

BILL NO 16. SUMMARY PROCEEDINGS ACT (amended)

Law Amendments Committee, April 27, 2010

Please consider making the following three changes to this Bill:

1. Extend the 60 day period where a conviction may be automatically set aside to be a three-month (90 days) or four-month period (120 days). This would mean that the courts would not have to hold hearings in almost every case. We live in a very mobile society, and 60 days after the conviction is not long enough. I think of families who are on vacations in the summer, students who are away for four-month breaks, and the length of time that might go by before a person might even have notice that they were convicted of an offence.
2. Change the Bill to make sure that a court in any part of the province has the ability to automatically set aside a conviction under the new Section 17A. I have had cases where a person from Digby gets a ticket in Halifax and then needs to appear in Halifax on several occasions in order to have the conviction set aside. This is a very routine procedure under this new bill and should be able to be done in any part of the province. For example, if I get a parking ticket in Amherst, N.S., but live in Annapolis, I should be able to have the ticket automatically set aside in Annapolis even though the resulting trial or proceeding will be in Halifax. This is all the more important given that there is a presumption that a person has notice of a summons, when in fact they may not know (depending upon the integrity of the mail, etc.). As well, it should also be possible to hold a hearing to have a conviction set aside in any part of the province, as well. As it stands, a person may have to spend a great deal of money to travel to Halifax or other locality where a low value ticket (for example, \$25 parking ticket) has been issued in order to deal with a preliminary matter of setting aside a conviction. For many people, even if not guilty, this means that they will choose to pay the ticket, rather than have a court hear their matter. This is not justice.
3. Amend the wording in Section 2(1) at paragraph (ad) to be consistent with the new Section 17A by changing it to read:

“(ad) prescribing the form of the certificate of a clerk of the court or a justice striking out a conviction;”

Thanks for considering my suggestions.

Russell Prime
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