



Province of Alberta

PROVINCIAL OFFENCES PROCEDURE ACT

Revised Statutes of Alberta 2000
Chapter P-34

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Office Consolidation

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Alberta King's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952

E-mail: kings-printer@gov.ab.ca
Shop on-line at kings-printer.alberta.ca

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Provincial Offences Procedure Act* that are filed as Alberta Regulations under the Regulations Act

| | Alta. Reg. | Amendments |
|------------------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provincial Offences Procedure Act | | |
| Court Agents | 68/2001 | 25/2002, 27/2002, 354/2003, 196/2006, 68/2008, 54/2009, 31/2012, 170/2012, 62/2013, 216/2022, 76/2023 |
| Procedures | 63/2017 | 71/2017, 13/2018, 54/2018, 56/2018, 130/2018, 81/2019, 192/2019, 51/2020, 64/2020, 130/2020, 133/2020, 160/2020, 13/2021, 92/2021, 105/2021, 140/2021, 189/2021, 200/2021, 225/2021 (5/2022) (73/2022), 261/2021 14/2022, 181/2022 (15/2023) (106/2023), 196/2022, 216/2022, 238/2022, 110/2024, 111/2024; 167/2024, 40/2025 |
| NOTE: AR 15/2023 amends 181/2022; AR 106/2023 amends 181/2022 | | |

PROVINCIAL OFFENCES PROCEDURE ACT

Chapter P-34

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

Definitions

1 In this Act,

- (a) “address for service” means an address determined in accordance with section 21;
- (b) “clerk” means clerk of the Court or a person designated by a clerk of the Court to perform the duties of a clerk of the Court;
- (c) “Court” means the Alberta Court of Justice;
- (d) “defendant” means
 - (i) a person to whom a summons is issued on the basis of an information or complaint alleging the commission by that person of an offence, or
 - (ii) a person in respect of whom an offence notice is issued under Part 3;
- (d.01) “digital service” means a digital service approved by the Minister under section 23.5;
- (d.02) “electronic address” means an email address or other electronic means of communication with a particular person, including through a digital service;
- (d.1) “electronic document” means information or data that is created, recorded, transmitted or stored in digital form or in any other intangible form by electronic, magnetic or optical means or by any other means that have similar capabilities for creation, recording, transmission or storage, and includes any display, printout or other output of the information or data;
- (e) “enactment” means any Act, regulation, order or bylaw enacted in relation to any matter over which the Legislature has legislative authority, and, with respect to the proceedings under Part 2 and Part 3, any bylaw made by a council of a First Nation band under the authority of the *Indian Act* (Canada) that makes the proceedings under Part 2 and Part 3 applicable to that bylaw;
- (f) repealed 2024 c7 s10(2);

- (g) “justice” means a justice of the peace or a judge of the Court;
- (h) “local authority” means the council of a city, town, village, summer village, municipal district or Metis settlement;
- (h.1) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (i) “offence” means an offence under an enactment;
- (j) “operator’s licence” means a licence to operate motor vehicles issued pursuant to the *Traffic Safety Act*;
- (k) “peace officer” means
 - (i) a police officer under the *Police Act*, while the police officer is in the exercise or discharge of the police officer’s powers or duties,
 - (ii) a member of a police service under the *Police Act*, while the member is in the exercise or discharge of the member’s powers or duties,
 - (iii) a peace officer appointed under the *Peace Officer Act*, while the peace officer is in the exercise or discharge of the peace officer’s powers or duties,
 - (iv) a person who is employed or retained by the Government, a municipality or a Metis settlement and whose duties include written authorization to issue violation tickets under Parts 2 and 3, while the person is in the exercise or discharge of that duty and while the person is serving a summons, offence notice or subpoena,
 - (v) a park warden appointed under the *Parks Canada Agency Act* (Canada) and a park officer designated under the *National Parks Act* (Canada), while they are in the exercise or discharge of their powers or duties in a national park established under the *National Parks Act* (Canada),
 - (vi) a person appointed under the *National Defence Act* (Canada) regulations for the purposes of section 156 of the *National Defence Act* (Canada), while the person is in the exercise or discharge of the person’s powers or duties in a defence establishment as defined in that Act, and

- (vii) any other person employed by a municipality, a Metis settlement, the Government of Alberta or the Government of Canada for the preservation and maintenance of the public peace, while the person is in the exercise or discharge of the person's powers and duties;
- (k.1) "response time and date" means the time and date indicated on a violation ticket at or before which a defendant is required to respond to the violation ticket in the manner provided for in the violation ticket;
- (l) "specified penalty" means an amount determined pursuant to the regulations or pursuant to bylaws or ministerial orders under section 44 that can be paid by a defendant who is issued a violation ticket and is authorized to make a payment without a Court appearance;
- (m) "surcharge" means a surcharge under the *Victims of Crime and Public Safety Act*;
- (n) "violation ticket" means a violation ticket under Part 2 or Part 3;
- (n.1) "virtual proceeding" means a proceeding where a defendant or other person appears remotely by telephone, audioconference, videoconference, digital service or other electronic means that enables all persons participating in a proceeding to hear and communicate with each other instantaneously;
- (o) "voluntary payment" means a payment, in part or in full, of a specified penalty and the applicable surcharge, if any, pursuant to section 26 or 36.

RSA 2000 cP-34 s1;RSA 2000 cT-6 s207;2004 c11 s6;
2006 cP-3.5 s41;2008 c43 s8;2020 c18 s27;2020 c37 s3;
2022 c21 s72;AR 75/2023;2024 c7 s10(2)

Part 1

General

Application of Act

2(1) Subject to any express provision in another Act, this Act applies to every case in which a person commits or is suspected of having committed an offence under an enactment for which that person may be liable to imprisonment, fine, penalty or other punishment.

(2) Where a contravention under an enactment is enforced under this Act, the contravention is deemed to be an offence under that enactment and for the purposes of this Act.

(3) Notwithstanding subsection (1), this Act does not apply in respect of contraventions in respect of which a notice of administrative penalty has been issued under the *Provincial Administrative Penalties Act*.

RSA 2000 cP-34 s2;2020 cP-30.8 s42

Application of Criminal Code

3 Except to the extent that they are inconsistent with this Act and subject to the regulations, all provisions of the *Criminal Code* (Canada), including the provisions in Part XV respecting search warrants, that are applicable in any manner to summary convictions and related proceedings apply in respect of every matter to which this Act applies.

1988 cP-21.5 s3;1992 c21 s38

Limitation period

4(1) Subject to any express provision in another Act, no proceedings to which this Act applies may be instituted more than 12 months after the time when the alleged offence occurred.

(2) In the case of an offence that is of a continuing nature, each day or part of a day on which it continues constitutes a separate offence and no proceedings may be instituted more than 12 months after the last occurrence of the alleged offence.

