



NOVA SCOTIA
PUBLIC PROSECUTION SERVICE

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**REVOCATION OF DRIVER'S LICENSE UPON
A *CRIMINAL CODE* CONVICTION**

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NOTE:

THIS POLICY DOCUMENT IS TO BE READ IN THE CONTEXT PROVIDED BY THE **PREFACE** TO THIS PART OF THE MANUAL.

CERTAIN WORDS AND PHRASES HAVE THE MEANINGS ESTABLISHED IN THE "**WORDS & PHRASES**" SECTION OF THIS PART OF THE MANUAL.

REVOCATION OF DRIVER'S LICENSE UPON A *CRIMINAL CODE* CONVICTION

For several years, the Registrar of Motor Vehicles has been empowered to revoke the driver's license of any person convicted of certain *Criminal Code* offences specified in section 278 of the Motor Vehicle Act. Effective **July 1, 2006**, the list of offences for which the Registrar **shall** revoke a driver's license will be expanded to include "any offence against the *Criminal Code* where the person used a motor vehicle in the commission of an offence...".

The amendment to the Motor Vehicle Act (a copy of which is attached) makes it clear that the revocation would apply to any person who uses a motor vehicle "to drive to or from the scene of a crime or to commit a crime". This broad expansion of the power to revoke a driver's license is very significant and will apply to some cases of breaking and entering, robbery, and various other offences for which revocation is not presently available.

Although Court Clerks have been directed to forward a notice of conviction to the Registrar in appropriate cases, the need to send a notice to the Registrar is dependant upon of **the facts of the case**, rather than upon the wording of the charge or the *Criminal Code* section number. To help to identify the cases in which notices of conviction must be delivered to the Registrar by the Court Clerk, **whenever the facts of a case include the use of a motor vehicle by the accused, Crown Attorneys are to advise the court (and the Court Clerk) that a notice of conviction should be delivered to the Registrar of Motor Vehicles.** This should be done by the Crown Attorney appearing in court when a guilty plea is entered or a finding of guilt is otherwise made by the Court.

Crown Attorneys are also reminded that when they present the facts of a case for the purposes of a guilty plea, the facts presented in court should include reference to the use of a motor vehicle whenever a motor vehicle has been "used" (as defined above) in the commission of the offence.

An Act to Further Discourage Criminal Offences Involving the Use of a Motor Vehicle

Be it enacted by the Governor and Assembly as follows:

1 Subsection 67(5) of Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, as amended by Chapter 32 of the Acts of 1998, Chapter 11 of the Acts of 1999, Chapter 44 of the Acts of 2001, Chapter 20 of the Acts of 2002, Chapter 30 of the Acts of 2002, Chapter 42 of the Acts of 2004 and Chapter 32 of the Acts of 2005, is further amended by adding immediately after clause (a) the following clauses :

(aa) six months, where the revocation was for a violation of section 334 of the Criminal Code (Canada) respecting theft of gasoline or diesel oil as defined in the Revenue Act;

(ab) six months in the case of a first revocation or two years in the case of a subsequent revocation where the revocation was for a violation of the Criminal Code (Canada) referred to in clause (da) of subsection (1) of Section 278;

2 (1) Subsection 278(1) of Chapter 293, as amended by Chapter 20 of the Acts of 2002, is further amended by

(a) adding "or theft of gasoline or diesel oil as defined in the Revenue Act" immediately after "vehicle" in the first line of clause (c); and

(b) adding immediately after clause (d) the following clause:

(da) any offence against the Criminal Code (Canada) where the person used a motor vehicle in the commission of an offence, other than an offence referred to in this subsection, except where the Criminal Code (Canada) provides for the revocation of a driver's license upon conviction;

(2) Section 278 is further amended by adding immediately after subsection (1) the following subsection:

(1A) For greater certainty and for the purpose of clause (da) of subsection (1), a person uses a motor vehicle in the commission of an offence when the person uses a motor vehicle to drive to or from the scene of a crime or to commit a crime.

3 Chapter 246 of the Revised Statutes, 1989, the Labour Standards Code, is amended by adding immediately after Section 79 the following Section:

79A (1) An employer shall not, directly or indirectly, withhold, deduct or require payment of all or part of the employee's wages for the purpose of paying for a loss that occurs while the employee is working unless allowed by statute, court order or written authorization.

(2) An employee's written authorization is not lawful if the deduction is for a loss that is the result of a customer leaving the employer's business without paying for the purchase of goods or services unless the employer can verify that the loss is the fault of the employee.

(3) An employee's written authorization is not lawful if the deduction is for a loss that brings the employee's wages below the minimum wage.

(4) The Governor in Council may make regulations concerning deductions from pay.

(5) The exercise by the Governor in Council of the authority contained in subsection (4) is regulations within the meaning of the Regulations Act.

4 Clause 81(a) of Chapter 246, as amended by Chapter 14 of the Acts of 1991, is further amended by adding ", 79A" immediately after "79" in the fourth line.

5 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.