

1981 BILL 71

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Third Session, 19th Legislature, 30 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 71**

**SUMMARY CONVICTIONS AMENDMENT ACT, 1981**

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ATTORNEY GENERAL

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 71*

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1981

### **SUMMARY CONVICTIONS AMENDMENT ACT, 1981**

*(Assented to \_\_\_\_\_, 1981)*

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

*1 The Summary Convictions Act is amended by this Act.*

*2 Section 6(3) is amended by striking out "and" at the end of clause (c) and by adding the following after clause (c):*

(c.1) prescribing offences for which, notwithstanding section 7, a peace officer may issue a summons by way of a ticket requiring the person to whom the summons is directed to appear before a justice on the date set forth in the summons without the alternative of paying a specified penalty and pleading guilty under section 7, and

*3 Section 7 is amended*

*(a) by adding the following after subsection (1):*

(1.1) A summons that has an additional part or an endorsement referred to in subsection (1) is subject to the discretion of a peace officer exercised pursuant to a regulation made under section 6(3)(c.1).

## Explanatory Notes

**1** This Bill will amend chapter 355 of the Revised Statutes of Alberta 1970.

**2** Section 6(1) and (3) presently read:

*6(1) Instead of the procedure set out in the Criminal Code for laying an information and for issuing a summons, a complaint in respect of any offence specified in the regulations may be laid and a summons issued by means of a ticket in accordance with this section.*

*(3) The Lieutenant Governor in Council may make regulations*

*(a) specifying those offences for which a ticket may be used under this section,*

*(b) prescribing the form of ticket to be used,*

*(c) authorizing the use on a ticket of any word, figure or expression, or any combination thereof, to designate an offence, and*

*(d) respecting any other matter necessary for the use of the ticket.*

**3** Section 7 presently reads:

*7(1) The Lieutenant Governor in Council may prescribe a form of summons part of a ticket under section 6 having an additional part or having an endorsement thereon to the effect that the person to whom the summons is directed may pay out of court a specified sum if he wishes to plead guilty.*

*(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*

(1.2) Subsections (2) to (5) do not apply if a peace officer has exercised a discretion pursuant to a regulation made under section 6(3)(c.1).

*(b) in subsection (6)(a) by adding “subject to any regulation made under section 6(3)(c.1)” after “prescribing”;*

*(c) in subsection (7)(a) by adding “subject to any regulation made under section 6(3)(c.1)” after “prescribe”.*

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*In accordance with section 4(1) of The Interpretation Act, 1980, this Bill comes into force on the date it receives Royal Assent.*

*(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.*

*(3) A signature affixed to a plea of guilty on such a summons and purporting to be that of the person to whom the summons is directed is prima facie proof that it is the signature of that person.*

*(4) 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.*

*(5) 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 justice may,*

*(a) without a hearing, and*

*(b) notwithstanding any action he may have taken under section 8,*

*direct that the summons and penalty be accepted as if they had been delivered within the time allowed.*

*(6) The Lieutenant Governor in Council may make regulations in respect of such summons*

*(a) prescribing the offences in respect of which a penalty may be paid out of court in lieu of appearing in answer to the summons, and*

*(b) prescribing the amount of the penalty payable in respect of each such offence.*

*(7) The council of a municipality may by by-law, in respect of such summons,*

*(a) prescribe the offences under any municipal by-law regulating traffic in respect of which a penalty may be paid out of court in lieu of appearing in answer to the summons, and*

*(b) prescribe the amount of the penalty payable in respect of each such offence.*