RSA 2000 cP-34 s4;2020 cP-30.8 s42;2024 c7 s10(3)

Failure to attend

5(1) A person who, being at large on a release order, fails without lawful excuse to attend Court in accordance with that release order, or to surrender themselves in accordance with that release order or an order of a justice, as the case may be, is guilty of an offence.

(2) A person who, being at large on a release order, fails without lawful excuse to comply with a condition of that release order, is guilty of an offence.

(3) A person who is served with a summons and who fails without lawful excuse to attend Court in accordance with that summons is guilty of an offence.

(4) A person who is named in

- (a) an appearance notice, or
- (b) an undertaking,

that has been confirmed by a justice and who fails without lawful excuse to attend Court in accordance with the appearance notice or undertaking is guilty of an offence.

(5) A person who, without lawful excuse fails to comply with any condition of an undertaking is guilty of an offence.

(6) For the purpose of subsection (4), it is not a lawful excuse that an appearance notice or undertaking does not correctly state the substance of the alleged offence.

(7) If at the trial of a person for an offence that person does not appear at the time and place appointed for the trial or the resumption of the trial and the justice proceeds to conduct the trial ex parte, no proceedings shall be instituted under this section arising out of the failure of the person to appear.

(8) In proceedings under subsection (1), (3) or (4), a certificate purporting to be signed by the clerk or a justice before whom the person is alleged to have failed to attend, stating that

- (a) in the case of proceedings under subsection (1), a person who being at large on a release order failed to attend Court,
- (b) in the case of proceedings under subsection (3), a summons was issued to and served on the person and the person failed to attend Court in accordance with the summons, and
- (c) in the case of proceedings under subsection (4), the person was named in an appearance notice or undertaking that was confirmed by a justice, and the accused failed to attend Court in accordance with the appearance notice or undertaking,

is evidence of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

(9) A person against whom a certificate described in subsection (8) is produced may, with the permission of the Court, require the attendance of the person producing the certificate for the purpose of cross-examination.

(10) A certificate shall not be received in evidence pursuant to subsection (8) unless the party intending to produce it has, before the trial, given to the accused reasonable notice of the party's intention, together with a copy of the certificate.

RSA 2000 cP-34 s5;2009 c52 s2;2014 c13 s50;2020 c23 s14;
2020 c37 s3

Witness

6(1) If a person is required to attend to give evidence before the Court, the Court shall issue a subpoena directed to that person, which shall be signed by a clerk or a justice.

(2) On proof to the satisfaction of the Court

- (a) of the service of a subpoena on a witness who fails to attend or to remain in attendance in accordance with the requirements of the subpoena, and
- (b) that the presence of the witness is material to the proceedings,

the Court may, by its warrant directed to any peace officer, cause the witness to be apprehended anywhere within Alberta, to be brought before a justice forthwith and to be detained in custody as the justice may order until the witness's presence as a witness is no longer required or, in the discretion of the justice, to be released on a recognizance with or without sureties.

1988 cP-21.5 s6

General punishment

7(1) Subject to any express provision in another enactment, every person who is convicted of an offence is liable to a fine of not more than \$2000 or to imprisonment for not more than 6 months or to both.

(2) Subject to any express provision in another enactment, if the imposition of a fine or the making of an order for the payment of money is authorized by an enactment but the enactment does not provide that imprisonment may be imposed in default of payment of the fine or compliance with the order, the Court may order that in default of payment of the fine or compliance with the order, as the case may be, the defendant shall be imprisoned for a period of not more than 6 months.

(2.1) In proceedings commenced by way of an information or under Part 2, a justice sentencing a defendant convicted of an offence shall consider the ability of the defendant to pay a fine and, where applicable, the surcharge, and, notwithstanding any provision to the contrary in any other enactment, may refuse to impose a period of imprisonment in default of payment of the fine or the surcharge where imprisonment would not serve the public interest.

(3) This section does not apply if proceedings are commenced under Part 3.

RSA 2000 cP-34 s7;2016 c11 s2;2020 c18 s27

Compensation for property

8(1) A justice who convicts a defendant of an offence may, on the application of a person aggrieved, at the time sentence is imposed, order the defendant to pay to the applicant an amount of not more than \$100 000 as compensation for loss of or damage to property suffered by the applicant as a result of the commission of the offence, where the amount is readily ascertainable.

(2) If an amount that is ordered to be paid under subsection (1) is not paid within the time ordered by the justice the applicant may, by filing the order, enter as a judgment in the Court of King's Bench the amount ordered to be paid, and that judgment is enforceable against the defendant in the same manner as if it were a judgment rendered against the defendant in the Court of King's Bench in civil proceedings.

RSA 2000 cP-34 s8;2009 c52 s3;2019 c23 s4;AR 217/2022

Term of imprisonment

9(1) When a defendant is sentenced to a term of imprisonment, the term, unless otherwise directed in the sentence, begins on and from the day on which the defendant is taken into custody under the sentence of imprisonment.

(2) Any time during which the defendant is lawfully at large on judicial interim release does not count as part of a term of imprisonment to which the defendant is sentenced.

1988 cP-21.5 s9

Absolute liability offence

10 Notwithstanding this Act or any other enactment, a defendant is not liable to imprisonment for an absolute liability offence.

1996 c28 s38

Time for payment

11(1) When time has been allowed for payment and a justice has ordered imprisonment in default of payment of the fine, a justice shall not issue a warrant of committal until the expiration of the time allowed for payment.

(2) Notwithstanding subsection (1), if, before the expiration of the time allowed for payment, the defendant who has been allowed time for payment applies in writing to be committed immediately rather than await the expiration of the time allowed, the justice may immediately issue a warrant of committal without requiring the defendant to appear in person before the justice.

(3) When time has been allowed for payment any justice may, on application by or on behalf of the person allowed time for payment, allow further time for payment.

RSA 2000 cP-34 s11;2009 c52 s4

Orders relating to payment

12 When a justice, in a conviction or order, imposes a fine or penalty, the conviction or order is not void nor is the right to collect a fine or to enforce a penalty under the conviction or order impaired because

- (a) time has been allowed for the payment of all or any part of the fine or penalty,
- (b) payment of part of the fine or penalty has been received,
- (c) the justice has accepted security for the payment of all or any part of the fine or penalty, or
- (d) the conviction is under appeal, unless a judge of the Court of King's Bench stays the right to collect the fine or to enforce the penalty.

RSA 2000 cP-34 s12;AR 217/2022

Civil recovery

13(1) When a fine is imposed on a defendant but imprisonment of the defendant in default of payment of the fine is not ordered and the fine is not paid forthwith or within the time allowed by the justice, the Minister or a person authorized by the Minister may, by filing the conviction, enter as a judgment in the Court of King's Bench the amount of the fine plus the late payment charge prescribed in the regulations, if any, and the judgment is enforceable against the convicted defendant in the same manner as if it were a judgment rendered against the defendant in that Court in a civil proceeding.

