57 and 58

The idea that the maximum fine set by s.56 may sometimes be exceeded may lead to a different approach to the sentencing process. In particular, the availability of s.57 to impose higher fines on repeat offenders depends on the offender having already been sentenced on a previous occasion to the maximum fine under s.56 for the offence. In some cases it may be appropriate to invite the judge to impose the maximum under s.56 as a warning to the defendant against future offences.

19. Section 58 and Written Pleas of Guilty

It is possible, especially in cases in which an appearance notice is served, that a guilty plea may be submitted by a defendant before the prosecutor has served notice of intent to seek an increased penalty. This does not prevent the prosecutor from proceeding. The defendant's safeguard on discovering the possibility of the greater penalty is to withdraw the guilty plea.

20. Enforcement of Fines -- time limits and default date

Although POPA contemplates that the time for payment of a fine will be set when the fine is imposed, nothing expressly prevents a defendant from making a later request for extension under s.81(3). See also s.100, which relates to extension of time limits generally, and permits these even after limits have expired.

21. Enforcement of Fines -- Applications for alternative enforcement measures

Crown prosecutors deciding whether to apply for alternative enforcement measures should follow the following guidelines:

- 1 Enforcement by payment order is the preferred method. However, a prosecutor will only be able to apply for one if he/she has sufficient material to satisfy a judge that a third party has funds out of which the payment can be made.
- 2 Licence suspension is the second choice. However, this, too, is only possible where the prosecutor can satisfy the judge that the defendant holds a licence which can be suspended. Regulations will establish which licences can be suspended; factual material will be needed to show that the defendant holds one.
- 3 Seizure and sale should be considered if neither of the above options is open. However, it will only be available in relation to fines exceeding \$250. (Remember, though, that for corporations seizure and sale is the basic method of fine enforcement. There is no financial limit and no application is required.)

- 4 Where none of the above apply, no application should be made for an alternative enforcement order. For individuals, the result will be that a warrant of committal will be selected as the means of fine enforcement. For corporations, the means selected will be an order of seizure and sale.

Nothing in POPA prevents an application being made in relation to a defendant who is convicted in his/her absence. Whether judges will grant the order in these circumstances remains to be seen -- but it is worth bearing in mind that the alternative, if they do not, is a warrant of committal, which may be considered a harsher option.

22. Enforcement of Fines: issue of enforcement orders

When an enforcement order can be issued, the judge has the discretion as to whether it will be issued. This may be particularly important in relation to young persons, since it may allow the judge flexibility in deciding whether it is in fact appropriate to proceed to the next step of the enforcement procedure or whether informal measures, perhaps through the youth worker, might be preferable. The discretion may also be useful where a defendant partially discharges a fine under the fine-option scheme. The judge may sometimes decide that enforcement action to collect the balance is not called for. Similarly, if an order for seizure and sale has been returned nulla bona, the judge may think twice before issuing a warrant of committal, and might perhaps consider whether a fine option program was available.

23. Fine-option and Fine Enforcement

The procedure in relation to fine option and fine enforcement will be as follows:

- 1 Seven days after a fine falls into default, JIS will notify the office of the court.
- 2 The court staff will prepare and send to the defendant a standard form letter, with a copy to corrections, stating that the fine is overdue, setting out what the consequences will be if it is not paid, and advising that if the defendant cannot pay the fine, he/she may be eligible for fine option.

- 3 The standard form letter gives the defendant a two-week period of grace.
- 4 When the two weeks are up, corrections will tell the court staff which defendants have made contact and which ones have not. In relation to defendants who have not contacted corrections or who have made contact but have been rejected for fine-option, the court staff prepare enforcement orders for the judge. In relation to other defendants, the fine-option program is left to run its course.
- 5 When a fine is wholly discharged under the fine-option scheme, corrections notify the court staff and the court staff notify JIS.
- 6 When a fine is not wholly discharged under the fine-option scheme, corrections tell the court staff and enforcement action may follow.

If a defendant does not approach Corrections until after an enforcement order is made, what can be done will depend on the circumstances of the case. The probation officer can only admit the defendant into fine-option if satisfied that the existing order will not be enforced while the defendant is in the program.

24. Parties to an offence

Note the potential to connect various persons to an offence through the "commits or is otherwise a party to an offence" formula in the section.

25. Service Outside the Province

The express power to serve outside the province does not enable the court to compel the attendance of the person served. It may, however, bring into play the various provisions allowing a prosecution to proceed in the absence of the defendant, and if the defendant has assets or debts in New Brunswick, it may then be possible to conclude some cases through a payment order or an order for seizure and sale.

26. Recovery of Warrant

Note that where a judge revokes a warrant or order under s.117 on setting aside a conviction, the judge is to take reasonable steps to recover the warrant (s.112).

27. Arrest of Witness and/or Parent

Separate, self-contained, procedures apply to the arrest of witnesses (s.44) and, under POPYPA, to the arrest of parents (POPYPA, s.11).

