

UNIFORM LAW CONFERENCE OF CANADA

JOINT CIVIL/CRIMINAL SECTIONS

FINAL REPORT OF THE WORKING GROUP ON INTERPROVINCIAL SERVICE OF OFFENCE NOTICES

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Halifax, Nova Scotia

August 22 - 26, 2010

Final Report of the Working Group on Interprovincial Service of Offence Notices

August 2010

[1] In August 2008 the following resolution was passed unanimously by the Criminal Section of the Uniform Law Conference of Canada (ULCC):

To ensure that provincial offence notices are properly served on accused persons in other jurisdictions, civil and criminal sections of the Uniform Law Conference of Canada should jointly examine the issue to develop a consistent statutory approach for consideration by all jurisdictions.

[2] The Working Group on this issue consisted of Rob Anderson from the Government of Alberta, Francine Moyen and Karen Bedard from the Government of Quebec and Lee Kirkpatrick from the Government of Yukon. Members met a number of times by teleconference and exchanged legislation and case law.

[3] Given the limited membership of the group, we were able to review the legislation with respect to Alberta, Quebec and Yukon only. Our conclusion from that review was that while the legislation differed from jurisdiction to jurisdiction, the legislation in place for each jurisdiction best served its own particular needs and best accommodated the particular court structures and the underlying provincial statutes giving rise to the offences.

[4] The Working Group presented its Interim Report to the Uniform Law Conference in Ottawa in 2009. It extended an invitation to all other jurisdictions to provide input and to participate in the working group in the coming year in order to determine what practices might form the basis for a common approach if this remained an issue of concern.

[6] The Working Group was contacted by a representative from Saskatchewan who was working on new legislation for that jurisdiction and sought a copy of the Interim Report which was provided. The Saskatchewan representative did not feel that participation in the Working Group was necessary.

[7] No further jurisdiction expressed an interest in further participation and as a result it is the Working Group's position that its work is now done.

[8] The Working Group's conclusion is that there is currently no need or benefit to be gained through the formulation of a consistent statutory approach to extraprovincial service of Provincial Offence Notices.