(2) If an enactment provides that any fine or penalty imposed

- (a) on a conviction for an offence occurring in a city, town or village enures to the benefit of the city, town or village, or
- (b) on a conviction for an offence occurring in a summer village, municipal district, Metis settlement or reserve, elsewhere than on a provincial highway under the *Highways Development and Protection Act*, enures to the benefit of the summer village, municipal district, Metis settlement or band,

and the conviction has not been entered as a judgment under subsection (1), an agent of the city, town, village, summer village,

municipal district, Metis settlement or band, as the case may be, may enter the amount of a fine payable by the convicted defendant for that offence as a judgment under subsection (1).

(3) For the purposes of this section, “reserve” and “band” have the meanings assigned to them in the *Indian Act* (Canada).

RSA 2000 cP-34 s13;2004 cH-8.5 s71;2013 c10 s34;AR 217/2022;
2022 c21 s72

Application of money received

14(1) Subject to section 8(5) of the *Victims of Crime and Public Safety Act* and any express provision in another enactment, the disposition of a penalty, fine or sum of money or the proceeds of a forfeiture under the enactment belong to the Crown in right of Alberta.

(2) Notwithstanding any other enactment, the proceeds of a late payment charge under this Act belong to the Crown in right of Alberta.

(3) Where, under an enactment,

- (a) the Crown in right of Alberta collects an amount of money in respect of a penalty, fine or sum of money payable under the enactment or the proceeds of a forfeiture, and
- (b) the amount collected by the Crown does not belong to the Crown in right of Alberta,

the Crown in right of Alberta may, notwithstanding any Act and subject to the regulations, retain a portion of that amount to offset the expenses incurred by the Crown with respect to the collecting of penalties, fines, sums of money or forfeitures arising under any enactment or to fund programs that support or improve the administration of justice or government initiatives, and that portion that is retained by the Crown belongs to the Crown in right of Alberta and shall be deposited in the General Revenue Fund.

RSA 2000 cP-34 s14;2002 c17 s6;2019 c18 s13;2020 c18 s27

Report of conviction

15(1) If a defendant is convicted of an offence, a justice or clerk shall, on request, complete a report respecting the conviction.

(2) A copy of a report under subsection (1) purporting to be certified by a clerk or by the justice who convicted the defendant, or proved to be a true copy, shall, without proof of the identity of the person to whom the report relates, be admitted in evidence in any legal proceedings as proof, in the absence of evidence to the contrary, of the conviction of that person for the offence mentioned in the report.

1988 cP-21.5 s14

No seal required on documents

16 In any proceeding under an enactment,

- (a) it is not necessary for the justice to affix a seal of a justice of the peace to a document,
- (b) no document is invalid by reason only of the lack of a seal even if the document purports to be sealed, and
- (c) no document is invalid by reason only that it is an electronic document provided through a digital service.

RSA 2000 cP-34 s16;2024 c7 s10(4)

Transcripts of evidence

17(1) Except as provided in subsection (2), there is to be no transcript of evidence.

(2) If evidence is recorded in a proceeding, the clerk shall, on payment of the applicable fee, provide a copy of a transcript of the evidence if it is

- (a) requested by one of the parties,
- (b) required for an appeal from a conviction or order,
- (c) required by the Minister, or
- (d) ordered by a justice.

(3) When a trial is conducted, the evidence shall be recorded.

RSA 2000 cP-34 s17;2009 c52 s5;2013 c10 s34;2022 c21 s72

Appeals

18(1) The Minister, a prosecutor, a defendant or a person affected by a judgment, order or sentence to which this Act applies may appeal a judgment, order or sentence of a justice to the Court of King's Bench at the judicial centre closest to the place where the trial was held.

(2) Following the decision of the Court of King's Bench, any justice has authority to enforce the judgment or order on the appeal.

RSA 2000 cP-34 s18;2009 c53 s147;2013 c10 s34;AR 217/2022;
2022 c21 s72

Further appeals

19(1) When it appears to a judge of the Court of Appeal, on the application of the Minister, a prosecutor, a defendant or a person affected by a conviction or order to which this Act applies, that a judgment or order of the Court of King's Bench made on appeal involves a question of law of sufficient importance to justify a further appeal, the judge of the Court of Appeal may certify that and an appeal then lies to the Court of Appeal from the judgment or order of the Court of King's Bench.

(2) The procedure on the appeal shall, subject to the regulations, be the same as that provided in the provisions that relate to summary convictions in the *Criminal Code* (Canada) and the rules relating to appeal procedures insofar as they are applicable to appeals involving a question of law.

(3) Following the decision of the Court of Appeal, any justice has authority to enforce the judgment or order on the appeal.

RSA 2000 cP-34 s19;2013 c10 s34;AR 217/2022;2022 c21 s72

Judicial notice

20(1) The following shall be judicially noted:

- (a) any rule, order or bylaw made pursuant to an Act;
- (b) the publication or promulgation of a rule, order or bylaw as required to be published or promulgated by an Act;
- (c) the National Safety Code issued by the Canadian Council of Motor Transport Administrators or any of the standards that are part of that Code, as amended from time to time;
- (d) a fire code declared to be in force in Alberta under the *Safety Codes Act* or a regulation made under that Act.

(2) Where the Court or a clerk uses a digital service to carry out a function of the Court, the following shall be judicially noted:

- (a) the identity of a person using a digital service and the electronic address used to gain access to a digital service;
- (b) the time a person accessed a digital service and any actions taken on the digital service by that person;

- (c) an action performed by a digital service and the time the action was performed;
- (d) any information displayed by a digital service to a person, including
 - (i) the layout of any webpage,
 - (ii) the standard wording of a webpage or resource, and
 - (iii) the functions allowed by the digital service,but not including the content of any electronic document.

RSA 2000 cP-34 s20;2024 c7 s10(5)

Address for service

21(1) In this Act, the address for service, in the case of a defendant who is an individual,

- (a) is the address indicated on the defendant's operator's licence unless the defendant, on being served with a summons under Part 2 or with an offence notice under Part 3, states another residential address, or
- (b) in a provision that refers to or authorizes an electronic address, is the defendant's electronic address.

(2) If a defendant is not in possession of an operator's licence when the defendant is served as described in subsection (1)(a) or the defendant's address for service is not the address indicated on the operator's licence of the defendant, the defendant shall provide an address for service to the person serving the defendant.

(3) In this Act, the address for service, in the case of a defendant that is

- (a) a municipality, is the municipal office,
- (b) a Metis settlement, is its permanent office, and
- (c) a corporation other than a municipality or Metis settlement, is the most recent address of the corporation as indicated on the records of the Registrar, as defined in the *Traffic Safety Act*, but if an address is not indicated on those records the address for service is the registered office of the corporation.

