1re session, 34e législature, 28 Elizabeth II,
1979

CHAMBRE DES COMMUNES DU CANADA

EXPLANATORY NOTE

The purpose of this Bill is to remove from the Criminal Code the offence of driving while one's licence is suspended under a provincial law.

Since many drivers' licences are suspended as a purely administrative measure when points are accumulated against them, it would appear out of all proportion to attach federal penal sanctions to any breach of a provincial law suspending a person's licence. Measures that may be justified to deal with breaches of provincial law qualify as regulatory measures, which are more properly left to the province than to the federal criminal justice system.

1. L'article 238 du *Code criminel* est abrogé et remplacé par ce qui suit :

"238. (1) [Abrogé, 1974-75-76, c. 93, a. 19(1).]

(2) [Abrogé, 1974-75-76, c. 93, a. 19(1).]

(3) Every one who drives a motor vehicle in Canada while he is disqualified or prohibited from driving a motor vehicle by reason of the legal suspension or cancellation, in any province, of his permit or licence or of his right to secure a permit or licence to drive a motor vehicle in that province is guilty of

(a) an indictable offence and is liable to imprisonment for two years; or

(b) an offence punishable on summary conviction.

(3.1) [Repealed, 1974-75-76, c. 93, s. 19(3).]

(4) In proceedings under subsection (3), a certificate setting out with reasonable particularity that a person is disqualified or prohibited from driving a motor vehicle in a province by reason of the suspension or cancellation of his permit or licence or of his right to secure a permit or licence, purporting to be signed by the registrar of motor vehicles for that province is evidence of the facts alleged therein without proof of the signature or official character of the person by whom it purports to be signed.

(5) Subsection (4) does not apply in any proceedings unless at least seven days notice in writing is given to the accused that it is intended to tender the certificate in evidence.

(6) For the purposes of subsection (4), "registrar of motor vehicles" includes his deputy and any other person, by whatever name or title he may be designated, who from time to time performs the duties of supervising the registration of motor vehicles in the province."

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