

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: R. v. Collins, 2005 NSSC 82

Date: 20050419

Docket Number: Cr. BW. 239015

Registry: Bridgewater

Between:

Her Majesty the Queen

Respondent

v.

Richard Collins

Appellant

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Judge: The Honourable Justice Gregory M. Warner

Heard: April 14, 2005

Subject: Criminal Law

Issues:

1. Whether a regulation defining “exhibiting flashing red lights” existed pursuant to s. 103(5) of the **Motor Vehicle Act**.
2. Whether a Court can take judicial notice of regulations without proof of their publication in the Royal Gazette.
3. Whether the Crown must prove that the “flashing red lights” on a school bus complied with the regulations.

Summary:

1. Regulations made pursuant to s. 200 of the Motor Vehicle Act and section 27 of the **Motor Carrier Act** respecting flashing red lights and incorporating the specifications and standards of the Canadian Standards Association are regulations under s. 103(5) of the **Motor Vehicle Act**.
2. Courts can take judicial notice of regulations without proof of their publication, in the manner described by the Supreme Court of Canada in **R. v. “Evgenia Chandris” (The)** (1977).

3. Once there is evidence before the trial judge upon which she can reasonably conclude that the school bus in question is a school bus as defined in the **Motor Vehicle Act**, this constitutes *prima facie* evidence that the specifications of the bus (including the flashing red light) are in conformity with the regulations, and, in the absence of any evidence to the contrary, are sufficient to support a conviction.

Result: The appeal is dismissed.

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