

SUMMARY CONVICTION PROCEDURES ACT

R-026-2022

Registered with the Chief Legislative Counsel

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SUMMARY CONVICTION PROCEDURES REGULATIONS, amendment

The Minister, under sections 8 and 12 of the *Summary Conviction Procedures Act* and every enabling power, makes the attached amendment to the *Summary Conviction Procedures Regulations*.

1. These regulations amend the *Summary Conviction Procedures Regulations*, N.W.T.Reg. R-014-92.

2. The following is added after subsection 3(2):

(3) The offence of contravening or failing to comply with a regulation made under subsection 49(5) of the *Liquor Act* is prescribed as an offence referred to in paragraph 8(a) of the Act and the *Liquor Act* and those regulations are prescribed as enactments referred to in that paragraph.

3. Subsection 4(1) and section 9 are amended by adding "or (3)" after "subsection 3(2)" wherever it appears.

4. Paragraph 6(c) is repealed and replaced by

(c) the offences referred to in subsections 3(2) and (3).

5. (1) In the French version, sections 6 and 7 are amended by replacing "la sommation" with "l'assignation" wherever it appears.

(2) In the French version, sections 6, 7 and 8 are amended by replacing "peine" with "amende indiquée" wherever it appears.

6. (1) Subsection 7(1) is amended by deleting "or" at the end of paragraph (b), replacing the period at the end of paragraph (c) with "; or" and adding the following after paragraph (c):

- (d) subject to subsections (5) and (6), for an offence referred to in subsection 3(3),
- (i) if the person has previously been convicted of an offence under the same regulations, a specified penalty of \$1,150 composed of a fine of \$1,000 and a surcharge of \$150 established under subsection 12(1) of the *Victims of Crime Act*;
 - (ii) otherwise, a specified penalty of \$575 composed of a fine of \$500 and a surcharge of \$75 established under subsection 12(1) of the *Victims of Crime Act*.

(2) The following is added after subsection 7(4):

(5) If the maximum fine for an offence referred to in subsection 3(3) is less than the fine provided for under paragraph (1)(d), the specified penalty for that offence is 115% of the maximum fine, composed of

- (a) the maximum fine for the offence; and
- (b) a surcharge of 15% established under subsection 12(1) of the *Victims of Crime Act*.

(6) If a person is issued a ticket summons with a specified penalty under subparagraph (1)(d)(ii) instead of one under subparagraph (1)(d)(i),

- (a) the ticket summons is deemed to be valid; and
- (b) payment of the specified penalty stated on the ticket summons within the time stated in the ticket summons is deemed to be payment of the correct specified penalty for the purposes of paragraph 11(3)(b) of the Act.