

NOVA SCOTIA COURT OF APPEAL

Citation: *R. v. Collins, 2006 NSCA 12*

Date: 20060202

Docket: CAC 246815

Registry: Halifax

Between:

Richard Collins

Appellant

v.

Her Majesty the Queen

Respondent

JUDGE: MacDonald, C.J.N.S. (Orally)

APPEAL HEARD: February 2, 2006

WRITTEN JUDGMENT: February 8, 2006

SUBJECT: **Motor Vehicle Act**, R.S.N.S. 1989, c. 293, s. 103(3); failing to stop for school bus with flashing red lights engaged.

SUMMARY: The appellant motorist was charged with failing to stop for a school bus while its flashing red lights were engaged. He was convicted in Provincial Court. On appeal to the Supreme Court sitting as a Summary Conviction Appeal Court, the appellant argued that the relevant provision, s. 103(3), was a nullity because it was dependent on a regulation defining the phrase “exhibiting flashing red lights” which regulation is yet to be enacted. The Summary Conviction Appeal Court dismissed the appeal holding that the requisite regulation existed by virtue of other provisions in the **Motor Vehicle Act** and the **Motor Carrier Act**, R.S.N.S. 1989, c. 292.

ISSUE: Is the provision, s. 103(3), valid and enforceable?

RESULT: Appeal dismissed. Section 103(3) remained valid and enforceable. While the anticipated regulation may further define the phrase “exhibiting flashing red lights”, the fact it is yet to be enacted does not vitiate the clear meaning of the offence as it presently reads. To interpret 103(3) otherwise would lead to an absurdity.

This information sheet does not form part of the court’s judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 3 pages.