28. Post-Arrest Procedures

Arresting officers should note the duty in s.122 to inform the person arrested of the reason for the arrest and of the right to counsel. Section 124(4) should also be noted: what it contemplates is an arrest by one enforcement agency (e.g. a game warden) which then delivers the person arrested to another agency (e.g. a municipal police force) to be held before a bail hearing. In these cases the arresting agency retains control over whether the person is released, and over the taking of security.

29. Bail

There are three possible lead-ins to the bail provisions of POPA:

- a) arrest without a warrant, (s.119);
- b) arrest with a warrant but before a plea has been entered (e.g. warrant in first instance, s.6(2); arrest with a warrant following non-appearance, s.28(1)); and
- c) arrest with a warrant at some later point (e.g. on non-appearance for trial, s.29(2), or under a warrant for sentencing, ss.62, 73).

All three are similar in that the judge must decide whether it is necessary to detain the defendant in custody in order to do whatever remains to be done in the proceedings. They differ, however, in that under possibility a), proceedings have not been commenced when the person arrested is brought before the judge; under possibility b) proceedings have been commenced but the basic preliminaries of first appearance have not been gone through; while under possibility c) all that is left is the completion of proceedings that are already under way.

Possibility a) requires proceedings to be commenced as a first step. Section 126(1) and (2) accomplishes this. Possibilities a) and b) both then require the formalities of first appearance to be gone through. Sections 126 and 127(1) bring these in by reference, and s.128(1) permits the judge, if the plea is guilty, to dispose of the case then and there (s.23), without proceeding to a bail hearing. Possibility c) merely requires the judge to pick up where he/she left off. Again, if this can be done summarily, e.g. by imposition of sentence, the judge may be able to dispose of things then and there, but if a delay is needed, the bail hearing will be required. Note, however, in relation to possibility c) that if evidence has already been heard in the case the bail judge may be restricted to dealing with the bail aspects because of s.99; any possibility of a summary disposition of the case will depend upon the bail judge being also the judge who heard the evidence.

30. Adjourments

Although s.129 requires a day to be fixed, it does not expressly override s.109, which permits a series of 8-day adjourments. The intention is that the trial should proceed as soon as possible. Note, incidentally, that POPA contains no provision for extending the 10-day period for which a witness can be detained under s.44. Where a warrant for a witness has been issued, proceedings will presumably have been adjourned indefinitely. When the arrest occurs, they should be restored for hearing as soon as possible, at least for the purpose of hearing the evidence of that witness.

31. Search and Seizure -- "found in plain view"

We suggest that the essence of being "found in plain view" is that an item is found by chance, unconcealed, by a peace officer engaged in a lawful activity.

32. Search and Seizure -- "a place where the peace officer lawfully is"

We suggest that the following places come within that description:

- a) a public place
- b) a private place that the peace officer has entered by invitation
- c) a private place that the peace officer has entered under statutory powers.

As to item c), note in particular the position of peace officers who have statutory powers of entry in some other capacity under an Act other than POPA. For example, an inspector under the Liquor Control Act may enter premises for purposes of an inspection under that Act. If he/she enters with the bona fide intention of inspecting the premises and finds there evidence of the commission of an offence, he/she may seize it under POPA. Under s.136(2) he/she may even seize it if it is evidence of an offence that he/she would not normally have power to enforce (e.g. a liquor inspector finds evidence of an offence under the Fish and Wildlife Act). Given, however, that people will have limited experience of legislation that they do not ordinarily enforce, they would be wise to use this power with caution. In many cases the better course will be to report the suspected infraction to the regular enforcing agency and leave it to them to decide whether to conduct a search.

A peace officer who does have statutory powers of entry should be careful to ensure that these powers are genuinely exercised for inspection purposes rather than for the purpose of conducting a search. If in doubt, consult a Crown Prosecutor. Note that some statutory powers of entry that may come close to being searches are backed up by the power to apply for an entry warrant under the Entry Warrants Act.

33. Search and Seizure -- Telewarrants

Note that, for a telewarrant to be available, not only must there be regulations in place specifying that telewarrants are permitted for a particular offence, but the circumstances must be such that it is impracticable for an application to be made in person. Telewarrant applications may therefore be the exception rather than the rule, even in cases where they are permitted to be made.

34. Search and Seizure -- procedure if no search warrant

The situations that may arise under POPA should be dealt with as follows:

- a) Search without a warrant; nothing seized
POPA does not require any return to be made.
Procedures here are an internal matter for enforcement agencies.

- b) Search without a warrant; items seized
Check to see if the legislation violated says anything about what to do. If it does, follow the legislation. If it does not, submit a report of the seizure to a judge, and either deliver the items with the report or state how they are being dealt with.
- c) Search of a person as incident of arrest; items seized
Proceed as in b) above.
- d) Seizure in plain view (i.e. no search)
Proceed as in b) above.

