

Chapter 4

AN ACT TO AMEND THE YOUNG OFFENDERS ACT AND OTHER ACTS IN CONSEQUENCE

(Assented to March 28, 2003)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. The *Young Offenders Act* is amended by this Act.

2. Subsection 1(2) is repealed and the following substituted:

Forms

(2) The forms to be used for the purposes of this Act may be prescribed by regulation.

3. The portion of subsection 7(1) that precedes paragraph (a) is amended by repealing "In keeping with the principles enunciated in the *Young Offenders Act* (Canada), it" and substituting "It".

4. Subsections 15(6) and (7), 17(4), 22(2) and (3), 30(2), 38(2), 40(3), 42(4), 45(2), 46(4), and section 51 are repealed.

5. Subsection 16(2) is repealed and the following substituted:

Service

(2) A copy of an order made under subsection (1) shall be served by a peace officer or a person designated by a Youth Court by delivering it personally to the parent to whom it is directed, unless the Youth Court authorizes service by registered mail.

6. Subsection 27(1) is repealed and the following substituted:

Notice to appear

27. (1) A young person may be given notice to appear before the Youth Court pursuant to paragraph 25(1)(b) orally or in writing.

7. Subsection 37(3) is repealed and the following substituted:

Service

(3) A notice under subsection (1) may be served personally or may be sent by registered mail.

8. Subsection 92(2) is amended by striking out "*Young Offenders Act* (Canada)" and substituting "*Youth Criminal Justice Act* (Canada)".

9. (1) The heading preceding section 93 is struck out and the following substituted:

Administration of Youth Criminal Justice Act (Canada)

(2) Section 93 is amended by striking out "Young Offenders Act (Canada)" wherever it appears and substituting "Youth Criminal Justice Act (Canada)".

(3) Section 93 is further amended by repealing the definition of "youth court" and substituting:

"youth justice court" means the Nunavut Court of Justice or the justices of the peace appointed as youth justice court judges and designated as a youth justice court under the *Justices of the Peace Act*; (*tribunal pour adolescents*)

10. (1) Section 94 is amended by striking out "Young Offenders Act (Canada)" wherever it appears and substituting "Youth Criminal Justice Act (Canada)".

(2) Subsection 94(1) is amended by striking out "Pursuant to subsection 30(1)" and substituting "Pursuant to subsection 87(2)".

11. Section 95 is amended by the addition of the following:

(d.1) prescribing the forms to be used for the purposes of this Act;

CONSEQUENTIAL AMENDMENTS

Child and Family Services Act

12. Subsection 62(2) of the *Child and Family Services Act* is amended by striking out "Young Offenders Act (Canada)" and substituting "Youth Criminal Justice Act (Canada)".

Education Act

13. The *Education Act* is amended in paragraph 1(2)(e), subsection 2(2) and subsection 4(2) by striking out "Young Offenders Act (Canada)" wherever it appears and substituting "Youth Criminal Justice Act (Canada)".

Interpretation Act

14. Subsection 28(1) of the *Interpretation Act* is amended

(a) by repealing the definition of "Youth Court" and substituting the following:

"Youth Court or youth justice court" means the Nunavut Court of Justice or the justices of the peace appointed under the *Justices of the Peace Act* as youth court or youth justice

court judges and designated as a Youth Court for purposes of the *Young Offenders Act* and a youth justice court for purposes of the *Youth Criminal Justice Act* (Canada); (*tribunal pour adolescents*)

- and**
(b) by repealing the definition of "youth court judge" and substituting the following:

"youth court or youth justice court judge" means a youth court judge as defined in the *Young Offenders Act* or a youth justice court judge as defined in the *Youth Criminal Justice Act* (Canada). (*juge du tribunal pour adolescents*)

Judicature Act

- 15. (1) The heading preceding section 14 is struck out and the following substituted:**

YOUTH COURT AND YOUTH JUSTICE COURT

- (2) Section 14 is further amended**

- (a) in subsection (1) by striking out "Young Offenders Act (Canada)" and substituting "Youth Criminal Justice Act (Canada)"; and**
(b) in paragraph (1)(b) by striking out "youth court judges" and substituting "youth court and youth justice court judges".

- (3) Subsection 14(2) is repealed and the following substituted:**

Court of record

- (2) A Youth Court and a youth justice court are courts of record.

- 16. Subsection 61(2) is amended by striking out "Youth Court" and substituting "Youth Court for the purposes of the *Young Offenders Act* and of the youth justice court for the purposes of the *Youth Criminal Justice Act* (Canada)".**

Justices of the Peace Act

- 17. (1) Section 15 of the *Justices of the Peace Act* is amended by**
(a) striking out "Young Offenders Act (Canada)" wherever it appears and substituting "Youth Criminal Justice Act (Canada)"; and
(b) striking out "youth court judge" wherever it appears and substituting "youth court or youth justice court judge".

- (2) Subsection 15(3) is repealed and the following substituted:**

Youth Court, youth justice court

(3) The justices of the peace sitting as youth court or youth justice court judges are deemed to be a Youth Court for the purposes of the *Young Offenders Act* and a youth justice court for the purposes of the *Youth Criminal Justice Act* (Canada).

18. Paragraph 16(1)(a) is amended by striking out "*Young Offenders Act* (Canada)" wherever it appears and substituting "*Youth Criminal Justice Act* (Canada)".

Legal Services Act

19. Paragraph 44(e) of the *Legal Services Act* is amended by striking out "*Young Offenders Act* (Canada)" wherever it appears and substituting "*Youth Criminal Justice Act* (Canada)".

Local Authorities Elections Act

20. Paragraph 18(2)(a) of the *Local Authorities Elections Act* is amended by striking out "youth court judge" and substituting "youth court or youth justice court judge".

Mental Health Act

21. Subsection 30(2) of the *Mental Health Act* is amended by striking out "*Young Offenders Act* (Canada)" and substituting "*Youth Criminal Justice Act* (Canada)".

Motor Vehicles Act

22. (1) Section 1 of the *Motor Vehicles Act* is amended in the definition of "judge" by striking out "youth court judge" and substituting "youth court or youth justice court judge".

(2) Section 88, section 92, subsection 97(1), subparagraphs 119(a)(i) and (ii) and section 312 are amended by striking out "*Young Offenders Act* (Canada)" and substituting "*Youth Criminal Justice Act* (Canada)".

Property Assessment and Taxation Act

23. Paragraph 74(2)(e) of the *Property Assessment and Taxation Act* is amended by striking out "*Young Offenders Act* (Canada)" and substituting "*Youth Criminal Justice Act* (Canada)".