

IN THE SUPREME COURT OF NOVA SCOTIA

APPEAL DIVISION

Jones, Hart and Hallett, JJ.A.

BETWEEN:

SCOTT B. PHILLIPS)	S. Clifford Hood, Q.C.
)	for the appellant
)	
Appellant)	Michael A. Pare'
)	for the respondent
)	
- and -)	Appeal Heard:
)	May 12, 1992
)	
HER MAJESTY THE QUEEN)	Judgment Delivered:
)	May 12, 1992
Respondent)	

THE COURT: Application for leave to appeal dismissed per oral reasons for judgment of Jones, J.A.; Hart and Hallett, JJ.A. concurring.

The reasons for judgment of the Court were delivered orally by:

JONES, J.A.:

This is an application for leave to appeal from a decision of Judge Haliburton, J.C.C. dismissing an appeal from a decision of Judge Reardon, P.C.J. convicting the appellant on a charge of failing to comply with a condition of a fishing license with respect to the quantity of fish permitted to be taken pursuant to the license contrary to s. 33(2) of the **Atlantic Fisheries Regulations, 1985**. Under s. 839 of the **Criminal Code** an appeal may be taken with leave of this Court on any ground that involves a question of law. The argument before the trial judge was purely technical. The appellant contended that an amendment to the conditions of the license did not extend the terms of the license even though he applied for the change which was granted. The conditions were attached to the license and formed part of the license as found by the trial judge. After carefully reviewing the record we see no merit in the appeal which would warrant this court granting leave to appeal on a question of law. The application for leave to appeal is dismissed.

M. P. Jones
J.A.

Concurred in:

[Signature] Hart, J.A.

[Signature] Hallett, J.A.

CANADA
PROVINCE OF NOVA SCOTIA

C. Y. No. 5901

IN THE SUPREME COURT OF NOVA SCOTIA
APPEAL DIVISION

on appeal from the

COUNTY COURT FOR DISTRICT NUMBER THREE

BETWEEN:

SCOTT B. PHILLIPS Appellant/Appellant

- and -

HER MAJESTY THE QUEEN Respondent/Respondent

HEARD BEFORE: The Honourable Judge Charles E. Haliburton, JCC

DATE HEARD: June 27th, 1991

DECIDED: July 23rd, 1991

PLACE HEARD: Yarmouth, Nova Scotia

COUNSEL: S. Clifford Hood, Q. C. for the Appellant Scott
B. Phillips

Richard W. P. Murphy, Esq., for the Respondent
Her Majesty the Queen

C A S E O N A P P E A L