35. Search and Seizure -- procedure under a search warrant

The search warrant process always begins with an application to the court for a warrant and ends with a report back to a court on the execution (or non-execution) of the warrant. The steps involved are:

1. Contact Crown Prosecutor. The Crown prosecutor will advise on completion of the application and the draft search warrant in both ordinary and telewarrant cases.
2. Apply to the court. Except in telewarrant cases, the application must be made in person.
3. Warrant issued. This warrant will name the court to which the report on execution/non-execution will be made. In ordinary cases, it will be the court that issues the warrant. In telewarrant cases, it will be whatever court the judge issuing the warrant decides, and the judge will then notify that court (if it is not his/her own) that a warrant has been issued. The enforcement agency will need at least two copies of the warrant: one to leave at the premises and another to return to the court with the report on execution/non-execution.
4. Attempt to execute the warrant. Four possibilities exist:
 - 1) the warrant cannot be executed (e.g. it is for search of a vehicle which never comes);
 - 2) an attempt to execute the warrant fails (e.g. because of resistance);
 - 3) the warrant is executed; nothing is found;
 - 4) the warrant is executed; items are seized.

In all cases, a report to the court must be made. In case 2, the enforcement agency should examine the warrant to see if its terms allow for a further attempt at enforcement. If not, a further application for a search warrant should be considered.

5. If items are seized, decide how to deal with them.
The possibilities are:

- 1) The items seized are as described in the warrant, and no Act governs how they are to be dealt with. Here there is a choice of
 - a) delivering the items to the court,
 - b) detaining them, or
 - c) delivering some and detaining others.
- 2) The items seized are as described in the warrant, but some other Act does govern how they are to be dealt with. The items should be dealt with in accordance with that Act (but a report must still go to the court).
- 3) The items seized are not described in the warrant, and no Act governs how they are to be dealt with. Here the options are the same as those listed under category 1.
- 4) The items seized are not described in the warrant, but some other Act does describe how they are to be dealt with. This case is the same as category 2.
- 5) The items seized include things from more than one category. The items falling under each category should be dealt with according to the terms of that category.

6. Report to the Court

The prescribed form of report to the court is flexible enough to cover all of the possibilities listed above. Note, though, in relation to categories 1) and 3) above that the court, on receiving the report on execution, may make orders as to the detention of the items; these orders will override whatever the enforcement agency initially decided on the matter.

36. Search and Seizure -- administrative seizings

Some Acts give power to seize items that are not evidence of an offence (e.g. a motor vehicle in which liquor is unlawfully possessed). These things are not seized under POPA, and the Act giving power to seize will say how the things are to be dealt with. Nonetheless, the report to the court describing the search and seizure of evidence should also, for completeness, mention the non-evidentiary items seized under other statutory powers. If there is an issue as to whether or not the thing seized is an "item of evidence" under POPA, the judge will then be in a position to resolve that question.

CHAPTER P-22.1
Provincial Offences Procedure Act
Assented to June 27, 1987

Chapter Outline

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authorized person - personne autorisée	
categorized offence - infraction classifiée	
chief judge - juge en chef	
corporation - corporation	
court - cour	
Criminal Code - Code Criminel	
document - document	
item of evidence - élément de preuve	
judge - juge	
minor - mineur	
named court - cour désignée	
offence - infraction	
official language - langue officielle	
peace officer - agent de la paix	
place - endroit	
police officer - agent de police	
prescribed form - forme prescrite	
prescribed offence - infraction prescrite	
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This chapter outline is updated to December 31,
1990.

CHAPTER P-22.2

Provincial Offences Procedure
for Young Persons Act

Assented to June 27, 1987

Chapter Outline

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adult - adulte	
alternative measures - mesures de rechange	
child - enfant	
parent - parent	
pre-sentence report - rapport présentenciel	
provincial director - directeur provincial	
<u>Young Offenders Act - Loi sur les jeunes</u>	
<u>contrevenants</u>	
young person - adolescent	
youth court - tribunal pour adolescents	
youth court judge - juge d'un tribunal	
pour adolescents	
youth worker - délégué à la jeunesse	
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Ce sommaire est à jour au 31 décembre 1990.

CHAPITRE P-22.2

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PROVINCIALES APPLICABLE AUX ADOLESCENTS

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adolescent - young person	
adulte - adult	
délégué à la jeunesse - youth worker	
directeur provincial - provincial director	
enfant - child	
juge d'un tribunal pour adolescents - youth court judge	
Loi sur les jeunes contrevenants - Young Offenders Act	
mesures de rechange - alternative measures	
parent - parent	
rapport présentenciel - pre-sentence report	
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CHAPITRE P-22.1

Loi sur la procédure applicable
aux infractions provinciales

Sommaire

Sanctionnée le 27 juin 1987

Définitions..... 1(1)

agent de la paix - peace officer
agent de police - police officer
agent de probation - probation officer
arme - weapon
Code criminel - Criminal code
corporation - corporation
cour - court
cour désignée - designated court
document - document
élément de preuve - item of evidence
endroit - place
formule prescrite - prescribed form
infraction - offence
infraction classée - categorized offence
infraction prescrite - prescribed offence
jour ouvrable - working day
juge - judge
juge en chef - chief judge
langue officielle - official language
Loi - Act
mineur - minor
personne autorisée - authorized person
procureur général - Attorney General
poursuivant - prosecutor
véhicule - vehicle

Application de la Loi 1(2)

PARTIE I

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