(4) After a defendant is served with a summons or offence notice, for the purpose of subsequent proceedings related to the summons or offence notice,

- (a) where the defendant's address for service otherwise set out in this section changes, the defendant must provide a clerk or a digital service with a new address for service not more than 14 days after the change is effective, or
- (b) where the defendant wishes to be served at an address other than that set out in this section, the defendant may provide a clerk or a digital service with a new address for service.

RSA 2000 cP-34 s21;2003 c42 s13;2024 c7 s10(6)

Parts 2, 3 offences

22(1) Instead of the procedure in the *Criminal Code* (Canada) for laying an information and for issuing a summons, the procedure set out in Part 2 or Part 3, as the case may be, may be followed with respect to offences provided for in the regulations.

(2) Where the procedure in the *Criminal Code* (Canada) for laying an information is not followed,

- (a) the procedure set out in Part 2 must be followed with respect to offences specified in the regulations, and
- (b) subject to subsection (3), the procedure set out in Part 3 must be followed with respect to offences for which a specified penalty of \$1000 or less, excluding any applicable surcharge, is provided for in the regulations.

(3) If it is in the public interest to commence proceedings under Part 2 for an offence for which the specified penalty is \$1000 or less, excluding any applicable surcharge, the peace officer shall issue a summons in accordance with the regulations.

(4) The use on a violation ticket of a word, figure or expression or any combination of them authorized by a regulation to designate an offence under an enactment is sufficient for all purposes to describe the offence so designated.

(5) Failure to complete any information required in a violation ticket does not invalidate the violation ticket or any part of it if

- (a) the defendant is identified with reasonable clarity,
- (b) the offence with which the defendant is charged is specified in accordance with this Act and the regulations,
- (c) the date on which the offence is alleged to have occurred is specified, and

- (d) the place at or near which the offence is alleged to have occurred is specified.

RSA 2000 cP-34 s22;2016 c11 s3

Service, giving and sending documents

23(1) Service of a summons, an offence notice or any other document may be made on a holiday.

(2) Unless otherwise provided in this Act, a notice or any other document may be served on or given or sent to a defendant by

- (a) sending it to the defendant's electronic address,
- (b) notifying the defendant at the defendant's electronic address that the notice or other document is available through a digital service and the website or application where the digital service may be accessed, or
- (c) ordinary mail to the defendant's address for service referred to in section 21, other than section 21(1)(b).

(3) The Court or a clerk may send a notice or other document in the manner set out in subsection (2)(c) notwithstanding that a defendant has provided an electronic address.

(4) The service of any document and the giving or sending of any notice may be proved by

- (a) oral evidence given under oath by, or by the affidavit of, the person claiming to have served, given or sent it,
- (b) a statement in writing made by a peace officer, including through a digital service, certifying that a document was served or a notice was given or sent by the peace officer, including a statement that a complaint part of a violation ticket referred to in section 25 or a certificate of service referred to in section 32 was completed and signed, or
- (c) an electronic document on a digital service showing the notice was sent to a person's electronic address.

(5) A statement referred to in subsection (4)(b) is deemed to be made under oath.

(6) A notice sent

- (a) to an electronic address, in the absence of evidence to the contrary, is deemed to have been received on the day it was sent,

- (b) by ordinary mail to an address in Alberta, in the absence of evidence to the contrary, is deemed to have been received on the 7th day after the day it was mailed, and
- (c) by ordinary mail to an address outside Alberta, in the absence of evidence to the contrary, is deemed to have been received on the 14th day after the day it was mailed.

RSA 2000 cP-34 s23;2024 c7 s10(7)

Power to amend

23.01(1) At any stage of a proceeding, the Court may amend a violation ticket as may be necessary if it appears that the violation ticket

- (a) fails to state or states defectively anything that is requisite to charge the offence,
- (b) does not negative an exception that should be negated, or
- (c) is in any way defective in substance or in form.

(2) During a trial, the Court may amend a violation ticket as may be necessary if the matters to be alleged in the proposed amendment are disclosed by the evidence taken at the trial.

(3) A variance between a violation ticket and the evidence taken at a trial is not material with respect to

- (a) the time or date when the offence is alleged to have been committed, if it is proved that the violation ticket was issued within the applicable limitation period, or
- (b) the place where the subject-matter of the proceeding is alleged to have arisen, except in an issue as to the jurisdiction of the Court.

(4) The Court, in considering whether or not an amendment should be made, shall consider

- (a) the evidence taken at the trial, if any,
- (b) the circumstances of the case,
- (c) whether the defendant has been misled or prejudiced in the defendant's defence by a variance, error or omission, and
- (d) whether, having regard to the merits of the case, the proposed amendment would be contrary to the interests of justice.

(5) The question of whether a violation ticket should be amended is a question of law.

(6) An amendment to a violation ticket shall be endorsed as part of the record and a trial shall proceed as if the violation ticket had been originally laid as amended.

2024 c7 s10(8)

Objection for defect

23.02(1) An objection to a violation ticket for a defect apparent on its face shall be taken by motion to quash the violation ticket before the defendant has pleaded, and thereafter only by leave of the Court.

(2) The Court shall not quash a violation ticket unless an amendment under section 23.01 would be contrary to the interests of justice.

2024 c7 s10(8)

Part 1.1 Virtual Proceedings, Electronic Communications and Digital Services

Electronic data

23.1 Notwithstanding anything in this or any other enactment and in addition to the authority to use a digital service, the Court may, with respect to any matter coming under this Act,

- (a) if permitted to do so by the regulations, and
- (b) subject to any directions, conditions or terms provided for in the regulations,

use electronic documents in carrying out the Court's functions.

RSA 2000 c16(Supp) s63;2004 c11 s6;2024 c7 s10(10)

Signatures

23.2 Where a document used under this Act is to be signed, that document, whether in electronic or non-electronic form,

- (a) may be signed electronically or, instead of being signed, may be marked, subscribed, endorsed, acknowledged or given any other form of signification on a digital service as provided for in the digital service, or
- (b) instead of being signed, may be marked, subscribed, endorsed, acknowledged or given any other form of

signification or be otherwise dealt with if so provided for under the regulations.

2004 c11 s6;2024 c7 s10(11)

Virtual proceedings

23.3(1) Subject to subsections (2) and (3), a justice may

- (a) conduct a proceeding by a virtual proceeding,
- (b) permit a party or other person to participate in the virtual proceeding through a digital service, and
- (c) preside over the virtual proceeding through a digital service.

(2) The Minister, by order, may prohibit any matter or proceeding or any type of matter or proceeding from being conducted by a virtual proceeding.

(3) A virtual proceeding shall not be used in a particular case where

- (a) a defendant establishes that the defendant is incapable of participating in a virtual proceeding or that a virtual proceeding is contrary to the interests of justice, or
- (b) a prosecutor determines that a virtual proceeding is impractical or contrary to the interests of justice or may negatively impact the conduct of a trial.

