

1968 Bill 98

First Session, 16th Legislature, 17 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 98

An Act to amend The Summary Convictions Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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1968

An Act to amend The Summary Convictions Act

(Assented to _____, 1968)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Summary Convictions Act* is hereby amended.

2. Section 5a is amended

- (a) as to subsection (3), clause (c) by striking out the words "word or expression" and by substituting the words "word, figure or expression, or any combination thereof",
- (b) as to subsection (4) by striking out the words "word or expression" and by substituting the words "word, figure or expression, or any combination thereof",
- (c) by adding the following subsection after subsection (6):
 - (6a) Delivery of a traffic ticket summons may be made on a holiday.
- (d) by adding the following after subsection (12):
 - (13) The provisions of the *Criminal Code* (as amended from time to time) respecting summary convictions and the proceedings relating thereto apply to all proceedings instituted by a traffic ticket summons to the extent that this section and sections 5b and 5c do not otherwise provide.

3. Section 5b is amended by adding the following after subsection (3):

(3a) Where a summons and the specified penalty are delivered to the place stated in the summons but the plea of guilty therein is not signed it shall be presumed to be signed by the person to whom the summons is directed.

(3b) Where a summons and the specified penalty are delivered to the place stated in the summons after the time stated therein as being allowed for the delivery, a magistrate may,

- (a) without a hearing, and

Explanatory Notes

1. This Bill amends chapter 325 of the Revised Statutes of Alberta.

2. Section 5a (3), (4) and (6) presently read:

(3) The Lieutenant Governor in Council may make regulations

.....

(c) authorizing the use on a traffic ticket of any word or expression to designate an offence under The Highway Traffic Act, The Public Service Vehicles Act, or any regulation made under either of these Acts, or The Motor Vehicle Accident Claims Act, or any municipal by-law regulating traffic, and

.....

(4) The use on a traffic ticket of any word or expression authorized by the regulations to designate an offence under The Highway Traffic Act, The Public Service Vehicles Act, or any regulations made under either of these Acts, or under The Motor Vehicle Accident Claims Act, or under any municipal by-law, shall be deemed sufficient for all purposes to describe the offence designated by such word or expression.

(6) Upon completing a traffic ticket and affixing his signature thereto, the police officer shall deliver the traffic ticket summons to the person charged with an offence therein, and delivery of the traffic ticket summons in accordance herewith shall be deemed to be personal service of the summons upon the person charged with an offence in the traffic ticket summons.

3. Section 5b, subsection (2) reads:

(2) A person to whom such a summons is directed is not required to appear in answer to the summons if, within the time stated therein, he

(a) signs the plea of guilty endorsed on the summons, and

(b) delivers the summons and the specified penalty to the place stated on the summons,

and upon so doing the person shall be deemed to be convicted of the offence charged.

(b) notwithstanding any action he may have taken under section 5c, direct that the summons and penalty be accepted as if they had been delivered within the time allowed.

4. The following is added after section 5b:

5c. (1) Where the person to whom a traffic ticket summons is directed fails to appear in court (in person or by agent) in answer to the summons, the justice

- (a) may adjourn the proceedings for any period not exceeding 30 days, or
- (b) may enter a plea of not guilty on behalf of the person and set a time for an *ex parte* hearing of the charge, or
- (c) may issue a warrant for the arrest of the person.

(2) Where proceedings are adjourned pursuant to clause (a) of subsection (1), the justice shall direct that the person be notified by ordinary mail at his last known address of the new time fixed for appearance and if the person fails to appear in court at that time, a justice

- (a) may enter a plea of not guilty on behalf of the person and set a time for an *ex parte* hearing of the charge, or
- (b) may issue a warrant for the arrest of the person.

(3) This section does not apply where, pursuant to subsection (2) of section 5b, the person is deemed to be convicted of the offence charged.

5. Section 12, subsection (3) is amended by striking out the words "ten days" and by substituting the words "14 days".

6. This Act comes into force on the day upon which it is assented to.

4. Procedure on failure to appear in response to a traffic ticket summons.

5. Section 12, subsections (1) and (3) presently read:

12. (1) Where a person charged with an offence against a statute of the Province or against a by-law passed under the authority of any such statute is taken into custody either with or without the warrant of a justice and is brought into a police station in a city, town or village at a time between the hours of five o'clock in the afternoon of the day of his arrest and nine o'clock in the forenoon of the next following day, the police officer or constable in charge of the station, if he thinks the case a proper one, may admit the person so charged to bail on that person's entering into a recognizance with or without sureties conditioned for his appearance within fourteen days before a justice at the time and place therein mentioned.

(3) In lieu of a recognizance, a justice, or a police officer or constable in charge of a police station, may by way of a cash deposit accept a sum of money not exceeding fifty dollars, together with a written undertaking by the accused in Form 3 in the Schedule, to secure his appearance within ten days before a justice at the time and place therein mentioned.