

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** R. v. Rideout, 2005 NSSC 4

**Date:**20050107

**Docket:**205333

**Registry:** Sydney

**Between:**

HER MAJESTY THE QUEEN

Appellant

v.

RICKY KENNETH RIDEOUT

Respondent

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Simon J. MacDonald

**Written Decision:** January 7, 2005

**Subject:** **Fishing offences—Fishing without a license –  
Sentencing —Fines – Fines and Forfeiture**

**Summary:** An experienced fisherman was captain of a boat found by the Department of Fisheries and Oceans fishing snow crab in an area without a licence to fish in said area. - Accused was charged and convicted of a licencing offence contrary to S. 22(7) of the Fisheries Regulations for contravening a condition of his license by fishing in a division or subdivision other than Area 23D. - The Trial Judge imposed a sentence of a \$4,000 fine and refused to order any forfeiture of the accused's illegal catch valued at \$35,362.25. - Crown appealed from sentence. - Appeal allowed. - General deterrence necessary in order to protect the Fishery. - Accused should not be allowed to keep his monetary gain as a result of illegal fishing given the need to promote the conservation of the Fishery.

**Result:** Appeal allowed. Fine reduced to \$2,000, forfeiture of illegal catch ordered.

**Cases noted:** *R. v. MacDonald*, (2003) N.S.C.A. 36 (N.S.C.A.)  
*R. V. Shropshire*, [1995] 4 S.C.R. 227; [1995] S.C.J. No.

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*R. V. M.*(C.A.), [1996] 1 S.C.R. 500; [1996] S.C.J. No. 28

*R. v. Ulyvel Enterprises Ltd.*, [2001] 2 S.C.R. 87

*R. v. Savory* (1992) 105 N.S.R. (2d) 245 (C.A.)

*R. V. Mood*, (1999) 174 N.S.R. (2d) 292 (C.A.)

*R. v. Morash* (1994) 129 N.S.R. (2d) 34, (C.A.)

*R. v. Paul*, [2003] N.S.J. 295 (N.S.S.C.)

*R. v Smith and Whiteway Fisheries Ltd.*(1994) 129 NSR 2d, 152 NSSC

*R. v Croft* [2004] NLSC TD 46

**Statutes considered:**

*Criminal Code of Canada, R.S.C. 1985, c. C-46*

*S. 687(1) – referred to*

*S. 822(1) – referred to*

*Fisheries Act*

*s. 51 – referred to*

*s. 51(a) – referred to*

*s. 72 (1) – considered*

*s. 72(2) – considered*

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