2020 c37 s3;2024 c7 s10(12)

Routine court matters

23.4(1) In this section, “routine court matters” include

- (a) entering pleas,
- (b) applications for adjournment,
- (c) applications for time to pay, and
- (d) any other matter determined to be a routine court matter by the Court.

(2) Notwithstanding anything in this Act, the Court may deal with and dispose of routine court matters by telephone, email, digital service, virtual proceeding or any other electronic means it determines appropriate, and any notice required to be given or sent by the clerk may be given or sent in a manner set out in section 23(2).

2020 c37 s3;2024 c7 s10(13)

Digital service

23.5 The Minister, by order, may approve a digital or electronic platform, system, process or other means as a digital service to be used for the purposes of this Act.

2024 c7 s10(14)

Presumption of integrity

23.6(1) A digital service, in the absence of evidence to the contrary, is deemed at all material times to be operating properly or, if it is not operating properly, the fact of its not operating properly does not affect the integrity of any information or electronic document contained in or transmitted by it.

(2) Where an electronic document is uploaded to a digital service, the electronic document, in the absence of evidence to the contrary, is deemed to be a true copy of the electronic document that was uploaded.

(3) Where an electronic document purports to be generated by a digital service, the electronic document and any printout of the document, in the absence of evidence to the contrary, are deemed to be an official copy of the electronic document on the digital service without the need to prove the authenticity of the electronic document or integrity of the digital service.

(4) Where an original document is uploaded to a digital service, the resulting electronic document satisfies the best evidence rule unless the Court is satisfied that

- (a) the authenticity of the record cannot be determined without an examination of the original, or
- (b) the original record is required to determine an issue before the Court.

(5) Where an electronic document is generated by a digital service, the electronic document or any printout of the document satisfies the best evidence rule.

(6) Where an enactment requires a record or information to be in writing, the requirement is satisfied if the information is recorded on a digital service.

(7) Information or an electronic document on a digital service shall not be denied legal effect or enforceability solely by reason that it is on a digital service.

(8) Where a person seeks to challenge the proper operation of a digital service, notice in writing must be provided at least 60 days

before the proceedings setting out a reasonable basis for the application, and if no reasonable basis has been provided, the justice shall deny the application.

(9) Where a person seeks to challenge the deeming of a true copy referred to in subsection (2), the Court may order the production of the original of the electronic document that was uploaded for inspection.

2024 c7 s10(14)

Electronic address

23.7 A person using a digital service must provide an electronic address as required by the digital service.

2024 c7 s10(14)

Appearance through digital service

23.8 Where a justice authorizes a virtual proceeding under section 23.3(1), a defendant or other person may appear through a digital service notwithstanding that a provision of this Act requires a defendant or other person to

- (a) appear in Court in person,
- (b) appear in person before a justice,
- (c) appear at a specified time and place for a trial or other proceeding, or
- (d) attend Court.

2024 c7 s10(14)

Ministerial regulations

23.9 The Minister may make regulations

- (a) respecting digital services, including their approval;
- (b) respecting virtual proceedings.

2024 c7 s10(14)

Part 2

Summons Violation Tickets

Use of violation tickets

24(1) Proceedings under this Part may be commenced by issuing a summons by means of a violation ticket described in section 25.

(2) If proceedings are commenced under this Part, Part 3 does not apply to those proceedings.

1988 cP-21.5 s23

Violation ticket

25(1) A violation ticket under this Part must include

- (a) a complaint, and
- (b) a summons.

(2) The complaint part of the violation ticket

- (a) must be completed and signed by a complainant who believes on reasonable and probable grounds that an offence has been committed, and
- (b) must be filed with the clerk prior to the date indicated on the violation ticket on or before which the defendant is required to respond to the violation ticket,

and is deemed to have been made under oath.

(2.1) When new violation tickets are printed for the purposes of subsection (2),

- (a) the violation tickets previously printed may also be used until supplies of those previously printed tickets are exhausted, and
- (b) there is no requirement for the complaint part of the previously printed violation tickets to be sworn before a commissioner for oaths.

(3) A summons shall indicate how the defendant may respond to the summons.

(4) A summons shall be served on a defendant,

- (a) in the case of a defendant who is an individual,
 - (i) by delivering it personally to the defendant,
 - (ii) if the defendant cannot conveniently be found, by leaving it for the defendant at the defendant's residence with a person on the premises who appears to be at least 18 years of age, or
 - (iii) if the defendant provides an electronic address for that purpose, by sending it to the defendant in a manner set out in section 23(2)(a) or (b),

- (b) in the case of a defendant that is a municipality, by delivering it personally to the chief elected official or chief administrative officer of the municipality,
 - (c) in the case of a defendant that is a Metis settlement, by delivering it personally to the settlement chair or the settlement administrator, and
 - (d) in the case of a defendant that is a corporation other than a municipality or Metis settlement,
 - (i) by sending it by single registered mail to the registered office of the corporation,
 - (ii) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address, or
 - (iii) if the defendant provides an electronic address for that purpose, by sending a notice to the defendant in a manner set out in section 23(2)(a) or (b).
- (5) A justice, on application and on being satisfied that service cannot be made effectively on a corporation in accordance with subsection (4)(d), may by order authorize another method of service.

RSA 2000 cP-34 s25;2004 c11 s6;2016 c11 s4;2024 c7 s10(15)

Voluntary payments

26(1) When authorized by the regulations or a bylaw or ministerial order under section 44 and by a summons served on a defendant, the defendant who wishes to plead guilty may make a voluntary payment in respect of a summons at or before the response time and date as instructed in the summons through a digital service or by delivering the summons together with

- (a) an amount equal to the combined amounts of the specified penalty for the offence as provided for in the regulations and the applicable surcharge, if any, or
- (b) if the defendant is charged with an offence under a bylaw or ministerial order, an amount equal to the specified penalty for the offence as provided in the relevant bylaw or ministerial order,

to a Court office or, where permitted by regulation, to a person acting as an agent of the Court for the purpose of receiving voluntary payments.

(2) When a clerk records in the Court records the receipt of a voluntary payment under subsection (1) in cash or by cheque, that act of recording constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty and the applicable surcharge, if any.

(3) If a voluntary payment is made by cheque and the cheque is dishonoured on the grounds that no funds or insufficient funds were on deposit to the credit of the defendant in the institution on which the cheque was drawn

- (a) the conviction continues but the fine and any applicable surcharge remain outstanding whether or not the plea is signed in the manner provided for on the summons, and
- (b) the clerk shall give notice to the defendant in a manner set out in section 23(2) that the cheque has been dishonoured, the conviction continues and the fine and any applicable surcharge remain outstanding,

but a warrant of committal in respect of the defendant shall not issue until 15 days after the notice has been sent.

RSA 2000 cP-34 s26;RSA 2000 c16(Supp) s64;2020 c37 s3;
2024 c7 s10(16)

Appearances

27(1) Subject to subsection (2), a defendant shall appear, either personally or by an agent, before a justice at the time, date and Court location stated on that summons to respond to that summons.

