

Information Guide

Summary Offence Tickets

This guide provides general information only. Court staff can give general information about how the court works and about court rules and procedures. Court staff cannot give legal advice. You should speak to a lawyer for legal advice about your situation. We strongly recommend that you have a lawyer to represent you or to consult with if you are involved in a court trial.

This guide provides general information about summary offence tickets issued under the Summary Proceedings Act of Nova Scotia and prosecuted in the Provincial Court. It raises questions you may have about the process of a summary offence ticket up to the court date (arraignment) that is set out on the summary offence ticket.

Once you have received a ticket, you have two options: to plead guilty or to plead not guilty. To plead guilty, you can pay the fine in advance of the court date. If you do so, you do not have to go to court. Alternately, you or your representative can go to court at the date and time that appears on the ticket to enter a guilty plea. To plead not guilty, you or your representative should come to court at the date and time indicated on the ticket and enter your plea. The court will set a trial date. On that trial date, you must appear to defend yourself, alone or with your lawyer and your witnesses.

Where to go for more information

- *Going to Provincial Court* an information pamphlet published by Legal Information Society of Nova Scotia (LISNS). Contact LISNS at 455-3135 in Metro or 1-800-665-9779 toll free in Nova Scotia or go to their website at <www.legalinfo.org>.
- Department of Justice website <www.gov.ns.ca/just/repselfmain.htm> for tips on representing yourself, and the courts website <www.courts.ns.ca> for more information about Nova Scotia's courts.

NOTE: *This information guide does not explain the law and may not provide all the information necessary for you to defend yourself on a summary offence charge.*

What is a summary offence ticket (SOT)?

A summary offence ticket is a document that tells you what offence you have been charged with, summonses you to court on a certain date, and provides a report and police record of the facts and information relating to the offence with which you have been charged.

Summary offence tickets are issued by peace officers for offences under Nova Scotia laws and some federal laws, but not under the Criminal Code of Canada. They are punishable on summary conviction and may result in fines of not more than \$2,000 or imprisonment for six months, or both a fine and imprisonment. The total penalty for the offence (including the court cost and the victim surcharge) is shown on the ticket.

What is the procedure in relation to a summary offence ticket?

There will be a court date set out on your ticket. If you intend to plead not guilty, you or your representative must go to the Provincial Court at the address on the ticket on that date. This is called the arraignment date. The court will set a trial date at this first court appearance.

Do I have to go to court?

That depends. You do not have to go to court if you intend to plead guilty and pay the fine before the court date.

However, if any of the following apply, then you or your representative must go to court:

- you intend to contest (fight) the ticket
- there is no fine shown on the ticket
- you wish to ask for time to pay the fine
- you wish to ask for a change to the license suspension that you might face if you are found guilty of the offence
- you have other such questions to ask the court

If I intend to plead guilty and pay my fine, who do I make the cheque payable to?

Make cheques payable to “The Provincial Court.”

Where do I pay the ticket?

You may pay your summary offence ticket at any court administration office in the province or by mailing the payment to the address on the back of the ticket.

I intend to plead not guilty but I can't go to court on the date that is on the ticket. What can I do?

You can send another person, such as a lawyer, a relative, or a friend, to the court on that date. That person should be prepared to explain why you aren't there. They should also be prepared to plead “not guilty” for you and tell you what date the court has set for your trial.

What will happen if I don't go to court?

If you haven't paid the fine associated with your ticket and don't go to court, you may be convicted of the offence in your absence.

What happens if I don't pay my fine and don't go to court?

In most instances, you will have been convicted in your absence and you will receive a notice of conviction by mail showing the fine you must pay, default time, and a date on which the fine must be paid. However, if there was no fine shown on the ticket or the Crown attorney wishes you to be present, a warrant may be issued for your arrest.

If you were 17 years old or younger when the offence took place, the Youth Justice Court can impose an automatic conviction. If the court is not satisfied that this is in the interest of justice, it can resummons you to appear or impose a warrant to have you brought before the court.

What happens if I have been convicted and don't pay my fine?

Your fine may be sent to another government department for collection. If you were convicted of any motor vehicle related offence, the Registry of Motor Vehicles may refuse to renew your driver's license or vehicle permit, or to provide you with any other service, until the fine is paid. Also, they will charge you an additional fee to regain that privilege.

What do I do if someone else got the ticket and used my identity?

You should speak to a lawyer about this. You can attend court and explain it wasn't you, plead not guilty, and prepare for a trial.

If you find out about it after a conviction has been entered in your absence and you have received a notice of conviction, you can apply to the court to have the conviction set aside. A trial date may then be given to you.

I want to pay my ticket and send a letter giving an explanation. What effect will that letter have?

None. Paying the fine is an admission of guilt to the offence that was charged on the ticket. The judge will not see your letter. It will not be kept in a file. If you do not wish to be found guilty of the offence charged on your summary offence ticket, you should plead not guilty and go to trial.

I have received a ticket under the Motor Vehicle Act. How can I find out how many points I will lose from my license if I plead guilty or am found guilty?

Contact the Registry of Motor Vehicles. Their general inquiries phone number can be found in the blue pages of your telephone book. Or visit the Registry of Motor Vehicle website at <www.gov.ns.ca/snsmr/rmv/>.

I can't afford to pay the fine on my summary offence ticket. Can I work it off?

A Fine Option Program (FOP) is available for some summary offences. Contact the Fine Option Program coordinator and ask if you are eligible to participate in that program. The Halifax telephone number is 424-8297. The Nova Scotia toll free number is 1-866-443-6995.

I have pleaded not guilty and have received a trial date from the court. Now something has happened and I need a new trial date. What can I do?

The judge may grant adjournments for valid reasons, particularly when you apply for such an adjournment well before the trial date. Call your local provincial court administration office at the address on the ticket and explain your situation.