(2) A defendant is not required to appear before a justice at the time, date and Court location stated on the summons to respond to that summons if, prior to the response time and date,

- (a) the defendant enters a plea of guilty before a justice in the manner and during the time period stated in the summons for doing so,
- (b) the defendant enters a plea of not guilty in the manner and during the time period stated in the summons for doing so,
- (b.1) the defendant enters a plea of not guilty by signing the not guilty plea on the summons and delivers it by registered mail to the Court office indicated on the summons for that purpose,

- (c) the defendant obtains an adjournment of the proceedings, or
- (d) if authorized by the regulations or a bylaw or ministerial order under section 44 and the summons states that the defendant can make a voluntary payment, the defendant makes a voluntary payment of an amount equal to the specified penalty and the applicable surcharge, if any.

(2.1) If a defendant enters a plea of not guilty in accordance with the instructions on the summons, the Court shall notify the defendant of the time fixed for trial in a manner set out in section 23(2).

(2.2) If a defendant does not receive notice under subsection (2.1) by the response time and date,

- (a) where the defendant entered a plea through a digital service, the defendant shall ascertain the time fixed for trial through the digital service, or
- (b) in all other cases or if the digital service does not show a time fixed for trial, the defendant shall contact the Court office indicated on the summons.

(3) Notwithstanding anything in the regulations or in a bylaw or ministerial order referred to in section 44 that authorizes a voluntary payment to be made in respect of an offence, if it is in the public interest to compel the defendant to appear before a justice in proceedings under this Part, a peace officer shall issue a summons that does not give the defendant the alternative of making a voluntary payment.

(4) A prosecutor, if the prosecutor thinks it appropriate, may permit a defendant referred to in subsection (3) to make a voluntary payment.

RSA 2000 cP-34 s27;2009 c52 s7;2016 c11 s5;2024 c7 s10(17)

Failure to answer summons

28(1) If a defendant fails to enter a plea or make a voluntary payment in the manner provided for on the summons at or before the response time and date, the justice may

- (a) enter a plea of not guilty on behalf of the defendant and set a time for a trial,
- (b) issue a warrant for the arrest of the person, or
- (c) direct that a new summons be issued requiring the attendance of the person before a justice and set a time at which the attendance is required.

(2) When a time is set for a trial under subsection (1)(a), the justice shall direct that the defendant be notified of the time fixed for trial in a manner set out in section 23(2).

(3) If a defendant fails to appear in Court in person or by an agent at the time fixed for the trial, a justice, on proof of service of the summons, shall,

- (a) on application by a prosecutor, adjourn the proceedings, set a new trial date and direct that the defendant be notified of the new trial date in a manner set out in section 23(2),
- (b) on application by a prosecutor, issue a warrant for the arrest of the defendant, or
- (c) with the consent of a prosecutor, proceed to conduct the trial ex parte.

(4) If the proceedings are adjourned under subsection (3) and the defendant fails to appear at the new trial date, a justice, with the consent of a prosecutor, shall proceed to conduct the trial ex parte and if the defendant is convicted the clerk shall give the defendant notice of the conviction and of the time allowed for payment of the fine in a manner set out in section 23(2).

(5) If the proceedings are adjourned under subsection (3) and a prosecutor does not consent to an ex parte trial, the Court shall issue a warrant for the arrest of the defendant.

RSA 2000 cP-34 s28;2024 c7 s10(18)

Late payment

29(1) If a voluntary payment of the full amount of the specified penalty and the applicable surcharge, if any, is tendered after the response time and date, a justice may, without a hearing and notwithstanding any action taken under section 28, direct that the voluntary payment be accepted as if it had been made in the time allowed.

(2) Acceptance of a voluntary payment of the full amount of the specified penalty and the applicable surcharge, if any, with respect to a summons under this section constitutes cancellation of a warrant issued under section 28(1)(b) in respect of the defendant for failure to respond to that summons.

RSA 2000 cP-34 s29;2024 c7 s10(19)

Part 3

Offence Notice Violation Tickets

Use of violation ticket

30(1) Proceedings under this Part may be commenced by issuing an offence notice by means of a violation ticket described in section 31.

(2) If proceedings are commenced under this Part, Part 2 does not apply to those proceedings.

1988 cP-21.5 s29

Violation ticket

31(1) A violation ticket under this Part must include

- (a) a certificate of offence, and
- (b) an offence notice.

(2) A certificate of offence

- (a) shall be completed and signed by a peace officer who believes on reasonable and probable grounds that an offence has been committed,
- (b) shall be filed with a clerk prior to the date indicated on the violation ticket on or before which the defendant is required to respond to the violation ticket, and
- (c) does not need to be sworn.

(3) An offence notice shall

- (a) indicate the specified penalty for the offence or, if a surcharge is payable in respect of the offence, the combined amount of the specified penalty and the applicable surcharge, and
- (b) indicate
 - (i) how and when the defendant may respond to the offence notice, and
 - (ii) that the defendant may be convicted in the defendant's absence without a hearing if the defendant fails to respond to the violation ticket at or before the response time and date indicated on the offence notice or if the defendant pleads not guilty and fails to appear in Court in person or by an agent on the defendant's trial date.

- (4) An offence notice shall be served on a defendant
- (a) in the case of a defendant who is an individual,
 - (i) by delivering it personally to the defendant,
 - (ii) if the defendant cannot conveniently be found, by leaving it for the defendant at the defendant's residence with a person on the premises who appears to be at least 18 years of age, or
 - (iii) if the defendant provides an electronic address for that purpose, by sending it to the defendant in a manner set out in section 23(2)(a) or (b),
 - (b) in the case of a defendant that is a municipality, by delivering it personally to the chief elected official or chief administrative officer of the municipality,
 - (c) in the case of a defendant that is a Metis settlement, by delivering it personally to the settlement chair or the settlement administrator, and
 - (d) in the case of a defendant that is a corporation other than a municipality or Metis settlement,
 - (i) by sending it by single registered mail to the registered office of the corporation, or
 - (ii) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held out by the corporation to be its address.
- (5) Notwithstanding subsection (4), if
- (a) the defendant has been charged under section 160 of the *Traffic Safety Act*,
 - (b) the offence notice relates to an alleged parking violation, or
 - (c) the Minister has designated the offence with which the defendant is charged as an offence that service can be effected by ordinary mail and the Registrar of Motor Vehicle Services has a record of a subsisting operator's licence or identity card for the defendant,

the offence notice may be served by sending it by ordinary mail to the defendant's address as shown on the records of the Registrar of

Motor Vehicle Services under the *Traffic Safety Act* or as shown in the records of an official of a jurisdiction other than Alberta who is a registrar of motor vehicles or performs a function for that jurisdiction similar to the function that the Registrar performs for Alberta.

(5.1) Where

- (a) an offence notice is mailed to a defendant under subsection (5), and
- (b) the date of mailing of the offence notice is set out in the related certificate of offence,

that offence notice is, in the absence of evidence to the contrary, deemed to have been served on the defendant on the 7th day from the date of mailing as set out in the certificate of offence, except that if the offence notice is mailed to an address outside Alberta, that offence notice is, in the absence of evidence to the contrary, deemed to have been served on the defendant on the 14th day from the date of mailing as set out in the certificate of offence.

(6) A justice, on application and on being satisfied that service cannot be made effectively on a corporation in accordance with subsection (4)(d), may by order authorize another method of service.

RSA 2000 cP-34 s31;RSA 2000 cT-6 s207;2004 c11 s6;
2007 c36 s4;2009 c52 s9;2020 c37 s3;2024 c7 s10(20)

Evidence of service

32(1) If an offence notice is served by the peace officer who issued it, the peace officer shall complete and sign a certificate of service on the violation ticket that the peace officer personally served the offence notice on the person charged and the peace officer shall indicate the date of service.

(2) A certificate of service does not need to be sworn.

(3) If an offence notice is served by a person other than the peace officer who issued it, that person shall make a statement in writing certifying that the offence notice was served, and such statement is deemed to be a statement made under oath.

(4) A certificate of service or an affidavit of service, in the absence of evidence to the contrary, is proof of personal service where

- (a) the certificate of service or affidavit of service is filed with a clerk, or

- (b) a peace officer makes a statement referred to in section 23(4)(b).

(5) Notwithstanding subsection (1) or (3), where an offence notice is deemed to have been served under section 31(5.1), neither a certificate of service nor an affidavit of service is required.

RSA 2000 cP-34 s32;2004 c11 s6;2020 c37 s3;2024 c7 s10(21)

Plea of not guilty

33(1) If an offence notice is served on a defendant, the defendant may plead not guilty in the manner indicated on the offence notice for that purpose.

(2) On receipt of a plea of not guilty under subsection (1), the clerk, as soon as is practicable, shall give notice to the defendant of the time and place of the trial in a manner set out in section 23(2).

RSA 2000 cP-34 s33;2024 c7 s10(22)

Failure to appear

34(1) If a defendant pleads not guilty but fails to appear in Court in person or by an agent on the defendant's trial date and the certificate of offence is complete and regular on its face, the justice shall

- (a) enter a conviction in the defendant's absence and without a hearing and impose the specified penalty,
- (b) on application by a prosecutor, proceed to conduct the trial ex parte, or
- (c) on application by a prosecutor, adjourn the proceedings, set a new trial date and direct that the defendant be notified of the new trial date in a manner set out in section 23(2).

(2) If a defendant fails to appear in Court for the defendant's trial set pursuant to subsection (1)(c) the justice shall enter a conviction in the defendant's absence and without a hearing and impose the specified penalty and the applicable surcharge, if any.

(3) If a defendant is convicted under this section, the defendant shall be notified of the conviction, the combined amount of the specified penalty and the applicable surcharge, if any, and the time allowed for payment in a manner set out in section 23(2).

(4) If section 31(5)(a) or (b) applies, the notice referred to in subsection (3) may be sent in a manner set out in section 23(2)(a) or (b) or by ordinary mail to the defendant's address to which the offence notice referred to in section 31(5) was sent.

RSA 2000 cP-34 s34;RSA 2000 cT-6 s207;2007 c36 s4;
2024 c7 s10(23)

Plea of guilty with representations

35(1) If an offence notice is served on a defendant and the defendant does not wish to dispute the charge but wishes to make submissions as to the penalty, including the extension of time for payment, the defendant

- (a) may request a hearing before a justice and appear at the time and place specified by the clerk for the purpose of pleading guilty to the offence and making submissions as to the penalty, or
- (b) may, subject to subsection (2), waive the right to appear before a justice, enter a guilty plea and make submissions as to the penalty in writing in the manner allowed by the Court.

(2) Subsection (1)(b) does not apply to a charge under section 160 of the *Traffic Safety Act* as the owner of a vehicle involved in a contravention of section 115(2)(p), (p.1), (p.2) or (r) of the *Traffic Safety Act* or section 37 or 54(1) of the *Use of Highway and Rules of the Road Regulation* (AR 304/2002).

(3) The justice may require submissions under subsection (1)(a) to be made under oath, either orally or by affidavit.

(4) A written submission made under subsection (1)(b) shall be deemed to have been made under oath.

(5) Where the defendant makes written submissions under subsection (1)(b), a justice may direct the defendant or the defendant's agent to appear before the justice if the justice determines it necessary.

(6) On accepting a guilty plea made under subsection (1), the justice shall enter a conviction and impose a fine equal to the specified penalty or a lesser fine permitted by law and indicate the amount of any applicable surcharge and, where the defendant did not appear before the justice, the justice shall cause notice of the conviction, the imposition of the fine and of any applicable surcharge payable and the time allowed for payment to be given to the defendant in a manner set out in section 23(2).

RSA 2000 cP-34 s35;2024 c7 s10(24)

Payment, charges not disputed

36(1) If an offence notice is served on a defendant and the defendant wishes to plead guilty to the charge, the defendant may make a voluntary payment as instructed in the offence notice through a digital service or by delivering the offence notice together with an amount equal to the specified penalty and the

applicable surcharge, if any, to a Court office or, where permitted by regulation, to a person acting as an agent of the Court for the purposes of receiving payment in the amount of the specified penalty.

(2) When a clerk records in the Court records the receipt of a voluntary payment under subsection (1), that act of recording constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.

RSA 2000 cP-34 s36;RSA 2000 c16(Supp) s65;2020 c37 s3;
2024 c7 s10(25)

Failure to respond to offence notice

37(1) If a defendant has not responded to an offence notice at or before the response time and date in the manner provided for on the offence notice,

- (a) the defendant is deemed not to wish to dispute the charge,
- (b) a conviction for the offence charged shall be entered against the defendant, and
- (c) the specified penalty for the offence and any applicable surcharge shall be imposed on the defendant.

(1.1) Where a charge is dealt with under subsection (1), it may be done so without the charge being brought before or being reviewed by a justice.

(2) The clerk shall cause notice of the conviction and the imposition of the specified penalty and of any applicable surcharge payable to be given to the defendant in a manner set out in section 23(2).

(3) If section 31(5)(a) or (b) applies, the notice referred to in subsection (2) may be sent in a manner set out in section 23(2)(a) or (b) or by ordinary mail to the defendant's address to which the offence notice referred to in section 31(5) was sent.

(4) If an offence notice is quashed by reason of a defect, a new offence notice in respect of the alleged offence may be issued under this Part if not more than 12 months has elapsed since the alleged offence occurred.

RSA 2000 cP-34 s37;RSA 2000 cT-6 s207;2006 c11 s6;
2007 c36 s4;2024 c7 s10(26)

Conviction set aside

38(1) Where a defendant has an excuse for failing to dispute the charge or failing to appear in person or by agent at a trial, the

defendant or the defendant's agent may, if not more than 30 days have elapsed since the conviction first came to the attention of the defendant, file a written application with the Court, deemed to have been made under oath, and a justice on being satisfied by the written application that the defendant has established on a balance of probabilities that the defendant's excuse is reasonable shall set aside the conviction and

- (a) cause a notice of trial to be given to the defendant, or
- (b) proceed in accordance with section 35.

(2) A justice may direct the defendant or the defendant's agent to appear before the justice if the justice determines it necessary.

RSA 2000 cP-34 s38;2009 c52 s10;2020 c37 s3

Affidavit evidence

39(1) In any proceedings under this Part where a defendant is charged with an offence under the *Traffic Safety Act* or the regulations under that Act, the evidence of the interceptor of the motor vehicle or the issuer of the violation ticket, or both, as the case may be, may be given by affidavit.

(2) An affidavit referred to in subsection (1) is, in the absence of evidence to the contrary, proof as to the motor vehicle that was intercepted and the driver of the motor vehicle.

(3) A copy of an affidavit referred to in subsection (1) must be served on the defendant at least 14 days before the date of the hearing in a manner set out in section 23(2).

(3.1) A copy of an affidavit referred to in section 163(3)(c)(i) of the *Traffic Safety Act* may be served on the defendant by ordinary mail at the defendant's address for service or, if the defendant has provided an electronic address for that purpose, to the defendant in a manner set out in section 23(2)(a) or (b).

(4) The defendant may, with the permission of the Court, require the attendance of any person giving evidence by affidavit pursuant to subsection (1) for the purpose of cross-examination.

RSA 2000 cP-34 s39;RSA 2000 cT-6 s207;2009 c52 s11;
2014 c13 s50;2020 cP-30.8 s42;2024 c7 s10(27)

Penalty

40 Notwithstanding any other enactment but subject to section 41, if proceedings have been commenced under this Part with respect to an offence the fine imposed with respect to that offence shall not be more than \$1000 excluding any applicable surcharge and the defendant is not liable to imprisonment.

RSA 2000 cP-34 s40;RSA 2000 c16(Supp) s66

Failure to pay fine

41 A defendant who is convicted of an offence pursuant to proceedings commenced under this Part and fails to pay a fine imposed by a justice within the time allowed for payment, or, if no time is allowed, forthwith, is liable to pay an amount equal to the fine imposed plus any applicable surcharge and the late payment charge provided for by regulation.

1988 cP-21.5 s40;1997 c13 s5

Part 4

Regulations, Bylaws, Orders

Regulations

42 The Lieutenant Governor in Council may make regulations

- (a) respecting the fees payable with respect to any matter under this Act;
- (b) prescribing forms to be used under this Act or the regulations;
- (c) prescribing offences for which proceedings may be commenced under
 - (i) Part 2,
 - (ii) Part 3, or
 - (iii) either Part 2 or Part 3;
- (c.1) respecting voluntary payments to be made and specified penalties to be imposed in respect of any offence for which proceedings may be commenced under Part 2;
- (d) prescribing offences in respect of which a voluntary payment may be made;
- (e) respecting the contents of a violation ticket;
- (f) respecting the procedure for the issuance of a summons and certificate of offence;
- (g) respecting how an offence may be indicated on a violation ticket;
- (h) authorizing the use on a violation ticket of any word, figure or expression, or any combination of them, to designate an offence;

- (i) respecting the response time and date, including the manner in which a response time and date is determined;
- (j) respecting the determination of the public interest for the purposes of this Act;
- (k) respecting the time allowed for payment of a fine;
- (l) respecting the amounts of specified penalties;
- (m) respecting the amounts of late payment charges;
- (m.1) prescribing or otherwise specifying, in whole or in part, the enactments or the penalties, fines or sums of money or forfeitures to which section 14(3) applies;
- (m.2) respecting the portions of amounts that may be retained by the Crown under section 14(3);
- (n) respecting service of a summons, offence notice, certificate, subpoena or other document under this Act;
- (o) prescribing provisions of the *Criminal Code* (Canada) that are not applicable to proceedings under this Act or any Part of this Act;
- (p) respecting the giving, sending and serving of notices under this Act;
- (q) with respect to agents of the Court for the purposes of sections 26(1) and 36(1),
 - (i) permitting persons to act as agents of the Court for the purposes of sections 26(1) and 36(1);
 - (ii) governing the qualifications of and requirements to be met by persons who wish to act as agents of the Court;
 - (iii) governing the carrying out of duties and functions of those agents;
 - (iv) governing the holding and handling of money by those agents;
 - (v) permitting an agent to carry out other functions on behalf of the Court with respect to violation tickets;
 - (vi) where an agent collects from a member of the public a voluntary payment, or otherwise provides a service to a member of the public in respect of a function carried out

on behalf of the Court, permitting the agent, for the agent's own benefit, to charge and collect from that member of the public a service charge for collecting the voluntary payment or in respect of providing a service;

- (vii) respecting the maximum and minimum amounts that may be charged by agents as service charges;
- (viii) in addition to the matters referred to in subclauses (i) to (vii), generally governing the agency relationship;
- (r) permitting and governing the use, processing and filing of electronic documents;
- (s) governing, where electronic documents are used, the issuance and use of any non-electronic documents that are corresponding documents to those electronic documents;
- (t) with respect to documents, whether in electronic or non-electronic form, that are to be signed,
 - (i) governing the signing of those documents, which may include dispensing with any requirement that the documents be signed;
 - (ii) providing for those documents, instead of being signed, to be marked, subscribed, endorsed, acknowledged or given any other form of signification or to be otherwise dealt with, and governing any matter relating to
 - (A) the marking, subscribing, endorsing, acknowledging or signification of or dealing with those documents, and
 - (B) the effect to be given to those documents;
- (u) for the purposes of sections 31 and 32, governing the completion of certificates of offence, certificates of service and affidavits of service.

RSA 2000 cP-34 s42;RSA 2000 c16(Supp) s67;2002 c17 s6;
2006 c11 s6;2016 c11 s6;2024 c7 s10(28)

Violation ticket transitional

43 When a new violation ticket is prescribed for the purposes of the surcharge, the violation ticket previously prescribed may also be used until supplies of those previously prescribed tickets are exhausted.

1997 c13 s5

Bylaws, orders

44 A First Nation band may make bylaws, a local authority may make bylaws and, in the case of an improvement district or a special area, the Minister responsible for the *Municipal Government Act* or the *Special Areas Act*, as the case may be, may make orders,

- (a) respecting the offences under a bylaw or ministerial order, as the case may be, in respect of which a voluntary payment may be made;
- (b) prescribing the amounts of the specified penalties payable in respect of offences referred to in clause (a).

RSA 2000 cP-34 s44;2024 c7 s10(29)



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